



BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT PUBLIC HEARING AND MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, November 09, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Wednesday, November 09, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Andy McGinnis

Board Members | Frank Lindhardt | Harrold Merritt | Ross Gregerson | Jarry Zaharias

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/88667363731>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 886 6736 3731

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

APPROVAL OF MINUTES

1. Approval of minutes from October 12, 2022.

PUBLIC HEARING

2. **Public Hearing:** Consider the proposal to change the name of Big Plains Water and Sewer Special Service District to Big Plains Water Special Service District.

DISCUSSION AND ACTION

3. **Discussion and Action:** Consider the proposal to change the name of Big Plains Water and Sewer Special Service District to Big Plains Water Special Service District, Resolution BPW-R-2022-14.
4. **Discussion and Action:** Consider approval of well drilling permit. Applicant: Cortney Barlow.
5. **Discussion and Action:** Consider approval of well drilling permit. Applicant: Kendra Webb, Property Owner: Kenstal LLC.
6. **Discussion and Action:** Consider approval of request to sublease BLM/Wilderness leased agreement - Spring#1 and #2. Applicant: Kenstal LLC.
7. **Discussion and Action:** Consider approval to adopt bylaws of the District, Resolution-BPW-R-2022-15.
8. **Discussion and Action:** Consider approval of amendment to Policy and Procedures Manual, Resolution BPW-R-2022-16.

WATER SUPERINTENDENT REPORT

ENGINEERING

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.



BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, October 12, 2022 at 6:00 PM

MINUTES

Chairman | Andy McGinnis

Board Members | Frank Lindhardt | Harrold Merritt | Ross Gregerson | Jarry Zaharias

CALL TO ORDER- Chairman McGinnis called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Andy McGinnis

Board Member Harold Merritt

Board Member Ross Gregerson

Board Member Jarry Zaharias

ABSENT

Board Member Frank Lindhardt

DECLARATION OF CONFLICTS OF INTEREST

No conflicts declared.

CONSENT AGENDA

1. Disbursement Listing for September 2022.

Chairman McGinnis commented if there are any questions they can be answered.

The Board reviewed the disbursement listing.

MOTION: Board Member Gregerson motioned to accept the Disbursement Listing for September 1, 2022 through September 30, 2022.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye

Board Member Gregerson – Aye

Board Member Zaharias - Aye

Chairman McGinnis - Aye

The vote was unanimous and the motion carried.



BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, October 12, 2022 at 6:00 PM

MINUTES

2. Budget Report for Fiscal Year 2022 through September 2022.

Board Member Gregerson questioned about the postage we purchase. Jauna McGinnis, Administrator responded, the postage is paid through the interlocal agreement.

MOTION: Board Member Zaharias motioned to accept our Operational Budget Report for 7/1 through 9/30 of this fiscal year.

SECOND: The motion was seconded by Board Member Gregerson.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Gregerson – Aye
Board Member Zaharias - Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

3. Minutes: September 14, 2022

Chairman McGinnis asked if there are any changes or amendments to the minutes.

MOTION: Board Member Merritt motioned to accept the minutes as presented for September 14, 2022.

SECOND: The motion was seconded by Board Member Zaharias.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Gregerson – Aye
Board Member Zaharias - Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.



BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, October 12, 2022 at 6:00 PM

MINUTES

WATER SUPERINTENDENT REPORT- Absent.

ENGINEERING- Absent.

Harold Merritt reported he talked to John Wilson from PCI and they are going to begin staging equipment today or tomorrow at the Canaan project. Since our water superintendent will be out of town, he suggested keep an eye on the project and be aware of possible breaks. He also commented they are up there working now and will be working for a while. Chairman McGinnis added this is the phase 1 project, not the Cedar Point project. Town Administrator, Jauna McGinnis asked if residents need to be informed about potential problems that could come along with the process and working on the project. He commented that phase 1 will not have any connections and they confirmed yes on notifying residents that there will be ongoing work on the Canaan pipeline for the next few weeks.

Chairman McGinnis reported he just finished up course training on water conservation for the last 2 days and has been certified with the Rural Water Association of Utah. He also commented this will give us an opportunity to look at our programs, master plans, water feed, and rates in the near future so we can promote conservation and be able to do the things we need to do to our system as it gets older and as we expand as a town based on our population growth.

DISCUSSION AND ACTION

4. Consider approval of removing Kevin Sair and Frank Lindhardt from SBSU Main Checking Account as signers, and Jauna McGinnis, Frank Lindhardt and Andy McGinnis from SBSU Construction Account as signers.

Chairman McGinnis commented this is to clean up the accounts that we have currently.

MOTION: Board Member Gregerson motioned to approve the removal of Kevin Sair and Frank Lindhardt from SBSU Main Checking Account, and Frank Lindhardt and Andy McGinnis, and Jauna McGinnis from SBSU Construction Account as signers.

SECOND: The motion was seconded by Board Member Zaharias.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Gregerson – Aye
Board Member Zaharias - Aye
Chairman McGinnis - Aye



BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, October 12, 2022 at 6:00 PM

MINUTES

The vote was unanimous and the motion carried.

5. Consider Approval of Policy and Procedure Manual Change, Resolution-BPW-R-2022-13.

Chairman McGinnis discussed about this is update and redlines attached.

McGinnis Administrator commented to add category after municipal in 2 sections.

MOTION : Council Member McGinnis motioned to accept Resolution-BPW-R-2022-13 as provided with the amendments to 1.4 Procedures For Obtaining Water And Sewer Service For Development Projects, line item 1.4.1.1 to add “category” between municipal and water rights and also on 1.4.2.5 add “category” between municipal and water rights.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a Roll Call vote:

Board Member Merritt - Aye
Board Member Gregerson – Aye
Board Member Zaharias - Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION

No request for closed session.

ADJOURNMENT

MOTION: Board Member Zaharias motioned to adjourn.

SECOND: The motion was seconded by Board Member Gregerson.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Gregerson – Aye
Board Member Zaharias - Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.



**BIG PLAINS WATER AND SEWER SPECIAL SERVICE
DISTRICT MEETING
BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, October 12, 2022 at 6:00 PM**

MINUTES

Meeting adjourned at 6:22 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Andy McGinnis

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT**RESOLUTION NO. BPW-R-2022-14*****A RESOLUTION CHANGING THE NAME OF THE DISTRICT***Recitals

WHEREAS, Apple Valley Town (the “Town”) duly created by Resolution No. 2011-25 and pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq* the special service district called the Big Plains Water and Sewer Special Service District (the “District”);

WHEREAS, Utah Code Annotated, § 17B-1-105 sets forth the procedures for a name change of a local district and special service district in the State of Utah, as set forth by Utah Code Annotated, §17D-1-106(1)(a)(i); and

WHEREAS, the Big Plains Water and Sewer Special Service District is a special service district as set forth in Utah Code Annotated, § 17D-1-101, *et seq*; and

WHEREAS, the District held a public hearing, duly called, noticed and held on the 9th day of November 2022 to receive comment;

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard; and

WHEREAS, the Big Plains Water and Sewer Special Service District desires to change its name to Big Plains Water Special Service District;

WHEREAS, at a meeting of the District, duly called, noticed and held on the 9th day of November 2022, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT RESOLVED by the District Board as follows:

1. Based upon the premises, the Board hereby accepts and adopts this Resolution changing the name of the Big Plains Water and Sewer Special Service District to Big Plains Water Special Service District.

2. In accordance with Utah Code Annotated, § 17B-1-1-5(4)(d)(i), this name change becomes effective upon the Lieutenant Governor’s issuance of a certificate of name change under Utah Code Annotated § 67-1a-6.7.

PASSED AND ADOPTED BY THE BOARD on this 9th day of November 2022.

[Signature Block On Next Page]

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Chairman Andy McGinnis

ATTEST:

Jenna Vizcardo, Recorder

	AYE	NAY	ABSENT	ABSTAIN
Chairman Andy McGinnis	_____	_____	_____	_____
Board Member Frank Lindhardt	_____	_____	_____	_____
Board Member Harold Merritt	_____	_____	_____	_____
Board Member Ross Gregerson	_____	_____	_____	_____
Board Member Jarry Zaharias	_____	_____	_____	_____

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

RESOLUTION NO. BPW-R-2022-14

A RESOLUTION CHANGING THE NAME OF THE DISTRICT

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[Signature Block On Next Page]

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Chairman Andy McGinnis

ATTEST:

Jenna Vizcardo, Recorder

	AYE	NAY	ABSENT	ABSTAIN
Chairman Andy McGinnis	_____	_____	_____	_____
Board Member Frank Lindhardt	_____	_____	_____	_____
Board Member Harold Merritt	_____	_____	_____	_____
Board Member Ross Gregerson	_____	_____	_____	_____
Board Member Jarry Zaharias	_____	_____	_____	_____



1777 N. Meadowlark Dr, Apple Valley, Utah 84737
Phone: 435-877-1190 Fax: 435-877-1192
www.applevalleyut.gov

Chairman Andy McGinnis
Board Member Frank Lindhardt
Board Member Harold Merritt
Board Member Ross Gregerson
Board Member Jarry Zaharias

Item 3.

NOTICE OF IMPENDING NAME CHANGE
Pursuant to U.C.A._17B-1-105

TO: Lt. Governor Deidre Henderson

DATE: November 10, 2022

On November 9, 2022, the Board of Directors for the Big Plains Water and Sewer Special Service District, Washington County, Utah, passed Resolution BPW-2022-14 adopting a name change for the District.

The District Board now seeks a certificate for the impending name change of the

Big Plains Water and Sewer Special Service District

to

Big Plains Water Special Service District.

The District Board does hereby certify that all requirements applicable to this name change action have been met.

ATTESTED BY:

Jenna Vizcardo
Clerk/Recorder

Andy McGinnis
District Chairman

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

The foregoing was subscribed and sworn to and acknowledged before me this _____ day of November 2022 by Andy McGinnis.

Witness my hand and official seal.

Notary Public

(Seal)

Permit Application

A: Cortney Barlow



B: Cluff Drilling & Pump

HC 65 BOX 455

Fredonia, AZ 86022

(928) 640-7656

C: SAME AS "A"

D: N 179' W 1931' from E4 Cor, S23, T43S, R 11W. SLB&M

E: This Application is based on existing water rights and is not a new application of water. It is merely changing the points of diversion and therefor should not deplete the District's water supply.

F: See Attached documents

G: See Attached Start Card

STATEMENT OF A WATER RIGHT SEGREGATION STATE OF UTAH

For the purpose of informing the State Engineer of the segregation of a portion of a perfected or water right application consistent with section 73-3-27, this statement is hereby made, based upon the following showing of facts.

Water Right:

(Document created on Mar 23, 2022 by SZUFELT)

Water Right Number: 81-5495
(SZUFELT)

Application #: A43996a

Segregated From: 81-3011 (A43996a) on Mar 23, 2022
Parent Water Right Type: Application To Appropriate
Parent Water Right Status: Certificated

Owners:

Name: Cortney Barlow

Address:

Interest:

Remarks:

Dates:

Filed: May 04, 1987

Priority: Aug 15, 1974

General:

Quantity of Water: 6.42 ACFT

Source: Underground Water Wells (8)

County: Washington

Common Description: West of Short Creek

Land Owned by Appl.:

County Tax Id#:

Points of Diversion:

Points of Diversion - Underground:

- (1) N 735 ft. W 597 ft. from SE corner, Sec 29 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 150 to ft. Year Drilled: Well Log: No Well Id#: UTM: 312381.136, 4098352.839 (NAD83)

Elevation: Source/Cmnt:

- (2) S 646 ft. E 743 ft. from N4 corner, Sec 31 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 165 to ft. Year Drilled: Well Log: No Well Id#: UTM: 310380.166, 4097984.657 (NAD83)

Elevation: Source/Cmnt:

- (3) N 839 ft. E 150 ft. from W4 corner, Sec 31 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 145 to ft. Year Drilled: Well Log: No Well Id#: UTM: 309125.62, 4097658.533 (NAD83)

Elevation: Source/Cmnt:

- (4) N 839 ft. E 1114 ft. from W4 corner, Sec 31 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 165 to ft. Year Drilled: Well Log: No Well Id#: UTM: 309419.447, 4097658.533 (NAD83)

Elevation: Source/Cmnt:

Points of Diversion - Underground:

(5) S 1760 ft. W 110 ft. from N4 corner, Sec 31 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 160 to ft. Year Drilled: Well Log: No Well Id#:

Elevation: UTM: 310120.172, 4097645.11 (NAD83)

Source/Cmnt:

(6) S 1705 ft. W 330 ft. from N4 corner, Sec 31 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 180 to ft. Year Drilled: Well Log: No Well Id#:

Elevation: UTM: 310053.116, 4097661.874 (NAD83)

Source/Cmnt:

(7) S 1856 ft. W 798 ft. from NE corner, Sec 31 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 190 to ft. Year Drilled: Well Log: No Well Id#:

Elevation: UTM: 310711.797, 4097597.602 (NAD83)

Source/Cmnt:

(8) N 206 ft. W 440 ft. from W4 corner, Sec 32 T 43S R 11W SLBM

Well Diameter: 10 in. Depth: 155 to ft. Year Drilled: Well Log: No Well Id#:

Elevation: UTM: 310800.751, 4097422.861 (NAD83)

Source/Cmnt:

Proposed Water Uses:

Proposed Water Uses - Group Number: 633574

Water Rights Appurtenant to the following use(s):

81-3011(CERT), 81-4964(CERT), 81-5495(CERT),

Water Use Types:

Irrigation-Beneficial Use Amount: 1.284 acres Group Total: 70.19

Period of Use: 03/01 to 11/30

Place Of Use:

	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 31 T 43S R 11W SLBM			X	X													
Sec 32 T 43S R 11W SLBM	X	X	X	X													
Group Acreage Total :																	

Use Totals:

Irrigation sole-supply total: 1.284 acres

for a group total of: 70.19 acres



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

Item 4.

ORDER OF THE STATE ENGINEER

For Permanent Change Application Number 81-5495 (a48670)

Permanent Change Application Number 81-5495 (a48670) in the name of Cortney Barlow was filed on March 31, 2022, to change the points of diversion, places of use, and uses of 6.42 acre-feet of water as evidenced by Water Right Number 81-5495. Heretofore, the water has been diverted from the following points located: (1) Well - North 839 feet and East 150 feet from the W $\frac{1}{4}$ Corner of Section 31, T43S, R11W, SLB&M (existing 10-inch well, 145 feet deep); (2) Well - North 839 feet and East 1114 feet from the W $\frac{1}{4}$ Corner of Section 31, T43S, R11W, SLB&M (existing 10-inch well, 165 feet deep); (3) Well - South 1760 feet and West 110 feet from the N $\frac{1}{4}$ Corner of Section 31, T43S, R11W, SLB&M (existing 10-inch well, 160 feet deep); (4) Well - South 1705 feet and West 330 feet from the N $\frac{1}{4}$ Corner of Section 31, T43S, R11W, SLB&M (existing 10-inch well, 180 feet deep); (5) Well - South 1856 feet and West 798 feet from the NE Corner of Section 31, T43S, R11W, SLB&M (existing 10-inch well, 190 feet deep); (6) Well - North 206 feet and West 440 feet from the W $\frac{1}{4}$ Corner of Section 32, T43S, R11W, SLB&M (existing 10-inch well, 155 feet deep); (7) Well - North 735 feet and West 597 feet from the SE Corner of Section 29, T43S, R11W, SLB&M (existing 10-inch well, 150 feet deep); (8) Well - South 646 feet and East 743 feet from the N $\frac{1}{4}$ Corner of Section 31, T43S, R11W, SLB&M (existing 10-inch well, 165 feet deep). The water has been used for the sole supply of 1.284 acres irrigation (group total of 70.19 acres) from March 1 to November 30. The water has been used in all or portion(s) of Sections 31 & 32, T43S, R11W, SLB&M.

Hereafter, it is proposed to divert 5.731 acre-feet of water from a well located North 179 feet and West 1931 feet from the E $\frac{1}{4}$ Corner of Section 23, T43S, R11W, SLB&M (8-inch well, 200-600 feet deep). The water is to be used for the irrigation of 0.9502 acre from March 1 to November 30; and year-round stockwatering of 35.0 equivalent livestock units (ELUs) in cattle, horses, or equivalent species. The place of use of the water is being changed to all or portion(s) of Section 23, T43S, R11W, SLB&M.

Notice of the application was published in The Spectrum on April 14 and 21, 2022, and a protest was received from Tom Brown. A hearing was not held.

The protestant is concerned about drought conditions in the region and the increased strain that additional water development will have on existing users.

The State Engineer notes that the application is based on existing water rights, and that this is not a new appropriation of water.

In evaluating applications, which propose to change the nature of use of a water right, the State Engineer believes it is appropriate to examine the rates and amounts of hydrologic depletion associated with the historical water use as compared to the proposed use to assure that there is no

ORDER OF THE STATE ENGINEER
 Permanent Change Application Number
 81-5495 (a48670)
 Page 2

enlargement of the underlying water right. In this case, it is believed that the historical irrigation water use would have incurred a rate of hydrologic depletion of approximately 58.72% of the duty of 5.0 acre-feet per acre.¹ The calculated total amount of hydrologic depletion would thus have been approximately 3.77 acre-feet per year for the 6.42 acre-feet of diversion allowance.

The following diversion and depletion amounts are calculated for the water uses proposed under this application:

<u>Proposed</u> <u>Beneficial Use</u>	<u>Allowed</u> <u>Diversion</u>	<u>Rate of</u> <u>Depletion</u>	<u>Amount of</u> <u>Depletion</u>
Irrigation 0.9502 acre	4.751 acre-feet	58.72% ²	2.79 acre-feet
Stockwatering 35 ELUs	<u>0.98 acre-foot³</u>	100.00%	<u>0.98 acre-foot</u>
Totals:	<u>5.731 acre-feet</u>		<u>3.77 acre-feet</u>

Based on the above analysis, it appears that the proposed uses will not exceed the hydrologic diversion and depletion limitations associated with the historical uses.

The subject water right is within an area that is currently under an active adjudication order of the Fifth Judicial District Court. In evaluating the various elements of the underlying right, it is not the intention of the State Engineer to adjudicate the extent of the right but rather to provide sufficient definition of the right to ensure that other vested rights are not impaired by the change without compensation, that no enlargement of the underlying right occurs, and that the Permanent Change Application satisfies the current requirements of applicable statute and policy.

It is, therefore, **ORDERED** and Permanent Change Application Number 81-5495 (a48670) is hereby **APPROVED** subject to prior rights and the following conditions:

1. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to nor use of land or facilities not owned by the applicant.
2. As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among the parties or decreed by a court of competent jurisdiction.
3. Water use under this approval shall be limited to the irrigation of 0.9502 acre with a maximum annual diversion allowance of 4.751 acre-feet of water for this use, to the

¹*Consumptive Use of Irrigated Crops in Utah*, Research Report 145, Utah Agricultural Experiment Station, Utah State University, Logan, Utah, October 1994, Table 25, Zion National Park Station.

²Ibid.

³Based on the standard of 25 gallons per day per head (cow or horse or equivalent in other animal species) which equates to 0.028 acre-foot per head annually.

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
81-5495 (a48670)
Page 3

stockwatering of 35.0 ELUs with a maximum annual diversion allowance of 0.98 acre-foot of water for this use.

4. To accommodate the approval of this permanent change application, the use of 6.42 acre-feet of water to be used for the irrigation of 1.284 acres from March 1 to November 30 at the historical point of diversion and place of use must cease.
5. The applicants shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits (UCA 73-1-4).

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before July 31, 2029, or a request for extension of time must be acceptably filed and subsequently approved; otherwise, the application will be lapsed.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
81-5495 (a48670)
Page 4

Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Southwestern Regional Office. The telephone number is 435-586-4231.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 8 day of JULY, 2022.


Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 8 day of JULY, 2022 to:

Cortney Barlow


Tom Brown


BY: 
for Doralee Cannon, Applications/Records Secretary

Item 4.

The Spectrum

PART OF THE USA TODAY NETWORK

PROOF OF PUBLICATION

STATE OF WISCONSIN
COUNTY OF BROWN

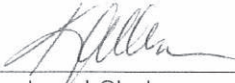
STATE OF UT/ DIV WATER RIGHTS
1594 W NORTH TEMPLE STE 330

SALT LAKE CITY UT 84116

I, being duly sworn, deposes and says that I
am an employee of The Spectrum, a
newspaper of general circulation published daily
in Saint George, Washington County, State of
Utah, also distributed in Iron County and also
forwarded to Utahlegals.com, and that the
notice is a true copy of which is here to
attached, was published in said newspaper
issues dated:

04/14/2022, 04/21/2022

for a total of 2 insertion(s) and per
Utahlegals.com will remain on Utahlegals.com
for 30 days.



Legal Clerk

Subscribed and sworn before me this
21st of April 2022.



NOTARY PUBLIC RESIDING
AT STATE OF WISCONSIN
COUNTY OF BROWN

Notary Expires: 8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

Ad#:0005211123
P O:

This is not an invoice
of Affidavits 1

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APR 27 2022 MS

WATER RIGHTS
SALT LAKE

NOTICE TO WATER USERS

The applications below were filed with the Division of Water Rights in Iron/Washington County. These are informal proceedings per Rule 655-6-2. Protests concerning an application must be legibly written or typed, contain the name and mailing address of the protesting party, STATE THE APPLICATION NUMBER PROTESTED, CITE REASONS FOR THE PROTEST, and REQUEST A HEARING, if desired. Also, A \$15 FEE MUST BE INCLUDED FOR EACH APPLICATION PROTESTED. Protests must be filed with the Division of Water Rights on or before May 11, 2022 either electronically using the Division's on-line Protest of Application form, by hand delivery to a Division office, or by mail at PO Box 146300, Salt Lake City, UT 84114-6300. Please visit waterrights.utah.gov or call (801)538-7240 for additional information.

IRON COUNTY

NEW APPLICATION(S)

- 19-471 (A83202): Jamie Anderson propose(s) using 0.25 ac-ft. from groundwater (Personal family well) for DOMESTIC.

CHANGE APPLICATION(S)

- 73-4485 (a48635): Pre Painted Desert LLC propose(s) using 10 ac-ft. from groundwater (CICWCD) for MUNICIPAL; In Central Iron County WCD.
- 71-5769 (a48644): Andy Korn propose(s) using 1 ac-ft. from groundwater (Northwest of Beryl Junction) for DOMESTIC; IRRIGATION.
- 73-2897 (a48655): Mark A. and Lesa A. Anders propose(s) using 1 ac-ft. from groundwater (West of Enoch) for IRRIGATION.
- 73-4476 (a48661): Kenneth N Orr and Patricia Kron Orr Family Trust propose(s) using 2 ac-ft. from groundwater (Cedar Valley Acres) for DOMESTIC; IRRIGATION; STOCKWATERING.
- 73-4054 (a48663): Terilyn Cooke, Virgel Nyborg propose(s) using 2 ac-ft. from groundwater (Cedar Valley Acres) for DOMESTIC; IRRIGATION; STOCKWATERING.
- 71-5560 (a48667): Stubborn C Ranch Inc, a Florida Corporation propose(s) using 1.9228 ac-ft. from groundwater (NW of Beryl Junction) for DOMESTIC; IRRIGATION; STOCKWATERING.
- 75-1183 (a48680): Randall Adams Land and Livestock propose(s) using 0.011 cfs OR 0.3912 ac-ft. from groundwater and spring (North of Cannon Valley Sink)

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APR 27 2022

WATER RIGHTS
SALT LAKE

MS

- STOCKWATERING.
- 75-1171 (a48681): Randall Adams Land and Livestock propose(s) using 0.011 cfs OR 0.744 ac-ft. from groundwater and spring (North of Co-op Valley Sinks) for DOMESTIC; STOCKWATERING.
 - 75-1179 (a48682): Randall Adams Land and Livestock propose(s) using 0.011 cfs OR 0.3206 ac-ft. from groundwater and spring (North of Co-op Valley Sinks) for DOMESTIC; STOCKWATERING. EXTENSION(S)
 - 71-3631 (a27396): Kevin Lawrence McNulty and Carolyn Faye McNulty is/are filing an extension for 1 ac-ft. from groundwater (In Far West Subdivision) for DOMESTIC; IRRIGATION. WASHINGTON COUNTY CHANGE APPLICATION(S)
 - 81-5495 (a48670): Cortney Barlow propose(s) using 5.731 ac-ft. from groundwater (Northwest of Hildale) for IRRIGATION; STOCKWATERING.
 - 81-5019 (a48671): Calvin M. Jessop propose(s) using 1.98 ac-ft. from groundwater (Cannan Gap) for STOCKWATERING. NONUSE APPLICATION(S)
 - 81-4357 (A32318aaa): Lincoln Trust Company, is/are seeking a nonuse period for 1 ac-ft. from groundwater (East of Leeds) for IRRIGATION. Teresa Wilhelmsen, P.E. State Engineer

Pub#5211123
Published
April 14, 21, 2022
The Spectrum
UPAXLP

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WATER RIGHTS
SALT LAKE

MS

PROTEST**PROTEST FEE PAID****\$15.00 22-02158**

Fee Rec'd BY: ONLINE

April 22, 2022

Protestant: Tom Brown

RECEIVED**APR 22 2022****WATER RIGHTS****ONLINE**

RE: Protest of Change Application a48670 (81-5495)

A hearing is requested.

The whole of Southern Utah is thirsty. The drought and new growth are causing a lot of strain for the entire region. Existing water wells throughout southwest Utah are losing capacity to frightening levels. Every step one entity takes has a profound long-term consequence for their neighbors.

The issues involving developing limited water resources are far reaching and complicated. We recognize that Hurricane City has water rights and test wells that are planned to meet Hurricane City's water resource needs. Some of these well sites are located far beyond Hurricane's current service area and further are in close proximity to the Apple Valley/ Big Plains Water and Sewer Special Service District s (AV/BP) current service area. The fact that Hurricane City is much bigger and has resources to build the infrastructure cannot be the only consideration as to whether this is the right thing to do.

Apple Valley/ Big Plains is a "little David" in a field of Goliaths.

Based on a simplified Ground Water Study, the upper basin aquifer tilts to the southwest raising further concern about potential impacts on existing water service to existing service areas.

AV/BP protests Hurricane's application not to fight but rather to raise the discussion to a neighborhood, if not even a regional, level.

Tom Brown

APPLICATION FOR PERMANENT CHANGE OF WATER STATE OF UTAH

Rec. By: KB VLSGFee Amt.: \$150.00Receipt: # 22-01720

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

(Document created on Mar 25, 2022 by SZUFELT)

Change Application Number: 248670Primary Water Right Number: 81-5495

(c94624, SZUFELT) County Tax Id: AV-1378-N

Right Evidenced By: 81-5495

This Change Application proposes to change: POINT(S) OF DIVERSION, PLACE OF USE, NATURE OF USE.

1. Owners

Name: Cortney BarlowAddress: 

Interest:

Remarks:

2. Dates

Filed: MARCH 31, 2022Priority of Change: MARCH 31, 2022

--- Description Of Current Water Right (Heretofore) ---

3. General

Flow: 6.42 ACFTSource: Underground Water Wells (8)County: Washington

4. Points of Diversion

Underground POD

1: N 735 ft W 597 ft from SE corner, Sec 29 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 150 to ft. Well ID#: 0

Source:

2: S 646 ft E 743 ft from N4 corner, Sec 31 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 165 to ft. Well ID#: 0

Source:

3: N 839 ft E 150 ft from W4 corner, Sec 31 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 145 to ft. Well ID#: 0

Source:

4: N 839 ft E 1114 ft from W4 corner, Sec 31 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 165 to ft. Well ID#: 0

Source:

5: S 1760 ft W 110 ft from N4 corner, Sec 31 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 160 to ft. Well ID#: 0

Source:

6: S 1705 ft W 330 ft from N4 corner, Sec 31 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 180 to ft. Well ID#: 0

Source:

RECEIVED

MAR 31 2022

WATER RIGHTS
CEDAR RIVER

Underground POD

7: S 1856 ft W 798 ft from NE corner, Sec 31 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 190 to ft. Well ID#: 0

Source:

8: N 206 ft W 440 ft from W4 corner, Sec 32 T 43S R 11W SLBM

Diameter: 10 ins. Depth: 155 to ft. Well ID#: 0

Source:

5. Water Uses**Irrigation**

1: Beneficial Use Amount: 1.284 acres and Group Total: 70.19 acres

used: 03/01-11/30

6. Place of Use

	NW¼				NE¼				SW¼				SE¼			
	N	N	S	S	N	N	S	S	N	N	S	S	N	N	S	S
	W	E	W	E	W	E	W	E	W	E	W	E	W	E	W	E
Sec 31 T 43S R 11W SLBM			X	X												
Sec 32 T 43S R 11W SLBM	X	X	X	X												

--- The Following Changes are Proposed (Hereafter) ---

7. General

Flow: 5.731 ACFT

Source: Underground Water Well

County: Washington

Common Description: Northwest of Hildale

8. Points of Diversion - Changed as Follows**Underground POD**

1: N 179 ft W 1931 ft from E4 corner, Sec 23 T 43S R 11W SLBM

Diameter: 8 ins. Depth: 200 to 600 ft. Well ID#: 0

Source:

9. Water Uses - Changed as Follows**Irrigation**

1: Beneficial Use Amount: 0.9502 acres and Group Total: 0.9502 acres

used: 03/01-11/30

Stock Water

1: Beneficial Use Amount: 35 ELUs and Group Total: 35 ELUs

used: 01/01-12/31

10. Place of Use - Changed as Follows

	NW¼				NE¼				SW¼				SE¼			
	N	N	S	S	N	N	S	S	N	N	S	S	N	N	S	S
	W	E	W	E	W	E	W	E	W	E	W	E	W	E	W	E
Sec 23 T 43S R 11W SLBM			X	X	X	X	X	X								

11. Explanatory

All change applications must be reviewed to ensure that the net depletion to the hydrologic system is not enlarged and that other water rights are not impaired. The following is a depletion analysis for this change application.

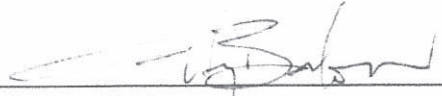
Historic Beneficial Use	Allowed Diversion	Rate of Depletion	Amount of Depletion
Irrigation of 1.284 acres	6.42 acre-feet	58.72%	3.7698 acre-feet

To calculate the diversion limitation based on the depletion of the water

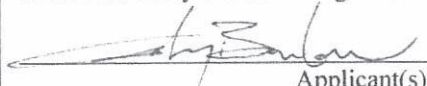
right, take the total amount of depletion (3.7698 AF) and subtract the depletion for stock watering (0.98 AF) to get the remaining for irrigation, which leaves 2.7898 AF. Then divide 2.7898 AF by 58.72% to get 4.751 AF then divide by 5.0 acre-feet per acre to get 0.9502 acres, which is the maximum that can be irrigated under this water right.

