

## CWRP LANDSCAPE RESTORATION GUIDELINES

Irrigation canals are an important and vital resource to any community in the arid west. The Logan & Northern Canal and Logan Hyde Park Smithfield Canal, have served the farmers and other irrigators in Northern Cache Valley for over 100 years. The legal right to the use of the underlying land for ownership and operation of these two canals has been acquired by prescriptive use under Utah law, and entails the inherent legal right to use the land adjoining the Canal as is necessary to maintain, repair and replace the canals with vehicles and machinery that may be necessary to do so.

Under Utah law, the owner of a canal has a clear and affirmative duty to maintain the canal so as to prevent waste of water, to prevent injury, and to prevent damage to the property of others. Through the Cache Water Restoration Project, access is being restored to maintain, repair and replace the canals. As access is being restored, encroachments existing within the prescriptive easement for the Canal have impeded the ability of the irrigation companies to efficiently access the Canal for maintenance, repair and replacement will be removed in accordance with the following guidelines:

- Trees, bushes and other large vegetation situated within the Canal easement area, whose root zones encroach upon the Canal or which obstruct access to the Canal, will be removed in connection with the Project. An arborist will be involved to give input in connection with removal.
- Trees removed may be restored with 2 inch caliper replacement trees, in a location on the property situated outside the boundaries of the Canal easement area.
- Horizontal surface improvements situated on property within the Canal easement area will be restored, in a manner roughly equivalent to the existing improvements, following completion of Canal re-construction. No landscape betterments are allowed as part of the Project.
- Vegetation that exists within the Canal easement area, whose root zones will not impact the Canal, may be restored with similar vegetation in connection with the Project.
- Vertical improvements such as fire pits, or benches may be restored, in a location on the property situated outside of the Canal easement area.
- Permanent, inhabited structures currently situated within the Canal easement area will not be removed as part of this Project, but no such encroachments will hereafter be allowed.
- Removal of other structures situated within the Canal easement area will be addressed on a case by case basis consistent with the above guidelines.
- No obstruction that restricts access to the Canal for operation, maintenance, repair and replacement will be allowed to remain or be placed within the Canal easement area.