
Summit County Service Area #3
Constituent Workshop
August 20, 2024, 5:30 P.M. Mountain Time
Sheldon Richins Building - Auditorium
1885 W. Ute Boulevard
Park City, UT 84098
(435) 649-7949 (Service Area #3 office)
Please silence all electronic devices

Topic	Time	Presenter(s)
1. Welcome and introductions: a. Heather Anderson, Meeting Moderator, Utah Association of Special Districts b. LeGrand Bitter, Executive Director, Utah Association of Special Districts c. Ryan Broadbent, Regional State Engineer for Weber River/ Western Region d. Nathan Bracken, Service Area 3 Legal Counsel	5:30 pm	Heather Anderson
2. Special Districts and their Authority as Applied to Fees	5:40 pm	LeGrand Bitner
3. Overview of State Engineer Authority, Water Rights in Utah, and the Snyderville Basin	6:10 pm	Ryan Broadbent
4. Overview of Service Area Water Rights and Regulations	6:40 pm	Nathan Bracken
5. Question and Answer	7:10 pm	Heather Anderson
6. Finalization of Questions to be Submitted to State Auditor	7:40 pm	Heather Anderson

Public Outreach Workshop

Division of Water Rights

August 20, 2024



Ryan Broadbent | Regional Engineer - Weber River/West Desert
Division of Water Rights

Agenda

- Review of Water Rights and Exchanges
- State Engineers authority from Statute
- Sample Exchange E2451 (35-9116)
- Points of Diversion/Exchange
- Right to divert water
- Snyderville Basin Groundwater Management Plan

Elements of a Water Right

- Ownership
- Priority Date
- Point(s) of Diversion
- Quantity (Flow or Volume)
- Nature of Use
 - Irrigation, Domestic, Stock, municipal, etc.
- Amount of Use
- Period of Use
- Place of Use
- Storage

Elements of an Exchange

- Ownership
- Priority Date
- Point(s) of Exchange
- Quantity (Flow or Volume)
- Basis of Exchange
 - Point(s) of Release
- Nature of Use
 - Irrigation, Domestic, Stock, Municipal, etc.
- Amount of Use
- Period of Use
- Place of Use
- Storage

State Engineer's Authority

- Defined by Title 73 of the Utah Code
- 73-2-1.3a The State Engineer shall be responsible for the general administrative supervision of the waters of the state and the measurement, appropriation, apportionment, and distribution of those waters.
- 73-5-4. Controlling works and measuring devices.
 - Also required by the Snyderville Basin Groundwater Management Plan
- 73-5-8. Audits -- Reports by users to engineer.



Water Right Exchange Sample E2451 (35-9116)

Exchange: E2451 (35-9116)

Base Water Right Number: 35-8428

Home Display	Scanned Documents	Print	View Map
Owners			
Name: Summit County Service Area No. 3		Phone: (435) 649-7949	
Address: 629 Parkway Dr Park City, UT 84098		E-Mail: gm@scsa3.org	
Remarks:			
General			
Status: Approved		Stock/Contract #:	County Tax ID:
Right Evidenced By: 35-8428, 35-8429 Weber River Decree 428 & 429 (as previously used under E131), rights of which were to be acquired from H.H. Bitner's estate (see explanatory of E131); plus 6.25 of 11 shares of DWCCC as previously used under E119 & E141 (50AF see explanatory, the other 4.75 of 11 shares under E2452)			
Proposed Determination Book: 35-		Map:	
Dates			
Filing:		View More	
Filed: 07/01/1986		Priority: 07/01/1986	
Advertising:			
Protested: Not Protested		Hearing Held:	
Approval:			
State Engineer Action: Approved		Action Date: 07/17/1987	OSE Signed By: BMORGAN
Certification:			
Proof Due Date:		Extension Filed Date:	
Certificate/WUC Date:		Certificate Signed By:	
Lapsed, Etc. Date:		Lapsed Letter Date:	
Wells:			
Provisional Well Date: 07/05/2008		Most Recent Well Renovate/Replace Date: 05/12/2016	



Water Right Exchange Sample E2451 (35-9116) cont.

--- Current Right ---

Current General

Quantity of Water: 220.5 ACFT
 Flow Comments : 3.04 cfs flood and high, and .95 cfs low
 Source: Kimball Creek and East Canyon Creek
 County: Summit

Current Points of Diversion [View Map](#)

Points of Diversion - Surface

(1) [N 700 feet, E 600 feet, from NW corner, Sec 9 T 1S R 4E SLBM](#)

Diverting Works: Source: Kimball Creek
UTM: 457046.813, 4512036.563 (NAD83)

(2) [S 598 feet, W 52 feet, from N4 corner, Sec 10 T 2N R 3E SLBM](#)

Diverting Works: Source: East Canyon Reservoir
UTM: 449528.677, 4530380.705 (NAD83)

Stream Alteration Required:

Current Water Uses [View Map](#)

Other Period of Use: 01/01 - 12/31
 Description: Irrigation, domestic and stockwatering.

