

Date: January 2, 2024
To: Weber County Board of County Commissioners
From: Scott Mendoza
Community Development Department
Agenda Date: January 9, 2024
Subject: **Request for approval of a Well Protection Easement.**
Attachments: A – Aerial Vicinity Map
B – Utah Division of Water Rights Site Plan
C – Proposed Well Protection Easement Document

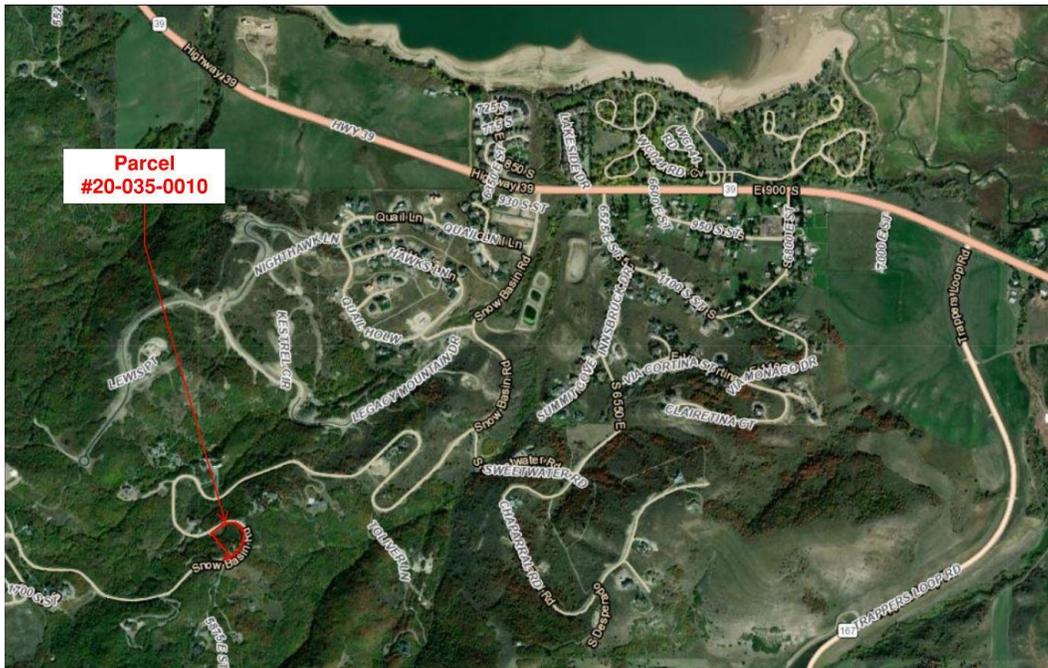
Summary:

Mr. Timothy Boyle, the owner of a home at 5762 East Old Snowbasin Road, is requesting that Weber County consider granting him a wellhead protection easement in order to accommodate a new (drinking water) well site on his property. Mr. Boyle's existing well has run dry and is no longer capable of providing water to his residence. Because of this, a new and preferred wellhead location has been selected; however, this location sits closer than 100 feet to Mr. Boyle's front property line. In the preferred location, the required 100 foot radius well protection zone and easement will go beyond Mr. Boyle's front property line and cross into both travel lanes of the Old Snowbasin Road. The portion of the well protection zone that lies within the dedicated road rights-of-way is the subject easement area.

The purpose of the easement is to ensure compliance with Health Department regulations that protect drinking water and require a separation in between wells and concentrated sources of pollution. See Attachment A and B for an aerial vicinity map and site plan, respectively.

The proposed easement is a restrictive well protection easement that prevents the location or use, within the boundaries of the easement, of septic tanks, septic drain fields, garbage dumps, livestock corrals, feed lots, hazardous waste storage, or other uses that are considered concentrated pollutants by the Health Department. The restrictions listed in the easement do not interfere with the county's ability to operate and maintain the Old Snowbasin Road in the future.

