THE NEW CACHE LA Poudre IRRIGATING COMPANY

THE CACHE LA POUDRE RESERVOIR COMPANY

Some History for the Past 88 Years

By

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First National Bank Building
Greeley, Colorado

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INTRODUCTION

The Cache la Poudre Irrigating system consisting of its "No. 2 Canal" and "No. 2 Reservoir", has been an essential part in the establishment and in the survival of the Greeley Union Colony. This system, undertaken in the fall of 1870, was that which put under water the first large area adjoining Greeley, the bench lands, to the North beyond the Cache la Poudre River. It was a progressive accomplishment, but it was begun in the first year of Union Colony. It furnishes water to an area of the 40,000 acres which were that main start and sustenance which enabled the colony to hold on and to grow.

The "Eaton Ditch" and "Water Supply" systems followed, ten and twenty-five years later, but the Cache la Poudre or "No. 2" system was the testing ground and basis of a settlement which, as Weld County, has become, in value of annual crop production, one of the top seven counties out of the 1,000 of the whole United States.

The history of Weld County and its leading men is written in water.

It seemed that someone should endeavor to assemble some of the events of the history of the Cache la Poudre Companies. The writer has so undertaken it. This effort can be improved. Someone who will follow will do so.

In this "history" of the No. 2 Companies, for the twenty year
era from 1870, the writer has drawn on Boyd's History of Union Colony, published in 1890. There have also been the benefit of Union Colony and City of Greeley records to explain some events of the early days to 1878. In that start, the Colony Committee was the first constructing and governing board. From 1878, the minutes of the Cache la Poudre Irrigating Company boards and its stockholders meetings and those of water adjudications and court reports have been the guide. Its board were called "Trustees" for the first 18 years to 1898. They became thereafter "Board of Directors", as they were entitled in the reincorporated, present "The New Cache la Poudre Irrigating Company." The chief items are abstracts from the board meetings. That is the body which has the authority and the duty to conduct the business of the company, under its certificate of incorporation and by-laws.

The task of culling the minutes, 88 years of Irrigating Company and 66 years of Reservoir Company, has been time taking, but one of interest. It has been a longer assignment than the writer had anticipated when he set out. Space limitations compel a limit of their recital to picking out some of the events that seemed worth record. This product is largely only an index to such events. Much more is outside the minutes.

The minutes mainly tell only what action was taken. What led up to such action and the time devoted to arriving thereat by these
men who march across its minute books, naturally are not there chronicled. The records of actions taken were only after much long and serious thought of earnest men who, as board members, presidents and superintendents, and attorneys, were trying to look after their own and the affairs of their neighbors and so to develop and preserve this precious water resource for fellow farmers.

The Cache la Poudre Reservoir Company, incorporated in 1892, really became concrete two years earlier, in 1890, with the leaders convinced, after an 1888 movement begun among the Irrigating Company members. This led up to action and incorporating of the Reservoir Company in 1892 when dirt moving of its construction began.

In 1890 the writer was a boy seven years old, living in the home of a father and mother who, then aged 40, had come that year to farm under the No. 2 Canal and who, the first summer found the ditch "played out" too soon, that something must be done to improve the supply of water for irrigation. Since water was the main subject of talk he heard at home and among neighbors, it early became of interest to a growing boy, in a growing country. It became visible with that talk of new construction, to a "boy with big ears." The men who were leading that betterment of irrigation systems were held up to him as worthy of admiration. He admired them, and always has.
The writer, knew as older neighbors, (and recently as younger neighbors), these men whose initiative and activity grew to be of increasing interest, the greater part of those personalities who have, in their day, done the things recorded in these minutes. Their purposes and efforts and achievements to build up a new country, he observed, were a matter of constant discussion by neighbors and by father and mother who were endeavoring to establish a family in this new and growing colony.

Most of these men who wrought as they sojourned, have passed on to that bourne from whence no traveler returns. Generation has followed generation. In turn another group have stepped up to take over the care of this institution upon which has been built so much of the ability to survive and the careers of those who make up this community.

The rewards of those men, as presidents, superintendents, directors and managers of the company, were not in the modest fees they received, but were rather compensated only in the consciousness that they had discharged a stewardship and had given of their efforts and thought, conscientiously, in trying to improve the family lot and the lot of the community and of their fellow men.

The trust is now in the hands of the third and, in some cases, of the fourth generation. They are carrying it ahead. It is a continuous one.
Whatever it may mean in other areas, to be called a "ditch man" in Northern Colorado is a term of respect and compliment, implying one of public spirit and constructive qualities, willing to spend time for benefit of the general community by building and safeguarding their irrigation works and water rights.
II.

THE NEW CACHE LA Poudre IRRIGATING COMPANY

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Colony Days: The Start.

Canal No. 2 was begun by Union Colony in 1870. It has 88 years of history.

The colonists, from their organization meetings in New York, before they ever came to Greeley, stated as a definite part of their purposes the construction of irrigating canals. They greatly under-estimated the cost. They were men of purpose and vision, but not of experience in such construction.

The original colony articles, adopted in New York, set forth a plan for four canals. This plan explains the origin of the fact that the one oldest is called "Greeley No. 3" and what is known as the Cache la Poudre Irrigating Company's system is known as "Canal No. 2." In the plan, Canal "No. 1" was stated to take out of the canyon mouth of the Poudre River at Bellevue. That would have covered practically the land today under the Larimer County Ditch of the Water Supply and Storage Company and the "Eaton" Ditch of the Larimer and Weld Company.

"No. 2" was to take out from the East side of the river about midway between what is Fort Collins and what is now Windsor. That is about a mile south of what is now Timnath. No. 3 was the "Town ditch," to take out of the Poudre river about five miles upstream from Greeley. "No. 4" was to head from the Thompson River at the mouth of the canyon and to irrigate that land west of Greeley on
the ridge between the Thompson and the Poudre, that district now watered by Greeley and Loveland Irrigation System.

The Colony leaders, upon arrival, at once set about constructing the one to serve the new town, that is, the "Canal No. 3". It was the shortest of the four projected, the one of the most immediate need and least cost.

There was then no irrigation being done on the south side of the river below Fort Collins except about 200 acres. Some was being irrigated by Robert Boyd's the "Boyd and Freeman" Ditch, about six miles upstream from Greeley, dated March 15, 1862. About 160 acres were being irrigated upstream by the B. H. Eaton Ditch, which took out at his homestead about two miles south of what is now Windsor. There B. H. Eaton had settled, five years prior to the colony, and had begun the construction of that ditch on April 1, 1864.

A ditch called the Whitney heading on the north side of the Poudre was between Boyd and the B. H. Eaton and it was begun on September 1, 1862, but it was not in 1870 of considerable irrigated acreage. William R. Jones Ditch claiming from September 1, 1857, headed on the north side of the river between the B. H. Eaton and the Boyd Ditches, to irrigate what is now the Bracewell area.

Above Fort Collins, there were numerous ditches heading upstream, in fact 36 appropriations were initiated prior to 1870 in the area generally, down to Greeley from the canyon above LaPorte. They were chiefly short, river bottom ditches. Among these were
the Yeager Ditch, begun by one Sanderson June 1, 1860; the Watrous and Whedbee Ditch claiming from June 1, 1861; Dry Creek Ditch claiming from June 10, 1861; Pleasant Valley and Lake Canal claiming from September 1, 1861, with an enlargement claim from June 10, 1864; Pioneer or "Howes" Ditch claiming from March 1, 1862.

What became the base of the Larimer and Weld Canal system, Priority No. 10, claiming from June 1, 1864, had been begun by C. G. Buckingham. John C. Coy, with his ditch just below Fort Collins claimed from April 10, 1876; Box Elder from March 1, 1866; Chamberlin ditch from April 1, 1866; Taylor and Gill Ditch at Bellevue from April 5, 1866, Josh Ames Ditch just above Fort Collins claiming from October 1, 1867, Martin Caloway ditch from March 1, 1868.

On the north side were Canon Canal or "Gov. Routt" Ditch, at the canon mouth, claimed from March 1, 1868. Little Cache la Poudre Irrigation ditch, next below, between LaPorte and Fort Collins, claimed from May 1, 1869.

Fort Collins Irrigating Canal or "Arthur" Ditch claimed from June 1, 1869, to irrigate the area of Fort Collins itself, was south of the river. New Mercer Ditch was to the South and West of Fort Collins, claiming initiation from September 1, 1869.

Greeley Canal No. 3.

The beginning of construction of Canal No. 3 of the Greeley
colony dates from April 1, 1870. It was for a claimed 52 cubic feet flow per second. That size was found insufficient. A first enlargement was begun October 15, 1871. The second enlargement was begun July 1, 1872. The third enlargement dates from May 15, 1873. This brings No. 3 Canal total capacity up to 173 cubic feet per second.

**Initiation of No. 2 Canal.**

The Colony next addressed itself to commencing No. 2 Canal. It was for irrigating the colony bench lands north of Greeley, hence had to be much longer. Construction of "No. 2" was begun the fall of 1870. Its first priority dates from October 5, 1870, for the original capacity of 110 cubic feet per second. There ensued, in the first season the experience that the canal was not big enough.

Enlargements began, first with one initiated September 15, 1871, for 170 cubic feet per second; second, November 10, 1874, for 184 cubic feet per second, and third, September 15, 1877, for 121 cubic feet per second. This brought No. 2's total priorities of appropriation up to 585 cubic feet per second, the enlarged capacity for the canal (at its upper end).

**Time gave experience and brought forth builders.**

First years of disappointments in water supplies caused many doubts and dissensions among early colony people. They were due
to chiefly of lack of experience, but were in part considered due to a confusion of counsels from too large a committee, known as the advisory committee. The beginning of the construction, of course, was under those men who had headed the colony after it got to Greeley.

These principal administrators at the outset were: N. C. Meeker, David Boyd, J. C. Shattuck, E. Hollister (who founded what is now Windsor), N. Holmes, Dr. Charles Emerson, treasurer, and Henry T. West, secretary. They constituted the trustees of the colony.


A Town of Greeley Trustees Board was soon created. They were E. S. Nettleton, engineer, R. A. Cameron, N. D. Wright, Levi Hama, Henry T. West. By process of necessity and evolution the more practical ones had to take charge and advance the work.
TURNING THE CANAL OVER TO THE WATER USERS, 1878.

THE CACHE LA Poudre IRRIGATING COMPANY.

After the third enlargement work begun in the fall of 1877, it was seen that Canal No. 2 was still incomplete. Its bottom was too high in some places, banks not high enough in others, there were breaks, lack of checks, measuring weirs. It was plain to the colony water users leaders that it had better be turned over to control and betterment by the water users themselves. They were clamoring for better management.

The colony leaders agreed in 1877 to let the water users assume this burden and were glad to shift the obligations. Manner of doing it was by having the water users form a company, on a mutual, or cooperative basis, whereby the water users would annually elect a board of trustees, take over the supervision of the canal and its structures and the distribution of water, determine their own course of improvement and management, and share the costs pro rata.

The company called Cache la Poudre Irrigating Company, was incorporated and held its first meeting on January 25, 1878.

The five trustees named in its incorporation certificate were William F. Thompson, James Max Clark, Arthur Hotchkiss, Thomas T. Thompson, Harvey T. Pollock. They had been selected at a meeting of water right owners. W. F. Thompson and James Max Clark were appointed to confer with the trustees of Union Colony in regard to purchase of Canal No. 2 from the Colony and its transfer to the Company.
The deal was made by the new Company agreeing to pay $500.00 (which had been by a promissory note without interest) and assuming the obligations.

Chief obligation was that to the water right owners. They, with each piece of colony land, had been given "rights" on the basis of one "right" to each 10 acres. Twenty-six such water right owners who signed the articles of incorporation were: Thomas F. Thompson, J. Max Clark, William F. Thompson, Harvey T. Pollock, Arthur Hotchkiss, Alvin J. Wilber, Michael J. Hogarty, Thomas J. Stimson, Ralph Hilton, J. M. G. Wadlin, John D. Buckley, William Foote, Jr., James Storms, E. J. Price, S. B. Washburne, G. A. W. Cage, Joel E. Davis, G. T. Dresser, James F. Harris, Alfred Baxter, Joseph Moore, Henry M. DeVotie, Francis L. Childs, C. M. Matteson, William Ferguson, and Ludwig VonGohren.

The new Company's stated objects were to acquire all rights and franchises from Union Colony pertaining to Canal No. 2, located in year 1870 commencing at a point in Larimer County in Section 11, Township 6 North, Range 68 West thence running easterly direction to a termus in township 6, North, Range 65 West, to enlarge, control, superintend it, and water rights, to assume and satisfy rights of present owners of water rights under said canal by virtue or grant or license of Union Colony; to issue stock therefor, upon deeds to such water rights, 1 share to each ten acre water right,
or $40.00 per share.

The term of corporate existence was stated as 20 years. A board of five trustees was to be elected annually.

There gradually came into the organization other water right owners, some promptly, some dilatory, over a period of the next ten years.

The new company trustees entered with a will upon their responsibility. They set out directly to do the things that needed to be done to make the canal workable and its distribution of water more satisfactory. Solon D. Martin was elected superintendent. Shares of stock were to be issued on a basis of one share for each ten acres or eight shares of a "right" for each 80 acres water right which the Colony in its land deed, had issued out of the canal supply.

E. E. Baker became the active "water commissioner", as the first ditch rider was then called. Baker was the practical engineer, really chief administrator of the company's affairs for many years following, a thinker and observer, as well as a doer.

At the 1878 monthly trustees meetings payroll bills were allowed. Action was taken to pay contributors who had been put in charge of ditch cleaning and maintenance work to prepare it for the spring run. Among the payees were Frank Bryant, S. N. McDermid, S. D. Martin and E. E. Baker. These head men put in bills for the
amount of the labor of the men who worked under them.

Haynes, Dunning and Annis were paid $50.00 and J. M. Freeman $84.80, for attorney's services. There were bills paid to merchants, A. Z. Salomon for supplies, T. H. Percival for lumber, William F. Thompson for lumber.

J. Max Clark, on April 6, 1878, resigned as trustee. He often appears in later records as interested in the company's management and affairs. He was not only in the implement business and a Tribune Editor then, but was an actual operator of a farm three miles north of Greeley, the half section of land which became known as the Charles Mason, Will Stanley and Sam Clark farms. His brother Arthur B. Clark was assisting J. Max, as was his son Claude Clark, in those early farming days.

Minutes of the following meetings of that first year recite notations of problems the new board had to deal with - listening to complaints of some who complained they were not given enough water, others who claimed damage from over flow, others who claimed they must have checks put in the ditch in order to get their proper share, others who claimed they had suffered crop loss and damage from not being delivered their share. These always seemed to have been listened to, but generally disposed of by being referred to a committee which usually reported that the claim was not well founded.
An assessment of $2.00 per share was levied in the October 5, 1878 meeting to pay expenses and repairs. A budget of canal upkeep by improving the channel, of $2,725.00 was voted for the year 1879. New checks and headgates were being asked for new farms.

The Board of Trustees (as it was called in the first corporation) made spring and fall inspection trips over the canal to report as to condition and where work should be done and that fall recommended specific work on several places and immediately necessary.

The trustees had money problems. The first board closed their meeting of January 4, 1879 with a resolution "that in all cases where assessments are delinquent on any water right for four years, the company will receive the amount of such assessments and interest from any person and give the party so paying it, the use of any water right so paid until the actual owner pays therefor." (This resolution however was reconsidered at a meeting of April 13, 1879, when a new resolution enjoined "that no water right be recognized except back assessments thereon be paid.")
Stockholders first annual meeting, 1879.

The first annual meeting of the stockholders of the company was on March 31, 1879. Five hundred forty votes were cast by owners of 5,400 acres of water rights. The trustees elected for the 1879 year were: Sam Blodgett, G. F. Thompson, Arthur Hotchkiss, Joel E. Davis and William F. Thompson.

This board, on April 16, 1879, reappointed E. E. Baker water commissioner, Arthur Hotchkiss superintendent, "and as a committee of checks." John D. Buckley was continued as secretary, William F. Thompson was elected president, James F. Benedict treasurer.

Hotchkiss was allowed $145.00 for overflow. Damages from canal break were paid the Thompsons. William F. Thompson resigned as trustee. B. S. LaGrange was appointed in his place.

David Boyd was chosen arbitrator on the claim of R. E. Smith for damages claimed from the wasteway. It was settled by buying from Smith for $200.00, 13½ acres in W½ NE¼ Section 23, Township 6 North, Range 66 West (near Seeley Lake).

Sharp controversies on relative priorities to divert arose.

Appropriation was already, in 1870, accepted as the doctrine of water rights in Colorado. The "first in time was to be the first in right" to divert from streams. But the enforcing procedure was lacking. No way was provided to determine who was first, or for how much.

The Union Colony farmers' application of water by No. 2 Canal to the higher tablelands demonstrated, early, their great agricultural value. Other ditches higher up on the river were soon taken out. The first extensive enterprise of this kind was the Lake Canal between Fort Collins and Windsor. It was taken out by B. H. Eaton and J. C. Abbott in the Spring of 1873, with the formation -16-
of the Agricultural Colony at Fort Collins. It had been projected
by four of our own colonists, B. H. Eaton, R. A. Cameron, John C.
Abbott and J. L. Brush. Lewis Kern, J. Fitzjames Cooper, Revilo
Loveland, and Thomas G. Smith of Windsor were others.

