

**CITY OF UNION GAP, WASHINGTON**  
**ORDINANCE NO. 2538**

**AN ORDINANCE** amending Union Gap Municipal Code Section 12.04.015, “Water Rights”.

**WHEREAS**, UGMC 12.04.015 provides that once a property within the City connects to the City’s water system, the property owner must decommission any exempt wells on the property and must transfer water rights to the exempt wells to the City;

**WHEREAS**, the Department of Ecology (DOE) has recognized that the decommissioning of exempt wells and the transfer of the associated water rights to the City is an acceptable means by which the City may acquire those water rights;

**WHEREAS**, DOE, however, would like additional assurances that new exempt wells will not be drilled in the properties where exempt wells have been decommissioned and where the water rights have been transferred to the City;

**WHEREAS**, in keeping with DOE’s request, the City, is adding language to its water rights transfer documentation requiring property owners to agree that no new exempt well will be drilled, and the City also desires to amend Section 12.04.015 to include a provision prohibiting the drilling of new exempt wells on such properties;

**WHEREAS**, City Council also wishes to amend Section 12.04.015 to provide for compensation to a property owner for the transfer of the property owner’s water rights to the City and wishes to amend the ordinance to make clear that it does not have any retroactive effect;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN** as follows:

**1. Section 12.04.015, “Water Rights”, is amended as follows:**

12.04.015 Water rights.

All properties making new connections to the municipal water system, which property has, until the new connection, been served by an individual private well, shall be required to properly decommission the private exempt well and cooperate with the city in transferring all applicable water rights to the city of Union Gap. Property owners making connections to the municipal water system who have decommissioned an exempt well and who have transferred water rights to the city of Union Gap shall be compensated for such decommissioning and for such transfer. As and for compensation to such property owners, the city of Union Gap shall pay the costs

associated with the decommissioning of the exempt well and shall pay the costs associated with the property owner's connection to the municipal water system. After an exempt well is decommissioned on a property and water rights transferred, no new exempt well may thereafter be drilled on that property.

This section shall not have retroactive effect. Any properties that made connections to the municipal water system prior the effective date of this section are not considered "new" connections and not subject to the provisions of this section.

**ORDAINED** this 24<sup>th</sup> day of September 2007.

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Aubrey C. Reeves, Jr.  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Kathryn Thompson, CMC  
City Clerk

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Robert F. Noe  
City Attorney