

WATER RELATED EASEMENTS

37-86-102. Right-of-way through other lands

Any person owning a water right or conditional water right shall be entitled to a right-of-way through the lands which lie between the point of diversion and point of use or proposed use for the purpose of transporting water for beneficial use in accordance with said water right or conditional water right.

Right extends to bed of ditch and sufficient ground on either side. The right of an owner with respect to a ditch excavated over the private land of another extends to the bed of the ditch and sufficient ground on either side. *Shrull v. Rapasardi*, 33 Colo. App. 148, 517 P.2d 860 (1973).

It is clear under all the authorities that appellant could not resort to the summary remedy of obstructing or destroying the ditch or preventing the parties from entering upon the line of the ditch to operate it. *De Graffenried v. Savage*, 9 Colo. App. 131, 47 P. 902 (1897).

37-86-105. No land burdened with more than one ditch

No tract or parcel of improved or occupied land, without the written consent of the owner thereof, shall be subjected to the burden of two or more ditches or other structures constructed for the purpose of conveying water through said land when the same object can feasibly and practicably be attained by uniting and conveying all the water necessary to be conveyed through such property through one ditch or other structure.

37-86-106. Shortest route must be taken

Whenever any persons find it necessary to convey water through the lands of others, they shall select for the line of such conveyance the shortest and most direct route practicable upon which said ditch can be constructed with uniform or nearly uniform grade.

37-86-107. Owner of ditch must permit enlargement

No persons having constructed a private ditch for the purposes and in the manner provided in section 37-86-106 shall prohibit or prevent any other person from enlarging or using any ditch by them constructed in common with them, upon payment to them of a reasonable proportion of the cost of construction of said ditch.

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