Attachment A



Attachment B

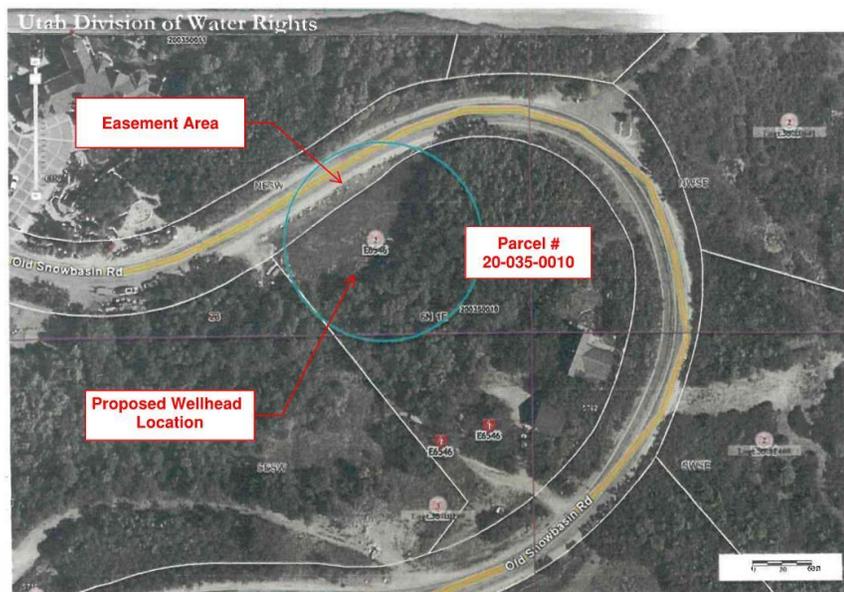
100-ft WELLHEAD PROTECTION ZONE MAP

Timothy Boyle – WR: (35-14392), E6546

Drilling address: 5762 Snow Basin Rd. Huntsville, UT 84317

Driller: LEGEND DRILLING SERVICES, LLC. (John Tidwell - Utah Driller's License #920) – tel: 801.866.9861, email: LegendDrilling@gmail.com

PLSS: N1407' W149' S4 SEC23 T6N R1E SLBM.



Attachment C

When recorded, return to:
Timothy M. Boyle
336 W Broadway, Ste 330
Salt Lake City, UT 84101-1746

WELL PROTECTION EASEMENT

Weber County (“GRANTOR”), a political subdivision of the State of Utah, located at 2380 Washington Blvd., Ogden, Utah, 84401, hereby grants a well protection easement to Timothy M. Boyle (“GRANTEE”), an individual residing at 5762 E. Snowbasin Road, Huntsville, UT, 84317, and his successors and assigns.

The easement is described as follows:

See attached **Exhibit A**.

The easement is subject to the terms and conditions described herein. The purpose of the easement is to ensure compliance with the regulatory laws, requirements, ordinances, and policies administered by the Weber-Morgan Health Department for the protection of drinking water related to a culinary water well and to provide a separation of the culinary water well from concentrated sources of pollution. The culinary water well that this easement is intended to protect is depicted, along with a visual depiction of the well protection zone that includes this easement, on the attached **Exhibit B**.

Specifically, the easement is a restrictive well protection easement that prevents the location or use of septic tanks, septic drain fields, garbage dumps, livestock corrals, feed lots, hazardous waste storage, or other sources of pollutants deemed inappropriate under the regulatory authority of the Weber-Morgan Health Department within the boundaries of the easement. However, notwithstanding any other provision of this easement, GRANTOR reserves the right, and GRANTEE acknowledges GRANTOR’s right, to perform all reasonable activities related to the operation and maintenance of the public road that exists within the boundaries of the easement, whether in its existing location or as it may exist in the future due to expansion or relocation. GRANTOR’s rights shall include, but not be limited to, the following:

- Chip sealing and overlays and other work to maintain the road surface.
- Plowing snow, salting, and sanding.
- Road repairs, reconstruction, expansion, relocation, and all related activities.

