



***Ditch Easements  
Across Private Lands***



# CACD

Colorado Association of Conservation Districts

*CACD is a non-profit 501 © (3) organization established in 1945. CACD (10) member board, (one from each 10 watershed districts in Colorado) represents all 76 conservation districts to the best of its ability, with all issues that face the unique diversity of the 10 watershed regions of Colorado.*



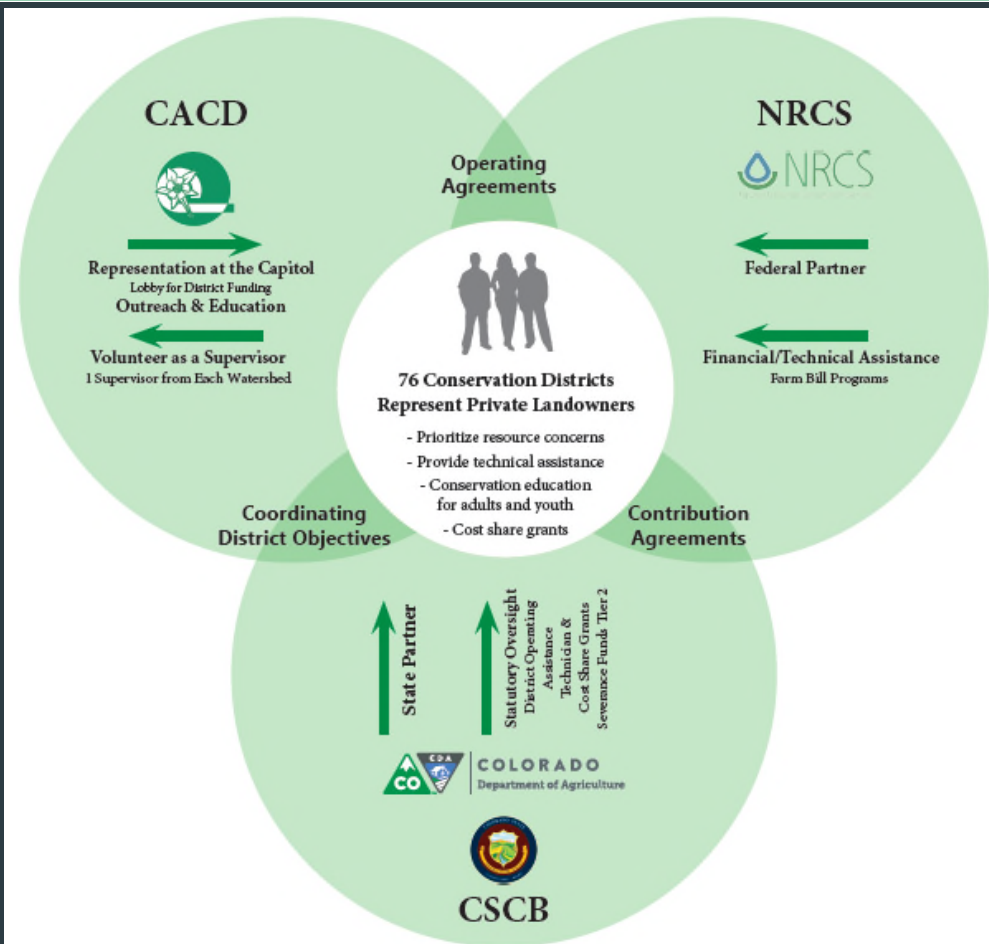
# CACD

Colorado Association of Conservation Districts

***CACD's mission is to serve as the unified voice for the Conservation Districts of Colorado, facilitating outreach, education and support of landowners in their stewardship of natural resources CACD works with private farm and ranch landowners and small acreage owners and other suburban developments through the 76 conservation districts. .***

# COLORADO'S CONSERVATION PARTNERSHIP

Voluntary, incentive-based conservation since 1937



## Basic Issue

### **Section 37-86-102 of the Colorado Revised Statutes:**

*“Any person owning a water right or conditional water right shall be entitled to a right-of-way through the lands which lie between the point of diversion and the point of use or proposed use for the purpose of transporting water for beneficial use in accordance with said water right or conditional water right.”*



**The CACD adopted resolution states:**

*“Be it resolved that CACD lobby the Colorado legislature to clarify that activities related to normal maintenance of water conveyance facilities in Water Division 2, including the installation of ditch linings and pipelines, are allowable when the water is being conveyed for its historical beneficial use.”*



## Case Study

The Ula Ditch is located near Westcliffe in the Wet Mountain Valley, Water District 13, Irrigation Division 2. Its decree carries an 1873 appropriation date for 16.5 cfs. The ditch diverts from Taylor Creek, a tributary of Grape Creek and the Arkansas River.

The course of the ditch extends for a distance of about three miles to deliver water to about 532 acres of irrigated land. The alignment of the ditch traverses lands that over recent years have been purchased by a number of smaller acreage, private landowners.

There has always been a general understanding that the ditch holds an easement across these lands.



## Other Considerations

- **Efficiency / Waste**
- **Un-authorized Diversions**
- **Flooding / Damages**
- **Safety Concerns**
- **Litigation**
- **Improved Access**





## CACD's Perspective

It is believed that a simply worded clarification of the allowable maintenance and improvement activities pursuant to a ditch right-of-way or easement is something that the majority of ditch owners and ditch companies, large or small, would support.





**P. O. Box 1175  
Lamar, Colorado 81052  
Tel. (719) 336-3437 x-130  
Cell (719) 686-0020**

**[executivedirector4cacd@gmail.com](mailto:executivedirector4cacd@gmail.com)**