



DeWeese-Dye Ditch & Reservoir Company
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Shareholders need to be aware of their rights and responsibilities to avoid conflicts between neighbors over the sharing of a scarce supply of water. Collectively work with your neighbors to insure each shareholder gets their allocated share.

Under the company By-Laws, any change requires majority shareholder approval at the annual meeting. As a shareholder you should read and understand the By-Laws. We have incorporated State Statutes in our By-Laws to define the relationship between the water users and provide a means for enforcement by the local police or sheriff's department. Civil action may be taken against anyone who interferes with or obstructs the flow of water through the ditch. While the conflicts within a ditch system are a civil matter to be resolved between neighbors, ditch officials and the State Water Commissioner may be able to assist with an opinion or advice.

Water in incorporated ditches such as ours is allocated by shares issued by the company representing proportional amounts of decreed water rights. Division boxes are used on the system to give each shareholder a percentage of the water at their point of diversion, thus a share is not measured in cfs or acre feet but a percentage of what is delivered to the division box.

Irrigation ditches that once meandered across quiet farms and meadows are now surrounded by urban development. Many suburban landowners have the mistaken belief that a ditch running through the neighborhood is public property. However only those people who have rights or shares in the ditch are allowed to remove water from it. Pumps may not be set in a ditch. New "turnouts" may not be made on the ditch without the approval of the ditch company officials.

Urbanization brings trash, vandalism, safety concerns, and often confusion and misunderstanding as to who owns, and is responsible for, this sometimes antiquated network of irrigation ditches. Ditches have an established right-of-way to carry water through public and private property due to historic practices. "In fact, most ditches have a prescriptive easement that won't show up on a title search or property deed. The ditch, and the right to use the water in it, actually belong to the shareholders in the ditch company." Even if no recorded documentation of the easement exists, this prescribed right of carriage allows the continued use and reasonable access to maintain the ditch and/or easement. The ditch company requires gates in fences across the ditch and

may even require the removal of trees and fences if they are interfering with the maintenance and/or operation of the ditch.

Things you should not do:

- Block or place objects in the ditch in order to obtain more water
- Bend the division plates or chip out the level bar on your side of the division
- Dump trash or grass clippings in the ditch
- Deny access along the ditch easement to a shareholder below you by fencing or other obstructions

Things you should do:

- Work with your neighbors to insure everyone gets their fair share of water
- Keep the ditch across your property clean and flowing freely

You may:

- Maintain the ditch above your property in order to get water; even though it is not your property, the easement gives you that right.
- Block your side of the division if you do not wish to receive the water -- allowing it to go down the ditch.
- Pipe or line the ditch across your property. Any change or crossing of the ditch requires coordination with ditch officials to ensure that the water can still be delivered.