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter			
	NW	NE	SW	SE												
Sec 8 T 3S R 4E SLBM						X		X						X		X
Sec 9 T 3S R 4E SLBM	X		X						X		X					
ALL T 3N R 1W SLBM																
ALL T 3N R 2W SLBM																
ALL T 4N R 1W SLBM																
ALL T 4N R 2W SLBM																
ALL T 5N R 1W SLBM																
ALL T 5N R 2W SLBM																
ALL T 6N R 2W SLBM																

Water Right Exchange Sample E2451 (35-9116) cont.

--- Proposed Exchange ---

Proposed General

Quantity of Water: 220.5 ACFT
 From: 01/01 To: 12/31

Flow Comments : 3.01 cfs flood and high and 0.92 low. Acre-foot amounts from Decree Award 35-8428 (approx. 173 AF) and DWCCC shares (approx 50 AF) see information on file Lot # 142 renovated their well at N 250 and W 4750 SE cor Sec 4 per renovate application received on Jun 30, 2006. On October 13, 2011 the division received an abandonment log for the same location as the renovate. The well was not replaced so it appears the applicant has lost the ability to use this location for a future well. Marilyn Klein told me per phone conversation March 16, 2011 that the service area told them they had to abandon the well if they were to hook up to their system. Also, the well on Lot # 137 located at South 1700 West 4850 from the NE of 9 T1S R4E (WIN 438954) has been abandoned. This is the reason why there are only 102 wells listed now, instead of the approved 104 locations per Memorandum Decision dated July 17, 1987. SAS

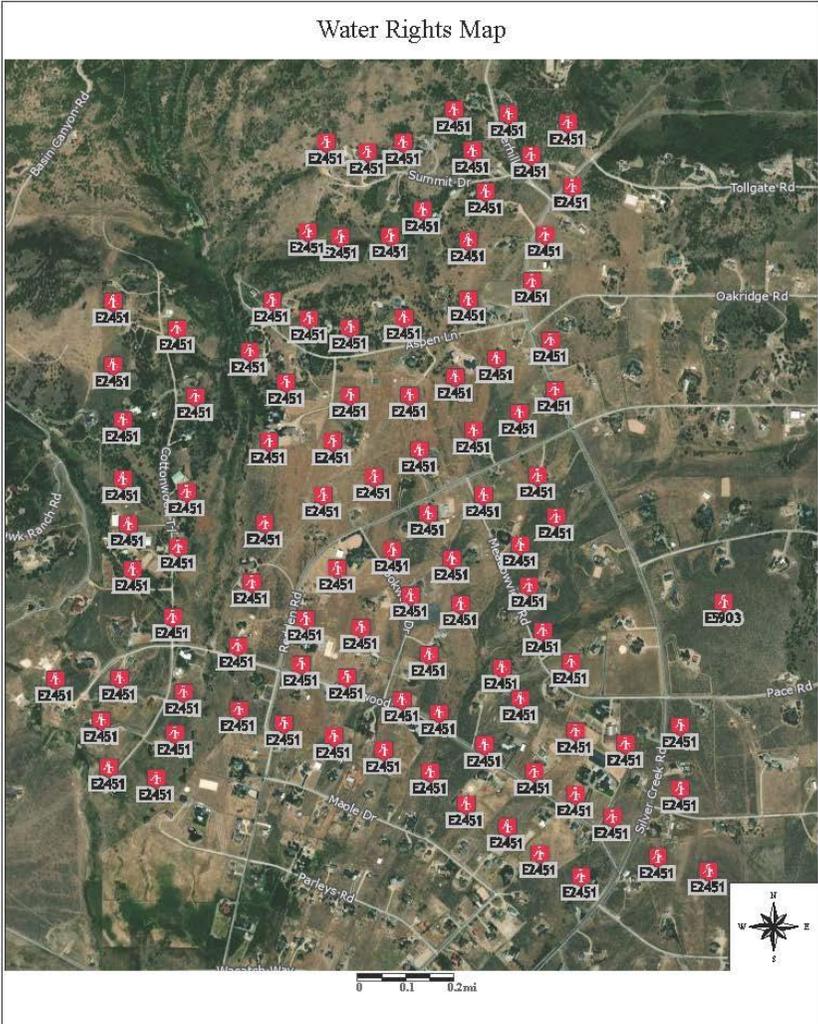
Source: Underground Water Wells
 County: Summit
 Common Description: Silver Creek Estates

Proposed Points of Exchange [View Map](#)

Points of Exchange - Underground

(1) N 700 feet W 2300 feet from SE corner, Sec 33 T 1N R 4E SLBM					
Diameter of Well:	inches	Depth:	to feet	Year Drilled:	Well Log:
Elevation:				UTM: 457986.521, 4513485.302 (NAD83)	Well Id#: 8510
Source/Comment: Lot # 193					
(2) N 800 feet W 1900 feet from SE corner, Sec 33 T 1N R 4E SLBM					
Diameter of Well:	inches	Depth:	to feet	Year Drilled:	Well Log:
Elevation:				UTM: 457986.441, 4513515.782 (NAD83)	Well Id#: 31871
Source/Comment: Lot # 194					
(3) N 700 feet W 1150 feet from SE corner, Sec 33 T 1N R 4E SLDM					
Diameter of Well:	4 inches	Depth:	360 to feet	Year Drilled:	Well Log:
Elevation:				1985	UTM: 458217.041, 4513485.302 (NAD83)
Well Id#: 31872					

Water Right Exchange Sample E2451 (35-9116) cont.