GRANTEE, on behalf of himself and his successors, agrees to release, indemnify, and hold GRANTOR harmless from and against any and all claims, costs, and liability resulting from GRANTOR’s exercise of any of its rights that are not restricted by this easement.

The easement shall run with the land and shall continue to exist until the culinary water well has been abandoned and will no longer be used for culinary water, as determined by either party or by any regulatory agency. The termination of the easement at that time will be automatic, with no requirement

Attachment C

EXHIBIT A LEGAL DESCRIPTION OF EASEMENT

That portion of a 100-foot radius Well Protection Easement being inside the road right of way of Snow Basin Road. Said easement being a 100-foot radius from the wellhead being located in the South half of Section 23, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey: said well head to be drilled on parcel 20-035-0010 at the approximate location described as follows: 2758.31 feet North 89°35'27" West and 1234.18 feet South 00°24'33" West from the East Quarter corner of said Section 23.

DRAFT

Attachment C

EXHIBIT B VISUAL DEPICTION OF WELL AND WELL PROTECTION ZONE

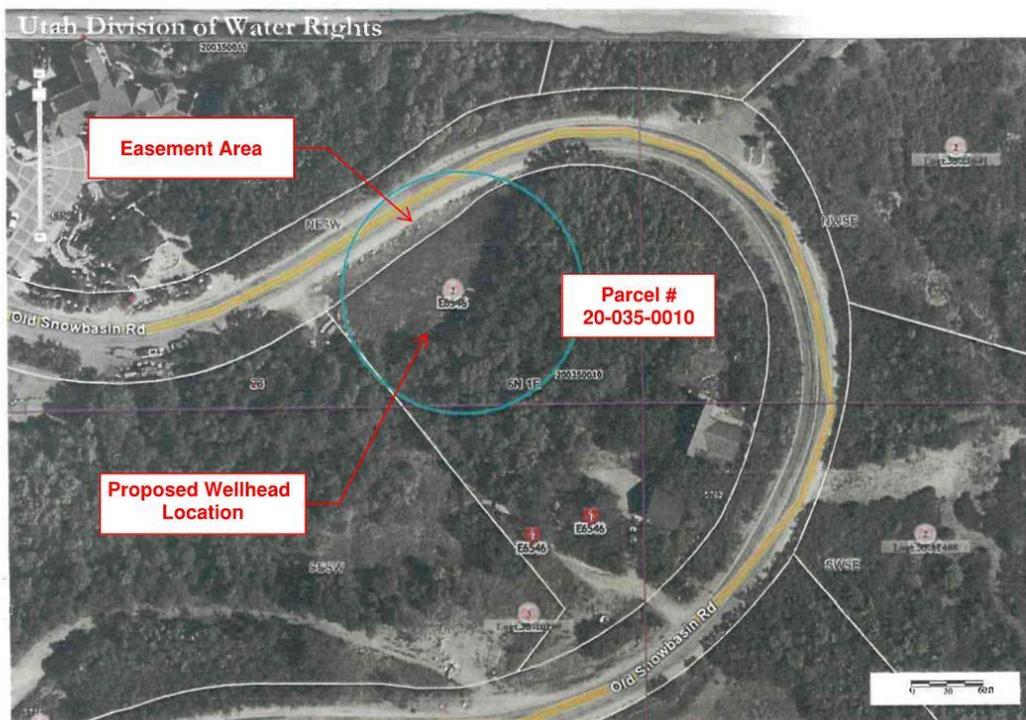
100-ft WELLHEAD PROTECTION ZONE MAP

Timothy Boyle – WR: (35-14392), E6546

Drilling address: 5762 Snow Basin Rd. Huntsville, UT 84317

Driller: LEGEND DRILLING SERVICES, LLC. (John Tidwell - Utah Driller's License #920) – tel: 801.866.9861, email: LegendDrilling@gmail.com

PLSS: N1407' W149' S4 SEC23 T6N R1E SLBM.



Well Protection Easement
Weber County to Timothy M. Boyle