These upper, though later, ditches did not begin to disturb
Greeley ditches supply until the summer of 1874. That was a year
of water scarcity. The river became dry, even at the head of No.
3 Canal, before crops were made. To avert threatened physical
acts of resistance, a meeting was called at a school house, midway,
where Windsor now is. Forty delegates were present.

"Water thieves", "hot and unseemly" language was shouted.
Talk was violent. Adjournment was moved. It looked as if force
were to meet force, among these men of action, so recently returned
from Civil War service. "But gradually voices of conciliation
were heard - Meeker's, Cameron's and even J. Max Clark". It was
agreed they would let down some water. "But they did not", says
David Boyd.

"From this day forth we had set our hearts on having some
regulations looking towards a distribution of waters of the state
in harmony with the principle of priority of appropriation," Boyds
History of Union Colony continues.

Nothing definite on priority administration was accomplished
in the 1876 and 1878 legislatures. In 1876, the constitution had
been adopted. It declared the principle of priorities. "First in time, first in right."

The Greeley difficulties were being felt by other early settlements. Fort Collins, also, saw other large ditches being projected above her own, and was now willing to join hands with "No. 2" and "No. 3" canals.

A convention representing the different ditches, to set up the legislation, met in Denver in the last days of December, 1878. Boulder, St. Vrain and the Poudre were there in force. There were opponents also. But a general outline for the necessary legislation was agreed by the majority.

Most owners of ditches had no idea of what water measurements, "Cubic feet per second," or "inches" per second, meant. A definition was necessary. An authority to enforce it was necessary.
Water Adjudication proceedings were established in 1879.

A court proceeding, for determining priority dates by initiation and by diligent follow up of digging ditches and of applying the water to use, had to be erected, and to administer its policies, a state enforcement office, of state engineer, division engineer for each principal river system, and a system of districts and district water commissioners for each principal stream tributary, had to be legalized.

This was done, by the 1879 legislature, supplemented by an act of 1881. They established water adjudication priorities court procedures, a state engineers staff to enforce the decrees of priorities, to allow diversion by the seniors, and to shut down the juniors in times of scarcity.

The court proceedings winnowed the claims. Many were extravagant, and beyond capacity of the canal or need of the land under it. Some got by anyway, to be later "nursed up," as to the excess, or else abandoned.

In this legislation the steering and formulating committee were David Boyd, Chairman, J. S. Stanger, Colorado Farmer Editor, Daniel Witter of Boulder, John C. Abbott of Fort Collins, and I. L. Bond of Boulder.

J. L. Brush was in the House and Judge S. B. A. Haynes in the Senate, both were of Greeley and effective in getting the legislation through. B. S. LaGrange, A. D. Moodie, and James M. Freeman also had much to do with getting passage of the amended act. Senator James W. McCreery of Greeley, in 1887, added further legislation to implement the proceedings.
The Haynes referees decree and Courts decree thereon.

The Greeley irrigators at once availed themselves of that act and started the proceeding in Larimer County District Court right after the 1879 legislature adjourned. Because so many claims were involved, a referee was appointed by District Judge Elliott to hear the testimony, reduce it to writing and draft the findings and recommended decree. Harry N. Haynes, then a young lawyer in Greeley, graduate of Colby College in Maine, was appointed the referee. He was careful, scholarly, conscientious and his work as referee in that first proceeding marked him as a man who was destined to have a large part in irrigation law development of the state for the next 50 years.

The testimony was being taken in Fort Collins and at Greeley in late 1879, all 1880 and early 1881. It was, written out in clear hand by referee Haynes, signed by the witness and is filed in the Larimer County District Court. The Cache la Poudre Irrigating Company was represented by attorneys E. T. Dunning and F. J. Annis of Fort Collins. Opposing, as representing rival claimants for priorities was L. R. Rhodes.

The Cache la Poudre Company and Greeley No. 3 appointed David Boyd and A. D. Moodie to attend and look out for their interests in these hearings and paid them each $5.00 per day for time spent. Date of constructions, capacities and headgate locations to be fixed there, with relation to other ditches were important.

Testimony for these ditches was by:

John D. Buckley, then 40, secretary of the Cache la Poudre Irrigating Company, engineer for the colony since the fall of 1871 who had worked on construction of the No. 2 Canal begun in the fall
of 1870. He told of its length, 26 miles to "tail" into Lone Tree Creek at its lower end, that water use began by water run in the ditch in June 1871 for irrigation and of its enlargements through the years 1871 to 1876.

J. Max Clark, then age 39, farmer, testified that they had helped build No. 2 Canal in 1870 and had worked on every enlargement of it, that its upper forty rods was on the channel of a smaller, earlier ditch taken out on the river bottom at the same headgate point. Clark was assistant superintendent in 1871 and 1872.

B. S. LaGrange, then age 56, testified that he was superintendent of No. 2 Canal in 1871 and of its later enlargements.

David Boyd was a witness, then age 46, who testified of its first construction and several enlargements; that he had charge of completing the canal for the 1 3/4 miles of its enlargement at the head.

The adjudication ran into strenuously urged constitutional questions after the testimony was taken and submitted. These baffled the judge, Victor I. Elliott, but he resolved them in favor of the legality of the act and the proceeding. The decree was signed by Judge Elliott April 11, 1882. Final proceedings adjudicated some further works changes some numbers, and was entered April 11, 1884.

The Greeley representatives had to watch rival claimants
also, to cross-examine the witnesses on acts and dates of initiation, amount of construction done, date and amount of application of water to beneficial use thereby, and diligence of pursuit.

Attorneys Wells, Smith and Macon, of Denver, were employed by the two Greeley canals, in 1881 when Elliott wavered, to convince the judge on the legality of entering the decree.

The relative priorities of more than one hundred appropriations were declared by the decree in 1882. This was supplemented by a further decree in 1884, which included Chambers Lake Reservoir of Larimer County Ditch Company (now the Water Supply and Storage Company). It was the first reservoir adjudicated.

The outcome of water adjudication proceedings was soon generally acclaimed as a wise solution, for justice and for settling up the new country, and to accomplish also its purpose, constitutional under the police power, to avoid clashes over relative rights to divert which threatened bloodshed and disorder.

NOTE:

Chambers Lake Reservoir was adjudicated in the decree of 1884, hence was the first reservoir adjudicated. It was not the first reservoir in point of time. It was considered that reservoir priorities could not be adjudicated in the same proceeding as ditch priorities, at the time of the first adjudication. Four other priorities were granted in the reservoir adjudication decree of October 28, 1909, so that the rank and dates are as follows:

1. Windsor Lake, February 10, 1882
2. North Grey, April 1, 1882
3. South Grey, April 1, 1882
4. Chambers Lake, July 12, 1882

Warren Lake was given an initiation date of April 15, 1875, but its priority is toward the foot of the list, number 72.
PRIORITIES OF NO. 2 CANAL

The decree awarded for No. 2 Canal the following four Priorities of Appropriation:

<table>
<thead>
<tr>
<th>Date of Issue Decree</th>
<th>Original</th>
<th>No.</th>
<th>Date</th>
<th>Amount</th>
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<td>4-11-82 adjudication</td>
<td>Construction</td>
<td>37</td>
<td>10-25-70</td>
<td>110 cfs</td>
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<tr>
<td>6-26-81 again</td>
<td>1st enlargt.</td>
<td>44</td>
<td>9-15-71</td>
<td>170 cfs</td>
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<td>2nd enlargt.</td>
<td>72</td>
<td>11-10-74</td>
<td>184 cfs</td>
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<td></td>
<td>3rd enlargt.</td>
<td>83</td>
<td>9-15-77</td>
<td>121 cfs</td>
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<tr>
<td></td>
<td>Total</td>
<td></td>
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<td>585 cfs</td>
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Further proceedings begun 2-9-83
Decree 4-11-1884
The 1880's were developing years.

The 1880 Board of Trustees were Arthur Hotchkiss, B. S. LaGrange, A. D. Moodie, Archie Camp and Arthur Clark. They were occupied with strengthening the canal and headworks on the river, putting in new checks, a wasteway into Seeley Lake, paying labor and material bills, and on water adjudication pressing. They paid the Union Colony its $500.00 note. They were borrowing other money at 1 per cent per month.

The Board of Trustees met April 17, 1880 with the committee of Union Colony Canal No. 3, who were David Boyd, James J. Armstrong, S. Blodgett, W. P. Welch, also L. B. Willard and H. B. Jackson. Town of Greeley Trustees to arrange employment of Denver attorneys to uphold the constitutionality of the water adjudication proceeding and to get the decree entered.

In 1881 the Company was not able to pay cash on its bills and was issuing its orders bearing 10% interest, for labor and material.

Water adjudication was again a concern. In 1881 B. S. LaGrange and J. D. Buckley were appointed to examine the testimony offered in the proceedings.

A meeting of April 16, 1881 reports danger that the river is cutting across above the headgate of the canal. Attorneys J. M. Freeman and Barrett are employed to file the proper maps of head-
gate locations. At the headgate on the river, 8½ acres were purchased of T. G. Smith for $400.00. B. S. LaGrange was appointed November 15, 1881 to attend the water adjudication proceedings for the Company. Attorneys Rhodes and Love were employed to prosecute its and Greeley No. 3 claims in adjudication. They to take in other ditch companies on the Poudre.

In 1882 the Board of Trustees were: B. S. LaGrange, Arthur Hotchkiss, A. L. Camp, A. B. Clark and A. D. Moodie.

Reservoir building on headwaters and tributaries were then cause of apprehension. Attorneys Rhodes, Love and McCreery were conferred with "to oppose and enjoin companies from damming any lakes or depressions on the watershed for the purpose of storing water." No court action on the subject appears. Water shortage was evident that year.

July 15, 1882 A. D. Moodie moved, and it was adopted, "that Secretary F. P. Frost write B. S. LaGrange then water commissioner, to stay at the proper place and exercise the greatest vigilance in enforcing the powers conferred upon him by decrees, employing competent assistance, if necessary the company to share the additional expense."

Those whose labor and material bills were being paid in the fall of 1882 were E. E. Baker, E. L. Sanford, L. R. Mansfield, S. A. Bradfield, Asa A. Decker, Thompson and Bros., A. A. Woodbury,
Some claims for ditch break damage were paid.

The stockholders meeting of January 2, 1883, held at the town hall elected Peter Brown, M. J. Hogarty, W. M. Hopkins, A. Hotchkiss, E. J. Price, B. F. Marsh was appointed secretary, Olin Austin, ditch rider, Arthur Hotchkiss superintendent. The assessment was raised to $2.00 per right per the year. There was more work on the ditch.


The same Board of Trustees served in 1884, with Arthur Hotchkiss president, D. D. Wallace secretary (at $20.00 per month), Peter Brown superintendent.

They authorized joining F. L. Carter-Cotton and others in a suit against The Larimer County Reservoir Company (later the Water Supply and Storage Co.) to enjoin Chambers Lake Water withholding.

The assessment was raised to $2.00 per share or $16.00 per 8 share right, "no water to be delivered until the assessment on it was paid." E. J. Price resigned on April 5, 1884 as Board member and James Atkinson was appointed to the place.

There was much note of complaints in 1883 to 1885 from stockholders claiming crop damage from too little water, or too much water from overflow, or unsatisfactory delivery from inadequate checking.

The 1885 board elected were: Frank Bryant, vice president, H. M. DeVotie, Solon D. Martin, James MacGruder, D. D. Wallace, president. They held over also for 1885. These appointed Arthur Hotchkiss as secretary, Louis Waters, water commissioner, S. D. Martin, superintendent.

They addressed themselves to repairs and raisings of the ditch banks. Some new workers and materialmen's names appear on the books: Richard Armstrong, F. Badger, C. D. Neff, L. Von Gohren, (supplies), Wood and Mayher (lumber) Robert Graham, James S.

Administration must have been good in 1883 to 1886. There was lack of big turnout at stockholders meetings.

The stockholders meeting failed to elect a different board for 1886, by lack of quorum. Stone and brush checks in the ditch were being ordered replaced with lumber.

Locks were ordered put on all headgates.

Mort Darling appears first on the minutes of 1886. He was appointed "assistant water commissioner."

John Armstrong was recommended by the board to the governor for appointment as water commissioner. He served there for many useful years.

D. D. Wallace was appointed superintendent of the Canal June 5, 1886, Vice Solon D. Martin, resigned. He had given a very satisfactory administration.

Some new names appear in 1886 for labor or material rendered the Company: James Beetham, E. Bolinbaugh, Levi Hart, Frank Green, Hill and Teller (supplies) Eugene Thayer (loan), Hall and Jastorwitz (supplies) Robert Moodie, W. B. Miller.

Suit was brought against the company by J. E. Davis in 1886 for alleged inadequate checking of the ditch at his tree claim.
headgate. Jas W. McCreery was employed to defend it. It was ultimately settled.

In 1887 the stockholders reelected the same board; Jas McGruder President, Frank Bryant, H. M. DeVotie, S. D. Martin, D. D. Wallace, H. M. DeVotie was appointed superintendent in place of D. D. Wallace, resigned.

Measuring gates were ordered in, where practicable. Headgates were ordered locked. The canal was reported in good condition.


In 1887 and again in 1888, the same board continued, with the same officers. L. A. Dee was made assistant water commissioner.

Failure to pay up subscription assessments for stock purchased was serious. It called for a list of those delinquent on assessments and an order that water was to be issued only to those paid up in assessments.

A telephone line was ordered, to be constructed by the Board in 1887 from Greeley to the head of the ditch thence to the mouth of the canon.

The river was low, scarcity of water for a large potato crop was emphasized. River commissioner recommended to Superintendent DeVotie and the board adopted a rotation of water between ditches.
Six days to this company, four days to other ditches, to go around.

Superintendent DeVotie was authorized to employ legal counsel to ask injunction against recent ditches use of water for domestic purposes.

Flumes over, and pipes under, the canal from seep streams above, were being asked. Some were granted. Some wanted to sell the seep water to the company, which as a policy the boards declined, then and thereafter.

W. M. Morse succeeded Arthur L. Hotchkiss as secretary at the January 7, 1885 meeting. Both served several years.

Garrigues and Look, attorneys, and H. N. Haynes appear as handling legal matters for the company in 1887 and 1888. Frank DeVotie became assistant water commissioner in 1888. New labor payees in 1888 were Al English, Dogan Francis, J. Huffer, W. H. Morgan, Frank Mumper, and for material, Nixon and Gill, George Osterhout, E. E. NonGohren.
Reservoir talk began in 1888.

The demand for later water was becoming acute, with development of potato raising. On August 4, 1888, M. E. Handy, engineer of Fort Collins, was employed to make a survey of Boyd Lake, with the view of making a reservoir of it for this company. It was a beginning, though no construction resulted from this step.

A. D. Moodie and Alex Ferguson were appointed a committee to check on domestic use by junior priorities. They reported on inspection and several infractions, that fall.

A. C. Moodie also made claim for $1515.00 of the company for crop loss from insufficient water. The board decided Moodie had his proportion of water with the others.

Some changes were made in the Board at the January 1889 stockholders meeting.

The board members and the officers they elected for 1889 were H. M. DeVotie President and Superintendent, Oscar H. Adams, M. J. Hogarty, Chas F. Mason, Henry M. Williams.

Hogarty resigned and J. J. Newell was appointed.

The reservoir need had reached a demand for action.

The board called a special meeting of stockholders for March 6, 1889. There was large attendance. The minutes record that "remarks were made by A. D. Moodie, S. A. Bradfield, H. M. Williams and others." There was not full accord. It was moved and carried that "we adopt some plan to increase the water supply in times of scarcity."

J. D. Buckley, engineer, reported on one proposed 4000 acre foot reservoir north of Windsor, which could be built at a cost of $10,000.00. It could be filled through the Larimer and Weld Canal.
B. H. Eaton stated the filling could be arranged with his company for one-half the water.

A committee was appointed "to secure land for reservoir purposes and make a written report in two weeks." H. M. Williams, S. A. Bradfield and President H. M. DeVotie were the committee.

The stockholders meeting adjourned to meet again March 30, 1889. There the committee was ready with a report on three sites (1) Boyd Lake, (2) one north of Fort Collins, (3) one north of Windsor under the Larimer and Weld Canal. Motion was carried that the Board proceed to purchase Boyd Lake.

At the April 6, 1889 the Board had an opinion from Attorney H. N. Haynes on the reservoir project, advising it would be better to organize a separate company to build the reservoir. These stockholders who did not want it would not have to pay, and would be spared the greater liability for damages from seepage and breaks of a reservoir.

"The building of the reservoir by this company was laid on the table." Its proponents went on to form a separate company, but two years elapsed before it got into action. In the meantime two other large reservoirs got construction started and got river priorities for storage ahead of the Cache la Poudre Reservoir Company. These were the Terry Lake and Windsor Reservoirs of the Larimer and Weld System.

Charles F. Mason was superintendent for 1889. Dan Wallace
was water commissioner, E. A. Hall headgate tender, L. T. Viger assistant commissioner.

Chambers Lake and Channel Reservoirs.

Here begins a series of actions which the board found necessary to take, nearly annually, to see that its stockholders got their priorities on the Poudre River. The minutes record that "the superintendent was requested to goto Chambers Lake with a view to stationing there a man to see that water that properly belongs to us is not held in storage by the Larimer County Ditch Company."

H. M. DeVotie and B. D. Sanborn, who were allowed $400.00 as this company's contribution, reported on the meeting at Fort Collins to accomplish the cooperative telephone line to the weir at Poudre Canyon.

The No. 2 officers were pulling together to stretch the water.

