

# Right of Way

## Policy

We are your local irrigation organization. We divert water from reservoirs, rivers, or other sources and deliver water to our users through a distribution system of canals, laterals, and irrigation works.

Many miles of canals, laterals, and irrigation works cross private lands or are bordered by residential and commercial developments. This can prove confusing for many landowners who are unsure what rights they and we have. So we have developed this information to help you understand our rights, responsibilities, and policies regarding our canals and lateral ditches.

## EASEMENTS

We have the responsibility to operate and maintain water flows, ditch banks, and irrigation structures to minimize the risk of ditch bank failure and blockage, which could result in damage to adjacent landowners.

To do so efficiently, we need access to the property through the use of easements. Idaho law gives us the legal right to use these easements through either fee title ownership or by right-of-ways.

Easements are strips of land along the banks of our canals and lateral ditches. Easements give us access so we can monitor and adjust water flows. We also need access so we can remove sediment and debris from the ditches; control weed growth by mowing, spraying or burning; pipe, line, and refurbish ditches, and perform other maintenance activities.

Generally, easements are an area on either or both sides of the canal, lateral or ditch. The easement also gives us the right to deposit material on the banks that have been removed during

cleaning and maintenance. We also have the right to take out obstructions to the easement and to prohibit activities that unreasonably interfere with maintenance.

If your land is crossed by a canal or lateral, you may use the easement area so long as it does not interfere with our access, operation, maintenance, and repair activities.

It is important to understand that easement areas are not public property. They are not open to public use. Under Idaho law, unauthorized third-party use of these strips of land amounts to trespassing.

## WORKING WITH YOUR IRRIGATION ENTITY

Please contact us if you have questions about who owns a canal or lateral ditch that crosses your land. We would be happy to tell you whether it is part of our delivery system. We can also give you details about the access easement for the ditch, the things we do to access, operate, maintain, and repair the ditch, and our policies regarding encroachment and modification that might affect the ditch.

## ENCROACHMENTS

Encroachments are such things as buildings, parking areas, fences, landscaping, and other structures or activities in our easement areas.

We cannot allow construction or other activities in easement areas if they will interfere with our access, operation, maintenance, and repair activities.

You must first contact us if you plan any construction, landscaping, or activity within or affecting any of the canals, laterals, or easements.

We will look at your project and determine if what you want to do will interfere with our access, operation, maintenance, and repair activities.

We may also be able to advise you how your proposed construction or activity can go forward without interfering with our activities.

#### RELOCATING AND/OR PIPING CANALS AND LATERALS

Idaho law requires a landowner to obtain our written permission before relocating or piping one of our canals or lateral ditches.

To get permission, first, provide us with a copy of your plans for review. We then will advise you whether or not you can proceed as proposed or with modifications to your plan.

If we approve your plans, we also provide you written permission to proceed in the form of an agreement or other appropriate written authorization.

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

Above all, we appreciate your cooperation in working with us to protect our irrigation facilities.

Contact us if you have questions or need more information (886-2331).