To whom it may concern:

More than 81 years ago, the District was formed to supply drinking water to Salt Lake City. Sandy 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 in a safe, timely, economical, and environmentally safe manner.

A large part of fulfilling that role is accomplished by:

- maintaining the District’s ability to have necessary, proper, and timely access to aqueduct corridors as well as any 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;
- providing adequate security; and
- fulfilling the District’s fiduciary responsibilities to protect District assets for the benefit of the District’s member cities and the water users served by those member cities.

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 to guide the District’s staff in the performance of these duties. From time to time, we review these policies and may amend them when warranted by unusual circumstances (e.g., something unusual about the land).

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,

[Signature]

Tom Godfrey
Chair, Board of Trustees
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?** 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 is more than 65 years old and will need to be replaced in the not too distant future. The Point of the Mountain Aqueduct has been owned by the District since its completion in 2007. In order to provide reliable water service to the Salt Lake Valley, efficiently respond to emergencies, and make less costly the future replacement of the pipelines, it is important that these facilities be protected and continue to be fully operational.

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 all of its property interests through survey and research. Once these property interests are understood, the process of communicating these interests to affected property owners begins. Information from the District is made available via mailings, the District’s website (www.mwdsels.org), and in person.

4. **What uses are allowed by the District?** Landscaping including drought-tolerant landscapes, mulched areas (does not include grass clippings), 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. No new fences are allowed except for District purposes. 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. Any decisions of the General Manager related to interpretation and implementation of the District’s policies and procedures may be appealed to the Board of Trustees. Public meetings are advertised on the District’s website (www.mwdsfs.org). Interested parties can sign up to receive electronic notice of open meetings at the Utah Public Notice website: pmn.utah.gov.

7. **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 improvements, and how the deciding body came to its decision. Reports, studies, and ownership documentation are provided as needed or requested.

8. **Does the District have a responsibility to compensate property owners for improvements 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 improvements made on District property interests, with or without permission. Improvements made by prior property owners are generally the responsibility of the current property owner.

9. **If an unauthorized improvement has been in place for a long period of time, will it be allowed to stay?** If the improvement 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 improvements removed in a timely manner (usually less than one year).

10. **Why does the District need surface access to the aqueducts?** The District needs surface access to the aqueducts in order to inspect the 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.

11. **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 have always been against policy.
12. **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.

13. **What is the frequency of inspection required by the District?** With respect to exterior or surface inspections, the District tries to inspect the entire corridor at least once a month. Partial inspection of the inside of the aqueducts occurs annually.

14. **Can a regular, periodic inspection date be established?** Yes. If inspection can be coordinated with an individual or group of affected property owners, the District would consider establishing dates and times for inspection on a regular, periodic basis.

15. **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, fire-fighters, 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.

16. **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.

17. **Why can’t the District remove improvements when it’s time to replace the pipe?** Existing improvements thwart or 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.

18. **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.

19. **If existing improvements are removed due to maintenance or construction activity, will the improvement be allowed to be replaced?** Improvements will be allowed based on established District policy at the time of replacement.
20. Will existing improvements be allowed to be repaired? Generally, yes. Existing improvements that are authorized by a valid agreement may be allowed to stay and be repaired or replaced for the time period of the agreement.

21. Why is the corridor so wide? 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.

22. If I don’t want to remove my improvement, 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.

23. My neighbor has a basketball court. Why can’t I? Over the years, many unauthorized improvements 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.

24. 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.

25. 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 at least once each year. These events are expected to increase in frequency due to the age of the aqueduct.

26. 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.

27. 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 place 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 “non-digging” or trenchless replacement
system.
The District and the cities it serves cannot have a District aqueduct out of service very
long, in the summer in particular. When the time comes to consider the 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.

