

Taos Soil & Water Conservation District Acequia Program Information

Taos SWCD's (the "District") Acequia Program can be used for technical/cost-share assistance towards natural resource projects that positively impact irrigated private land within the District's service area. The District's service area includes all private land located in Taos County, excluding lands located within the Town of Taos. Additionally, the District does not cost-share on individual Acequia Program projects located on public or tribal lands, though it does occasionally provide technical assistance if it is determined by the District that the technical assistance will impact private land located within the District's service area.

The Acequia Program is intended for irrigated acreage where the landowner is currently producing a crop and/or grazing livestock. It is not intended to assist landowners who are not actively farming their land. Landowners must supply the name of their acequia, the number of irrigated acres, and information on what crop they are growing. Individual landowners who have participated in Taos SWCD cost-share programs must wait at least one full year before they are eligible to apply for assistance again (regardless of the type of project).

Applications for the Acequia Program are accepted when the District office is open during regular business hours all year. The District has two batching periods (July 1 to December 31 is referred to as Batching Period 1 and January 1 to June 30 is referred to as Batching Period 2). Completed applications are reviewed during the six months following the end of the Batching Period where the completed application is received. All Acequia Program applications are first reviewed for completeness and eligibility. Eligible applications are then scheduled for site visits by the District Manager. During this site visit, the applicant must be present to discuss goals and any issues relating to the potential project. The District Manager will also assess the current uses and condition of the land and/or acequia. Applicant availability during this review stage is essential and required. Two attempts will be made to contact the applicant. If the District does not receive a response within 30 days of the second attempt to contact, the application will be filed as non-responsive and the applicant will be required to submit a new application if they would like to be considered for cost-share assistance. Occasionally, the District receives more applications than can be viewed in the six-month window following the end of the batching period. In those cases, the District will attempt to complete the review as soon as possible. Once all Acequia Program applications for the Batching Period are reviewed and visited, the District Manager will present them to the Taos SWCD Board of Supervisors for potential funding. The Board of Supervisors will approve/deny applications based on available budget, number of acres and/or landowners a project will benefit, documented productivity, landowner readiness and responsiveness, the overall number of applications received, and project feasibility.

For Acequia Program applications, the number of acres that would benefit from the project (regardless of ownership) will determine the level of funding the project is eligible for. Currently, there are three levels of cost-share assistance for the Acequia Program:

1. Group Acequia Projects – This program is for legally recognized acequia groups and associations and requires submission of a Group Acequia Project application. Projects that are categorized as Group Acequia Projects have the highest District funding priority (higher than any individual acequia program applications). Group Acequia projects are cost-shared 85/15 (85% District, 15% Landowner) and have initial funding allocations up to \$7,500.
2. Large Landowner Program – This program is for applicants whose projects will benefit ten irrigated acres (or more). If the project location is on land owned by someone other than the applicant, a signed Temporary Construction Easement must be attached to the application prior to submittal. Projects that are categorized under the Large Landowner Program have a higher District funding priority than those

who qualify for the Small Landowner Program. Large Landowner Program projects are cost-shared 85/15 (85% District, 15% Landowner) up to a maximum per-project allocation of \$4,500.

3. Small Landowner Program – This program is for applicants whose projects will benefit less than ten irrigated acres total. If the project location is on land owned by someone other than the applicant, a signed Temporary Construction Easement must be attached to the application prior to submittal. Projects that are categorized under the Small Landowner Program have the lowest funding priority within the District's Acequia Program. Small Landowner Program projects are cost-shared 85/15 (85% District, 15% Landowner) up to a maximum per-project allocation of \$2,250.

On occasion, the Board of Supervisors may, at its sole discretion, determine that extenuating circumstances warrant a Special Project classification and they may assign a project allocation that exceeds the above described maximum allocations. When Special Project classification is assigned, the relevant board meeting minutes will note the extenuating circumstances that led to that classification.

After the applications are reviewed by the Board of Supervisors, applicants will receive a letter (via USPS Certified Mail) indicating whether their application has been approved or denied. Some projects may be approved for Technical Assistance Only meaning that the District can provide a design but the applicant must cover the cost of fabrication and installation by themselves. If an application has been denied, the applicant may (within thirty days) submit an appeal to the Board of Supervisors. This happens on occasion when an applicant realizes that the District may not have been aware of relevant information that could possibly elevate the potential project's priority rating.

