

Each year Idaho water users divert millions of gallons of water from Idaho rivers, reservoirs and aquifers. This water is delivered to farms, neighborhoods, parks and schools throughout the state through thousands of miles of canals, laterals, ditches and other facilities.

In our area the Diversion 45 on the Big Wood River delivers river water for irrigation purposes, to the north half of the Bellevue Triangle and adjacent areas, crossing directly over or along the edge of more than 150 different privately owned properties.

It is important for all these property owners to understand the rights and obligations associated with a ditch and attendant right-of-way, referred to collectively as a "ditch easement."

### What is a ditch easement?

A ditch easement includes the irrigation facility and enough land along both banks to allow access for operation, cleaning, maintenance and repair. The width of the easement will vary depending on the facility.



Access allows operators to remove sediment and debris, mow, spray, burn, refurbish facilities, and to perform other maintenance activities.

The ditch easement includes the right to deposit any removed debris or other material onto the banks of that facility.

Ditch easements are not public property and are not open to public use. Unauthorized third-party use of this land is a trespass.

It is not required for a ditch easement to be recorded or notated on property deeds. Mere existence of the facility constitutes notice of the ditch easement.

### Is there a ditch easement on my property?

If your land is crossed by, or adjacent to, a water delivery facility, there is a ditch easement on your land.

You may use the easement area. However, you cannot interfere with access for operation, cleaning, maintenance or repair activities.

### What are the irrigation entity's duties?

Irrigation management entities must operate and maintain the facilities to minimize the risk of over-flowing the banks, from either bank failure or blockage. This includes regular monitoring of water flows, ditch banks and irrigation structures.

Ditch easements are necessary to perform these duties. Access must not be blocked. Encroachments onto ditch easements interfere with access for operation, cleaning, maintenance and repair activities.



## What happens if I encroach on a ditch easement?

Idaho statute (42-1209) prohibits the placement of any encroachment within a ditch easement.

Encroachments may include buildings, parking areas, fences, landscaping and other structures or activities within the ditch easement.

Contact your local irrigation entity before you begin any construction, landscaping or other activity within a ditch easement.

Any unauthorized encroachments will be removed at your expense, in accordance with Idaho law.

## Can I relocate and/or pipe the irrigation facility on my property?

Yes. But you must first obtain written permission from the entity operating the irrigation facility.

To obtain permission, contact your local irrigation entity to determine what information they will need to review your request. They will also advise you of any standards and/or specifications relating to moving or piping an irrigation facility.

Generally, canals and lateral ditches may only be relocated or piped during the non-irrigation season, after water is out of the delivery system.

## Will the irrigation entity work with me to address my questions?

Yes. Contact your local irrigation entity if you have questions about the ditch easement on your property.

The irrigation entity can give you information about the irrigation facility in question. This may include:

- The scope of the ditch easement, including the access necessary to operate, clean, maintain and repair the facility; and
- Any policies and/or procedures regarding encroachments and/or modifications.

**Board of Control  
Watermaster  
John Wright  
775-934-6200**

We appreciate your cooperation in working to protect our irrigation facilities. Feel free to contact us if you have any questions.

## WRVID45 & Triangle Irrigation Districts

## What do you need to Know About Irrigation Easements and Rights-of-Way?



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