

1988-ENG6

POLICY SUBJECT: INSTALLATION OF GATE(S) ON THE RIGHTS OF WAY OF IRRIGATION AND DRAINAGE FACILITIES WITHIN THE ELEPHANT BUTTE IRRIGATION DISTRICT.

DATE APPROVED: March 2, 1988
Amended: January 12, 2017

PURPOSE: To establish a policy that provides guidelines for acceptable gates on EBID canals, laterals, and drains.

GENERAL: Right of Use Permits for installation, operation, and maintenance of gates may be issued by appropriate action of Elephant Butte Irrigation District's (EBID or District) Board of Directors (BOD) to a qualified Licensee. Refer to EBID's Right of Use Policy for information and details for applying for a Right of Use Permit. A nonrefundable application fee is required for every application.

Existing gates that have been determined to be unsatisfactory, hamper the operation of the District, or installed without EBID approval shall be removed or in the alternative permitted and replaced by the Licensee with a suitable gate as established by this policy.

Makeshift gates and fences including barbed wire, cable, dirt mounds, trenches, sawhorses, tires, T-posts, debris, landscaping rocks, etc. are also prohibited on EBID property.

POLICY:

I -- INSTALLATION

- A. Final gate location shall be determined by the District.
- B. All lockable gates will use a system of multiple locks which will include a lock provided by the District, or in the case of a single lock system will only use a lock provided by the District.
- C. Gates locked without having a District lock are subject to have the chain or the lock cut at any time if it is necessary for EBID to access EBID property or rights of way beyond the locked gate.
- D. Additional locks or keys must be provided by the Licensee to allow neighboring farmer's access through a gate which directly affects the neighbor. It is not the intent of this policy to allow any farmer to restrict access to neighboring farming operations.
- E. Gates are subject to opening or closing by District employees at any time.
- F. District is not liable for any damage to private property associated with the use of gate as further provided for in the conditions of a Right of Use Permit application.
- G. Gates on canals or laterals are to remain open and cannot be locked during water delivery

season. EBID personnel have the right to inform the Licensee of times the gates must remain open.

- H. In determining the location of the gate, the District can provide approximate Right of Way information when requested by the Licensee. However, Professional Surveying services should be undertaken by the Licensee to avoid trespass or encroachment on EBID or neighboring property.
- I. Right of Use Permits for installation, operation, and maintenance of gates shall not be issued for a period exceeding ten (10) years. Right of Use Permits are subject to renewal by reapplication and approval by EBID's BOD.

II -- DESIGN STANDARDS

- A. Licensee shall submit a design and location map to the District's Engineering Department and shall meet the minimum requirement as per Standard Drawing (SD-87-4).
- B. The design shall have a minimum 13.0' gate opening for gates placed on canals and laterals and a 16.0' gate opening for gates placed on drains. The largest opening possible is preferred for all gates.
- C. Cable or barbed wire gates are prohibited due to safety concerns.
- D. Any substitute gate design shall require prior approval by the District's Engineering Department.

III -- REPAIR/REPLACEMENT

- A. Gates shall be maintained by the Licensee.
- B. Gates determined to be in need of repair shall be removed or maintained within 30 days of a written notice from the District.
- C. Cost of repair or replacement shall be determined as provided by Section V.

IV -- REMOVAL OF GATE

- A. A gate(s) that has been determined to be unsatisfactory, infringes on the operation and/or maintenance of the District, or installed without District approval shall be removed if:
 - 1. Ownership cannot be established within 60 days.
 - 2. Ownership is established and corrective measures are not completed within 30 days after notification by the District.
- B. Gate(s) shall be removed and/or securely left open once harvest has been completed, unless other conditions were requested and approved at the time of application.

V -- EXPENSES

- A. All costs for construction, installation, operation, and maintenance for gates shall be sole responsibility of the Licensee.
- B. If multiple Licensees request a gate under one permit, the cost to each Licensee shall be equal unless the Licensees agree in writing to a different cost breakdown. The agreement shall be part of the Right of Use Permit application.
- C. Licensees shall be responsible for all costs and administrative fees associated with the Right of Use Permit.
- D. If a gate has to be removed by District employees for violation of this policy or the Right of Use Permit, the Licensee shall be billed for the District's labor cost to remove the gate.
- E. If a gate has been installed without a permit, the owner shall be fined in accordance with the Right of Use Permit Policy and shall be responsible for any and all expenses, including attorney fees and costs incurred by the District to remove the gate.