

Farmers Irrigation District Headgate License Agreement

Farmers Irrigation District allows for new headgates to be installed in the ditch, while the irrigation water is turned off under the following conditions:

- 1.**Owner must prove allocated water rights to the property being watered and is responsible for gaining easements across any neighboring properties to deliver water.
- 2.**Owner agrees that the headgate will be fully supported on both sides of the ditch by placement and maintenance of supports, as agreed upon by the owner and ditch rider. to construct new headwall with new headgate according to minimum construction standards set by the Board. See "Minimum Headgate/Headwall Construction Plans"
- 3.**Owner agrees that the headgate will be constructed so that no portion of the headgate or construction materials will extend below the level of the ditch bank and impede the flow of the water. All work may be inspected by the FID Ditch Rider to ensure that it meets the minimum Headgate/Headwall Construction Plans. FID is in no way inspecting the work or materials with regard to safety, structural integrity, or compliance to any government codes or regulations. No third party may rely upon any inspection conducted by Farmers Irrigation District Representatives.
- 4.**Owner agrees to maintain and operate the Headgate in a reasonable manner to ensure the safety and integrity of the equipment and materials.
- 5.**Owner expressly agrees to indemnify and hold harmless the Farmers Irrigation District for any and all damages, including incidental and consequential damages, to property which may or might result directly or indirectly from the placement, maintenance, and or operation of the Headgate and for any and all damages resulting from failure of the Headgate, materials, or any portion thereof.
- 6.**Any modifications to this agreement must be in writing and signed by all parties.
- 7.**If owner fails to abide by the terms and conditions, the Farmers Irrigation District may rescind and revoke this license. Farmers Irrigation District may also revoke this license if circumstances change which would reasonably require the removal of the Headgate.
- 8.**Per Farmers Irrigation District policy, all construction work done within the ditch easements must be completed by an individual or company who is licensed or bonded for an amount deemed by the Board of Directors and District insurance policy. A Certificate of Liability Insurance must be presented before work begins.
- 9.**Requirements for Insurance: General Liability for \$1,000,000.00 (one million dollars), The phrase "**Farmers Irrigation District are named as additional insured as respects to General Liability**", Certificate Holder info: Farmers Irrigation District, PO Box 261 Aztec, NM 87410.
- 10.** Owner agrees that the license is contingent on the Farmers Irrigation District approval of the contractor hired to perform these services.
- 11.**Please call the Ditch Rider Dennis Taylor to review your plans. 505-330-0274.

Owner _____ Date _____

FID _____ Date _____

FID _____ Date _____