Toured by Al Bloom, Anderson Superintendent, and Ken Whitmore, Northern Colorado Water Conservancy District.

We started at the headgate located at Arapahoe Road and Canyon Boulevard, or Pearl Street, by driving down one of Boulder's new bike paths. The Ditch capacity is 25 cfs but does not look it at first glance. It travels a few hundred feet west to go underground with a trash rack below a 4' Parshall flume with a recorder house. About one half mile down the ditch we drove up on the hillside through the property of the late Roy Rogers. Then on 5th Street seven blocks downstream was a bridge on someone's patio. Another grate, one of twenty-two, between 5th and 6th Streets and Plesant. Then on 7th Street an arch bridge over the Anderson Ditch goes to a residence. Now the Anderson Ditch flows over Gregory Creek, then it goes through an old cemetery, where Tom Horn of the Western Cattle wars in Wyoming is buried. We looked at a storm drain at Lincoln and Pennsylvania where Al said he gets a lot of winter sand from the streets. The ditch goes right under the sidewalk, under a sorority house where we drove down an alley, a popular spot for various electrical crews (especially with cherry pickers) (Nudist Group). It continues underground at Dinos Pizza with a Colorado University headgate at 13th and College in the Hill District by the Colorado Book Store. The University is spending $1.4 million to put in a sprinkler system for their lawns via water from the Anderson ditch. The ditch daylights at 14th Street and Broadway for approximately 150 feet, then continues again underground to the alley between 14th and 15th Streets. Here it surfaces
and serves as a moat around the east side of a sorority at 15th and Euclid. It then passes by a Mennonite Church and goes underground again at the alley on the east side of the church. The ditch surfaces again at Aurora and 17th where I photographed a section of the canal wedging through two pieces of property. There was a Parshall flume in the vineland lateral at 19th and Cascade. This flume, when overflowing, will spill water into the home or wall of the property to the north. From 19th and Cascade the ditch continues south and east to 20th Street and Bluebell Avenue where a huge willow has grown out into the ditch considerably restricting the carrying capacity. At this time the fate of the tree is in question. The owners want to save it, so there has been talk of diverting the ditch around the tree. One block south of Bluebell Avenue at King Street the ditch goes underground and surfaces at the Columbia Cemetery, where it continues south crossing over Skunk Creek into the United States Bureau of Standards. Here it travels south thru The Bureau of Standards thru a wide open field just north of an adjacent subdivision, whose residents do not want to allow the Forest Service to build while they live in a compact set of units. (crazy) The canal goes under this subdivision, in a 42" pipe with plenty of grade and a capacity of 100 cfs, and surfaces at Broadway (Highway 93) and Table Mesa Road, also known as South Boulder Road. Here the ditch intersects Bear Creek and changes from the New Anderson Ditch to the New Anderson Extension Ditch. At this point there are two headgates, one for the New Anderson Extension and one for Bear Creek.

The New Anderson Extension ditch goes under Highway 36 to Denver, adjacent on the north side of South Boulder Road, crossing diagonally as indicated on the map, siphoning under the Vieleng storm water channel, to South Boulder Creek. From the South Boulder Creek the water can go into new Dry Creek, flowing around
the southeast of Baseline Reservoir into the reservoir via a new inlet constructed last year for $32,000. It can also flow into Baseline Reservoir via old Dry Creek.

On Old Dry Creek just west of Baseline Reservoir water is separated for a short distance, for measuring purposes. On the south is a 3' parshall flume for the City of Lafayette. In the center is a headgate without a measuring flume for Baseline Reservoir, and on the north is a 2' parshall flume for a lateral off the Enterprise Ditch, called the Crosbey Lateral. North of this structure in the Enterprise Ditch is a 4' parshall flume for measuring Enterprise water.

The Anderson Ditch had a decree of 25 cfs with the City of Boulder owning 57. The City of Boulder has transferred the water associated with their shares of The New Anderson Ditch to other locations, but still must pay their assessments to the New Anderson Ditch Company.

The New Anderson Ditch Company ends at Table Masa Drive and Broadway. It has its own board with Jim Carmody, a city employee, as president at this time.

The New Anderson Extension Ditch, owned by the Base Line Land and Reservoir Company, and Baseline Reservoir were constructed around 1904.

Al works for the Anderson Ditch and Extension through the water running year and continues throughout the year on Anderson, via the Baseline Reservoir Company because they rent the right to use Anderson Ditch to fill Baseline Reservoir. This ditch would make a good TV series with its history, the way it was constructed then the encroachments, people problems with trees, storms seep,
floods, and nudists. Al said he saved a baby once, and along with burying a
bobcat in a wash out, and many other stories and complaints.

The End.
#1
Anderson Ditch
Headgate @ Boulder Creek
October 17, 1930

#2
4' Parshall Flume
#3
Trash Rack
75' below measuring flume

#4
Trash Rack between 5th and 6th Street on Pleasant St.

#5
10th St and Pennsylvania
$80000 contract let for rehabilitation as of Dec 1992
#6
Some location in rehab Project downstream

#7
Colo. University lateral off of Anderson Ditch at 19th St

#8
End of Anderson Ditch & Begin of Anderson Extension where Bear Creek flows under Hwy 93 and South Boulder Road
92" pipe is beginning at Anderson Ext.
Small headgate is Anderson diversion into Bear Creek
Oct 17, 1990

#9
Anderson Extension empties into South Bear Creek. Also bridge over South Boulder Co. at South Boulder Road

#9A
Looking North at South Boulder Creek
9B
Diversion Structure on South Boulder Creek for old and New Dry Creek

9C
Where Old Dry + New Dry Creeks Separate and 10' Parshall Flume

11
Looking down Old Dry Creek toward Baseline Reservoir
#14
Oct 17, 1990
Al Bloom Spat.
Lower Bow and
Coal Ridge Ditch G.