12. Signature of Applicant:

The undersigned hereby acknowledges that even though he/she may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein including maps and other documents attached, at the time of filing, rests with the applicant.



Cortney Barlow

Utah Water Right Change Map					
SWSW	SESW	SWSE	14	SESE	13 SWSW
NANW	NENW	NWNE	43S 11W		NENE
		23			24
SWNW	SENV	SWNE	SENE		SWNW
NWSW	NESW	NWSE	NESE		NWSW
  Legend Hereafter place of use Point of diversion					
(HA-1) N 179 ft, W 1931 ft, from E4 cor, Sec 23, T 43S, R 11W, SL B&M (UTM-83: 316871.5, 4100507.4) I/we _____, hereby acknowledge that this map was prepared in support of Application <u>2482070</u>. I/we hereby submit this map as a true representation of the facts shown thereon to the best of my/our knowledge and belief.  Applicant(s) 3-31-2022 Date					



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

July 21, 2022

CORTNEY BARLOW

RE: Reconsideration Request of Change Application Number: a48670 (81-5495)

Dear Applicant:

The Division of Water Rights received the document referenced above, which was filed on **July 20, 2022**. A copy of the document is enclosed. We will review the request and keep you informed of any further action regarding it. If no action is taken within 20 days of the date the request was received, the request, if appropriately filed, will be considered **DENIED**.

By accepting this document for filing, the Division of Water Rights takes no position on whether the party filing the document is qualified to do so or whether the document's content is appropriate.

If you have any questions, please contact our office at 801-538-7240.

Sincerely,

Teresa Wilhelmsen, P.E.
State Engineer

Enclosure

cc: protestants:

Tom Brown

7/21/22, 8:54 AM

State of Utah Mail - Fwd: Water Right protests in Apple Valley (Big Plains Water & Sewer Special Service District)



Garrett Hayes <garrethayes@utah.gov>

Fwd: Water Right protests in Apple Valley (Big Plains Water & Sewer Special Service District)

1 message

Teresa Wilhelmsen <teresawilhelmsen@utah.gov>

Thu, Jul 21, 2022 at 7:02 AM

To: Waterrights DNR <waterrights@utah.gov>

Cc: Garrett Hayes <garrethayes@utah.gov>, "Jones, Eric" <ericjones@utah.gov>, "Moses, Nathan" <nathanmoses@utah.gov>

REQUEST FOR RECONSIDERATION

----- Forwarded message -----

From: Tom Brown <[REDACTED]>

Date: Wed, Jul 20, 2022 at 1:37 PM

Subject: Water Right protests in Apple Valley (Big Plains Water & Sewer Special Service District)

To: teresawilhelmsen@utah.gov <teresawilhelmsen@utah.gov>

Teresa,

I received two letters in the mail this month which show that change applications a48623 and a48670 were approved without a hearing. Must a hearing be requested when the protest is filed or does the State make that determination regardless if is check marked on the protest application?

I see that there's a possibility to put in a Request for Reconsideration within 20 days from the date of the letter. Is that so? I would like to formally request that this be done. Let me know if these change applications can be reconsidered.

While on the subject, we notice that there have been a lot of requests to transfer water rights away from the Canaan Gap to Apple Valley. Do you know what is driving this move?

The Town of Apple Valley would like to put a moratorium on any water right changes which will draw more water from the limited water supplies that currently feed in to the water system. They are experiencing a severe drought and quite frankly they can't move forward on any new residential or commercial developments until other water sources become available to supply the necessary water for future growth. Is there any way we can do this? Otherwise, you can expect us to protest every water right change that is happening in Apple Valley.

Regards,



Tom Brown PE
SR. CIVIL PROJECT ENGINEER

2015 W. Grove Parkway, Suite H, Pleasant Grove, UT 84062
O 385.248.0460

TomBrown@GallowayUS.com

GallowayUS.com | Celebrating 40 Years.

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JUL 20 2022

WATER RIGHTS
SALT LAKE

GH

7/21/22, 8:54 AM

State of Utah Mail - Fwd: Water Right protests in Apple Valley (Big Plains Water & Sewer Special Service District)

--

Teresa Wilhelmsen, P.E.
State Engineer / Division Director

Department of Natural Resources
Division of Water Rights
1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, Utah 84114-6300
www.waterrights.utah.gov

801-537-3119 office

teresawilhelmsen@utah.gov

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

SCANNED GH



October 21, 2022

Kimball A. Forbes, Esq.
Jensen, Bagley, Sperry, PLLC

Re: Change Application Number 81-5447 (a48362)

Dear Mr. Forbes:

You have asked for my opinion on potential impact of the above cited change application on the water supply of Big Plains Water & Sewer Special Service District. The following are my observations and opinions:

1. Change Application Number 81-5447 (a48362) was filed on January 24, 2022. The application was advertised and no protests were received.
2. The nature of this change application is to allow 2 acre-feet of water to run down the natural channel from Canaan Springs and recharge the groundwater. This would allow 2 acre-feet of water to be diverted from a well located downgradient from the springs at a point located North 1190 feet and East 145 feet from the S1/4 Corner of Section 13, T43S, R11W, SLB&M.
3. The State Engineer approved Change Application Number 81-5447 (a48362) on June 24, 2022. The State Engineer in her decision made a finding that there is sufficient water in the groundwater to allow this change application to be approved.

721 North Main Street / Suite 209 / Layton, UT 84041
c: 801.698.9920 / c: 801.589.4766

4. It appears that the direction of groundwater flow in this area is to the Southwest.
5. The water that is allowed to be left in the natural channel from the Canaan Springs will recharge the groundwater in the area where the well is to be located, thus minimizing the potential impact on other water rights. This recharge will replace the water diverted from the wells in this area.
6. The groundwater in the State of Utah is a public resource and all who utilize this resource should be aware that others will also be utilizing this resource. No strict guidelines have been developed to define what is impairment of one well to another, however, in some areas where interference has occurred, an agreement has been adopted that if one well causes a drawdown of more than 15 feet on another well, that would constitute interference and will not be allowed. It is always an estimation of the effect of any well on another until the well is drilled and an aquifer test is performed, however, it is reasonable to assume that an additional 2 acre-feet of water can be diverted from the proposed well with the recharge from Canaan Springs replacing the water diverted.
7. The closest wells owned by the Big Plains Water & Sewer Special Service District are located approximately 1 mile to the Northwest of the proposed wells under Change Application Number 81-5447 (a48362). The wells of the Big Plains Water & Sewer Special Service District should not be adversely impacted because they do not appear to be within the same flow path of the groundwater where the proposed well is to be located. This is based on the premise that the groundwater in the area will follow down the same drainages and generally the same direction as the surface water.
8. The "clear and convincing evidence that the application will not further deplete the District's water supply" is this, the State Engineer made a finding that there is adequate water in the area for this change application to occur, the applicant will allow 2 acre-feet from Canaan Springs to flow down the natural channel and recharge the groundwater, and the likelihood that there will be any impact to the wells of the District is highly unlikely.
9. There is no data in this area that would indicate that this change application will further deplete the Big Plains Water and Sewer

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c: 801.698.9920 / c: 801.589.4766

Special Service District's water supply especially since the same amount of water will be allowed to recharge the area from the Canaan Springs.

I hope this has covered your request. If you have further questions, do not hesitate to contact me. Attached is my resume.

Sincerely,

A handwritten signature in cursive script that reads "James E. Riley".

James E. Riley, P.E.

721 North Main Street / Suite 209 / Layton, UT 84041
c: 801.698.9920 / c: 801.589.4766



October 20, 2022

Kimball A. Forbes
JENKINS BAGLEY SPERRY, PLLC

[REDACTED]
kaf@jenkinsbagley.com

**RE: Legal Opinion on Well Regulations of the Big Plains Water and Sewer
Special Service District**

Mr. Forbes:

I completed my review of Section 14 of the Rules and Regulations for Retail Water Service of the Big Plains Water and Sewer Special Service District (effective date, July 20, 2022) (the “District”). As currently drafted, the District’s regulations regarding well drilling exceed the District’s statutory authority. Any attempt to enforce such regulations would be an unlawful violation of private real property rights and, in the case of the noted criminal liabilities, a potential violation of property owner civil rights as well. Please let me explain.

The District is a limited purpose local service district which, like all local districts in the State of Utah, is formed pursuant to Title 17B of the Utah Code (the “Limited Purpose Local District Act”). The Utah Supreme Court held that the Limited Purpose Local District Act “necessarily limit[s]...the authority specifically granted to the local district by statute.” *Metro. Water Dist. of Salt Lake & Sandy v. SHCH Alaska Tr.*, 452 P.3d 1158, 1170 (Utah 2019). Such statutory authority does not extend to enacting land use regulations. *Id.* The provisions of Utah Code Ann. § 17B–1–301 do not extend authority to a local district to regulate the use of water rights within its service area, nor does it allow a district to regulate the drilling of wells. Moreover, it does not provide a district with the authority to levy criminal fines or penalties.

The Legislature granted the Utah State Engineer, not local districts, the statutory authority to regulate the drilling of wells and administer the application of water rights within the State of Utah. *See* Utah Code Ann. § 73–2–1; *see also* 73–3–3(3)(a). If the District desires to protect its existing water rights and groundwater sources, it should avail itself of the State Engineer’s administrative processes. In the event of demonstrable water impairment, the District can also seek redress with the State Engineer and local courts. *Id.* The District cannot establish its own water right regulatory scheme in lieu of, or in addition to, the State Engineer’s administrative process because it lacks the statutory authority to do so. Furthermore, the Legislature has already vested that authority in another governmental entity (i.e., the State Engineer and the Utah Division of Water Rights). *See Metro. Water Dist. of Salt Lake & Sandy v. SHCH Alaska Tr., 452 P.3d 1158, 1169 (Utah 2019).*

In your case, Water Right No. 81-5447 has been authorized by the State Engineer (under Change Application No. a48362) to pull groundwater from its designated point of diversion which you explained to me falls within the service area of the District. The owners of 81-5447 followed the State Engineer’s proscribed processes. *See* Utah Code Ann. § 73–3–1, et seq. The District was free to take part on those proceedings as a protestant but neglected to do so and the time to protest Change Application a48362, as well as the State Engineer’s decision on the same, has passed. *Id.* Accordingly, the owners of 81-5447 have the legal right to drill a well at their designated point of diversion so long as they comply with the terms of the State Engineer’s Memorandum Decision. Any attempt by the District to disrupt the lawful use of 81-5447 would constitute an unlawful infringement of property rights or (given the District’s public status) an unlawful taking of private property. Any attempt by the District to levy criminal penalties against the owners of 81-5447 could constitute a violation of the water right owners’ civil rights as the District also has no statutory authority to levy such fines and penalties in relation to land use restrictions.

I recommend you share this information with the District, so they can review and provide comment or additional information. My review was limited to the District’s existing rules and regulations and current Utah statutes and case law. However, unless a significant revision of Title 17B has occurred of which I am not aware, I cannot find a legal basis that would allow the District authority to promulgate or enforce Chapter 14 of their Rules

Forbes
Big Plains District Well Regulations Opinion
Page 3 of 3

and Regulations. Thank you for this opportunity to assist you and please let me know if you have any questions.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Riley S. Snow". The signature is fluid and cursive, with the first name "Riley" being more prominent.

Riley S. Snow



Big Plains Water and Sewer Special Service District
1777 N Meadowlark Dr, Apple Valley, Utah 84737
Phone: (435) 877-1190 Fax: (435) 877-1192
www.applevalleyut.gov

Item 5.

APPLICATION TO APPEAR BEFORE THE BOARD OF DIRECTORS

Date of board meeting for this agenda item to appear November 9, 2022

Paperwork returned by _____ (Date) _____

Name of Applicant: Kendra Webb Property Owner: Kenstal LLC

Mailing Address: _____

Phone: _____

Purpose of Request:

Drill a Well - permit for well drilling

Kendra Webb

Applicant Signature

Note: Final approval of this application is subject to all necessary paperwork being submitted no later than 1:00 p.m. on Wednesday, one week prior to the regularly scheduled meeting. All visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

Chairman of the Board of Directors

Date

SSD Administration

Date

CLUFF DRILLING & PUMP
HC 65 Box 455
Fredonia, AZ 86022
(928) 640-7656
cluffdrilling@gmail.com

Well Location: N 1200' E 1023' from S4 Cor. S13, T43S, R11W, SLB&M

STATEMENT OF A WATER RIGHT SEGREGATION STATE OF UTAH

For the purpose of informing the State Engineer of the segregation of a portion of a perfected or water right application consistent with section 73-3-27, this statement is hereby made, based upon the following showing of facts.

Water Right:

Water Right Number: 81-5447
(SZUFELT)

(Document created on Aug 4, 2021 by SZUFELT)

Segregated From: 81-2850 on Aug 4, 2021
Parent Water Right Type: Decree

Owners:

Name: Kristal Markham
Address: [REDACTED]

Remarks: 0.666 AF

Interest:

Name: Kendra Webb
Address: [REDACTED]

Remarks: 0.667 AF

Interest:

Name: Merlin R. Webb Revocable Trust
Address: Kendra Webb, Trustee of the Kelland Webb
[REDACTED]

Remarks: 0.667 AF

Interest:

Dates:

Filed:

Priority: 1864

General:

Quantity of Water: 0.0072 CFS OR 2 ACFT

Source: Canaan Springs

County: Washington

Common Description: Canaan Ranch

Land Owned by Appl.:

County Tax Id#:

Points of Diversion:

Points of Diversion - Surface:

(1) N 921 ft. E 2091 ft. from SW corner, Sec 08 T 43S R 10W SLBM

Diverting Works:

Elevation:

Source:

UTM: 321336.593, 4103074.59 (NAD83)

(2) N 557 ft. E 2574 ft. from SW corner, Sec 08 T 43S R 10W SLBM

Diverting Works:

Elevation:

Source:

UTM: 321483.811, 4102963.643 (NAD83)

(3) N 52 ft. E 2719 ft. from SW corner, Sec 08 T 43S R 10W SLBM

Points of Diversion - Surface:

(1) N 921 ft. E 2091 ft. from SW corner, Sec 08 T 43S R 10W SLBM

Diverting Works:

Source:

Elevation:

UTM: 321528.007, 4102809.719 (NAD83)

(4) S 475 ft. E 2924 ft. from NW corner, Sec 17 T 43S R 10W SLBM

Diverting Works:

Source:

Elevation:

UTM: 321590.491, 4102649.089 (NAD83)

Proposed Water Uses:

Proposed Water Uses - Group Number: 610263

Water Rights Appurtenant to the following use(s):

81-2850(DEC), 81-5447(DEC),

Water Use Types:

Irrigation-Beneficial Use Amount: 0.4 acres

Group Total: 2.13

Period of Use: 01/01 to 12/31

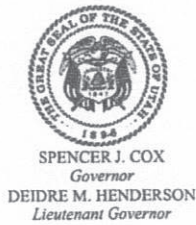
Place Of Use:

	North West				North East				South West				South East				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 18 T 43S R 10W							X	X					X	X			
Group Acreage Total :																	

Use Totals:

Irrigation sole-supply total: 0.4 acres

for a group total of: 2.13 acres



State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

August 4, 2021

KRISTAL MARKHAM
[REDACTED]

RE: Segregated Water Right Number: 81-5447

Dear applicant:

In accordance with the information you have provided to our office, we have processed your Request to Segregate a Water Right for Water Right Number 81-2850. The portion has been assigned the new water right number of **81-5447**. Please use this new number in all future correspondence, conveyances, inquiries etc. A copy of the Statement of a Water Right Segregation is enclosed for your records.

Please let me know if you have any questions regarding this matter.

Sincerely,

Scott Zufelt
(435) 586-4231
scottzufelt@utah.gov

Enclosures



State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

August 4, 2021

KENDRA WEBB



RE: Segregated Water Right Number: 81-5447

Dear applicant:

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Sincerely,

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Enclosures



State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

August 4, 2021

MERLIN R WEBB REVOCABLE TRUST
KENDRA WEBB TRUSTEE OF THE KELLAND WEBB SUBTRUST



RE: Segregated Water Right Number: 81-5447

Dear applicant:

In accordance with the information you have provided to our office, we have processed your Request to Segregate a Water Right for Water Right Number 81-2850. The portion has been assigned the new water right number of **81-5447**. Please use this new number in all future correspondence, conveyances, inquiries etc. A copy of the Statement of a Water Right Segregation is enclosed for your records.

Please let me know if you have any questions regarding this matter.

Sincerely,

Scott Zufelt
(435) 586-4231
scottzufelt@utah.gov

Enclosures

APPLICATION FOR PERMANENT CHANGE OF WATER

STATE OF UTAH

Rec. by KB #872Fee Amt. \$150.00Receipt # 22-00388

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated, as amended.

CHANGE APPLICATION NUMBER: 2483602

WATER RIGHT NUMBER: 81-5447

(c94205MNAY) COUNTY TAX ID: AV-1362

This Change Application proposes to change the POINT(S) OF DIVERSION, PLACE OF USE, and NATURE OF USE.

1. OWNERSHIP INFORMATION.

A. NAME: Markham Kristal Markham

ADDRESS: [REDACTED]

REMARKS: 0.666 AF

NAME: Kendra Webb

ADDRESS: ~~71 North 1150 West~~~~Hurricane UT 84737~~

REMARKS: 0.667 AF

NAME: Merlin R. Webb Revocable Trust

ADDRESS: Kendra Webb, Trustee of the Kelland Webb Subtrust

~~71 North 1150 West~~~~Hurricane UT 84737~~

REMARKS: 0.667 AF

B. PRIORITY OF CHANGE: Jan 24, 2022FILING DATE: Jan 24, 2022

C. EVIDENCED BY: 81-5447 (DEC)

* DESCRIPTION OF CURRENT WATER RIGHT: *

2. SOURCE INFORMATION.

A. QUANTITY OF WATER: 0.0072 cfs OR 2.0 acre-feet

B. SOURCE: Canaan Springs

COUNTY: Washington

C. POINT(S) OF DIVERSION.

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JAN 24 2022

WATER RIGHTS

CHANGE APPLICATION No.:

for Water Right: 81-5447 (c94205MNAY)

Page: 2

POINTS OF DIVERSION -- SURFACE:

- (1) N 52 feet E 2,719 feet from SW corner, Section 08, T 43S, R 10W, SLBM
 (2) N 921 feet E 2,091 feet from SW corner, Section 08, T 43S, R 10W, SLBM
 (3) N 557 feet E 2,574 feet from SW corner, Section 08, T 43S, R 10W, SLBM
 (4) S 475 feet E 2,924 feet from NW corner, Section 17, T 43S, R 10W, SLBM

3. WATER USE INFORMATION.

IRRIGATION: from Jan 1 to Dec 31. Acres: 0.4000 Supplemental Acres: 2.1300.

4. PLACE OF USE.

(Which includes all or part of the following legal subdivisions:)

BASE TOWN RANG SEC	NORTH-WEST $\frac{1}{4}$				NORTH-EAST $\frac{1}{4}$				SOUTH-WEST $\frac{1}{4}$				SOUTH-EAST $\frac{1}{4}$			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 43S 10W 18				***		X	X	***				***	X	X		

-----*

THE FOLLOWING CHANGES ARE PROPOSED:

-----*

5. SOURCE INFORMATION.

A. QUANTITY OF WATER: 2.0 acre-feet

B. SOURCE: Underground Water Well

COUNTY: Washington

C. POINT(S) OF DIVERSION. Changed as Follows:

POINTS OF DIVERSION -- UNDERGROUND:

- (1) N 1.190 feet E 145 feet from S $\frac{1}{4}$ corner, Section 13, T 43S, R 11W, SLBM
 WELL DIAMETER: 8 inches WELL DEPTH: 100 to 600 feet
 COMMENT: Proposed Well Location 6
- (2) N 1.225 feet W 735 feet from SE corner, Section 13, T 43S, R 11W, SLBM
 WELL DIAMETER: 8 inches WELL DEPTH: 100 to 600 feet
 COMMENT: Proposed Well Location 5
- (3) N 1.290 feet W 780 feet from S $\frac{1}{4}$ corner, Section 13, T 43S, R 11W, SLBM
 WELL DIAMETER: 8 inches WELL DEPTH: 100 to 600 feet
 COMMENT: Proposed Well location 1
- (4) N 1.260 feet W 365 feet from S $\frac{1}{4}$ corner, Section 13, T 43S, R 11W, SLBM
 WELL DIAMETER: 8 inches WELL DEPTH: 100 to 600 feet
 COMMENT: Proposed Well Location 2
- (5) N 1.200 feet E 1,025 feet from S $\frac{1}{4}$ corner, Section 13, T 43S, R 11W, SLBM
 WELL DIAMETER: 8 inches WELL DEPTH: 100 to 600 feet
 COMMENT: Proposed Well Location 4
- (6) N 1.010 feet W 635 feet from S $\frac{1}{4}$ corner, Section 13, T 43S, R 11W, SLBM
 WELL DIAMETER: 8 inches WELL DEPTH: 100 to 600 feet
 COMMENT: Proposed Well Location 3

D. COMMON DESCRIPTION: SE of Applevalley

CHANGE APPLICATION No.: for Water Right: 81-5447 (c94205MNAY) Page: 3

6. WATER USE INFORMATION. Changed as Follows:

IRRIGATION: from Jan 1 to Dec 31. Total Acres: 0.2608 Sole Supply: 0.2608.

STOCKWATERING: from Jan 1 to Dec 31. Total Stock: 7.0000 Sole Supply: 7.0000.

DOMESTIC: from Jan 1 to Dec 31. Total Families: 2.0000 Sole Supply: 2.0000.
Part-Time Domestic Use

7. PLACE OF USE. Changed as Follows:

(Which includes all or part of the following legal subdivisions:)

BASE TOWN RANG SEC	NORTH-WEST ¼				NORTH-EAST ¼				SOUTH-WEST ¼				SOUTH-EAST ¼			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 43S 11W 13				***					***			X	X	***		X

8. SIGNATURE OF APPLICANT(S).

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein including maps and other documents attached, at the time of filing, rests with the applicant(s).

Kristal Markham

Kendra Webb

Merlin R. Webb Revocable Trust

CHANGE APPLICATION No.:

for Water Right: 81-5447 (c94205MNAY)

Page: 3

6. WATER USE INFORMATION. Changed as Follows:

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DOMESTIC: from Jan 1 to Dec 31. Total Families: 2.0000 Sole Supply: 2.0000.
Part-Time Domestic Use

7. PLACE OF USE. Changed as Follows:

(Which includes all or part of the following legal subdivisions:)

BASE TOWN RANG SEC	NORTH-WEST $\frac{1}{4}$				NORTH-EAST $\frac{1}{4}$				SOUTH-WEST $\frac{1}{4}$				SOUTH-EAST $\frac{1}{4}$			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 43S 11W 13					***				***			X	X	***		X

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Kristal Markham
Kristal Markham

Kendra Webb

Merlin R. Webb Revocable Trust

CHANGE APPLICATION No.:

for Water Right: 81-544/ (C94205MAY)

Page: 3

6. WATER USE INFORMATION. Changed as Follows:

IRRIGATION: from Jan 1 to Dec 31. Total Acres: 0.2608 Sole Supply: 0.2608.

STOCKWATERING: from Jan 1 to Dec 31. Total Stock: 7.0000 Sole Supply: 7.0000.

DOMESTIC: from Jan 1 to Dec 31. Total Families: 2.0000 Sole Supply: 2.0000.
Part-Time Domestic Use

7. PLACE OF USE. Changed as Follows:

(Which includes all or part of the following legal subdivisions.)

BASE TOWN RANG SEC	NORTH WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 43S 11W 13					***				***				X	X	***	

8. SIGNATURE OF APPLICANT(S).

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Kristal Markham_____
Kendra Webb_____
Mertlin R Webb Revocable Trust

Utah Water Right Change Map							
SWNE	SENE	SWNW	SENW	SWNE	SENE	2	SENW
NWSE	NESE	NWSW	NESW	NWSE	NESE	18	NESW
SWSE	SESE	SWSW	SESW	SWSE	SESE	4	SESW
NWNE	NENE	NWNW	NENW	NWNE	NENE	1	NENW
SWNE	SENE	SWNW	SENW	SWNE	SENE	2	SENW

0 0.1 0.2mi

Legend

Hereafter place of use

Point of diversion

(HA-1) N 1010 ft, W 635 ft, from S4 cor, Sec 13, T 43S, R 11W, SL B&M (UTM-83: 318086.9, 4101543.5)

(HA-2) N 1190 ft, E 145 ft, from S4 cor, Sec 13, T 43S, R 11W, SL B&M (UTM-83: 318324.6, 4101598.4)

(HA-3) N 1200 ft, E 1025 ft, from S4 cor, Sec 13, T 43S, R 11W, SL B&M (UTM-83: 318592.8, 4101601.4)

(HA-4) N 1225 ft, W 735 ft, from SE cor, Sec 13, T 43S, R 11W, SL B&M (UTM-83: 318859.3, 4101590.7)

(HA-5) N 1260 ft, W 365 ft, from S4 cor, Sec 13, T 43S, R 11W, SL B&M (UTM-83: 318169.2, 4101619.7)

(HA-6) N 1290 ft, W 780 ft, from S4 cor, Sec 13, T 43S, R 11W, SL B&M (UTM-83: 318042.7, 4101628.9)

I/we Kendra Webb, hereby acknowledge that this map was prepared in support of Application 248362. I/we hereby submit this map as a true representation of the facts shown thereon to the best of my/our knowledge and belief.

Kendra Webb

Applicant(s)

1/13/2022

Date

see pages 3
for more wet
signatures

The Spectrum

PART OF THE USA TODAY NETWORK

PROOF OF PUBLICATION

STATE OF WISCONSIN
COUNTY OF BROWN

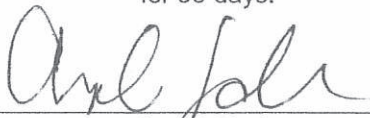
STATE OF UT/ DIV WATER RIGHTS
1594 W NORTH TEMPLE STE 330

SALT LAKE CITY UT 84116

I, being duly sworn, deposes and says that I
am an employee of The Spectrum, a
newspaper of general circulation published daily
in Saint George, Washington County, State of
Utah, also distributed in Iron County and also
forwarded to Utahlegals.com, and that the
notice is a true copy of which is here to
attached, was published in said newspaper
issues dated:

02/17/2022, 02/24/2022

for a total of 2 insertion(s) and per
Utahlegals.com will remain on Utahlegals.com
for 30 days.



Legal Clerk

Subscribed and sworn before me this
24th of February 2022.



NOTARY PUBLIC RESIDING
AT STATE OF WISCONSIN
COUNTY OF BROWN

Notary Expires: 8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

Ad#:0005129710

P O : Utah Division of Water Rights

This is not an invoice

of Affidavits 1

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FEB 28 2022

WATER RIGHTS
SALT LAKE

GH

NOTICE TO WATER USERS

The applications below were filed with the Division of Water Rights in Iron/Washington County. These are informal proceedings per Rule 655-6-2. Protests concerning an application must be legibly written or typed, contain the name and mailing address of the protesting party, STATE THE APPLICATION NUMBER PROTESTED, CITE REASONS FOR THE PROTEST, and REQUEST A HEARING, if desired. Also, A \$15 FEE MUST BE INCLUDED FOR EACH APPLICATION PROTESTED. Protests must be filed with the Division of Water Rights on or before Mar. 16, 2022 either electronically using the Division's on-line Protest of Application form, by hand delivery to a Division office, or by mail at PO Box 146300, Salt Lake City, UT 84114-6300. Please visit waterrights.utah.gov or call (801)538-7240 for additional information.

IRON COUNTY**CHANGE APPLICATION(S)**

- **73-4357 (a48360):** Kent Jackson propose(s) using 1 ac-ft. from groundwater (West of Cedar City) for DOMESTIC; IRRIGATION.
- **19-466 (a48365):** David and VaNae Barlow Family Trust, Les and Mary Ann Barlow Family Trust propose(s) using 3 ac-ft. from groundwater (Juniper Pines Subdivision) for DOMESTIC; IRRIGATION; STOCKWATERING.
- **71-5751 (a48368):** Gregorio Andrade and Luz E Ramos Andrade propose(s) using 2 ac-ft. from groundwater (Southeast of Beryl Townsite) for DOMESTIC; IRRIGATION; STOCKWATERING.
- **71-5752 (a48376):** Cory Casey and Dawn Casey propose(s) using 0.5 ac-ft. from groundwater (Northeast of Newcastle) for DOMESTIC; IRRIGATION.
- **71-5747 (a48379):** Exotic BnBs, LLC propose(s) using 5 ac-ft. from groundwater (Be-

RECEIVED**FEB 28 2022****WATER RIGHTS
SALT LAKE****GH**

- tween Beryl and Beryl Junc.)
for DOMESTIC; IRRIGATION.
- 73-4460 (a48401): PJB Investments LLC propose(s) using 10 ac-ft. from groundwater (East of Quichapa Lake) for DOMESTIC; IRRIGATION.
 - 71-5565 (a48404): Kinon Coles Sr and Mar F Coles and Nathan A Coles propose(s) using 1 ac-ft. from groundwater (North of 56 at Iron Mtn.) for DOMESTIC; IRRIGATION; STOCKWATERING.
 - 75-2184 (a48431): Jeff W. and Jennifer L. Hunter propose(s) using 1 ac-ft. from groundwater (West of Paragonah) for DOMESTIC; IRRIGATION.
 - 73-4475 (a48433): Robert Jackson and Megan Jackson propose(s) using 1 ac-ft. from groundwater (West of Cedar City) for DOMESTIC; IRRIGATION.
 - 73-4456 (a48434): Jeremiah Jeffs Keate, Meadows Ranches HOA INC propose(s) using 4 ac-ft. from groundwater (Meadows Ranches Subdivision) for MUNICIPAL: In Meadow Ranches HOA INC.
 - 73-4471 (a48439): AJM Investment Holdings, LLC, Central Iron County Water Conservancy District propose(s) using 42.4175 ac-ft. from groundwater (CICWCD) for MUNICIPAL: In Central Iron County WCD.
 - 71-727 (f48405): Enterprise Reservoir and Canal Company, Kerry Holt Farms propose(s) using 533.6 ac-ft. from groundwater (Southwest of Beryl Jctn.) for IRRIGATION; EXTENSION(S).
 - 75-1982 (a33753): William Lee and Debra Jean Grimm is/are filing an extension for 3 ac-ft. from groundwater (Six miles West of Parowan) for DOMESTIC; IRRIGATION; STOCKWATERING.
 - 73-2751 (a33691): James Dockstader is/are filing an extension for 3.9903 ac-ft. from groundwater (2 miles SW of Hamilton Fort) for DOMESTIC; IRRIGATION;

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WATER RIGHTS
SALT LAKE

GH

STOCKWATERING.
WASHINGTON COUNTY
CHANGE APPLICATION(S)

- **81-5447 (a48362):** Kristal Markham, Kendra Webb, Merlin R. Webb Revocable Trust propose(s) using 2 ac-ft. from groundwater (SE of Applevalley) for DOMESTIC; IRRIGATION;

STOCKWATERING.