August 3, 1889 Trustees meeting reports ratification of President H. DeVotie's action in making an exchange of water between the Cache la Poudre Irrigating Co. and the Larimer and Weld Irrigation Company, 8 days each in alternation. John J. Armstrong of the Larimer and Weld Irrigation Company appeared and asked for the exchange. It was carried that our ditch be run in two sections in the discretion of Superintendent Mason. Cooperative measures were so being taken by President DeVotie and Superintendent Mason to better make the water reach out to meet crop needs, by accumulating larger heads in time of low river supply.
The 1890 decade. Reservoirs to Supply water failures in July.


July 19, 1890 the ditch had dropped to its first appropriation of 110 cubic feet and "sectionizing" was ordered.

October 4, 1890 a committee was appointed to attend a meeting of ditch companies at Fort Collins "to take action to prevent invasion with sources of our water supply at the headwaters of the Poudre by construction of reservoirs there." H. M. DeVotie, E. H. Benton, S. A. Bradfield, and A. D. Moodie were the committee appointed.

The 1891 Trustees elected and officers chosen were: Oscar Adams, S. A. Bradfield, superintendent, H. M. Williams, E. H. Benton, J. S. Newell, D. D. Wallace, water commissioner, Geo. Jacobs, secretary. They continued for 1892. They sent B. S. LaGrange and A. D. Moodie to a Denver meeting January 8, 1891 of "The Farmers Protective Union."

July 3, 1891 the Board had to start sectionizing the ditch. It authorized suit to be filed against New Mercer Ditch Co. to contest its running of excess water of the Yeager Ditch. This suit became the beginning of long protracted litigation which went to the Supreme Court.
August 6, 1892 B. H. Eaton was present asking the Board for permission to run water from his Windsor Reservoir into the Company's Canal. It was granted, and became the first reservoir water run in the ditch. The late crops needed it.

The stockholders meeting of January 3, 1893 made some changes in the Board: E. H. Benton, S. A. Bradfield (superintendent), J. S. Newell, H. M. Williams were reelected. George K. Peasley was elected to succeed Oscar Adams. The other officers were continued. Decker Lee appears for the first time as assistant water commissioner. James E. Garrigues was retained as legal counsel. Bradfield resigned on June 3, 1893. W. A. Hopkins was appointed.

The No. 2 Reservoir water was ready for carriage to the lands. The rate for its carriage in No. 2 Canal for 1893 was set at $1.25, in advance, for water on each share of Cache la Poudre Reservoir Company stock. This rule repeated for 1894, 1895, and 1896.

Water shortage was again pinching on August 5, 1893 when the board adopted a motion "that we insist on our full appropriation at all times unless the River Commissioner of District 3 is instructed otherwise."

At the stockholders meeting January 2, 1894 one change was made in the board. Fred H. Badger came on and became superintendent in the place of H. M. Williams. Bradfield, Newell, Hopkins, Peasley were reelected. Newell was President, James B. Phillips was elected
secretary to replace George Jacobs, W. A. Hopkins was made superintendent, James Biggar headgate keeper, Decker Lee assistant water commissioner. James E. Garrigues was retained as company attorney at $200.00 per year. The assessment was reduced to 25¢ per share or $2.00 per right.

Office was being shared with B. D. Sanborn in 1894. John L. Armstrong was employed on June 2, 1894 "to look after the company's interests during summer on the river," at $100.00 per month (to watch upstream juniors.)

Honorable H. M. DeVotie was appointed as a delegate to represent this company at the Irrigation Congress to be held in Denver September 3, to 10, 1894.

The next stockholders meeting, January 2, 1895, reelected Badger, Bradfield, Hopkins, Newell and replaced Hopkins with Henry C. Watson. Bradfield became President for this year. Times were hard. There were six applications for secretary, S. H. Southard was chosen. F. H. Badger was made superintendent. D. D. Wallace water commissioner, Decker Lee assistant, James Biggar headgate keeper.

John L. Armstrong, on July 6, 1895, then river commissioner, reported as to difficulty on measurements of water from the Laramie River by the Skyline ditch into Chambers Lake; that he has no deputy or means furnished by the County Commissioners of the district to pay one; that John L. McNab, in employ there of the Water Supply
and Storage Company is his only source of information of the number of feet of water. Armstrong asks our company with other ditch companies on the Cache la Poudre River to take some action to get correct measurements. The action taken was to have Armstrong appoint John L. McNab deputy river commissioner, his reports to be under oath. Money was scarce in 1895.

James W. McCreery was paid $200.00 for his services in the "Yeager Ditch Case," Armstrong vs. New Mercer Ditch Company.

The trustees election for 1896 were declared invalid for lack of majority of stock. To fill vacancies by resignation, on March 8, 1896, John D. Cornell, David Kelly and John E. Law were elected, to serve with H. C. Watson, president, F. H. Badger. Albert Igo was made secretary, to furnish his own office. W. A. Hopkins water commissioner, W. P. Hogarty, assistant, W. B. Middleton headgate keeper.

July 11, 1896 sectionizing of the ditch was begun. Attorney Garrigues reported an adverse decision in the court of appeals in the case of Larimer and Weld Reservoir Co. vs. Cache la Poudre Irrigating Co., Larimer and Weld Reservoir Co. vs. Cache la Poudre Irr. Co., 8 C.A. 237. He was directed to take it up to the Supreme Court. We were successful there, "Hottel case," 25 Colo. 161.

On October 2, 1896 Garrigues reported that the case of our company against the Jackson Ditch was decided adversely also in the Court of Appeals. He was hired to appeal it.
Trustees elected by the stockholders January 5, 1897, and the officers for that year were:

H. C. Watson, president, John D. Cornell, vice president, F. H. Badger, David Kelly, John E. Law.

They recommended John L. Armstrong for appointment as water commissioner of the Poudre, District No. 3.

They appointed W. A. Hopkins commissioner of the canal, W. P. Hogarty and C. E. Ramsey assistants.

They appointed E. S. Pinney as secretary. It was a year of short water supply.


The assessment for 1898 was reduced to 50¢ per share.
The "New" Cache la Poudre Irrigating Company formed, 1898.

The company's 20 year chartered life was about to expire and steps for its renewal were begun by the Board December 4th, 1897. The renewal was done, March 1, 1898 by incorporating "The New Cache la Poudre Irrigating Company" whose certificate of incorporation provides that it is to be of 25,000 shares of par value $40.00 each with purposes "to take over, share for share, and assume the rights, ditch and obligations of No. 2 Canal, as built by Union Colony and operated by the Cache la Poudre Irrigating Company and to acquire, run and deliver the water appropriated, stored or from any source, whenever deemed expedient by its Board of 5 directors."

The Board of Directors was empowered to make bylaws for its management.

The stockholders are to be the owners of its appropriations and entitled to use the same, prorate to the number of shares held.

Its Board of Directors for the year 1898 were named as H. C. Watson, F. H. Badger, W. H. H. Bliss, J. D. Cornell, John E. Law. Watson resigned July 2, 1898 and David Kelly was appointed in his place.

Extensive bylaws, 28 pages, drafted by J. E. Garrigues, its attorney, were adopted by the board at his office on April 2, 1898. They have been remarkably complete and adequate for 60 years.

The exchange of stocks for the old company for the new began. It stretched over a number of years. Otherwise the company went on as a continuation of the old. The B. S. LaGrange Seep Ditch water from Coal Bank Draw becomes enough to give B. S. Gladstone, his son-in-law, a contract to run it in No. 2 Canal to be reissued a mile below to his lateral.
September 3, 1898 J. D. Cornell was instructed to add one person and "investigate transfers on water of the Cache la Poudre River the past season and to look up new sites for storage of water."

November 5, 1898 at the Board meeting he reported with engineer on three potential sites, who with secretary E. S. Pinney, had taken expedient action to "tie them up" and initiate appropriations by maps filed October 29, 1898.

The stockholders meeting of January 10, 1899 did not respond as enthusiastically to the storage project and turned it down.

It elected as directors for 1899 J. S. Newell, S. A. Bradfield, Peter Brown, H. M. DeVotie, President, W. M. Morse. Morse was made superintendent. There were 11 applications for ditch rider. Decker Lee and C. S. Ramsey were appointed.

An overhauling of the canal, from Union Pacific Railroad at Lucerne to its head, was ordered to begin in the fall of 1899 "to put the ditch in shape safely to carry its appropriations."

J. L. Armstrong was employed "to look after the Company's interest on the Upper Poudre." July 1, 1899 demand was made on C. C. Hawley river commissioner "to forthwith and at all times available, deliver all water under the Company's appropriations for 585 cubic feet." Again August 12, 1899 President H. M. DeVotie pointed out in a letter to Hawley whose practices had been enjoined by decree in a suit November 30, 1896.
Some new infractions on diversions from Dry Creek by junior canals crossing it were protested.

Names in that last two years of the century as doing labor or furnishing material on the canal appear as: Dan Dewald, Perry Murray, Fred S. James, Daniel Strohl, Horace Eldridge, Wm. McGill, John Dunn, Walt Nolen, Clark and King, Neill and Beckley.
The New Century - 1900

The directors elected for 1900 and their officers were H. M. DeVotie, President, C. F. Mason, vice president, Peter Brown, J. S. Newell, D. D. Wallace, superintendent, with the same ditch riders as for 1898 and 1899.

The Board on June 2, 1900 sold to Colorado Telephone Company the line extending from the head of the ditch to Cache la Poudre Reservoir, reserving business use rights.

They again put a man on the upper Poudre to look after the company's interests that summer.

The Board for 1901 were the same as for 1900 except W. M. Morse was elected in place of J. S. Newell. Wallace as superintendent, Decker Lee and C. E. Ramsey ditch riders, E. S. Pinney continued as secretary.

Fossil Creek Reservoir water became available to No. 2 water users in 1901. B. D. Sanborn appeared before the board January 12, 1901 to ask that Fossil Creek water be carried in No. 2 Canal. H. M. DeVotie, F. H. Badger and A. L. Mumper were appointed the committee to investigate and report. They recommended its acceptance at $1.00 per cubic foot per second charge.

Peter Brown was instructed to build, for $315.00, a ditch riders house on the Hammond farm at the lower end of the ditch. A warrant for $20.00 was issued to Hammond to pay for the lot.

(note: This is the land now owned by John P. and Melvin Bickling. The Hammond deed was not recorded, so in 1957 and 1958 a new conveyance, for more ground, was paid for - at $1000.00 this time.)
R. F. Walter was the engineer employed to survey and recommend new storage sites. (He later became eminent as chief engineer of the Bureau of Reclamation).

New suppliers names as 1900 payees were D. R. McArthur, Independent Telephone Company, Ecker and Gordon, Neill Bros. and Ward.

January 4, 1902 H. N. Haynes and J. W. McCready were employed to conduct the District Court case of New Cache la Poudre Irr. Co. vs. C. C. Hawley, water commissioner. (A suit by Larimer and Weld Reservoir Co. to compel delivery of Jackson Ditch water into Terry Lake, on its shares of stock in the Jackson. reported in §3 Colo. 32).

In January 1902 the Board elected, and their officers, were H. M. DeVotie, President, D. D. Wallace, superintendent, Peter Brown, N. D. Bartholomew, J. S. Newell. Wallace resigned and Jos. Wilkinson was appointed superintendent. He held it one year. W. J. Hopkins was head ditch rider, Decker Lee assistant.

The building of an office on a lot bought from A. L. Mumper and E. S. Pinney was done in 1902 by the two companies, Irrigating and Reservoir, equally.

Reservoir companies delivering water into No. 2 Canal were requested to and did instal weirs for measuring water into the canal.

Also, May 24, 1902 a contract was made with Water Supply and Storage Company to deliver 67,500,000 cubic feet of water from July 10 and prior to August 20, 1902 from Long Pond, Rocky Ridge reservoirs and its Laramie River Supply to our Company, by way of
Cache la Poudre Reservoir intake.

Stanley Davis was appointed Deputy Water Commissioner to watch Chambers Lake water diversions and deliveries.

1902 also saw a ditch restoration program begun at a cost of $8,000.00.

The stockholders elected a Board for 1903 of H. M. DeVotie, N. D. Bartholomew, David Kelly, W. M. Morse and J. F. Reid. DeVotie was president, Bartholomew superintendent, Decker Lee first ditch rider, Bert Johnson, second ditch rider, Lafe Haskell headgate keeper, E. S. Pinney, secretary.

In 1903 the board built a new house at the head for the ditch rider. They extended for one year the Water Supply and Storage Company reservoir water exchange, attorney H. N. Haynes to draw the papers.

James E. Garrigues became District Judge, so no longer could be the company's attorney. He later became Supreme Court Justice.

President DeVotie was instructed to look up the case of Cache la Poudre Irrigating Company vs. Larimer and Weld Reservoir Company to prevent taking of water on direct appropriations but using it for storage on later priorities.

July 17, 1903 the board voted to join the associated ditches of Water District No. 3 "to protect Poudre ditches from encroachments made by late high mountain ditches and by ditches of Water
District No. 1 down the Platte." David Kelly was made the committee member for this company.

Rules for ordering reservoir water were adopted. The company must have its control; orders must be made to this company through the users lateral superintendent or in writing.

R. S. DeWald was made ditch rider. Bert Johnston had resigned.

November 19, 1903 a special meeting was held to meet W. D. Hoover, manager of the Windsor Sugar Company and to arrange to run water through No. 2 Canal into Windsor Lake for factory use.

The Board for 1904 were H. M. DeVolie, President, C. H. Rea, Vice President, David Kelly Superintendent, J. E. Law and J. F. Reid. Decker Lee was first ditch rider again. Dan Dewald second ditch rider, E. S. Pinney secretary. Those for 1905 and 1906 are the same persons.

The Board on July 2, 1904 wrote L. G. Carpenter then state engineer, that it would pay half the expense of a deputy water commissioner at Chambers Lake.

A shortage on deliveries by Windsor Reservoir was settled by a committee of DeVotie, Kelly and Reed, the Reservoir to deliver .228 cubic feet per second for four weeks.

September 3, 1904 the Board hired attorney H. N. Haynes to represent this company in opposing the suit of Water Supply and Storage Company to transfer 24.66 cubic feet per second of Pioneer
Ditch old priority water into Larimer County Canal. F. J. Annis and Chas. D. Todd were hired to assist.

The Board met specially on November 14, 1905 to hear a report of attorney Haynes on adverse outcome of the company's contest of the Howe or 'Pioneer Ditch' water transfer to Water Supply and Storage Company and authorized the attorneys to join in an appeal of the case to Supreme Court, joined by Larimer and Weld Irrigation Company, Larimer County Canal No. 2, Hottel Mill, New Mercer, Lake Canal, Greeley Irrigation Company and Whitney Irrigation Company.

In 1905 there was flood crop damage claim of $200.00 paid E. C. Knight for a break of May 2, 1904 at "Boye Bend."

A rule was adopted that reservoir water be run in No. 3 Canal only when 75 rights were called for. The charges for carriage per reservoir right were: Cache la Poudre Reservoir $10.00, Fossil Creek Reservoir $1.50, Windsor Reservoir, $15.00.

The Board elected at stockholders meeting of January 9, 1906 selected officers as follows: C. H. Rea, president, A. N. Lyster, vice president, David Kelly, general superintendent, Lewis Kern, new board member. E. S. Pinney was made secretary, C. H. Wheeler treasurer, Decker Lee first ditch rider, D. G. DeWald, second ditch rider, John Q. Baker, headgate keeper. Another "dead beat" right was settled for $800.00 and 8 shares of stock to F. N. Briggs.

Numbering of checks for headgates was directed.
Arrangements made to send man to Chambers Lake as deputy water commissioner and to demand of state engineer that automatic measuring devices be put on streams brought into Cache la Poudre River by the Water Supply and Storage Company. Inspection trip to be made by water commissioner Armstrong and meeting to be held with T. W. Jaycox, state engineer, May 22.

Attorney J. W. McCreery was employed "to take care of the Arthur case." The "Howe Case," on Pioneer Water, Supreme Court printing bill, $307.20 was paid.

June 16, 1906 W. G. Decker, water commissioner of Laramie River District No. 48, was employed to act, at the expense of this Company, Lake Canal, and Larimer and Weld Companies, as deputy water commissioner on Chambers Lake measurements.

July 7 reservoir water runs terms were made same as for the year 1905. Other companies and farmers under Larimer and Weld Canal were requested to stop wasting water into No. 2 Canal.

September 3, 1906 right of way purchase contract was made through Reid and J. W. Yancey lands for waste way to Cache la Poudre River.

November 3, 1906 waste way was right of way obtained from J. E. Law for Black Hollow water from ditch to river to be maintained thereafter at Laws expense.

January 5, 1907, February 2 and March 2, 1907. Same board
elected. Same officers and employees engaged. Committee of W. M. Morse and David Kelly was appointed to confer with other representatives with regard to water brought to the Cache la Poudre from various sources. Pay fixed for general superintendent, $3.50 per day, head ditch rider, $4.50 per day, assistant, $3.50 per day, headgate keeper, $50.00 per month. District Board spring inspection tour was March 7.

April 6, 1907 attorneys fees were paid attorneys J. W. McCreary and H. N. Haynes. President Rea was authorized to consult H. N. Haynes relative to the threatened water transfer suit of Fort Collins Canal and Larimer County No. 2.

June 1, July 6, 1907. W. M. Morse resigned as director. George Emerson was appointed to the board's vacancy. Employed was H. N. Haynes as attorney to assist in case of Larimer No. 2 Irrigation Company vs. Water Supply and Storage Company, et al. in Larimer County District Court on transfer. Also to oppose Watrous-Secord transfer case in that Court.

