

SECTION B: CONSTRUCTION AND MAINTENANCE

CONSTRUCTION BY PRIVATE PARTIES WITHIN TCID EASEMENTS

In accordance with the O & M agreement between the District and the Bureau of Reclamation, Contract Number 7-07-20-X0348, all individuals/entities engaging in construction within Project easements must obtain a permit from both the District; and the Bureau of Reclamation as outlined in Section C: Easements. (10/07/02) All plans for construction within District easements will be submitted to the District's designee for approval. Installations will be constructed to District specifications and subject to the inspection of the District's designee at any time during construction. Any deviation from the approved plans must have the written approval of the District.

A performance deposit of \$1,000 for box culvert, \$600 for pipe culvert, \$500 for other construction or 20% of the estimated cost, whichever is greater; shall be deposited at the District's office prior to the beginning of construction. (05/07/03) A performance bond based upon approved plans and specifications in the amount of 100% of the installation costs could be an acceptable alternative if approved by the Finance Committee or the Board of Directors. Administration and inspection fees will be charged as approved by the Board of Directors in Section H. (5/7/97)

Governmental entities, such as the State of Nevada, Churchill County, or City of Fallon, are exempt from the performance deposit, however, private contractors of governmental entities are subject to all fees and deposits. The exception is proprietary operations such as CCCommunications (CCCom) which will pay administrative fees as prescribed in Section H. CCCom is exempt from payment of construction deposits. CCCom's subcontractors are exempt from license fees and performance deposits or bonds. The subcontractor's bond to CCCom will cover the District as a third party beneficiary. CCCom will provide a one-year warranty. (5/7/97)

After all pre-conditions are met, the District's designee will provide written notice to proceed. Approval to construct and/or change facilities within the District's easements is limited to one year from date of issuance. After completion, the District will inspect the construction to verify compliance with license requirements. Upon certification of compliance, all performance deposits will be refunded. All work shall be warranted for a period of one year from completion. (09/08/98)

If the proposed installation requires an easement to be dedicated to the District, the survey, maps and legal documents for recording, as well as any recording fees, shall be the obligation and the expense of the individual requesting such construction.

If the construction is to install a pipe in a Project easement, lateral, or drain that the District will continue to maintain, and where the water-righted lands will continue to be irrigated, the permittee can apply to purchase the pipe from the District at the District's cost, plus 5%, or \$50, whichever is greater. (4/7/03)

A minimum \$500 penalty will be charged when construction is commenced without a permit or without authorization in writing to proceed. (4/7/03) Any penalty over the \$500 minimum will be determined by the Board of Directors depending upon the amount of time required to resolve the matter.

On a case-by-case basis, the Board upon recommendation of District staff, shall determine gate or cattle guard placement.

All bridges or crossings on District laterals will require the construction of a concrete box culvert. Specifications for the structure must be approved by the District. (12/7/94)

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Licenses can be renewed for an additional year after verification by District staff that circumstances remain the same as when the original license was issued. (09/08/98)

CONSTRUCTION REQUEST BY AND CONSTRUCTION FOR OTHERS BY THE DISTRICT

If work is requested to be performed by District staff for private work (work that is not considered necessary or needed for the District O&M and which benefits private individuals without benefit to the Project as a whole), such request shall be submitted to the District's Board of Directors' O&M Committee for review and approval by the O&M Committee and the Project Manager. The District staff shall prepare a detailed bid of time and materials estimate for review and signature of the party requesting the construction. If the District is uncomfortable with presenting a bid amount, the District can require a time and materials contract. If there is not a set fee for the activity, the bid or estimate will be based on labor at the rate as approved by the Board of Directors in Section H, (Appropriate administrative payroll overhead as computed annually will be considered in establishing the labor rates in Section H). Equipment will be charged at the applicable outside rental rate and materials will be charged at cost to the District, which includes administrative costs for ordering, handling, billing, etc., which is estimated to be an additional 25% of the actual cost of the materials. (Applicable work might include, but not be limited to, research of documents or maps, and construction.) (04/07/03)

If the request is approved, then the agreement for the work must be put in writing identifying the work to be done and the costs to be charged. Construction or work on the requested activity shall not commence until the approved agreement is signed by the requesting party and the full amount of the bid or estimate has been deposited with the District. (04/07/03)

DRAINAGE

Drainage and wasteways will be provided by the District according to the following policies:

The District will operate and maintain all District drain easements as shown on District property and structure maps as approved or modified by the Board. The District will also maintain drainage pumping installations as accepted and approved by the Board. The scheduling of all drainage maintenance will be done by District staff in accordance with established priorities.

