

Welby Jacob Water Users Company
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Re: Welby and Jacob Canals – rights-of-way

Welby Jacob Water Users Company is a nonprofit mutual irrigation company that serves approximately 500 shareholders who in turn irrigate approximately 8,000 acres. To that end, Welby operates the Welby and Jacob Canals, which are earthen canals that the company and its shareholders have used and maintained for nearly a century.

Regarding its canals, Welby owes two duties. It owes a general duty to “maintain” its canals “to prevent waste of water or damage to the property of others....” Utah Code §73-1-8(1)(a). Welby also has a duty to use reasonable care and diligence in maintaining its canals and keeping them supplied with water for our shareholders’ use.

Because the canals have been in place so long, Welby has established a right-of-way for the canals and an adjacent access for operation and maintenance. Welby uses that travel way for its various canal operation and maintenance duties, such as checking headgates and diversions, spraying, mowing, or burning weeds, removing accumulated debris, and other such work in connection with maintaining and keeping the canals in proper operation, which includes an inspection more or less daily by our water master.

In 1999, Welby recorded its right-of-way in Salt Lake County. It is Entry No. 7502870. That Notice is enclosed. The Notice identifies the right-of-way as 49.5 feet wide. The Welby right-of-way confirms that it is “for ownership, use, operation and maintenance of a canal, roadway and related water delivering facilities.”

We are writing to you in the hope of avoiding conflict concerning the canals and rights-of-way. We use trailers, track hoes, a mower, and other vehicles and equipment on a regular basis for canal operation and maintenance. We also retain outside contractors when needed. Those vehicles and equipment require a certain amount of room to work so that we can both maintain the canals and avoid damage to neighboring properties, like yours.

Welby wishes to avoid conflict with, and damage to, any of the owners along its canals. Before you locate and build your fence or other structure along the canal road, we ask that you consult with us to ensure that your fence or other structures are located outside the canal’s right-of-way so that our vehicles and equipment can be used, and moved, safely, along the canal road, including access to and from the canal road. Most of our work occurs during the irrigation season – April through October. We also do some canal work in the spring—cleaning, weed control, etc.—to prepare the canal to receive water.

Please contact Darryl Lehmitz, our company president, at 801-718-3327, or Robert Thomas, our watermaster, at 801-205-5578. We will be pleased to visit with you and explain our operation and maintenance needs.

Thank you for your consideration.

Darryl Lehmitz

Darryl Lehmitz (Aug 16, 2022 10:19 MDT)

Darryl Lehmitz
President