

Midway City Council
18 January 2022
Regular Meeting

Studdert Lot of Record /
Water Rights

Memo



Midway

Date: January 18, 2022
To: Midway City Council
From: Michael Henke
Re: David and Katie Studdert culinary water connection petition

Item 12

David and Katie Studdert are petitioning the City to connect to Midway's culinary water system for their property located at 250 East and 300 South (Michie Lane). Their property is a certified lot of record and was created on September 25, 1940, which predates Midway's first land use ordinance by 21 years. The property is on the south side of Michie Lane and is bordered on the east by Deer Creek Estates, and on the west by property owned by the Church of Jesus Christ of Latter Day Saints. The Studdert property (OMI-0490-0-002-044) is 5.06 acres and, historically, has been farmed and irrigated. The Studderts are petitioning for a culinary connection for a dwelling that they would like to build on the property. Unlike when a land use petition is to subdivide a property and the City requires that water rights are considered for the entire property, lots of record are considered differently because they have been created legally and do not require the recording of a plat to be considered buildable. The Water Board reviewed the proposal and recommended that water is turned over for the culinary connection (0.8 acre feet) and the remainder of the 1.5 acre feet owned by the Studderts will allow them to irrigate 10,164 square feet of their property for landscaping around their future home. The entire water right of 1.5 acre feet will need to be dedicated to the City before a building permit is issued on the property. If the Studderts would like to irrigate more than 10,164 square feet, then they will need to acquire more water rights. The outside irrigation must be supplied through Midway Irrigation Company's secondary system and will be metered. No culinary water may be used for outside irrigation. If the property is ever petitioned to be subdivided, water rights will be considered for the entire property.

The following is the Water Board Recommendation:

Motion: Mayor/Co-Chair Celeste Johnson made the motion to recommend approval for the David and Katie Studdert property to City Council that we allow for the culinary of .80 and that the remainder to be used to irrigate the third acre parcel with any additional irrigation needs it

should be run through the irrigation company. With the clarification that they will have a meter for the house and their secondary water.

Midway Irrigation Member Grant Kohler 2nd the motion.

POSSIBLE FINDINGS:

- The property was created in 1940 and is a lot of record.
- 1.5 acre feet of water would be dedicated to the City that will be sufficient for one culinary connection (0.8 acre feet) and to irrigate 10,164 square feet (0.7 acre feet).
- If the property is ever petitioned to be subdivided, water rights will be considered for the entire property.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

RECOMMENDED CONDITIONS:

1. Outside irrigation must be supplied through Midway Irrigation Company's secondary system and will be metered.
2. No culinary water may be used for outside irrigation.
3. 1.5 acre feet of water rights must be dedicated to the City before a building permit for a dwelling is issued on the property.