Drain water levels will be maintained at an economic level Project-wide and maintained as originally designed. The drainage system will not be construed as being designed to provide ground water relief to all irrigatable lands within the Project. If an open drain satisfactorily serves a farm unit with adequate ground water drainage, this is desirable but only coincidental to specific design.

It is recognized that applications for extensions and alterations to the existing drainage system will be received by the District. The applications for drain extensions will be reviewed with first priority being field surface runoff drainage and second priority being ground water relief. These applications must have Board approval in accordance with District policy. For applications to install a crossing in a drain or to pipe a drain or a lateral that is used as a drain, a 36" minimum polyethylene or concrete pipe and Bureau of Reclamation approval would be required. (02/07/00) The 36" minimum pipe size is

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necessary for maintenance purposes and is not related to the flow requirement. The District Engineer shall determine if a larger pipe size is necessary. (12/07/98)

When relocating laterals, and if recommended by the Drainage Committee, the party requesting the change will be responsible for lining the lateral, either with concrete or bentonite. (11/7/94)

It is recognized that under certain conditions ground water drainage problems will occur parallel to distribution system canals. It is the policy of the District to review these types of problems on a site by site basis. All sites will undergo recognized investigations and studies to determine true origin of drainage problems. Usage of District drain easements, which continually cause a need for repair to District facilities, shall be charged to the responsible party. District staff shall make such determination and notify the responsible party in advance of repair and that the expense of such repair will be charged to such party. (09/08/98)

All discharges of sewage effluent into District easements without a permit from the District shall be prohibited and reported to the proper authorities. (09/08/98)

Damages incurred to District drainage facilities will be pursued under the provisions of 539.783 of the Nevada Revised Statutes.

FIELD WASTEWAY STRUCTURES

It is the policy of the District to provide and maintain field wasteway structures. One wasteway will be provided per 40-acre tracts of land based on original homestead tracts. In instances where District-maintained facilities divide an original 40-acre tract, two wasteways will be provided. If it is determined that a landowner is not eligible for a wasteway, he may request the District to install the wasteway at the landowner's expense. The landowner may also install the wasteway under the District policy, "Construction by Private Parties Within TCID Easements". Installations under either option will not be replaced or maintained by the District.

The District will install one wasteway to District specifications for fields of less than 40 acres if the following requirements are met:

1. Access to a District drain must be available.
2. Adjoining property owners must cooperate to meet the 40-acre minimum.
3. Adjoining fields equaling at least 40 acres must use a common wasteway.
4. The property owners must construct and maintain surface drainage to the common wasteway.

All wasteway inlets will be sized by District staff. Installations of wasteways by District personnel will not constitute a continued maintenance responsibility of the District. (09/08/98)

INTERIM INSPECTIONS FOR ELECTRICAL CONSTRUCTION

- In emergencies, the power company may request a review and approval of small jobs (maximum \$10,000) by the Electrical Committee prior to the next regular Board meeting.

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- * Sierra Pacific Power must provide the District office with a copy of the work order and arrange for an on-site inspection by the field inspector no later than 5:00 p.m. the Friday prior to the third Monday of each month.
- * The Electrical Committee is authorized, but is not required, to approve all projects of less than \$10,000.
- * If the Project Manager, after inspection by the field inspector, deems the work order as not requiring committee review, a phone survey may be substituted for a meeting of the Committee.
- * Any such pre-approved work order will be on the next regular Board meeting agenda as notification to the Board of Directors of the action taken by the Committee. (2/7/97)

MAINTENANCE OF FACILITIES

Because of the limiting nature of the District's maintenance budget, the Project Manager is to notify those individuals that cause the District to perform additional and/or continual repair and/or maintenance to the Project canals and drains and inform them that the future expense of making such repairs and/or maintenance by the District will be charged and billed to them.

In an emergency, temporary repairs by the District may vary from stated policy. However, management shall report such variance to the Board at the next regularly scheduled Board meeting and provide the Board with a plan for permanent repairs in accordance with policy. (07/07/99)

PRIVATE CROSSINGS

A crossing of a canal or drain by a bridge, pipe, culvert or flume not required or necessary for District purposes is considered a private crossing and the maintenance, repair, and construction costs and expenses are the responsibility of the landowner. The District, upon request for repair, will verify that the crossing is the responsibility of the District.

