

Bond Case Briefs

Municipal Finance Law Since 1971

WATER DISTRICTS . - UTAH

Metropolitan Water District of Salt Lake & Sandy v. SHCH Alaska Trust

Supreme Court of Utah - October 16, 2019 - P.3d - 2019 WL 5256348 - 2019 UT 62

Water district brought action against owner of land on which district held easement, seeking injunctive relief to require landowner to comply with district's property regulations.

The Fourth District Court granted summary judgment to district. Landowner appealed.

The Supreme Court held that:

- Provision of Limited Purpose Local Districts Act granting district authority to “acquire or construct works, facilities, and improvements necessary or convenient to the full exercise of [district’s] powers, and operate, control, maintain, and use those works, facilities, and improvements” did not grant district authority to impose land use restrictions on real property across which district held easement;
- Provision of Act granting district authority to negotiate with owner of property on which district had right-of-way regarding use of property also did not grant such authority;
- Provision of Act granting district authority to “perform any act or exercise any power reasonably necessary for the efficient operation of the local district in carrying out its purposes” also did not grant such authority; and
- In determining scope of easement, which was created under Canal Act of 1890 or 1890’s Act, trial court could not simply accept Federal Bureau of Reclamation’s written description of easement as dispositive of its scope.