- **81-5059 (a48373):** Larry Hutchings propose(s) using 0.25 ac-ft. from groundwater (Hurricane Mesa) for DOMESTIC.
- **81-4167 (a48377):** Verna Mae Conde, Palace Pass LLC propose(s) using 11 ac-ft. from groundwater (2 miles N of Pintura) for COMMERCIAL.
- **81-5397 (a48402):** Zion Holdings, LLC propose(s) using 1 ac-ft. from groundwater (Dalton Wash) for COMMERCIAL: Commercial..-Glamping Operation.
- **81-5480 (a48440):** Thad Wilcox and Carly Wilcox propose(s) using 0.75 ac-ft. from groundwater (South of Rockville) for IRRIGATION.
- **81-5477 (a48441):** Power Property LLC propose(s) using 0.25 ac-ft. from groundwater (East of Kolob Reservoir) for DOMESTIC. EXTENSION(S)
- **81-2419 (a27204a):** Riverside Development L.L.C. is/are filing an extension for 5.68 ac-ft. from groundwater (SW of St. George) for IRRIGATION.
- **81-1191 (a33412):** Nida Parajos is/are filing an extension for 1.25 ac-ft. from the Unnamed Spring (Near Kolob Reservoir) for DOMESTIC; IRRIGATION.

Teresa Wilhelmsen, P.E.
State Engineer

Pub#5129710
Published

Feb. 17, 2022 & Feb. 24, 2022
The Spectrum
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FEB 28 2022

WATER RIGHTS
SALT LAKE

GH



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

Item 5.

ORDER OF THE STATE ENGINEER
For Permanent Change Application Number 81-5447 (a48362)

JUN 24 2022

Permanent Change Application Number 81-5447 (a48362) in the names of Kristal Markham, Kendra Webb, and Merlin R. Webb Revocable Trust was filed on January 24, 2022, to change the points of diversion, place of use, uses, and storage of 0.0072 cubic foot per second (cfs) or 2.0 acre-feet of water as evidenced by Water Right Number 81-5447. Heretofore, the water has been diverted from the following points located: (1) Surface - North 52 feet and East 2719 feet from the SW Corner of Section 8, T43S, R10W, SLB&M; (2) Surface - South 475 feet and East 2924 feet from the NW Corner of Section 17, T43S, R10W, SLB&M; (3) Surface - North 921 feet and East 2091 feet from the SW Corner of Section 8, T43S, R10W, SLB&M; (4) Surface - North 557 feet and East 2574 feet from the SW Corner of Section 8, T43S, R10W, SLB&M. The water has been used for the year-round sole supply of 0.4 acre irrigation (group total of 2.13 acres). The water has been used in all or portion(s) of Section 18, T43S, R10W, SLB&M.

Hereafter, it is proposed to divert 2.0 acre-feet of water from points of diversion changed to: (1) Well - North 1190 feet and East 145 feet from the S $\frac{1}{4}$ Corner of Section 13, T43S, R11W, SLB&M (8-inch well, 100-600 feet deep); (2) Well - North 1225 feet and West 735 feet from the SE Corner of Section 13, T43S, R11W, SLB&M (8-inch well, 100-600 feet deep); (3) Well - North 1290 feet and West 780 feet from the S $\frac{1}{4}$ Corner of Section 13, T43S, R11W, SLB&M (8-inch well, 100-600 feet deep); (4) Well - North 1260 feet and West 365 feet from the S $\frac{1}{4}$ Corner of Section 13, T43S, R11W, SLB&M (8-inch well, 100-600 feet deep); (5) Well - North 1200 feet and East 1025 feet from the S $\frac{1}{4}$ Corner of Section 13, T43S, R11W, SLB&M (8-inch well, 100-600 feet deep); (6) Well - North 1010 feet and West 635 feet from the S $\frac{1}{4}$ Corner of Section 13, T43S, R11W, SLB&M (8-inch well, 100-600 feet deep). The water is to be used for the year-round irrigation of 0.2608 acre; year-round, part-time, indoor, domestic sole supply requirements of 2.0 equivalent domestic units (EDUs); and year-round stockwatering of 7.0 equivalent livestock units (ELUs) in cattle, horses, or equivalent species. The place of use of the water is being changed to all or portion(s) of Section 13, T43S, R11W, SLB&M. Heretofore storage is removed from the application.

Notice of the application was published in The Spectrum on February 17 and 24, 2022. No protests were received.

The hereafter annual water diversion and depletion requirements for the proposed beneficial uses are equal to and less than the heretofore values, respectively.

The subject water right is within an area that is currently under an active adjudication order of the Fifth Judicial District Court. In evaluating the various elements of the underlying right, it is not the intention of the State Engineer to adjudicate the extent of the right but rather to provide sufficient definition of the right to ensure that other vested rights are not impaired by the change

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
81-5447 (a48362)
Page 2

without compensation, that no enlargement of the underlying right occurs, and that the Permanent Change Application satisfies the current requirements of applicable statute and policy.

It is, therefore, **ORDERED** and Permanent Change Application Number 81-5447 (a48362) is hereby **APPROVED** subject to prior rights and the following conditions:

1. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to nor use of land or facilities not owned by the applicants.
2. As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among the parties or decreed by a court of competent jurisdiction.
3. Water use under this approval shall be limited to the irrigation of 0.2608 acre with a maximum annual diversion allowance of 1.304 acre-feet of water for this use, to the stockwatering of 7.0 ELUs with a maximum annual diversion allowance of 0.196 acre-foot of water for this use, and to the part-time indoor domestic requirement of 2.0 EDUs with a maximum annual diversion allowance of 0.5 acre-foot of water for this use.
4. To accommodate the approval of this permanent change application, the year-round use of 2.0 acre-feet of water to be used for the irrigation of 0.4 acre at the historical point of diversion and place of use must cease.
5. The applicants shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.
6. Although this approval does not exclude any of the points of diversion requested in the application, start cards for the wells applied for will not accompany this decision. The application must request a start card for each individual well as the applicant desires to construct it. Contact should be made with the Cedar City Office of the Division of Water Rights, either in writing or by phone at (435) 586-4231, for issuance of the start card authorizing a licensed well driller to construct the well.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits (UCA 73-1-4).

SCANNED

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
81-5447 (a48362)
Page 3

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **June 30, 2029**, or a request for extension of time must be acceptably filed and subsequently approved; otherwise, the application will be lapsed.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

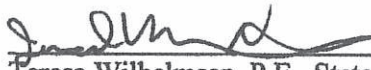
Your contact with this office, should you need it, is with the Southwestern Regional Office. The telephone number is 435-586-4231.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

SCANNED

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
81-5447 (a48362)
Page 4

Dated this 24 day of June, 2022.

for 
Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 24 day of June, 2022 to:

Kristal Markham


Kendra Webb


Merlin R. Webb Revocable Trust
Kendra Webb, Trustee of the Kelland Webb Subtrust


BY: 
Doralee Cannon, Applications/Records Secretary

SCANNED

APPLICANT CARD for Change Application: a48362(81-5447) DUPLICATE/REISSUED

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WELL DRILLER. PROOF DUE/EXPIRATION DATE: June 30, 2029

OWNER/APPLICANT: Kendra Webb

MAILING ADDRESS: [REDACTED]

PHONE NUMBER: --

WELL LOCATION: N 1200' E 1025' from S4 Cor, S13, T43S, R 11W, SLB&M

WELL UTM COORDINATES: Easting: 318593 Northing: 4101601

WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()

WELL COMPLETION DATE: _____

NAME OF DRILLING COMPANY/LICENSEE: _____

Owner/Applicant Signature

Date

NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER. - YOU MUST RETURN IT.

STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to licensed driller with whom you contract to construct your well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well.

CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See enclosed sheet addressing construction information.



Big Plains Water and Sewer Special Service District
1777 N Meadowlark Dr, Apple Valley, Utah 84737
Phone: (435) 877-1190 Fax: (435) 877-1192
www.applevalleyut.gov

Item 6.

APPLICATION TO APPEAR BEFORE THE BOARD OF DIRECTORS

Date of board meeting for this agenda item to appear 11-9-2022

Paperwork returned by _____ (Date) _____

Name of Applicant: Kenstal LLC (land)

Mailing Address: [REDACTED]

Phone [REDACTED]

Purpose of Request:

REQUEST TO SUBLEASE BLM/WILDERNESS LEASED EASEMENT- SPRING #1 AND #2 .

Lease negotiable with contingencies - to assure water is available (could be seasonal that water is available). Kenstal would like to sublet until the SSD desires to develop springs #1 & #2, at that time we can dissolve the agreement or, if need re-negotiate. Kenstal will remove existing black pipe and other existing equipment from Canaan Mountain after agreements ends.

NEED TIME FOR SUB PRESENTATION

Kendra Webb

Applicant Signature

Note: Final approval of this application is subject to all necessary paperwork being submitted no later than 1:00 p.m. on Wednesday, one week prior to the regularly scheduled meeting. All visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

Chairman of the Board of Directors

/ _____
Date

SSD Administration

/ _____
Date



Bruce C. Jenkins, Managing Partner, CCAL†+
 Carson B. Bagley, Partner+*
 Quinn A. Sperry, Partner+
 Kimball A. Forbes, Partner+*
 Christopher J. Robison, Associate+
 Richard M. Matheson, Of Counsel+

www.jenkinsbagleysperry.com

BCJ@jenkinsbagley.com
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QAS@jenkinsbagley.com
KAF@jenkinsbagley.com
CJR@jenkinsbagley.com
RMM@jenkinsbagley.com

†College of Community Association Lawyers
 +Licensed in Utah
 *Licensed in Nevada

November 2, 2022

Hand delivered

Board of Directors
 Big Plains Water and Sewer Special Service District
 1777 N Meadowlark Dr.
 Apple Valley, Utah 84737

Re: Request to Sublease Canaan Springs 1 and 2 under BLM Lease

Dear Board of Directors:

Our law firm is pleased to represent Kenstal, LLC, which owns land in Apple Valley, Utah. The primary owners of Kenstal are three of Merlin Webb's children, and they own substantial water rights located in the area of the springs on Canaan Mountain, which as you know, are on federal land managed by the Bureau of Land Management ("BLM"). As you may know, in the 1970s, Merlin Webb purchased land next to the BLM land and acquired a lease from the BLM to access the springs. Mr. Webb developed access to a number of the springs and formed the Canaan Springs Water Company.

In 2010, the federal government designated Canaan Mountain as wilderness area, requiring Merlin Webb to enter into a new lease agreement with the BLM. A copy of that lease (*Culinary/Irrigation Water System Lease* ("Lease")) is enclosed as Attachment 1. Because of the restrictions on access to wilderness area, the Lease limited Mr. Webb's access to all but five springs (the "Springs"). Specifically, the Lease provides access to the Springs as "spring water collection wells," identifies them as wells 1–5, and describes the pipeline conveying water from each Spring. Figure 1 of the Lease is a map showing the Springs numbered 1–5, and the locations of the pipes from each Spring.

In 2018, the Big Plains Water and Sewer Special Service District ("District") purchased the Canaan Springs Water Company, and in 2019, Mr. Webb's lease was assigned to the District. A copy of the lease assignment is enclosed as Attachment 2.

St George Office

285 W. Tabernacle, Suite 301
 St George, UT 84770
 Tel: 435.656.8200
 Fax: 435.656.8201

Salt Lake Office

4141 S. Highland Dr., Suite 225
 Salt Lake City, UT 84124
 Tel: 801.613.2025

Richfield Office, By appointment

It is our understanding that the District is currently using Springs 3–5 and the corresponding pipeline areas but that the District has never used Springs 1 or 2 or the corresponding pipeline areas for those Springs. Kenstal desires to enter into a sublease with the District to allow Kenstal to access Springs 1 and 2 and the corresponding pipeline areas, including the several thousand feet of two-inch above-ground pipes installed to convey water from Springs 1 and 2.

Kenstal contacted the Realty Specialist at the St. George BLM Field Office about whether the BLM would allow a sublease, and the Realty Specialist's responded that she was not aware of anything in the Code of Federal Regulations that prohibited subleasing. *See* <https://www.ecfr.gov/current/title-43/subtitle-B/chapter-II/subchapter-B/part-2920>.

Kenstal is specifically proposing to sublease Springs 1 and 2 until the District decides to use the two Springs. Kenstal will pay the District a yearly amount to sublease access to Springs 1 and 2. Accompanying this letter is an Application to Appear Before the Board of Directors at the Board's November 9, 2022 meeting. Kenstal would like to discuss this matter with the Board at that meeting.

Thank you for your time and consideration of this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,
JENKINS BAGLEY SPERRY, PLLC



Kimball A. Forbes
Attorneys for Kenstal, LLC

Attachment 1

**Culinary/Irrigation Water System Lease
March 2010**

**UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT**

**MERLIN WEBB
CULINARY/ IRRIGATION WATER SYSTEM LEASE**

SECTION 1 – BASIC AGREEMENT

The United States of America, acting through the authorized officer, Bureau of Land Management, hereby leases to Merlin Webb, 3659 E. Canaan Ranch Road, Apple Valley, Utah 84737, called the lessee, the following described public land for 20 years from and after March 10, 2010, to be used by the lessee for the following:

- 5 spring water collection wells, 50 ft. X 50 ft. = .057 acres each
- 2 inch above ground irrigation pipeline conveying water from well #1, 980 ft. X 15 ft. = .33 acres
- 2 inch above ground irrigation pipeline conveying water from well #2, 1060 ft. X 15 ft. = .36 acres
- 2 inch above ground irrigation pipeline conveying water from wells #1 and 2, 4530 ft. X 15 ft. = 1.56 acres
- 12 inch buried culinary water pipeline conveying water from well #3, 1340 ft. X 15 ft. = .46 acres
- 12 inch buried culinary water pipeline conveying water from well #4, 1345 ft. X 15 ft. = .46 acres
- 12 inch buried culinary water pipeline conveying water from well #5, 420 ft. X 15 ft. = .14 acres
- 12 inch buried culinary water pipeline conveying water from wells #3,4,5, 4565 ft. X 15 ft. = 1.57 acres

The leased area contains approximately 5.16 acres and is located as follows:

Salt Lake Meridian

T. 43 S., R. 10 W.,

sec. 7, SE $\frac{1}{4}$;

sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 18, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

This lease is issued under the authority of Sections 302, 303, and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, and 1740) and is subject to the terms and conditions and rental payments as set forth in 43 CFR 2920.

SECTION 2 – RENT

Holders of a land use authorization shall pay annually, in advance, a rental as determined by the authorized officer. The rental shall be based upon the fair market value of the rights authorized in the land use authorization.

The rental fees required by this section are payable when due, and a late charge of 1 percent per month of the unpaid amount or \$15 per month, whichever is greater, shall be assessed if subsequent billings are required. Failure to pay the rental fee in a timely manner is cause for termination of the land use authorization.

SECTION 3 – RESTRICTIONS ON USE

The lessee agrees:

Reclaim surface disturbance at well #3. No re-contouring of the terrain would be allowed. Seeding the disturbed area with native species would be required. Seed would be spread on the disturbed area, including the portion of road within the designated wilderness and would be performed with a hand held spreader. The seed would then be hand raked into the soil. Seeding would take place in both the spring and fall. BLM staff will monitor the reclamation and determine if future seeding is necessary. The following seed mix will be used in reclamation:

Seed Mix

Species	Pounds per Acre
Sandsage (<i>Artemisia filifolia</i>)	¼
Four winged Saltbush (<i>Atriplex canescens</i>)	2
Sideoats grama (<i>Bouteloua curtipendula</i>)	1
Western wheatgrass (<i>Pascopyrum smithii</i>)	1
Muttongrass (<i>Poa fendleriana</i>)	½
Indian ricegrass (<i>Achnatherum hymenoides</i>)	1
Desert needlegrass (<i>Achnatherum speciosum</i>)	1
Sand dropseed (<i>Sporobolus cryptandrus</i>)	¼
Lewis flax (<i>Linum lewisii</i>)	1
Galleta (<i>Hilaria jamesii</i>)	1

Future maintenance of the springs and pipelines in wilderness would be described as follows:

Regularly Scheduled Maintenance

1. Maintenance activities that require no motorized access do not need prior authorization.
2. Maintenance activities that require motorized access require notification of the BLM Lands and Realty staff a minimum of two weeks in advance of the proposed work. Telephone notification is acceptable and the following information should be provided:
 - a. Date that maintenance would take place.

- b. Type of maintenance to be performed.
- c. Motor vehicles that would be used for access
- d. Tools that would be used
- e. Motorized access should be the minimum necessary. Example: a full-size vehicle should not be used if the maintenance can be accomplished using an ATV.

Emergency Maintenance

An emergency is defined as a disruption of the water delivery system that requires immediate repair. Prior authorization is not required in an emergency situation, but BLM Lands and Realty staff should be notified as soon as practical after emergency operations have commenced. Even in an emergency, the proponent should use the minimum number of motorized/mechanized tools and vehicles to accomplish the repairs.

All spring sites would be limited to a 50 ft. X 50 ft. area. The 50 ft. X 50 ft. area is the minimum area required by the State of Utah Division of Drinking Water for water protection. All disturbed areas outside of the 50 ft. X 50 ft. areas would be reclaimed and seeded. Disturbance associated with future maintenance of the spring and pipelines outside of wilderness will be kept to a minimum and confined to the right-of-way area. All disturbed areas will be reclaimed and seeded to BLM's specifications.

Observe all Federal, State, county and other laws, regulations, and ordinances which are applicable to the land use authorization.

To comply with all applicable regulations contained in Title 43 CFR, Part 2920.

To use the public lands only for the purposes specified in the lease.

Shall cease construction and maintenance activities and immediately notify the authorized officer if cultural and/or paleontological resources, including human remains are discovered. Work would not resume on that portion of the project until appropriate legal and regulatory compliance has been completed by BLM.

SECTION 4 – RESERVATIONS BY THE UNITED STATES

All rights on public lands under lease not expressly granted are retained and may be exercised by the United States. The United States reserves the right to use the public lands or to authorize the use of the public lands by the general public in any way compatible or consistent with the authorized land use. Authorized representatives of the Department of the Interior, or other Federal agencies and State and local law enforcement personnel shall at all times have the right

to enter the premises on official business. Holders shall not close or otherwise obstruct the use of roads or trails commonly in public use.

The right to inspect the leased land at any time to ensure compliance with the terms and conditions of the lease.

SECTION 5 – LEGAL RESPONSIBILITY OF THE TENANT

The lessee agrees:

To indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the lease (unless the release or threatened release is wholly unrelated to the lease holder's activity on the lease. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

Lease holders and all owners of any interest in, and all affiliates or subsidiaries of any holder of a land use authorization issued under these regulations shall pay the United States the full value for all injuries or damage to public lands or agents or servants, or by a contractor, its employees, agents or servants except holders shall be held to standards of strict liability where the Secretary of the Interior determines that the activities taking place on the area covered by the land use authorization present a foreseeable hazard or risk of danger to public lands or other property of the United States. Strict liability shall not be applied where such damages or injuries result from acts of war or negligence of the United States.

Lease holders and all owners of any interest in, and affiliates or subsidiaries of any holder of a land use authorization issued under these regulations shall pay third parties the full value of all injuries or damage to life, person or property caused by the holder, its employees, agents or servants or by a contractor, its employees, agents, or servants.

Lease holders shall indemnify or hold harmless the United States against any liability for damages to life, person or property arising from the authorized occupancy or use of the public lands under the land use authorization.

SECTION 6 – CANCELLATION BY THE UNITED STATES

This lease may be canceled by noncompliance with applicable law, regulations or terms and conditions of the land use authorization; failure of the holder to use the land use authorization for

the purpose for which it was authorized (failure to construct or nonuse for any continuous 2-year period shall constitute a presumption of abandonment and termination); mutual agreement that the land use authorization should be terminated; and/or nonpayment of rent for 2 consecutive months, following notice of payment due.

Upon termination, cancellation, or expiration of this lease, the lessee will be allowed 60 days to remove improvements from the land, or to make other disposition thereof. Upon his failure to do so, the improvements will become the property of the United States.

SECTION 7 – GENERAL PROVISIONS

This lease is issued subject to valid existing rights. These rights include but are not limited to, valid mining claims, rights-of-way grants, land use permits, and grazing leases or licenses.

No member of, or delegate to, the Congress, or Resident Commissioner, after his election or appointment, and either before or after he is qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as otherwise provided in 43 CFR Part 7, shall be admitted to any share or part of this lease, or derive any benefit that may arise there from, and the provisions of Title 18, U.S.C., Sections 431-433 relating to contracts, enter into and form a part of this lease, so far as they may be applicable.

This lease shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

This lease shall take full force and effect upon signing by both lessee and the authorized officer and shall remain in effect until expiration or it is otherwise cancelled as provided for in the above stipulations.

The holder agrees and consents to not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin, and all contracts and subcontracts shall include a provision to this effect.

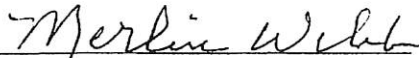
A lease holder who has complied with the provisions thereof, shall upon the filing of a request for renewal, be the preferred user for a new lease provided that the public lands are not needed for another use. Renewal, if granted shall be subject to new terms and conditions in effect at the time of renewal.

The holder agrees and consents to comply with all State and Federal laws applicable to the authorized use, and such additional State and Federal laws, along with regulations implementing them, that may be enacted or promulgated during the terms of the permit or lease.

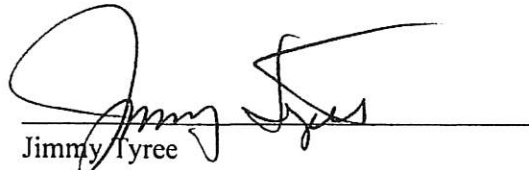
Leases issued for a term of 20 years shall be reviewed for adequacy and appropriate adjustment of the terms and conditions at the end of the twentieth year and at regular intervals thereafter not to exceed 10 years.

The lease does not authorize the location of additional facilities in wilderness nor does it authorize any modification to the water system. If additional facilities are needed, such proposals will be evaluated at the time and amendments to the lease considered.

IN WITNESS WHEREOF, The undersigned agrees to the above terms and conditions of this lease


Merlin Webb
Canaan Springs Water Company

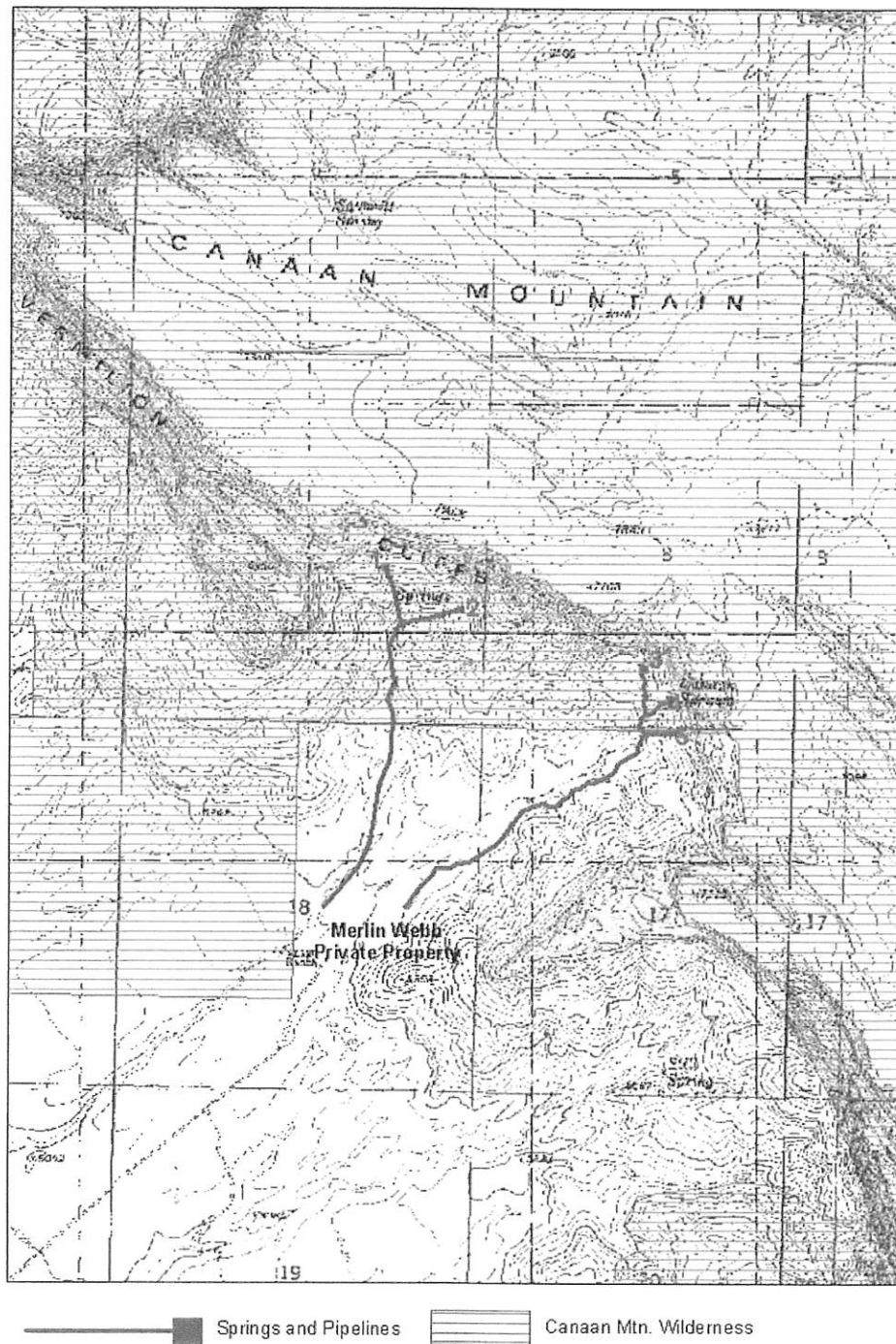
3-10-10
Date


Jimmy Tyree
St. George Field Office Manager

3/11/10
Date

Figure 1

Merlin Webb Canaan Mountain Springs Lease



Attachment 2

**Lease Assignment
July 17, 2019**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
 Color Country District – St. George Field Office
 345 East Riverside Drive
 St. George, UT 84790
www.blm.gov/office/st-george-field-office



IN REPLY REFER TO:

LLUTC03000
 2920
 UTU-87702

July 17, 2019

CERTIFIED MAIL 7007 2560 0000 8450 2790
 RETURN RECEIPT REQUESTED

Decision

Big Plains Water and Sewer SSD	:	Lease Assignment
Attn: Harold Merritt, Chairman	:	Serial No. UTU-87702
688 N. Paradise Ln, Bldg A	:	
Apple Valley, UT 84737	:	

Assignment Approved

On December 13, 2018, an application was received to assign lease no. UTU-87702 (for Canaan Springs water facilities) to the Big Plains Water and Sewer Special Development District (SSD) (current billee for the lease). The lease holder, Dr. Merlin Webb, provided written concurrence to fully assign the lease. Big Plains Water and Sewer Special Development District agrees to be bound by the terms and conditions of lease no. UTU-87702. Therefore, lease no. UTU-87702 is transferred from Mr. Webb to the SSD. The lease affects the following described public land:

Salt Lake Meridian, Utah

T. 43 S., R. 10 W.,
 sec. 7, SE¼;
 sec. 8, SE¼SW¼;
 sec. 17, NW¼NE¼, N½NW¼, SW¼NW¼;
 sec. 18, W½NE¼, SE¼NE¼.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and

petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions regarding your application or the fees connected with it, please contact Shawwna Dao at (435) 688-3326 or by email at sdao@blm.gov.

Sincerely,



Keith Rigtrup
Field Office Manager

Enclosure: Lease no. UTU-87702

CC: Kirk Webb

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT**RESOLUTION NO. BPW-R-2022-15*****A RESOLUTION ADOPTING THE BYLAWS OF THE DISTRICT***Recitals

WHEREAS, Apple Valley Town (the “Town”) duly created by Resolution No. 2011-25 and pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq*, the special service district called Big Plains Water and Sewer Special Service District (the “District”);

WHEREAS, the District is a special service district as set forth in Utah Code Annotated, § 17D-1-101, *et seq*; and

WHEREAS, Utah Code Annotated, §17D-1-101 (the “Special Service District Act”) states that the District shall be governed by the Town Council as the legislative body, subject to any delegation to an administrative control board; and

WHEREAS, the Town, by resolution, previously delegated its rights, powers, and authority in relation to the District to an administrative control board (the “Board”); and

WHEREAS, pursuant to Utah Code Annotated, §17D-1-302, the Board has authority to exercise any right, power, or authority that the legislative body possesses with respect to the governance of the special service district; and

WHEREAS, the Board now desires to adopt bylaws for the Big Plains Water and Sewer Special Service District;

WHEREAS, at a meeting of the District, duly called, noticed and held on the 9th day of November 2022, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT RESOLVED by the District Board, that the District Bylaws, attached as Exhibit A, are hereby adopted.

PASSED AND ADOPTED BY THE BOARD on this 9th day of November 2022.