North Shore of
Baseline Reservoir
Troubled waters
Millions of dollars at stake in lawsuit over ditch flow

By Greg Avery
The Daily Times-Call

LAFAYETTE — A lengthy and costly battle waged between two companies returns to Boulder District Court on Thursday, pitting one city's access to clean water against another city's control over the water's flow.

While focusing on water usage in a ditch that runs through Boulder before dumping into Baseline Reservoir, a mile east of the city, the outcome of the lawsuit could have implications far beyond the ditch's banks.

In Base Line Land and Reservoir Co. vs. New Anderson Ditch Co., Lafayette finds a challenge to its access to Boulder Creek water — water the city sought to quench the thirst of growth and ward of shortages during major droughts — with millions of dollars potentially hanging in the balance.

The Anderson Ditch Co. — its ownership dominated by the city of Boulder, University of Colorado and the Department of Commerce — believes losing the case could destroy its ability to control the use of its ditch, through which the CU Boulder and the National Institutes of Standards and Technology get their irrigation water.

Given the large ramifications and the players involved, this is not just a squabble over a ditch. The lawsuit has cost "substantial amounts" of taxpayer money on both sides.

"If suppose it was a bunch of mom-and-pop farmers involved, I don't know that the sides would have the wherewithal to pursue this," said Lafayette's attorney on the case, Dave Lindholm. "In the back of all this, there may be a feeling that Lafayette's acquisition is a threat to the ditch company."

The suit sprang up in 1996, when the Anderson Ditch Co. alleged that water flowing to Base Line Reservoir exceeded what was allowed in the ditch. The ditch company decided the reservoir users could no longer use the ditch to transport water.

Having spent millions to acquire rights and the reservoir but having no other way to ship water from Boulder Creek, Lafayette was cut off from a major part of its water storage.

Given the excess amount of water and the potential liability the ditch company faced if flooding or leaks damaged nearby properties, the company had no other choice but to cut Lafayette off, claims Anderson Ditch Co. attorney Tim Buchanan.

In the 1911 agreement that founded the ditch company, Base Line Land and Reservoir Co. — which owns the 289-acre Baseline Reservoir — arranged to put Boulder Creek water into its reservoir via the ditch. Under that agreement, Buchanan said, the ditch company could determine what the ditch's safe carrying capacity should be and enforce that.

In 1996, the company had a limit of 15 cubic feet per second (more than 100 gallons of water per second) flowing through the ditch. Transferring Lafayette's water to Base Line Reservoir via the ditch, the Base Line Land and Reservoir Co. exceeded that limit for 33 days, Buchanan said.

"Our position is that the case is about whether the ditch agreement was terminated properly and we believe it was," said Buchanan. "And if it was terminated properly, Lafayette loses the right to use the Anderson Ditch."

To Lafayette officials, however, the timing of the ditch company's decision to cut off access coincided strangely with the city gaining controlling interest in Baseline Reservoir in 1996, and beating out Boulder as the top bidder. Some Lafayette officials view the matter as Boulder's attempt to control the creek until after it has left its boundaries, and possibly to control growth in Lafayette.

The Anderson Ditch head gates upstream from Boulder, Lafayette hopes to use it to supply Baseline Reservoir with Boulder Creek water, as Base Line Land & Water Co. did before.

The city badly wants to avoid taking the water out downstream from Boulder for two reasons: to avoid the expense of building a pipeline from Boulder Creek to the reservoir, and the potential cost of overhauling or replacing its water treatment plant to clean high levels of ammonia found in the water downstream from Boulder.

If Lafayette loses the case, the cost of finding a downstream route for the water could cost millions of dollars in addition to money it has already spent in recent years; the $10.25 million spent acquiring control of Baseline Reservoir, more than $3 million spent in other water storage projects and the thousands spent on litigation.

And this is not the only lawsuit the two sides have been involved with.

The ditch company opposed in both the state Water Court and Colorado Supreme Court Lafayette's failed attempts to make its temporary water rights on Boulder Creek permanent. The city's Boulder Creek rights can be called into question every six years until a permanent transport system is found.

The two sides also wound up in last year court when the ditch company dissolved itself legally and tried to reform under new laws that excluded Base Line Land and Reservoir Co. from using the ditch. Boulder County District Court Judge Carol Glownisky, in a preliminary ruling, leaned in Lafayette's favor, but a final ruling is not expected until later this year.

While limiting his comment to the case at hand, Lindholm said the ditch company's effort to paint itself as an independent body have been tainted by the employment of three company board members by the city of Boulder — including Anderson Ditch Co. President Carol Elienglish, also Boulder's water resources coordinator.

Given the difficulty in determining what Lafayette could offer to settle the case, Lindholm doesn't buy the public reasons Buchanan has given for keeping Lafayette out of the ditch.

"I think the defendants are struggling to come up with any theory to justify their actions," Lindholm said. "We have made every effort to find an acceptable solution to the situation — not a one-sided agreement, but something that would work for both sides."

Neither side expects a settlement before Thursday, but neither would rule it out.

If the case proceeds Thursday, no decision is expected until well after the ditch company has finished its final hours of testimony in its defense.

"We have made every effort to find an acceptable solution to the situation — not a one-sided agreement, but something that would work for both sides."

Dave Lindholm, attorney representing the city of Lafayette

A TRANQUIL SUNSET OVER Baseline Reservoir beles the court dispute being waged over water flowing into the reservoir.