



# Water Right Transfers

Summary of EBID Board of Directors' approved policies.

## What is a Water Right Transfer?

The process of removing the water righted acres from one land parcel and transferring those water righted acres to another land parcel within EBID boundaries.

### All Transferred Water Rights

1. Are subject to all EBID rules, state laws, conditions, policies, reclassification requirements, and all assessments must be paid.
2. Shall be put to beneficial use.

## VOLITIONAL WATER RIGHT TRANSFERS

- The EBID Volitional Water Right Transfer process is utilized when landowners voluntarily choose to suspend and transfer surface water rights (all or part) from one land parcel location to a different, predetermined land parcel location.
- During this process, the **SURFACE WATER RIGHTS ARE PERMANENTLY SUSPENDED** from the "MOVE FROM" location and transferred to the "MOVE TO" location.
- Suspended means the water rights are removed from the land. Once the water righted acres of a parcel are suspended, the "MOVE FROM" land is classified as non-irrigable and is no longer entitled to receive EBID surface water. If all the water righted acres are suspended, the property will no longer be assessed the annual water right tax. The property is still subject to LID tax assessment, if applicable.
- If the "MOVE TO" parcel is less than 2.00 gross (land) acres, it does not meet the Board policy requirements for reclassification but a variance may be requested of the Board.
- See Policy 2003-ENG12 as Amended on May 9, 2012 and September 11, 2013 for more information

**NOTE:** The EBID Water Right Transfer process does not involve transfer of groundwater rights. Prior to initiating the suspension of EBID Water Rights, landowners should contact the Office of the State Engineer-Water Rights Division at 524-6161 or 1680 Hickory Loop, Las Cruces for information about the disposition of any or all groundwater water rights on these lands.

## What is Water Right Stacking?

"Stacking" or "Stacked" means adding more water rights to existing water righted land without increasing the land area.

### Stacking of Water Rights

The EBID Water Right Stacking process is utilized when landowners voluntarily choose to transfer surface water rights to land within the District that already has surface water rights to insure that sufficient surface water is available to grow a variety of crops as well as accommodate the needs of agricultural and non-agricultural constituents.

- Stacked water rights cannot exceed double the gross classified (land) acres.
- If the "MOVE TO" parcel is less than 2.00 gross (land) acres, it does not meet the Board policy requirements for stacking but a variance may be requested of the Board.
- See policy 2005-ENG13 for more specific information

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### EBID Engineering Department

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Land/Water Analyst-AJ Carlson      Resource Specialist Manager – Jean Hinsley

Field Tech II – Jesus "Chuy" Morales      Permits and ROW – Zack Libbin      Survey Tech – Robert Rios