Reservoir run from Cache la Poudre Reservoir estimated 11 days. Order made that it be run on same basis of charge as last year and when 75 cubic feet per second are ordered in, a carriage charge per right to be: Cache la Poudre Reservoir, $10.00, Fossil Creek, $11.50, Windsor $17.00 per right. Orders must be placed in writing by Lateral owners through their superintendent.
In that ten year period beginning in 1906, beside the routine matters of monthly directors meetings, there were some special board meetings and there was attention given to improving water measurements by installing automatic devices on the river.

Each year the company joined with other lower companies to employ a man to act for Lake Canal, Larimer and Weld and this company as deputy water commissioner on Chambers Lake measurements.

The Howe case over transfer of Pioneer ditch water was being resisted. Attorney J. W. McCreery was employed "to take care of the Arthur Case," which was a transfer of other old priorities, "Watrous and Whedbee Ditch", to the Fort Collins Irrigating or "Arthur" Company.

There was trouble from other irrigators above the canal wasting water into No. 2 Canal.

Wasteways to the Cache la Poudre River were purchased, one through the Reid and Yancey lands west of Windsor, below the headgate, and the other from J. E. Law, for Black Hollow waste water, to the river. Attorneys McCreery and Haynes were in 1907 consulted relative to threatened transfers of water rights to Arthur Ditch and Larimer County No. 2.
There were also Irrigating Company special meetings in 1907 to consider further action on the Supreme Court decision allowing reservoirs to store water during the season of irrigation, which was considered erroneous.

In the fall of 1907 came the money panic on Wall Street. It put a crimp on many of our stockholders, particularly those who had bought lambs to feed and couldn’t get the money through the banks to pay for them. It eased up in 1909.

There were many accounts being paid in 1907 and 1908 for carloads of rock and heavy timber, for rip rap and for check construction.

There were being established rules for standardizing the matter of running reservoir water, among them, that this company will not recognize stockholders of Windsor Reservoir or other companies in orders for water but will deal only with the stockholders, as to orders, and with the reservoir company, as to delivery.

Measuring weirs were being required for Windsor water deliveries into the Canal.
July 29, 1907 special meeting was held to consider further action on Supreme Court decision allowing reservoirs to store water during season of irrigation. Board to go to Fort Collins to interview water commissioner J. L. Armstrong on State Engineers interpretation, alleged to be erroneous. Last reservoir water run September 16.

February 1, 1908 same board had been reelected at stockholders meeting January 14. Same employees were appointed, except J. Q. Baker was made second ditch rider, C. B. Kimball headgate keeper, and to look after company's interests at Chambers Lake on water brought in from other streams.

July 3, 1908 motion was adopted that no reservoir water be run until 100 rights are called for, unless there is ditch water to run with it.

September 5, 1908 $50.00 contribution subscription was made towards locating Post Office at the corner of 8th Street and 8th Avenue.

In these years, 1907 and 1908, numerous carloads of rock and heavy timbers for rip-rapping and check constructions were being bought.

February 6, 1909 directors elected January 12 chose C. H. Rea president, A. N. Lyster vice president, S. A. Bradfield, in place of Emerson, David Kelly, Lewis Kern, remaining members. Frank Wherren was made general superintendent. D. G. DeWald first rider, C. H. Williams, upper ditch, or
second rider, S. J. Allen, headgate keeper.

April 3, 1909 S. A. Bradfield was appointed general superintendent.

Bradfield motion on October 2, 1909 was adopted that, due to unsatisfactory delivery of reservoir exchange water, it was resolved that hereafter the Windsor Reservoir and Canal Company will be required to return all exchange water taken from the river; that the New Cache la Poudre Irrigating Company will not recognize stockholders in the Windsor Reservoir and Canal Company but will deal directly only with that Company in the carriage of water; and that the water must be run by its stockholders on the same day it is delivered by the reservoir; that an accurate measuring weir be built by the reservoir company at its outlet in the Cache la Poudre Canal and that a bridge be built to enable convenience in measurement and a like resolution as to dealing only with the North Poudre Irrigating Company as to water from Fossil Creek Reservoir, was adopted.

February 5, 1910 board elected at the annual meeting of January 11, 1910 were S. A. Bradfield, David Kelly, Lewis Kern, C. H. Rea, B. C. Rienks; C. H. Rea was elected president, Lewis Kern vice president, B. C. Rienks general superintendent, E. S. Pinney secretary, D. G. DeWald first ditch rider, C. H. Williams second ditch rider, S. J. Allen headgate keeper.
The ditch was shut down October 6, 1910 and the board made its fall inspection tour.

February 4, 1911 board elected January 7, 1911, to-wit, H. N. (Succeeding L. Kern) Bickling, David Kelly, A. N. Lyster, C. H. Rea and B. C. Rienks was continued. C. H. Rea as president, B. C. Rienks superintendent and the same secretary, treasurer and ditch riders. B. C. Rienks was allowed $100.00 per month and expenses.

February 3, 1912 the same board had been reelected and chose the same men as officers, ditch riders and headgate keepers. Likewise February 1, 1913 for that year 1913.

July 21, 1913 the board voted to issue river water along with reservoir water to make 32 inches per right and to allow the irrigating company stockholder to call for his river water at any time. August 2 this arrangement was rescinded and it was decided to run reservoir water and ditch water separately.

January 3, 1914 the company had accumulated a balance of $4569.80 and recommended to the stockholders that no assessment be made for the year 1914.

January 13, 1914 directors elected were W. H. Gill, David Kelly, C. H. Williams, Max K. Gerry, L. A. Kight. Gill was chosen president, L. A. Kight vice president, David Kelly superintendent, W. M. Morse secretary, C. T. Neil treasurer, Simeon Miller first ditch rider, C. H. Williams second ditch rider, S. J. Allen head-
gate keeper. Secretary, W. M. Morse, at $75.00 per month.

A loan of $1500.00 for 60 days was made to the Cache la Poudre Reservoir Company at 7% per annum. Orders were made for more rock and ditch improvement structures. At the June meeting L. L. Stimson engineer, was employed to rate the weirs on the ditch. A new drop weir was ordered at the headgate at North Side Lateral.

At the September 5, 1914 meeting seepage ditch owners were notified not to turn any water into No. 2 ditch after September 20. LaGrange Seepage Ditch carriage charge for 1914 was set at $75.00. A loan of $650.00 for 6 months at 7% to North Side Lateral Company was authorized. No assessment for 1915.

Same board were reelected on January 12, 1915 except that R. K. Wallace was elected in place of Max Gerry. W. H. Gill continued as president, W. M. Morse as secretary. C.H. Williams, W. J. Biggar, first and second ditch riders. C. H. William, first ditch rider, was instructed not to measure any seepage water either into or out of No. 2 Ditch from Coal Bank Draw (LaGrange Seepage Ditch) for the season 1915, for J. E. Law out of Black Hallow.

April 1, 1916 David Kelly was elected General Superintendent in place of B. C. Rienks.

July 1, 1916 the company had run out of money and had to get a loan to meet its current bills. George P. Davis was appointed first ditch rider in place of S. Miller, resigned. Dan DeWald was employed ditch rider.

August 5, 1916 it was ordered that each ditch right be credited with three cubic feet of river water for one day, to be delivered the same as reservoir water.

November 4, 1916 attorney H. N. Haynes was instructed to commence suit against Water Supply and Storage Company to set aside the transfer of 24 feet of Pioneer Ditch Water.


August 30, 1917 dividend of four cubic feet of river water for one day was ordered to the holder of each right, to be run as reservoir water.

February 2, 1918 the directors elected January 8 chose to officers as follows: Darling, president, Gill vice president, C. B. Tisdel general superintendent, David Kelly and B. C. Rienks
members, W. M. Morse secretary, George D. Statler treasurer. Charles Johnston was appointed ditch rider with Charles H. Williams. Fred Barnes was made headgate keeper.

April 6, 1918 a special meeting of the stockholders authorized the renewal of the corporate life of the company for another 20 years.

October 5, 1918 the board passed an emphatic resolution against drain ditches discharging water into No. 2 Canal and H. N. Haynes and Stimson, as engineer were ordered to take steps in court and out to prevent such discharges and to require that owners of drain ditches siphon their water over the ditch or flume it under. W. H. Gill moved the resolution and C. B. Tisdel seconded it. It resulted in some siphons being installed.

January 4, 1919 the same board having been reelected chose the same officers and continued Charles Johnston and Charles Williams as ditch riders and Fred Barnes as headgate keeper.

August 2, 1919 L. L. Stimson reported to the board on his Chambers Lake inspection and the matter of shortage of water supplied was under discussion.

September 1, 1919 it was ordered that on account of shortages of water in Windsor and Fossil Creek Reservoirs there would not be any more water delivered.

December 6, 1919 an assessment for the year 1920 was recommended at $2.00 per share or $16.00 per right.
February 7, 1920 the board of directors elected January 13, 1920 organized. Mort W. Darling was appointed president, B. C. (succeeding W/H. Gill) Rienks vice president, Lyster English, David Kelly and C. B. Tisdel remaining members. W. M. Morse continued as secretary. Ditch riders selected were Charles Johnston, head ditch rider, E. J. Bradley second ditch rider, A. C. Koenig headgate keeper.

November 16, 1920 L. L. Stimson, employed to advise on a new dam at the headgate on the Cache la Poudre River, brought in his plans. A committee of Kelly, Tisdel and President Darling were appointed to settle claims for damage on another break in the canal at "Boye Bend."

An assessment recommended at $2.00 per share concluded the year 1920.

This year, 1920, concluded a half century of No. 2 Canal. It did not conclude its improvement. That goes on, like its corporate life.
Beginning a second 50 years, 1921

February 5, 1921 begins the first book in which the minutes are typewritten. William Morse continues as Secretary for the year 1921. The board of trustees elected January 11, 1921 and their offices, as appointed at their first meeting, were R. K. Wallace, president, L. A. English, vice president, David Kelly, superintendent, Mort W. Darling, C. B. Tisdel, members. A. C. Koenig was made headgate keeper, Charles Johnston, lower division and I. N. Ball, upper division, ditch riders.

Improvement was pushed. A stockholders delegation requested the board to enter on a program of increasing the capacity of the ditch.

In the minutes of board meetings, regularly held on the first Saturday of each month, there are routine reports and auditing claims for labor and materials. Some items will be noted.

Stock value had multiplied ten times in the 50 years.

The one share of stock remaining in the company treasury was sold for $450.00 to R. K. Wallace, on May 7, 1921. (The par value in 1878, when first issued, was $40.00 per share.)

The 1921 Flood Claims and Suits

There is no entry in the minutes of the high water and the flood which spread out over the whole river bottom from Bellevue to Greeley that late May and early June. At the July 21, 1921 meeting
is a motion to employ an engineer to gather data at the dam establishing high water marks "whether the dam was the cause of the flood." Jasper Loomis and Cuthbertson were then claiming damage from it. Also on November 5 is the entry that Thomas L. Davis and others demanded $5454.70 for damages from the high water, claiming it was caused by the new dam. The dam had been built 1920 under engineer L. L. Stimson's supervision.

At a special meeting held November 12, action was taken to notify the claimants that the company did not consider itself in any way responsible.

November 19, 1921 Attorney William R. Kelly was asked to report on the matter of legal right of the Whitney Ditch to extend its irrigation canal and use and that R. W. Gelder as engineer be employed to investigate and to show the number of acres under the Whitney Ditch and the capacity the ditch will carry.

The first of the three lawsuits brought by Loomis, Davis and Cuthbertson, was filed in December 1921 in Larimer County District Court. The cases were aggressively pushed by Fred W. Stover and Fred Stowe of Fort Collins, attorneys for the plaintiffs. The damages at first claimed had been expanded in the suits begun. William R. Kelly was employed as the company's attorney to defend. The suits went through various preliminary motions in 1922.

The Loomis suit trial began April 20, 1923 before George H.
Bradfield, Judge. It lasted until June 15, 1923, ten actual days of testimony.

On April 1, 1922, Attorney Kelly had reported on the Whitney Ditch Case. The company was seeking to have it declared that the large part of the Whitney Ditch priorities had been abandoned. He advised that the case either be filed at once or dropped.

The same attorney also advised that he had the engineers statements and reports to show that the rebuilt dam at the Poudre River No. 2 headgate, against which suits had been brought, would clear more water than the old dam. He was instructed to try each of the three cases separately.

There was a water shortage in 1922. The board had its superintendent and attorney demand and obtain the shutting down by river commissioner McAnelly of several later priority diversions, from Copper Slough, Box Elder Creek, Spring Creek and other tributaries.

The board directed a letter to water commissioner W. J. McAnelly that it would uphold him in enforcing the limitation on use of Rudolph's Pioneer Water transfer to Lake Canal lands to which it was restricted in the decree for change of point of diversion.

D. E. Carpenter had been asked to act as attorney with Mr. Kelly in the Whitney abandonment suit. Mr. Carpenter, on July 21, 1922, wrote the company that he was not in position to act as counsel.
The writer hereof was employed in 1921 to look into the matter of opposing a threatened enlarged use by the Whitney. Attorney H.N. Haynes was then regular attorney for the Whitney Company, as well as regular attorney for our company. For that conflict of clients Haynes interests/kept out of the case.

Suit to have the Whitney Ditch extension declared to be an enlarged use, and to have declared abandoned, as unused for a long period of years, the Whitney lowest decreed priority, was filed in 1921, in Larimer County District Court. The suit was discontinued after a few months. It developed that the Whitney Company had a full appropriation "test run" made the year previously, with John E. Field, as engineer witness, after "cleaning out" the ditch at its head. Thereby it could prove that they had recently at least, used the full capacity. The writer advised the contest be dropped, as not promising substantial benefit to our stockholders.

In 1922 the same attorney's services were required to obtain the shut down, by water commissioner W. J. McAnelly, of junior ditches which were then drawing on Cooper Slough, Box Elder, and Spring Creek tributaries.

Also, in 1922, water adjudication was pending in Larimer County District Court and it appeared that the Zimmerman interests upstream were attempting to increase an appropriation awarding them up to 100 c.f.s. which it was reported they contemplated selling to other ditch companies. The writer as attorney, was instructed to oppose the increase to appropriation at the November 29, 1922 meeting.
High Water on the Cache la Poudre, and the dam sites.

When the Cache la Poudre is running 3500 cubic feet per second at the canon mouth, it is considered "full". At that flow it will supply all ditch intake capacities. When it gets above 400 c.f.s., even when all canals drawing, it will run over its banks in the area from Fort Collins down. Tributaries at times pouring large volumes into the river below the canon mouth and above the No. 2 headgate are Hook and Moore Glade, Soldier Canon, Dixon Canon, Spring Creek, Box Elder Creek. When large additions are being made to the flow below the canon, and particularly if rains are general, we have not only tributaries pouring more water into the river below the canon, but canals are not calling for full diversions. There will be overflows in the area from Timnath to Greeley. These high flows are generally in early June.

Years of high flow, when the river was discharging at the canon mouth what were considered such floods were, in the first 21 years of the century: 1900 on May 29, 4560 c.f.s., 1905 June 9, 4288 c.f.s., 1909, on June 19, 5401 c.f.s., 1914, June 2, 4780 c.f.s., 1917, on June 23, 5800 c.f.s., 1921, June 8, 4680 c.f.s. It continued above 400 c.f.s. in 1921 through June 17. Beside that were continued heavy rains in the whole valley for that period - 4.4 inches rainfall in the 2 weeks at Fort Collins with 2.79 at Windsor in that first two weeks of June.
In the fall of 1920 the New Cache la Poudre Irrigating Company replaced its diverting dam in the river, about a mile below Timnath. The old dam, of wood over a rock base, had heavy upright timbers and braces in the current. By long practiced use of leaving the bottom flash boards in, the river bed had built up to long permanent crest fully one foot high above the apron floor of the dam.

The rebuilt dam, of modernized design, was built of concrete, eliminating these braces and upright obstructions, but with a "crest" wall or top cement weir for its west 100 feet and in its east 30 feet next to the headgate, a lowered sluice way, or sand sluice, with modern radial gates, based 2½ feet below the dam crest. Engineers L. L. Stimson and Theo Moodey supervised the installation. Two other new headgate dams on the river were built about the same time one at the head of Cache la Poudre Reservoir inlet Canal upstream and one for Greeley No. 3 Canal downstream.

The new No. 2 Canal dam crest was 1.08 foot higher than the floor of the old, in its west 100 feet, but the new sand sluice increased the formal discharge, flow through in flood times of deep water that new dam had greater capacity than the natural banks of the river ¼ mile above and ½ mile below was not disputed by the plaintiffs experts at the trial.

The 1921 flood went over the river banks in the lands of the Loomis, Davis and Cuthbertson farms next above the dam and overflowed their crops along the river bottom. They attributed the overflow to the new dam and demanded large damages.
The Irrigating Company board were, in 1921, Mort W. Darling, L. A. English, David Kelly, B. C. Rienks, C. B. Tisdel. They made an engineering, inspection, and witness investigation, of the dam and the flood facts, neighbors testimony of previous overflows in flood periods, at the same points under the former dam. Engineers were certain that the new dam would carry more water than the natural river banks below and above. The board considered that, as a matter of policy, they should defend the dam and not encourage such suits. They were convinced the claims were unjust, were based on imagined cause, and that the overflow have happened under the long existing old dam. They declined liability for the company. The board employed the writer as attorney to defend against the three suits.

