

## MANAGEMENT POLICIES – SECTION C

### SECTION C: EASEMENTS

#### CLOSURE AND RELEASE OF EASEMENT

In accordance with the O & M contract between the District and Bureau of Reclamation, Contract Number 7-07-20-X0348 an owner of property must apply to the Bureau of Reclamation and the District for a permit to close or fence an easement, to pipe a drain, to fill a drain, relocate a lateral, to have the District release a drain or canal easement, or other matter of a similar nature. (10/07/02)

Each application to the District must be signed and filed with the District's Engineering Department and should include a brief description of what is requested including the location and distance of the easement that is affected, the reasons for the request, what effect the request would have on District operations; what effect the request would have on other landowner/water users; and such other information that the District deems necessary. (10/07/02)

Upon filing of such application, a meeting will be scheduled with the District's O & M Committee to review the application. At the same time, copies of all pertinent data available shall be provided to each member of the District's O & M Committee. A hearing to consider the application will be scheduled for a regular Board meeting after the Bureau of Reclamation has provided written permission and the O & M Committee has provided a written recommendation in accordance with O & M Committee procedures. (10/07/02) The District shall then notify all affected water users/landowners by mail indicating the nature of the request and the date and time of the hearing. Such notice shall be mailed no later than 10 days proceeding the date of hearing. At the same time, copies of all pertinent data available shall be provided to each member of the District's O&M Committee.

Applicants for release of drains or subsurface piping of drains (tile drains) must obtain a Natural Resources Conservation Service (NRCS) study regarding the impacts of the proposed release of easement or subsurface drain and submit such report to the District prior to the hearing on the application. (09/08/98)

A fee, as approved by the Board of Directors in Section H, shall accompany all applications. If a release of easement is approved, an additional fee, as approved by the Board of Directors in Section H, for review and preparation of the required documents will be assessed. (5/7/97)

Upon approval, the applicant shall obtain a license for construction within a Project easement; see Section B. (04/07/03)

#### GATES ON DISTRICT EASEMENTS

Landowners may not close access to TCID easements. Any gate installed after July 9, 2007 shall have a permit issued by TCID. Gates must be left open during the irrigation season March 15<sup>th</sup> through November 15<sup>th</sup> or have an approved automatic gate installed per TCID requirements. Any installation requested by property owners and approved by the Board will be at the property owner's expense. (9/8/08)

#### ENCROACHMENT

District easements should not be encroached upon except by permit issued in accordance with District policies. A permit shall not be issued if the request would unreasonably

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interfere with the District's primary use of the easement. If a permit is issued which allows a structure to cross a District easement, then it shall be the responsibility of the permittee to maintain the easement a distance of twenty-five feet (25') each side of the structure. In the event a fence is located across a District easement, the same shall apply. (7/7/00)

If a fence is located and permitted to be placed parallel to and within the District's easements, then it shall be the responsibility of the permittee to maintain the easement a distance of at least five feet (5') on each side of the fence for fire protection. In the event an encroachment upon a District easement other than as permitted above creates a hazard for fire, then the District shall notify such individual of the encroachment and allow the individual to either agree to maintain the easement a distance sufficient to prevent a fire hazard or to remove the encroachment so the District can maintain the easement without the danger or hazard of fire. In the event that electric power poles or other utility structures are permitted to be placed upon or within a District easement, the utility shall be responsible for maintaining a clear area around such structure of at least five feet (5') for fire protection. Permit fees will be required for all fences first installed after August 1, 1995. It is in the property owner's best interest to construct any fence off of the District's easement. However, the District recognizes property owners need to graze water right land during off water season, November 15 – March 15. In such cases where a temporary fence is needed on a District easement, the District will issue a 30-day Temporary Fence permit for \$25.00 which can be renewed for an additional 30 days.

The District reserves the right with 10 days notice to have the fence removed for O & M purposes. If the fence is not removed upon the termination of the permit, then the District can remove the fence at the permittee's expense. In addition, the permittee will also lose the privilege of a temporary fence permit in the future. (02/07/02)

### MAINTENANCE WITHIN DISTRICT EASEMENTS

If the District accepts responsibility for maintenance of any portion of a canal or lateral, the canal or lateral must conform to District standards and guidelines and the portion of the canal or lateral accepted must be contiguous or adjacent to an existing District maintained canal or lateral.

Staff shall schedule maintenance within District easements. If access is not available, the landowner or lessee will be notified in writing a minimum of thirty (30) days in advance of the work.

All fences or obstacles that are not removed by the landowner/lessee prior to the time for maintenance will be removed by the District. Replacement of any fence shall be at the expense of the property owner, after first obtaining a permit from the District. Permit fees will be required for fences first installed after August 1, 1995. It would be in the property owner's best interest to construct any fence off the District's easement. The District shall replace any cross fences that have been removed for cleaning. (12/7/98)

If a problem develops, that area's Director shall be notified. If the problem cannot be resolved, the matter will be referred to the Board of Directors. (5/7/97)

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### REMOVAL OF TREES FROM WITHIN EASEMENTS

It will be the policy of the District to cut and remove any trees that cause access or maintenance problems within District easements. Removal will be totally at the expense and discretion of the District. Method of removal will also be at the discretion of the District.

Only District employees are authorized to cut trees on District and/or custodial lands under its control.

It shall be recognized that there will be interest in the trees as a fuel source, and therefore it must be the District's policy to give the landowner the opportunity to accept or reject this resource. If the landowner accepts this resource, he must then accept the total responsibility of cleanup to District standards and within the District's time frame. If the landowner rejects the trees, it will be the responsibility of the District to remove the trees by the most economical means possible.

### UNAUTHORIZED STRUCTURES AND OBSTRUCTIONS

District to remove any unauthorized structures and obstructions in District facilities and on District easements (i.e., diving boards, etc.). Public to be made aware of the dangers involved such as diving into District canals, etc.