

Metropolitan Water District of Salt Lake & Sandy

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To whom it may concern:

The District was established in 1935 to supply drinking water to Salt Lake City. Sandy City was annexed into the District in February 1990. Delivery of water was initially met with the completion of the Salt Lake Aqueduct in 1951. Since then, other improvements such as the Point of the Mountain Aqueduct continue to help the District meet its commitment to reliably supply quality drinking water to its member cities in a safe, timely, economical, and environmentally safe manner.

A large part of fulfilling that commitment is accomplished by:

- maintaining the District's ability to have necessary, proper, and timely access to aqueduct corridors and related structures;
- minimizing the costs to the public by providing for reasonable constructability for future repair and replacement projects;
- minimizing costs to the public by avoiding litigation;
- minimizing exposure to liability claims; and
- providing adequate security.

The Board of Trustees takes these public responsibilities seriously. Whether it is an easement on your property or whether your property is adjacent to the District-owned property, we understand that what we do may impact you. We will strive in our deliberations, as will our staff, to continually balance the interests of and costs to the greater public and any impacts to you.

In carrying out our responsibilities, the Board has adopted policies to guide our decision making and the District's staff in the performance of these duties. We regularly review these policies and may amend them when warranted.

Our current Policies and Procedures are available on the District's website at www.mwdsls.org. The website also provides meeting schedules and agendas for current and past Board meetings for easy access.

Sincerely,

Tom Godfrey
Chair, Board of Trustees

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY
Aqueduct Corridor Management
Frequently Asked Questions (FAQs)
Last update: September 20, 2021

1. **What land interests does the District hold?** The Salt Lake Aqueduct and Point of the Mountain Aqueduct are constructed within or upon property interests of the District. These property interests are often referred to as aqueduct corridors. The District's corridors are primarily comprised of property interests known as fee title and easement. Other property interests may include permits and agreements.
 - 1a. **What is fee title?** Fee title property is property that is owned by the District and is recorded in the District's name. This is like a typical homeowner who has fee title in the house and lot on which his or her house is built.
 - 1b. **What is easement?** An easement is the right to use property owned by someone else (another fee title holder). An easement is given to someone for a particular purpose or purposes. An easement typically restricts what the fee title owner can do with the property that is subject to the easement. These restrictions are necessary to allow for the purposes of the easement.
2. **Why is there so much licensing activity now when there was no communication for many years?** Because of the heightened importance of providing reliable water service to a growing Salt Lake Valley, efficiently responding to emergencies, and making less costly the future replacement of the pipelines, the District is taking an active role in protecting the corridors. The District obtained complete ownership of the Salt Lake Aqueduct with its related facilities and properties in October 2006 from the United States Bureau of Reclamation. The Salt Lake Aqueduct was completed in 1951 and will need to be replaced in the future. The Point of the Mountain Aqueduct has been owned by the District since its completion in 2007.
3. **Why were property owners not made aware of the aqueducts and related property interests?** A careful review of title reports, plat maps, and other related property information should alert property owners of the nature of their property ownership interests. Each property owner is charged with obtaining knowledge of what a reasonable inspection of the records of the county recorder and a reasonable inspection of the property would reveal. The District is in the process of clearly confirming the location of its property interests through survey and research. Information from the District is made available via mailings, the District's website (www.mwdsls.org), and by contacting District staff at 801-942-1391 or rightsofway@mwdsls.org.
4. **What uses are allowed by the District?** Landscaping including drought-tolerant landscapes, mulched areas, shrubs (less than four feet in height when mature), turf, gardens, and related sprinkling systems are generally considered acceptable uses of aqueduct corridors. As development takes place, public roadways which serve a commercial or residential development may be approved on an individual basis. Non-parallel utilities are generally allowed. Fences are allowed in certain cases. Approvable uses should be documented in an agreement prior to their construction. See the District's policies for specific details.

