



LEHI IRRIGATION COMPANY POLICY FOR IRRIGATION SERVICE AND DITCH ABANDONMENT

Adopted by Board action on June 7, 2018

1. Purpose

This policy sets forth the requirements of Lehi Irrigation COMPANY ("COMPANY") when a COMPANY shareholder and OWNER of land ("OWNER") desires to no longer receive irrigation water service to a specific parcel of land ("Subject Property") and wishes to abandon any easement to the historic ditches that served the Subject Land.

2. Conditions for Irrigation Service Abandonment

If OWNER desires to abandon access to any ditch and no longer receive irrigation water from COMPANY, OWNER shall:

- Complete COMPANY's **Application for Irrigation Service and Ditch Abandonment ("APPLICATION")** and provide such information as may be required for COMPANY to process the Application.
- The COMPANY will either Approve or Deny the Application.
- Pay all delinquent COMPANY assessments and/or charges or COMPANY liens against the Subject Property or OWNER.
- Pay the COMPANY Processing Fees
 - \$ 35.00 Administrative Fee
 - \$ 40.00 Recording Fees
 - \$225.00 Advertising Fees
- Disable, to COMPANY's satisfaction, all irrigation facilities designated by Company, whether owned by OWNER or COMPANY, which are, or were, used to serve Subject Property. Company may determine it is infeasible to remove certain facilities; OWNER will not be required to remove these facilities.
- Sign and deliver to COMPANY in recordable form, COMPANY's **Irrigation Service and Ditch Abandonment Agreement ("AGREEMENT")**.
- COMPANY's approval of OWNER's Application/Agreement is not effective until all the conditions imposed on it have been satisfied, as determined by COMPANY.

3. The Company will do the following:

- File an intent to abandon the easement or part of the easement in the county recorder's office that describes the easement to be abandoned; if the portion of the easement being abandoned is a lateral owned by the users thereon, COMPANY and OWNER will jointly file the intent to abandon.
- Publish notice of its intent to abandon the easement once a week for two consecutive weeks in a general circulation newspaper published in the area served by the water conveyance that creates the easement.
- Post copies of the notice of intent to abandon in three public places in the area served by the water conveyance that creates the easement.
- Mail a copy of the notice of intent to abandon the easement to each municipal and county government where the easement is located.
- Publish a copy of the notice of intent to abandon on the COMPANY website
- After meeting the above requirements, and at least 45 days after the last day COMPANY publishes its notice of intent to abandon in the newspaper, COMPANY will file a notice of abandonment containing a description of the easement abandoned in the county recorder's office where the easement is located.

4. Once COMPANY completes the above-described requirements, all interest in the easement will be abandoned and extinguished by COMPANY and Owner. Subject to other existing rights in the easement, the parties owning the land encumbered by the easement may reclaim the land formerly occupied by the easement. COMPANY shall have no obligation for such reclamation or any damages resulting therefrom. COMPANY's abandonment does not affect other prescriptive easements that other parties have established in the water conveyance facility.