Water Right Exchange Sample E2451 (35-9116) cont.

Proposed Points of Release [View Map](#)

Quantity of Water: 220.5 ACF-I

Period of Use: 01/01 To 12/31

*** Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above ***

Proposed Water Uses [View Map](#) [View Use Data](#)

Water Use Group Number: 209785

Water Rights Appurtenant to the following use(s): E2451(APP),

Stock Water-Beneficial Use Amount: 70 ELUs

Group Total: 70

Prd of Use: 01/01-12/31

Domestic-Beneficial Use Amount: 801 EDUs

Group Total: 801

Prd of Use: 01/01-12/31

Other: Fire protection, recreation, commercial, light industry, schools and churches.

Prd of Use: 01/01-12/31

Acre Feet Contributed by this Right for this Use: 0

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter				Section Totals
	NW	NE	SW	SE													
Sec 32 T 30 N R 4E S18W											X	X			X	X	
Sec 34 T 30 N R 4E S18W											X						
Sec 1 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 4 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 8 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 9 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 10 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 15 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 16 T 15 R 4E S18W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Group Acreage Total:																	

Proposed Use Totals

Use Type	Sole Supply Total	Group Total
Stock Water sole-supply total:	70 ELUs	70 ELUs
Domestic sole-supply total:	801 EDUs	801 EDUs
Other sole-supply total:	0 acft	-

Right to Divert

- From the Majority of the Points of Exchange (wells) the only entity allowed to divert water is the Owner of the Exchange as listed on the Records of the State Engineer
- Ownership of a well does not grant a right to divert water
- Owner of a Water Right or Exchange can enter into a private contract to allow others to divert portions or all of the owners right according to the terms of the contract and subject to the limits of the right
- State Engineer does not have authority over private contracts.
- Points of Exchange are not exclusive to a single water right or exchange. Lot owner can secure a water right or contract and file a Change Application or Exchange to allow for other water to be diverted from a well on the parcel
- All Changes and Exchanges are subject to the Snyderville Basin Groundwater Management Plan



Changing or Exchanging additional water

- Points of Exchange are not exclusive to a single water right or exchange.
- Lot owner can secure an additional water right or contract and file a Change Application or Exchange to allow for additional diversion
- This is a two step process Ownership of the right or contract is only the first step.
- Owner is responsible to file an application with the State Engineer to change the Point of Diversion or Exchange and the nature and place of use as needed
- All Applications for Change or Exchange are subject to the Snyderville Basin Groundwater Management plan



Snyderville Basin Groundwater Management Plan, 9/9/19

Review the entire plan on our website:

www.waterrights.utah.gov/groundwater/ManagementReports/Snyderville/Snyderville_GWMP.pdf

Key points from the Groundwater Management Plan:

- Basin remains closed to all new appropriations, surface or groundwater
- Change/Exchange of existing rights in the basin will be considered
- Change/Exchange of water from outside the basin, Not Approved
- Change/Exchange to import water will be considered
- Change/Exchange from Silver Creek to East Canyon, Not Approved*
- Change/Exchange from East Canyon to Lower Silver Creek will be considered if groundwater system support can be demonstrated
- Change/Exchange from East Canyon to Upper Silver Creek, Not Approved
- All Applicants shall install controlling works and measurement per Utah Code 73-5-15

*unless applicant can demonstrate the hydrologic system is not adversely affected