If an application is approved, the applicant is considered a "Cooperator" and must call the District to schedule an Orientation meeting. The Orientation meeting is a group meeting that includes an overview of all District programs and allows Cooperators to sign necessary paperwork to get their projects started. Orientations must be scheduled within thirty days of the date of the approval letter but the meeting (after scheduled) can take place beyond the thirty-day window. Orientation meetings are required once (they were implemented in 2018) so if a Cooperator has already attended one Orientation, they will need to schedule a meeting with the District Manager (within the same thirty-day window) to discuss any program changes and sign necessary paperwork. This necessary paperwork includes an IRS Form W-9. This is because District payments to Cooperators is considered to be taxable income. The District will issue a 1099 to the Cooperator following the calendar year that the Cooperator is paid for the project.

Once the Cooperator attends an Orientation meeting (or District Manager meeting) and their required paperwork is complete, their project will be categorized as "ready for design". Because Group Acequia Projects have the highest priority, those will receive technical assistance and designs first, followed by the Large Landowner Program Cooperators, and then the Small Landowner Program Cooperators.

Cooperators who are "ready for design" will need to wait for field personnel availability (anywhere from 6-18 months) and are encouraged to check with the District periodically for a status update on their project. When the District assigns a field technician to a project, the Cooperator will be contacted to schedule a visit at the project site. The field technician will discuss Cooperator goals and issues being faced. They will also survey relevant elevations to further determine feasibility, assess acequia and soil conditions, and begin structure design work. If a Large Landowner Program or Small Landowner Program Cooperator wishes to add a cat walk or wheel to their design, it is understood that the District does not cost-share on these items and any additional cost(s) related to their inclusion would be the responsibility of the Cooperator alone (their itemized costs will be deducted from the low bid when determining District cost-share payments). If requested, these items must be discussed before the design is complete to ensure District staff efficiency and to prevent duplication of their work.

Once a design is complete, the Cooperator will be contacted to visit the office to review their design and preliminary cost estimate. If the Cooperator is satisfied with the designs and preliminary cost estimate, they will be given final design packets with required specifications, a list of contractors who do this kind of work, and bid forms for contractors to fill out. It is important to note that Taos SWCD has not inspected or vetted the contractors on the list and does not endorse any private sector individual. Landowners must do their own investigation prior to hiring a contractor.

If a Cooperator wishes to fabricate and install a project on their own, they must request a meeting with the District Manager to discuss that possibility. If the District Manager approves this, the Cooperator will be required to sign additional liability releases and acknowledgments related to the project.

Once the Cooperator has their bid packet, they have two (2) weeks to find at least three (3) contractors to submit bids. The bids are submitted directly to the Taos SWCD office. Project funding and estimates are not discussed with contractors during the bidding process. Once the District has received at least three (3) bids, District staff will contact the Cooperator to review bids and make an award. The District cost-shares the lowest bid 85/15 (85% District, 15% Landowner) up to the initial allocation amount assigned when the project was approved. If a landowner chooses to hire a contractor that did not submit the lowest bid, the District does not increase their allocation (District's cost-share amount is limited to 85% of the low bid up to the total project allocation). In that scenario, the Cooperator would need to make up for the difference in cost.

Example: A Large Landowner Program application is approved by the Board of Supervisors and is assigned an allocation of \$4,500.00. After the design is complete and the three bids are received, it is determined that the lowest bid is \$4,350.00. When the project is complete and has passed District inspection, the District would pay to the Cooperator a total of \$3,697.50 (85% of the low bid). Alternatively, say the low bid is \$5,500. In that scenario, the District would pay the Cooperator a total of \$4,500 even though it does not equal 85% of the low bid. This is because the project had an approved allocation of \$4,500 and the District payment cannot exceed that amount. The Cooperator would be required to make up the difference in cost.

After the bid is awarded, the contractor will have **sixty (60) days** to complete the project and will be required to coordinate periodic inspections with District field staff. It is important to note that the contractor will be working for the Cooperator, not the District. The Cooperator will be responsible for payment(s) to the contractor. Inspections are required at various times during fabrication and installation to ensure that all structures cost-shared by the District are being built in compliance with any/all required specifications.

Once the project has been completed and District field personnel has confirmed that it complies with required specifications, they will submit a final inspection report to District administrative staff for preparation of project close-out documentation and payment. Cooperators are required to sign an acknowledgment that indicates that they are satisfied with their completed project before the final payment is released from the District.

Cooperators are responsible for operation and any ongoing maintenance of these structures (including sand/silt cleanouts, trash removal, etc.).