

Local Improvement Districts

Local Improvement Districts (LIDs) have been authorized by law since the 1920's. There are a number of LIDs within Elephant Butte Irrigation District (EBID) which provide for flood protection for farmlands and adjacent areas. Most were created in the late 1950's and early 1960's, when the federal government provided the money to build new flood control dams and related facilities through what is known as Public Law 83-566. EBID helped create the LIDs at the request of the local landowners in order to protect farmers' land and homes from floods. The District became the sponsor of many of these dams and still operates and maintains them today. Funds collected through LID assessments are used for the annual operation and maintenance of the dams and structures that still protect downstream areas.

All lands within the flood plain below a flood control dam receive protection from floods. **Land owners with WRA (water righted acres) will receive an EBID Annual Operation and Maintenance Assessment for surface water rights. Lands within LID boundaries may also be assessed for an LID. Landowners who are assessed LID charges may not necessarily own lands that are still farmed. Only lands that were agricultural when an LID was created are still subject to assessments today. Assessments are made by EBID on a per acre basis. LID assessments are established by state law at \$5 per acre; not nearly enough to maintain, repair or replace these dams.**

EBID currently maintains 25 existing dams, which still provide flood protection to most valley residents, not just farmers and those who pay LID assessments. However, the District is looking for other streams of revenue to assist with dam maintenance or other government units like the counties or the Bureau of Land Management to take over the responsibility for these dams. EBID and its farmers alone cannot afford this huge expense. LID assessments cannot produce enough money to meet the cost of replacing or rehabilitating



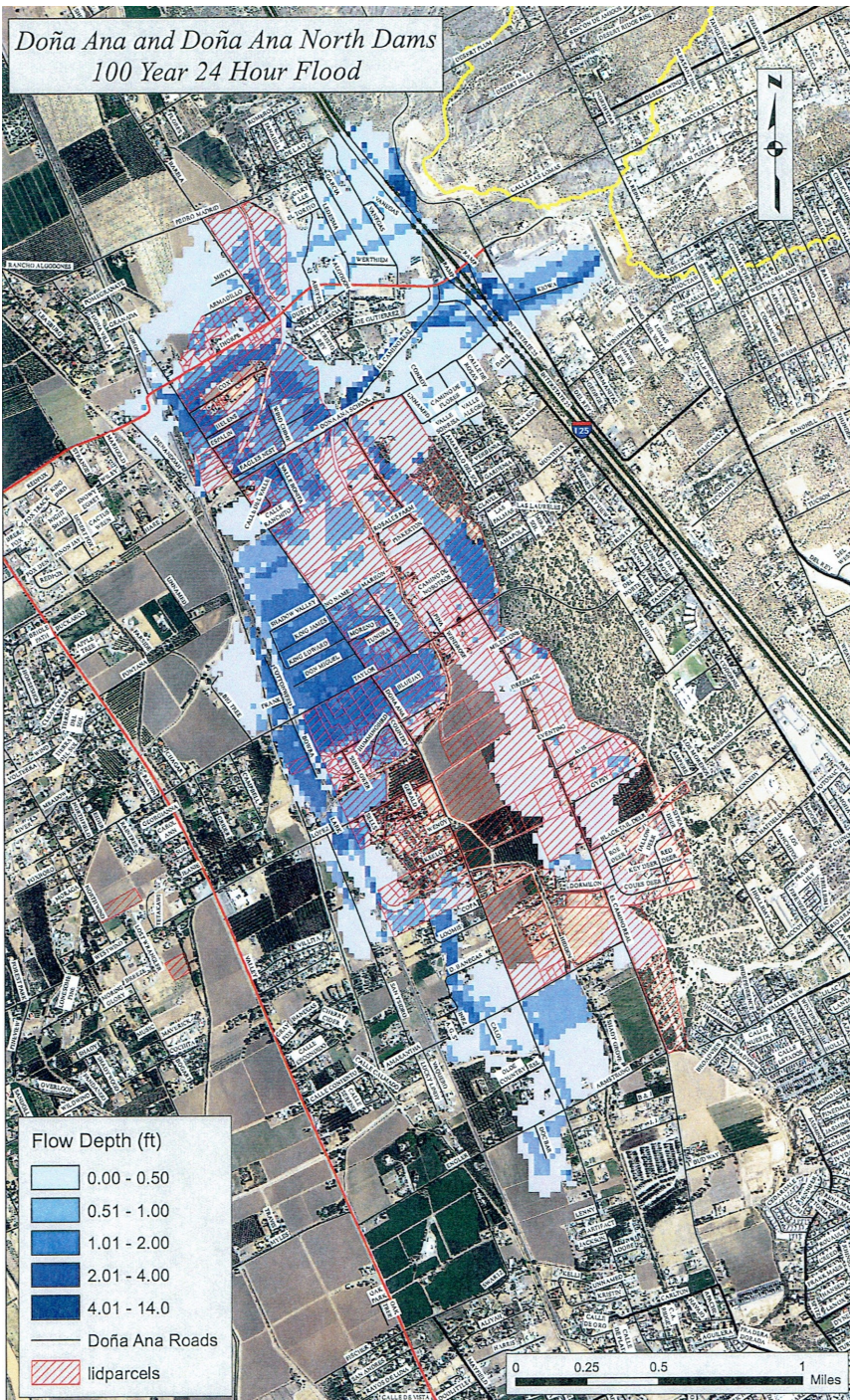
*Flooding in downtown Hatch, NM
(photo courtesy Sam Castillo, Village of Hatch)*