5. **How are the District's policies developed?** District staff draws on its own experience, the practice and experience of other water providers, and the advice of consultants to craft recommended policies and regulations for review by committees of the District's Board of Trustees. The committees make recommendations to the full Board of Trustees. The Board adopts or modifies policies and regulations at public meetings after discussion. Staff and the Board are charged with periodically reviewing District policies and regulations. The District encourages review and constructive input from the public.
6. **How does a property owner provide input into the development and implementation of policies?** The District is a public agency. Its policies are established in open meetings that may be attended by the public. Review and input by the public of District activity is encouraged. Public meetings are advertised on the District's website (www.mwdsls.org). Interested parties can sign up to receive electronic notice of open meetings at the Utah Public Notice website: pmn.utah.gov.
7. **What if I don't like the District's decision regarding my application?** Staff strives to provide a fair assessment of existing and desired uses based on current policies. If the applicant disagrees with staff's decision, the applicant may provide a written appeal to the Assistant General Manager. Any decisions of the Assistant General Manager related to interpretation and implementation of the District's policies and procedures may be further appealed as described in the District's policies.
8. **Will the District provide written documentation of the decision making process?** Decisions will be made in writing and may be delivered electronically. Written decisions provide an explanation of the District's objectives, the applicant's requested and/or existing uses, and how the deciding body came to its decision. Reports, studies, and ownership documentation are provided as needed or requested.
9. **Does the District have a responsibility to compensate property owners for uses that have been made in violation, whether or not knowingly, of District or Bureau of Reclamation standards?** No. The District does not have any obligation to compensate others for any uses made on District property interests, with or without permission. Uses made by prior property owners are generally the responsibility of the current property owner.
10. **Will the District replace my uses that are damaged as a result of District construction?** The District goal is that replacement or repair of uses on lands where the District does not hold fee should be the responsibility of the current property owner, even if removal or damage is a direct result of District's exercise of its rights, unless the District is otherwise obligated to make such repairs or restoration, by agreement or otherwise.
11. **If an unauthorized use has been in place for a long period of time, will it be allowed to stay?** If the use is consistent with current District policy, it may be allowed to stay. If it is not consistent with current District policy, it is in the best interest of both the licensee and the District to have the uses removed in a timely manner (usually less than one year). The District does not grandfather uses.
12. **Why does the District need surface access to the aqueducts?** The District needs surface access to the aqueducts to inspect activity on or near its lands and facilities for future

planned or emergency repairs, replacement, or additional facilities. Inspections are performed to prevent unauthorized encroachment and to ensure there are no leaks or other concerns with the facilities. Leaks are usually identified by water pooling on the ground surface.

13. Why are the District's policies different from the policies of the Bureau of Reclamation?

The policies of the District are very similar to those of the Bureau, though the District's follow through with similar policies is more diligent. Allowed uses include minimal landscaping. Structures and other permanent features, including trees, have always been restricted.

14. Why does the District's current policy differ between fee land (District owned) and lands owned by others (easement)?

Where the District holds fee title interest the District is the authority for how the property may be used. The District's property ownership is held for the purpose of operating, maintaining, repairing, and replacing the aqueducts. It is in the District's best interest to not permit uses that will interfere with or make more expensive its objectives. On easement, the District is committed to allowing the property's fee title holder reasonable beneficial use, provided that use does not unreasonably interfere with the District's easement.

15. Does the District benefit from property owners providing and caring for a landscaped area?

Yes. Areas within District rights-of-way maintained by adjacent land owners provide security to the area and District crews benefit from not having to maintain that portion of the corridor. The District considers licensees as partners in maintaining the corridor.

16. What is the frequency of inspection required by the District?

District staff inspects above-ground portions of the aqueduct corridors routinely, with the goal to inspect the entire corridor at least once a month. Internal inspection of portions of the aqueducts occurs annually by staff, with the goal to inspect the entire corridor every five years.

17. Why is the District concerned about earthquakes or other natural disasters?

An earthquake will be the primary natural disaster to have an impact on District facilities. Experts indicate that the Wasatch Front is long overdue for a major seismic event. A major earthquake could cause water service disruption to hospitals, firefighters, and hundreds of thousands of residents. Flooding, landslides, rock fall, and other natural disasters may cause similar problems. In order to be prepared to respond to these types of events, it is imperative that the District have necessary and timely access to its facilities with minimal obstructions.

