

**USE OF EBID FACILITIES**

The Elephant Butte Irrigation District (EBID) is a quasi-municipal agency of the State of New Mexico. EBID operates, maintains, and owns the irrigation distribution system which was constructed by the United States Bureau of Reclamation (BOR) including the canals, laterals, drains, wasteways, operation/maintenance roads on both banks, and structures. Rights-of-way are authorized for use by EBID personnel only. **Use of, or on, EBID facilities requires authorization** from EBID in the form of a special or limited use permit or license, joint powers agreement, blanket agreement, or contract agreement. Permits are issued for terms of 1, 5, 10, or 25 years, depending on the type of use. The procedures, guidelines, and criteria for the issuance of licenses and permits, and fees associated with the consideration of applications for right of use are described below.

USE OF WHAT FACILITIES?

- EBID canals, laterals, drains, wasteways, operation/maintenance roads, rights-of-way (ROW), and structures
- EBID-sponsored flood control structures
- Diversion dams with EBID/BOR agreements

WHAT TYPES OF USE?

Uses or structures that utilize, cross, or parallel EBID facilities include, but are not limited to:

- Culverts and bridges
- Utility and pipe lines
- Harvest gates
- Discharge/agricultural runoff
- Trails/bike paths
- County/state parallel roads
- Turnouts
- Flumes
- Siphons
- Removal of dirt, sand, or trees

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 operation/maintenance roads 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 onto EBID facilities without permit, license, or agreement.

WHO MUST OBTAIN AUTHORIZATION?

Everyone: Private individuals, partnerships, utilities, firms or corporations, and Federal, State, or local governmental agencies.

HOW DO I APPLY FOR A RIGHT-OF-USE PERMIT?

The EBID "Right of Use and License Policy" effective November 1, 1994 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 the EBID. The entire policy is available for viewing at the EBID Engineering Department, and on the EBID website at www.ebid-nm.org. The process for obtaining an authorization for the right to use EBID facilities is briefly

described below (see "The EBID Permit Process"). It is recommended that you visit or contact the EBID Engineering Department for specific instructions regarding your right-of-use permit application. It will require a minimum of 2 - 4 weeks to process your permit application.

CONSTRUCTION / INSTALLATION OF STRUCTURES

All construction must be coordinated with EBID. EBID may assist with engineering and construction needs provided the work is limited to and associated with the distribution of water. Construction/installation costs are the owner's expense.

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 will apply to most installations are available at our main office in the Engineering Department and our website at www.ebid-nm.org (click on "Right of Use and License Policy").

THE EBID PERMIT PROCESS

APPLICATION:	You must submit a written request for a right-of-use permit to the District Engineer. Your request should include the following:
Letter	A written letter of intent, describing in detail how you will use EBID facilities. For example, "I would like to install a culvert (or use an existing crossing) that I will use to cross over the La Union Lateral in order to move my farm equipment from the east side of the lateral to the west side"). Describe your time schedule.
Design	Design Criteria are available at EBID and on our website at www.ebid-nm.org (click on "Right of Use and License Policy"). Certain structures can be designed and installed only by EBID. Discussion with EBID's Engineering Department is recommended. Major works such as bridges, concrete boxes, inverted siphons, large culverts, relocations of irrigation facilities must be designed and constructed by a professional engineer. Three (3) sets of detailed construction design plans are required.
Site Plan	A map or maps showing location and site of structures is required. Need design profile for harvest gate or crossing. Need photos of all four directions of crossing (north, south, east, and west).
For farm use permits	In your letter, request that Administrative Fees be waived (see Fees below).

REVIEW:	Your application, design, and plans will be evaluated by the District Engineer. When complete, he will submit your permit application to the EBID Board of Directors and provide a recommendation.
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APPROVAL:	The Board meets the second Wednesday of each month. You do not need to be present, however, should questions arise during the meeting, your permit may be delayed until all questions and/or requirements are satisfied. The Board may approve, deny, or table your request. You will be notified in writing of the Board's decision.
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FEES:	If your permit application is approved, fees will be assessed. Some or all of the fees may be waived (see Fee and Cost Waiver below). Fees may include but are not limited to those described below (see the previous page for construction costs, if applicable):
Administrative Fee	Engineering review, ROW investigation, legal review, coordination with other agencies, construction inspection, document preparation, rights-of-use assistance, appraisals.
Land Use Fee	Fair market value of the right and privilege requested for use of the EBID facilities. Surety or Performance Bond and/or insurance protection or indemnification may be required as the Board may deem necessary.
Discharge Fee	Based on annual GPM discharged/dewatered. (Excludes well discharge for irrigation.)
Blanket Agreement	To minimize procedural requirements of multiple applications for governmental agencies and utility companies with continual right-of-use needs.
Fee and Cost Waiver	Use for agricultural activities normally will not be assessed Administrative Fees for permits that improve and supplement agricultural operations. Land Use Fees may be waived if construction/installation provides a benefit to the District.

FINALIZE:	Your permit will be mailed to you within ten (10) days after Board approval. All construction/installation must be coordinated with EBID. <i>Your permit is not valid until you pay the fees, sign the permit, and return the documents to EBID.</i>
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CONSTRUCTION OR USE:	New construction/installation must be completed within two (2) years. <u>Construction and/or use cannot begin until your permit is valid (see FINALIZE above).</u> You must notify EBID Engineering when construction or use begins/ends. Construction can only take place during the non-irrigation season. EBID will inspect all completed structures.
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WHO TO CONTACT

EBID Engineering Department	
Engineering Design/Review – Henry Magallanez, District Engineer and Department Head	
Permits and ROW – Danny Duran/Eric Visage - Engineering Tech I-Jesus Morales	
Resource Engineering Specialist/Middle Manager – Jean Hinsley - Land Specialists –Linda Armijo/A J Carlson	
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