Loomis, in December, 1921, and the other two, in early 1922, filed suits in Larimer County District Court alleging large damages and asking injunction against maintenance of the rebuilt dam. Stow and Stover were their attorneys.

The Loomis case came on for trial before District Judge George H. Bradfield at Fort Collins on April 27, 1922. It extended over 19 court days, to June 15, 1922. There were about 20 witnesses on each side.

The Plaintiffs had taken 2/3 of the time with their 23 witnesses. The defendant the remaining 1/3. It was contested at every step of the far extended facts of river action.
Judge Bradfield took the case under advisement. He had not rendered a decision by June 15, 1923, a year later, hence it was confidently considered by the Irrigating Company board and attorneys that he considered no case that the dam caused the overflow had been proven. He went to the Lions International Convention at Atlantic City the end of June, 1923, and left with his court reporter, Guy D. Clayton, who sent copies to the attorneys, a dictated memorandum opinion that the dam, in part, had caused the damage and should be lowered. This was naturally a blow to the board members.

On his return Judge Bradfield announced that the memorandum was not intended as a decision by him, but only as "suggestive thinking" and that he would not enter findings or decree upon it but would hear further argument of the case. His opinion had been based on the opinion of plaintiffs engineer Prof. E. B. House and a letter opinion of their engineer John E. Field, a year after the trial, not in open court, who had assumed the rebuilt dam crest to be 3 feet higher than the one it replaced, whereas the undisputed testimony of Engineer Moodey was that it was only 1.08 feet higher.

C. E. Sherman, an automobile garage man, had come on the board in January, 1923 in place of Mort Darling, and R. K. Wallace replaced B. C. Rienks.
Notwithstanding the judge's disaffirmation, Board president, C. E. Sherman, wanted to end the litigation at that stage. He urged it would be "good business" to agree to a compromise. One became available in the fall of 1923, by lowering the 135 foot long dam by one foot on the top of its west 85 feet of crest, and by contributing $1400.00 in money to the plaintiffs. That sum was what it was considered a Supreme Court appeal would cost the company - about $900.00 in transcript, $500.00 in printing cost, to say nothing of attorney's fees, naturally to be considerable upon such a protracted trial.

The June 12 to 25, 1923 flood was even higher. It was 7500 closed second feet at the canon. At Greeley that of 1921 had/all but the 11th Avenue bridge to traffic, the first time since 1900. The 1923 flood closed even the 11th Avenue bridge for a time.

The 1923 high water was sustained. It flooded river bottoms from Bellevue to Greeley, including the Loomis, Culbertson and Davis lands. It went around the ends of county bridges at LaPorte to Greeley, around the ends of river dams upstream and at No. 2 Canal and cut around the ends of B. G. Eaton, Whitney and Greeley No. 3 Canal dams below Windsor.

Bodo Von Trotha, whose lands were opposite the Greeley No. 3 river dam and who was an interested daily attendant at the April to June, 1922 trials at Fort Collins, was considering a damage suit against Greeley No. 3. He and his attorney, one or the other, were in Court almost daily as interested observers at the trial on the
river performance at the No. 2 dam. Judge Bradfield's unsigned, left behind, informal memorandum indicating a finding against the No. 2 dam was about a month after the 1923 flood subsided.

A letter from John E. Field, plaintiff's expert, dated June 7, 1923 addressed to Judge Bradfield, nearly a year after the evidence was closed, found in the files, after the Judge's so called "opinion", argued against the new dam that the sand in the river bed above it was caused by the new dam. We had no chance to meet that one sided, "back door" argument. Our engineers and water experts told us the sand deposits in the river there were due to the lack of river current in the dry years, intervening between 1921 and the last high water year, 1917. The highest flow in the river in 1919 had been one 956 second feet - not enough to "scour" the channel.

The litigation was so settled by a stipulation of compromise in February, 1924.

Apparently even the three plaintiffs were convinced by the 1923 flood and the 1922 trial that they had not much cause to blame the new dam for the river overflow in their lands. Even E. B. House, their main-stay witness agreed the river channel capacity was less and would (as it did overflow in 1921) run out onto their land a half mile above the dam and a half mile below it before it would overflow at the dam. All three cases were thereby dismissed.

There has been no river dam flood damage claim asserted since. Its attorney advised that the sustained and well prepared resistance to that law suit was a good policy for the ditch company. But that board did not hire him again until 1933.
Cache la Poudre Reservoir Company attorney fees

There were an average of $500.00 annually attorneys fees paid in 1892 to 1920, period of the organization, construction rights of way and establishment of water rights in courts and their defense. These were protracted proceedings in Larimer District and in Supreme Courts and naturally of critical importance.

After the settlement of the District Court damage and injunction suits at Fort Collins over the new river dam of the Irrigating Company following the floods of 1921, tried in 1923 and concluded in 1924, President R. K. Wallace and 1921 and President C. E. Sherman's policy seemed to have been to "keep away from the lawyers." In the year 1924 attorney fees were paid to W. E. Bliss, but only $5.00 and nothing at all for the years 1925 and 1926.

In 1927 and 1928 were paid fees of $115.00, for 1927, $750.00 for 1928 attorney H. N. Haynes services in water adjudication of 1925 and 1928 in Larimer County District Court, chiefly for contesting the Cobb Lake priorities of the Laramie-Poudre.

Frank B. Davis became president in 1929. No attorneys fees are shown for that year. In each 1930, 1931 and 1932 $50.00 was paid to Attorney E. T. Snyder for the years services.
On the average, in the past 31 years attorneys fees seem to have been less than 2% of total current expenses.

Renewal of corporate life of the Reservoir Company for another 20 years was the purpose of a special stockholders meeting March 16, 1912. The certificates of action were signed by David Kelly, President, E. S. Pinney, Secretary. $50.00 was paid attorney H. N. Haynes for that.

When it came time to renew it again, January 12, 1932, it was done, in perpetuity, this time.

The attorneys fees to W. E. Bliss and H. N. Haynes that were $200.00.

Hottel Mill race "purchased abandonment" assertions and direct ditches downstream demands on the Platte to stop water storage were also legal problems in 1932. Hottel Mill water problems and Platte downstream demands were also active in 1933, and 1934, when W. R. Kelly was attorney.

Those years attorney fees were $85.00 for 1933 and $145.00 for 1934. No attorneys fees are shown paid for 1935 or 1936. Kelly and Snyder's pay as attorneys, averaged $100.00 per year for ten years thenceforth, including $300.00 for each of the years 1942 and 1945.

In those ten years the protracted wages and hours' litigation was going on in federal courts. The North Poudre Reservoirs suits for change of point of storage in Reservoir to 6 were being defended by attorneys Kelly and Snyder for the company in Larimer District Court and in Supreme Courts.
1923, resumed to 1930.

Attorney H. N. Haynes was asked in 1923 to proceed with reopening the Pioneer Ditch case. A committee was appointed to wait on him. The minutes do not record the report by the committee.

Note: Evidently it was concluded in 1926 to drop further contest of transfer of the Pioneer water to the Water Supply and Storage Company. District Court records at Fort Collins show it was discontinued in 1927 on stipulation of H. N. Haynes and Ralph Daugherty for the New Cache la Poudre Irrigating Company and Cache la Poudre Reservoir Company.


The matter of claims of the Svedman estate water-right at the head of the ditch west of Windsor began to be agitated. An attorney from Fort Collins asked $3000.00 for it. Later in the year it appears that the settlement was made, for $700.00, and the Svedman heirs quitclaimed their early right to the Irrigating Company. This next to was the last of those unsatisfactory or "dead beat" non assessment paying rights holding on out of the short ditch the No. 2 Canal builders found on the ground at the river dam when they began original canal construction in the fall of 1870.

R. K. Wallace resigned on March 3, 1923. C. E. Sherman was appointed thereupon as president of the Company. Sherman continued
chief executive to January 13, 1927.

On April 7, 1923, action was taken on attorneys advice to drop the Whitney abandonment suit and it was noted that the costs of the attorneys, engineers and courts had been $400.50.

Orders were made for large amount of rock to be shipped at points along the canal for rip rap and betterment.

**C. E. Sherman Presidency:**

Up to the point of Sherman's presidency, it was custom of the minutes to each month list, by items, the various checks and warrants drawn. This record was discontinued under Sherman and does not occur during the next four years of Sherman's presidency.

**Flood damage suit compromise.**

There is no record in these minutes of the District Court injunction and damage trials which were taking the daily attention of officers and attorney of the company in Fort Collins in the months April, May and June, 1922. Nor is there any mention of the matter again in the minutes until the meeting of February 16, 1924, at which time it is reported that the judge had had the case under advisement for nearly a year and had rendered a "suggested"opinion which was considered he was inclined to hold adversely to the company. The three cases were compromised by paying all of the plaintiffs among them the total of $1400.00 and agreeing to lower the crest of the weir for its West 85 down to the floor of the new weir and agreed to put in a wider sand sluice at the east end of the dam.
The board of trustees elected in January, 1924, and their appointments, were C. E. Sherman, President, L. A. English, Asa Decker, David Kelly, members, R. K. Wallace, Superintendent. F. B. Davis was appointed Secretary, Charles Johnston lower ditch rider, Fred S. Estes upper ditch rider.

The meeting minutes of March 29, 1924, contain the signed compromise agreement between the company and the various plaintiffs in those (Loomis, Davis and Cuthbertson) suits for injunction and alleged damages. They had been pending since 1921 in the Larimer County District Court. Of these three only one suit had been tried.

The Loomis flood trial had to be adjourned for three days in early June, 1923, because the river again had covered bottom lands in another extraordinary high flood. The farm lands in the same area were covered. Approaches to bridges in Larimer County were washed out. The headgates of various canals were washed out, or threatened, so that witnesses in the case had to get to their headworks to try to save them.

In January, 1922 the stockholders had again elected the same board.

Frank B. Davis becomes Secretary.

This board on February 4, 1922 appointed Frank B. Davis as secretary, with R. K. Wallace, president, David Kelly, superintendent. Charles Johnston was then appointed first, "lower", ditch rider, I. N. Ball second, and A. C. Koenig headgate keeper.
At the February 7, 1925 stockholders meeting the board was renamed as for 1924. The same officers and employees were retained except that S. J. Allen was made upper ditch rider. Mileage was set at 12¢ per mile one way.

On March 7, 1925 it was moved that David Kelly be written a letter of appreciation for his services. By reason of declining health he had resigned. Max Gerry was appointed to fill the vacancy.

On April 4, 1925 action was ordered to enjoin Nauman Lake Reservoir Company from wasting water into No. 2 ditch (presumptively from LaGrange Seepage Ditch.) There were first requests for syphons of seepage water under the ditch. Frank Davis was authorized "to put Mrs. Davis in the office whenever it was necessary for him to be out on ditch business."

1925 had been a short water year.

**Sherman handles Boyd and Freeman transfer suit.**

On August 1, 1925 a motion was carried that C. E. Sherman, as president, confer with the representatives at Fort Collins relative to a compromise on the Boyd and Freeman Ditch litigation (change of point of diversion).

On November 7, 1925 was a motion "that the compromise on the Boyd abandonment be accepted and the president and secretary be authorized to file a settlement outline in the report of a sub-committee." The report is not shown in the minutes.
December 5, 1925, A. M. McClenahan of the No. 3 ditch appeared and asked the Board to join with No. 3 ditch in a suit "to fight pumps on the Cache la Poudre River." Answer was deferred and there is no further reference to it.

Several pumps close to the river were enjoined that next year on suits brought by the Ogilvy Ditch Co.

On February 6, 1926 the minutes record a meeting of the newly elected directors, L. A. Kight, L. A. English, R. K. Wallace, Max K. Gerry, C. E. Sherman. They purchased the "Svedman dead beat right" for $700.00.

R. K. Wallace was made general superintendent, C. E. Sherman, president, Frank B. Davis, secretary, S. J. Allen upper ditch rider, Guy Bachman headgate keeper. On March 6 Charles Johnston was made lower ditch rider at $160.00 per month, during water running season, "to take his instructions directly from the superintendent."

May 1, 1926 the directors meeting reports the death of treasurer George D. Statler and the appointment of T. C. Phillips to fill the vacancy.

_Boyd and Freeman Ditch transfer suit settlement._

June 5, 1926 directors minutes show a motion "authorizing the president and secretary to make settlement of the 'Pioneer Case' for $10,000.00 or more, terms 1/3 cash, 1/3 by note in one year, 1/3 in two years, with interest at 6%".
On July 3, 1926, the minutes show that the "notes given this company by the Water Supply and Storage Company are authorized to be sold and the proceeds applied to indebtedness."

August 7, 1926 the representation of the Company in the Court hearing on the Water Supply and Storage Company, change of point of diversion of Boyd and Freeman water at Fort Collins, September 7, was committed to President Sherman and Secretary Davis. It does not appear from the minutes that the company had any attorney in the law suit.

The minutes of September 8 show that it was "moved and seconded that Mr. Sherman be given a warrant of $1000.00 as payment for time spent by him in the settlement of the Pioneer and other suits."

There is no record in the 1926 minutes of the company officers having taken up the Company's interests in any of these court cases with any lawyer for the company.

**Poudre River water resources investigation support.**

December 4, 1926, is a motion that the secretary be authorized to draw a check "in an amount not exceeding $500.00 as this company's quota toward the investigation of the Poudre River by government authorities with the idea of determining the feasibility of construction of certain general reservoirs."

This was the movement in which Boards of County Commissioners
of Weld County and Larimer County, and other ditch companies on the Poudre River joined to get a cooperative survey by the Bureau of Reclamation, the U. S. Corps of Army Engineers, and the State Engineer of Colorado to report on the feasibility of Elkhorn, Bellevue and other possible reservoir sites for increasing the irrigation water supply and ditches on the Cache la Poudre River. The writer hereof was secretary of the committee to handle that fund.

It turned out to be a project of great benefit to the valley. It resulted in a report, not only of the Poudre River, but of other possible reservoir sites and transmountain water supplies. The report was issued late in 1929. It was of basic value in the Colorado Big Thompson Project initiation and acceptance.

The year 1926 was one of ample water supply in the streams. It was selected as the year of ideal water supply for full crop production in the 1933-1935 engineers reports to justify the Colorado Big Thompson Project (then called the Grand Lake Project).

The January 8, 1927 directors meeting recommends a $4.00 per share assessment for the year 1928, and votes bonuses, of $25.00 to S. J. Allen and $100.00 to Bachman. A special directors meeting of January 13, 1927 followed electing of C. E. Sherman, L. A. Kight, R. K. Wallace, L. A. English, Max Gerry. These elected English president, R. K. Wallace superintendent, F. B.
David Secretary, S. J. Allen 'upper' ditch rider, Charles Johnston 'lower' ditch rider, Guy Bachman headgate keeper.

Reservoirs had been filled for 1927.

C. E. Sherman thereupon resigned from the board and "moved that his resignation be accepted and that Ralph Daugherty or someone who Mr. Daugherty shall name shall be appointed director in his place." Frank B. Davis resigned as secretary, but his resignation was not accepted. He continued as secretary. Charles Johnston was named lower ditch rider.

Under President Lyster English, on November 5, 1927, listing in the minutes of bills allowed was resumed. H. E. Green audited the Company's books for 1927.

In 1928 Frank B. Davis became president of the board, replacing R. K. Wallace. W. E. Benton replaced Max Gerry, H. L. Wells replaced R. L. Dougherty and George F. Kern replaced L. A. English on the board. George Davis was appointed secretary, W. E. Bliss attorney, Charles Johnston was again lower (first) ditch rider, S. J. Allen upper rider, H. L. Welshams headgate keeper.

Frank Davis' membership on the board and his presidency was repeated for many years. M. D. Riggs was president in 1932, then M. W. Darling succeeded him as President and continued to 1946. Thereupon George F. Kern was elected president and has been reelected by the stockholders each year for 20 more years. L. A. Kight continued on the board for many years, to 1928. H. L. Wells continued on the board to his resignation due to physical disability in 1952.

The same board and officers were reelected and appointed for the year 1929, 1930, 1931 except that, in 1930, 1931, George W. Springer rode the upper ditch.

The board tried an engineer superintendent for 1929 and 1930. He was a good one, W. T. Blight, for many years deputy state engineer. He was an efficient superintendent for both companies.

Salary the company could pay, however, did not measure up to that offered him elsewhere and Blight resigned at the end of 1930. R. O. Cottingham succeeded him as superintendent in 1931.
Depression and drout, the "1930's"

Times were getting tight in 1931 and the employees saw it. They offered to take a cut of 15% each at the November 19, 1931 board meeting.

The assessment for 1932 was cut to $2.50 from $3.00.

For 1932 the Board were the same except that Mort W. Darling succeeded W. E. Benton, M. D. Riggs became president, Davis having asked to be relieved of the presidency. Other officers were continued.

Water was "short" again. S. A. Bradfield questioned the redelivery to No. 2 Canal of all exchanged water at the May 7, 1932 meeting and demanded a detailed account thereof be obtained from river commissioner McAnelly. A motion was adopted July 2, 1932 that all gates be locked by the ditch rider.

August 16, 1932 a large delegation of stockholders appeared before the board, demanded reading of the by-laws, made much argument about reservoir water deliveries being short. Delivery for the rest of the season was turned to Superintendent Cottingham personally.

