

This column features questions from readers submitted via the Web site. To submit a question to Small Acre Sam, visit [BarnyardsandBackyards.com](http://BarnyardsandBackyards.com). If your question is featured, you will receive a free one-year subscription to *Barnyards & Backyards*!



# ask Sam

## question

**Dear Sam,**

I have a question regarding water rights and responsibilities. I have water rights on my land, but I live at the end of a surface water irrigation ditch lateral. My question is, how or what do I do in high water flow times to keep water from flowing across my land onto neighbors' property or damaging neighbors' sagebrush? It seems putting in a holding pond-type thing would require permitting and money. Is there a good solution? This does not happen often, but the past few years it has on a seasonal basis. Would love any input!

— Elizabeth, Jackson

**Elizabeth,**

When luck of the draw puts you at the end of the ditch, you are at the mercy of upstream users. Most of the time the complaint is there isn't enough water left by the time it gets to the end of the ditch, so, your situation is a bit different. It is the result of more water being diverted into the system than other appropriators on the system are entitled to and/or want, or you are the recipient of return flows – flow being returned to the system from an irrigated property. Administration of irrigation water rights is by the Wyoming State Engineer's office (SEO). No doubt, there is a hydrographer working for the SEO in the area who can monitor or check the amount of water being diverted into the delivery laterals from the main supply. However, it sounds like you are in a subdivision, and SEO personnel seldom get involved in the partitioning of water in subdivisions. If the amount of water being diverted into the system is proper, then one or more of the upstream users are either not diverting their share or you are the recipient of their return flows.

Your best attempt at solving or moderating your excess water is to visit with upstream users. You might take a walk up the ditch and note any return flows. If there are some significant return flows, I would visit with that landowner and learn if the return flow is a function of how he or she moves water around or simply topography. I would work out an arrangement with him or her to either reduce those return flows or give them (or someone else on the system) a portion of your direct supply. If there weren't significant return flows, I would contact one or more of your upstream neighbors to see if they might take a bit more water – reducing the amount you would need to deal with. I would start with your closest upstream neighbors and work up the ditch until your problem is reduced. Be sure to allow sufficient time to pass between adjustments so the system can come back to a balance. Making adjustments to regulate return flows might take a day or more.

If there is a fortunate aspect to your problem, it is that most of the time giving water away is easier than insisting someone give you more. With that in mind, maybe your downstream neighbor welcomes the free water and the chance to manage your excess. Your solution will come about through good communication with neighbors. Bad communication can only exacerbate the problems. Good luck!

— Eric Peterson  
Area educator

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answer