

MEMORANDUM

FROM: Nampa & Meridian Irrigation District
RE: Procedures for review and approval of projects affecting District facilities
DATE: 10 December 2020

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This memorandum outlines procedures for Nampa & Meridian Irrigation District's review and approval of projects affecting the District's canals, laterals, and drains (District facilities). The District hopes that this information will assist you in planning future projects.

The steps of the District's review and approval process are:

- A. Submission of a Land Use Change Application, plans and drainage calculations and fee to the District's office.
- B. Timely communication with the District's Water Superintendent and review of a Land Use Change Application by Water Superintendent.
- C. Preparation of a Construction Contract for Pressure Urban Irrigation System (if applicable) which will allow the Irrigation District to own, operate and maintain a pressure urban irrigation system within the development.
- D. Submission of the Construction Contract for Pressure Urban Irrigation System to the District's Board of Directors for consideration.
- E. Preparation of a License Agreement for projects encroaching, crossing or modifying District canals, laterals, drains and relocated easements.
- F. Submission of the License Agreement to the District's Board of Directors for consideration.

Each of these steps is explained on the following pages.

A. Land Use Change Application:

The process begins with the filing of a Land Use Change Application with the District. These applications are available at the District's office. A copy of the Land Use Change Application is enclosed. The District's office address and telephone number are:

**Nampa & Meridian Irrigation District
1503 First Street South
Nampa, ID 83651
(208) 466-7861**

Filing a Land Use Change Application with plans and fee is mandatory unless it is explicitly waived by the District's Water Superintendent in writing. Any additional phases of a subdivision must file a Land Use Change Application unless the original filing specifically included all necessary information for future phases in the plans and calculations submitted for review. The application **must** always be accompanied by **three (3) sets of plans, drainage calculations and the appropriate fee (\$650.00) in the form of a cashier's check or money order.** If personal or business checks are submitted, it can take up to a month to clear the bank before processing the application will occur. The District recognizes that project development often involving many phases of planning and approval. Timely submission of complete and sufficiently detailed plans and other necessary information is critical to the District's review.

Project proposals must be submitted to the District's office for preliminary preparation and will then be submitted to the District's Water Superintendent for his review and response. All communications and construction plans should be sent to the District's office where they will be processed and directed to the District's Water Superintendent.

Projects affecting the water flow in the District's facilities cannot commence until after October 15th and must be completed no later than March 15th. Plans for projects affecting the water flow must be received for review no later than February 15th.

B. Timely Communication with the District's Water Superintendent and Review of Land Use Change Application:

You are encouraged to call the District's Water Superintendent prior to submitting plans if you have any questions regarding the District's facilities, and to learn what specifications and level of detail the District's Water Superintendent will need to see when reviewing the plans. If you believe that you need not file a Land Use Change Application, you must contact the District's Water Superintendent for appropriate instructions on how to proceed.

If the District's Water Superintendent finds that the proposed construction will meet the District's requirements, a letter of approval of the plans will be written in which other requirements may be outlined, such as a License Agreement or Construction Contract for Pressure Urban Irrigation System.

License Agreements are required for the following reasons:

1. Relocation of a District facility which would also require a new easement or fee title and a relinquishment of the old easement once the relocation has been completed and approved by the Water Superintendent.
2. Piping of a District facility.
3. Encroachment on a District facility with gas, water and sewer lines, utility lines, roadways, bridges or any other structures or landscaping.
4. Drainage discharges into District facilities (predevelopment flows only, if the facility has the capacity).

Construction Contracts for Urban Irrigation System is required for the following reasons:

1. A pressure urban irrigation system is being installed by the developer who intends for the Irrigation District to own, operate and maintain the pressure urban irrigation system within the development. A Bill of Sale is also provided whereby all lines up to and including the tap on each lot as well as the pump station are turned over to the Irrigation District for ownership. A Warranty Deed should be issued to the Irrigation District for the lot the pump station itself located (unless the pump station is built upon the District's easement on a District facility).
2. A pump station only is being installed for ownership, operation and maintenance by the Irrigation District. The development will operate and maintain their own delivery lines.

The District's Water Superintendent submits project plans to the District's engineer for review and the District's engineer makes recommendations to the District's Water Superintendent, but has no authority to represent the District's interest or position regarding any project. The District's Water Superintendent may request additional information or modification of the proposed project to conform with District requirements.

C. Preparation of a Construction Contract for Urban Irrigation System

If the developer of the property is installing a pressure urban irrigation system within the development and would like the Irrigation District to own, operate, maintain and repair the system up to and including the tap in the back of each lot, the developer must send a letter to the District's attorney, Laura Burri, requesting a construction contract to the following address:

**Morrow & Fischer
332 North Broadmore, Suite 102
Nampa, ID 83687
(208) 342-4591 (see contact list on page 5 for names)**

The letter to the District's attorney should contain the following:

1. completed questionnaire provided at the same time the Land Use Change Application is provided,
2. a legible copy of the legal description for the boundaries of the subdivision,
3. a copy of the recorded deed showing proof of the current ownership of the entire parcel that will comprise the development,
4. a copy of all CC & R's pertaining to this subdivision,
5. a copy of the preliminary plat,
6. if a new pump station is to be constructed for this development, the preliminary plat must show the location of the pump station as a separate, non-buildable lot.