Basin Map from Groundwater Management Plan

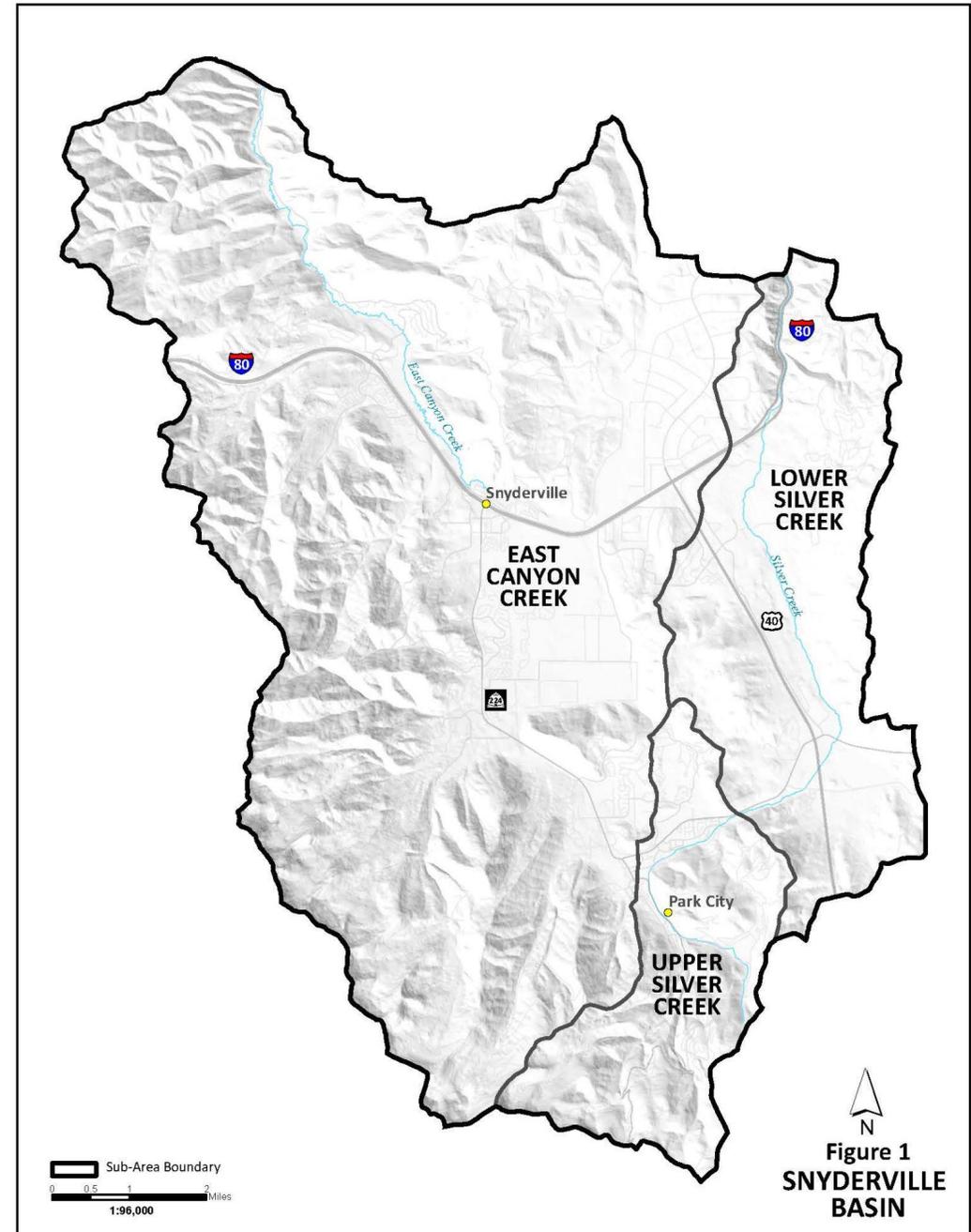


Figure 1
SNYDERVILLE
BASIN

SCSA3 Water Rights and Regulations



Nathan S. Bracken
August 20, 2024

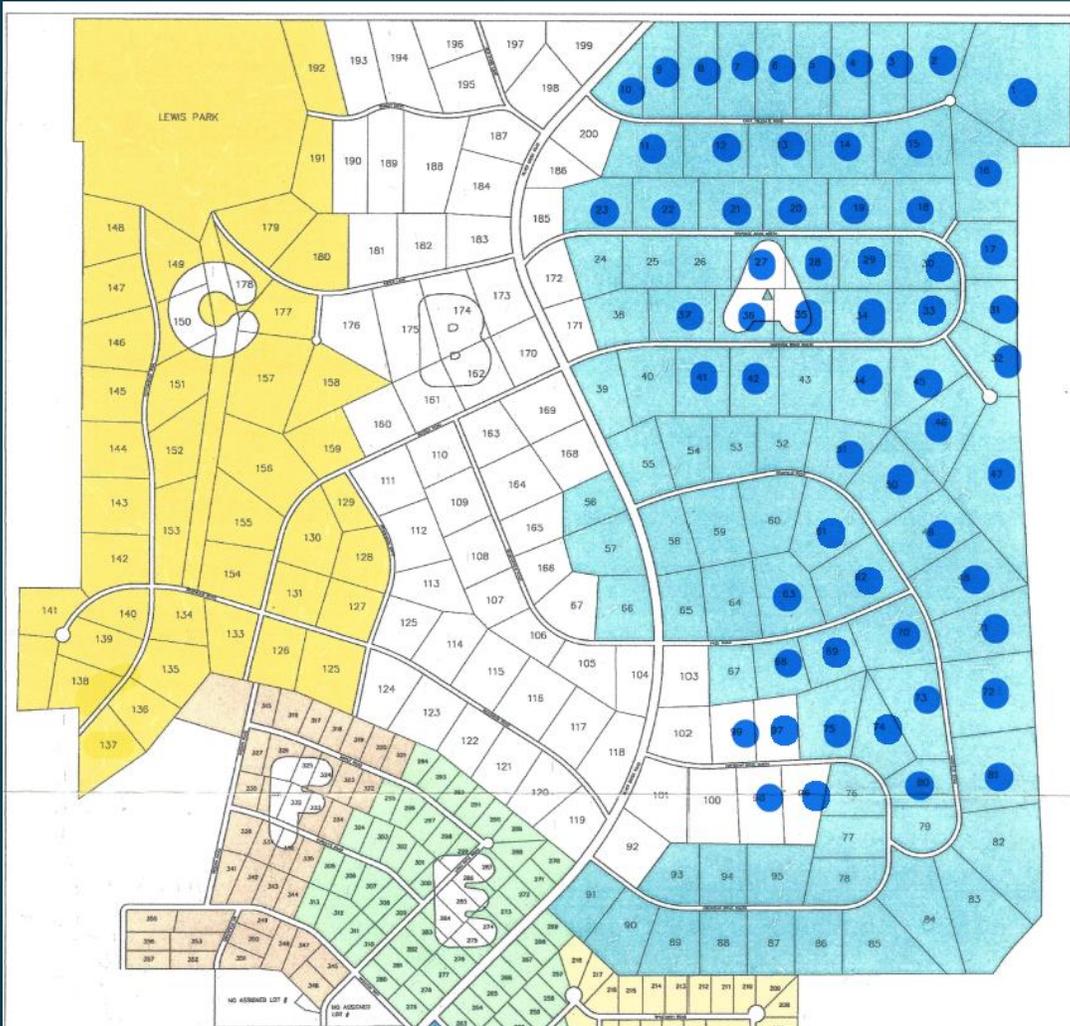
SCSA3 Water Rights

- ▶ SCSA3's water rights authorize the diversion of up to 401.02 acre-feet
- ▶ Most were first approved in the 1960s
 - ▶ Some would not be approved now (e.g., water right #35-9116)
- ▶ There are approximately “wet” 500 lots in SCSA that are entitled to water service
 - ▶ 181 lots in Upper Silver Creek rely on private wells that divert SCSA3 water rights
 - ▶ Around 300 lots (with several caveats) are connected to the SCSA3 system or could connect to the system

