

date

Dear _____ :

Subject: Noninterference Review Letter– Permanent Improvements within Coachella Valley Water District *or United States Bureau of Reclamation* Easement, Assessor Parcel No(s.) [No(s).]

Coachella Valley Water District (CVWD) received a request for noninterference review from _____ (Project Proponent) for the operation and maintenance of _____ (Permanent Improvements) within CVWD’s _____ easement near [project location]. The Permanent Improvements are proposed to be installed within CVWD’s easement for an existing _____. The easement is located within Assessor Parcel No(s). _____ and was obtained by [Name of Document] recorded on _____ as Document/Instrument No. _____, Official Records of Riverside County, California.

The proposed Permanent Improvements as shown on the enclosed CVWD Drawing No(s)./Exhibit(s) _____ will not unreasonably interfere with CVWD’s easement rights. However, in the event that CVWD operation or maintenance activities result in damage or removal of the Permanent Improvements, CVWD *and/or USBR* will not be responsible for their repair or replacement. In addition, CVWD reserves the right to remove all Permanent Improvements without notice at the cost of the Project Proponent, which cost will be reimbursed to CVWD within thirty (30) days following receipt of an invoice.

[Construction of the Permanent Improvements must be performed under direct CVWD inspection. Project Proponent’s contractor must apply for a Construction Encroachment Permit. An application for said permit is enclosed for your contractor’s completion.]

[Construction of the Permanent Improvements must be performed under direct CVWD tract inspection and a Construction Encroachment Permit will not be required.]

CVWD strongly recommends that the Project Proponent obtain written approval of the fee title owner(s) of the real property on which CVWD's *or USBR's* easement is located prior to constructing the Permanent Improvements.

The Project Proponent shall be fully responsible to ascertain the location of all facilities constructed by others, and to construct the Permanent Improvements in a manner which will not damage, conflict or interfere with any existing facilities or CVWD's *and/or USBR's* use of the easement area for the purpose set forth in the easement. Prior to making any excavation within CVWD's *and/or USBR's* right-of-way of said easement, Project Proponent shall call Underground Service Alert (USA).

In the event any action is brought by any person(s) regarding CVWD's *or USBR's* easement for injury, death and/or damages to property in connection with construction of the Permanent Improvements and Project Proponent's use of the easement, Project Proponent shall defend, indemnify and hold CVWD *and/or USBR* harmless with respect thereto. CVWD *and/or USBR* assumes no responsibility for damages, claims or suits in connection with said Permanent Improvements. If the Permanent Improvements or the use thereof by Project Proponent causes damage to CVWD's *or USBR's* facilities, Project Proponent shall reimburse any cost incurred by CVWD in repairing such damage. Such costs shall be paid by Project Proponent within ten (10) calendar days following receipt of an invoice from CVWD.

This letter should not be construed as subordination of CVWD's *and/or USBR's* rights, title and interest in and to said easement or as a waiver of any of the provisions contained in said easement. Project Proponent shall be solely responsible to notify any successor in writing regarding this Noninterference Review Letter and the obligations of Project Proponent hereunder.

Please confirm acceptance of the terms of this letter by executing the following acknowledgement and returning the signed letter to [*ROW staff name*], Coachella Valley Water District, Engineering Department, Post Office Box 1058, Coachella, California 92236. Any person signing below on behalf of a legal entity confirms that he or she has full power and authority to execute this letter on behalf of such entity.

THE FOREGOING TERMS ARE AGREED TO AND ACCEPTED:

By: _____
Signature and Printed Name Date

Its: _____
Agent/Title

If you have any questions, please call [*ROW staff name, title*], at (760) 398-2651, extension

Sincerely,

Carrie Oliphant
Assistant Director of Engineering

Doc. No.

Enclosure/as

CC:

Ec:

File: 0652.21
0652.3
0655.