[Signature Block on Next Page]

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Chairman Andy McGinnis

ATTEST:

Jenna Vizcardo, Recorder

	AYE	NAY	ABSENT	ABSTAIN
Chairman Andy McGinnis	_____	_____	_____	_____
Board Member Frank Lindhardt	_____	_____	_____	_____
Board Member Harold Merritt	_____	_____	_____	_____
Board Member Ross Gregerson	_____	_____	_____	_____
Board Member Jarry Zaharias	_____	_____	_____	_____

EXHIBIT A

Big Plains Water Special Service District

BYLAWS

Effective as of November 9, 2022

BIG PLAINS WATER SPECIAL SERVICE DISTRICT

BYLAWS
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ARTICLE I: NAME, ORGANIZATION, PURPOSES, PRINCIPAL OFFICE

1.1 NAME OF CORPORATION; ORGANIZATION

1.1.1 Name. The name of this Special Service District is the Big Plains Water Special Service District.

1.1.2 Organization. The District was organized on September 1, 2011, by Resolution No. 2011-25 of the Apple Valley Town Council, pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq.* (1953, as amended).

1.1.3 Nature of District. The District is a special service district.

1.2 PUBLIC PURPOSE

The purpose of the District includes: to provide safe and clean drinking water to the residents within its legal boundaries as well as fire protection that meets State standards.

1.3 PRINCIPAL OFFICE

The District's office and principal place of business shall be located at 1777 N Meadowlark Drive, Apple Valley, Utah 84737, until changed pursuant to Board action.

ARTICLE II: BOARD OF TRUSTEES

2.1 BOARD OF DIRECTORS

The District shall be governed by a Board of Directors (the "Board") which shall manage and conduct the business and affairs of the District and shall determine all questions of District policy. All powers of the District are exercised through the Board.

2.2 QUALIFICATIONS FOR APPOINTED DIRECTORS

2.2.1 Before entering upon his or her official duties, each director shall be a registered voter within the boundary of the District.

2.2.2 Oath of Office. Before entering upon the duties of office, each Board member shall take and subscribe to the following oath of office or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity." The failure of a Board member to take the oath does not invalidate any official act of that member.

2.3 NUMBER AND APPOINTMENT

2.3.1 Authorized Number. The Board shall consist of five (5) directors; additional directors may be added by Board action as area growth or other circumstances require.

2.3.2 Appointments. The membership of the Board shall be appointed by the Apple Valley Town Mayor as approved by Council and shall consist of the following members:

1. Two (2) elected officials (the mayor and one town council member) from the Apple Valley Town Council;

2. Three (3) additional Board members who are registered voters within the boundary of the District.

2.4 TERM OF OFFICE

2.4.1 The term of each member of the Board shall begin at noon on the first Monday of January following the member's appointment.

2.4.2 The term of each member of the Board shall be four years, except that the terms of elected officials from the Apple Valley Town Council shall run concurrent with their respective election term.

2.4.3 Each Board member shall serve until a successor is duly appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.

2.4.4 A Board member is not limited in the number of terms the member may serve.

2.5 VACANCIES IN BOARD OF TRUSTEES

2.5.1 Events Creating Vacancies. A vacancy in a Director's term of office shall be deemed to exist in the case of death, resignation, disqualification of the trustee, or if a trustee has been declared of unsound mind by order of a court, or if a trustee has been convicted of a felony.

2.5.2 Notice. Upon vacancy in the office of Director, and at least 90 days before expiration of a Director's term, the clerk of the Board shall (i) give written notice to the nominating entities and to the Mayor; and (ii) publish notice on the UPN website, Town website, and two other places within the District, requesting applicants/nominees for the vacant position.

2.5.3 Filling Vacancies on Board. All vacancies or term expirations which may occur on the Board shall be filled in accordance with the provisions of Section 2.3.2 hereof. A Director appointed to fill a vacancy in a Director's term of office shall only serve the unexpired portion of the term of the trustee replaced.

2.6 FIDELITY BONDS FOR APPOINTED TRUSTEES

Each member of the Board shall give a corporate surety bond, at the expense of the District, issued by the District insurance, if available, in the amount and with sureties prescribed by the Board, conditioned upon the faithful performance of his respective duties.

2.7 MEETINGS

The Board of Directors shall hold an annual meeting each year, and the Board shall also hold meetings at least quarterly, or as more frequently as the Board may determine. The first regular meeting held in January each year shall be treated as the annual meeting.

ARTICLE III: PRINCIPAL OFFICERS

3.1 PRINCIPAL OFFICERS

The principal officers of the District shall consist of a Chair of the Board, a Vice Chair of the Board, a Secretary (aka Clerk), a Treasurer, and such other officers as the Board shall from time to time establish.

3.2 QUALIFICATIONS; ELECTION AND TERM OF OFFICE

3.2.1 Election. At the Annual Meeting, the Board shall choose one of its members as Chair of the Board, another of its members as Vice Chair of the Board, and another as the Treasurer of the Board. The Board shall also elect a Secretary (Clerk) of the Board and of the District, who may or may not be a member of the Board.

3.2.2 Term. The officers shall serve until the next Annual Meeting.

3.3 NOMINATION OF OFFICERS

Nominations from the floor shall be made at the Annual Meeting.

3.4 RESIGNATION

Any officer may resign at any time by giving verbal or written notice to the Board or to the Secretary of the District. Any resignation shall take effect upon receipt of such notice or at any later time specified therein. Unless otherwise specified in the notice, acceptance of the resignation shall not be necessary to make it effective.

3.5 REMOVAL

Any officer elected by the Board may be removed by a majority vote of the Board whenever in its judgment the best interests of the District would be served.

ARTICLE IV: POLICIES OF THE DISTRICT

4.1 POLICIES OF THE DISTRICT

4.1.1 From time to time, the Board shall adopt policies and procedures for the governing and operation of the District. The policies shall include but not be limited to Administrative Policies and Procedures, Personnel Rules and Regulations, and Rules and Regulations for Retail Water Service.

4.1.2 The Administrative Policies and Procedures of the District shall be set forth in a "Policies and Procedures for Retail Water Service," duly adopted and approved by the District's Board.

4.1.3 The District's policies and procedures may from time to time be amended by the Board.

ARTICLE V: SEAL

5.1 SEAL

The Board shall adopt and provide a corporate seal which shall be circular in form and shall have inscribed thereon the name of the District, state of organization, and the words "Corporate Seal."

ARTICLE VI: AMENDMENTS TO BYLAWS

6.1 AMENDMENTS BY BOARD

Amendments to these Bylaws may be made at any meeting of the Board provided notice of the proposed amendment shall have been given in the notice of the meeting.

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

RESOLUTION NO. BPW-R-2022-16

A RESOLUTION AMENDING SEVERAL SECTIONS OF THE POLICY AND PROCEDURES MANUAL

WHEREAS, the Big Plains Water and Sewer Special Service District ("District") has adopted a policy and procedures manual; and

WHEREAS, the District Board deems it necessary and appropriate that such Policy and Procedures Manual be amended; and

WHEREAS, the District deems it necessary to amend several sections of the Policy and Procedures manual, and;

WHEREAS, at a meeting of the District, duly called, noticed and held on the 9th day of November, 2022, and upon motion duly made and seconded:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the District that the Policy and Procedures Manual is hereby amended to reflect the changes attached hereto.

PASSED this 9th day of November 2022.

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Chairman Andy McGinnis

ATTEST:

Jenna Vizcardo, Recorder

	AYE	NAY	ABSENT	ABSTAIN
Chairman Andy McGinnis	_____	_____	_____	_____
Board Member Frank Lindhardt	_____	_____	_____	_____
Board Member Harold Merritt	_____	_____	_____	_____
Board Member Ross Gregerson	_____	_____	_____	_____
Board Member Jarry Zaharias	_____	_____	_____	_____

Big Plains Water and Sewer Special Service District

POLICIES AND PROCEDURES FOR RETAIL WATER SERVICE

MISSION STATEMENT

To provide safe and clean drinking water to the District residents as well as fire protection that meets State standards.

EFFECTIVE DATE	OCTOBER 12, 2022
REVISIONS	November 1, 2017 January 17, 2018 May 16, 2018 June 6, 2018 August 2, 2018 October 4, 2018 November 1, 2018 January 3, 2019 June 6, 2019 April 2, 2020 February 17, 2022 April 21, 2022 July 20, 2022

Big Plains Water and Sewer Special Service District

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CHAPTER 1

1.0 APPLICATION FOR WATER SERVICE

1.1 NEW CONNECTIONS FOR WATER SERVICE

- 1.1.1 Applicants desiring a connection for property located within the District shall notify the District requesting that the District provide the required retail water service. New connections may be installed prior to an approved culinary use. However, it will be locked and unusable until such time a building permit has been issued by the Town of Apple Valley. As an exception, water meters may be installed for agricultural use only. It may not be connected to any structure or be used as culinary water. Any unauthorized use will be subject to lockout. The installation will require the impact fee, connection fee and appropriate **municipal category** water right ~~fee, either paid if District has water rights for sale, or~~ provided by applicant by conveyance. If the agricultural connection is changed to culinary use and the property is under new ownership, the connection will be subject to the impact fee less any standby credits. The District will then follow its procedures for obtaining water service. The applicants shall bear the cost of all expenses associated with providing the retail water service. If providing service by the District requires a mainline extension the applicant will follow the procedures starting with section 1.4 entitled "Procedures for Obtaining Water and Sewer Services for Development Projects".
- 1.1.2 Upon approval of the new water connection and payment of required deposit, the applicant shall engage at their own expense a licensed and insured contractor approved by the Water Superintendent for the excavation of the water main. The contractor shall schedule the excavation at a time when the Water Superintendent is available to supervise the excavation. Contractor shall obtain an Encroachment Permit from the Town if required. Upon excavation of the water main, the Water Superintendent shall then install the service line and required water meter. After the installation of the water meter, the contractor shall then replace excavated materials, and repair the impacted area to the condition prior to excavation. This includes new road base or asphalt as required by Apple Valley Town Standards.
- 1.1.3 Unless waived by the District for good cause applicants desiring a connection for property not included within the existing boundaries of the District shall petition to annex their lands into the District before their application will be processed. The petition shall include a legal description of the property and reasonable evidence that the petitioner is the owner of the property to be annexed or is the lawful agent of the owner. In addition, if the property is located within the legal boundaries of an incorporated city, the application shall also comply with the procedure in paragraph 1.1.1.
- 1.1.4 All applicants shall sign a Water Application and Agreement. Such application shall include the location of the desired water service, the name of the applicant, the date of application, proof of ownership of the property, and the basic terms and conditions with which the applicant shall be required to comply to receive water service. Such terms and conditions shall require the applicant to:
 - 1.1.4.1 Pay the current connection deposit as established by the District's Board of Trustees. After completion of the connection, the District will provide applicant an itemized billing of time and materials for the

connection, and shall either refund the unused portion of the deposit or bill the applicant for the balance. Refund of deposit will be mailed within 30 days of completion. If a balance remains, that amount shall be paid within 30 days of completion or the meter is subject to lockout until payment in full is received. Connection certificates issued and agreements providing for connections executed prior to the effective date of these Rules and Regulations shall be honored.

- 1.1.4.2 All new applicants shall provide to the district the applicant's social security number and pay to the District a \$100 deposit, which, at the option and request of the applicant, may be credited to the applicant's account after one year, provided that the applicant's account has not been delinquent at any time during the one-year time-period. Should the applicant fail to request that the deposit be credited to their account after such time, the District shall retain the deposit until either party terminates service. Upon termination, the District will return the deposit to the applicant, less any amounts still owing to the District.

Should an applicant choose not to provide their social security number; the applicant shall pay a \$500.00 deposit, which will be retained by the District until either party terminates service. Upon termination, the District will return the deposit to the applicant, less any amounts still owing to the District.

Existing customers shall not be required to provide the District with their social security number, unless their accounts have ever been delinquent for more than ninety (90) days.

- ~~1.1.4.3~~ Convey to the District, in a form and manner approved by the District, an existing water right in a quantity sufficient to allow the District to meet the use applied for by the applicant, ~~or purchased from the District if a water right is available.~~ For a single-family residential connection with outside irrigation not exceeding one acre, the quantity of water right to be conveyed is 1.0-acre foot. The requirement for other application, such as commercial or larger acreage, shall be determined on a case-by-case basis. The conveyance to the District and the District's obligation to service the applicant is conditioned upon approval by the State Engineer of a change application filed by the District to change the nature and place of use and the point of diversion of the conveyed water right to that consistent with the requested service. Any reduction by the State Engineer in the quantity of water approved as a result of change of nature of use or forfeiture shall be the responsibility of the applicant. ~~In the event that the applicant is unable to convey all or a portion of the above required right, applicant may purchase from the District, if available, that quantity of water needed to meet this requirement at a price per acre foot to be determined by the District from time to time based on current fair market value and administrative costs. Water rights purchased from the District shall not require further approval by the State Engineer.~~

- 1.1.4.4 Pay for all sums of water usage and service charges at the rates lawfully set from time to time by the District's Board of Trustees. The District shall impose a five percent finance charge, applied monthly to all delinquent accounts.

- 1.1.4.5 Abide by and obey all rules and regulations then in effect and thereafter adopted by the District.

- 1.1.4.6 Pay all water and service charges by the last day of the month the statement is prepared. Failure to pay said charges within 30 days of statement date will result in the account being declared delinquent and the water service terminated upon proper notice. Water service shall be restored upon payment of all delinquent amounts plus a reasonable service restoration charge.
- 1.1.4.7 Pay any interest, collection charge, and restoration fee set forth in these Rules and Regulations.
- 1.1.4.8 Pay all costs, including attorney's fees, incurred by the District through its efforts to collect any delinquency or to enforce these rules and regulations.
- 1.1.4.9 Acknowledge that the service connection and all of its parts and materials from the water main to the point of connection to the line stubbed from the building, said point of connection being immediately downstream of the meter box, shall be the property of the District.
- 1.1.4.10 Acknowledge that the District has the right to inspect a customer's plumbing for possible cross-connections or other hazards to the District's water system.
- 1.1.4.11 Acknowledge that the District reserves the right at any time, without notice, to shut off or curtail water service, in the event of a water scarcity, to facilitate repairing or maintenance of the District's water system, or to protect the District's water system and supply from contamination which could endanger the public health.
- 1.1.4.12 Identify a relative by name and address, not living with the applicant.
- 1.1.4.13 Notify the District of any cross-connection, backflow incident, or other condition within the customer's system which may put the District's system and/or water supply at risk for contamination. Notification must occur as soon as possible, but no later than 24 hours upon learning about such conditions.
- 1.1.4.14 Acknowledge that the customer shall be responsible for installing and maintaining a thermal expansion chamber and a pressure reducing valve on the cold water line feeding the customer's water heater, and that any damage which may occur as a result of a missing or faulty thermal expansion chamber or pressure reducing valve shall be the responsibility of the customer. Neither the chamber nor the valve shall be removed except to necessitate replacement or repair.
- 1.1.5 The District shall maintain a list of customers with unpaid water bills. Applications for water service from previous customers with unpaid balances shall not be processed until the unpaid balances together with interest are paid.
- 1.1.6 Upon proper execution of the annexation petition, if applicable, signing of the Water Application and Agreement, payment of the current connection fee, conveyance of the required water rights ~~or payment in lieu thereof pursuant to paragraph 1.1.4.3 above,~~ plus any other charges or fees that are determined to be due and the District's determination that water and facilities are available for service at such location, the applicant shall be accepted as a retail customer of the District.

1.2 TRANSFER OF AN EXISTING CONNECTION TO A NEW APPLICANT

- 1.2.1 An existing connection may be transferred to a new applicant upon the same terms and conditions as required for a new connection with the exception that in place of a connection fee, the new applicant must demonstrate proof of purchase or lease. Proof may be demonstrated by a deed or lease for the property involved, or by such other evidence as the District may deem sufficient.
- 1.2.2 If the new applicant is a renter or lessee, the property owner must also sign a Water Application and Agreement. The property owner must return the Water Application and Agreement within ten (10) days after the renter or Lessee has signed an agreement if a local resident. Out of town property owners must return the application within ten (10) days. If the property owner does not return the application within the specified number of days, water service shall be terminated at the service address until the application is received. Payment of the bill shall be the responsibility of the property owner. If requested by the property owner, a copy of the bill will be mailed to the renter or Lessee.
- 1.2.2.1 If the renter or lessee operates a business on the property, the renter or lessee shall remit a refundable deposit, the amount of which shall be established from time to time by the Board of Trustees.

1.3 TEMPORARY RETAIL CONNECTIONS

- 1.3.1 Applicants for a connection to provide water on a temporary basis (for purposes such as construction) shall sign a Temporary Water Use Agreement which shall include the information, terms and conditions included in the regular Water Application and Agreement and also the estimated amount of water usage. The applicant shall also pay a connection fee which shall consist of the estimated charge for actual services rendered and non-recoverable materials used in making the connection, plus a reasonable service charge for the processing of the application.
- 1.3.2 Upon approval of the application, payment of the required fees and installation of the service connections by the District, the applicant may connect into the District's system through the service connection provided. The connection shall be made according to requirements and terms which the District may consider appropriate to monitor the safety, health and integrity of its water and its facilities. The water provided shall be used only for the purpose outlined in the application; use in any other manner may constitute grounds for cancellation of service.
- 1.3.3 All damage to the service connection, meter and excess water usage shall be billed to the applicant and payable upon the terms and conditions of the Water Application and Agreement.
- 1.3.4 The water rates for temporary retail service shall be the District's retail rate plus ten percent. In addition, the applicant shall pay a \$25.00 connection fee.

1.4 PROCEDURES FOR OBTAINING WATER ~~AND SEWER~~ SERVICE FOR DEVELOPMENT PROJECTS

1.4.1 Prior to zone change or preliminary plat:

- 1.4.1.1 The Developer will meet with the Water Superintendent to discuss available services. If none are available, options to obtain services will be discussed.

Developer must provide proof of ownership of municipal category water rights sufficient for the project, prior to the issuance of a preliminary will serve letter. A preliminary will serve letter will outline requirements needed to hookup to the District system and any and all water infrastructure needed to be supplied by the developer to serve the project. The applicant assumes the entire risk of water availability for the project, subdivision or development.

A will serve letter will only be issued along with an application for a building permit if water services are available.

- 1.4.1.2 A letter with results will be given to the Developer to provide to the Town of Apple Valley Planning and Zoning Board.

- 1.4.1.3 An Acknowledgement of Water Form (Appendix B) must be signed and submitted with the preliminary plat application with the Town of Apple Valley. Said acknowledgement form outlines that the District does not guarantee that water will be available for the project, subdivision or development when applied for.

- 1.4.1.4 No District officer or employee is authorized to issue a will serve letter. The letter must be provided by the District Engineer. Any letter issued in conflict of this section shall be null and void.

1.4.2 Following approval of the preliminary plat:

- 1.4.2.1 The Developer's engineer will provide proposed construction plans as per District Design Standard to the Apple Valley Joint Utilities Commission (JUC) committee, to a District representative.

- 1.4.2.2 The District Engineer will then review, redline and return plans at the next JUC meeting to the Developers. The Developers engineer will make the requested corrections on the Master set of construction plans.

- 1.4.2.3 The Developer will provide a set of the final completed master construction plans for a final review by the District Engineer or District Staff.

- 1.4.2.4 If plans are approved, the District representative will sign-off on the master set of construction plans.

- 1.4.2.5 Developer will deed the municipal category water rights over to the District, according to the will serve letter received, at the time of recording the final plat. If the project is to be completed in phases, at the option of the District, water rights may be deeded according to each phase as it is approved.

- 1.4.3 A Pre-Construction meeting will then be held by the Apple Valley Public Works Consultant. Contractor shall provide a copy of his Utah State License, evidence of the Contractor's insurance and proof of bonding, if required. The required amount of the bond shall be determined by the District Engineer or Inspector based on the scope and exposure of the project. The contractor may then start construction and arrange all required inspections with the District Inspector as construction proceeds and finishes.

- 1.4.4 Upon completion of the work, the contractor shall provide the District with as-built plans, both in print and in electronic format, and proof of all soils testing that was

completed during construction.

- 1.4.5 Upon completion, the Developer is to provide a one (1) year warranty and a warranty bond of 10% of the construction cost, or pay the bond amount to the District. The bond amount will then be released back to the Developer after the one-year warranty period is over and any needed warranty repairs have been made.
- 1.4.6 The District transmits one executed copy of the Water and Sewer Extension Agreement to the Developer and one copy to the District Engineer. All District engineering review fees and all inspection fees are to be paid by the Developer.

1.5 PROCEDURES FOR OTHER WORK ON WATER SYSTEM

- 1.5.1 Prior to any work performed on the water system, all procedures in Section 1.4 must be followed.
- 1.5.2 Contractor shall provide a copy of his Utah State License, evidence of the Contractor's insurance, and a copy of an encroachment surety bond. The required amount of the bond shall be determined by the District Engineer or Inspector based on the scope and exposure of the project.
- 1.5.3 District Engineer or Inspector will provide the contractor written authorization to perform work as outlined in the proposal.
- 1.5.4 District Inspector makes visits to the site to observe the Contractor's work and to guard the District against deficiencies in the work. **The Contractor must follow all directions from the District Inspector.**

CHAPTER 2

2.0 TERMINATION OF SERVICE

- 2.1 When termination of service is desired, the water user shall notify the District and request the preparation of a final bill.
- 2.2 If the water user is a renter or lessee, upon payment of the final bill, the District shall refund any previously received deposit. Otherwise, the deposit shall be applied towards the outstanding bill.
 - 2.2.1 If the deposit is more than required to cover the outstanding balance for water service, the outstanding balance shall be deducted from the deposit and the remainder refunded to the customer. A reasonable attempt shall be made to obtain a forwarding address to refund any remaining deposit. Deposits not refunded or claimed after one year shall be forwarded to the State of Utah.
- 2.3 The District may, for just cause and after due notice and an opportunity to be heard before the Chairman, terminate the water service of any customer.
- 2.4 If any building permit has been revoked by the Town of Apple Valley, the District will terminate service and remove the water meter.

CHAPTER 3

3.0 BILLING AND PAYMENT OF BILLS

3.1 METER READING

- 3.1.1 To the extent possible, water meters shall be read each month, and corresponding bills shall be sent to customers for that month's water use. However, this interval may be varied under special circumstances or situations.
- 3.1.2 Large water users, such as apartment complexes and some types of businesses, shall have their meters read every month.
- 3.1.3 An initial reading shall be made when water service is commenced and a final reading shall be made when service is terminated or transferred to a new customer.
- 3.1.4 Except as set forth in Subsection 3.1.2, the District may elect not to read meters from December through February. During this time, estimated bills may be sent based on the rates and estimated usage as set from time to time by the Board. When the meters are buried by snow or other obstacles, or in other circumstances when the meter is inaccessible or otherwise unreadable, the District also may estimate the bill, taking into account prior years' water use, the season, and the prevailing weather patterns and water use. Any over-charge or under-charge resulting from estimating water usage shall be equalized when the meter is next read and a billing thereon issued.
- 3.1.5 Except when water usage is estimated, the water bill shall give a statement of the current and past meter readings and the current water consumption.

3.2 PAYMENT OF BILLS

- 3.2.1 A bill shall be due and payable by the last day of the month the statement is prepared.
- 3.2.2 A bill that is not paid by its statement due date shall be considered delinquent, and shall incur an interest charge of 5% per month on the delinquent balance. In addition, legal action may be taken to collect the amount due the District.
- 3.2.3 A bill which remains unpaid for more than 30 days after the statement ~~due~~ date shall be sufficient grounds for termination of the water service.
- 3.2.4 If a bill remains unpaid for more than 30 days after the statement date, a notice will be sent to the customer. The notice may or may not be contained in or printed on a customer's bill. The notice shall state that the bill is delinquent and that unless other arrangements are made with the District Staff, the outstanding balance, and interest must be paid by the date specified in the delinquent notice (generally 15 days ~~after mailing~~ if mailed, 24 hours posted on the door); otherwise, the water service will be terminated.
 - 3.2.4.1 If, after the specified date, the bill remains unpaid, a written notice shall be hand delivered to the service address. If no one is home, the notice shall be placed in some conspicuous place. The notice shall state that

unless the account, interest charge, and a \$5.00 late notice fee are paid or other arrangements made with the District staff within 24 hours, water service will be terminated.

3.2.4.2 If the customer pays the bill, interest charge, and late notice fee in full, the account will be cleared, and revert back to normal status.

3.2.4.3 If the account remains unpaid or other arrangements for payment have not been made by the customer with the District staff, the water service shall be terminated the morning of the second workday. Water service shall not be resumed until the delinquent bill, the interest charge, the \$5.00 late notice fee, and the \$50.00 service restoration fee have all been paid. The District shall have a full twenty-four (24) hours to restore the water service after payment has been made.

3.2.5 If a customer calls to make payment arrangements with District staff, the reason for the request must be unexpected financial hardships. Payment plans should only be allowed in extreme cases. The District's Staff may approve up to a 3-month payment plan for accounts with an outstanding balance less than \$500.00. Any plan for a balance greater than \$500.00 must be approved by the District Board Chairman. Any scheduled payment not made when due will result in immediate termination of service without notice, in which case all outstanding amounts must be paid in full before service is restored.

3.2.6 If the District has terminated water service at any location for any reason, and if a customer or owner restores service at such location through the District's system in any way without remedying the cause of such termination, such customer shall be assessed three times the normal restoration service fee, plus the cost of restoring the connection to its normal operational status. If anyone takes, uses, distributes, or transports water owned by the District without the District's permission, that person shall pay to the District the full cost or value of the water, whichever is greater, and a fee of \$100.00.

3.2.7 If a customer issues any check, money order, or other instrument for payment of his¹ water bill which is not honored upon presentment or which was returned to the District unpaid for any reason, the District may elect to pursue, without waiving any other remedy, claim, or cause of action, those remedies set forth in the Utah Dishonored Instruments Act, Utah Code Ann. § 7-15-1 et seq. The District also may elect to give notice of a water service Termination date, and in that event, service shall be terminated without further notice.

3.2.8 If, after at least one year of uninterrupted service, a retail customer is not then in arrears or otherwise in default, the customer may request the District to average the customer's bill into equal monthly payments. At the end of

¹ The male pronouns "he," "him," "his," and "himself," when used in the Bylaws and in the District's Policy Manual, include the corresponding female pronouns.

each year, the customer's usage will be reviewed, and the equal monthly payment adjusted, if necessary. Enrollments for this plan will be open once per year.

- 3.2.9 The District shall accept the following methods of payment for retail customers' payments on account: Check; cash; cashier's check; money order; Automated Clearing House; credit card; or check-by-phone payments made through a third party designated by the District

3.2.10 Security Deposits

- 3.2.10.1 A security deposit of \$100.00 will be charged to all customers. After one year, customers may request deposit to be credited to their account, provided the account has not been delinquent at any time during the one-year time period.

- 3.2.10.2 A security deposit of \$100.00 will be charged to any customer who is on the District's "red tag" (delinquent) list at least three times or more in any twelve-month period. The deposit shall be paid in cash or in immediately available funds, and it shall be tendered to the District in full before service will be restored.

3.2.11 Payment of Standby Fees

- 3.2.11.1 ~~The water district utilizes Standby Fees to maintain connections to be available to existing system customers where water system expansion is not required.~~ Customers that are paying standby fees also receive the additional benefit of a waiver of normal impact fees. Customers in the Standby program who fail to stay current on their standby fees place the district and its other customers in a financially unsustainable position by reducing ongoing revenue and future impact fee revenue.

- 3.2.11.2 Effective January 1, 2018, the District will no longer extend the impact fee waiver to customers who fall behind on their standby fee payment beyond 90 days. Customers over 90 days delinquent as of Jan 1, 2018 will have until March 31st, 2018 to come current on past due standby fees. Previous standby Customers may receive a credit toward the impact fee in an amount equal to the total standby fees paid.

3.3 DISPUTED BILLS

Disputed Customer Billing:

- 3.3.1 If a customer believes that a bill is incorrect, the billing may be protested in writing ~~only by mail or email.~~ ~~or by calling the office.~~ ~~A copy of the envelope providing proof of the postmark date must be submitted.~~ Staff will fill out a customer billing protest form.
- 3.3.2 All protests shall be made within 15 days of the postmark date, or the protest is waived. The time period for allowing protests shall be set forth on the "Water Application and Agreement" ~~and/or monthly statement.~~
- 3.3.3 Disputed bills shall not be declared delinquent during the time the dispute is unresolved. Upon resolution of the dispute, a new statement showing the revised charges to the customer shall be issued. The payment of said revised charges shall become delinquent 15 days after the statement date of the new

bill. If said charges are not paid, the water service may be terminated as provided in sections 3.2.4 et seq.

- 3.3.4 Late fees shall not be charged from the time the customer notifies the District of the dispute and 5 days after the time the staff makes a determination about classification.
- 3.3.5 In the event that a dispute remains unresolved in excess of 30 days after protest, legal action may be initiated by the District to resolve the dispute and to collect the lawful amounts due the District.

Procedures for Investigating Customer Billing:

- 3.3.6 The District Staff ~~Accounts Receivable Clerk~~ will schedule a time with the Water Superintendent to manually read the meter. ~~The Water Superintendent will manually read the meter.~~
- 3.3.7 After the meter has been manually read, the Water Superintendent will then make the determination about how to classify the water usage billed as;
 - a) water used by the customer,
 - b) a water leak, or
 - c) a meter reading error.
- 3.3.8 Billing classified by the water superintendent as water used by the customer will result in the District Staff ~~Accounts Receivable clerk~~ reversing actions in section 3.3.3 and ensuring the customer's account accurately reflects the usage, unless the customer elects to appeal the Water Superintendents decision to the ~~Big Plains Water~~ District Board as outlined in section (3.3.10 11).
- 3.3.9 Billing classified as a water leak can be recalculated to reflect the usage of the same month in the last year.
- 3.3.10 Billing classified as a meter reading error shall be corrected to accurately reflect water usage.
- 3.3.11 Appeal of Water Superintendent's classification: Customers are permitted to appeal classifications of water usage billed made by the Water Superintendent (as outlined in section 3.3.6) to the ~~Big Plains Water~~ District Board.
 - a. The customer must fill out an Application to Appear Before the Board of Directors.
 - b. The District Staff will place the application on the agenda of the next available District regular meeting.

CHAPTER 4

4.0 RATES, CHARGES, AND FEES

All rates, charges, and fees presently existing and hereafter established, shall be set and changed from time to time by the Board of Trustees. Rates, charges, and fees shall be reasonably related, to the extent possible, to the cost of providing the service for which they are assessed. A schedule of current fees and charges in effect is set forth in Appendix A-4.

