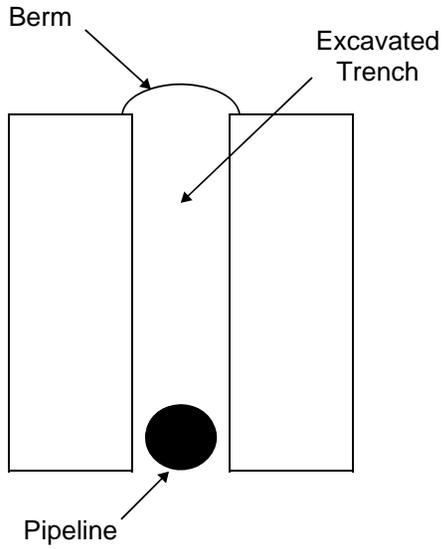


TYPICAL TRENCH INSTALLATION



This facility is operated in accordance with U.S. Department of Agriculture policy, which prohibits discrimination on the basis of race, color, sex, age, handicap, religion, or national origin.

Clay Rural Water System Inc
30376 SD Hwy 19
Wakonda SD 57073-6416



Landowner Easements



Clay Rural Water System Inc
30376 SD Hwy 19
Wakonda SD 57073
605.267.2088



INTRODUCTION

The Clay Rural Water System relies on right-of-way easements for placement of the majority of its' pipeline. The cooperation of landowners in granting easements is a great benefit to the water system, reducing the overall cost of operations. This brochure contains information on granting easements, easement conditions and compensation.

The Clay Rural Water System recognizes and respects your rights as a private property owner. We will work to treat all landowners equally, fairly and with respect. We will strive to be responsible tenants of the landowner.

WHAT IS AN EASEMENT?

An easement is simply a formal document a landowner provides Clay Rural Water, granting the utility the right to place pipeline or appurtenances to that pipeline on their land. Easements are generally restricted to 1) the placement and 2) the operation and maintenance of these facilities. The easement is recorded in the Register of Deeds Office in the county where it was granted.



The easement is typically 30' in width, and for main pipelines, parallels the fence or property line. For service lines, it typically takes the most direct route from the mainline to the metering point.

WHAT WILL THE EASEMENT BE USED FOR?

When a landowner grants Clay RWS permission to place pipeline or appurtenances on their land, the easement is restricted solely to activities which are normal, reasonable and customary for the placement and operation of a water distribution system.

WHO WILL BE GRANTED THE EASEMENT?

The easement will be granted only to Clay RW. No other utility may use the easement. Further, Clay RW may not use the easement for any other purpose than is described in the preceding paragraph.

WHAT IS THE TERM OF THE EASEMENT?

The Clay RW is asking the landowner for a perpetual or unlimited (term) easement. For as long as we have facilities on the land, we must have the ability to access the land and do what is necessary to operate and maintain the facilities.



The investment we make in placement of pipeline is significant. If we were to put a time limit on the easement, we could face significant costs to vacate the land and relocate the pipeline. Our members would be required to bear those costs.

WHO MUST GRANT AN EASEMENT?

Clay RW policies require anyone who has signed up to become a member and receive water service, must grant an easement on the property they wish to receive water service. If a member owns multiple pieces of property that pipeline may cross, they are only required to grant an easement for the parcel where they will receive water service. The easement must be signed by anyone with an interest in the deed.

REFUSING TO GRANT AN EASEMENT

At Clay RW, we certainly respect the landowner's right to have the final say as to whether they want our facilities located on their property. If an easement is refused we will reroute the pipeline.

USE OF PUBLIC RIGHT-OF-WAY

The primary reason Clay RW wishes to locate their facilities in private right-of-way is the possibility that the public right-of-way may be improved in the future. These improvements could force the relocating of pipeline, a cost Clay RW must bear. Improvements include ditch cleaning or regrading. Installing pipeline in road ditches is more difficult and may require extra compaction or seeding. Maintenance of pipeline is also more difficult in road ditches due to standing water or snow.

COMPENSATION

As a non-profit corporation, Clay RW simply does not have the resources to purchase easements from landowners. Additionally, many of the State and Federal agencies that provide financing to rural water systems, do not allow use of their funds for purchasing easements.

In certain instances, Clay RW does provide compensation for crop damage. If a landowner granting an easement is not a member or is a member who granted an easement for previous construction, they will be compensated for crop damage. Crop damage is calculated as the actual loss of crop for the affected area of construction. If a member is receiving water for the first time and is granting easements on multiple parcels of property, they will be required to "donate" the parcel adjacent to the location where they will be receiving water and will be paid crop damage for the other parcels.

INSTALLATION, DAMAGES, CLEANUP

PVC pipe is used for pipeline and is installed by excavators, backhoes or trenchers, depending on the size of the pipeline.



If an outside contractor is used to install the pipe, they are required to warranty the pipeline and installation for one year. Clay RW assumes responsibility after this point. If Clay RW crews install the pipeline, we assume responsibility immediately after installation.

The pipeline is backfilled after installation and a small berm is typically left on top of the pipeline to allow for natural settling. Due to the number of miles of pipe installed compaction is not practical. This also applies to seeding of yards. After installation, normal weather cycles allow the trench to settle. If the pipeline was installed by an outside contractor, they will return and reshape the trench. If Clay RW installed the pipeline, the same maintenance will take place. Clay RW will assume all future maintenance requirements.

The easement requires Clay RW to maintain the land in good repair and to restore it as close as possible to its original state.

