

NAMPA & MERIDIAN IRRIGATION DISTRICT

UTILITY CROSSING/ENCROACHMENT REVIEW POLICY

Utility Providers and/or Contractors who propose utilities crossing or encroaching (utility crossings/encroachments) into Nampa & Meridian Irrigation District (NMID) irrigation or drainage facilities and land entitlements shall fully complete and submit a Utility Crossing Request Form (see attached) along with the project information to NMID's Water Superintendent and Development Coordinator (see contact information below). Utility crossings/encroachments to be reviewed and approved in this process include sewer, gas, telecommunication, fiber optic, potable and non-potable water, electric, cable television, and include associated appurtenances such as power poles (including replacement), light poles, traffic signals, utility markers, bollards, guy wires, and other associated equipment.

All submittals must include cover letter, plans, and the crossing/encroachment detail sheet(s) listing the name of the NMID facility and indicate the associated easement width; see exhibit I – V below for submittal drawing examples. **Electronic submittals directly to the Water Superintendent and Assistant Water Superintendent/Development Coordinator are acceptable, however before final approval will be issued a hard copy of the Utility Crossing/Encroachment Request Form along with non-refundable fees must be submitted to NMID's main office located at 1503 1st Street South Nampa, ID 83651.**

All utility crossing/encroachment requests are subject to review and approval on a case-by-case basis and may be subject to denial where the Water Superintendent and/or Board of Directors determine that denial is warranted.

Upon submittal to Water Superintendent and Assistant Water Superintendent/Development Coordinator, NMID will begin the review process. Please allow up to 5 weeks or longer depending on the complexity of the review and number of crossings/encroachments in the submittal and NMID's workload. **A determination letter will not be issued until payment for the review has been made to NMID's Main Office (contact info listed below).** If a project is deemed acceptable, a written design approval by NMID will be issued to the listed contact person. A design approval is not a notice to proceed with construction until a license agreement authorizing construction is signed by the applicant and NMID and recorded and returned to the licensee.

A license agreement is required to be drafted by Sawtooth Law Offices, PLLC. P.O. Box 7985 Boise, ID 83707; (contact information listed below). The design approval letter will include instructions for the company making the request to contact Sawtooth Law Offices to start this process. Any Sawtooth Law fees for a license agreement are additional and will be billed directly to the applicant through Sawtooth Law Offices. Once complete and signed by the applicant, a license agreement will be presented to NMID for review and approval before any construction begins. Once approved, the document will be recorded in the County where construction will occur. A signed and recorded copy of the license agreement will be sent to the applicant by Sawtooth Law Offices and construction can

begin. **Construction is not authorized until a fully executed license agreement is recorded, and returned to the licensee.**

Requirements for utility crossings/encroachments are addressed in the “Typical Utility Crossing/Encroachment Requirements” (see attached). Construction of the crossing/encroachment may be limited to the non-irrigation season as determined by the Water Superintendent. Specific direction on construction timing and methods will be included in the license agreement.

Fees collected for utility crossings/encroachments cover staff time needed to review a proposal, 1 site visit with NMID staff, and 1 trip to perform a facilities locate if possible. **NMID is not a member of Dig Line!** The maximum number of crossings/encroachments per submittal shall be no more than 20 crossings/encroachments. All crossings/encroachments contained in a submittal with 3 or more sites, must be located within a 2-mile radius. Utilities proposed within the easement area, but parallel to the facility instead of physically crossing, shall be treated the same as a crossing.

The fee schedule for each Utility Crossings submittal is as follows:

One to three crossings/encroachments - **\$350**

Four to ten crossings/encroachments (cannot exceed a 2-mile radius) - **\$700**

Eleven to a maximum of twenty crossings/encroachments (cannot exceed a 2-mile radius) requiring extensive locates - **\$1,200**

Contact Information:

David Duvall, Water Superintendent for submittals – 5525 E. Greenhurst Road Nampa, ID 83686
208-466-0663 or dduvall@nmid.org

Paul Huddlestun, Assistant Water Superintendent for submittals – 5525 E. Greenhurst Road Nampa, ID 83686, 208-466-0663 or phuddlestun@nmid.org

NMID Main Office for payments – 1503 1st Street South Nampa, ID 83651, 208-466-7861 or nmid@nmid.org

Sawtooth Law Offices (Bryce Farris for license agreements) P.O. Box 7985 Boise, Id 83707, 208-629-7447 or bryce@sawtoothlaw.com

Process steps:

- 1 - Submittal of Request Form and drawings, can be hard copies or electronic to Water Superintendent and Assistant Water Superintendent/Development Coordinator at the Shop Office or full hard copy submittal with payment to the Main Office in person or by U.S. Mail. **Shop office cannot accept payments!**
- 2 – Payment of fees to District Main Office if not done in step 1, must include copy of Utility Crossing/Encroachment Request Form. Payment must be in the form of a check.
- 3 – Review Process begins and may take up to 5 weeks. Assistant Water Superintendent/Development Coordinator will issue approval letter if deemed acceptable or may ask for changes. An electronic GIS mapping of crossings/encroachments approved in the plans will be required before issuing final approval.
- 4 – If design approved letter is issued, Applicant must contact Sawtooth Law to draft a license agreement.
- 5 – Once a license agreement is drafted, it will be sent to applicant for signature and Notary stamp. Send the signed agreement back to Sawtooth Law (must be wet ink original). Sawtooth Law will review and send to NMID for review, approval, and signature.
- 6 – License Agreement is recorded in the County where work will be done.
- 7 – Once recorded, Sawtooth Law will send copy to the applicant and work can begin.

Typical Utility crossing/encroachment requirements.

Submittal of a Utility Crossing/Encroachment Request Form to NMID is required for review, design approval and execution of a license agreement. NMID design approval is not a notice to proceed with construction until a license agreement is signed by the applicant and NMID, recorded with the county recorder, and returned to the licensee.

Also required for crossing/encroachment submittals:

1. In plan view and section, identify the size and number of conduits, conduit material, and how many fiber pairs are inside each conduit or if they are left vacant for future use.
2. In plan view, identify the centerline of the NMID facility (canal, lateral, drain, or pipeline) location and its turn boxes with its total easement dimensioned on the plan.
3. In plan view, show dimensions from the limits of the easement where bore pits occur within or beyond the easement, and especially how far they encroach if placed inside the easement.
4. In plan view, identify all other work to be performed inside the easement and dimension its location inside the easement.
5. In plan view, identify the existing structures or fences relevant to the existing NMID access roadway and if the utility structures placed at top of grade will impede NMID access. If proposed construction will be damaged by track machines within the easement, NMID will be held harmless, so the design should accommodate NMID's ability to maintain the facility anywhere inside the easement.
6. In section view, indicate the minimum depth below the bottom of NMID pipe or culvert required. This is a minimum of 3 feet during the non-irrigation season and minimum of 5 feet during the irrigation season. (unless determined by the Water Superintendent to be deeper) These are minimum offset distances for underground boring construction requirements.
7. Each site location proposed will be considered for impacts to the NMID facility. If it is a critical type of facility, boring can be denied, or delayed until the non-irrigation season depending on the type of utility crossing and its site-specific location.
8. When the boring is crossing under a NMID pipeline or irrigation structure, the depth of the facility may be required to be verified with a vac trailer pot hole to determine the top of pipe and bottom of pipe, or bottom of concrete structure to ensure the boring separation is obtained. This information needs to be referenced in the section profile.
9. If the utility is parallel to the NMID facility and easement, the drawings must identify centerline of the existing facility to the centerline of the utility for all work performed in the easement.
10. Identify all other work to be performed inside the easement and dimension its location inside the easement.
11. Proximity of the crossing may be required to be done with a vac trailer or an additional separation in distance to ensure no damage occurs to the facility.
12. Trenching with a mini excavator is not permitted within the easement unless specifically approved by NMID.
13. The scale of the emailed drawings in a PDF format or 11x17 color drawings need to be presented at a scale that is legible for it to be reduced to an exhibit attached to the agreement in an 8x11 letter color printed copy.
14. A cross-section drawing (or typical cross sections) showing the NMID facility with its depth shall be dimensioned with the required separation beneath or distance away from NMID facility. This drawing shall be submitted for review and approval in addition to the plan view drawings.
15. Electronic bore logs must be made available for inspection as requested by NMID.
16. NMID retains the right to deny or delay the construction until the non-irrigation season depending on the site-specific location, and the type of construction proposed.
17. Aerial crossings over NMID facilities must meet the required 30 feet clearance above the maintenance roadway adjacent to the facility.
18. Provide a geographical mapping of approved crossings in a digital form such as Google Earth or KMZ file.
19. An approximate locate of the piped facilities can be done by NMID if it is requested 72 hours in advance of the submittal and work performed. NMID is not part of Dig Line, so a requested locate will be needed.



CROSSING/ENCROACHMENT REQUEST FORM

(Reproduction of this form is not acceptable!)

