



POLICIES AND PROCEDURES OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT



(RULES AND POLICIES ESTABLISHED BY THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT)

1. WATER DISTRIBUTION

Water that is available to the Middle Rio Grande Conservancy District (District) will be distributed among Divisions in proportion with the amount of land served by each, so far as it is possible to do so. Water will be distributed to main canals, laterals, and ditches, while considering local conditions, in proportion to and appropriate for acreage scheduled for irrigation. The District distributes water to all users fairly and equitably without any preference. Water distribution and use within the District is subject to the following conditions:

a.) WATER TO PUEBLO LANDS

The District delivers water to six Middle Rio Grande Pueblos. The Pueblos occupy a unique position legally, historically, culturally, and physically within the Middle Rio Grande Valley. Scheduling of water deliveries to Pueblo lands is normally done by Pueblo majordomos, in cooperation with District staff. The District, to the greatest extent possible, will cooperate with the Pueblo majordomos to meet Pueblo water needs. Certain Pueblo lands have been designated by the US Congress as having "Prior and Paramount" water rights. During times of shortage, these lands will receive water preferentially over all other District lands.

b.) IRRIGATION WATER

Irrigation water is available to lands within the boundaries of the District which are physically capable of receiving water via gravity. No water will be delivered to water users who are delinquent in the payment of Conservancy District assessments, water service charges, or other fees. Water will not be delivered to lands from which water rights have been sold, severed, or transferred, according to NM Office of the State Engineer (NMOSE) records provided to the District, unless proof of either a leaseback agreement or enrollment in the MRGCD Water Bank program or alternate source of water is provided to the District.

c.) IRRIGATION SCHEDULING

All irrigation deliveries must be scheduled well in advance with the appropriate Ditch Rider for each service area. A minimum of five (5) days advance notice is recommended for irrigation scheduling. To utilize available supplies as efficiently as possible, it is essential that water users irrigate both day and night, seven days per week. Water users who work outside their farms will, if possible be notified in advance as to when water is scheduled for delivery to their farm so that they can make arrangements for labor that may be required. Ditch Riders are normally available by phone between the hours of 7am and 5pm Monday thru Saturday for scheduling water, and 24 hrs. per day for emergencies. In case a Ditch Rider cannot be reached, irrigators may call the appropriate Division Office for assistance.

d.) IRRIGATION PERIOD

When an irrigation delivery has commenced as scheduled, it will be continued without interruption; until completion. Turnouts should be opened fully to complete delivery as quickly as possible. Should an irrigator voluntarily cease irrigation before completion, delivery will be considered complete by the District, and the irrigator will be required to schedule a new delivery after a reasonable period of time has elapsed. If irrigation should be interrupted by causes beyond the irrigator's control, the Ditch Rider will re-schedule irrigation

as quickly as possible for that irrigator, and in such a manner as to minimize impacts to other scheduled irrigators.

e.) MAINTENANCE OF ON-FARM DELIVERY SYSTEMS

It is the responsibility of the irrigator to maintain efficient On-Farm water delivery systems to lands irrigated. Water will not be delivered to silt-laden, vegetation-fouled, or otherwise obstructed On-Farm delivery systems (including community ditches). Where closed conduit systems are used, these must be appropriately sized for operating head and area served. On-Farm delivery systems should be capable of fully irrigating at least One (1) Acre/hour. Systems not capable of supplying this rate may be denied water if, at the discretion of the Ditch Rider, their use results in excessive use of water, or prevents other irrigators from receiving water in a timely manner.

f.) OPERATION OF TURNOUTS AND STRUCTURES

Turnouts, check structures, and other water control devices are the property of the District. Irrigators are permitted to open turnouts only for scheduled irrigation deliveries, and turnouts should remain closed and secured at all other times. Check structures on larger canals are generally to be operated by the Ditch Rider, and in some cases may operate automatically. Adjustment by irrigators of automatic control structures, Diversion dams, or wasteway structures returning water to the Rio Grande are not allowed under any circumstance. Where necessary the Ditch Rider may direct irrigators to operate check structures on certain smaller canals, but this operation is to be precisely as specified by the District, and check structures are to be securely locked at all other times.

