

# USE OF EBID FACILITIES



The Elephant Butte Irrigation District (EBID) is a political subdivision of the State of New Mexico. EBID operates, maintains, and owns the irrigation distribution system of the Rio Grande Project which was acquired and constructed by the US Bureau of Reclamation, including the canals, laterals, drains, wasteways, canal/drain banks, and structures. EBID property and right-of-ways are authorized for use by EBID personnel only.

Use of, or on, EBID facilities requires authorization from EBID in the form of a Special Use Permit, Limited Use Permit, or other written contract agreement. Permits and agreements are issued for terms of one (1) year and ten (10) years, depending on the type of use. Limited Use Permits are issued only for temporary uses, such as construction, special events, races, or film/photography projects, and are limited to a term of one year or less. Permits will not be issued for a term longer than 10 years. All permits longer than 1 year require approval of EBID's Board of Directors at a board meeting. Applications typically require at least 1 month for full approval and may take up to 2 months. Please plan accordingly and contact EBID's Engineering Department regarding applications as soon as possible. A summary of the procedures, guidelines, criteria for the issuance of licenses and permits, and where to find more information are described below.

## FACILITIES INCLUDE:

- EBID canals, laterals, drains, wasteways, rights-of-way (ROW), structures, and other District owned properties
- Canal/drain banks (operation/ maintenance access)
- EBID-sponsored flood control structures
- Diversion dams with EBID/BOR agreements

## TYPES OF USE:

All uses or structures that utilize, cross, or parallel EBID facilities require a permit or contract including, but not limited to:

- Culverts and bridges
- Utilities and pipelines
- Harvest gates
- Discharge/agricultural runoff
- Trails/bike paths
- Irrigation siphons or flumes
- Beehives
- Removal of dirt, sand, or trees
- Pump in/take out

**WHO MUST OBTAIN AUTHORIZATION? Everyone:** Private individuals, EBID members, utilities, firms or corporations, and governmental agencies must obtain written permission prior to use.

**APPLYING FOR A RIGHT-OF-USE PERMIT** - The EBID "Right of Use and License Policy" establishes the procedures, guidelines, and criteria for the issuance of licenses and permits as provided by the applicable laws, regulations, and rules of the State of New Mexico and EBID. The policy is available at the EBID Engineering Department and on the EBID website. The process for obtaining an authorization for the right to use EBID facilities is described in the following table. Applicants are advised to contact the EBID Engineering Department as soon as possible to obtain specific instructions regarding the right-of-use permit application.

### AT RISK NOTICE

Canals, laterals, and drains are protected under NM Tort Claims Act as irrigation works and are ONLY intended for the storage and diversion of water. Therefore, canal, lateral and drain banks, being part of the irrigation works, are not intended to be used as roads.

### PENALTY

Failure to obtain proper authorization for use of EBID facilities may result in the removal of encroachments from EBID facilities and/or other action at the owner's expense.

### NOT AUTHORIZED

Use of EBID canal/drain banks, operation/ maintenance access or rights-of-way for parallel **INGRESS/ EGRESS** to private property

**TRESPASS** (motorized or otherwise) onto EBID facilities without permit, license, or agreement

**ENCROACHMENT** of structures, fencing, earthwork, parked vehicles, landscaping, pavement, driveways, plowing/farming, or any use onto EBID facilities without permit, license, or agreement.