The acute depression that closed all banks came on in 1932. Money was getting short, too, with the stockholders. A group, of which S. A. Bradfield, H. N. Bickling and B. C. Rienks were spokesmen, appeared before the board and demanded cutting of expenses. Bradfield asserted it was only necessary to keep the
secretary five months of the year, nor other employees after September 3. The board maintained otherwise, as good business for the water users benefit, pointed out that much canal improvement had been done and that administration was economical.

November 5, 1932 the president was directed to see the banks to provide funds until delinquent assessments could be collected.

On February 4, 1933 the same board had been reelected. M. W. Darling was made president, the same secretary, superintendent and ditch riders were kept, but salaries were reduced to $115.00 for Johnston, $75.00 per month for George Davis. Car expense allowed was cut to 2½ cents per mile.

Delinquent assessments were a 1933 problem. The board decided to be lenient due to the financial distress prevalent and decided to withhold closing headgates on delinquents.

Equalizer talk begins.

The board pursued the matter of better utilization of its river priorities.

August 5, 1933 President Darling and Superintendent Cottingham presented the possibility of utilizing the lake at Windsor as an equalizer for the canal on short water upon low appropriations.

E. T. Snyder appeared as attorney.

The 1934 directors, officers and employees remained the same. They so continued for eleven more years, through 1945, with M. W.
Darling as president, F. B. Davis, George F. Kern, M. D. Riggs, Harry Wells, as the other four board members. George Davis continued as secretary, R. O. Cottingham as superintendent, Charles Johnston as first ditch rider.

The Windsor Lake equalizer development was having the attention of the board at its meetings of September 2, 1933, February 3, 1934, March 3, 1934, as to the terms of rights and obligations of those users concerned, the "No. 2" Company, the Kern Reservoir and Ditch Company and the Great Western Sugar Company, and ways of financing it.

William R. Kelly was employed at the March 17, 1934 board meeting to represent the Irrigating Company in meetings with the other attorneys for formulating contract details between the several companies. Negotiations thereupon continued, resulted in preliminary drafts presented to the Board on July 21, 1934, to which some modifications were directed.

March 2, 1935. Board meeting. Company subscribed $10.00 to Northern Colorado Water Users Association to help out on preliminary work on the "Grand Lake project" and adopted resolution urging the construction of the project and that it be supported by the Counties of Weld and Larimer and the City Councils of Fort Collins and Greeley.
April 6, 1935 a loan was authorized to be negotiated to carry on the years operations. It appeared that the company's funds from assessments were low.

Troubles were being had with claims of landowners in the Windsor Lake area for seepage and for rights of way. Among them G. B. Winder and P. A. Bartz. Bartz was an almost every month board demander in 1933 to 1936.

Fred Cummings (congressman) also claimed seepage damage. Wanted the company to buy his 80 acres at the west end of the lake.

August 3, 1935 President Darling reported that superintendent J. M. Collins of the Windsor Reservoir and Canal Company had promised to put a dragline in their ditch and make repairs to obviate sand and debris being washed into No. 2 Canal to meet complaints that our company has been making.

March 7, 1936 another $10.00 was voted to Northern Colorado Water Users Association to promote the Colorado-Big Thompson project.

Committee of the board, Darling, Kern and Riggs, was appointed with power to act with regard to tile lining on seepage at Windsor Lake.

June 6, 1936 the Board adopted a resolution of appreciation for services of H. N. Haynes recently deceased, and acknowledge long and valuable counsel for the company, extended to his family express-
ions of sympathy in recognition of him as a faithful friend, a good citizen, and an honor to the community.

P. A. Bartz again before the board with another complaint and threat of suit for right of way for outlet.

Engineer W. T. Blight was employed to report on feasibility and plans for the equalizer, already reported and recommended by Superintendent R. O. Cottingham. Blight made his report to the board at the August 4, 1934 meeting, where the attorney also presented the draft of the three company contract as developed to then. Further modifications were ordered. So modified a new draft was presented to the Board and its signing authorized at the August 11 and 25, 1934 meetings.

A new outlet for the equalizer was contracted through the Atta Clegg land at the September 1, 1934 meeting. These improvements and requisite rights of way acquisitions incident to the equalizer continued through 1937.
Well, we have finished 75 years at the end of 1945.

The same board of directors, officers, secretary, superintendent and employees continued through 1937 to 1946. M. W. Darling, president, F. B. Davis, George F. Kern, M. D. Riggs, Harry L. Wells, directors. R. O. Cottingham, superintendent, George Davis, Secretary, Charles Johnson lower or first ditch rider, Wm. Kisselman upper ditch rider, Carl Neergard headgate keeper. Assessment became $4.00 per share annually. Kelly and Snyder were attorneys.
March 6, 1937 R. O. Cottingham was again appointed superintendent, Charles Johnston lower ditch rider, Guy Bachman upper ditch rider, Carl Neirgard headgate keeper, John Benton equalizer ditch rider. Employees were given moderate increases in salaries. President to be allowed $5.00 per day for committee work.

April 10, 1937 work was ordered on equalizer outlet, to be held up until after water season through the Reid Brothers, Naffziger and Altergott places.

May 1, 1937 Ed Selander hired to do work through the Naffziger place.

Request from Northern Colorado Water Users Association for cost of promotion cost at 1¢ per acre on 31,906 acres, $319.06, was tabled.

Bartz appears and says his settlement will be $100.00 and forget the right of way, or if he gave a deed, it would be $200.00.

Rights of way for gas and oil pipe lines were being granted in 1938 to the Rocky Mountain Pipe line Co. over the canal in Section 20, township 6 North, Range 66.

Dr. George Nelson of Windsor was threatening suit October 1, 1938 for loss of a horse due to the fact there was no railing on the ditch crossing on his farm. The Board decided that "since Dr. Nelson had built the bridge the company was not responsible."

Electricity was being installed in the headgate mans house at the head of the ditch in 1939.
In 1940 the equalizer at Windsor Lake needed a ditch rider. William Kisselman was appointed to look after that and the upper end of the ditch.

In 1940 the charge for carriage of water from the river to fill Seeley's Lake of the Ogilvy Land and Irrigation Company was given much attention and raised to $200.00 per year, in consideration of increased upkeep costs and water delivered value.

Pump water to carry was becoming a factor, due to increasing wells. The carriage charge and shrinkage charge were settled by the board as the same as that for reservoir water.

Black Hollow reservoir intake of Water Supply and Storage Company was intercepting Box Elder Creek rains and floods on that tributary. Demand was made in the fall of 1940 on the Division Engineer, who ordered reimbursement in water by that company.

April 5, 1941 the board began paying $12.00 annual dues to the newly organized Cache la Poudre Water Users Association, a mutual protective organization of Water District No. 3 older ditches and reservoirs.

From 1943 to 1948, beside the usual run of business on maintenance and operation, there were problems of demand upon others to repair pipes under, or flumes over, the canal and of damages claimed from their obstruction of canal flow in storm times.
A running ten year controversy was being insistently pressed from 1935 by P. A. Bartz of Windsor, through whose farm No. 2 Canal ran. The lower end of the Black Hollow or Consolidated Law Seepage ditch which when passed under the canal by a tile siphon. Others claimed its waters. Bartz began using it. Bartz had leveled over the seepage ditch above the canal, was irrigating from the seepage water below the canal. Bartz's tile siphon under the canal contracted a hole, into which No. 2 water was draining. Bartz built a substitute pipe line for the seepage stream over the top of the canal. It did not stand up. Bartz was seeking to charge back to the irrigating company costs of cleaning the seepage ditch. The Company was wanting more width of right of way and willing to pay for it.

It looked like the figure of $100.00 was agreed to in 1936 for the right of way. This was upped to $200.00 for a deed in 1937 but Bartz would not sign.

Bartz in 1944 filed damage and injunction suit in District Court against the Irrigating Company, its directors, personally, and the Sugar Company. The Company welcomed the suit as a means of at last definitely settling rights of way, liabilities for upkeep of the seepage ditch, siphon, pipe lines and of the waterrights, and prepared an answer through its attorneys, then Bartz suddenly dismissed the suit. So the questions lapsed by time.
The Bowman Lateral Users Committee on August 7, 1943, when water runs were low, asked that they be allowed to run 12 hours at double rights, instead of the regular flow. It was ruled contrary to the bylaws, as discriminatory.

The Black Hollow Seepage water, and debris was again a problem in 1944.

July 1, 1944 Superintendent Cottingham reported that the North Poudre Irrigating Company had not enough water in its Fossil Creek reservoir to make delivery of its right holders under No. 2. It was arranged to substitute delivery of it from Windsor Reservoir supplies.

A protest was ordered made to the North Poudre Company by our Irrigating Company’s attorneys, Kelly and Snyder.

Salaries in 1946 were, monthly: Chas Johnston, lower ditch rider, $200.00, George Davis, Secretary, $118.00, John Boegel, headgate keeper, $115.00, William Kisselman ditch rider, $180.00, R. C. Cottingham, superintendent, $160.00 (These were in addition to their salaries from Cache la Poudre Reservoir Company.)

In 1946 George F. Kern became President. Directors reelected were M. W. Darling, F. B. Davis, George F. Kern, Harry L. Wells. Ernest Meyer was the new director elected in place of M. D. Riggs.

A resolution of appreciation and thanks for M. D. Riggs long and conscientious and diligent service to the company was adopted.
George F. Kern has continued as president for 12 years now.

A revocable written license to Lucerne Cooperative Potato Growers Association to temporarily discharge sewage from its warehouse into the canal was authorized September 7, 1946. Bindweed control on company canal banks was given attention in the season of 1946.

Wages and hours law for ditch riders:

The company's attorneys Kelly and Snyder were in 1946 directed to intervene in the federal court case to resist, on the ground that ditch riding for a mutual company is agricultural labor; that there should be no imposition of federal wages and hours obligations upon cooperative canal companies. The federal district for Colorado in 1946, and court of appeals in 1947, ruled with the ditch companies. A supreme court decision written by Justice Black, from Georgia, reversed it after 2 more years litigation.

In 1947 the board was urging upon the legislature more adequate appropriations to the State Engineers office and water commissioners.

On July 5, 1947 the board authorized a pipe line easement over the canal to the Colorado-Wyoming Pipe Line Company, and on March 6, 1948 authorized a further oil and gas pipe line right of way to the Rocky Mountain Pipe Line Company.

The assessment for 1948 was $6.00 per share. Salaries were raised. Mort W. Darling was voted congratulations on his 84th birthday.
A change of point of diversion of Kitchell and Ladd Ditch, a small appropriation on Cooper Slough, was referred to Attorney Kelly, investigated, and concluded not to require contest.
The latest ten years: Some items of Board Minutes:

January 8, 1949. Meeting deferred "due to the storm and roads being impassable for directors to get to Greeley." Assessment for 1949 recommended at $5.00, per share.

February 5, 1949. Directors: George F. Kern, president, Frank B. Davis, vice president, Mort W. Darling, Ernest Meyer, H. L. Wells. George Davis, secretary. Charles Johnston appointed superintendent at salary of $170.00 per month with pickup furnished. William C. Johnston lower ditch rider, salary $210.00 and lower ditch house. William Kisselman, upper ditch rider at $189.00 per month and house and equalizer. Guy Bachman headgate keeper at $150.00 per month and house at headgate.

April 2, 1949. Rocky Mountain Pipeline representative met with Board due to "Rice Check" oil leakage caused by break in pipeline.

May 7, 1949. Report by Attorneys of Water Commissioner's records on investigation on amount of water run by "Little Cache la Poudre" appropriations for past 20 years, and Larimer and Weld Companies possible enlargement of use by running it into reservoirs or Larimer and Weld Canal.

August 6, 1949. Communications from Senators Eugene G. Milliken and Edwin C. Johnson and Congressman W. S. Hill on efforts to amend wage and hours act to exempt mutual ditch companies as agricultural organizations.
December 3, 1949. Engineer Winter of State Highway Department and Ben Falzgraf met with board to urge change of ditch line from the middle ditch house east of Neff Lake to the County Road.

February 4, 1950. Directors and officers elected were same as for 1949, but Richard W. Dwinell appointed as upper ditch rider. 1950 assessment, $6.00 per share.

March 4, 1950. Farr Company asks to discharge waste water into No. 2 Ditch through Lucerne Potato Growers pipeline. Authorized as a revocable license. No untreated sewage to be run through the line.

July 1, 1950. Improvement of waste way outlet works at Seeley Lake being done. Lease of rear part of office lot to Meadow Gold Company authorized.

August 5, 1950. Meeting of Cache la Poudre Water Users Association to discuss ways of assessing for additional salary for McAnelly, river commissioner, resigned.

September 2, 1950. W. D. Farr communication rain making organization meeting to be held at Fort Collins September 14. Directors committee to attend.

October 3, 1950. Farr given answer of sympathy on rainmaking but request to reduce the ratio of assessment against this company. Installation of Parshall measuring flume at head of the canal authorized.
December 2, 1950. Note of a letter from Northern Colorado Water Conservancy District stating there would be some "Grand Lake water" available for the season 1951.

February 3, 1951. Directors elected and officers all reelected. All employees asked rise in wages because of increase in cost of living. Referred to stockholders meeting. 1951 assessment $7.00 per share.

March 3, 1951. 15% increase in wages allowed to employees.

April 7, 1951. Jacob Lorenz asked for new headgate below Dickey check. Moved by Mr. Davis, seconded by Mr. Darling that we request the appointment of Leslie A. Miller, Cheyenne, Wyoming to represent natural resources on the Board of U. S. Chamber of Commerce.

June 2, 1951. Farr Company request a change in their Lucerne drainage tile permit. Attorneys ordered to draft the agreement.

July 7, 1951. Attorneys directed to write a letter to D. G. Bell with copy to Clarence Hartman, his tenant, objecting to obstruction by a cable placed across the ditch right of way.

August 4, 1951. Company attorneys directed to take up with Union Pacific Railroad Company remedy of obstruction of the ditch by its bridge at Lucerne.
September 1, 1951. Attorneys letter of W. G. Wilkinsen, Water Commissioner, protesting settlement made with North Poudre Irrigation Company allowing that, junior company, to retain flash flood water taken into its Halligan Reservoir.

October 6, 1951. Union Pacific Superintendent answered that the bridge had not settled but they would take steps to stop accumulation of trash by putting in sheet iron on the bottom of the stringers.

December 1, 1951. Report from Superintendent Johnston that Union Pacific Railroad Company had decided to do something about raising the stringers at its bridge at Lucerne.

January 5, 1952. Resolutions of regret and sympathy on the death of Frank B. Davis, expressing appreciation for his many years he served as secretary, director, vice president and president.

February 2, 1952. Directors elected at annual meeting and offices to which appointed by the Board: George F. Kern, president, Mort W. Darling, Robert S. Davis (son of Frank), Ernest Meyer, H. L. Wells. Attorneys letter than C. J. Colombo, Superintendent of Union Pacific Railroad still arguing against need of raising bridge stringers which in previous letter admitted the railroad had lowered .4 of a foot. George S. Davis again secretary, Charles Johnston Superintendent, William C. Johnston lower ditch rider, Clarence Anders upper ditch rider.
Resignation of H. L. Wells as director on account of ill health, accepted with regret. J. B. Wells, his son, elected to fill the vacancy on the board.

E. S. Toelle asked and was granted $150.00 for expenses to organize a meeting of irrigation interests for February 16, 1952.

March 1, 1952 D. C. Totten, bridge superintendent of Union Pacific Railroad Company acknowledged demand renewed by board to raise the bridge to former level of stringers. Harold Fetty appointed headgate keeper at $175.00 per month and house. Company purchased compressor at $3250.00.

April 5, 1952. Report by Robert Davis on Cache la Poudre Water Users Association meeting at which J. M. Collins was elected President, Robert S. Davis vice president, James Brown secretary, treasurer. Harold Fetty given 10% increase to $198.00.


June 7, 1952. E. T. Toelle, President, made report on progress to oppose government interference on state water rights.

Letter from Attorney Kelly explaining new adjudication proceedings on water rights on the river.

July 5, 1952. Mr. Toelle appeared and made report on organization of his association.
August 2, 1952. E. S. Toelle again present to report on the progress. Robert Davis moved that Attorney Barnard Houtchens attend meeting of the Board on irrigation interests one week later.

October 4, 1952. Me. Toelle again present to report on progress of water users for state control. Company voted him $175.60.

November 1, 1952. Mr. Toelle again before the board to report on progress on the new association. Attorney William R. Kelly was directed to write Walter Frank on flow of water in natural waste way below No. 2 Ditch at its head.


February 14, 1953. Special meeting of Board to discuss with Attorney William R. Kelly water adjudication and various junior claims filed. Board decided it would not be necessary to have a representative present at the hearings.

March 7, 1953. Superintendent authorized to purchase tractor, loader and blade for $2450.00.

May 2, 1953. E. S. Toelle appeared at Board Meeting with letters written by Attorney Robert A. Dick of Denver in regard to water adjudication proceedings.

It did not appear how any benefit could come to our Water Users from contesting the Horse Tooth Reservoir claim, which was 50 years in rank junior to our company’s priorities.
June 6, 1953. Ogilvie Irrigating and Land Company requested to state what they were going to do regarding sharing Seeley waste job repair expense.

July 6, 1953. Reported Fort Collins City had purchased appropriations 5 and 12 on the river and would be asking for change of point of diversion; also reported that Lake Canal Company, Kern Lake might be for sale. Board decided to look it over.

E. S. Toelle letter to the Board about Association of Water Users for State Control. Director Bob Davis said he would keep the board informed on it.

August 1, 1953. Oil lease to Lion Oil Company submitted on company's lands at head of ditch.