g.) MODIFICATION OF IRRIGATION STRUCTURES

Turnouts, check structures, and other water control devices are the property of the District. Irrigators may not alter, or cause to be altered, either temporarily or permanently, any District structure without the express permission of the District. No modification will be allowed which results in a water surface elevation higher than the safe design capacity of the canal, or that reduces the safe design capacity of the canal, or results in changes to other associated hydraulic properties.

h.) RECORD OF IRRIGATION

Each Ditch Rider will keep a record in a District issued Log Book for the purpose of documenting water use. The record will show date and time water was started and shut off for each irrigation delivery, place of use, irrigator using the water, and purpose of use (crop type). Notes shall be made of any special circumstances involving delivery or use of water. Any irrigation difficulties or violation of District rules/policy will be promptly reported to the Division Manager, and recorded in the Log Book.

i.) COMMUNITY DITCHES

Where a single turnout serves multiple small tracts (such as community ditch associations) the Ditch Rider may request a single point of contact be designated by groups of water users for irrigation scheduling, and require that all properties irrigate at a scheduled time to avoid repeated opening/closing of the turnout. Irrigators are encouraged to coordinate their irrigation requests with their neighbors to conserve water and efficiently manage the water delivery.

j.) WASTE OF WATER

If, in the opinion of the District or its employees, a landowner or irrigator is wasting water, either willfully, negligently, or due to defective On-Farm delivery system, the District may refuse, discontinue, or limit the delivery of water until the wasteful practices are remedied. Wasteful irrigation practices include, but are not limited to the following:

- 1.) Allowing water to leave land being actively irrigated, flowing onto lands not intended to be irrigated or not under the control of the irrigator, roads, ponds, drainage channels, vacant land, homes, buildings, livestock pens, etc.
- 2.) Flooding land to an unreasonable depth, or using an unreasonable amount of water in order to inundate high elevation portions of land, or to compensate for inadequate On-Farm delivery systems.
- 3.) Applying water to land that has been improperly prepared for efficient use of irrigation water.
- 4.) Allowing excessive or unreasonable amounts of water to spill or drain to District drains or other channels, particularly while continuing to take delivery of water.
- 5.) Applying water in such a manner as to result in ponded water remaining present on a property for an unreasonable amount of time, and inappropriate for crops being irrigated.
- 6.) Applying water too frequently, and to soils already saturated or nearly saturated, such that the greater portion of the applied water cannot be stored for crop use and drains from the soil via surface or subsurface pathways, or evaporates.

k.) WATER SHORTAGE

The delivery of irrigation water within the District is highly dependent on flow of the Rio Grande. At times, this may be insufficient to supply all irrigator's needs. During this time, the District will practice "shortage sharing" in the distribution of water (please note rule 1a. regarding delivery of water to Pueblo lands). At times, supplemental water may be available from El Vado reservoir to minimize the effect of low Rio Grande flows on the irrigation water supply. However, there may still occasionally be times when water is not available, and irrigators should be aware of that possibility. The District makes no guarantees regarding the availability of water, though will keep irrigators informed as to the status of supplies and outlook for the future.

l.) PUMPING FROM DISTRICT DRAINS AND CANALS

Pumping from District facilities is generally not permitted, except in cases where it is not physically or financially feasible for water to be obtained from any other source. Water pumping is subject to the same regulations as water distributed through turnouts, including scheduling requirements and recordkeeping through Ditch Rider Log Book entries.

m.) CONSERVATION PRACTICES

The District supports and encourages the adoption and use of alternative water delivery systems and application techniques intended to promote water conservation and/or agricultural efficiency. To the greatest extent practical, the District will allow flexibility in its rules and regulations when needed to support conservation practices, with the exception that this flexibility may not result in water shortage, inequitable water distribution, or hardship to other irrigators.