**DUMPING** of yard waste, dirt, spoil, concrete rubble, trash, manure, or demolition waste.

# THE EBID PERMIT PROCESS

<b>APPLICATION:</b>	Applicants are required to submit a right-of-use permit application to EBID's District Engineer. The required application is available at EBID's Engineering Department and on the EBID website at <a href="http://www.ebid-nm.org/permits-policies">www.ebid-nm.org/permits-policies</a> . A non-refundable application fee is required. Permit applications should be submitted in person and include the following:
Contact Information	Permit application contact, business name, address, phone number, email address, and EBID customer number or DAC parcel number (if applicable).
Design	Discussion with EBID's Engineering Department as soon as possible for design criteria is recommended. Certain structures can only be designed and installed by EBID. Major works such as bridges, concrete box culverts, inverted siphons, large culverts, and relocations of irrigation facilities must be designed by a professional engineer. Three (3) copies of detailed construction design plans are required, in some instances electronic document submission is an acceptable substitute for two of the copies.
Site Plan	Maps showing the location and siting of structures are required. Photos of all four directions of crossing (north, south, east, and west) are recommended. Any other pertinent information that will help EBID determine the location and any potential conflicts should be included.
Pump-in Permits	Farming groundwater pump in/take out permits have special requirements including the installation of an RTU (remote telemetry unit) for metering the discharged flow in real time and testing of the pumped water prior to discharge. The NMOSE LRG well number is also required information. See EBID Board Policy 2003- OP10 for more information.
Conditions	General conditions, requirements, and responsibilities can be found on the Right of Use Application. Please review these thoroughly. Special conditions may be added. Permittees may be required to furnish such insurance protection as EBID Board or Officials deem necessary.
<b>REVIEW:</b>	Application, design, and plans will be evaluated by the District Engineer and staff. When internal reviews are complete, the permit application will be submitted to EBID's Board of Directors, and staff will provide a recommendation.
<b>APPROVAL:</b>	EBID's Board of Directors usually meets the second Wednesday of each month. The applicant does not need to be present, however, should questions arise during the meeting, the permit may be delayed until all questions and/or requirements are satisfied. The Board may approve, deny, or table the request. Special Conditions may be assigned at this time. The applicant will be notified in writing of the Board's decision.
<b>FEES:</b>	If the permit application is approved, the applicant will be invoiced for the fees assessed. The permit/license schedule is available at the EBID Engineering Department or EBID's website. EBID Engineering Department can also assist with estimating fees. Fees may include but are not limited to those described below:
Application Fee	The minimum administrative fee is \$300.00 plus tax and is non-refundable. Fee is due at the time of application submittal.
Administrative Fee	The actual administration fee will usually exceed \$300.00 since the applicant will be required to pay all administrative costs in excess of the initial deposit for the preparation of the right-of-use document, and any engineering review, ROW investigation, legal review, coordination with other agencies, construction inspection, document preparation, rights-of-use assistance, and/or appraisals.
Land Use Fee	Fair market value of the right and privilege requested for use of the EBID facilities. The Board may require a surety or performance bond, as well as insurance coverage and/or indemnification, as it deems necessary.
Discharge Fee	Based on flow or volume discharged (excludes well discharge for irrigation).
Fee Waiver Request	Permit fees can only be waived by the District's Board of Directors consistent with legal limitations. Use for farming activities may be waived at the Board's discretion. Please indicate a request for waiver of fees at the time of application.
<b>FINALIZE:</b>	Approved permits will be mailed to applicant as soon as possible following Board approval. Permits are not valid until fees have been paid, signed documents are returned to EBID, and the permit is signed by EBID officials. A copy will be returned to the applicant for their records.
<b>CONSTRUCTION NOTICE:</b>	New construction/installation must be completed within two years of approval. <b>Construction and/or use cannot begin until permit is validated.</b> The applicant must notify EBID Engineering Department when construction or use begins and ends. Construction usually can only take place during the non-irrigation season. EBID will inspect all completed structures and may require additional inspections.
<b>AMENDMENT OF PERMITS:</b>	Licensee cannot transfer or assign a permit/license without EBID consent. A new permittee or landowner can request amendment/reassignment in writing or with a right-of-use permit application and a service charge of \$50 plus tax.

**Design Criteria:** Criteria have been prepared to serve as a guide for the design of installations to be constructed on EBID facilities. The general requirements that apply to most installations are available at our Engineering Department and the pertinent policy and application are available on our website.

**Construction/Installation of Structures:** All construction activities must be coordinated with EBID. Construction is usually not permitted during irrigation season. You must notify EBID Engineering prior to construction activities beginning and when finished.