September 5, 1953. Attorneys advised modifications on the oil lease draft. As modified, on § 3/4 acres at head of ditch, was authorized to be signed.

October 3, 1953. Attorney Kelly appeared and explained adjudication proceedings at Fort Collins.

Windsor boating club thanked company for having lake filled for Labor Day celebration.

Colorado-Wyoming Pipeline Company right of way agreement authorized with attorneys changes advised.

November 7, 1953. Changes accepted by gas company.
December 5, 1953. Commissioner Wilkinsen directed to be invited to meet with the Board to see if an earlier water run can be worked out.

December 24, 1953. $1500.00 authorized on change of ditch through Stromberger lands. Stromberger to put in $1,000.00 additional.

January 2, 1954. W. G. Wilkinson, Water Commissioner, present stated such an early run of water could be delivered out of Fossil Creek and Windsor Reservoir.

Stromberger answered not interested in contributing cost of straightening out ditch through his farm.

February 6, 1954. Attorney Kelly appeared before the board and explained the change of point of diversion suit asked by the City of Fort Collins. Stated it would benefit rather than injure rights of reservoir and ditch company since the return flow would come in above these companies headgates and would by-pass several other ditch headgates and recommended against spending money in contesting it.

President Kern reported a trip to Fort Collins to interview Attorney Thomas J. Warren in regard to the controversy over Blue River water. Mr. Warren’s opinion was submitted together with his bill for $25.00 which was paid by this company and the reservoir company.

February 6, 1954. Resignation of Mort W. Darling accepted with regret and letter written him thanking him for his many years of valuable service to the company
Dewey Darling, his son, was appointed to fill the vacancy and to fill the office of director.

February 10, 1954. Board accepted bid of Northern Colorado Steel Buildings for metal warehouse building at lower end ditch rider location, $4,000.00.

March 6, 1954. Board requested Robert Davis to protest for the Cache la Poudre Water Users Association raise in the rent of Grand Lake water, contemplated by the reclamation service.

W. C. Johnston appointed lower ditch rider, Clarence Anders upper ditch rider, Ira M. Caldwell headgate keeper, with raises in pay.

April 3, 1954. E. S. Toelle present, made further report on Water Users Association for State Control saying more money would be needed. Further payment to him authorized.

April 20, 1954. Special meeting for reports of President Kern and Superintendent Johnston who attended hearing in Fort Collins April 19, 1954, at which they learned Spring Creek water was being used without priority. Secretary requested to write letter of protest to river commissioner on use of Spring Creek water without priority.

May 1, 1954. Attorney Kelly, at request of President Kern, discussed water uses out of Spring Creek and new attempt at changing point of diversion for several ditches from small streams to main river. Assessment of Water Users for State Control paid $175.00.
May 8, 1954. Moved by Wells and seconded by Davis that credit be granted in handling of "Horse Tooth Water" being used by Superintendent to facilitate an immediate run of water in the Ditch.

Secretary instructed to make a request for 5000 acre feet of last 75,000 acre feet of water put out for rent by Conservancy District.

May 13, 1954. Reported that only 119,000,000 cubic feet of reservoir water available on the 150 present million cubic feet rights in Fossil Creek Reservoir owned by our stockholders. More remonstrance against water being taken from the river without priority for fish ponds and other uses.

July 15, 1954. Reported heavy evaporation loss on reservoirs, including Horse Tooth Reservoir Water and Fossil Creek. Caretaker of Fossil Creek Reservoir paid extra $50.00 for months of June, July and August in handling Horse Tooth Water in Fossil Creek Reservoir.

August 7, 1954. Report of Attorneys on change of point of diversion sought by Larimer County No. 2 Ditch, Mercer Ditch and Sherwood Ditch from Spring Creek to Main Poudre, and advising they be objected to filing of objection by attorneys authorized.

Attorneys advised that contribution of extra compensation for the river commissioner was illegal, but effort being made to get through legislature, increase in commissioners compensation. Company's name authorized to be used in this effort.
Homer Winter, State Highway Engineer, presented matter of changing ditch and highway at crooked bridge west of Lucerne on Berg property. Agreement authorized.

Letter of Attorney William R. Kelly, July 28, 1954, reciting illegal taking of water out of Spring Creek by junior priorities of several ditches.

October 2, 1954. Letter from attorneys reporting filing of change of point of diversion suit on the Mercer, Larimer County No. 2 and Arthur Ditches.

Agreement for ditch change, upon approval of company's attorneys authorized for relocation of ditch and State Highway in Sections 15 and 22, township 6 North, Range 66.

Request of Jake Heckman for gate and check in Baxter Bend advised against by Superintendent Johnston on the ground it would create hazard. Request denied.

Letter of Attorneys September 24 attached, pointing out that the changes of point of diversion sought by ditches from Spring Creek up to the main river would cause an enlarged use of water rights and that objections were being filed. Copy of protest and objections filed was attached.

Right of way over company land at Seeleys Lake waste way was referred to Attorneys for opinion. Report that they had found that the company owns 13\(\frac{1}{2}\) acres at this point and could properly rent the right of way.

December 4, 1954. E. S. Toelle, of Water Users Association for State Control present and read letter he had written giving report of meeting.

Secretary read letter from Secretary of State accepting the company as having derived no proceeds from its operations and therefore absolved from further annual reports.


Assessment for 1955 recommended to stockholders meeting at $8.00 per share and a carrying charge of $1.50 per second foot on reservoir water.

February 5, 1955. Directors elected at the January annual stockholders meeting and offices to which elected at the board meeting George F. Kern, president, Ernest Meyer vice president, other directors, Robert S. Davis, Dwwey Darling, J. B. Wells, George Davis secretary, Charles Johnston superintendent, William C. Johnson lower ditch rider, C. S. Andres upper ditch rider, Ira M. Caldwell headgate keeper.
Assessment $8.00 per share. Reservoir water carrying charge $1.50 per second foot per day.

March 5, 1955. E. S. Toelle of Association of Water Users for State Control present, left several pamphlets written by him on who should have control of water. Contribution to Toelle continued for another year.

River Commissioner Wilkinson and Jim Doyle, superintendent of Larimer and Weld Irrigating Company present, invited board to meeting of Poudre Irrigation Companies March 11, 1955, at the Conservancy District office at Loveland. Also discussed exchange of Windsor and Horse Tooth Reservoir Water for 1955.

Superintendent, Secretary, Ditch Riders and headgate keeper granted 5% raise in pay.

June 4, 1955. Beatrice Foods Company lease extended at increased rent. Harland, Seaworth and Hutchison of North Poudre Irrigating Company met with Board to discuss trading of water in Fossil Creek Reservoir for Horse Tooth Reservoir water.

June 11, 1955. Special meeting of Board with Company attorney Kelly, who urged attendance of some of the Board members at the hearings of change of point of diversion suits at Fort Collins.
A new secretary.

August 6, 1955 the board appointed Ernest Meyer assistant secretary at $250.00 per month for both companies.

John Bickling began negotiations for land sale to the company of the lower ditch riders headquarters ground.

There were ton mile tax troubles on the trucks.

North Poudre was exchanging 168½ acre feet in Fossil Creek for 168½ feet our-our users water in Horse Tooth Reservoir.

Louis Dinner was notified to put No. 2 Canal banks in the lower end which he had cut down in his land, back to their former height to eliminate possible overflow.

September 3, 1955 the Board approved carrying 200 acre feet of conservancy district water of Olgivie Company from the river to Seeley Lake at $1.50 per cfs per day.

Ernest Meyer resigned as director. Russel O. Clark, his neighbor, was appointed director.

George Davis retired as secretary and Ernest Meyer became secretary. The 1956 board were the same.

April 3, 1956 the new house was reported as constructed at No. 2 Reservoir for its superintendent.

The board were notified by Northern Colorado Water Conservancy District that the company's users share of the first block of 1956 District Colorado-Big Thompson water was 4511 acre feet, for rent at the figure of $2.25 per acre foot.
May 5, 1956 contract was authorized for headgate for Con Koehler at Baxter Bend, the company's attorney to draft it.

Directors pay was raised to $7.50 per meeting and committee work.

June 20, 1956 report that flood had washed banks of canal in Ernest Meyer at Boye Bend for 750 feet in length. The company paid Ernest Meyer $640.00 in settlement.

December 3, 1955 Attorney Kelly reported that the District Court of Larimer County, by Judge Donald A. Carpenter, had rendered decision and denied changes of points of diversion from Spring and Dixon Creeks to their river headgates in the suits brought by Larimer County No. 2, Mercer and Sherwood ditches.

February 4, 1956 the revised rules and regulations compiled by secretary Meyer was approved by the board.

Elected in January at the stockholders meeting were George F. Kern president, Dewey Darling, R. S. Davis, Russell Clark, J. B. Wells. Ernest Meyer was appointed Secretary, William C. Johnson lower ditch rider, Charles Johnston superintendent; salary of superintendent, $240.00, secretary $215.00, lower ditch rider, $295.00, upper ditch rider $265.00, headgate keeper $260.00.

Kern Reservoir Company requested our company to discontinue its contract with the Windsor Boating Club on account of damage to the dike by speed boats. On September 1, 1956 demand was made on the boating club to pay for one-half the cost of repairing the banks.

O. L. Troxel asked for a headgate out of our ditch as a new one to substitute for his headgate out of Whitney Ditch. The Board declined the new headgate, as unnecessary.

February 2, 1957 the same board and officers continue.

Draft of an agreement between Larimer and Weld Irrigation Company and their water users on Greeley Surplus Conservancy District water was read by the secretary to the board. It was ordered that a contract for like purpose be made by this company. The matter was committed to the company's attorney for drafting contract and other requisite papers.

Water carriage rate to non stockholders was set at $5.00 per c.f.s. per day.

Robert Davis was allowed $10.00 per day for attending Cache la Poudre Water Users Association meetings. Superintendent salary was set at $290.00, lower ditch rider at $310.00, secretary at $260.00.

On April 6, 1957. The company's 5 year contract as drafted for rental for Greeley of part of its water allotment at $1.60 per acre foot, as drawn by the company's attorney, with subscriptions agreements for the water users, was authorized signed.

September 5, 1957 the death of long-time director H. L. Wells was recorded and a resolution of sympathy to his family was adopted.
February 1, 1958 the board elected at the January stockholders meeting and the offices to which the board appointed them are:
George F. Kern, president, Dewey Darling, R. S. Davis, J. B. Wells and, replacing Russell Clark, Roy Johnson.

Superintendents salary set at $320.00, lower ditch rider $340.00, upper ditch rider $300.00, headgate keeper $310.00, directors fees $10.00 per meeting and 10¢ per mile for auto hire.

The lower end headquarters 1.69 acres/Bicklings had required protracted title completion. On March 10, 1958, the title papers were received and $1000.00 purchase price check was delivered.

Other matters of 1958 pending included the usual routine monthly business of accounts and a matter of contract with the State Highway Department for renewal of a bridge over the canal at the Dinner property four miles East of Lucerne. On June 5 President George F. Kern and superintendent Charles Johnston and Attorney Kelly attended the formation of the water congress at Denver, a new statewide organization to improve and develop Colorado resources. They reported on June 7.

Other matters are so recent as either to be incomplete or not merit special mention.
The present, 1958, boards of directors of both companies are: George F. Kern, president, Robert S. Davis, vice president, Dewey L. Darling, Roy Johnson and Jackson B. Wells, members. All have been raised in atmosphere of the affairs of these two companies, as all except Roy Johnson are sons of former board members. Roy Johnson grew up in the Galeton area under a father who was a sheep feeder, and himself has continued as a lamb and cattle feeder, has acquired two farms and several years has been a "high ten" beet grower. All are mature, of considerable experience and personal affairs, owners of substantial farm acreages, familiar with the needs and irrigation practices of this farming area. All are men of enterprise and used to making decisions and backing them with their own resources in livestock feeding.

Supplemental Water Carried in 1958. 21,480 acre feet.

The high production attained in crop yields has progressively required more water than No. 2 Canal priorities afforded, for later irrigation of beans, beets, potatoes and alfalfa. The water required has grown with advanced farming practices. For its water users, according to their supplemental supplies, the Irrigating Company carried in No. 2 Canal to their headgates thereon in 1958, from works, as follows, in acre feet:

<table>
<thead>
<tr>
<th>Reservoir/Allotment Type</th>
<th>Acre Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cache la Poudre Reservoir</td>
<td>9,000</td>
</tr>
<tr>
<td>Fossil Creek Reservoir</td>
<td>2,070</td>
</tr>
<tr>
<td>Conservancy District, allotments</td>
<td>13,875</td>
</tr>
<tr>
<td>Greeley Surplus allotments rented</td>
<td>2,785</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>21,480</strong></td>
</tr>
</tbody>
</table>

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III.

CACHE LA POU DRE RESERVOIR COMPANY

Pages 109-181
Beginning in the new century noted its reality.

The Cache la Poudre Reservoir Company. 1890 actual start.

Advocacy of reservoir building was not, in 1890, unanimous among No. 2 Canal stockholders. Some thought it too costly, some thought there would be no water to fill the reservoirs. Even David Boyd was saying in his history of Union Colony, published in 1890, "This late reservoir craze will soon subside. The quantity of water running in the Platte and its tributaries during the eight months when irrigation is not carried on, is, quite insignificant."

But failing yields, for lack of water after July 15 for good growing potatoes and hay, convinced other men they should act to provide against these annual shortages. The solution urged was storage of ordinary flows in winter and of floods in spring. Other storage projects upstream were going ahead. Sentiment among stockholders of the Irrigation Company was so divided that Attorney Haynes in 1891 advised the formation of a separate Reservoir Company, so that those who wished shares might subscribe. Thereby those who did not want to share in cost would not have to.

The reservoir building movement kept gaining support. From the 1890 drouth the construction had such converts that the reservoir company organization was decided upon in the fall of 1891. The Reservoir Company Incorporation was filed in March, 1892. It
was a mutual corporation.

The qualifying incorporators, in the order of their signing its original certificate of incorporation, were: John B. Cook, John A. Rankin, Joseph Wilkinson, Daniel D. Wallace, David Kelly, S. A. Bradfield, C. F. Mason, L. Dupree, A. D. Moodie, H. M. DeVotie, B. S. LaGrange, Chas. H. Wheeler.

They were men of energy, who believed you can never get anything without effort.

Stockholders meetings, Reservoir Company, from the minute books.

The first stockholders meetings minute book is for the years of 1892 to January 9, 1906. The board directors meetings, as a matter of course transacted, monthly, the usual settlements of rights of way construction operation and maintenance of works and those of initiating, establishing and protection of the stockholders water rights. Stockholders meetings chief function was to annually elect the members of the board for the ensuing year. There were annual reports of the secretary and treasurer, the president and the superintendent, and, sometimes, of the attorneys and engineers on current progress. Sometimes there were smoldering matters to arouse the stockholder and they burst into flame at their annual meetings.

The minutes of the first annual meeting, on March 11, 1893, signed by George M. Jacobs, secretary, are brief. They recite that
"Remarks were made by J. E. Davis, H. M. DeVotie, J. Max Clark, S. H. Bradfield, H. M. Williams, J. B. Cooke and B. D. Harper."

Assessment of $12.50 per share was voted.

Directors elected were H. M. Williams, J. S. Newell, S. A. Bradfield, George K. Peasley and Lewis Kern.

But the next annual meetings were signed by J. B. Phillips as secretary, and are more informative financial statements. They recite an indebtedness of $12,000.00 holding over of the same board.

Motion of J. E. Davis was carried that an itemized statement of receipts and expenditures of the company be sent to each stockholder. Assessment levied was made $1.50 per share.

Some question was then evident as to George M. Jacobs, the previous secretary's accounts. This came out in the next annual meeting, that of March 9, 1893. Joel E. Davis was chairman and J. B. Phillips secretary of the meeting. This much appears:

"Motion of L. Dupree that some disposal be made of ex-secretary George M. Jacobs property which was taken by the board of directors to apply on deficit of said Jacobs to the end that the same may be closed up and the company realize whatever equity they may have in the premises consisting of Lot 2, Block 74, Greeley and house thereon." With an amendment "that the company pay no more taxes and interest on said property" it was carried. The liability is given as $5305.46.
The directors elected for 1895 were F. H. Badger, S. A. Bradfield, L. Kern, W. A. Hopkins and J. S. Newell. They held over for 1896, for defect in notice of the meeting.

The March 16, 1895 and January 8, 1896 minutes of stockholders meetings are in the firm hand of S.H. Southard and contain amplified and detailed accounts of receipts and disbursements, assets and liabilities, showing notes owing on January 8, 1896 as $22,968.00.

Collections of 1896 totaled $11,911.02 including $6807.76 from assessments, most of which went for labor and supplies, $207.00 for secretary, $414.75 for superintendent, $991.46 for "attorneys and courts." Liabilities had been cut to $20,749.01. Times were tight.

Like detail of finances is reported in the minutes of stockholders meeting begun January 4, 1898 written by E. S. Pinney as secretary. It was a stormy one.

Litigation expense was $1005.95, material was $3500.00, fish had brought in $25.70, assessments $5700.00, debts owing had climbed to $24,023.17. A $3.00 per share assessment was levied for 1898 after many amendments. The meeting adjourned to January 15, 1898 to meet at the Greeley Mercantile Company's Warehouse to elect directors. For lack of proper notice and of quorum the election was declared invalid at the Board meeting of January 22, 1898, so the old board held over, in place of the five entirely new members who got the high votes.
Properly, the main acts and daily conduct of the stockholders business was done by the boards of directors at their monthly meetings. The law and the articles of incorporation put that duty and authority in the board of directors.

