

## CHAPTER 20 WATER RIGHTS

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10-20-1: INTENT: The City of Shelley recognizes the need to conserve water and its application for beneficial use. This chapter of the City Code is established to ensure a sufficient water supply for the City's needs and to promote the efficient and beneficial use of water within the City of Shelley.

10-20-2: ASSIGNMENT OF WATER RIGHTS BY DEVELOPER: Any person or entity who develops a subdivision, planned unit development, mobile home park, or other regulated development within the City of Shelley shall transfer its water rights to the City of Shelley as a part of the development process. It is anticipated that upon the City providing City water to a development, that the surface water rights or ground water rights to that property will be transferred to the City of Shelley for use by the City.

10-20-3: USE OF WATER: The City and developers shall mutually agree upon a water use plan within a development. This will include, but not be limited to, a plan for how culinary water will be provided to the project, how irrigation water will be provided to and used by the development, how water will be used for aesthetic purposes within the development, and any other uses of water within the development. The City and developer will have flexibility to determine the highest and best use of water within a development. For example, if a developer has irrigation water rights to the land that is to be developed and those irrigation water rights will be unused within the development, then the developer will be expected to transfer those irrigation water rights to the City of Shelley to be added to the City's overall water rights and for future use and application by the City. The City in turn would then anticipate providing culinary water to the developer with the normal fees, costs, hookup fees, and other expenses of providing water to the development to be paid by the developer. (The transfer of water rights by the developer to the City shall not excuse the developer from paying the normal charges and expenses for use of the City's water system. However, as a part of the trade of the water rights, the City may negotiate its users fees with a developer at the discretion of the city council.)

10-20-4: USE OF WATER BY CITY RESIDENTS: The City retains the right to direct the allocation and use of City water by City residents. For example, the City shall have the right to direct the allocation of City water for both culinary and irrigation purposes. The City shall have the right to direct the date, times, and use of City water as may be necessary to prudently allocate the City's water.

10-20-5: PUNISHMENT FOR VIOLATION: Any violation of the provisions of Title 10, Chapter 20, shall be a misdemeanor and shall be punishable by a fine of up to \$1,000.00 and imprisonment of up to six (6) months in jail.