18. The pipe is under the road in front of my house. Will I be guaranteed access to my home during a repair or replacement?

The District will work to maintain reasonable access for homeowners and utilities during repair and replacement projects. However, the District has the right to full access and use of the aqueduct corridors and will utilize that right as appropriate to correctly, efficiently, and cost-effectively perform the work. Homeowners may experience limited access and utility and service interruptions for periods of time coincident to repair and replacement projects.

19. **Why can't the District remove uses when it's time to replace the pipe?** Existing uses delay the District's ability to efficiently access its facilities in a timely manner, impede progress to any repair work, increase costs, and present liability concerns.
20. **Will the District move unauthorized encroachments and then bill the property owners for the cost of removing the facilities?** The District's preference is for the property owners to arrange, supervise, and pay for removal. If the situation warrants removal by the District, the District will take the necessary actions to remove the encroachment. The District may seek compensation for these efforts.
21. **If existing uses are removed due to maintenance or construction activity, will the use be allowed to be replaced?** Uses will be allowed based on established District policy at the time of replacement.
22. **Will uses be allowed to be repaired?** The District will evaluate repairs to uses on a case-by-case basis, based on District policy at the time of repair.
23. **Why is the corridor so wide?** The width of the corridor varies based on slope and similar factors. Due to the size and depth of the aqueducts, excavation requires an extensive area. This is driven by safety of the workers involved in installing or maintaining pipelines of this size and by cost. In some instances, the slope of the adjacent ground contributes to the need for a wider corridor.
24. **If I don't want to remove my use, what recourse do I have?** If an individual does not agree with the interpretation or implementation of District policy, the District has an appeals process so that concerns can be heard and evaluated. If this administrative process does not lead to a satisfactory result for the individual, the individual may exercise other remedies allowed by law.
25. **My neighbor has a basketball court. Why can't I?** Over the years, many unauthorized uses have been made to the corridor. In addition, policies and the implementation of policies regarding what is and is not allowed have evolved. In its efforts to meet the needs of the water users of the Salt Lake Valley, the District continually develops and implements updated policies and procedures. It is the desire of the District that, over time, the uses of the corridor will become more consistent with current policies and procedures.
26. **What is the general condition of the aqueducts?** The Salt Lake Aqueduct is a mostly 69-inch inside diameter, 84-inch outside diameter, mostly reinforced concrete pipe installed between 1939 and 1951. The Point of the Mountain Aqueduct is a 60-inch diameter steel pipe installed in 2005 and 2006. Both aqueducts are regularly inspected to monitor and assess their condition so the District may plan for future repairs or replacement. Recent inspections show the aqueducts are in good condition.
27. **When is the last time the aqueduct leaked and required attention?** Leaks have been identified and repaired over the years. Leaks are typically found at pipe joints and are repaired from both inside and outside the pipe. Outside repairs involve excavating with heavy equipment to expose the pipe and seal the leak. Internal repairs are made as opportunities are made available to drain and inspect the pipe. Where roots are discovered to contribute to a leak, nearby trees are removed. The District has been experiencing a need

to excavate and repair a portion of the Salt Lake Aqueduct about once each year. These events are expected to increase in frequency due to the age of the aqueduct.

28. When will the Salt Lake Aqueduct be replaced? The timeline for the Salt Lake Aqueduct to be replaced has not yet been determined but is likely to begin within the next 15-20 years. Studies and assessments will help determine when this project should begin. We are also mindful of emergencies that would give cause for the District to repair or replace damaged areas of the aqueducts.

29. What methods will be used to replace the aqueducts? There are many options when it comes to replacing the aqueducts, including:

- Remove the existing aqueduct and install a new aqueduct in its place,
- Put in a new parallel aqueduct before abandoning the existing aqueduct in the ground,
- Continue to use the existing aqueduct and put a new parallel aqueduct next to it, and
- If technology allows, utilize a trenchless replacement system (even trenchless technologies require periodic entry points which require excavation).

When the time comes to consider aqueduct replacement, extensive studies will take place to provide the most viable option not only for the District but for those whose property and lives will be impacted.

