

## **North Poudre Irrigation Company**

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### **INFORMATION REGARDING IRRIGATION DITCHES**

#### **What is an Irrigation Ditch?**

Irrigation ditches are manmade channels constructed to deliver water to farms and ranches, family homes, industry as well as other humane needs and uses. Generally, ditches divert water from the courses of natural streams and rivers and carry the resource to an area of use.

#### **How does water get into a Ditch?**

Ditches have head gates located adjacent to streams and rivers and they allow for the diversion of water down the ditch to be put to a beneficial use. Head gates are manually operated by an individual water right holder or ditch companies that deliver water to stockholders. Head gates can be closed and locked in order to prevent water from being diverted inadvertently.

#### **Who "owns" Ditches?**

Ditches are typically owned by individuals and private companies. Water in the ditch is allocated by shares issued by the company or a decree issued by the Water Court to an individual.

#### **Can I use Water in the Ditch?**

No...Only those that hold a valid water right or own shares of water in a ditch are allowed to divert from a ditch. In Colorado, water rights are property rights that be bought and sold.

#### **Who maintains Ditches?**

Ditch companies and individual water right holders are responsible for keeping ditch channels clear of debris and sediment that could obstruct the flow of water. Roadside ditches (barrow ditch) are the responsibility of adjacent land owners including culverts under driveways, for example.

#### **Do Ditch Companies have an Easement through my Property?**

Yes...Ditches are most often located on what is known as a "prescriptive easement" that arise by use of the land for a given purpose over time. Prescriptive ditch easements are rarely "recorded" in public records. The scope of the prescriptive easement extends to whatever action is reasonably necessary to access, maintain, and use the easement. For ditch companies this generally includes but is not limited to: diverting and carrying water through a ditch; having personnel, equipment, and machinery access the ditch from either side of such; removing anything that interferes with the maintenance or operation of the ditch including tree removal as an example; place material and debris removed from the ditch on ground adjacent to the ditch without obligation to remove such.

#### **What maintenance practices are Ditch Companies conducting prior to Spring runoff?**

Ditch companies annually strive to restore the ditches capability to carry the full adjudicated amount of decree or share water prior to the beginning of the Irrigation Season (May – September). System wide cleaning of all canals, ditches, and laterals is paramount to the proper operation, function, and measurement of water delivered to stockholders in order to remove debris prior to the head gates being opened and operated for the next season.

#### **Is there anything an Adjacent Property owner along the Ditch Should do Before Spring Runoff?**

Yes...Ensure the ditch easement is clear of any obstructions (including fences) as to allow the ditch company personnel access to the ditch. Make sure any disturbance conducted near the ditch is conducted in a manner previously approved by the company. Review your existing insurance policy to determine if your coverage is comprehensive enough to cover potential flood losses.

#### **Do:**

Keep the Ditch clear of obstructions.  
Call the Ditch Company before conducting any development activity adjacent to the ditch.

#### **Do Not:**

Place any obstruction in or across a ditch.  
Place anything permanent with the confines of the prescriptive easement.

**For additional information regarding the NPIC System contact our Office at 970-568-3612 or  
See our Website at <http://npicwater.com>**

**Any Ditch...Any Day  
Since 1901**