SCSA3 Water Rights for Upper Lots

- ▶ Water rights 36-9116 (E2451), 35-13240 (a43507), and 35-13229 (a43506) supply the private wells in the Upper Lots.
 - ▶ These rights are largely based on shares SCSA3 owns in the Davis & Weber Counties Canal Company and Wanship Irrigation Company #2, which were first approved for use in Silver Creek in the 1960s
- ▶ These rights currently do not overlap
 - ▶ Water that isn't used under one water right isn't available to water user serviced by another right

SCSA3 Water Rights For Upper Lots



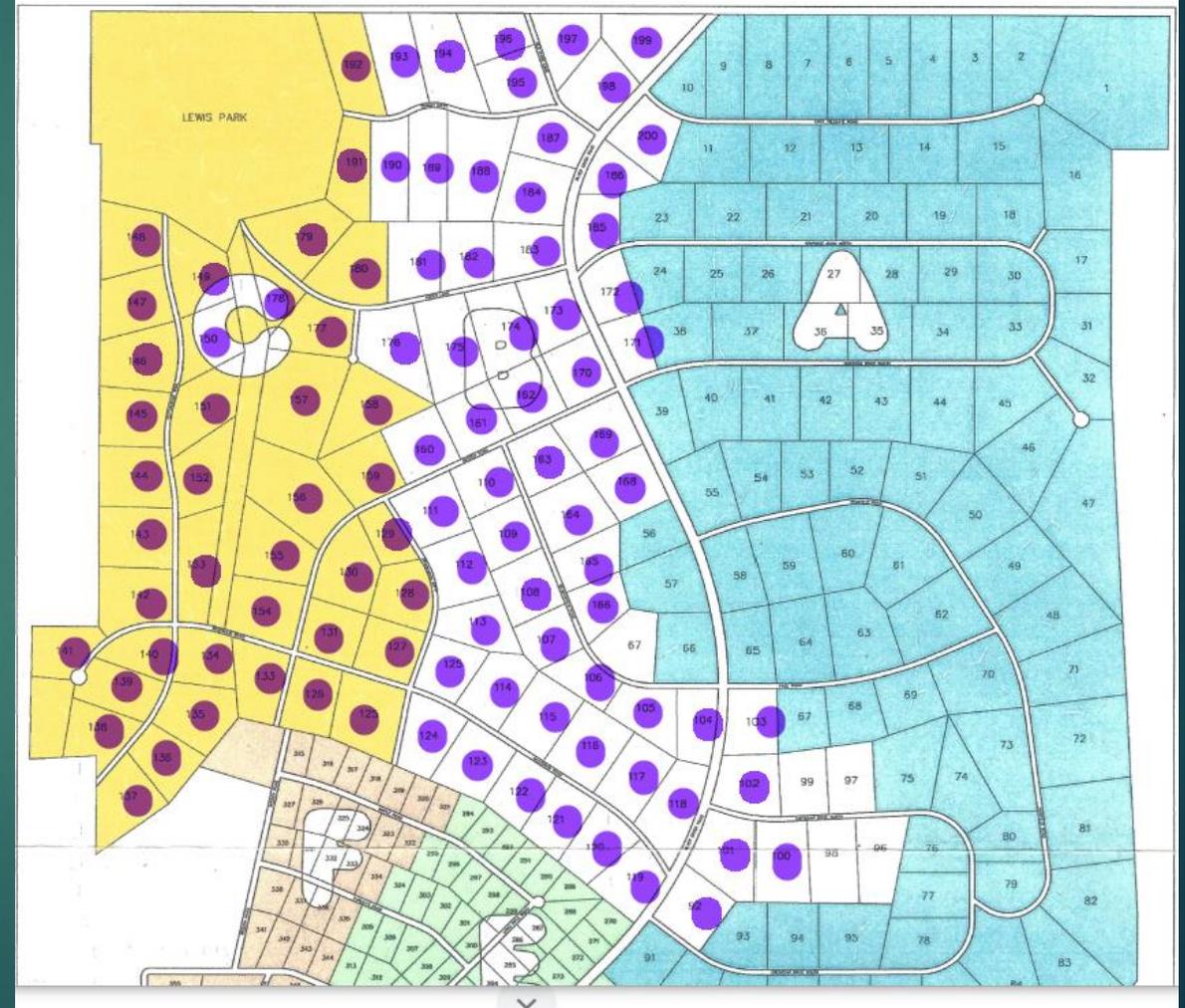
Water Right 35-13240 (a43507)