In the construction or the repair of a crossing of a drain a 36" minimum polyethylene or concrete pipe is required as well as Bureau of Reclamation approval. The 36" minimum pipe size is necessary for maintenance purposes and is not related to the flow requirement. The District Engineer shall determine if a larger pipe size is necessary. If the private crossing obstructs or otherwise interferes with the operation and maintenance of the District easements, canals or drains, the District will notify the landowner/responsible party of the problem and the time frame in which repairs or maintenance must be done. In an emergency, the time for repair could be within 24 hours. If the repair work is not done within the time provided in the notice, then the District shall make the necessary repairs. The bill for the repairs shall be sent to the landowner/responsible party for the labor hours, equipment rental, materials, and the administrative overhead. All unpaid obligations shall become a lien upon the landowner's property and collected the same as other liens. (07/07/99)

If it is determined that the crossing is the responsibility of the District, the extent and nature of the repairs shall be within the discretion of the District after it has been determined that repairs are needed. Further, if the District does repair a crossing pursuant hereto, such repairs shall be in accordance with District policy. If an increase in size or width is requested in the dimensions of the crossing to be repaired, after approval by the District of the requested change, the requesting party shall pay the costs

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associated therewith in advance of the District beginning construction or repair. Prior to the District commencing construction or repair, the landowner shall first sign a license accepting the obligation and responsibility for maintenance of the crossing in the future. (12/7/98)

When a landowner does repair and/or maintenance of an existing crossing, the District will require the issuance of a license or an amendment to the original license to ensure the work is done to District specifications. There will be an administrative fee assessed at the time of the application, as approved by the Board of Directors in Section H. However if the repair requires a complete replacement of the structure, a new license shall be issued and the fees set therefor shall be collected. The District will inspect the work for compliance with specification. (5/7/97)

REMOVABLE WALK BRIDGE

On a case-by-case basis, the District, by permit, will allow the owner of property that is divided by a canal or drain easement to install a District Engineer approved removable walk bridge across such canal or drain. It will be the responsibility of the property owner to keep the area around the walk bridge free from weeds and debris. The District will not be responsible for any damage to the structure.

The walk bridge must be removed by the property owner upon notice from the District. Failure to remove the walk bridge by the owner after notification will result in the District removing the walk bridge at the owner's expense.

STORM DRAINS

See the Bureau of Reclamation memorandum, Regional letter No. 03-11, dated September 19, 2003. (10/07/03)

TAKEOUT/FARM DELIVERY

Although the District does not encourage the installation of new takeouts because of the increase cost of maintenance, the District will consider applications for new takeouts only upon the following conditions:

The takeout must improve the efficiency of District operations and there must not be any other practical means of delivering water, such as through an existing takeout or through the installation of a pump. (See Subdivisions) The design of the new takeout, including District canal operational considerations, shall be submitted by the applicant and approved by the District engineer.

Applications for new takeouts under these conditions will be submitted to the Board of Directors. If approved, takeouts shall be installed by the District in compliance with the District's construction policy and at the landowner's expense. The District may also require the applicant to install an approved water measurement device. Installation will be scheduled at the convenience of the District prior to the next irrigation season. (07/07/99)

TAKE-OUTS WHERE WATER RIGHTS HAVE BEEN REMOVED

When all active water rights are removed from land by a water right transfer permit issued by the Nevada State Engineer, the owner of the property will be notified by written notice that the takeout for the property will be made inoperable or removed so it can no longer be

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used. If the property owner does not formerly request an alternative, the takeout will be removed or made inoperable 60 days after the date of the letter. (09/08/98)

UNDERGROUND TILE DRAIN

Underground tile drain installations that discharge into District easements require the approval of the District and shall be governed by the following principles:

1. If the tile drain is to discharge into District easements, the landowner must first obtain approval from the District for the depth and location of the tile drain discharge. Construction within the District's easement zone shall be in accordance with District policy.
2. If water from the tile drain is to be collected and/or applied to crops, then the District's approval must be obtained.
 - a. Such pumped water can only be applied to water-righted land.
 - b. Such applied water including all other water when applied to the land cannot exceed the total allocation allowed to the water-righted land.
 - c. In determining the depth and extent of any underground drain pumping installation, the District will require data on the level of the underground water which covers a minimum period of one calendar year (which is considered a normal or wetter than normal year in terms of irrigation allocation and precipitation). Such data must be collected from sites located in the vicinity of the proposed installation on a frequency of at least one observation per week and shall provide sufficient information to allow the District to determine the groundwater level in regard to the irrigation and non-irrigation seasons.
 - d. The pump size and outlet will be determined and limited in accordance with the specifications of the installation.