

## **IRRIGATION DITCH PIPING**

### **Frequently Asked Questions**

#### **What is the difference between an irrigation company and a district?**

Irrigation companies are private entities created to serve as water right holders and purveyors of irrigation water on behalf of company shareholders. Only company shareholders can use irrigation company water. Irrigation districts are special purpose units of government created for the same purpose. However, irrigation districts include a defined territory, and all property owners within that territory pay an assessment for the operations and maintenance of the irrigation district's facilities. In exchange, all property owners within the district are entitled to use the water.

#### **What is the purpose of irrigation ditches?**

Irrigation ditches have been the traditional method of conveying water diverted from the Dungeness River to areas throughout the Sequim-Dungeness Valley for irrigation. Approximately 90% of irrigation water is used by farmers for farm related activities. The other 10 % is generally used for landscaping activities.

#### **Why are you piping the open ditches?**

Piping an open ditch saves water in the Dungeness River. The irrigation districts and companies have been working on replacing their open irrigation ditches with pipelines for over 25 years in order to reduce the amount of water they divert from the Dungeness River. The Dungeness River is home to four species of salmonids that are listed as threatened under the Endangered Species Act (ESA). A significant factor contributing to the declines of these species is low stream flows in the Dungeness River. Naturally low late summer flows are exacerbated by irrigation water diversions, which just a few decades ago sometimes exceeded 75% of the river's flow. The ESA requires irrigators to do everything within their power to minimize their diversions. In order to reduce diversions but still provide irrigation water, they must improve the efficiency of irrigation water conveyance and use. The most significant water savings can be realized by improving irrigation water conveyance – replacing open irrigation ditches with pipelines. Most ditches lose water, mostly by leakage to the groundwater, and some lose as much water on the way to the farm as is actually needed for irrigation.

#### **What is an irrigation easement?**

Irrigation ditches and pipelines have easements that allow for their maintenance and prevent land uses that may adversely impact the function of the ditch or pipeline. Some of these easements are recorded with the County and are attached to the title of the property. Some are what are commonly referred to as prescriptive easements, which are claimed by the irrigation company or district based on historical use of the land. Other examples of easements, including prescriptive easements, include roads, municipal water lines, overhead and buried power lines, and other utilities.

#### **Will piping a ditch dry up my well, has it happened before?**

There is a possibility of this happening, however after nearly 66 miles of piping projects since 1999, the number of wells running dry after piping projects were completed, as reported to the irrigation Districts and Companies have been very few. Numerous groundwater studies have been done in the Dungeness watershed, some dating back decades. They all predict some range of groundwater drawdown if irrigation ditches are piped. Whether your well will go dry is difficult to say. It depends on a number of factors, most importantly, the depth of your well. The shallower the well, the greater the risk of going dry. Some shallow wells have gone dry without any irrigation ditch piping having been done nearby. Shallow wells are also more susceptible to contamination.

**Will there be loss of vegetation and who is responsible to replace it and remove any dead trees or stumps, how can I save my vegetation?**

Woody vegetation growing in the irrigation ditch right of way is subject to removal, whether for ditch maintenance or to replace the ditch with a pipeline. Trees within the right of way are the property of the landowner; however, the irrigation district or company has the right to remove them, just like vegetation along a road or other utility right of way. As part of ditch piping planning and design, an assessment is made of the trees to determine which ones will need to be removed, which ones can be saved, and which ones are likely to become vulnerable to death or decline due to either construction damage or a loss of water from the ditch. This assessment is typically done in consultation with landowners, and alternative routes are sometimes considered. The irrigation company or district will remove any trees in the easement that the landowner would like to have removed but will not be responsible for any remaining trees in the easement that die after construction is complete. This will be documented on the Landowner Acknowledgement form. In some cases, trees that will not be damaged during construction but might be susceptible to stress from a lack of ditch water can be irrigated to keep them healthy.