- ▶ Based on 21 shares in Wanship Irrigation Co. #2
- ▶ Supplies 61 private wells
- ▶ Each share is worth about 2.9 af per an agreement with the Company and cannot be divided further
- ▶ These shares were first approved for use in SCSA3 in 1963 and **would not** be approved now
- ▶ The Company, however, agreed to the current change application subject to certain conditions

SCSA3 Water Rights For Upper Lots

Water Right 35-9116 (E3451)

- ▶ Based on 6.25 shares in Davis & Weber Counties Canal Company and #428 and #429 of the Weber River Decree
 - ▶ Each share is worth 6.0 af but can only be divided into ½ shares worth 3.0 af
- ▶ Supplies 100 private wells and some water to the water system
- ▶ Original exchange application approved in 1960s
- ▶ Current iteration was approved in 1987
- ▶ **Would not** be approved now



SCSA3 Water Rights For Upper Lots



Water Right 35-13229 (a43504)

- ▶ Based on shares in Davis & Weber Counties Canal Company
- ▶ Supplies 21 private wells
- ▶ Each share is worth 6.0 af but can only be divided into 1/2 shares worth 3.0 af

Note on SCSA3 Shares

- ▶ Water shares are not water rights
- ▶ Water shares represent the maximum amount of water that can be diverted and can be used, which can vary year-to-year and change
 - ▶ SCSA3's shares in the Davis & Weber Counties Canal Company were previously worth 8.0 af per share but were devalued, reducing SCSA3's water rights by 22.0 af
 - ▶ This reduction prohibited several homes that were approved to use these shares from drilling wells until new change applications were approved
 - ▶ It took SCSA3 years to acquire additional water rights to replace the 22.0 af, which cost hundreds of thousands of dollars
 - ▶ Replacing this water now would be \$1.3M or more

SCSA3 Water Rights for Lower Lots

- ▶ Water rights 35-9704 (a28335), 35-13599 (a45076), and several smaller water rights supply the water system
- ▶ Water right 35-9116 (E2451), which supplies 100 private wells, also supplies the water system
- ▶ With the exception of water right 35-9116, the water system rights are not authorized for use by the private wells in the Upper lots

CONDITIONS IN SCSA3 WATER RIGHTS

purposes must not exceed the historical depletion under the underlying water rights. In order to avoid enlarging the underlying rights, the proposed use of water shall be limited to the historical diversion of 61.00 acre-feet and the historical depletion of 32.33 acre-feet.

It is the opinion of the State Engineer that this change application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the change application.

It is, therefore, **ORDERED** and Permanent Change Application Number 35-13240 (a43507) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) Whereas this Change Application has been filed to entirely replace and supersede prior approved Exchange Application Number 35-9118 (E2453), reallocating the company shares to evidence this change application, with this approval that prior application is considered to have been **WITHDRAWN**.
- 2) Annual diversion under this permanent change application is limited to a diversion of 61.00 acre-feet and a depletion of 32.33 acre-feet annually. The applicant must maintain records sufficient to demonstrate depletion due to uses associated with diversions under this change application do not exceed 32.33 acre-feet. The change application is to be used for year-round municipal purposes within the service area of Summit County Service Area #3.
- 3) To accommodate the approval of this Permanent Change Application all water uses from the historical points of diversion and at the historical place of use must cease.
- 4) The 21.00 shares of stock in the Wanship Irrigation Company 2 must remain dedicated to the use of water and maintained in good standing by the applicants under this application. If you fail to do so, Utah Code Section 73-3-3.5(12) provides the water company may petition the State Engineer for an order reversing this approval.
- 5) The applicant shall install and maintain measuring and totalizing recording devices to meter all water diverted from all sources pertaining to this application and **shall annually report this data to the Division of Water Rights Water Use Program**.

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

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
35-13240 (a43507)
Page 5

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).

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 parties or decreed by a court of competent jurisdiction.

