

Midway City Council
1 March 2022
Regular Meeting

Ordinance 2022-08 /
Water Rights for
Lots of Record



Midway

ORDINANCE

2022-__

AN ORDINANCE AMENDING TITLE 10 OF THE MIDWAY CITY CODE REGARDING THE WATER RIGHTS TO BE DEEDED TO CITY FOR DEVELOPMENT, AND RELATED MATTERS

WHEREAS, all development within the City of Midway is required to bring to the City sufficient water rights to meet the needs of the proposed development; and

WHEREAS, the City Council desires to amend and update portions of the Midway City Code to reflect the required for water rights to be deeded to the City; and

WHEREAS, the adoption of this ordinance will be in the best interests of the citizens of Midway City;

NOW, THEREFORE, be it hereby Ordained by the City Council of Midway City, Utah, as follows:

The following new subsection is added:

10.01.03.01. Water Rights Required.

10.01.03.01 All new development, construction or other uses of water in Midway City shall require that the person or entity proposing the development, construction or use turn in sufficient water rights to the City to adequately cover the proposed use.

10.01.03.02 Midway City requires .8 acre feet per Equivalent Residential Unit, and three (3) acre feet per acre for irrigation. The City may submit any proposed water use to the Water Advisory Board for their opinion on the amount, type and quality of water rights that would be necessary to meet the needs of the proposed use.

10.01.03.03 Water Rights shall be deeded to the City in a form approved by the City Attorney.

10.01.03.04. Midway City reserves the right to refuse to accept water rights that the City, in its sole discretion, determines to be incompatible with the efficient operation of the Midway City Water System.

10.01.03.05. Midway City owns the water sources providing culinary water to the City Water System. Midway City reserves the unilateral right to determine excess capacity (if any) in its culinary water sources, and to reject proposed water deeds that would impair the existing sources.

10.01.03.06. It is the responsibility of the person or entity proposing the new use to secure an approved change application from the Utah State Engineer prior to acceptance of the water right by Midway City. All costs and risks associated with the change application process are to be bourn solely by the person or entity proposing the new use.

10.01.03.07. No development, construction or use of water in the Midway City Water System shall be approved until the water rights necessary to offset that proposed use are deeded to the City.

10.01.03.08. Existing lots of record within the City that seek the right to develop or construct any structures using water from the Midway City Water System shall also be required to deed sufficient water rights to offset the proposed use.

10.01.03.08.1 Existing Conforming lots of record shall turn in sufficient water rights to meet the proposed culinary need, plus additional water rights for irrigation in an amount that would meet the requirement of the base zone in which the property is located. For example, if a 1.8 acre conforming lot of record located in a one acre zone proposed the construction of a single family home, the City will require .8 acre feet of approved water rights to be deeded to the City for the culinary service, plus an additional 3 acre feet of approved water rights to meet the needs of the base zoning (1 acre lot).

10.01.03.08.2 Existing Non-Conforming Lots of Record that are non-conforming solely due to lot size shall deed sufficient water rights to meet the proposed culinary need, plus additional water rights to irrigate the entire non-conforming lot.

The City shall adopt additional policies and procedures to govern the Midway City Water System as required.

This Ordinance shall take effect immediately upon publication as required by law.

PASSED AND ADOPTED by the Midway City Council on the ____ day of _____, 2022.

MIDWAY CITY COUNCIL

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____
	APPROVED	

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM

Corbin B. Gordon, City Attorney