### THE PROCESS FOR TRANSFER OF EBID WATER RIGHTS

<b>APPLICATION:</b>	A non-refundable application fee of \$50.00 plus tax is required to start the transfer process.
Obtain Required Information	<ol style="list-style-type: none"> <li>1. The applicant identifies the transfer "FROM" and transfer "TO" lands.</li> <li>2. All "TO" and "FROM" tax assessments must be paid in full before finalizing application.</li> <li>3. To retain the water allotment, the "FROM" landowner must contact Water Records and perform a water transfer before this application is processed. Otherwise, item 1 under FINALIZE applies (see below).</li> <li>4. Property deeds to establish proof of water righted land ownership. To assist the owners, the Land/Water Analyst will download the property deeds from the County website, if available. If not available, the landowners must provide the property deeds.</li> </ol>
Volitional Water Right Transfer Form	<p>A Volitional Water Right Transfer form is completed by the Land/Water Analyst. The applicant must have the form signed by all landowners involved in the transfer including:</p> <ol style="list-style-type: none"> <li>1. The "FROM" parcel owner(s)</li> <li>2. The "TO" parcel owner(s)</li> </ol>
<b>PUBLISHED NOTICE:</b>	<ol style="list-style-type: none"> <li>1. The Land/ Water Analyst establishes the Public Hearing date (usually the second Wednesday of the month prior to our regular Board of Directors public meeting).</li> <li>2. The Land/Water Analyst prepares a Public Notice for the applicant.</li> <li>3. The applicant takes the notice to the local newspaper (Bulletin or Sun-News) and pays to have the notice published one time in the Legal Notices section of the newspaper, not less than one week before the Public Hearing date.</li> <li>4. The applicant is responsible for providing proof of publication to EBID, not less than 3 days before the Public Hearing date.</li> </ol>
<b>PUBLIC HEARING:</b>	The Public Hearing is conducted by the EBID Board of Directors prior to the regular scheduled Board meeting (usually the second Wednesday of the month) .The applicant is encouraged to attend the hearing. The Land/Water Analyst will present your application and the Board will take action (i.e., approve, deny, request additional information, table, etc).
<b>APPROVAL:</b>	<ol style="list-style-type: none"> <li>1. If the application is denied by the EBID Board of Directors, the Land/Water Analyst will inform all landowners involved in the transfer by mail.</li> <li>2. If the application is approved by the EBID Board of Directors: <ol style="list-style-type: none"> <li>a. The transfer will be processed in the EBID Land, Tax, and Water records.</li> <li>b. The Land Specialist will inform all landowners by mail.</li> </ol> </li> <li>3. Protestors can submit objections directly to the District Court within 10 days of the EBID Board decision.</li> </ol>
<b>FINALIZE:</b>	<ol style="list-style-type: none"> <li>1. When all the water righted acres for the "FROM" parcel are being suspended and transferred, the water allotment balance, <u>if any</u>, will convey to the "TO" parcel. If only part of the water righted acres are transferred, the water allotment balance, <u>if any</u>, will remain with the "FROM" parcel.</li> <li>2. EBID notifies the Office of the State Engineer-Water Rights Division of the transfer.</li> </ol>

### THE PROCESS FOR EBID STACKING WATER RIGHTS

<b>APPLICATION:</b>	The applicant must pay an application fee of \$50.00 plus tax (non-refundable) in order to start the transfer process.
Obtain Required Information	<ol style="list-style-type: none"> <li>1. The applicant identifies the transfer "FROM" and transfer "TO" lands.</li> <li>2. If the lands involve different parcels, the Volitional Water Rights Transfer process must be completed also.</li> <li>3. All "TO" and "FROM" tax assessments must be paid in full before finalizing application.</li> <li>4. To retain the water allotment, the "FROM" landowner must contact Water Records and perform a water transfer before this application is processed. Otherwise, item 1 under FINALIZE applies (see below).</li> <li>5. Landowners provide proof of water righted land ownership. To assist the owners, the Land/Water Analyst will download the property deeds from the County website, if available. If not available, the landowners must provide the property deeds.</li> </ol>
Stacking Water Rights Transfer Form	<ol style="list-style-type: none"> <li>1. A Water Rights Transfer Application form is completed by the Land/Water Analyst.</li> <li>2. The applicant and/or all landowners of the parcels involved sign the form.</li> </ol>
<b>APPROVAL:</b>	<ol style="list-style-type: none"> <li>1. The EBID Board of Directors will take action at the next scheduled meeting (usually the second Wednesday of the month). The Land/Water Analyst will present your application and the Board will take action (i.e., approve, stipulate conditions, deny, table, request additional information, etc).</li> <li>2. If the application is denied, the Land/Water Analyst will inform the applicant by mail.</li> <li>3. If the application is approved: <ol style="list-style-type: none"> <li>a. The transfer will be processed in the EBID Land, Tax, and Water records.</li> <li>b. The Land/Water Analyst will inform the applicant by mail.</li> </ol> </li> </ol>
<b>FINALIZE:</b>	<ol style="list-style-type: none"> <li>1. When all the water righted acres for the "FROM" parcel are being suspended and transferred, the water allotment balance, <u>if any</u>, will convey to the "TO" parcel. If only part of the water righted acres are transferred, the water allotment balance, <u>if any</u>, will remain with the "FROM" parcel.</li> <li>2. The Tax Assessment and Water Allotment will be calculated according to the Total Water Righted Acres</li> <li>3. <math>(WR\ Acres = EBID\ Land\ Acres + Transferred\ WR\ Acres)</math>.</li> </ol>