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 **October 31, 2023**, or a request for extension of time must be acceptably filed and subsequently approved; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

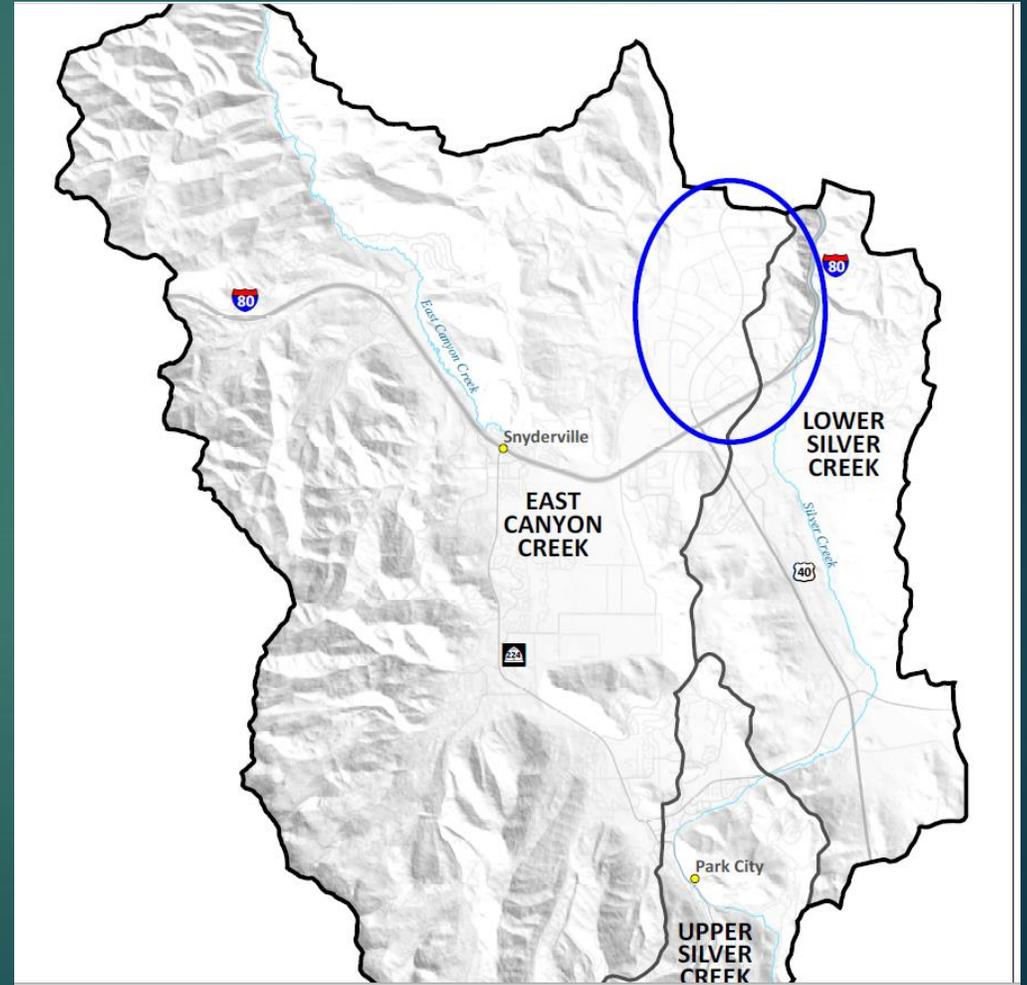
Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as 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.

Other Considerations

Snyderville Groundwater Mgmt. Plan

- ▶ All the water is appropriate or “called for”
- ▶ Outside water rights typically cannot be moved into the basin
- ▶ Only existing rights with sources inside the basin can be used
- ▶ Limitations apply to changes that move water from one subdrainage to another
- ▶ This means that water rights:
 - ▶ Are hard to come by; and
 - ▶ Some of the most expensive in Utah and possibly the West – over \$60K per af



SCSA3 Water Allotments

- ▶ Because its water rights are limited and new rights are difficult and expensive to obtain, SCSA3 has long allocated its water rights among its residents
 - ▶ Upper lot owners have an annual allocation of 1.0 af
 - ▶ Lower lot owners on the water system have an annual allocation of 0.75 af because their lots are smaller
- ▶ The allotments ensure that every “wet” lot owner has a guaranteed amount of water...even if they are the last to develop
- ▶ Water users who do not currently use their full allotment are entitled to use their full allotment at any time
- ▶ If residents stay within their allotments, there will be sufficient water for everyone
- ▶ If a resident wants to use more than their allotment, they can acquire additional water rights...if they can find more

SCSA3 Allotments, Cont.

- ▶ To date, the allotment approach has kept SCSA3 from violating its water rights
 - ▶ **Most residents use much less than their allotments**
 - ▶ **Only a handful of users use more than their allocations**
- ▶ Other approaches are possible, but they would entail a significant amount of time, money, and risk to implement
- ▶ For instance, if SCSA3 allowed its users to use as much water as they wanted and simply pay more for that use:
 - ▶ **Enough water may not be available for other users to use their full allotments**
 - ▶ **Certain water rights (e.g., 35-13229 (a43504) could be exceeded**
 - ▶ **If SCSA3 exceeds its rights, it may not be able to find or afford additional water rights**