CHAPTER 5

5.0 SERVICE CONNECTIONS

- 5.1 To the extent practicable, each residential service connection shall supply only one single family dwelling unit.
- 5.2 Upon installation, the service connection becomes the property of and responsibility of the District from the water main through the meter to the point of connection with the pipe stubbed from the building, said point of connection being immediately downstream of the meter box. The meter, as part of the service connection, shall be repaired or replaced by the District, unless it becomes damaged or inoperable due to intentional damage by the customer. The District shall have the right to estimate the amount of water used during the time the meter is inoperable. Such estimate shall be based upon past usage by the customer, usage by a customer with similar circumstances, or any other relevant criteria.
- 5.3 Repair of leaks and service of plumbing on the customer side of the service connection shall be the responsibility of the customer. As such, water lost through a leak or open valve on the customer side of the service connection shall be paid for by the customer at the prevailing rates for water. The District will attempt to notify the customer if a leak is suspected. If the meter has not been read for more than two months, the District will adjust the customer's bill by charging its average wholesale water rate for the estimated amount of water lost because of the leak. The bill will not be adjusted until the customer has presented sufficient proof of repairing the break.
- 5.4 Where possible, the meter and service connection shall occupy the public right-of-way. In cases where this is not possible, the meter may be situated on the customer's property. The District shall have the right of access to water meters wherever located for inspection, meter reading, as well as for connection service and maintenance. The customer shall not do, allow, or cause to be done, any act or condition which would in any way impair or prevent the District's access to its meter or service connection.
- 5.5 The District shall periodically, or upon reasonable request of the customer, test water meters for accuracy. Faulty meters shall be repaired or replaced by the District.
- 5.6 Any customer who tampers with, damages, or destroys a meter in any manner, shall be liable to the District for all costs associated with returning the meter to its normal operation.
- 5.7 The District retains the right to inspect any conditions within or associated with a facility that may put the District's system and/or water supply at risk for contamination. If a condition is discovered that may seem a risk, written notification shall be given to the customer along with a request for the customer's response and a proposed correction determined

by the District based upon the severity of the hazard. If, thereafter, the hazard is not corrected to the District's satisfaction, or the District determines the risk to public health to be imminent, water service shall be terminated immediately. Service shall not be resumed until the hazard is removed or adequately protected as determined by the District.

- 5.8 Whenever the District, acting through its inspectors, determines that a water service connection is a hazard to the District's system and/or water supply, a backflow prevention device and/or assembly shall be installed in accordance with the current plumbing code as adopted by the State of Utah and/or as contained in the Cross Connection Control Program for Utah maintained by the Utah Department of Environmental Quality, Division of Drinking Water. All backflow prevention assemblies shall be installed by the customer on the service line of the customer's water system, at or near the property line, or immediately inside the building being served; but in all cases, before the first branch line leading off the service line. Within ten (10) working days following the initial installation, the customer shall obtain a certified inspection and operational testing of the backflow prevention assembly and furnish the results to the District. Thereafter, the customer shall obtain a certified inspection and operational testing of each backflow prevention assembly conducted at least once per year and furnish those results to the District. In instances where the District deems the hazard to be great, the customer shall obtain certified inspections more frequently as required by the District. The inspections and tests shall comply with standards established by the current plumbing code adopted by the State of Utah and/or the Cross-Connection Control Program for Utah maintained by the Utah Department of Environmental Quality, Division of Drinking Water.
- 5.9 All presently installed backflow prevention assemblies which do not meet the requirements of this Chapter as of October 22, 2005, but which were approved for the purposes described herein at the time of installation before that date, and which have been properly maintained, shall satisfy the requirements of these rules so long as the District is assured that the assembly shall satisfactorily protect the public water system. The assemblies shall be subject to the current inspection, testing and maintenance requirements as outlined by the Cross-Connection Control Program for Utah maintained by the Utah Department of Environmental Quality, Division of Drinking Water. If the existing assembly is moved from the present location, requires more than minimum maintenance as determined by the District, fails to operate properly during a testing exercise, or is determined to be hazardous by the District, the unit shall be replaced by the customer with a backflow prevention assembly which meets all then current requirements at the time of installation.
- 5.10 No backflow prevention assembly shall be installed so as to create a safety hazard (i.e., over an electrical panel, steam pipes, boilers, or above ceiling level). All backflow prevention assemblies must be installed according to the standards established by the current plumbing code adopted by the State of Utah and/or the Cross-Connection Control Program for Utah maintained by the Utah Department of Environmental Quality, Division of Drinking Water, and must be easily accessible for testing by the District.
- 5.11 **Forfeiture of Connections:**
Upon request, the Board of Trustees may approve the forfeiture of standby or metered connections for extenuating circumstances to be determined by the Board of Trustees. If the Board of Trustees agrees to allow the forfeiture of a connection, it is District policy that the owner of the connection to be forfeited is not entitled to any compensation or credit for any fees or financial obligations paid with respect to that connection, including connection fees, impact fees, standby and usage fees as well as physical water requirements previously transferred to the District.

CHAPTER 6

6.0 MULTIPLE UNITS

- 6.1 The owner of the property shall be liable for payment of all water delivered to the various units.
- 6.2 If two or more buildings are connected to the same meter, and if their ownership should become severed, the original owner shall remain liable for payment of all water usage until separate meters can be placed in service for each building. The new owner shall be liable for all costs associated with the new service connection.

CHAPTER 7

7.0 FIRE HYDRANTS AND FIRE LINES

- 7.1 The cost of installation and materials for fire hydrants, fire lines, and Detector Check Systems shall be borne by those benefitting from the location of the facilities, as determined by the District. Upon installation, the hydrants, fire lines, and Detector Check Systems shall become the property of the District.
- 7.2 Existing hydrants will be inspected, maintained, and replaced as determined by the District.
- 7.3 Use of fire hydrants without permission of the District, except by the Fire Department, is prohibited.
- 7.4 The District shall have the right to approve the type of fire hydrant together with the design, specifications, and installation of all fire lines and Detector Check Systems. A Detector Check System is required when installing a fire line.
- 7.5 Each month the Detector Check Systems shall be inspected to ensure the valves are turned on and to check for water use. Any unauthorized use shall be billed to the customer.
- 7.6 The cost of inspecting and maintaining fire lines and Detector Check Systems shall be billed to the customer according to an approved fee schedule.

CHAPTER 8

8.0 WATER MAIN EXTENSIONS

- 8.1 The District requires main line extensions for all new structures requiring a building permit from the Town of Apple Valley. This requirement applies to all new building permit structures whether the permittee has independent water service from other Sources or not. The district has the mandate from the Town's Fire Department to provide fire protection service throughout the community.

Main line extensions that are a part of a subdivision or a commercial development will be incorporated into the Development plans to be submitted to the District. Development plans submitted to the District will be reviewed based on the District's **Design Standards** ~~Construction Details and Specifications~~.

Main line extensions that are not part of a development project require main line engineered drawings. The Main line extension applicant may submit plans for review and or coordination with the District's Resident Engineer but must obtain necessary approvals from the District before any Main line extensions can be constructed. The final approval shall include the Engineer and the Water Superintendent with final authorization issued by the Water Superintendent.

The Cost of Service for **review and inspections** for main line extensions ~~applications and construction are as follows:-~~

~~Application Processing Fee \$125~~

~~District Plan Review Fee — 2% of main line construction cost~~

~~District Inspection Fee — 2% of main line construction cost~~

~~Projects requiring multiple review cycles~~ will be charged the cost of service based on time and materials at the District's published rates, **including multiple review cycles**.

- 8.2 Any residential or commercial developer must request retail water service by signing an **Water Application Extension** Agreement with the District before installation of water mains, fire hydrants, or other waterworks required by the District.
- 8.3 To the extent practicable, the cost of installing water line extensions shall be borne by those benefitting from the extensions, as determined by the District.
- 8.2.1 If, in the discretion of the District, projected future water needs require a water main of greater size than that needed for the development alone, the District may require that a larger water main be installed.
- 8.4 Existing water mains shall be maintained and replaced by the District.
- 8.5 All water main extensions shall become the property of the District, subject to the terms of the Extension Agreement.

CHAPTER 9

9.0 UPGRADING SIZE OF CONNECTIONS

- 9.1 Customers desiring a larger service connection than is presently in place shall be charged the actual cost of up-sizing the connection.

CHAPTER 10

10.0 ALL OTHER SERVICES

- 10.1 All other services to be rendered by the District shall be negotiated between the customer and District, and shall be approved by the Board of Trustees. Every effort shall be made to ensure that fees charged for services rendered reasonably correspond with costs incurred by the District for such services.

CHAPTER 11

11.0 GENERAL PROVISIONS AND OBLIGATIONS

- 11.1 Limitation of Liability. The District shall not be responsible for disruptions, irregularities or failure of service caused by broken water mains, power outages, equipment failure, or other circumstances beyond its reasonable control, and in no event shall the District be liable for any damage of any kind resulting therefrom.
- 11.2 In the case of an emergency such as a natural disaster, the District solicits the cooperation of all customers. During such emergencies, the District will make every effort to keep its customers informed of the status and adequacy of its water supply.
- 11.3 The District reserves the right at any time, without notice, to shut off or curtail water deliveries through its mains for the purpose of making repairs or extensions or for other purposes, and no claim shall be made against the District, by reason of any breakage whatsoever, or for any damage that may result from shutting off the water for repairing, laying, or relaying mains, hydrants, or other connections, or for any other reason whatsoever, including natural causes. The District will attempt to provide notice to customers affected by a shut-off when adequate time exists to give such notice.
- 11.4 In the event of scarcity of water, the Board may, by proclamation, limit the use of water for any purpose to the extent as in its judgment is required for the public good. In the event of such scarcity, and in the event that a meeting of the Board cannot be convened before preventative action is required, the District's Chairman may issue a proclamation limiting the use of water. Said proclamation shall have full force and effect until such time as the Board shall be able to meet.
- 11.5 The provisions of these rules and regulations shall be severable. If any provisions hereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of these rules and regulations, or its application in a different circumstance.
- 11.6 No customer shall create or allow to exist any condition or activity which causes a District employee reasonable fear and/or apprehension for the safety of the employee's person and/or personal property in the possession or custody of the employee.
- 11.7 Any District employee who reasonably fears for his personal safety or for the safety of personal property in the possession or custody of the employee, may take all reasonable acts, or refrain from acting, as the employee deems necessary to provide appropriate protection.
- 11.8 An individual who tampers with District facilities for the purpose of stealing water will be subject to fines and charged for water and services used.
- 11.9 Tampering with the water system in any way will result in a \$750 fine for the first offense, and \$1500 for subsequent offenses, and will result in criminal prosecution. Tampering is considered the unauthorized manipulation or change of any water apparatus or related equipment in any fashion. All water related equipment including the meter and the meter can is considered the property of the Big Plains Special Service District.
- 11.10 In the event a customer violates any of the District's policies, rules and/or regulations, the District may take such remedial action as it deems appropriate, including but not limited to the termination of water service to the customer.

CHAPTER 12

12.0 CONTROL OF BACKFLOW AND CROSS CONNECTIONS

SECTION 1 CROSS CONNECTION CONTROL---GENERAL POLICY

12.1.1 Purpose of Policy :

- 12.1.1.1 To protect the Public drinking water supply of the District from the possibility of contamination or pollution by requiring compliance with the Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code, as adopted by the State of Utah, and requiring a cross connection control protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,
- 12.1.1.2 To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the state regulations and plumbing code to assure water system safety; and,
- 12.1.1.3 To provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent contamination or pollution of the drinking water system.

12.1.2 Responsibility: ~~Drinking Water Purveyor~~ Water Superintendent

- 12.1.2.1 The ~~District~~ Water Superintendent shall be responsible for the protection of the drinking water distribution system from the foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.
- 12.1.2.2 Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the District, i.e., Water Superintendent. Survey records shall indicate compliance with the State of Utah Regulations. All such records will be maintained by the District.
- 12.1.2.3 The District shall schedule and notify in writing, all consumers of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety standards.
- 12.1.2.4 Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.
- 12.1.2.5 The water superintendent's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the length of the consumer's water system.
- 12.1.2.6 The plumbing official will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the adopted Plumbing Code.

12.1.3 Responsibility: Consumer

- 12.1.3.1 To comply with this policy as a term and condition of water supply and

consumer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.

- 12.1.3.2 It shall be the responsibility of the consumer to purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this policy. Failure to comply with this policy shall constitute grounds for discontinuation of water service.

~~12.1.4 Responsibility: Water Superintendent/Inspector)~~

~~12.1.4.1 The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the length of the consumer's water system.~~

~~12.1.4.2 The plumbing official will review all plans to ensure that unprotected cross-connections are not an integral part of the consumer's water system. If a cross-connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the adopted Plumbing Code.~~

12.1.5 Responsibility: Certified Backflow Technician, Surveyor, or Repair Person

12.1.5.1 Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technician, Surveyor, or Repair Person will have the following responsibilities:

- a. Ensuring that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
- b. Make reports of such testing and/or repairs to the consumer and the Water Superintendent ~~purveyor~~ on form approved for such use by the Water Superintendent ~~purveyor~~ within time frames as described by the Division of Drinking Water.
- c. Include the list of materials or replacement parts being used on the reports.
- d. Insuring that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
- e. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
- f. Performing all test of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all test and reports.
- g. Insuring that his/her license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition.
- h. Being equipped with, and competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
- i. Tagging each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The certified technician's license number must also be on the tag.

12.1.5.2 Responsibility: Repair of backflow assemblies

In the case of a consumer requiring an assembly to be tested, any currently Certified Backflow Technician is authorized to make the test and report the results to the consumer and the water purveyor. The installation, replacement or repair of assemblies must be made by a tester having appropriate licensure from the Department of Commerce, Division of Occupational and Professional Licensing, except when the Backflow Technician is an agent of the assembly owner.

SECTION 2. DEFINITIONS

12.2.1 Water ~~Purveyor~~ Superintendent: The person designated to be in charge of the water operations Department of ~~Big Plains Water and Sewer Special Service~~ the District (~~city or water utility~~), is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this policy.

12.2.2 Approved Backflow Assembly: An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.

12.2.3 Auxiliary Water Supply: Any water supply on or available to the premises other than the ~~purveyor's~~ Water Superintendent's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water ~~purveyor~~ superintendent does not have authority for sanitary control.

12.2.4 Backflow: The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

12.2.5 Back-Pressure: The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.

12.2.6 Back-Siphonage: The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water system.

12.2.7 Backflow Prevention Assembly: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the ~~Water Design Standards 01.16.000 Plumbing Code~~, as adopted by the State of Utah and in the Cross-Connection Control Program for Utah maintained by the Division of Drinking Water.

12.2.8 Contamination: Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials that may create a health hazard.

12.2.9 Cross Connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes or other plumbing arrangements.

12.2.10 Cross Connection - Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

12.2.11 Cross Connection - Containment: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find permanently eliminate or control all actual or potential cross connections within the customer's water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

SECTION 3. REQUIREMENTS

12.3.1 Policy:

12.3.1.1 No water service connection to any premises shall be installed or maintained by the Water ~~Superintendent~~ ~~Purveyor~~ unless the water supply is protected as required by State laws, regulations, codes, and this policy. Service of water to a consumer found to be in violation of this policy shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time for voluntary compliance, if:

- a. A backflow prevention assembly required by this policy for the control of backflow and cross connections is not installed, tested, and maintained, or
- b. If it is found that a backflow prevention assembly has been removed or by-passed, or
- c. If an unprotected cross connection exists on the premises, or
- d. If the periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected.

12.3.1.2 The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the ~~District water purveyor~~ to determine whether cross connections or other structural or sanitary hazards, including violation of this policy exist and to audit the results of the required survey (R309-400 of the Utah Administrative Code).

12.3.1.3 Whenever the ~~District public water purveyor~~ deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

12.3.1.4 The type of protective assembly required under subsection 3.1.3, shall depend upon the degree of hazard which exist at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

12.3.1.5 All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3.1.6, be excluded from the requirements of these rules so long as the ~~District water purveyor~~ is assured that they will satisfactorily protect the public water system. Whenever an existing backflow prevention assembly is moved from the present location or, requires more than minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.

12.3.1.6 It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the ~~District Public Water Purveyor~~ deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the ~~District purveyor~~ to see that these tests are made according to the standards set forth by the State Department of Environmental Quality,

Division of Drinking Water.

12.3.1.7 All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

12.3.1.8 No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

12.3.2 Violations of this Policy:

If violations of this policy exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the District shall deny or immediately discontinue water service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with all State and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this policy.

~~CHAPTER 13~~

~~13.0 WASTEWATER EFFLUENT POLICY~~

~~In support of Chapter 14, Section 10 of the Town of Apple Valley's Municipal Code Titled Ground Water Protection, the policy is as follows:~~

~~13.1 On seven (7) acre or larger lots having only one (1) house, basic septic systems will be allowed for wastewater treatment.~~

~~13.2 Septic systems will be allowed on three and one half (3 ½) acres or larger lots with level 3 wastewater treatment systems. Non-conforming lots recorded before effective policy date will be reviewed on a case by case basis.~~

~~13.2 Larger developments (anything more than one (1) house) must employ a Level 3 treatment system to be engineered as required.~~

~~13.3 Special treatment requirements will be required for businesses, commercial applications, cabins, rentals, and all non-single family residences. All treatment systems will be part of a development agreement and will be owned and maintained by the SSD.~~

~~13.4 All septic systems are subject to the Southwest Utah Health Department and Utah Department of Environmental Quality rules and regulations.~~

~~13.5 All septic systems and treatment systems must be reviewed and approved by Big Plains Water and Sewer Special Service District.~~

CHAPTER 13

14.0 WELL DRILLING POLICY

14.1 Multiple users and well sharing agreements are not allowed on private wells. Wells are for single use only and must be located on the User's property.

14.2 Permit Required; Prohibition Against Drilling or Use of a Water Supply Well.

No person, firm, or corporation or other entity shall drill a well or cause a well to be drilled without applying for and receiving a permit from the Big Plains Water and Sewer Special Service District ("District"). No permit shall be issued until the requisite fee has been paid by the applicant. A person whose property is served by public water supply or is within 1,000 feet of the District service lines, may not drill or use for any purpose a water supply well where the groundwater which may be pumped by such well.

14.3. Contents of Permit.

A permit application shall be made in writing to the District and shall contain the following information:

- A. The applicant's name, address and telephone number.
- B. The name, address and telephone number of the person, firm, corporation or other entity who will drill the well.
- C. The name of the property owner upon whose property the well will be drilled and, if applicable, authorization to perform the drilling.
- D. An accurate description of the location of where the well will be drilled.
- E. Clear and convincing evidence that the application will not further deplete the District's water supply.
- F. Copies of all documents submitted to the State of Utah showing compliance with existing Utah law.
- G. Approval from the State of Utah to drill the well.

14.4. Emergency When There Is an Existing Well.

Notwithstanding any of the above provisions, a property owner with an existing well may drill a well or drill an existing well deeper and make application for a permit within three business days after drilling a well under the following conditions:

- A. The well fails; and
- B. It is not possible to obtain a permit prior to the well driller's availability to drill and/or redrill or deepen the existing well.

14.5. Reporting the Drilling of a Well After Completion.

Upon the completion of the well, the person, firm or entity drilling the well shall immediately submit to the District all of the information and reports which the person, firm or entity must submit to the State of Utah or any agencies thereof pursuant to the State's laws, rules and regulations.

14.6. Fees.

The fee for a permit shall be \$250 and shall accompany the application for a permit.

14.7 Violations and Penalties.

Any person, firm, corporation, or other entity who shall violate any provisions of this Part, upon conviction thereof in an action brought before a District Court in a manner provided for the enforcement of summary offenses under the Utah Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$1,000, plus costs. Each day the violation continues without a permit shall constitute a separate offense.

14.8 Severability Clause.

If any part or provision of this Policy is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Policy and all provisions, clauses and words of this Policy shall be severable.

CHAPTER 15

15.0 Bulk Water Sales

15.1.1 Bulk Water Sales: Customers may apply for rental of a bulk meter for bulk water purchase.

15.1.2 Application Required. Customers will apply for bulk water purchase by filling out an application for bulk water meter rental.

15.1.3 Procedures for Processing Bulk Water Applications. The Clerk will review the application for completeness and ensure all fees are paid. The Clerk will then annotate the meter number and the current meter reading. The Clerk will then schedule a time for the applicant to pick up the meter from the town office.

15.1.4 Verbal Communication with Water Superintendent Required. Bulk Water Customers are required to verbally communicate with the water superintendent before usage. The Water Superintendent will inform the customer which hydrant to use and instruct the applicant on safe use.

15.2.1–Deposit and Other Fees. A \$1,000 deposit fee must be submitted to be on file during the rental of the bulk water meter. Fees for the rental and water usage can be found in Appendix A-1.

15.2.2- The Customer must report the location the water is being used on. If the meter needs to be moved, the location must be reported to the Clerk.

15.2.3–Loaning or subletting the meter, or removing water from the Town of Apple Valley is strictly prohibited.

15.2.4 Customers Must Use Designated Hydrant. The Water Superintendent will inform the customer of which hydrant to use. The Customer must use the designated hydrant or hydrants, or the bulk use agreement will be terminated.

15.2.5 Customers Responsible for Meter Reading. Customers are required to bring the bulk use meter into the town office by the last day of the usage month according to the date of application. Failure to bring the meter in by the 5th day of the following usage month will result in a \$250 fee. Failure to bring it in within 30 days following a usage month will result in an additional \$250 fee and the termination of the bulk water usage agreement.

15.2.6 Customers Responsible for Damage or loss. Any damage to or loss of meter, fire hydrant, other equipment or property will paid for at the expense of the customer.

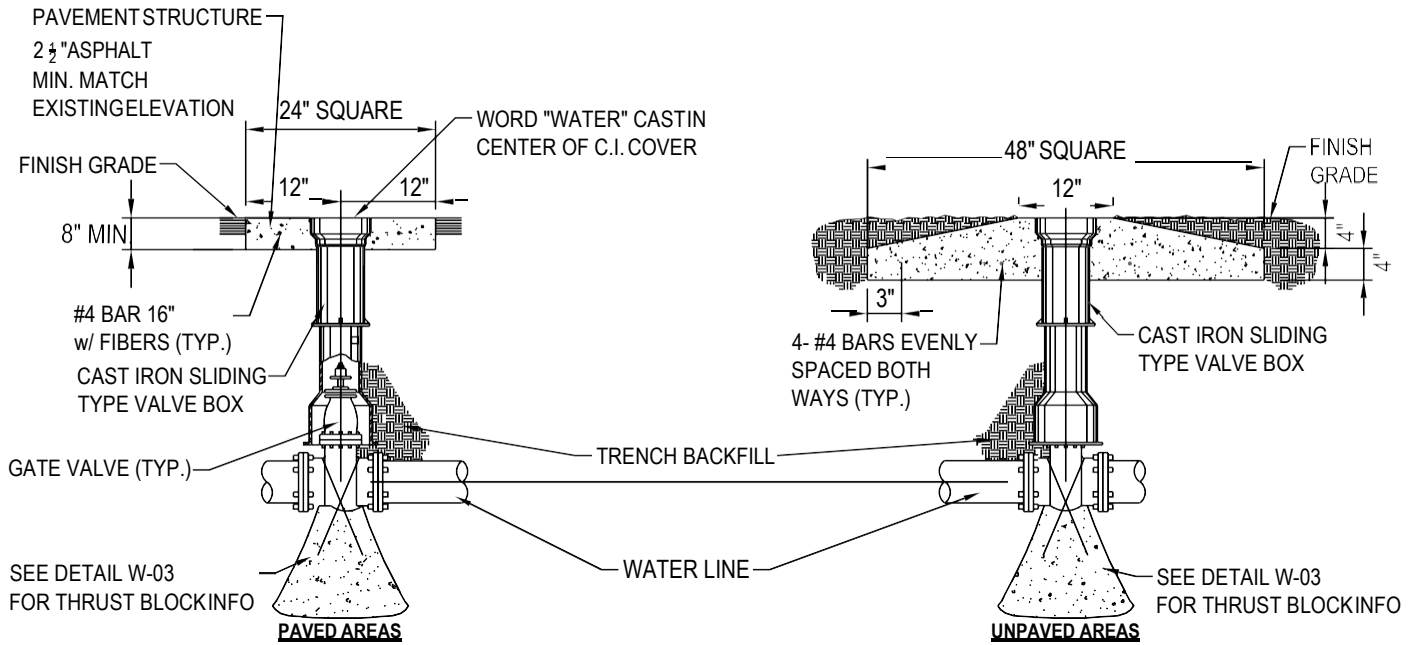
15.2.7 Tampering with Meter Prohibited. Any intentional tampering with the meter, to include customers attempting to repair the meter, will result in termination of the bulk meter usage agreement.

15.2.8 All provisions stated on the application are applicable and shall be adhered to. A lien may be placed on the property being serviced for all unpaid charges and cost of collection. Anyone who maliciously, willfully, or negligently consumes water from the District without District approval may be subject to misdemeanor charges.

CHAPTER 16

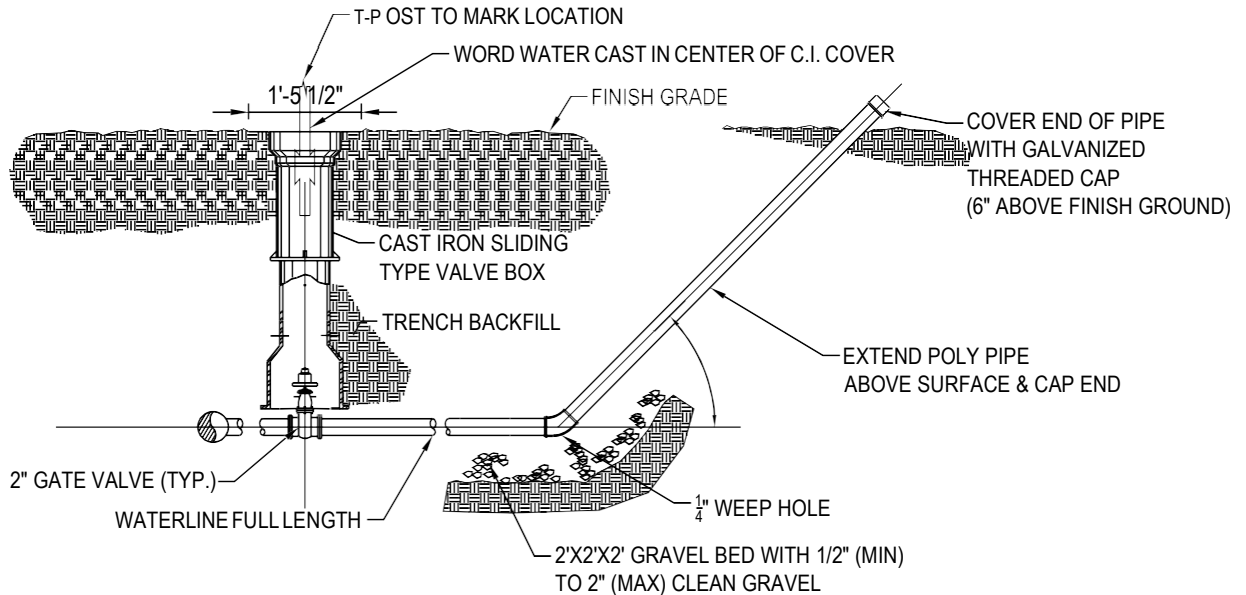
15.0 Water Design Standards

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1 WATER VALVE BOX DETAIL

SCALE: NONE



2 BLOW OFF DETAIL

SCALE: NONE

PROJECT # SU1011 DATE 09/22/2017

W-01

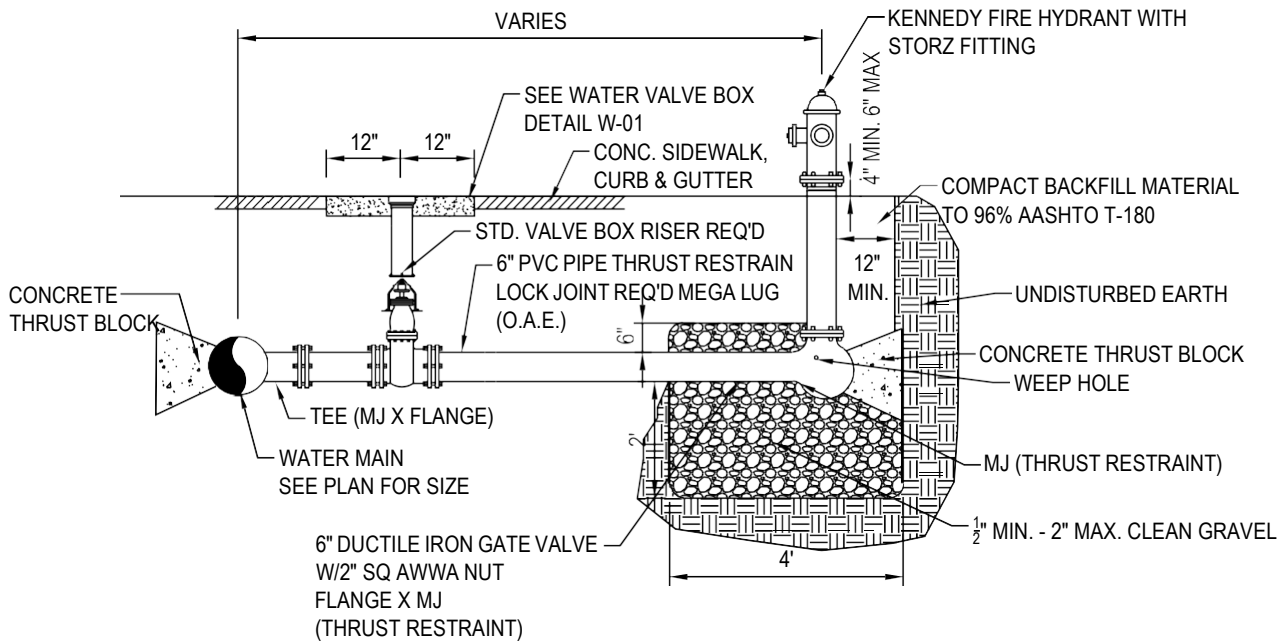
BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 WATER VALVE BOX AND BLOW OFF
 WASHINGTON COUNTY, UTAH



BIG PLAINS WATER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
 Fax 435-877-1192

NOTE:

