

## SUMMIT COUNTY SERVICE AREA #3

### FREQUENTLY ASKED QUESTIONS

#### Metering Requirements for Privately Owned Wells

##### Why do I need to install a meter on my well?

Summit County established the Service Area as a form of special district known as a “service area” to provide water to the residents of Silver Creek Estates, among other responsibilities.<sup>2</sup> In Upper Silver Creek, the Service Area owns the water rights that many of the privately owned wells in the area divert and use. Those lots in Upper Silver Creek that divert Service Area water rights have an allotment that allows them to divert up to 1.0 acre-foot of water per year. The Service Area holds these water rights in trust for all the residents it serves and has a legal and fiduciary duty to manage these rights and ensure that its water rights comply with state law. This includes Utah Code § 73-5-4, which requires all wells that divert water in Utah to have a measuring device.

To ensure compliance with State laws and the terms of the Service Area’s water rights, Section 13.3 of the Service Area’s water service regulation 2023-03 requires you as the owner of the well to install a totalizing meter on your well at your cost.<sup>3</sup>

##### What authority does the Service Area have to take these actions?

The Service Area is governed under Chapter 1 and Chapter 2a, Part 9 of Title 17B of the Utah Code. Pursuant to these laws, the Service Area is an independent local government entity and political subdivision of the State of Utah.

Utah Code § 17B-1-103(2)(j) authorizes the Service Area to impose fees or “other charges” for the commodities and services it provides, including the water rights it owns in trust for private well owners in Upper Silver Creek. Utah Code § 17B-1-103(2)(q) also authorizes the Service Area to “perform any act or exercise any power reasonably necessary for the efficient operation of the special district in carrying out its purposes.” Section 13.9 of the Service Area’s water service regulation further provides that metering wells that divert Service Area water rights is an “express condition that must be satisfied for an individual well and related lot to maintain a right to divert an allotment.”

In other words, if you are diverting and using water rights the Service Area owns, the Service Area may adopt regulations and impose fees and other charges to ensure that you comply

---

<sup>2</sup> Summit County Code 2-27-1.

<sup>3</sup> The Service Area’s water regulation is available

here: <https://summitcounty.org/DocumentCenter/View/22335/3-Resolution-2023-03-water-use-exactionsAmended->

with its regulations and the terms of its water rights as required by the Utah Division of Water Rights.

*What type of meter do I need to install?*

To comply with Utah law and the Service Area's regulations, you must install and/or have a functioning totalizing meter capable of providing an electronically transmitted reading compatible with the Service Area's system. The meter must also be installed in a location where the Service Area can read it and be within four (4) feet of the wellhead, where possible.

*Will the Service Area install the meter?*

You must make the necessary arrangements to install a totalizing meter that complies with the enclosed requirements at your cost. At your request, the Service Area can provide a list of contractors who are qualified to install meters.

Once you have installed your meter, please notify the Service Area in writing at the address listed above or via email at [permit@scsa3.org](mailto:permit@scsa3.org). When we receive notice from you, we will schedule an inspection to verify that your meter complies with the Service Area's requirements.

*How much does a meter cost and where can I buy a meter?*

For your convenience, the Service Area has meters available for purchase that are compatible with the Service Area's systems. The Service Area sells these meters at cost for a price starting at \$577.

You may also purchase a meter independently from the Service Area so long as the meter meets our requirements.

*What will happen if I do not meter my well or fail to contact the Service Area by the Deadline?*

If you do not install a meter, Utah Code § 73-5-4(6) authorizes Utah Division of Water Rights to "forbid the use of water" at your well and to bring an enforcement against you.

In addition, Section 13.4 of the Service Area's water service regulation authorizes the Service Area to "use any legal corrective action to ensure compliance" with this requirement, including the imposition of additional penalties and the revocation of the Service Area's authorization for you to continue diverting and using its water rights.

If the Service Area does not hear from you by the Deadline mentioned in the letter, it will impose an additional \$5,000 fee pursuant to its fee schedule and begin the process of revoking the Service Area's authorization for you to divert and use its water rights. Such revocation and/or failure to pay the fee may result in the recording of liens and other notices on your property.

What if I am diverting and using water rights the Service Area does not own?

The Service Area is only seeking to install meters on those wells that are authorized to divert water rights it owns. If you own a well that is diverting and using water rights the Service Area does not own, you are not subject to the Service Area's metering requirements or this fee. If that is the case, please notify the Service Area as soon as possible.

Please note, however, that there are some wells in Upper Silver Creek that are approved to divert and use both Service Area water rights and private water rights the Service Area does not own. Even if you are only using a privately owned water right, your well will be subject to the Service Area's jurisdiction and to the conditions of its water rights if your well is an approved point of diversion for the Service Area's water rights.

Can I appeal the fee and the metering requirement if I don't think it applies to my well?

You may appeal this fee or the requirement to meter your well. To file an appeal, you must send a written notice to the Board of Trustees within 30 days of the date of this letter to:

Paul Kraus, Chair  
Summit County Service Area #3  
629 E. Parkway Drive, Suite 1  
Park City, UT 84098  
[Paul@scsa3.org](mailto:Paul@scsa3.org)

With a copy to [permit@scsa3.org](mailto:permit@scsa3.org).

If you file an appeal, your written notice must also state the basis of your appeal and the relief requested. At its discretion, the Board may designate a hearing officer to hear your appeal. Any decision issued by the Board or a designated hearing officer on your appeal will constitute a final action by the Service Area on this matter.