n.) **THE DITCH RIDER**

The Irrigation System Operator (ISO), commonly known as the Ditch Rider, holds a key position and is responsible for proper coordination and operation of District facilities within his or her service area so that water is distributed equitably amongst all irrigators. Where conflicts arise between scheduling requests, or the operation of facilities, the Ditch Rider will determine what best meets the needs of all irrigators in an impartial manner. The Ditch Rider will show no partiality in distribution of water regardless of personal feelings, race, creed, relationship, political or social standing, or previous grievances. Any irrigator who is aware of any impartial practices on the part of a Ditch Rider must report that information immediately to the District. The Ditch Rider is a contract employee of the District. Irrigators must not compensate Ditch Riders or any other district employee with monetary or other kinds of payments for any services rendered on behalf of the District.

o.) **RESOLVING DISPUTES**

Irrigation practices vary, and differences of opinion may naturally arise during the delivery of irrigation water. Irrigators must first attempt to resolve disputes directly with their Ditch Rider. If resolution cannot be attained, the Ditch Rider Supervisor may be contacted, followed by the Division Manager. If the dispute cannot be resolved locally with the assistance of the Supervisor or Division Manager, the District's Hydrology/Water Operations Department may provide assistance, followed if necessary by a decision of the Chief Engineer. In the absence of specific evidence to the contrary, the District must tend to give deference to the decisions of its staff.

p.) **VIOLATION OF DISTRICT IRRIGATION RULES/POLICIES**

Any irrigator found to be in violation of District rules will be subject to loss or suspension of irrigation water delivery, fines, and may be liable for damages resulting from those violations. Actions taken by District may include the following:

- 1.) Securing turnouts to prevent operation using District locking devices, welding, burial, or removal
- 2.) Fines, as determined by the District Board of Directors
- 3.) Referral to local law enforcement authorities for prosecution, where appropriate
- 4.) Landowners, irrigators, or other persons who, by opening, closing, modifying, or otherwise interfering with the regulation of District facilities and structures cause any fluctuation on water flow or elevation that results in breaks or damage of any kind, will be responsible for the expense and damage caused and may be liable to others who are adversely affected.

2. INSTALLATION AND REPLACEMENT OF FARM TURNOUT STRUCTURES

- a.) Farm turnouts will be installed on the basis of one turnout per ownership or farm unit up to 40 acres in size. Where the ownership exceeds 40 acres, additional turnouts may be provided for each additional 40 acres or increment thereof. Additional turnouts may also be installed where the topography of the land makes it impractical to irrigate all of the land from one turnout. Such additional turnouts may be installed only after a careful engineering study has been made. The cost for turnout and its installation shall be borne by the irrigator.
- b.) Additional turnouts will not be installed to serve subdivisions of existing ownerships. The sub-divider will be required to provide for irrigation deliveries to all subdivisions of holdings through head ditches located outside of rights of way owned by the District or the United States. The District's obligation shall end at the original point of diversion previously provided for serving the original tract.

- c.) Installation and replacement of farm turnouts will be done in compliance with project design criteria.
- d.) Where it is practical to do so, water users in the general vicinity of a turnout will be served their water supply through the use of existing water distribution boxes, which were established at the time of the original construction of the district works and/or rehabilitation by the Federal Government.
- e.) The Water User shall reimburse the District for an installation of a new turnout or relocation of an existing turnout if approved by the District.

3. MAINTENANCE, REPLACEMENT AND CONSTRUCTION OF CANAL, LATERAL, LEVEE AND DRAIN CROSSINGS

- a.) Maintenance and replacement of all crossings structures on state, county, or city roads or streets is the responsibility of the agency maintaining the road or street.
- b.) Crossing structures which were constructed by the Conservancy District of the Bureau of Reclamation to facilitate operation and maintenance work and located at points other than the intersections with state, county, or city roads and streets, will be maintained by the District.
- c.) Bridges constructed by the District because of severance of ownership will be maintained and/or replaced as necessary by the District so long as the ownership continues to be severed.