1. TOP OF VALVE BOX AND CONCRETE COLLAR TO BE 1/4" BELOW FINAL GRADE.



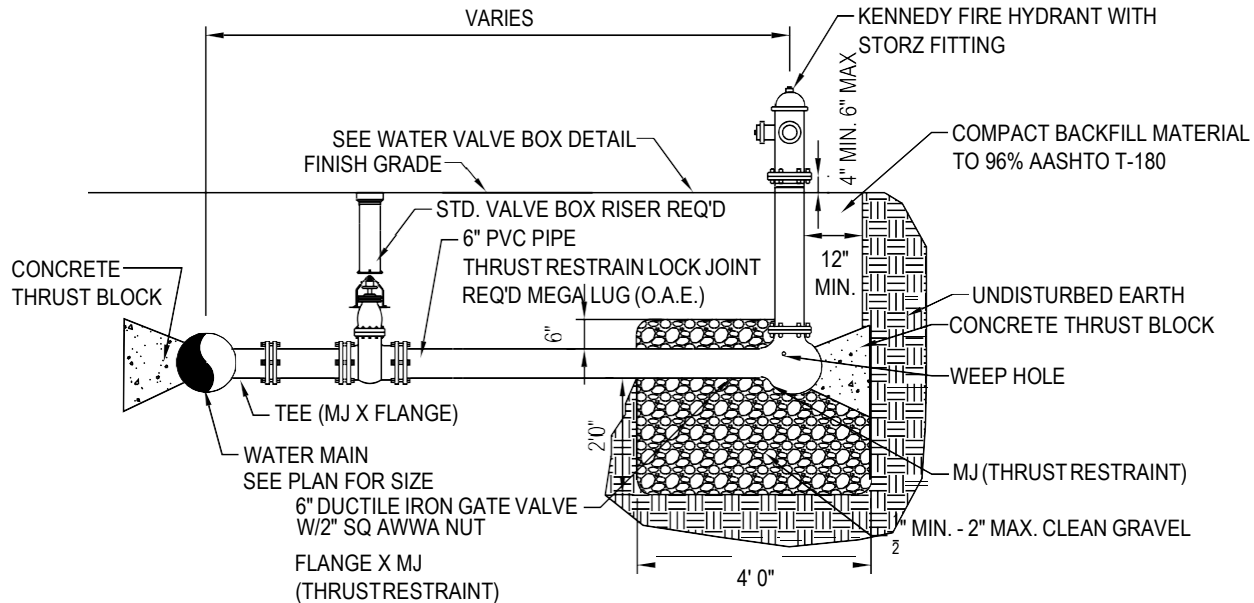
1

STANDARD FIRE HYDRANT DETAIL (PAVED)

SCALE: NONE

NOTE:

1. TOP OF VALVE BOX AND CONCRETE COLLAR TO BE 1/4" BELOW FINAL GRADE.



2

STANDARD FIRE HYDRANT DETAIL (UNPAVED)

SCALE: NONE

PROJECT # DATE
SU1011 09/22/2017

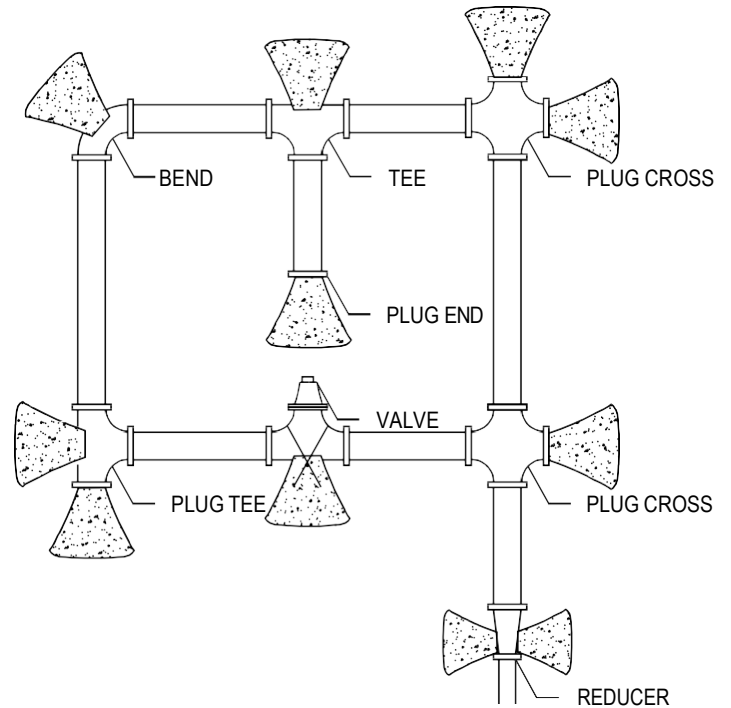
W-01

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 WATER VALVE BOX AND BLOW OFF
 WASHINGTON COUNTY, UTAH

BIG PLAINS WATER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
 Fax 435-877-1192

NOTE:

1. CONCRETE SHALL NOT BE PLACED AROUND JOINTS AND BOLTS.
2. BLOCKING SHALL BE POURED IN PLACE PORTLAND CEMENT CONCRETE A MINIMUM OF 12 INCHES THICK BETWEEN SOLID UNDISTURBED OR COMPACTED EARTH AND FITTING. THRUST BLOCK SHALL BE PLACED TO PERMIT ACCESS TO THE PIPE AND FITTING.
3. MINIMUM BEARING AREAS ASSUME A WORKING PRESSURE OF UP TO 150 PSI (TEST PRESSURE 200 PSI) AND A MINIMUM SOIL BEARING PRESSURE OF 2000 PSI. IF THESE CONDITIONS ARE NOT MET, LARGER BLOCKING WILL BE REQUIRED.



1 THRUST BLOCKS

SCALE: NONE

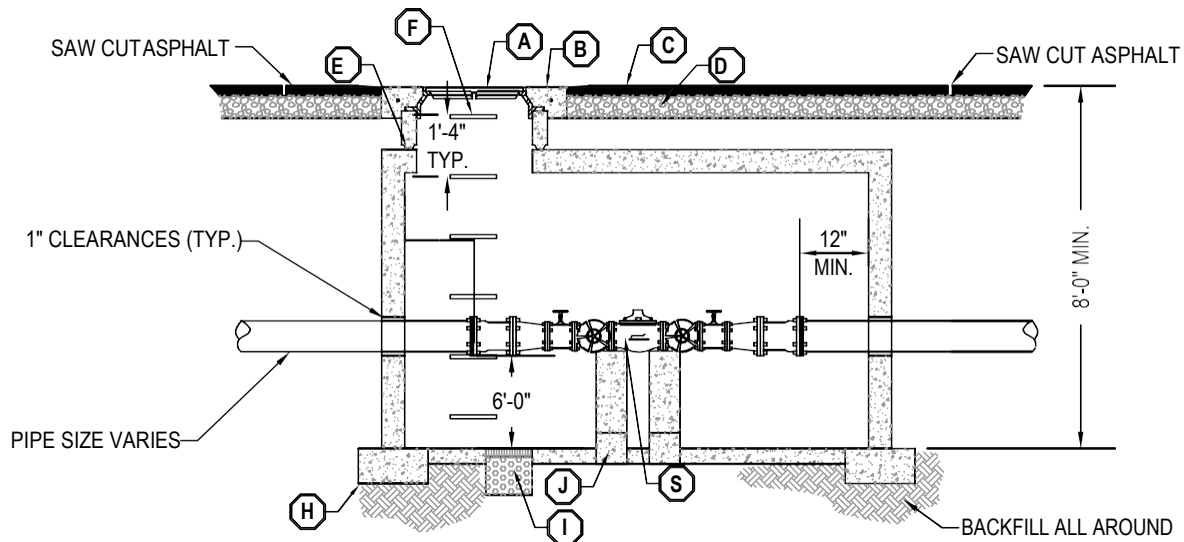
PROJECT # DATE
SU1011 09/22/2017

W-01

BIG PLAINS WATER & SEWER SSD STANDARD DETAILS

WATER VALVE BOX AND BLOW OFF
WASHINGTON COUNTY, UTAH

BIG PLAINS WATER SSD
1777 N. Meadowlark Drive
Apple Valley, Utah 84737
Phone 435-877-1190
Fax 435-877-1192



1 6" PRESSURE REDUCING VALVE W/2" BYPASS-PROFILE VIEW

NOTE:

1. UNLESS OTHERWISE SHOWN ALL MATERIALS PER BWPSSD ENGINEERING STANDARDS

SCALE: NONE

LEGEND

NO.	*	ITEM	DESCRIPTION
A		MANHOLE RING AND COVER (RIBLESS)	D&L A-1180 O.A.E.
B		4' / X 8" THICK CONCRETE COLLAR	W/ 40" / #4 BARS & FIBERS
C		3" ASPHALT MAT	
D		8" COMPACTED UNTREATED BASE	
E		GRADE RING(S)	
F		MANHOLE STEP	(M.A. INDUSTRIES INC. O.A.E.)
G		CONCRETE VAULT TOP (6'X 12')	AMCOR UV6127T O.A.E.
H		9" X 18" FOOTING W/ 3-#4 BARS	
I		SUMP	12" X 12" X 12" W/SUMP PUMP & GRATE
J		CONCRETE SUPPORT BLOCKING	
K		x" M.J. X FLANGE ADAPTOR	CEMENT LINED
L		x" X 6" FLANGED REDUCER (IF REQ'D)	CEMENT LINED
M		6" FLANGED STEEL SPOOL WITH 2" OUTLET	EPOXY COATED AND LINED
N		2" GATE VALVE WITH HANDWHEEL	
O		6" GATE VALVE WITH HANDWHEEL	NON-RISING STEM
P		6" PRESSURE REDUCING VALVE	WATTS ACV 115/6115 O.A.E.
Q		2" K-COPPER PIPE AND FITTINGS AS SHOWN	
R		2" PRESSURE REDUCING VALVE	
S		3/4" TAPPS w/ PRESSURE GAUGE	2 1/2", 0-300 PSI, GLYCERIN FILLED

PROJECT # SU1011 DATE 09/22/2017

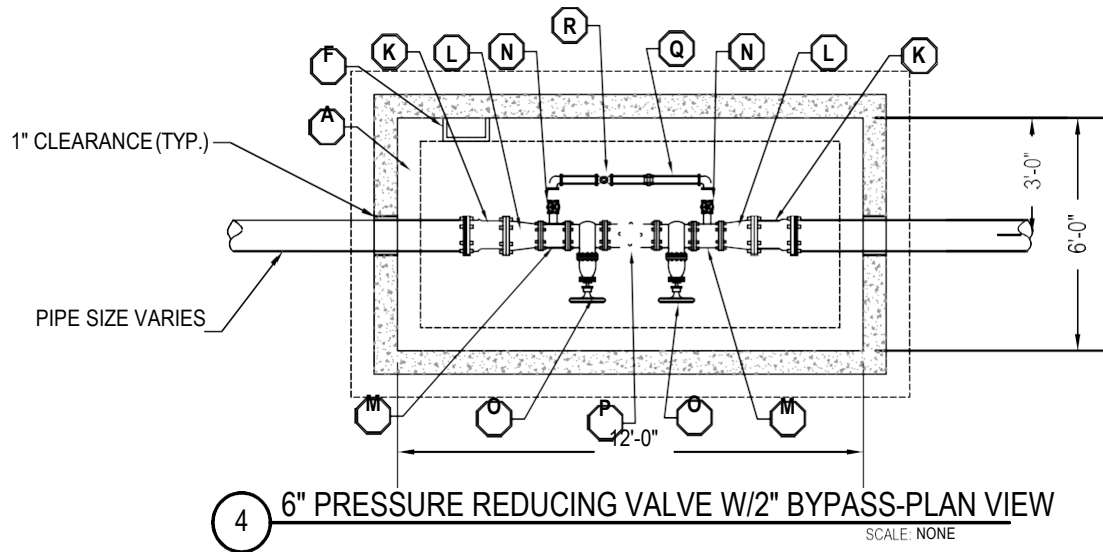
W-04A

BIG PLAINS WATER & SEWER SSD STANDARD DETAILS

6" PRESSURE REDUCING VALVE W/2" BYPASS- PROFILE
WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
1777 N. Meadowlark Drive
Apple Valley, Utah 84737
Phone 435-877-1190
Fax 435-877-1192

**NOTE:**

1. UNLESS OTHERWISE SHOWN ALL MATERIALS PER BWPSSSD ENGINEERING STANDARDS

LEGEND

NO.	*	ITEM	DESCRIPTION
A		MANHOLE RING AND COVER (RIBLESS)	D&L A-1180 O.A.E.
B		4' X 8" THICK CONCRETE COLLAR	W/ 40" / #4 BARS & FIBERS
C		3" ASPHALT MAT	
D		8" COMPACTED UNTREATED BASE	
E		GRADE RING(S)	
F		MANHOLE STEP	(M.A. INDUSTRIES INC. O.A.E.)
G		CONCRETE VAULT TOP (6'X 12')	AMCOR UV6127T O.A.E.
H		9" X 18" FOOTING W/ 3-#4 BARS	
I		SUMP	12" X 12" X 12" W/SUMP PUMP & GRATE
J		CONCRETE SUPPORT BLOCKING	
K		x" M.J. X FLANGE ADAPTOR	CEMENT LINED
L		x" X 6" FLANGED REDUCER (IF REQ'D)	CEMENT LINED
M		6" FLANGED STEEL SPOOL WITH 2" OUTLET	EPOXY COATED AND LINED
N		2" GATE VALVE WITH HANDWHEEL	
O		6" GATE VALVE WITH HANDWHEEL	NON-RISING STEM
P		6" PRESSURE REDUCING VALVE	WATTS ACV 115/6115 O.A.E.
Q		2" K-COPPER PIPE AND FITTINGS AS SHOWN	
R		2" PRESSURE REDUCING VALVE	
S		3/4" TAPPS w/ PRESSURE GAUGE	2 1/2", 0-300 PSI, GLYCERIN FILLED

PROJECT # SU1011 DATE 09/22/2017

W-04A**BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS**6" PRESSURE REDUCING VALVE W/2" BYPASS- PROFILE
WASHINGTON COUNTY, UTAH
BIG PLAINS WATER & SEWER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
 Fax 435-877-1192

GENERALLY WATER METER TO BE
PLACED IN CCENTER OF LOT. (NOT IN
DRIVEWAY OR SIDEWALK) EXCEPT ON
TWIN HOME LOTS. (SEE NOTES)

NATURAL GROUND
AROUND METER BOX

CAST IRON METER
RING & LID
(AUTO READ)
2" HOLE

DISTANCE VARIES
15' ON HIGH
SIDE OF ROAD
(TYP.)

WATER MAIN
PIPE SADDLE

SIDEWALK

PARKSTRIP

CURB AND GUTTER

1" MIN. K COPPER LATERAL FROM MAIN (SEE NOTES)
(1-1/2" MIN. FOR TWIN HOME LOTS)

METER SIZE	BOX DIAMETER	D&L RING & COVER, OAE	FORD SETTER, OAE
1"	18"	L-2241	VBHC 74-18W-44-44-G or Q
1 1/2"	24"	B-5074	VBHH 76-18-44-66-G or Q
2"	30"	B-5076	VBHH 77-18-44-77-G or Q

1

1"-2" WATER METER-PLAN VIEW

SCALE: NONE

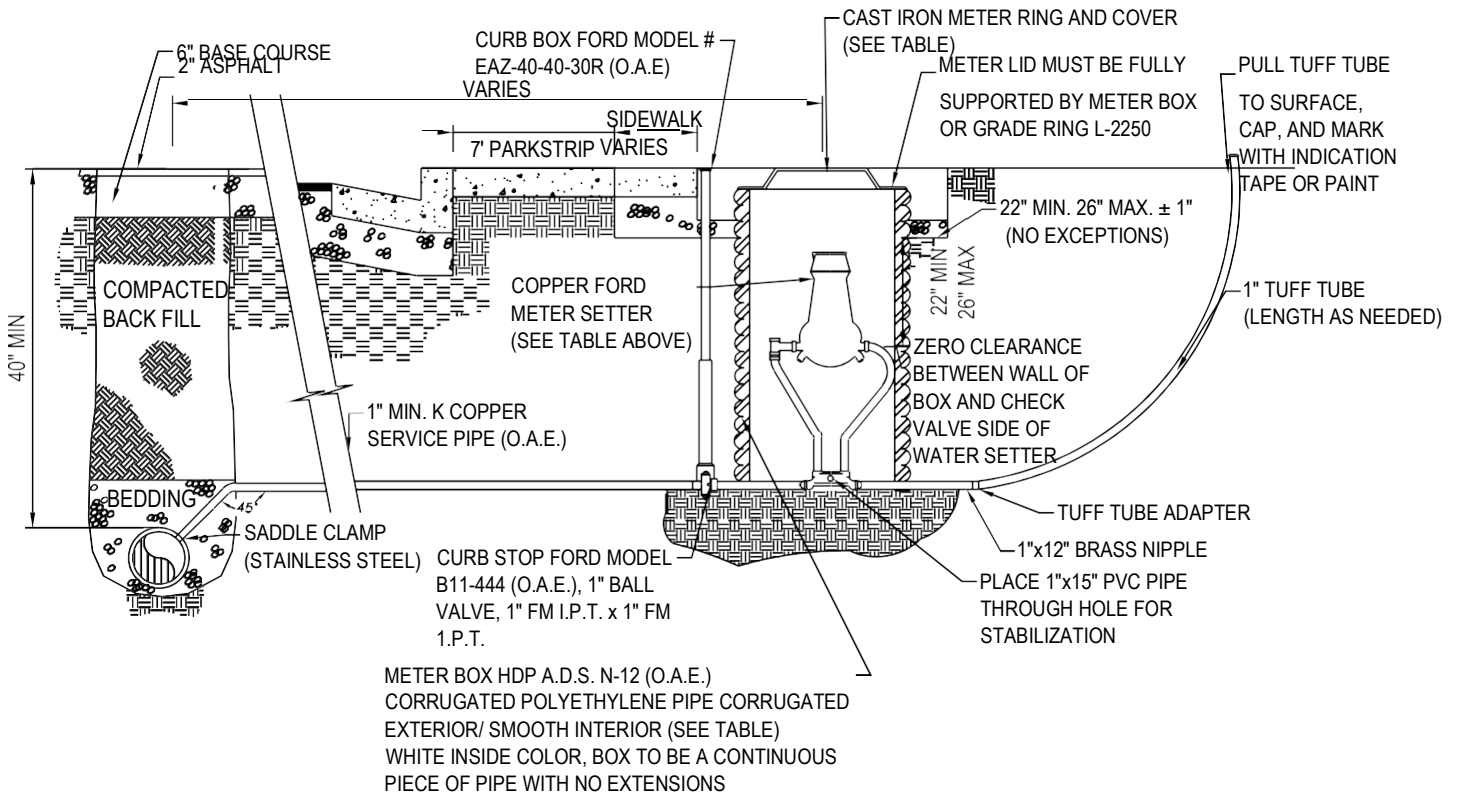
PROJECT # DATE
SU1011 09/22/2017

W-05A

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
1"-2" WATER METER-PLAN VIEW
WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
1777 N. Meadowlark Drive
Apple Valley, Utah 84737
Phone 435-877-1190
Fax 435-877-1192



NOTES:

- 1- 3/4" LATERAL ALLOWED ONLY BY APPROVAL OF THE DISTRICT ENGINEER
- 2- ON TWIN HOME LOTS THE WATER METERS SHALL BE TEED OFF A COMMON 1-1/2" MIN. LATERAL COMING FROM THE MAIN AND PLACED ON EACH SIDE THE LOT DIVIDING LINE ACCORDING TO THE LAYOUT OF THE HOMES.

1 1'-2" WATER METER-PROFILE VIEW

SCALE: NONE

PROJECT # SU1011 DATE 09/22/2017

W-05A

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 1'-2" WATER METER-PLAN VIEW
 WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
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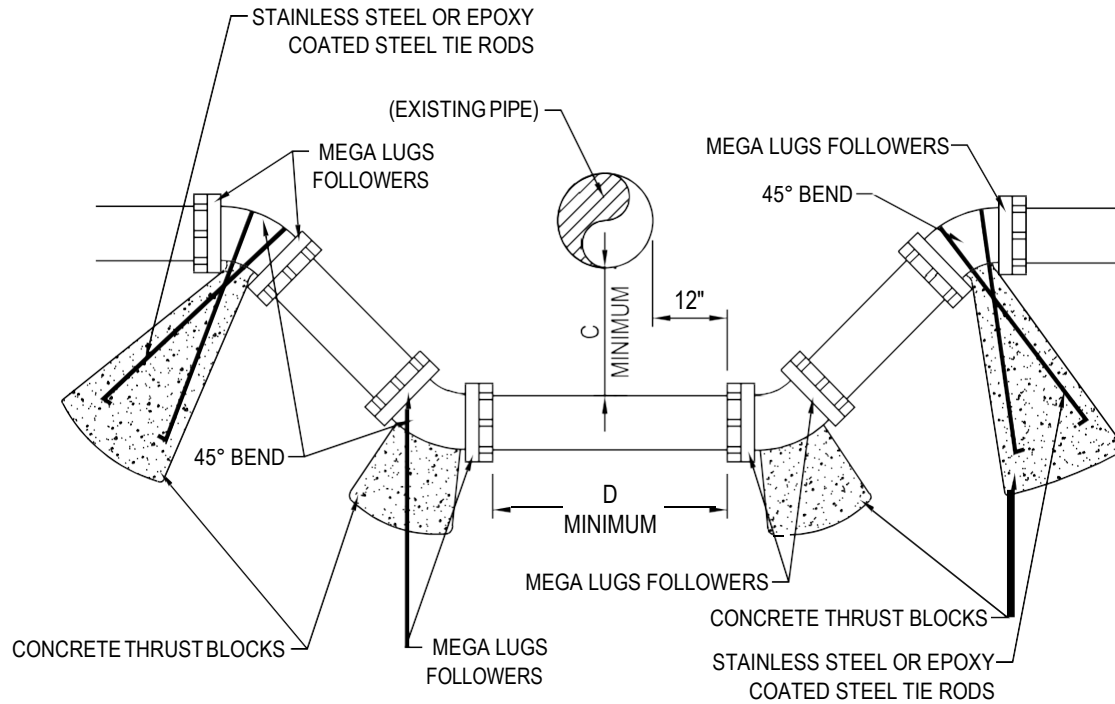


TABLE OF DIMENSIONS		
No.	OBSTRUCTION SEWER MAIN	OTHER
C	18"	12"
D MIN	FULL PIPE LENGTH	O.D. + 12"

NOTES:

1. MATCH EXISTING SERVICE. BEND PIPE AROUND OBSTRUCTION.
2. THRUST BLOCKS: NOT REQUIRED FOR FLANGE, WELDED, OR RESTRAINED JOINT PIPE SYSTEMS.
3. LOOP WATER MAINS OVER TOP OF SEWER LINES.
4. CONTRACTOR SHALL SUBMIT DETAILS OF RESTRAINED JOINT PIPE TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

1 WATERLINE UTILITY CROSSING DETAIL

SCALE: NONE

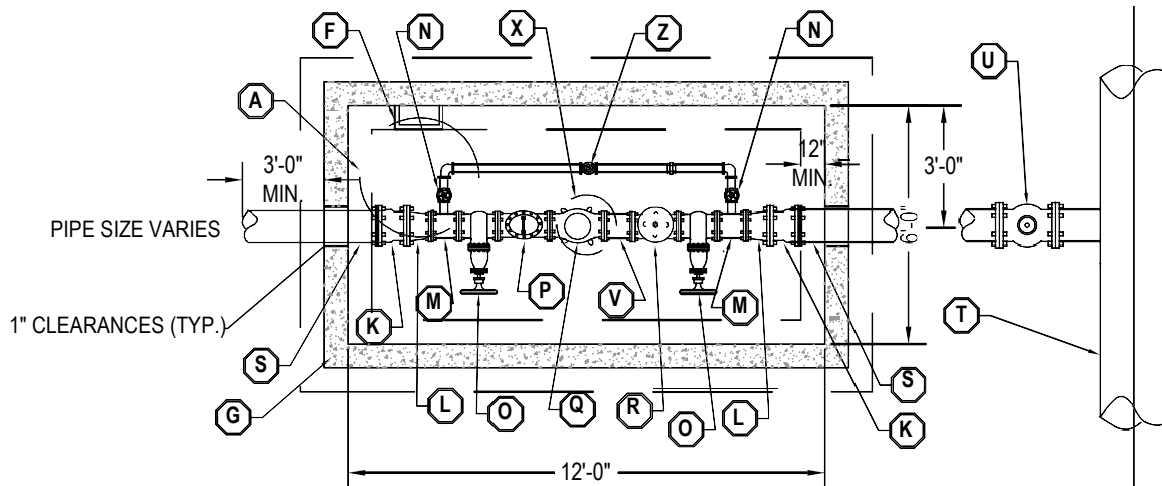
PROJECT # SU1011 DATE 09/22/2017

W-06

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 WATERLINE UTILITY CROSSING DETAIL
 WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER
 SSD1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
 Fax 435-877-1192



1 WATER METER WITH FIRE FLOW-PLAN VIEW

SCALE: NONE

NOTE:

1. ALL MATERIALS PER CICWCD ENGINEERING STANDARDS UNLESS OTHERWISE SHOWN

NO.	*	ITEM	DESCRIPTION
A		MANHOLE RING AND COVER (RIBLESS)	D&L A-1180 O.A.E.
B		4' X 8" THICK CONCRETE COLLAR	W/ 40' #4 BARS & FIBERS
C		3" ASPHALT MAT	
D		8" COMPACTED UNTREATED BASE	
E		GRADE RING(S)	
F		MANHOLE STEP	(M.A. INDUSTRIES INC. O.A.E.)
G		CONCRETE VAULT TOP (6' X 12')	AMCOR UV6127T O.A.E.
H		9" X 18" FOOTING W/ 3-#4 BARS	
I		SUMP	12" X 12" X 12" W/SUMP PUMP & GRATE
J		CONCRETE SUPPORT BLOCKING	
K		6" MIN. FLANGE ADAPTOR	CEMENT LINED
L		x" X 6" FLANGED REDUCER (IF REQ'D)	CEMENT LINED
M		6" FLANGED STEEL SPOOL WITH 2" OUTLET	EPOXY COATED AND LINED
N		2" GATE VALVE WITH 4" NIPPLE	
O		6" GATE VALVE WITH HANDWHEEL	NON-RISING STEM
P		6" SINGLE DETECTOR CHECK VALVE	WATTS SERIES 07F O.A.E.
Q		6" COMPOUND FLOW METER (PURCHASED FROM CITY)	COMPOUND W/ STRAINER
R		6" PRESSURE REDUCING VALVE (IF REQ'D)	
S		6" MIN. D.I. PIPE (TO OUTSIDE OF VAULT)	CEMENT LINED
T		CITY WATER MAIN	
U		GATE VALVE WITH BOX	SEE W1
V		6" FLANGED SPOOL 12" LONG	CEMENT LINED
W		18" DIA. HDPE PIPE	PER PIPE SPEC.
X		RING & LID w/ 2" HOLE	D&L-2241 O.A.E.
Y		30"x30"x8" THICK CONCRETE COLLAR	WATTS ACV 115/6115 O.A.E.

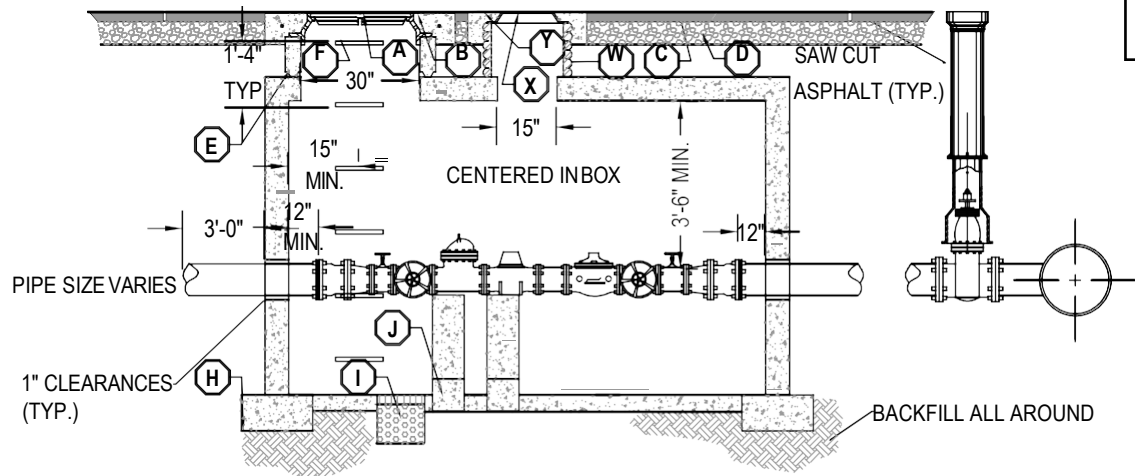
PROJECT # SU1011 DATE 09/22/2017

W-07A

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
WATER METER WITH FIRE FLOW- PLAN VIEW
WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
1777 N. Meadowlark Drive
Apple Valley, Utah 84737
Phone 435-877-1190
Fax 435-877-1192



2 WATER METER WITH FIRE FLOW-PROFILE VIEW

SCALE: NONE

NOTE:

1. ALL MATERIALS PER CICWCD ENGINEERING STANDARDS UNLESS OTHERWISE SHOWN

NO.	*	ITEM	DESCRIPTION
A		MANHOLE RING AND COVER (RIBLESS)	D&L A-1180 O.A.E.
B		4' X 8" THICK CONCRETE COLLAR	W/ 40' D#4 BARS & FIBERS
C		3" ASPHALT MAT	
D		8" COMPACTED UNTREATED BASE	
E		GRADE RING(S)	
F		MANHOLE STEP	(M.A. INDUSTRIES INC. O.A.E.)
G		CONCRETE VAULT TOP (6'X 12')	AMCOR UV6127T O.A.E.
H		9" X 18" FOOTING W/ 3-#4 BARS	
I		SUMP	12" X 12" X 12" W/SUMP PUMP & GRATE
J		CONCRETE SUPPORT BLOCKING	
K		6" MIN. FLANGE ADAPTOR	CEMENT LINED
L		x" X 6" FLANGED REDUCER (IF REQ'D)	CEMENT LINED
M		6" FLANGED STEEL SPOOL WITH 2" OUTLET	EPOXY COATED AND LINED
N		2" GATE VALVE WITH 4" NIPPLE	
O		6" GATE VALVE WITH HANDWHEEL	NON-RISING STEM
P		6" SINGLE DETECTOR CHECK VALVE	WATTS SERIES 07F O.A.E.
Q		6" COMPOUND FLOW METER (PURCHASED FROM CITY)	COMPOUND W/ STRAINER
R		6" PRESSURE REDUCING VALVE (IF REQ'D)	
S		6" MIN. D.I. PIPE (TO OUTSIDE OF VAULT)	CEMENT LINED
T		CITY WATER MAIN	
U		GATE VALVE WITH BOX	SEE W1
V		6" FLANGED SPOOL 12" LONG	CEMENT LINED
W		18" DIA. HDPE PIPE	PER PIPE SPEC.
X		RING & LID w/ 2" HOLE	D&L-2241 O.A.E.
Y		30"x30"x8" THICK CONCRETE COLLAR	WATTS ACV 115/6115 O.A.E.