30. What kind of fencing is allowed? Fences, with the exception of masonry or stone walls, may be permitted on easement provided the fences permit reasonable and efficient access to enclosed portions of the Aqueduct Corridors. New fences on District fee land are not permitted except for District purposes. Existing fences on District fee land may remain in place pursuant to a valid, written cooperation agreement until the District requires removal. Existing fences may be repaired or replaced in accordance with District policies.

31. What does the District consider a structure? District Policies and Procedures 16-7.4.a refers to “buildings, structures and similar uses [that] includes, but is not limited to, buildings, poles, retaining walls, pools, and water features.” The term “structure” refers generally to any feature constructed or placed within the SLA Corridor that was not placed naturally.

32. Are temporary, non-permanent structures allowed? Structures, whether temporary or permanent, are not allowed on easement where the structure would unreasonably impact the District’s rights. Structures are not allowed on District fee land. In the event of an emergency, any structure, whether permanent or temporary, is an obstruction preventing timely access to the aqueduct. Also, with changing ownership, new homeowners may not be aware of and/or agree to the removal requirements or may claim their financial status prevents them from complying. This would create a difficult situation for both the homeowner and the District.

33. Are vehicles allowed access within the corridors? Agreements or permits are required for vehicle access on or over District fee land except where the aqueducts are located under validly existing public roads or highways.

34. Are driveways allowed within aqueduct corridors? On District fee land existing driveway access to a home may remain pursuant to a valid, written cooperation agreement. New sole-

access driveways are not permitted. Secondary dirt or gravel access roads may be permitted by agreement. Where the District does not hold fee driveways are permitted where the same does not unreasonably interfere with the District's interest.

35. **Can vehicles be parked or stored on aqueduct corridors?** Storing vehicles (e.g., cars, motorcycles, trailers, RVs, tractors) is generally not allowed on District fee land or where the vehicle would block District access roads, works, equipment, facilities, or infrastructure. Vehicles are obstructions preventing timely access to the aqueduct in the event of an emergency.
36. **Why are sheds a concern to the District?** Sheds hinder access in times of aqueduct repair or replacement and potentially pose a liability risk as contents may be damaged when the shed needs to be relocated. Sheds are also often used to store hazardous materials (e.g., fuels, pesticides) that present a risk to the aqueduct and individuals working near the aqueduct.
37. **Why does the District not permit play equipment (e.g., trampolines, playsets) on its property?** The District does not permit play equipment due to the risk of physical injury and the liability claims that may result. Extended insurance does not eliminate this risk.
38. **Why are trees a concern for the District?** Trees provide multiple concerns for the District. Tree roots may impact the integrity of the aqueduct by either intruding into the pipe at joints or by heaving the pipe (similar to sidewalks). Many of the joint leaks discovered on the pipeline are attributed to trees, some as far as 25 feet away. In addition, trees limit inspection and construction access and the ability to operate heavy equipment in and around the aqueducts and related facilities. There is considerable expense when trees must be removed to allow aqueduct repair or replacement. A District objective is to have necessary and timely access to the aqueducts and related facilities.
39. **What is the length of an agreement for residential properties?** The typical agreement on District fee lands is administered in five year terms. Terms are determined on a case-by-case basis where the District does not hold fee interest. The District has experienced complications in the past because property owners have not been aware of the relationship between the District and the licensee. One of the benefits of the shorter length is to foster more frequent review and coordination and adjust to meet the needs of the District and the licensee. This will be especially effective if property ownership changes.
40. **What is anticipated when an agreement expires?** In most cases the agreement will be extended with an addendum or a new agreement will be created. In cases of District repair or replacement plans, change in property ownership, or changes to District policies and procedures, there may be a need for changes to some uses and agreements.
41. **What happens if the policy changes to exclude a previously approved use while an agreement is active?** Existing uses authorized by an active agreement typically may remain through the current term of the agreement. Removal of the uses may be a condition of renewal.
42. **Is there a cost to use District property?** The District is obligated to seek fair market value for use of its fee title property. In the case of residential cooperation agreements, that value

is often offset by the maintenance provided by the homeowner. Fees are reviewed and adopted annually by the District's Board of Trustees.