28. Can the aqueduct be improved by technologies that do not require digging? The
District anticipates that when the time comes to replace the aqueducts, multiple
replacement options will be available. One difficulty the District has with trenchless
technology is the need for continuous operation of the existing system, presence of
siphons, blow offs, turnouts, vents, and related structures that would require special care.
Even trenchless technologies require periodic entry points which require excavation.

29. What kind of fencing is allowed? No new fences will be allowed except for District
purposes. Existing fences may remain in place pursuant to a valid, written cooperation
agreement or until the District requires removal. Existing fences may be repaired or
replaced provided a valid, written cooperation agreement is in place and the repair or
replacement is made in accordance with District specifications.

30. Are temporary, non-permanent structures allowed? If not, why? One definition of
“permanent” structure is a structure that is expected to remain indefinitely. Thus,
especially all structures are arguably “permanent.” Structures, whether temporary or
permanent, are not allowed. 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.

31. Are vehicles allowed in the corridors? Except where the Salt Lake and Point of the
Mountain Aqueducts are located under validly existing public roads or highways,
cooperation agreements are required for vehicle access on or over the aqueducts or
aqueduct corridors. Storing vehicles (cars, motorcycles, trailers, RVs, tractors, etc.) is
not allowed in District corridors. Like temporary structures, vehicles are obstructions
preventing timely access to the aqueduct in the event of an emergency. Existing driveway
access to a home may remain pursuant to a valid, written cooperation agreement. New
sole-access driveways are not permitted. Secondary access dirt or gravel access roads
may be permitted by agreement.

32. Are hard surfaces beneficial to protecting the aqueduct? Not necessarily. For facilities
buried greater than four feet, hard surfaces provide little to no benefit. In fact, hard
surfaces slow the District’s ability to access the aqueduct by excavation and increase the
cost by requiring disposal of the hard surface (concrete, asphalt).
33. **Are sheds beneficial to protecting the aqueduct?** Sheds are not beneficial as they 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.

34. **Are trampolines a liability to the District if the property owner has adequate insurance?** Yes. We live in a litigious society. Research by District staff indicates that one of the top claims against homeowner’s insurance is related to trampolines. One of the District’s objectives is to avoid liability claims.

35. **Why don’t you allow trees?** 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.

36. **Can the District be named as an additional insured to mitigate liability concerns?** The District’s standard agreement currently states that “Applicant will request that Applicant’s insurer issue an endorsement to Applicant’s homeowner’s policy listing District… as additional insureds for liability coverage for claims arising out of Applicant’s use of the [aqueduct] corridor.” The District also requires insurance coverage from cities, agencies, businesses or contractors performing work within the aqueduct corridors.

37. **Why is the agreement term limited to five years for residential properties?** The term of a typical agreement is for a total of 15 years (an initial five-year term and the potential for two additional five-year terms). The District has experienced complications in the past because property owners have not been aware of the relationship between the District, the property owner, aqueduct facilities, and property ownership. One of the objectives of the shorter length is to foster more frequent review and coordination and adjust to meet the needs of the District and the landowner. This will be especially effective if property ownership changes.

38. **What is anticipated regarding renewal of the cooperation agreements at the end of the five year period?** The District is working hard to have all non-District uses of the corridor documented by agreement. The anticipation is agreements will be renewed. Based on experience, special circumstance, change in property ownership, operational needs, maintenance needs, repair projects, replacement projects, or changes to District policies and procedures, there may be a need for changes to some uses and agreements. The District’s interests will be best served if changes are reasonably minimized.

39. **What happens if the policy changes to exclude a previously approved use while an agreement is active?** Existing improvements authorized by an active agreement typically may remain through the current term of the agreement. Removal of the improvements may be a condition of renewal.
40. **Is there a cost to use District property interests?** The District is obligated to seek fair market value for use of its real property interests. 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.

41. **Does the District have regulatory authority?** The District has the authority to regulate uses of its aqueduct corridors as it has done through the regulations (policies and procedures) promulgated by its Board of Trustees.