these dams to meet new dam safety regulations. It is reasonable that all residents pay taxes for the operation and maintenance of flood control dams that protect everyone.

In the meantime, LID assessments you pay are used wisely by EBID to keep the current dams and facilities operating safely.

Legislators need to understand the importance of watershed management and that flooding remains a high level risk to everyone, especially those living on the valley floor. Infrastructure improvements are needed not only for the current flood dams, but there must be more emphasis applied towards improving and recognizing the need to prevent catastrophic flooding events. Funding for all watershed restoration should be recognized by the State as a

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Estimated 100 year flood inundation map below Dona Ana Dams in the Mesilla Valley if the dams were not in place (LID Dona Ana District, est. 1956)

Agricultural areas have become more urbanized over the years and now the flood control dams protect much more than just farm lands and farm houses. Still, the law limits EBID to making assessments only against current and former farm land. Existing flood control dams are approaching or have passed their design life of 50 years. Federal and state agencies are beginning to require modification, enlargement or replacement of many existing dams in order to protect against storms including the Probable Maximum Precipitation.

EBID Local Improvement Districts

The authority to set and collect assessments against land within the LIDs rests in the EBID Board.

District LIDs:

- 1) Dona Ana (1956) (2 sites)
- 2) Tortugas (1960) (2 sites)
- 3) Fillmore (1961) (3 sites)
- 4) Apache-Brazito-Mesquite (1963) (4 sites)
- 5) North Salem (1957)
- 6) South Salem (1959)
- 7) Reed Thurmond (1958)
- 8) Wardy Hedgecock (1960)
- 9) Wasson (1959)
- 10) Rodey (1958)
- 11) Ralph (1957)
- 12) Velarde (1958)
- 13) Garfield (1957)
- 14) Hammett (1960)

LIDs are authorized to function within an irrigation district under Sections 73-11-13 to 73-11-20, NMSA 1978. Section 73-11-13 refers to LIDs as existing for the purpose of special construction, reconstruction, betterment or improvement in an irrigation system, which includes protection from arroyo floods or encroachment of arroyo fans...

These 14 LIDs provide the operation and maintenance funds for 25 flood control facilities. Each LID supports at least one facility, with Dona Ana and Tortugas each supporting two, Fillmore supporting four and Apache-Brazito-Mesquite supporting seven.