Site Information

Development/Project Name: _____

Site Address/Work Area: _____

Company Information

Company Name: _____

Person of Contact: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Project Information

Number of Crossings Submitted: _____ Amount of Fees Submitted: _____

NMID facilities impacted: _____

NMID facility easement widths total feet: _____

Types of Crossings:

Underground/Bore (Min. 3 Feet Below)

Overhead (Min. 30 Feet Above)

Signature

Date

Exhibit I: Scope of Request Cover Letter or Email

Date
Nampa and Meridian Irrigation District
1503 1st Street South
Nampa, ID 83651

RE: Fiber Optic Conduit and Cable Crossings Project Number: 123456

Attention: Gino Herrera (Development Coordinator)

This application is for the crossing and encroachments in Nampa, ID for the Five Mile Drain, Ridenbaugh Canal, and Edward's Lateral.

We will be constructing fiber network for --. We will be constructing a fiber network for...

This requires multiple irrigation crossings with both underground and aerial. The construction time frame for underground crossings will be during the designated dry season from October 15th through March 15th unless permission is granted by Nampa Meridian to construct outside this time frame.

Please see the included application and drawings for your review.

Thank you,

Name, Company, Address, and Contact Information (best email and/or phone number)

Exhibit II: Underground (Boring) Crossing Example

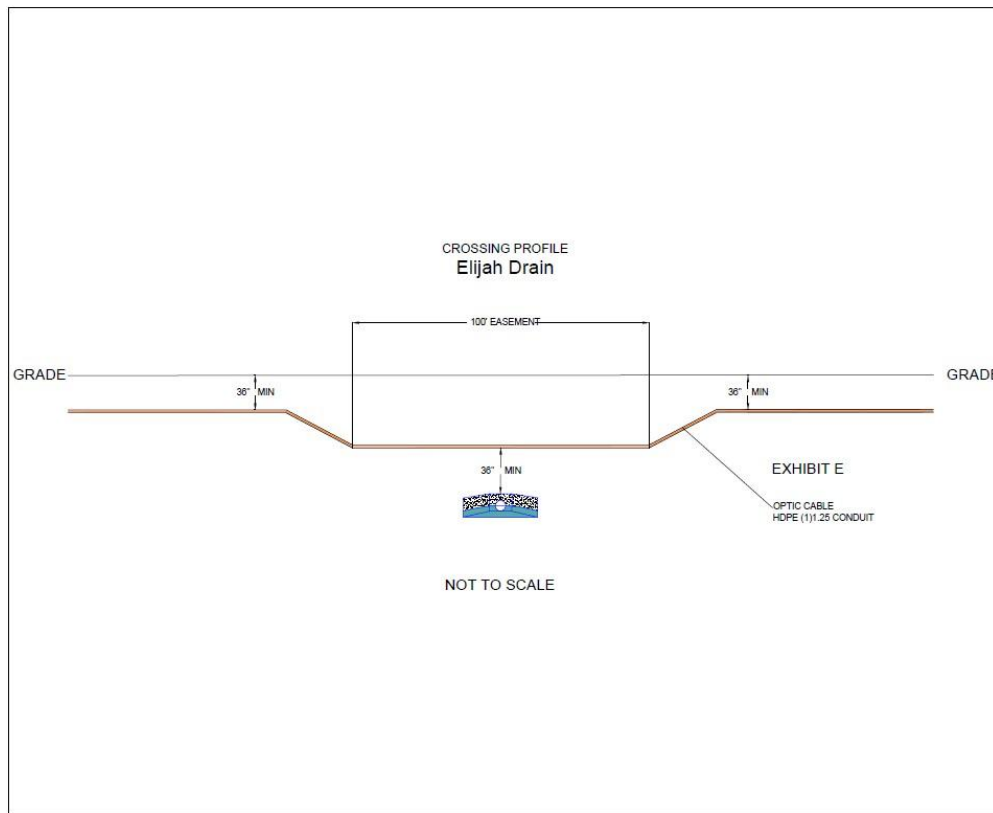


Exhibit III: Additional Underground (Boring) Examples