**What is a Landowner Acknowledgement form?**

This is a document that the irrigation Companies and Districts request be signed by landowners to acknowledge that they have been informed of the work that will be done within the easement, and their preference for:

- 1) Tree management:
  - a. Removed trees can be left on property for landowners use or removed completely.
  - b. Trees that are not required to be removed for the project but are at risk of poor health/death due to lack of water supply will be removed during project unless landowner requests they be left standing and accepts responsibility for watering or removal if required in future.
  - c. Trees that are immediately outside the easement but are at risk of poor health due to lack of water may be removed if requested by landowner.
- 2) Structures & Fences:
  - a. Permanent structures and fences are not allowed in the easement because access for cleaning and maintenance is needed. Historically this rule has not been diligently enforced.
  - b. If a structure or fence does exist the owners are requested to remove it prior to project beginning. If the landowner is unable to meet this request the structure or fence will be removed during construction and placed outside the easement. Company, District or Contractor will not be responsible for fence damage or replacement.
- 3) New easements will be filed upon completion of construction to record/update easement and pipeline location.

**How can landowners find out about the irrigation projects before they happen and whose responsibility is it to inform the landowners?**

The respective irrigation district or company is the owner of the ditch or pipeline. If a ditch is proposed for piping, it is the responsibility of the irrigation district or company to notify landowners about their plans, and to negotiate with individual landowners and document this with a Landowner Acknowledgement form. The best way to stay informed about irrigation projects is to contact your irrigation company or district representatives. A

map of the irrigation companies and districts and a company and district directory are included in the *5 Things to Know before You Irrigate* publication, which is available on the Clallam Conservation District website.

### **How and when are the landowners informed and do the landowners have a say in the project?**

How landowners are informed about piping projects is up to each irrigation district and company. Landowners cannot prevent the piping of a ditch, but irrigation districts and companies commonly try to work cooperatively with landowners and accommodate their needs, as long as it does not unduly affect the project. In some cases, it might be possible to move the route of the new pipeline. When this is possible and preferred, the route is usually moved close to property lines, resulting in less encumbered property.

### **Are the ditch to pipe projects violating easement terms?**

Replacing a ditch with a pipeline complies with irrigation ditch easement terms. Ditch easements are intended to allow access for maintenance of the irrigation water conveyance system, whether that be an open ditch or a pipeline, and to allow for access to replace a ditch with a pipeline. Not all ditches have recorded easements; however, they are considered to have a prescriptive easement. Easements are generally recorded when an open ditch is replaced with a buried pipeline. This helps ensure that the buried pipeline will not be forgotten, thus will be less likely to be damaged or built over.

### **Since the ditch to pipe projects are eliminating habitat and aquifer recharge do they violate the county critical areas ordinance?**

No. the County Critical Areas Ordinance (CAO) is intended to protect environmentally sensitive areas from new development activities. Among the environmentally sensitive areas are aquatic and upland wildlife habitat, and critical aquifer recharge areas. Replacing inefficient irrigation ditches with pipelines in order to reduce the amount of water diverted from the Dungeness River is consistent with the intent of the CAO. Any loss of wetlands or decline in the amount of water recharging the aquifer that results from piping is considered correction of an artificial condition created by ditch leakage. The ditch leakage and subsequent wetland development or augmentation of the aquifer is not natural, and terminating this unnatural system in order to improve aquatic habitat in the Dungeness River is not a violation of the CAO.

It is worth noting that many irrigation ditch piping projects include a managed shallow aquifer recharge component. This usually involves installation of perforated pipe in the same trench as the irrigation pipeline. Water can be diverted into the perforated pipe during periods of abundant river flows, typically the spring snowmelt period, and then closed when river flows are low. This has been done to mitigate impacts to the shallow aquifer from wells, as well as to simply replace the loss of ditch water leakage, but to do so in a deliberate and manageable manner.

### **Will I have access to the water after the ditch is replaced with a pipeline?**

It depends. If you are served by an irrigation company, you must own shares in the company to access the water. If you are served by an irrigation district, you are legally entitled to the water. Company and district personnel typically consult with users regarding the most efficient way to service their users. For small residential users, this might be a single turnout from the pipeline to serve multiple users. The company or district installs a valve to control water coming off the main pipeline. Users must install their own control valves.

### **What has been accomplished by piping irrigation ditches so far?**

Pipelines make up over 60% of the Dungeness irrigation water conveyance system. The vast majority of the piping of irrigation ditches occurred over the past 25 years. Irrigators currently divert about half the amount of

water from the Dungeness River that they did 30 years ago. This increase in river flows greatly benefits aquatic habitat conditions for fish. Also, piping irrigation ditches has resulted in improvements to water quality, particularly Dungeness Bay. Open irrigation ditches can convey polluted water and discharge it to streams and other water bodies. Piping prevents contaminants from entering the water, and when the conveyance network is close ended, it prevents the discharge of water for anything other than irrigation.