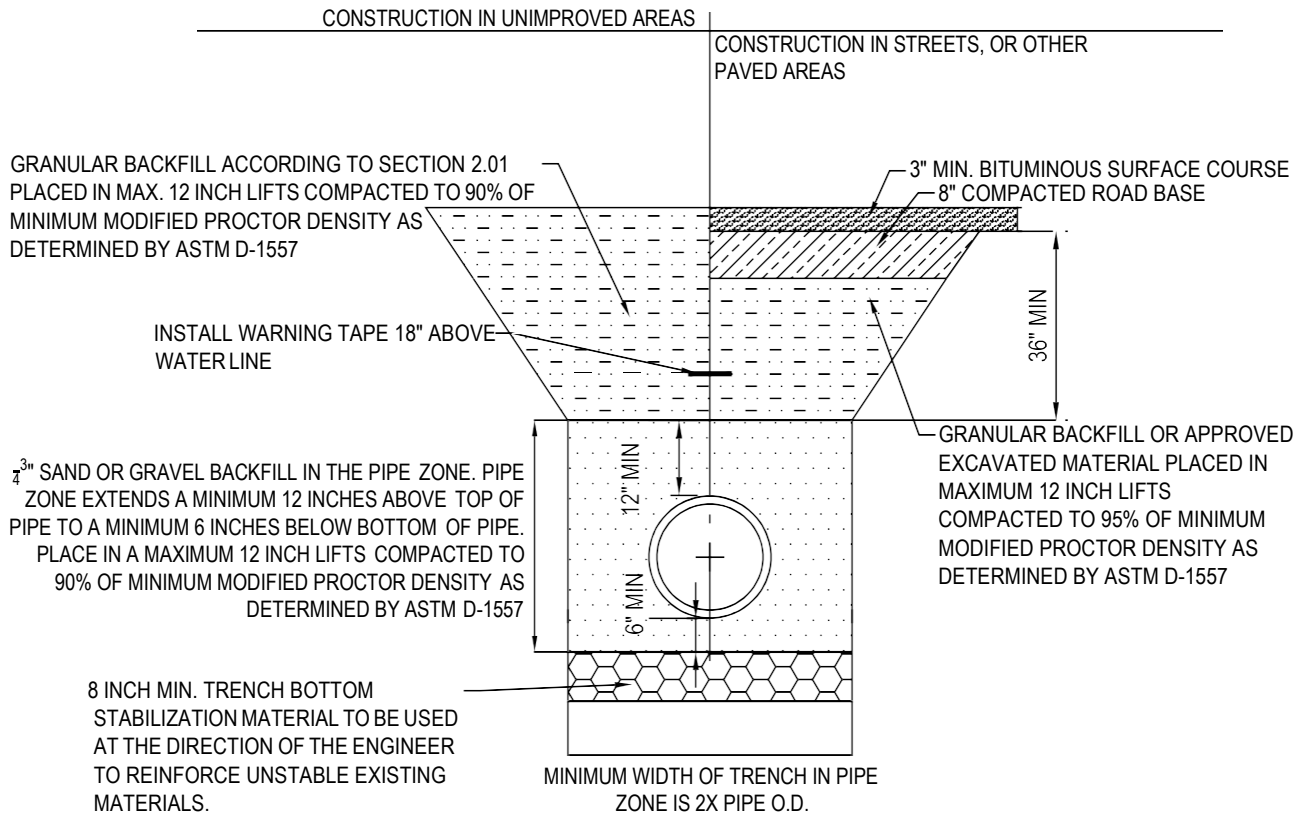
PROJECT # SU1011 DATE 09/22/2017

W-07B

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 WATER METER WITH FIRE FLOW- PROFILE
 WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
 Fax 435-877-1192



1 TRENCH DETAIL

SCALE: NONE

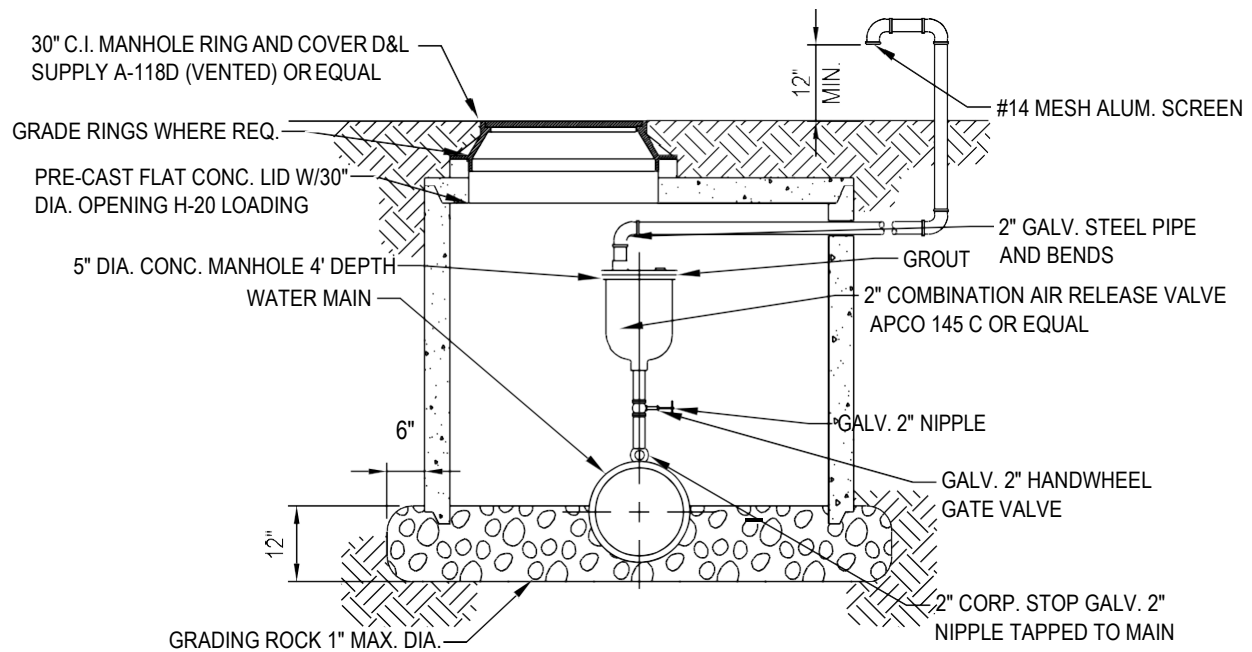
PROJECT # SU1011 DATE 09/22/2017

W-08

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 TRENCH DETAIL
 WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
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1 AIR RELEASE VALVE DETAIL

SCALE: NONE

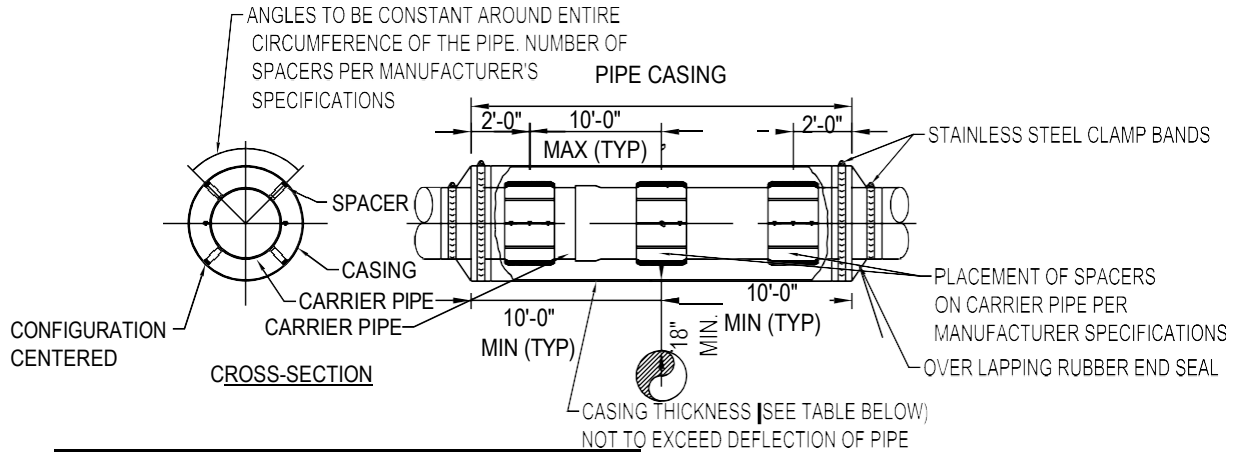
PROJECT # SU1011 DATE 09/22/2017

W-08

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
TRENCH DETAIL
WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
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Phone 435-877-1190
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CARRIER PIPE		
PIPE SIZE	CASING O.D.	THICKNESS *
6"	16"	1/4"
8"	18"	1/4"
10"	20"	5/16"
12"	24"	5/16"
16"	30"	3/8"
18"	30"	3/8"
20"	36"	1/2"
24"	42"	1/2"

- * CASING INSTALLATIONS OVER 25 FEET BELOW FINISH GRADE TO HAVE THICKNESS DETERMINED BY A UTAH LICENSED PROFESSIONAL ENGINEER.
- * CASING INSTALLATIONS UNDER RAILROAD TRACKS TO HAVE THICKNESS DETERMINED BY A UTAH LICENSED PROFESSIONAL ENGINEER AND APPROVED BY UNION PACIFIC RAILROAD.

NOTE:

1. STEEL PIPE CASING SHALL CONFORM TO THE REQUIREMENTS OF ASTM A283, GRADE B, C, OR D. ALL JOINTS SHALL BE WELDED. INTERIOR JOINTS SHALL BE GROUND TO A SMOOTH FINISH. ALL WELDING SHALL BE PERFORMED IN ACCORDANCE WITH AWWA C206, "AWWA STANDARD FOR FIELD WELDING OF STEEL WATER PIPE." COATINGS FOR STEEL CASING ARE NOT REQUIRED.

STEEL PIPE CASING SHALL BE INSTALLED SYMMETRICAL ABOUT WATER MAIN CENTERLINE (TYP).

3. PIPE CASING SHALL BE LAID TRUE TO LINE AND GRADE WITH NO BENDS OR CHANGES IN GRADE FOR THE FULL LENGTH OF THE CASING.
4. AGENCY APPROVED CASING SPACERS AND END SEALS SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. USE A "CENTERED CONFIGURATION AND PROVIDE THE MANUFACTURER WITH THE FOLLOWING: (PIPE O.D., CASING I.D., AND CASING LENGTH).

ALL PIPE JOINTS WITHIN THE CASING ARE TO BE RESTRAINED.

CASING TO BE FILLED WITH SAND OR GROUT AS APPROVED BY AGENCY.

1 CARRIER PIPE DETAIL- CROSS SECTION

SCALE: NONE

PROJECT # SU1011 DATE 09/22/2017

W-08

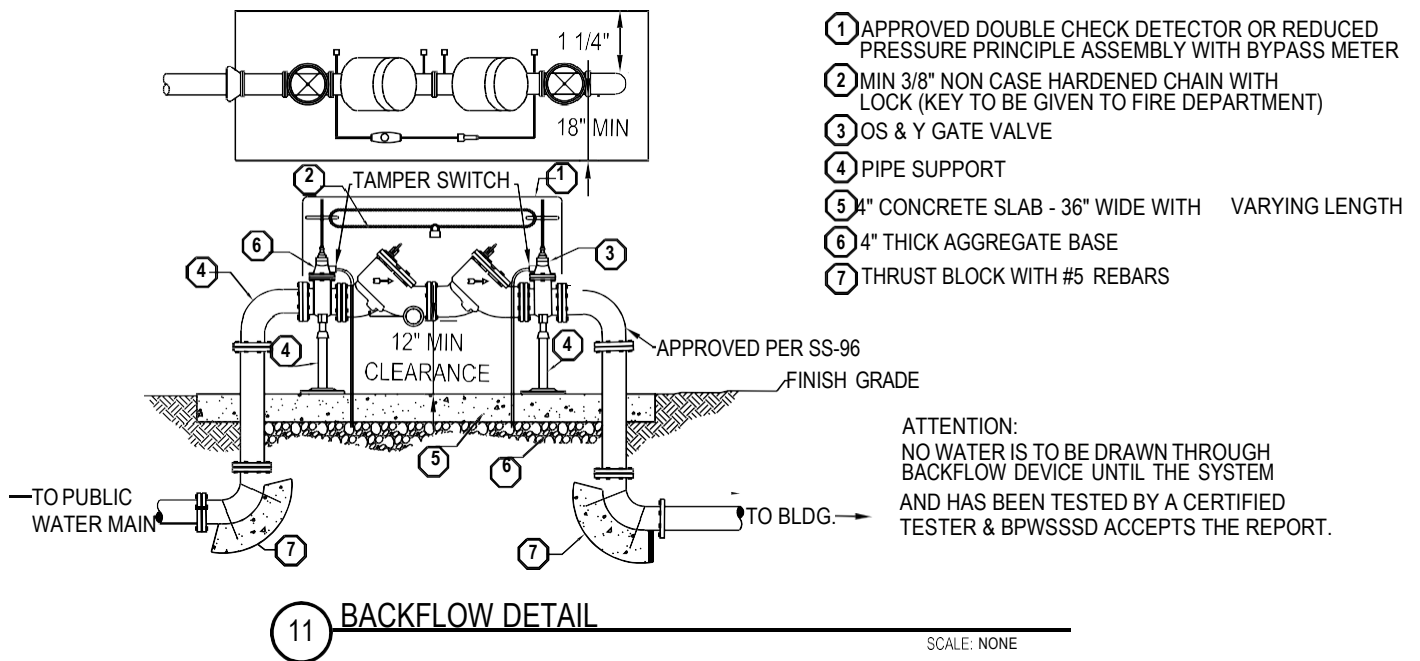
BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 TRENCH DETAIL
 WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
 1777 N. Meadowlark Drive
 Apple Valley, Utah 84737
 Phone 435-877-1190
 Fax 435-877-1192

NOTES:

1. DOUBLE CHECK OR REDUCED PRESSURE PRINCIPLE DETECTOR ASSEMBLY TO BE APPROVED PER BPWSSSD.
2. ALL MATERIALS SHALL BE U.L. - F.M. APPROVED
3. TYPICAL LINE DRAWING. ACTUAL INSTALLATION MAY VARY WITH FIELD CONDITIONS AND FIRE DEPARTMENT REQUIREMENTS.
4. ALL JOINTS BETWEEN MAIN AND DETECTOR CHECK SHALL BE FLANGED CONNECTED.



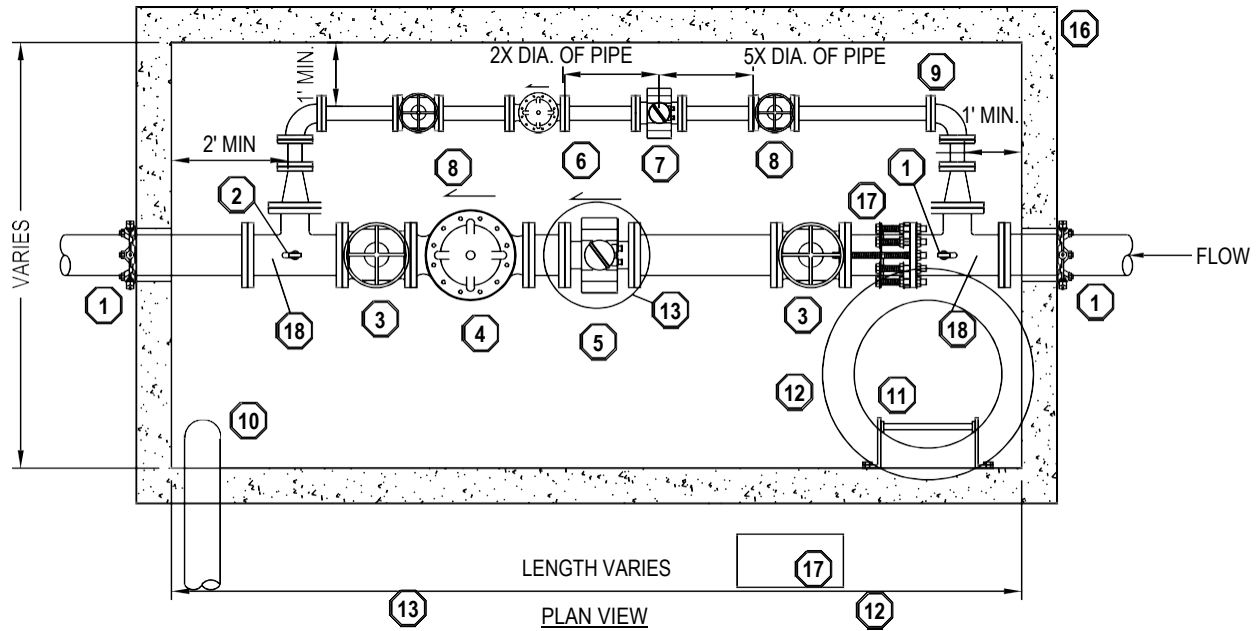
PROJECT # DATE
SU1011 09/22/2017

W-08

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
TRENCH DETAIL
WASHINGTON COUNTY, UTAH



BIG PLAINS WATER & SEWER SSD
1777 N. Meadowlark Drive
Apple Valley, Utah 84737
Phone 435-877-1190
Fax 435-877-1192



LEGEND		
NO.	ITEM	QUANTITY
1	MECHANICAL JOINT RESTRAINT (MEGALUG O.A.E) INSTALLED FLUSH AGAINST VAULT	2
2	PRESSURE GUAGE AND HOSE BIB SEE DETAIL A	2
3	GATE VALVE (MUELLER RESILIENT O.A.E)	2
4	CHECK VALVE OR CHECKING PRV (APCO O.A.E OR CLA-VAL #93-01-BCSDKC)	1
5	MAGMETER (ENDRESS HAUSER O.A.E) W/ REMOTE MOUNT	1
6	BYPASS CHECK VALVE OR CHECKING PRV (APCO O.A.E OR CLA-VAL #93-01-ASCDKC)	1
7	BYPASS MAGMETER (ENDRESS HAUSER O.A.E) W/ REMOTE MOUNT	1
8	BYPASS GATE VALVE (MUELLER RESILIENT O.A.E)	1
9	FLANGED BYPASS MAXIMUM OF 2 SIZES SMALLER THAN MAIN	1
10	GALVANIZED STEEL/HDPE LADDER (RUNGS SPACED 9" APART O.C.)	1
11	30" MANHOLE ACCESS (D&L A-1180 COVER O.A.E)	1
12	RING & LID (D&L-2241 O.A.E.)	1
13	PIPE SUPPORT (TYP.)	3
14	12" x 12" x 2" CONCRETE BLOCK (TYP.)	3
15	ENGINEERED PRECAST CONCRETE VAULT, SIZE TO BE DETERMINED BY BPWSSSD	1
16	RTU PEDESTAL SEE DETAIL D	1
17	TIE ROD STYLE DISMANTLING JOINT (ROMAC DJ400 O.A.E.)	1
18	THREADED SUBMERSIBLE TRANSDUCER 0-150 PSI RANGE (KPSI O.A.E)	2

1 PIPE FIXTURES: PLAN VIEW

SCALE: NONE

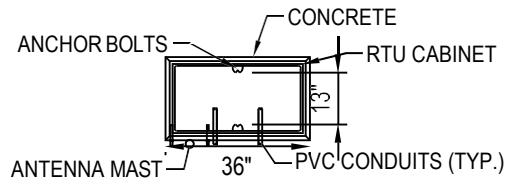
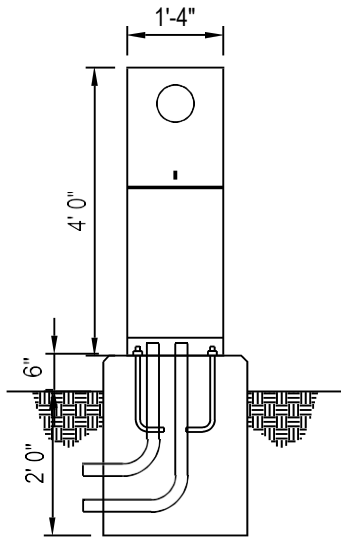
PROJECT # SU1011 DATE 09/22/2017

W-08

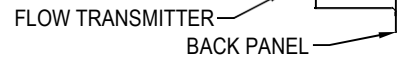
BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 TRENCH DETAIL
 WASHINGTON COUNTY, UTAH



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 Apple Valley, Utah 84737
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**RTU PEDESTAL PLAN VIEW****ELECTRICAL SERVICE PEDESTAL ELEVATION**

1/16" THICK ALUMINUM
FABRICATED BRACKET TO
LOCATE FLOW TRANSMITTER
INDICATOR 1/2" BEHIND WINDOW
IN DOOR

**FLOW TRANSMITTER MOUNTING DETAIL PLAN VIEW**

1 ASSORTED DETAILS

SCALE: 1

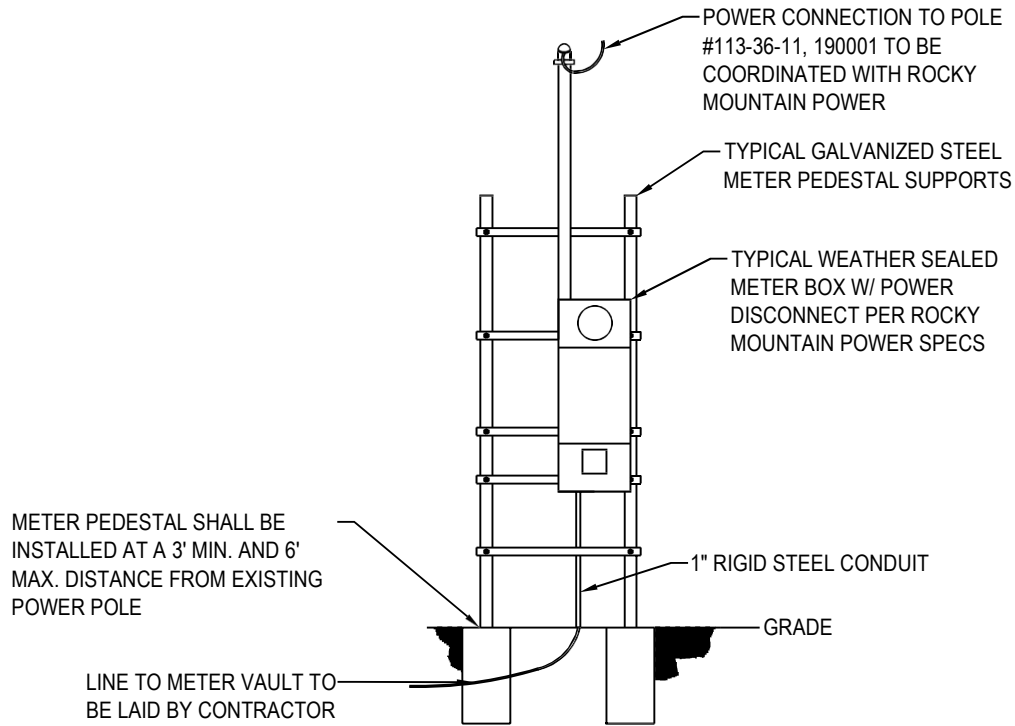
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1 METER PEDESTAL FOR RISER CONNECTION

SCALE: NONE

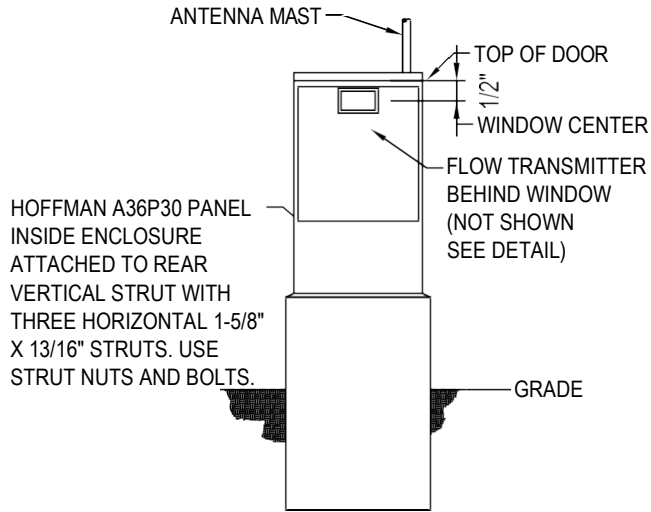
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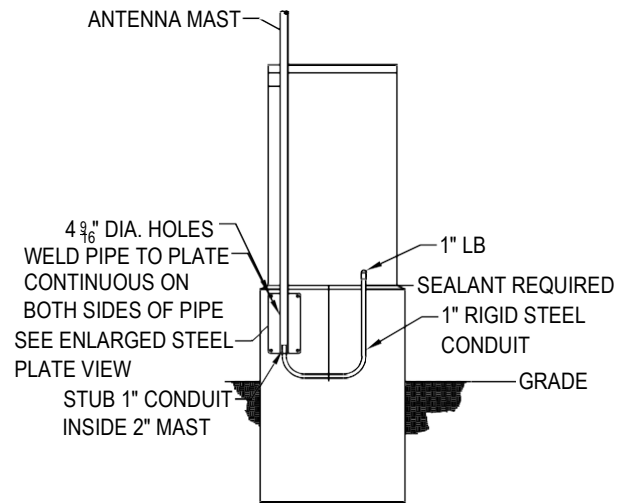
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RTU PEDESTAL FRONT ELEVATION



RTU PEDESTAL BACK ELEVATION

1 RTU PEDESTAL ELEVATIONS- FRONT AND BACK

SCALE: NONE

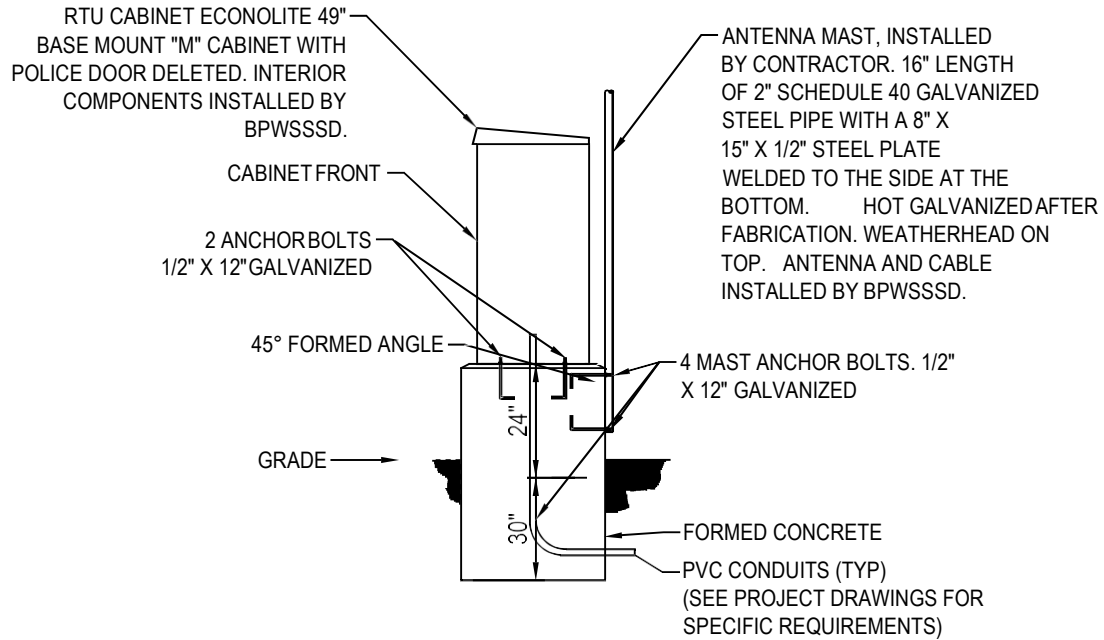
PROJECT # SU1011 DATE 09/22/2017

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1 RTU PEDESTAL SIDE ELEVATION

