

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

RESOLUTION NO. BPW-R-2022-09

A RESOLUTION PROHIBITING WELL DRILLING

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, §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.

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

WHEREAS, the District is authorized and responsible to ensure that Town culinary water used within the District and provided to Town residents is being done so in a safe, responsible, and sustainable manner; and

WHEREAS, on April 21, 2022, the Governor of the State of Utah, issued Executive Order 2022-04 declaring a state of emergency due to drought conditions throughout the State of Utah.

WHEREAS, the District is concerned that the current drought conditions will result in critical water shortages and require further drastic curtailment measures that would be detrimental to the entire town and cause significant public harm.

WHEREAS, the District is undertaking projects to secure additional water sourcing and storage for culinary use, of which will not be integrated into the District’s water system until 2024; and

WHEREAS, the District finds a compelling, countervailing public interest in prohibiting well drilling within its service area to protect health, safety, and welfare of Apple Valley residents.

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

1. Based upon the premises, the Board hereby finds a compelling, countervailing public interest in prohibiting well drilling within its service area, except as set forth within the Well Drilling Policy, attached hereto and integrated as Chapter 14 by this reference. The Board finds this Resolution is necessary to protect the health, safety, and welfare of Apple Valley residents.

2. The Well Drilling Policy shall become effective immediately upon passage and incorporated into the Policy and Procedures Manual as Chapter.

PASSED AND ADOPTED BY THE BOARD ON this 15th day of June, 2022.

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Chairman Andy McGinnis

Chairman Andy McGinnis voted _____

Board Member Frank Lindhardt voted _____

Board Member Kevin Sair voted _____

Board Member Barratt Nielson voted _____

Board Member Robin Whitmore voted _____

ATTEST:

Jenna Vizcardo
Clerk