If all of the land of one side of the ditch is sold, the severance will no longer exist. Maintenance or replacement of a crossing constructed by the District because of severance which no longer exists will no longer be the responsibility of the Conservancy District.

In instances where the District has maintenance responsibility on bridge crossings as requirements demand, the District will up-date these crossings either by revamping the bridge or by the installation of a pipe to meet the load requirements of today's activities.

- d.) Crossings structures at private roads must be maintained and replaced as necessary by the individual using the crossing. Bridge or culvert designs must be specifically approved in advance by the District and the Bureau.
- e.) No crossing may be constructed without prior written approval of the District and the Bureau of Reclamation. Such approval shall be in the form of a license. Licenses for construction of new crossings will be issued only after the responsibility for maintenance has been clearly established.
- f.) A license for the construction of a crossing over District facilities may be granted in event of definite inconvenience or hardship imposed by severance or as a result of District or Bureau construction, real estate transactions or developments which result in loss of access detrimental to land use through no fault of the applicant.
- g.) Requests for licenses to construct new crossings must be submitted in writing to the Chief Engineer of the District. No construction will be permitted until controlling elevations have been established or checked in the field by a representative of either the District or the Bureau.

4. CONSTRUCTION OF CROSS FENCES

No fences may be constructed or maintained across rights of way of the District or the United States unless specifically authorized in writing by the District.

5. FENCES PARALLELING RIGHTS OF WAY OF THE UNITED STATES OR DISTRICT

Upon request, the Bureau or the District may field inspect the location of the rights-of-way line, established by the owner's surveyor so that parallel fences may be constructed on that line. No parallel fences may be constructed upon rights or way of the United States or the District.

6. FIELD HEAD DITCHES

Field head ditches will not be permitted upon rights of way owned by the United States or the District. It shall be the landowner's responsibility to remove any such existing ditches from rights of way of the District or the Bureau of Reclamation upon notice.

7. ENCROACHMENTS AND TRESPASSES ON RIGHTS OF WAY OF THE DISTRICT

It is the duty of every employee of the District to report to his/her superior what may appear or definitely be any encroachment or trespass of any kind upon rights of way of the District.

8. USE OF OPERATION AND MAINTENANCE OF ROADS BY THE PUBLIC

The roads adjacent to the canals, laterals, levees, and drains are essential for efficient and economical operation and maintenance. Any unauthorized use shall be discontinued. The cooperation of City, County, State, and Federal law enforcement officers will be solicited to aid in achieving this goal.

9. DUMPING TRASH

Dumping trash, waste, tree or grass clippings, animals, animal waste, or debris of any sort into District facilities, or on any District right-of-way is not allowed. Landowners, irrigators, and employees of the District are required to report the description of the vehicle, license number, name of driver, if available, time and place of any observed dumping. Dumping will be referred to appropriate local law enforcement authorities for investigation and prosecution.

10. CONTAMINATION OF WATER IN CONSERVANCY DISTRICT FACILITIES

Unauthorized discharge or wasting of water into District facilities from sources other than those associated with the normal delivery and management of irrigation water is not allowed. It shall be the duty of all District employees, landowners and irrigators to report promptly to the District any observations of unauthorized discharges. It shall be the duty of the District to advise irrigators and the public as to regulations concerning contamination of waters conveyed by the District, and water condition should instances of contamination become known to the District.

11. CONSTRUCTION OF UTILITIES ON RIGHTS OF WAY OWNED BY THE CONSERVANCY DISTRICT

Overhead utility lines such as power lines, telephone lines, gas, water, and sewage lines; high pressure oil or gas lines, etc., shall be constructed only after an appropriate license has been issued. Application for such license shall be made through the District.

Proposed Revisions/Clarifications to MRGCD Water Rules - 2/13/2012

FOR MORE INFORMATION, PLEASE CONTACT YOUR RESPECTIVE DIVISION OFFICE:

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