

July 13, 2010

**FROM: Mr. and Mrs. Paul Barron**

3 S. Meadow Dr.

Springville, UT 84663

UTAH PUBLIC  
SERVICE COMMISSION

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**TO: Ted Boyer – Chairman; Ric Campbell- Commissioner; ~~Ron Allen – Commissioner~~**

Public Service Commission of Utah

P.O. Box 45585

Salt Lake City, Utah 84145 – 0585

**RE: CASE 09-2440-01**

Dear Sirs,

Recently the Utah County Planning Division sent you a letter including the water requirements for the Cottages at Hobble Creek. This was the amount of water which they required of the developer before their development could be approved. It was arrived at through a thorough analysis by water engineers and is a standardization of all mountain home developments in Utah County. These lots were very expensive and in the cost of the building lot was the water requirement. It included culinary, landscaping and fuel-breaks, and irrigation as you will note in the County's letter.

The Division's current proposal inherently takes away the availability of the irrigation water by placing a tariff on this water of \$7.00 per 1,000 gallons that was previously \$0.78 per 1,000. Mark Long stated that the purpose of this huge increase was not to raise additional money (that was already achieved by imposing a raise in the base rate as well as raising the lower usage to \$2.78 per 1,000 gallons) but was to incentivize the conservation of water by making it cost prohibitive. This \$7.00 per gallon raise from the previous \$0.78 essentially takes away the Water Right that was purchased with our lot as required by the County.

Mr. Jan Anderson, Planning Commission of Utah County stated regarding our new conservation penalties "Usually each homeowner is allotted so much water based on size of lot, where the water comes from, etc. and that is the base rate. If an owner exceeds that base rate of quantity they are penalized about triple the normal rater per 1,000 gallons used over that base rate. This promotes conservation of water". The current proposal by the Division is unfair and short-sighted. It takes away the right of our water use by imposing triple penalties while within the allocated water allotment.

Already we are seeing the impact of this cost prohibitive water in the development with yellow lawns and the impossibility of planting affordable gardens. An example of this unwise "conservation" proposal is lot #27 who currently looks like a "high water user" because they are the only family with children and a completed landscape in the development. When Mark Long was asked what this family could do on lot#27 who is already using all water conservation methods available (water saving sprinkler system, drip system, water efficiency toilets, quick delivery hot water pumps) and is considered a "high water user" he said they could consider taking less showers and doing less wash!

The Division's current proposal takes away our water rights under Ordinance No. 1996-02 under Part I which reads Water Supply (a) Water Rights. As homeowners we have offered a proposal that already increases our cost of water enough to cover the costs imposed by the Division's contingency fund new requirements. I ask that this proposal be accepted and our water rights which were purchased with our lots be restored. If we should go over the allotted amount then a water conservation penalty of \$7.00 per 1,000 gallons would be acceptable.

Thank you for your consideration.

Highest regards

Dion and Paul Barron



Community Development Department  
Jeffery R. Mendenhall, Director  
Dennis C. Barker, Fire Marshal  
Steve Kitchen, Building Official

Planning Division  
Bryce Armstrong, Assistant Director  
Peggy Kelsey, Planner/Business License  
Brandon Larsen, Planner

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July 12, 2010

**Ted Boyer** - Chairman  
**Ric Campbell** - Commissioner  
**Ron Allen** - Commissioner  
Public Service Commission of Utah  
P.O. BOX 45585  
Salt Lake City, UT 84145-0585

**RE: Water Quantity Requirements for the Cottages at Hobble Creek, Plat "A"**

Dear Commissioners:

The Cottages at Hobble Creek, Mountain Home Development, Plat "A" was recorded with the Utah County Recorder's Office on November 29, 1999. The subject development was approved by the Board of Utah County Commissioner according to the requirements of the Utah County Zoning Ordinance, effective as of November 16, 1999. The water quantity requirements for the subject development are as follows:

- (1) *Culinary-quality water for use inside the dwelling shall be provided to each parcel at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the quantity of at least .45 acre-feet per year is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.*
- (2) *Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided to each parcel at the rate of at least 1 acre-foot per year per dwelling or building site, which water shall be available between April 30 to October 1 annually.*
- (3) *Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the area of each lot beyond the first 10,000 square feet, which quantity must be available from April 30 to October 1 annually. (The first 10,000 square feet are supplied by requirements of subsections (1) and (2) immediately above.)*

*Exception to part (3) above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of the engineering study conducted in the preparation of the irrigation plan if the County Commission finds that more (or less) water is needed to meet green plant needs. The engineering study shall determine the quantity of water needed to maintain lawn, alfalfa, or other specified green plant materials having a low-flammability to be used on the site, and shall consider normal rainfall, soil percolation capacity, evaporation, plant transpiration, and other factors appurtenant to the site to make its conclusions.*