SCSA3 “Over Yearly” Allotment” Fee

- ▶ Effective May 1, 2024, the Board imposed an “over yearly allocation fee” or “overage fee” of \$0.25 per gallon fee for each resident who exceeds their annual allocation
 - ▶ The fee applies to both private well owners who divert SCSA3 water rights and users connected to the water system
- ▶ The purpose of the fee is to cover the costs SCSA3 incurs when it enforces its water service regulation (#2024-01), including the annual allocation
 - ▶ It is not a sale of water
 - ▶ Private well users who don't exceed their allotment aren't subject to the fee
- ▶ The Board suspended the fee for 90 days in June 2024 to address resident concerns

Why SCSA3 imposed the fee

- ▶ The allocation limits have no meaning if they are not enforced
- ▶ Enforcing the allocation limits is extremely expensive
- ▶ The private wells that divert SCSA3 water rights are responsible for almost all the enforcement costs SCSA3 incurs each year
 - ▶ Ensuring that each private well has a meter as required by SCSA3's water rights and UCA § 73-5-4 cost \$100k in administrative and legal costs
 - ▶ The enterprise fund covered these costs but includes monies paid for by water users connected to the system, who were largely not responsible for the enforcement costs
- ▶ The purpose of the \$0.25 “over yearly” fee is to require those users who are responsible for the enforcement costs SCSA3 incurs to help fund those costs
- ▶ The fee is based on SCSA3's recent enforcement costs, including \$100k it incurred compelling compliance with the metering requirements

What authority does SCSA3 have to impose the fee?

- ▶ [UCA 17B-1-103\(2\)\(j\)](#) authorizes special districts to “impose fees or other charges for commodities, services, or facilities provided by the district, including the costs of maintaining and operating the district.”
- ▶ [UCA 17B-1-103\(2\)\(q\)](#) also authorizes a special district to “perform any act or exercise any power reasonably necessary for the efficient operation of the special district in carrying out its purposes.”
- ▶ [UCA 17B-1-643](#) is the statute that governs the process a special district must follow to impose or increase a fee. It requires 30 days’ advance notice before a public hearing, the holding of the public hearing after 6:00 pm, and a demonstration of the need to impose or increase a fee
 - ▶ Public hearing held on April 9, 2024, at 6:00 pm and notice was posted on March 8, 2024
- ▶ [UCA 17B-1-121\(c\)](#) requires special districts to have an appeal process for fees but does not require the process to be in the fee schedule
 - ▶ SCSA3’s appeal process is in Section 19 of its water service regulation (#2024-01)

Can I ask for a reduction in the fee?

- ▶ Yes, Section 6.4.1 of the [Water Service Regulation](#) (#2024-01) allows water users connected to the water system to request a billing adjustment.
- ▶ 18.5.4 of the Water Service Regulation (#2024-01) allows private well owners to request an adjustment. It states:

18.5.4 No water use violation will occur if the total amount of water diverted from a private well does not exceed the combined amount of water authorized for use on the lot under the owner's allotment, any water rights dedicated to the Service Area for use on the applicable lot, and any other rights approved for use on the applicable lot. **If the Service Area charges a private well owner a water usage rate for exceeding their allocation, the private well owner may request a billing adjustment pursuant to Section 6.4.1.**

18.6 Other Water Use Violations. The Service Area will use the following process for all water use violations that do not involve a customer or private well owner who has exceeded their allocation.

How do I appeal the fee?

SECTION 19 Appeals and Final Actions.

Parties to a decision rendered by the General Manger or the Water Operator under this Regulation may appeal such decisions to the Board or the Board's designated hearing officer by sending a written notice to the chair of the Board within 30 days of the decision that states the basis of the appeal and the relief requested. Any decision by the Board or its designated hearing officer on an appeal or other decision required by this Regulation will constitute the final action of the Service Area on the matter in question.

SECTION 20 Effective Date.

This Regulation is effective upon the date of its adoption.

How does the fee process work?

- ▶ Residents can sign up for Eye-on-Water to track their usage and SCSA3 will send a notice to residents who are on track to exceed their allotment before the allotment is exceeded
- ▶ When a resident exceeds their allotment, SCSA3 will send a notice informing them that
 - ▶ **They have exceeded their allocation**
 - ▶ **They will now be charged the overage fee**
 - ▶ **They must contact SCS3 within 30 days to begin the process of developing an agreement that will outline how the resident will comply with their allotment by either reducing their use or acquiring additional water rights to cover the overage (see Sections 18.4 and 18.5 of #2024-01)**
 - ▶ SCSA3 can authorize extensions of time and waive the accrual of additional fees via the agreement.
 - ▶ **Failure to respond may result in additional fees**
- ▶ If a resident does not respond, they will receive a second notice again instructing them to contact SCSA3 in 30 days to begin working with SCSA3 to comply with their allotment, otherwise their authorization to use SCSA3 water rights will be revoked.
- ▶ If a resident does not respond to the second notice, SCSA3 will terminate water service (if on the system) or revoke authorization to use its water rights (if on a private well)
- ▶ The intent is that the overage fees will stop once a resident responds and begins to work with SCSA3 to come into compliance with their allotment

Questions?



SMITH HARTVIGSEN^{PLLC}
ATTORNEYS AT LAW



Nathan S. Bracken
nbracken@shutah.law
(801) 413-1600