

WHAT IS AN IRRIGATION DITCH?

Irrigation ditches are manmade channels that deliver water to homes, farms, industries and other human uses. Most ditches divert water from natural creeks and rivers and bring it to other areas.

HOW DOES THE WATER GET INTO THE DITCH?

Ditches have headgates on the creeks that they divert. Most headgates are operated manually by ditch company personnel. Ditch headgates can be closed, when needed, to prevent water from being diverted from the creek into the ditch.

WHO OWNS DITCHES?

Ditches are typically owned, operated, and maintained by private companies. Water in ditches is allocated by shares issued by the company. Those shares represent proportional amounts of water.

CAN I USE THE WATER IN THE DITCH?

Only those who have rights or shares in the ditch are allowed to remove water from it. In Colorado, water rights are property rights, just like owning a car or a house, which can be bought or sold apart from the land through which they run.

WHO MAINTAINS DITCHES?

Ditch companies are responsible for keeping the ditch channels clear of debris or sediment that would obstruct the flow of water. Barrow (roadside) ditches are the maintenance responsibility of the adjacent property owner – including culverts that run under driveways.

DO DITCH COMPANIES HAVE AN EASEMENT THROUGH MY PROPERTY?

Ditches are most often located on prescriptive easements that arise by use of the land for the given purpose over time. Ditch easements are rarely recorded in public records. The scope of the prescriptive easement extends to whatever is reasonably necessary to access, maintain and use the easement.

For ditch companies, this generally includes the rights to:

- run water through the ditch;
- have personnel and heavy equipment access to the ditch;
- remove anything that interferes with maintenance or operation of the ditch, including trees; and
- place material and debris cleaned out of the ditch adjacent to the ditch without obligation to haul it away.

WHY WAS THERE SO MUCH WATER IN THE DITCHES DURING THE FLOODS?

During the September 2013 flooding, some ditches carried water despite the headgates being closed. In those cases, the creek overtopped the headgate structure and/or the ditches intercepted surface drainage and groundwater.

WHAT MAINTENANCE ARE DITCH COMPANIES DOING BEFORE THE SPRING RUNOFF?

Ditch companies are working to restore the ditches to pre-2013 flood capacities prior to operating this coming irrigation season. In addition to removing flood-related sediment, ditch companies will normally do a ditch-wide cleaning to remove debris prior to opening the headgate. To get the most current information about work that will be done in your neighborhood, contact the ditch company directly. Call 303-441-1856 for a directory of ditch companies.

IS THERE ANYTHING THAT PROPERTY OWNERS ALONG A DITCH SHOULD DO BEFORE SPRING RUNOFF?

- Ensure that the ditch easement is clear to allow efficient maintenance access by ditch company personnel.
- Make sure that any development near ditches is only done with prior written approval from the company.
- Review your existing insurance policies to determine if your current coverage is comprehensive enough to cover potential flood losses.

DO

- Keep the ditch clear
- Call the ditch company before development near the ditch and prior to landscaping the banks

DO NOT

- Put obstructions in or across the ditch
- Put anything expensive or permanent in the easement