

Irrigation In The Animas Valley

From Citizen's Guide to Colorado Water Law

“Efficient water diversion and storage, beneficial use without waste, recognition of all beneficial uses that Coloradoans value - these have always been fundamental precepts of Colorado water law. The era of their fuller implementation is upon us.

As Colorado's water consumption reaches the limits of its allotments under interstate compacts and treaties, intensive water management will become even more critical. Water management decisions will involve examination of all options. Conservations will be indispensable.

Inevitably, as each generation must learn, the land and the waters will instruct us in the ways of the community.”

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“Here in Colorado, paleohydrologists have discovered that mounded areas at Mesa Verde National Park - once thought to be dance platforms - were actually reservoirs positioned to intercept runoff. Survival in this arid region necessitated the construction of these prehistoric water works.”

Who manages the Ditch Company?

Animas Consolidated Ditch Company operates with one ditch walker and one bookkeeper under the supervision of a five-member Board of Directors. Annual Shareholder meetings are held in March on a Saturday. Meetings of the Board of Directors are called as needed.

Are Canal, Ditches and Drains to be used for Recreation?

NO. Canals, ditches and drains are very unsafe, and no one, especially children, should play in or near them! Most ditches are constructed on private land, and only the Animas Consolidated Ditch Company has authorization to use them.

Who owns the water?

Under the Colorado Doctrine, water is a public resource for beneficial use by public agencies and private citizens. A share in the Animas Consolidated Ditch Company is a property right to use a portion of that water.

Who is responsible for getting water to my land?

Animas Consolidated Ditch Company is responsible for delivering water from the point of diversion at the main headgate to the delivery point headgate. From that point, it is the responsibility of the shareholders to transport the water to the desired location. Animas Consolidated Ditch Company is not responsible for individual ditches or easements.

How much water do I own?

Sixteen shares of the Animas Consolidated Ditch Company equals one cubic foot of water per second. One share equals 28 gallons per minute, which will water 2½ acres if the irrigation system losses are not excessive.

What happens during the drought, when there isn't enough water?

When Animas Consolidated Ditch Company cannot divert its entire adjudicated 85 c.f.s., the ditch company must decide how to fairly share the water. First, B shares will cut off according to the priority system. Then, the remaining water will be delivered in proportion

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to the amount of water available. If the ditch can only take 50% of its water from the river, then shareholders will be limited to about 40% of their shares (50% less 10% for seepage and evaporation).

Why can't I plant trees on the ditch bank?

The ditch company holds the right to an easement the full length of the ditch. No structures or plantings should be placed within the easement, as the ditch requires that space for maintenance. Burning along the ditch bank is appreciated, but burning trash in the bottom of the ditch is illegal, and causes problems down-stream. Fences need to be wide enough to allow access to the equipment, but access gates are the responsibility of the landowner.

No culverts, structures or bridges may be placed in or across the ditch without the approval of the ditch company. Encroachment permits may be obtained from the secretary. Encroachment fees are assessed on an individual basis to be determined by the type of encroachment.

Colorado law deals tough fines and penalties to anyone placing trash or other debris in the ditch, tampering with headgates or measuring devices, or otherwise obstructing the regular flow of water. PLEASE BE CONSIDERATE.

Annual maintenance fees and share assessments pay for the costs of maintaining the ditch, adjusting the water flow, and normal company operations.

Shareholders with less than 4 shares are not entitled to a headgate, but take their water by pumps or siphons, which must be placed where they won't interfere with water flow or catch trash. Pumps and siphons must be removed for the annual ditch cleaning.

Animas Consolidated Ditch Company

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A great new publication, the *Citizen's Guide to Colorado Water Law*, prepared by the Colorado Foundation for Water Education and written by Colorado Supreme Court Justice, Gregory Hobbs, is available at the web site: www.YourColoradoWater.org

Another great source of information is located on-line at: www.waterinfo.org