

Farmers Irrigation District Ditch Easement Rules and Regulations

Article I. Easements:

- a. Per Resolution #81-82-27 adopted by San Juan County Council, 1981- "Required setbacks of buildings and other structures and objects which could impeded the passage of maintenance shall be the following distance of 30 ft uphill and 40 ft downhill of centerline". This is, however, subject to change upon a slope exceeding 10%.
- b. No buildings or structures of any kind are allowed to be built or placed on the easement or where it will interfere with the operation and maintenance of the ditch.
- c. Vegetation, (tree's, plants, weeds) along the ditch are the responsibility of the property owners. No trees are allowed to be planted on the easement where they will interfere with the operation and maintenance of the ditch. Trimming or removal of existing trees is the responsibility of property owners. Per NMSA 73-2-10.

Article II. Headgates, Pumps and Water Rights:

- a. Headgates belong to the irrigators receiving the water from the ditch and are their responsibility to keep it in good repair.
- b. Notice and approval must be given by the FID Board to replace, move or install a new headgate and or a new headwall. The work must be done by the supervision of the ditch rider and meet minimum construction standards set by the FID Board. See and download [Headgate and Headwall Construction Standards](#) in the downloadable forms.
- c. Water rights; change in ownership; filing and recording; constructive notice. In the event of any changes of ownership of a water right, whether by sale, gift or any other type of conveyance, affecting the title to a water right that has been permitted or licensed by the state engineer, has been declared with the state engineer or has been adjudicated and is evidenced by a subfile order, partial final decree, final decree or any other court order, the new owner of the water right shall file a change of ownership form with the state engineer. The form shall include all information conforming with water rights of record filed with the state engineer and shall be accompanied by a copy of a warranty deed or other instrument of conveyance. The new owner shall record a copy of the change of ownership form filed with the state engineer with the clerk of the county in which the water right will be located. The filing shall be public notice of the existence and contents of the instruments so recorded from the time of recording with the county clerk. Per NMSA 72-1-2.1
- d. Pumps are allowed only if you have water rights or leased water rights. . You must obtain a pump permit and pay applicable fees. [See Pump Permit Application in the downloadable forms section.](#)
- e. Property owners with rights, in order to use a pump one must install a stand pipe on lower end of ditch and pump out of the stand pipe. No hoses allowed on or over ditch bank.
- f. Any person using water out of FID Ditch that does not have Water Rights owned or leased will be prosecuted in accordance with NMSA 73-2-64. Civil penalties can range from \$300.00 - \$5,000.00.
- g. Property owners are responsible for their tail waters. Tail waters must be contained in ditch for return to the river.

Article III. Culverts and Bridges:

- a. All new culverts or old culverts or bridges being replaced, must obtain approval from the FID board. Culverts must have a headwall higher than the water flow entering and exiting the culverts.
- b. The maintenance and/or the replacement of the culverts and bridges are the sole responsibility of the property owner.

Article IV. Fences and Gates:

- a. Fences paralleling the ditch must be placed outside the easement. Fences crossing the ditch must not interfere with the flow of water in the ditch.
- b. Gates must be installed if fence crosses the ditch. Gates must be of rigid construction and give a full sixteen feet (16') opening when fully opened.

Article V. Interference with Ditch:

- a. A person shall not cut, break, stop up or otherwise interfere with the Community Ditch per NMPL 73-2-64.
- b. No task will be performed on the Farmers Ditch without approval of the Ditch Board and/or Mayordomo (Ditch Rider).
- c. No object(s) will be put in the ditch to raise the water level unless approved by the FID Board.

Article VI. Wires and Pipes:

- a. Wires (Electric, Phone, cable and all others) crossing the easement must be eighteen feet (18') above the roadway on the bank. Support poles must be outside of the ditch easement.
- b. Pipes crossing the easement must be four feet (4') below the bottom of ditch and have 95% degree of compactness. Plastic pipe and other wire lines that need to be installed under the ditch must be encased in metal pipe for protection.

Article VII. Conditions Hampering the Flow of Water

- a. All other conditions which hamper the water flow in the ditch or the proper management of the ditch will be corrected by the owner of the property under the direction of the FID Board.
- b. Siphons will not be allowed to take water directly from the ditch and will be removed under the authorization of the FID Board.