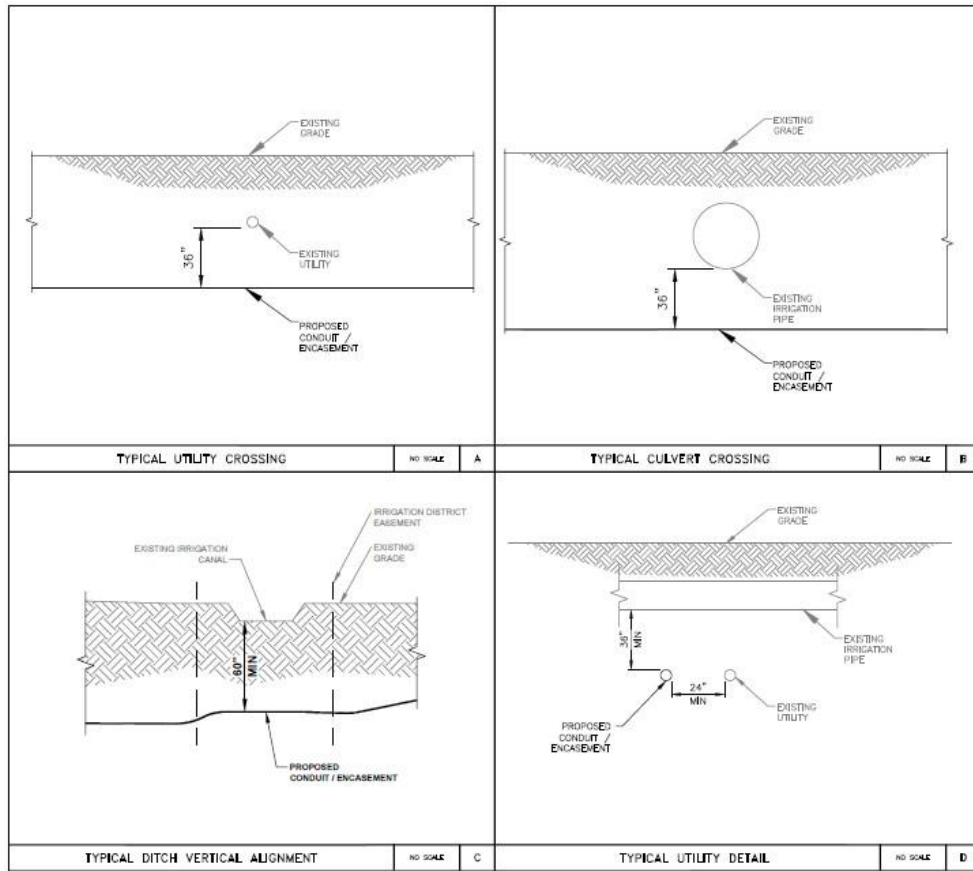


Exhibit IV: Aerial Crossing Example

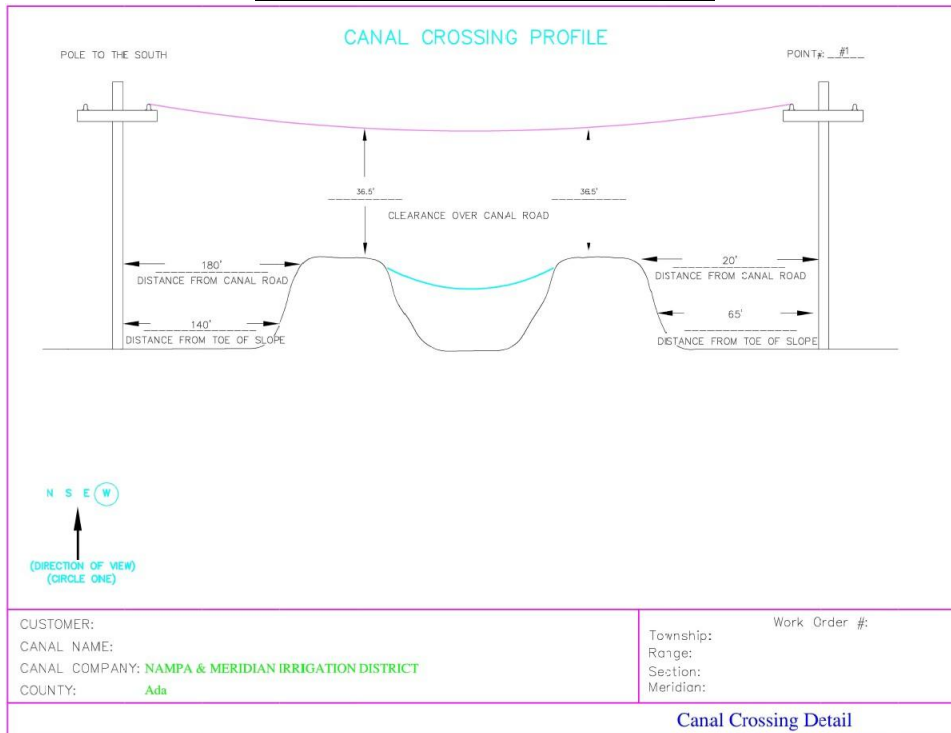
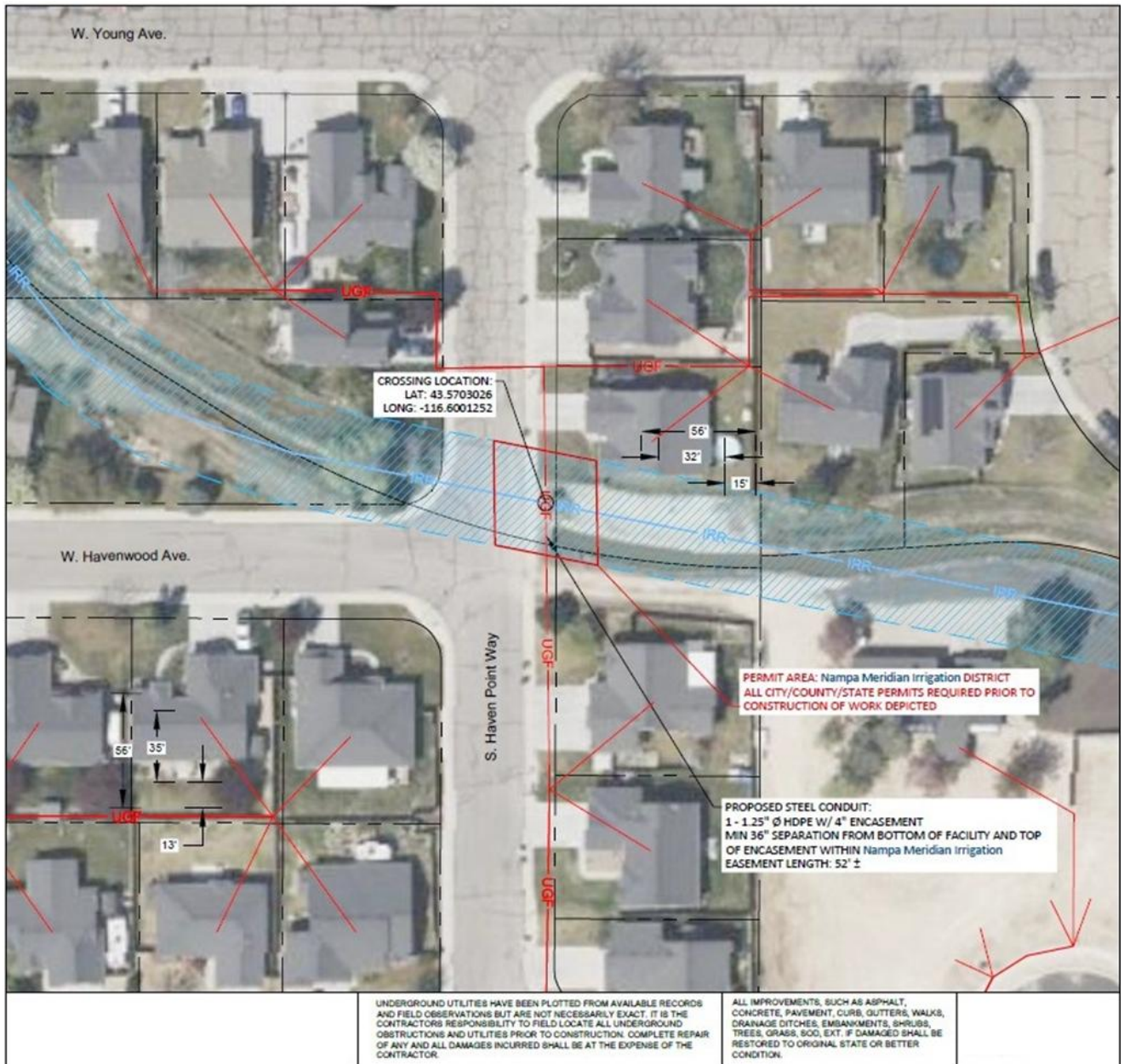


Exhibit V: Proposed Crossing and Encroachment Overview Map:



UNDERGROUND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE RECORDS AND FIELD OBSERVATIONS BUT ARE NOT NECESSARILY EXACT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE ALL UNDERGROUND OBSTRUCTIONS AND UTILITIES PRIOR TO CONSTRUCTION. COMPLETE REPAIR OF ANY AND ALL DAMAGES INCURRED SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

ALL IMPROVEMENTS, SUCH AS ASPHALT, CONCRETE, PAVEMENT, CURB, GUTTERS, WALKS, DRAINAGE DITCHES, EMBANKMENTS, SHRUBS, TREES, GRASS, SOO, ETC. IF DAMAGED SHALL BE RESTORED TO ORIGINAL STATE OR BETTER CONDITION.