SCALE: NONE

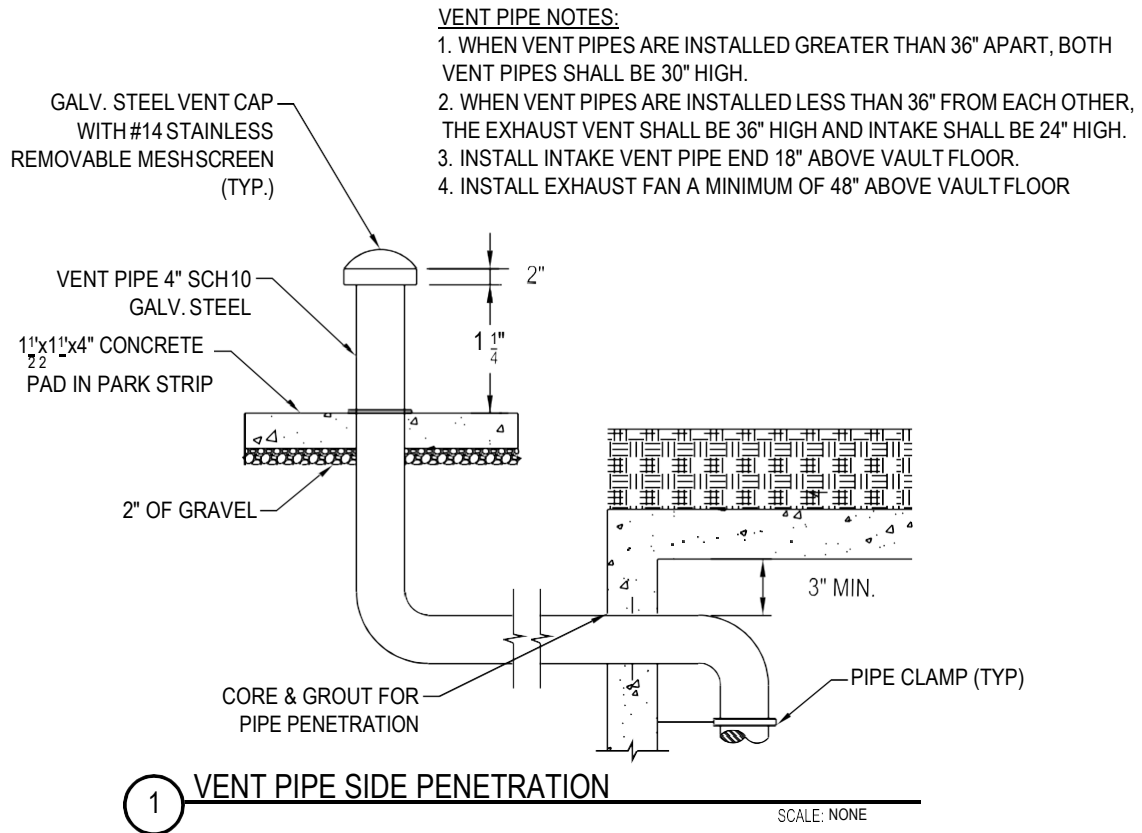
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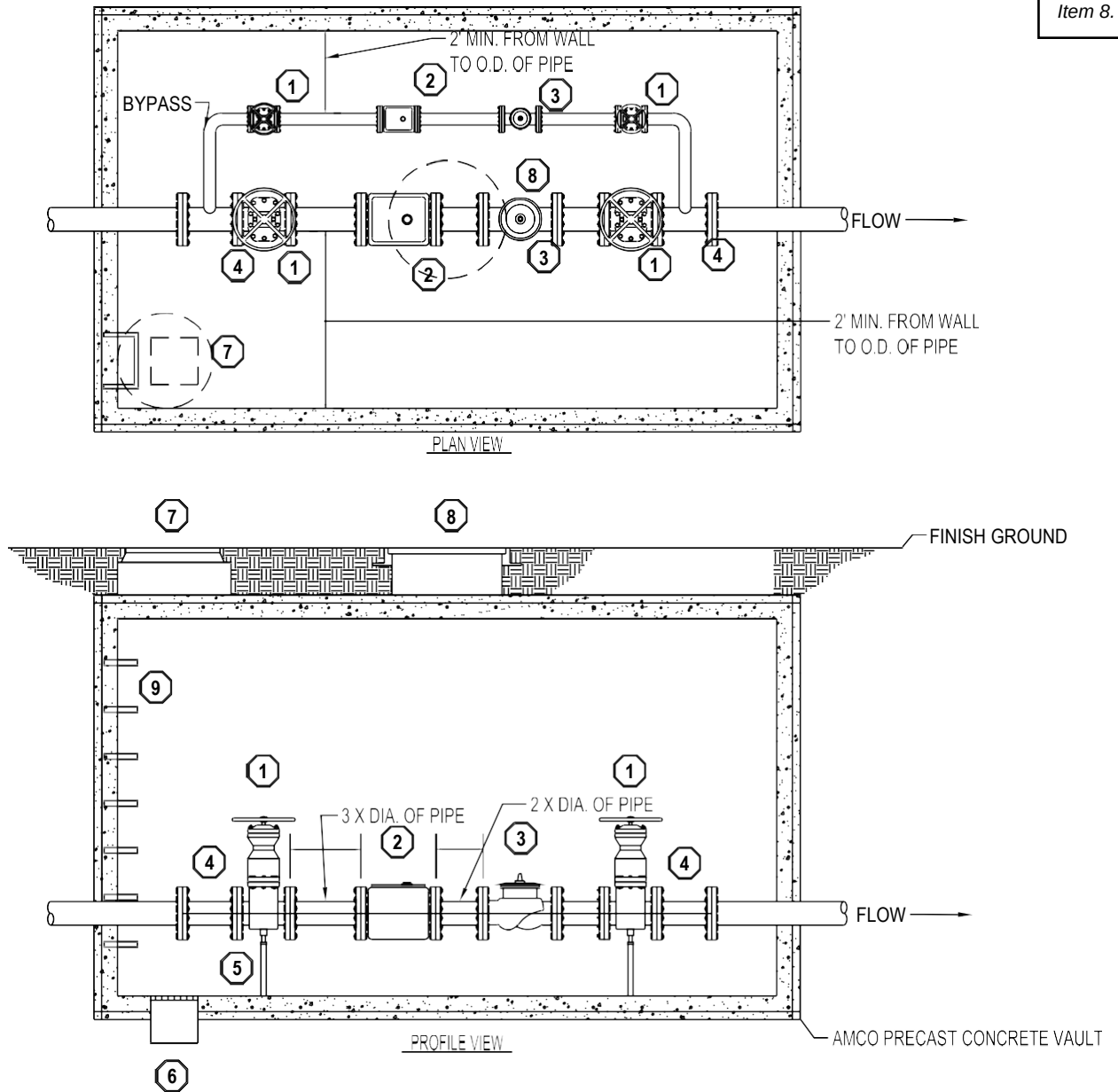
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LEGEND	
NO	ITEM
1	GATE VALVE [MULLER RESILIENT SEAT OR APPROVED EQUAL]
2	MAGMETER [ENDRESS HAUSER OR APPROVED EQUAL]
3	CHECK VALVE [APCO OR APPROVED EQUAL]
4	TEE
5	PIPE SUPPORTS
6	12" X 12" X 12" SUMP W/PUMP & GRATE
7	24" MIN. MANHOLE ACCESS W/ CAST IRON LID
8	24" TO 38" SECONDARY MAINTENANCE ACCESS [D&L 1426 COVER OR APPROVED EQUAL]
9	GALVANIZED STEEL/HDPE LADDER [RUNGS SPACED 9" APART O.C.]

NOTE:

- CHECK VALVE MAY BE REPLACED BY CHECKING PRV IF NECESSARY.
- LINE IN VAULT MAY BE REDUCED TO DECREASE THE SIZE OF METER AS APPROVED BPWSSSD.
- A MINIMUM OF (3) PIPE SUPPORTS TO BE PLACED UNDER MAIN AND BYPASS LINES
- BYPASS SHALL BE A MAXIMUM OF 2 SIZES SMALLER THAN MAINLINE UNLESS APPROVED BY BPWSSSD

1 PIPE FIXTURES: PLAN & PROFILE VIEW

SCALE: NONE

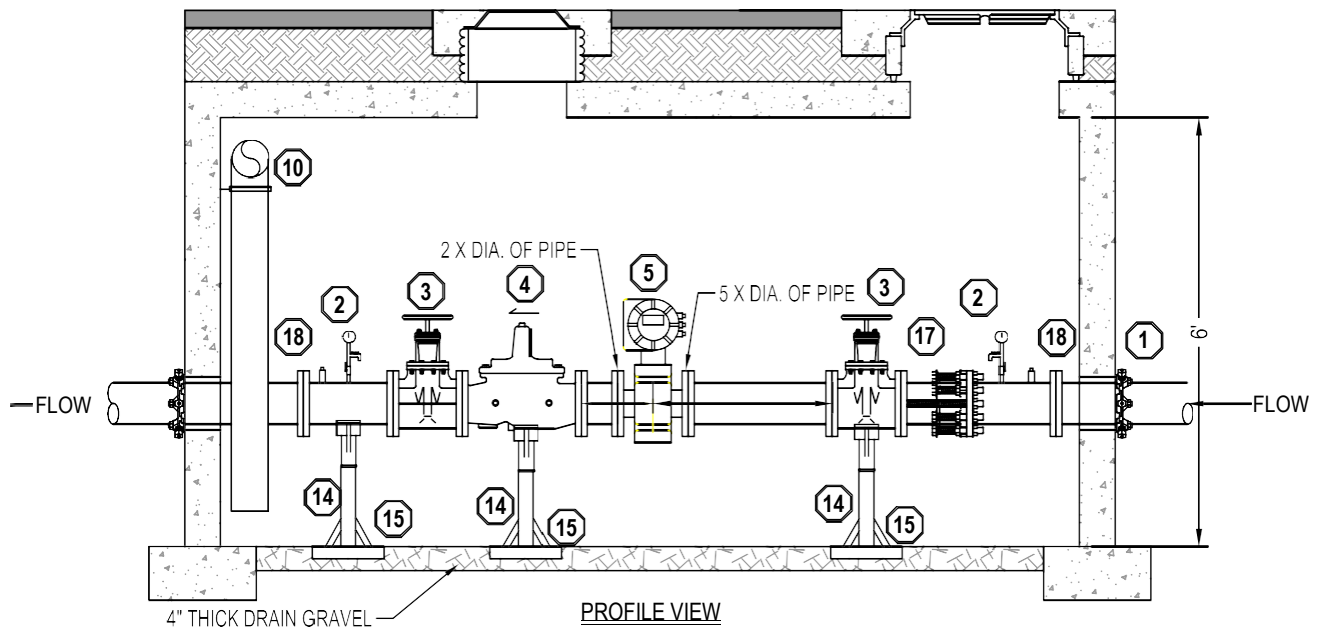
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LEGEND		
NO.	ITEM	QUANTITY
(1)	MECHANICAL JOINT RESTRAINT (MEGALUG O.A.E) INSTALLED FLUSH AGAINST VAULT	2
(2)	PRESSURE GUAGE AND HOSE BIB SEE DETAIL A	2
(3)	GATE VALVE (MUELLER RESILIENT O.A.E)	2
(4)	CHECK VALVE OR CHECKING PRV (APCO O.A.E OR CLA-VAL #93-01-BCSDKC)	1
(5)	MAGMETER (ENDRESS HAUSER O.A.E) W/ REMOTE MOUNT	1
(6)	BYPASS CHECK VALVE OR CHECKING PRV (APCO O.A.E OR CLA-VAL #93-01-ASCDKC)	1
(7)	BYPASS MAGMETER (ENDRESS HAUSER O.A.E) W/ REMOTE MOUNT	1
(8)	BYPASS GATE VALVE (MUELLER RESILIENT O.A.E)	1
(9)	FLANGED BYPASS MAXIMUN OF 2 SIZES SMALLER THAN MAIN	1
(10)	GALVANIZED STEEL/HDPE LADDER (RUNGS SPACED 9" APART O.C.)	1
(11)	30" MANHOLE ACCESS (D&L A-1180 COVER O.A.E)	1
(12)	RING & LID (D&L-2241 O.A.E.)	1
(13)	PIPE SUPPORT (TYP.)	3
(14)	12" x 12" x 2" CONCRETE BLOCK (TYP.)	3
(15)	ENGINEERED PRECAST CONCRETE VAULT, SIZE TO BE DETERMINED BY BPWSSSD	1
(16)	RTU PEDESTAL SEE DETAIL D	1
(17)	TIE ROD STYLE DISMANTLING JOINT (ROMAC DJ400 O.A.E.)	1
(18)	THREADED SUBMERSIBLE TRANSDUCER 0-150 PSI RANGE (KPSI O.A.E)	2

1 PIPE FIXTURES: PROFILE VIEW

SCALE: NONE

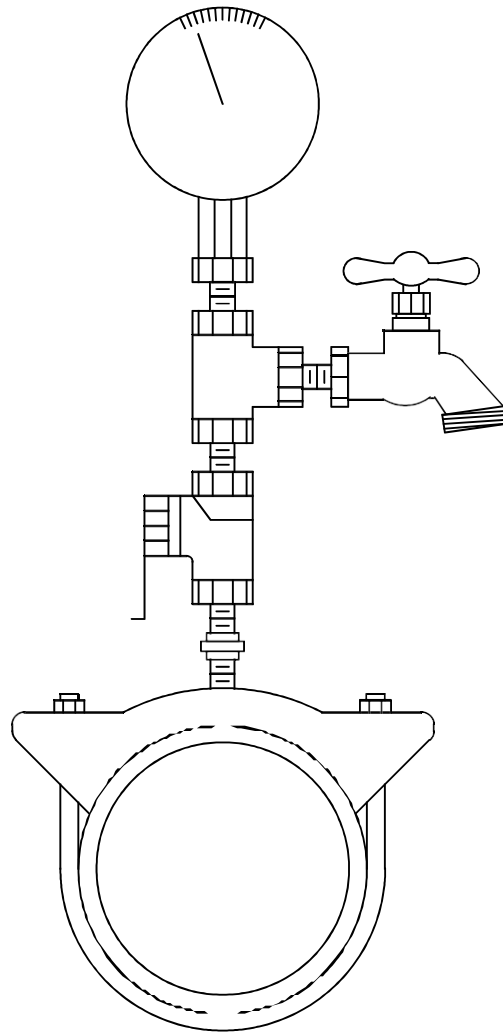
PROJECT # SU1011 DATE 09/22/2017

W-12H

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 PIPE FIXTURES: PROFILE VIEW
 WASHINGTON COUNTY, UTAH



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PRESSURE GAUGE W/ HOSE BIB

PROJECT # DATE
SU1011 09/22/2017

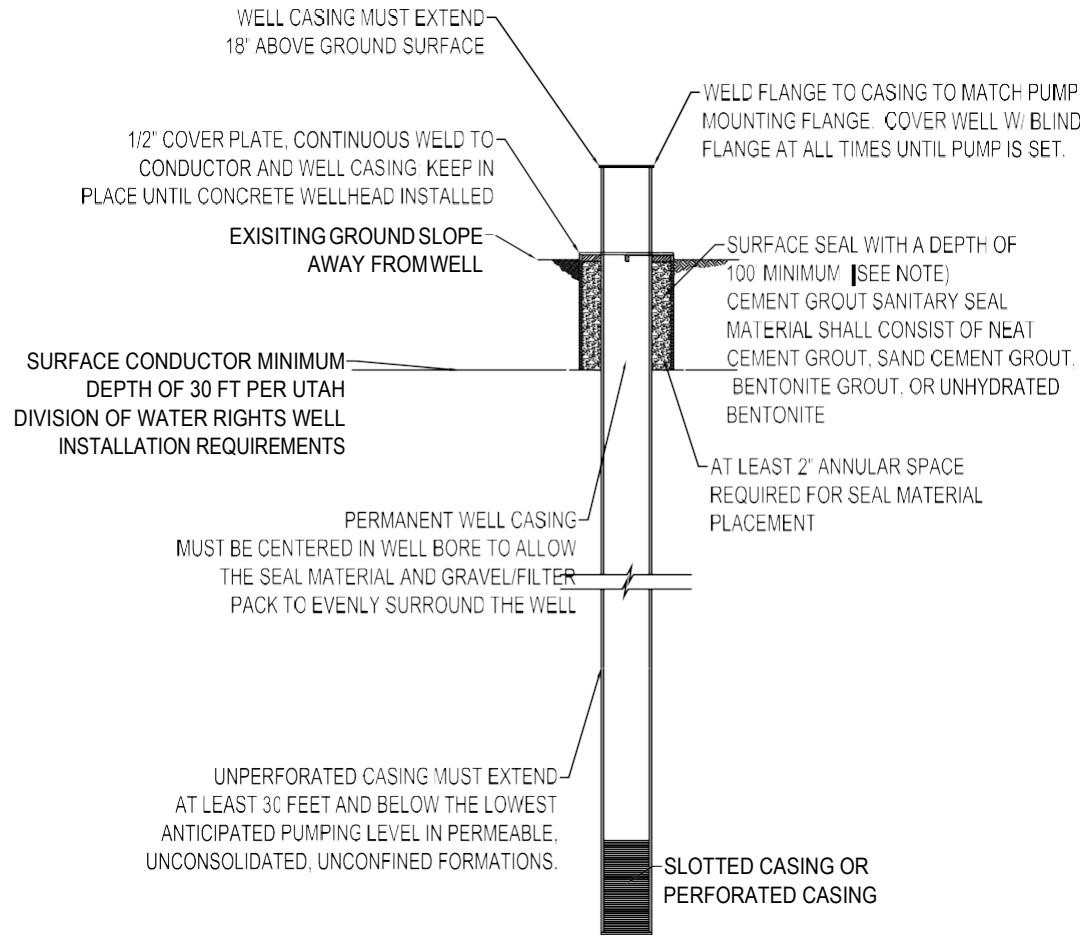
W-12H

**BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS**

PIPE FIXTURES: PROFILE VIEW
WASHINGTON COUNTY, UTAH



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**NOTE**

THE SURFACE SEAL MUST BE PLACED FROM GROUND SURFACE TO A MINIMUM DEPTH OF 30 FEET AND AT LEAST 5 FEET INTO A CONFINING UNIT ABOVE THE WATER PRODUCTION ZONE IN UNCONSOLIDATED FORMATIONS STRATIFIED WITH CLAY, OR AT LEAST 5 FEET INTO COMPETENT CONSOLIDATED FORMATIONS.

1 TYPICAL CABLE TOOL WELL SECTION

SCALE: NONE

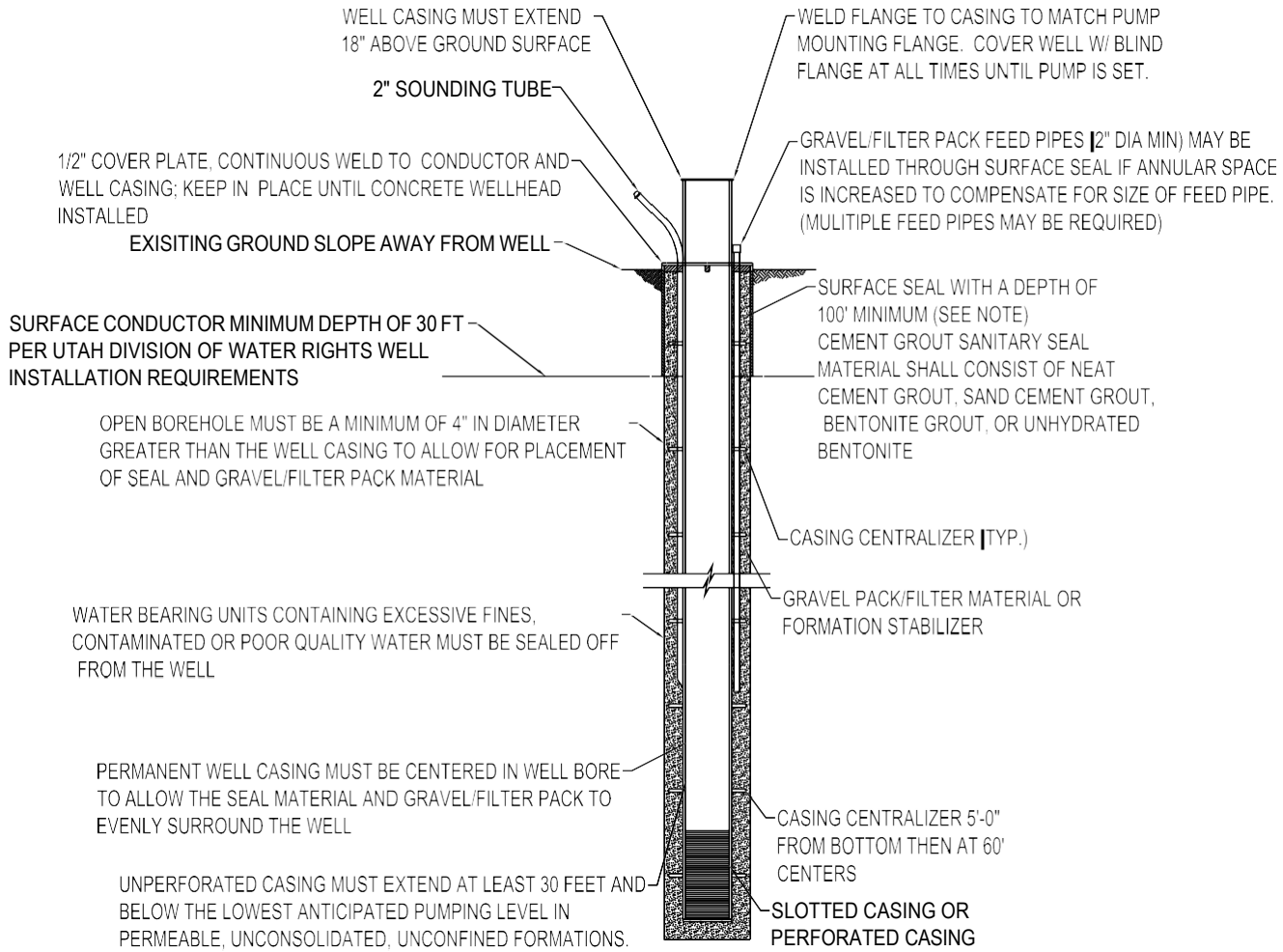
PROJECT # SU1011 DATE 09/22/2017

W-14

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
 TYPICAL CABLE TOOL WELL SECTION
 WASHINGTON COUNTY, UTAH



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**NOTE**

THE SURFACE SEAL MUST BE PLACED FROM GROUND SURFACE TO THE DEEPEST OF THE FOLLOWING OPTIONS AS APPLICABLE:

- 1) A MINIMUM DEPTH OF 100 FEET AND FOR A THICKNESS OF AT LEAST 30 FEET THROUGH A PROTECTIVE CLAY LAYER (R309-600-R(1)(V), R309-204-6(6)(i))
- 2) FROM STATIC WATER LEVEL TO GROUND SURFACE IN UNCONSOLIDATED FORMATIONS (NO CONFINING UNIT);
- 3) AT LEAST 5 FEET INTO A CONFINING UNIT IN CLAY STRATIFIED UNCONSOLIDATED FORMATIONS; AND
- 4) AT LEAST 5 FEET INTO COMPETENT CONSOLIDATED FORMATIONS.

1

TYPICAL SCREENED/GRAVEL PACKED WELL SECTION

SCALE: NONE

PROJECT # DATE
SU1011 09/22/2017

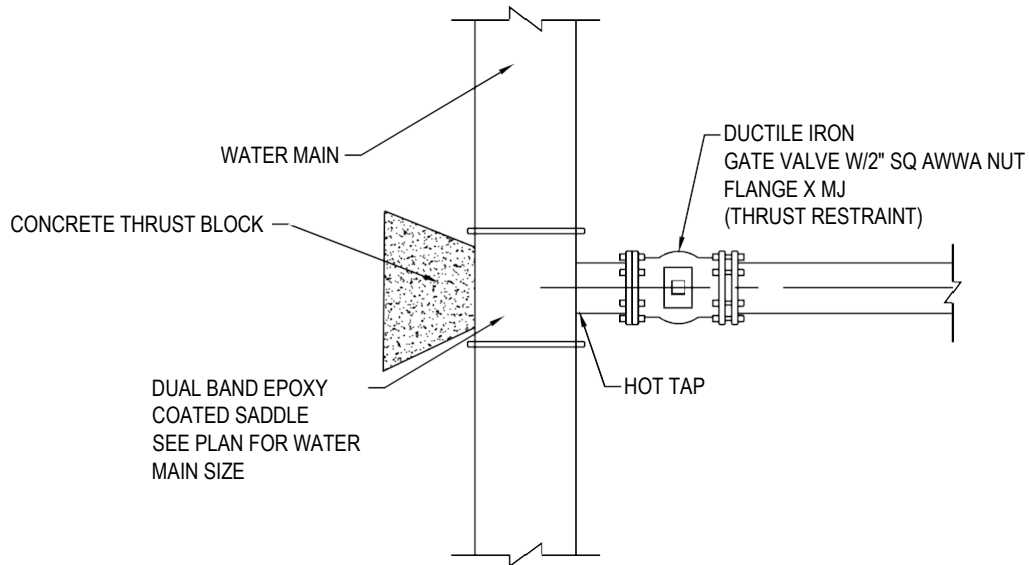
W-14

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS

TYPICAL CABLE TOOL WELL SECTION
WASHINGTON COUNTY, UTAH

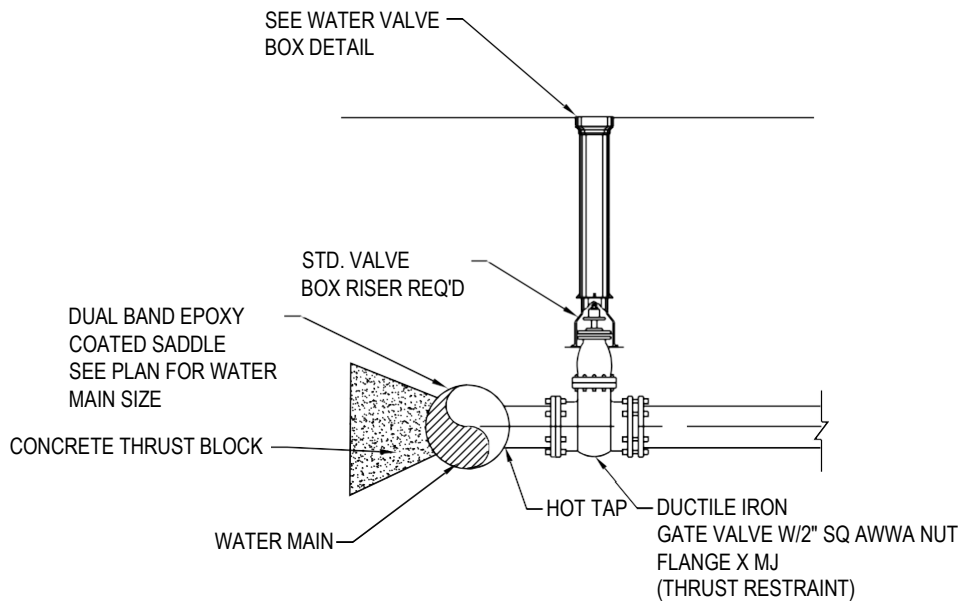


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1 HOT TAP PLAN VIEW

SCALE: NONE



2 HOT TAP SECTION VIEW

SCALE: NONE

PROJECT # SU1011 DATE 09/22/2017

W-14

BIG PLAINS WATER & SEWER SSD
STANDARD DETAILS
TYPICAL CABLE TOOL WELL SECTION
WASHINGTON COUNTY, UTAH



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CHAPTER 17

17.0 PENALTIES AND VIOLATIONS

Notwithstanding individual penalties stated elsewhere in this policy, the following policy shall apply to this entire manual as follows:

17.1 A maximum criminal penalty for the violation of any policy may be imposed a fine not to exceed the maximum class B misdemeanor or fine under Utah Code Annotated Section 76-3-301 or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.

17.2 Terms of imprisonment: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

1. In the case of a class B misdemeanor, for a term not exceeding six (6) months:
2. In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.

17.3 Infractions:

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.
2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

17.4 Fines: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:

1. Class B Misdemeanor: One thousand dollars (\$1,000.00) when the conviction is of a class B misdemeanor conviction; and
2. Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750) when the conviction is of a class C misdemeanor conviction or infraction conviction.

17.5 Fines of Corporations: The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this policy for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:

1. Class B Misdemeanor: Five thousand dollars (\$5,000.00) when the conviction is for a class B misdemeanor conviction: and
2. Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00) when the conviction is for a class C misdemeanor conviction or for an infraction conviction.

17.6 Continuing Violation: In all instances where the violation of this policy is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

Appendix A-1 SCHEDULE OF WATER RATES, FEES, AND CHARGES

RESIDENTIAL

Residential Standby Fee: \$49/per month

Residential Base Fee: \$49/per month for water availability

Residential Usage Fees:

Gallons Used	Charge/1,000 gal.	Total
0 – base/standby		\$ 49.00
0-5,000	\$ 1.50	Calculated based on usage
5,001-12,000	\$ 1.75	" "
12,001-25,000	\$ 2.00	" "
25,001-35,000	\$ 2.25	" "
35,001-45,000	\$ 2.50	" "
45,001+	\$ 2.75	" "

Residential Impact Fee (¾ in Connection): \$12,000

Connection Fee Deposit by Meter Size

3/4-inch Connection: \$1,600

1-inch Connection Fee: \$1,900

1.5-inch Connection Fee: \$2,900

2 inch or Larger Connection Fee: Quoted Upon Request

Actual cost of the connection depending on the size of meter required.

One (1) acre foot of municipal category water rights must be deeded to the District.

COMMERCIAL

Commercial 1-inch meter base/standby rate: \$76 per month

Commercial 1.5-inch meter base/standby rate: \$94.62 per month

Commercial 2-inch meter base/standby rate: \$135.17 per month

Commercial 3-inch meter base/standby rate: \$368.34 per month

Commercial 4-inch meter base/standby rate: \$827.93 per month

Commercial Usage Fees: \$1.50 per 1,000 Gallons

Commercial Impact Fee: (Based on connection diameter – see table below. Appropriate acre feet of water of municipal category water rights must be provided.)

Connection Diameter (in)	ERC's	Impact Fee Amount
3/4	1	\$12,000.00
1	3	\$15,000.00
1.5	5	\$21,000.00
2	8	\$27,000.00
3	10	\$39,000.00

Commercial Retail Connection Fee: Actual cost of the connection depending of the size of meter required

BULK METER

Bulk Meter Usage Fees: \$49.00 meter fee for each usage up to five days, with a \$5.00 charge for each additional day the meter is out.

A \$1,000 meter deposit is required.
The water usage cost is \$4.00/1,000 gallons used.
The meter must be read at least every 30 days.

There will be a \$250 additional charge for late (greater than 5 days and 30 days) meter readings.

COST OF SERVICES

Application Processing Fee	\$125
Well Permit Fee	\$250
District Plan Review Fee	2% of main line construction cost
Engineering	Actual Cost \$110/Hour
Inspections	\$60/Hour
Will Serve Letters	\$75
Call-Outs	\$60 First Hour Minimum/\$80 Additional Hours
Equipment	Actual Cost
Late Notice Fee	\$5
Service Restoration Fee	\$50
Interest Charges	5%/Month



Town of Apple Valley

1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F:
 435.877.1192
 www.applevalleyut.gov

Parcel ID# _____

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, _____ am/are the applicant(s) of the
 application known as _____
 located on parcel(s) _____ within the
 Town of Apple Valley, Washington County, Utah.

By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, subdivision, or development for which this application is being submitted; and
2. Prior to receiving approval for the application, the applicant shall be required by the Town of Apple Valley to provide a preliminary Will Serve letter from the Big Plains Water Special Service District ("District") which verifies the conditions required to provide services to the project, subdivision or development; and
3. The applicant assumes the entire risk of water availability for the project, subdivision or development and/or application.

Signature(s):

 Name Applicant/Owner Date

 Name Applicant/Owner Date

 Name Applicant/Owner Date

State of _____)

)§

County of _____)

On this _____ day of _____, in the year 20____, before me,

_____ a notary public, personally appeared

_____, proved on the basis of satisfactory evidence
 to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged
 (he/she/they) executed the same.

Witness my hand and official seal. _____

(notary signature)

(seal)