

**TOWN OF CASTLE VALLEY
WATER USE AGREEMENT AND PERMIT**

This Water Use Agreement and Permit (“Permit”) is issued pursuant to the considerations, purposes, and authorities recognized in TOWN OF CASTLE VALLEY ORDINANCE 2017–1, “AN ORDINANCE ESTABLISHING PROCEDURES FOR GOVERNING, AMENDING, CONDITIONING, REVOKING, AND ENFORCING TOWN WATER USE AGREEMENT AND PERMITS” (“Water Use Ordinance”).

I/we, <Lot Owner Name> (“Lot Owner”), hereby apply to use a portion of the Town of Castle Valley’s (“Town”) water rights (“Town water”) on Castle Valley River Ranchos Lot # <Lot ID> (“Lot”).

The Town holds Town water for the benefit of its citizens and the use of Town water is subject to duly enacted rules and regulations. To use Town water I/we agree to be bound by Town rules, the Terms and Conditions of this Permit, the provisions of the Water Use Ordinance, and other applicable law.

I/we agree to the following Permit Terms and Conditions:

PERMIT TERMS AND CONDITIONS

1) Permit and Water Use Conditions:

- A. Water Use: Use of Town water shall occur according to the Water Use Ordinance, this Permit and associated documents, and applicable law.
- B. Appurtenance and Transfer: Permission to use Town water is only applicable on the Lot identified in this Permit. This Permit is appurtenant to the Lot and will be assigned to a new Lot Owner upon transfer of the Lot.
- C. Binding Nature: This Permit is binding on the Lot Owner, lessees of the Lot, and successors-in-interest.
- D. Water Supply: This Permit does not guarantee Lot Owner will receive any specific quantity or quality of Town water. Approval of this Permit does not obligate the Town to provide any specific quantity or quality of water.
- E. Future Actions: The Town may make future changes to the form of this Permit that may require I/we to re-sign or re-enter a Water Use Permit.

2) Permit Approval Requirements:

- A. Affirmation of Ownership: I/we am the owner of the Lot and agree to furnish proof of such ownership if so requested by the Town such as a Warranty Deed, Real Estate Contract. Etc.
- B. Administrative Fee: I/we have paid the administrative fee of \$95.
- C. Water Use Accounting Form: I/we have provided a Water Use Accounting Form (Attachment A) with this application that:

- i. Does not request use of Town water in excess of 8 acre-feet.
- ii. Demonstrates existing and/or anticipated beneficial use of water.

D. Lot Plan: I/we have provided a Lot Plan (Attachment B) with this application that demonstrates, at a minimum, the location of the well from which Lot Owner will divert Town water and its distance from each lot boundary line and the road easement line(s) of any road(s) that abut the Lot.

E. Existing Well. If this Permit is for use with an existing well, I/we will provide the Well Driller's Report for the well, or other documentation demonstrating that it is a legal well.

F. Other Information: I have provided any other information requested by the Town.

3) Conditions for Lot Owners Seeking to Drill a New Well on the Lot:

A. Start Card: Upon issuance of this Permit, the Town, on my behalf, will seek the necessary documents to obtain permission to drill a well on the Lot. The Town is under no obligation to obtain well approval if it is opposed nor liable if the request is not approved. The Town is not responsible if the well fails to provide water of sufficient quantity or quality.

B. Construction of Well: Upon receiving approval to drill a well, I/we am/are solely responsible for its construction and will hire a well-qualified and licensed well driller to drill the well. I/we am/are responsible for all costs associated with drilling a well on the Lot.

C. Well Drillers Report: I/we will deliver a completed Well Driller's Report to the Town office before using the well to divert or use Town water.

4) Requirements and Conditions to Maintain Validity of Permit:

A. Completion of Construction and Beneficial Use: I/we will complete the necessary facilities and put Town water to beneficial use outlined in the attached Water Use Accounting Form within two (2) years of the issuance of this Permit.

B. Update to Water Use Accounting Form: I/we will provide an accurate, updated Water Use Accounting Form, when requested by the Town every 6 years.

5) Amendments, Conditions, or Revocation of Permit:

A. Amendments: I/we will comply with the Request to Amend procedure outlined in the Water Use Ordinance before using Town water in excess of 8 acre/feet per year.

B. Town Initiated Amendments, Conditions or Revocations: The Town may amend, condition, or revoke this Permit according to the procedure outlined in the Water Use Ordinance.

6) Enforcement of Permit:

Access: As described in Ordinance 2017-1, the Town has right of entry on the Lot to inspect water diversion facilities or the amount or manner of water use for emergency and enforcement purposes only and I/we will not impede access for such purposes

- A. Violations: Violations of this Permit are to be enforced according the procedure outlined in the Water Use Ordinance and is a Class B Misdemeanor.
- B. Interference with Town Water: The Town may seek an enforcement or other civil action for interference with Town water.
- C. Costs: The Town may seek reimbursement for all costs, including attorneys' fees, the Town may incur in enforcing this Permit or Water Use Ordinance. I/we am/are responsible for all fees or costs associated with enforcing a violation of this Permit of the Water Use Ordinance.

The Lot Owner's signature is required by the Water Use Ordinance for this Permit to be valid. This Water Use Agreement and Permit is binding on lessees and successors in interest.

Property Owner(s):

Signature: _____

Date: _____

Signature: _____

Date: _____

I hereby attest the Lot Owner has met the requirements to approve this Water Use Agreement and Permit and hereby issue a Permit to the Lot Owner for use of Town water subject to the terms of this Permit and the Water Use Ordinance.

By: _____(Signature) _____(Print)

Town Clerk, Town of Castle Valley