The District's attorney first obtains confirmation: (1) that the Water Superintendent has reviewed the plans pertaining to this development and that the developer is adhering to all of the District's requirements, and, (2) the ownership of the property is by the individuals requesting the contract. Upon confirmation, the District's attorney prepares the Construction Contract for Urban Irrigation System (PUIS). The fees for preparation of the contract will be borne by the property owners at the time of assessing the irrigation taxes on the parcels, unless the developer fails to complete the project. Then, the developer will be responsible for paying the fees for preparation of the contract.

Preparation of a Construction Contract for Urban Irrigation System (PUIS) can be accomplished in a matter of days if all of the correct information is provided to District's attorney. The District's attorney will send the original to you for your signature. Once signed, the contract must be returned to the District's attorney so that she may recommend placement on the agenda for the next available meeting of the District's Board of Directors.

It should be understood by the developer that the property subject to the pressurized urban irrigation system will be assessed for all costs of maintenance, operation and repair of the pressurized irrigation system upon recordation of the final plat and final approval of the contract documents by the Irrigation District. The assessments will be made by the Board of Directors of the Nampa & Meridian Irrigation District after the second Board Meeting in September of each year. Assessments will issue to the owners of the property at the time of the assessment. Assessment will be made whether or not any or all lots in the subdivision have been sold by the developer to third parties.

D. Submission of the Construction Contract for Urban Irrigation (PUIS) to Board of Directors for Consideration

The District's Board of Directors meets on the first and third Tuesdays of the month. Construction Contract for Urban Irrigation System (PUIS) must be executed by the property owner and sent to the District's office no later than the Wednesday prior to the Tuesday meeting in order to be placed on the agenda. Once on the agenda, the Board of Directors vote to approve or disapprove the contract.

After the Construction Contract for Urban Irrigation (PUIS) has been approved, the documents will be recorded at the county in which the project is located.

E. Preparation of a License Agreement:

If a License Agreement is required, the next step is for the developer to send a letter to the District's attorney, Bryce Farris, requesting a License Agreement to the following address:

**Sawtooth Law Office, PLLC
P.O. Box 7958
Golden Eagle Building
1101 W. River Street, Suite 110
Boise, ID 83702
(208) 629-7447 (see contact list on page 5 for name)**

The letter to the District's attorney should contain the following:

1. the owner's name of the property where the project will occur, with the owner's telephone number and address,
2. the name of the District's canal, lateral or drain,
3. each part of the project which affects the District's facility and related easement,
4. the dates such construction is planned to begin and end,
5. whether an entity (such as city or ACHD) will assume ownership or maintenance of any part of the project affecting the District's facility and easement,
6. a legal description of your property,
7. for relocations, a legal description of the District's easement to be relinquished and a legal description of the new easement or fee title for the ditch,

8. each page of the construction plans that pertain to the project and was approved by the District's Water Superintendent, and
9. a vicinity sketch showing the location of the property and the project.

The District's attorney first obtains confirmation: (1) that the property where the project will occur is owned by the person(s) or entity(ies) identified in the request, and (2) that the Water Superintendent has authorized preparation of a License Agreement. Upon confirmation, the District's attorney prepares the License Agreement. You are responsible for the fees charged by the attorney for the preparation of the License Agreement and other necessary documents and correspondence. Legal fees depend upon the nature and complexity of the project and whether there are unresolved issues.

Preparation of a License Agreement can be accomplished in a matter of days. The District's attorney will send duplicate originals of the License Agreement and any other documents (such as an easement in the case of a ditch relocation) to you for your signature. Both originals should be returned to the District's attorney who will then recommend placement on the agenda for the next available Board Meeting of the District's Board of Directors.

F. Submission of License Agreement to Board of Directors for Consideration

The District's Board of Directors meets on the first and third Tuesdays of the month. License Agreements must be executed by the property owner ("licensee") and sent to the District's office no later than the Wednesday prior to the Tuesday meeting in order to be placed on the agenda. Once on the agenda, the District's Water Superintendent will present and explain the proposed License Agreement to the District's Board of Directors for consideration.

After the License Agreement has been approved, one original License Agreement will be recorded at the county in which the project is located and the other original will be returned to the District's attorney. Upon receipt, the District's attorney will send you the unrecorded original with a copy of the billing statement for legal fees.

General Information

The amount of time this process requires from submission of the Land Use Change Application of submission of a License Agreement or Construction Contract for Pressure Urban Irrigation System (PUIS) to approval by the District's Board of Directors depends upon the nature and extent of the project. Timely submission of clear and complete plans with the Land Use Change Application and fees in the form of a cashier's check or money order facilitates the District's review and saves time and expense.

Contact List

Michael Comeskey -----	Secretary/Treasurer , Nampa & Meridian Irrigation District
Greg Curtis -----	Water Superintendent , Nampa & Meridian Irrigation District
Elke Adams -----	Asst. Secretary/Treasurer , Nampa & Meridian Irrigation District
Laura Burri -----	Attorney, Morrow & Fischer Pressurized Urban Irrigation System (PUIS)
Bryce Farris -----	Attorney, Sawtooth Law Office, PLLC License Agreements