Hence what follows relating to the reservoir is chiefly from the minutes of its board of directors.

The Cache la Poudre Reservoir Company Board of Directors Minutes, beginning with the meeting March 19, 1892, to the end of 1902.

The five directors named as its first board in its Certificate of Incorporation were: H. M. Williams, J. S. Newell, S. A. Bradfield, E.H. Benton, O. H. Adams. The Board chose H. M. Williams, president, J. S. Newell, vice president, George M. Jacobs, secretary, George S. Adams, treasurer.

From then on meetings of the board were held with frequency, generally weekly, sometimes in-between. This was the building stage. There were surveys, construction contracts, rights of way, water rights, bridges and damage claims. There was the matter of getting the stock subscribed so that the company would have funds to pay for these costs.

At the third meeting on April 2, 1892, "D. D. Wallace and W. A. Hopkins were appointed a committee to see every stockholder of the Cache la Poudre Irrigating Company that had not already subscribed for stock and solicit his subscriptions."
The location settled on for building the reservoir was at Timnath.

It was found that there was already a reservoir claim on the bottom of the basin adopted as the reservoir site. It was called Homers Lake.

On April 16 Mr. Newell was appointed as a committee to see the several parties "from whom we expect to purchase our site and see what terms can be made with them." Attorney James E. Garrigues was appointed to represent the company and to deal with purchase of the interest of Mr. Teller.

At the next meeting it was reported that Attorney Haynes and his client, Mr. Teller, reported they could make no agreement for the purchase of what is known as Homer Lake until $35,000.00 of this stock of this company has subscribed. The board took a recess until 4:00 P.M. After recess it had resulted that the required number of shares had been subscribed. A committee was appointed to go to Timnath to confer with Messrs. Peterson, Horner, Akin and Smith to ascertain exactly what terms could be made with them for purchase of their interest in Homer's Lake.

There followed at the next meeting the State Engineer's bill for examining the reservoir site. By Laws prepared by Attorney Garrigues were thereupon read and adopted article by article. 66 years later they still appear to be well suited to the company's business.
The stock of the company was not issued fully paid, but was to be "subscribed for and paid for in instalments, to be collected from time to time as funds were needed." The initial price of the stock was $20.00 per share. As the months went on, it was found it had to be raised to $25.00 per share, then to $35.00 per share, by the end of the year. One share was intended to be good for the "late water" for 10 acres or on the ratio of 8 shares of the reservoir stock to 8 shares of Irrigation Company stock.

Engineer E. E. Baker was employed at $6.00 a day to have charge of the construction and his bills were the larger thence further for the time among the employee of the Company. J. E. Garrigues was paid $600.00 for his first years work as attorney. It must have been an active one, with all the details of formulation of the company, titles, rights of way and water rights. Rights of way had to be purchased not only for the basin and dams, but for an inlet leading easterly from its headgate on the Cache la Poudre River at the east side of Fort Collins, 14 miles through a settled farm district to the reservoir high water line, 2 miles northeast of Timnath. Then there had to be an outlet right of way and construction, leading south from the reservoir dam to the Canal No. 2. There had to be built, also, a waste way ditch into the Cache la Poudre River about 2 miles west of Windsor.

To expedite the work, and also "to work out" the cost of their
stock, many farmers cut short that harvest season and went up to
the reservoir in late August of 1892. They loaded wagon running
gears, horse drawn, of course, with their plows, scrapers, and dump
wagons to push the construction. I remember my father so loading
up and setting out in 1892.

At the July 30, 1892 meeting an assessment of 50% of the stock
subscription price was levied, to become due September 1, 1892.
That sped the work.

Plans and specifications for the outlet were submitted by
engineer Baker and were adopted on August 6, 1892.

Meantime had begun purchase of the lands to be covered by the
reservoir water and adjoining the high water line. Some landowners
wanted more, some were easier to deal with. B. H. Eaton seemed to
be not difficult. He sold the reservoir company an important basin
160 acres for $1600.00. Later the part of this above high water
line was exchanged back to him for other acreage. Piece by piece
the acquisitions were being made that summer and fall. Where agree­
ments could not be made arbitration was submitted to.

September 17, 1892 a committee of Mr. Bradfield and Mr. Newell
were appointed to go to Fort Collins to close purchases from various
parties affected by the inlet ditch line, were authorized for the
construction of the ditch.

On September 24, 1892 Mr. Newell was sent to Boulder to pur-
chase inlet right of way from landowner E. J. Temple. Secretary George M. Jacobs was commissioned to some purchases. At this time there commences a series of company borrowings at 10% interest, $5,000.00 - $6,000.00 - $10,000.00 - $15,000.00, always at 10% interest. The loans were obtained at the Union Bank, Greeley National Bank, First National Bank of East Hampton, Mass. These notes were short time and having to be renewed frequently.

December 13, 1892 the whole board and some stockholders made an inspection trip of the inlet reservoir. December 24 the Board ordered an amended survey and map of the reservoir for water adjudication statement purposes.

More rock for the outlet works was being ordered of G. W. Lesher of Fort Collins.

The Cache la Poudre Irrigating Company was reimbursed $502.10 for survey costs in the reservoir locating.


Lumber and materials were being paid for to W. L. Clayton, Mayher Lumber Company, F. E. Smith and Company, Stokes and Hamnet of Greeley, Corbin-Black of Fort Collins, G. E. Osterhout, Windsor Merc Company of Windsor.

On April 1, 1893 the inlet and outlet completion were being ordered being pushed. So was dam building. B. H. Eaton asked the Board for permission for survey and to project the construction of a ditch from the overflow of our reservoir to his (Windsor) Reservoir. It did not develop.

Notes, (maturing in three months and four months) were being ordered renewed. S. A. Bradfield resigned as director on June 17. By that time the board was made up of H. M. Williams, President, J. S. Newell, George K. Peasley, Lewis Kern, W. A. Hopkins.
**First water run from No. 2 Reservoir, July, 1893.**

In July, 1893, the water was being turned into outlet of the reservoir for delivery to the farmers. The "run" was for six days at 30 inches to the 80 acre right. In October, 1893, we find J. W. Yancy appearing before the board and asking for damages caused by overflow by the outlet canal onto his crops. It was submitted to arbitration. He was allowed $40.00.
W. A. Hopkins was appointed to supervise further work at the reservoir on November 4, 1893, particularly to install a crib around the outlet in front of the dam.

December 2, 1893 the Company was getting hard up. It was ordered that its warrants drawn be made payable June 1, 1894 and bear interest at 10%.

December 16, 1893 Attorney J. E. Garrigues was authorized to obtain information on the priorities preparatory to filing the claim for adjudication of priorities of the reservoir rights.


March 3, 1894 it appears that George M. Jacobs was relieved of his office as secretary and Dan Wallace was made temporary secretary. Attorneys Garrigues and Haynes were asked for their written opinions on the Hottel Mill race water, to be submitted to Judge J. C. Helm of Denver, as counsel.

The annual stockholders meeting minutes beginning with that March 11, 1893, were of questionings in the first years.

A. D. Moodie acted as chairman of the meeting and George M. Jacobs as secretary. H. M. Williams, J. S. Newell, S. A. Bradfield, George K. Peasley and Lewis Kern were elected as the board. The minutes recite that "remarks were made by J. E. Davis, H. M. DeVotie, J. Max Clark, S. H. Bradfield, H. M. Williams, J. P. Cooke and B. D.
"An assessment of $12.50 per share be levied upon each share of the capital stock, to draw interest at the rate of ten per cent per annum from April 1, 1893.

At the second annual meeting there was quite a bit of stockholders talk about an audit of the secretary's books. This was continued into the March 9, 1895 meeting. There it seemed to result in a settlement being made by former secretary George M. Jacobs for his "over draft" of several thousand dollars and the deeding to the company of his house and lot in Greeley to secure its repayment. A dissatisfaction in assessments resulted in a cut to $2.00 per share.

There was renewed contention at the January 8, 1896 annual meeting over assessments. Objection was raised that its newly elected directors at that meeting were not validly elected because there was not a quorum and it was declared that the old board continue. For like reasons the old board did continue three years.

It is interesting to read the list of the names of those stockholders who were active enough to attend the 1896 meeting. Here is the list: H. C. Watson, Albert Howard, C. Blunt, J. McCullough, T. H. Dinsmore, N. D. Bartholomew, A. Ramsey, J. D. Cornell, B. S. Pier, L. Dupree, F. Wherren, F. H. Badger, W. A. Miller, J. D. Miller, B. W. Hilton, S. A. Bradfield, L. Kern, George Leaver, J. Tuckerman, J. F. Irons, J. E. Law, M. J. Hogarty,

The January 5, 1897 election of directors was declared illegal for irregularity of notice and lack of quorum. It appeared that the company then owed notes outstanding of $20,400.00 besides some accounts, attorney fees and court that were costs $1005.95. There was a wrangle over assessments which ended by tabling the whole assessment matter and in a failure of election of any new directors. Another meeting was tried on January 15, 1898 and an attempted election declared invalid for lack of proper notice and lack of quorum.

February 26, 1898 a special stockholders meeting became necessary to fix an assessment for that year and that much was done by an assessment of $2.00 per share after much evident controversy.

January 10, 1899 there was a quorum again present and the books show attorney fees of $622.20 and notes outstanding $17,600.00. Five directors elected were H. M. DeVotie, S. A. Bradfield, Peter Brown, J. S. Newell and W. M. Morse. "Times were tight." There were arguments about the Jacobs note and deed of trust and contention that interest and taxes due under the prior deed of trust should not be paid further.
January 9, 1900 showed attorneys fees and court costs $1700.30. Directors elected were Peter Brown, H. M. DeVotie, J. S. Newell, W. M. Morse, and D. D. Wallace. A $2.00 assessment was continued for 1900.

January 9, 1901 the same directors were reelected. Nothing notable in the minutes.

January 14, 1902 assessments were coming in better and bills payable were reduced to $15,000.00. J. S. Newell, N. D. Bartholomew, Peter Brown, H. M. DeVotie and W. M. Morse were elected directors. E. S. Pinney was made secretary.

January 10, 1905 annual meeting showed that there had been borrowed on the company's notes $45,300.00 of which $31,702.00, including interest, was unpaid. Kelly, Kern, Morse, H. Rea and Reid were elected as the board.

January 9, 1906 the same board was reelected. Financial condition was showing some improvement, but the company still owed $39,300.00. There had been again considerable heavy expense for stone and cement, lumber, bridges and labor. The assessment was made $2.50 for 1905. The same directors were reelected.

January 9, 1906 showed indebtedness again reduced slightly. A $5.00 assessment was voted for the 1906 year. The board of directors elected were Dave Kelly, Lewis Kern, A. N. Lyster, W. M. Morse and C. H. Rea.
At the January 13, 1903 meeting the annual assessment was made $2.50, with the same directors. At the January 12, 1904 meeting the debt had risen again to $25,860.00. Attorneys and courts were $389.65 of this. Stone and cement at the outlet and the syphon under Lake Canal had added $2500.00 in annual cost and committee work was increased over previous years. Another argument over assessment was batted back and forth. H. M. DeVotie moved a $10.00 assessment per share. It ended up with a $5.00 per share assessment. There was a big vote out. It took until next day to get the tellers' report. It showed the election to the board for 1904 as H. M. DeVotie, Dave Kelly, Lewis Kern, Howard Rea and J. F. Reid.

Directors meetings in the period for 1894 to 1900, are much taken up with the problems of repeated renewals of high interest short term loans and need for borrowing additional amounts required for putting the reservoir, headgates and dams, inlet canal, outlet canal, bridges and structures in shape.

There began in 1894 the problem of insisting upon the continuance of the "Hottel Mill Water", 60 cubic feet per second for the mill race which emptied into the river just above the Cache la Poudre Reservoir intake at Fort Collins. This discharge was into the river below the river intakes of the Water Supply and Storage Company and Larimer and Weld Canals and Reservoirs. The matter was committed to attorneys Garrigues and Haynes. The additional opinion
of Judge J. C. Helm of Denver was rendered favorably to the contention that there was a right to insist on a continuance of that water at the headgate of the Cache la Poudre Reservoir Company. They advised action to prevent its being sold or abandoned to those other companies, whose intention was to take it out of the river at their own intakes and so make it unavailable at the Cache la Poudre Reservoir Company headgate.

J. B. Phillips was secretary for the year 1894. In 1895 S. H. Southard became secretary. In this period J. S. Newell was president. There were frequent meetings and repeated problems of canal headgate and river headgate and hunting new loans to replace those coming due. There was the problem of raising the much needed capital funds by compelling payment of delinquent instalments on purchase money of stock subscribed for.

There was the problem of the first mortgage deed of trust ahead of the Jacobs deed of trust becoming due and threatening foreclosure. The Jacobs deed of trust was in small part satisfied by agreeing to the sale of a half of the ground for $350.00 (W½ of Lot 2, Block 74) to Peter Daven.

Forfeiture of unpaid stock was voted at a December 1894 meeting. It was shortly rescinded. The stock delinquency was again brought up and adopted and forfeiture notices issued against it a year later.
The delinquent subscribers for stock were 20 and the total of their shares was over 250. The stock price in the meantime had risen to the value of $58.50. On the litigation over the Hottel Mill water attorneys H. N. Haynes of Greeley and Victor A. Elliott of Denver agreed to handle the case in District Court for $500.00 each and a like fee in Supreme Court.

The By laws were amended to put the annual meeting at the second Tuesday of January each year. An attempted amendment was made to give the directors staggered terms. This had to be later abandoned as illegal under the statutes then existing. There was the matter of appointing J. E. Garrigues of special District Attorney to prosecute the case of George M. Jacobs.

In 1895 F. H. Badger was made the company's superintendent with the problem of putting in numerous flumes over ditches caused by the outlet and also several bridges for road crossings and farm crossings. Decker Lee was made ditch rider at $2.50 per day to May 11 and thereafter at $3.50 per day. Small boats were put on the reservoir for rent. Water was turned out to stockholders under lake canal in August. More borrowings were being authorized and more renewals of loans already made. Betterment work was being continued right along on the reservoir and inlet and outlet ditches.

In 1896 L. Kern was the superintendent of the company. F. H. Badger was president. There were claims of seepage from the reser-
voir. S. H. Southard retired as secretary and A. Igo was made secretary, he also to furnish fuel and lights for the company, at a salary of $35.00 per month.

At the meeting of February, 1896, F. H. Badger, president, John E. Law, John D. Cornell, L. Kern and H. C. Watson concluded that the seepage claims were due to the year 1895, having been an unusually wet one. L. Horner complaining of seepage upon his land below the dam and asked for $5,000.00 bond in fear the dam would break. The board concluded the dam was safe. A flume was put through the Ames and Howes places in the river bottom east of Fort Collins to stop seepage loss there.

The reservoir run that year 1896 began August 15. Trials were going on in Fort Collins between the company and the Water Supply and Storage and Windsor Reservoir and Canal companies on the Hottel water. They were requiring attorney fees and witness fees.

The District Court case apparently turned out unsatisfactorily. October 17, 1896 the attorneys were authorized to appeal it to the Supreme Court. H. N. Haynes was paid an attorney fee of $350.00 on the Windsor Reservoir and Canal Company case.

January 2, 1897 forfeiture proceedings were renewed on shares of 11 subscribers who had failed to pay assessments that should have been paid in 1893 to 1895 and later.
John D. Cornell came on the board along with F. H. Badger, president, Lewis Kern, John E. Law and H. C. Watson, president. Albert Igo was secretary for 1897. There were various authorizations to sign and renew notes. A report of sales of forfeited stock was made on February 20, 1897. Some of those whose stocks were sold were men of substantial affairs a few years previously. The average price brought at the sale was $53.35 per share.

E. S. Pinney was employed as in 1898 secretary "to furnish his own office room at the Greeley Merc Co. at a salary of $17.50". (Times still tight).

Reservoir Board Directors meeting March 20, 1897 directed H. N. Haynes to appear for Company in Supreme Court on adjudication proceedings April 17, 1897, $15,000.00 demand notes and deed of trust on reservoir and property was given to First National Bank.

July 17, 1897 the board ordered that 32 inches constitutes a water right, to be run when 200 shares of reservoir demand it, on 24 hours in runs of not less than 3 days at any one run. They stocked the reservoir with 575 fish from J. S. Seeley. The reservoir had in it on June 14, 1897, 30 feet 1 inch. It was all out October 1, 1897. 375 rights were issued.

September, 1897 reservoir to be emptied September 27 for purpose repairing gates. Payments $200.00 H. N. Haynes, $200.00 Victor A. Elliott, attorney fees in adjudication.
January 4, 1898, $4.00 assessment per share received to stockholders for current matters and debts. Borrowings from Estate of Warren Currer, George Robie, W. S. Thompson, T. C. Williams, H. A. Irons, Annie E. Roberts, Henry M. Williams, New Cache la Poudre Irrigating Company.

February 19, 1898. Same board held over - not majority stockholders meeting. H. N. Haynes and V. A. Elliott $388.20 fees paid.

September 17, 1898, W. S. and S. Co. suit Hottel water, J. D. Cornell to confer with Attorney H. N. Haynes on possible empty Hottel water allowance.

October 15, 1898 Cornell and H. N Haynes report and propose accept. Hottel Mill suit remanded by Supreme Court to District Court for trial. W. S. & S. Co. in answer claims first right to use the Hottel water. V. A. Elliott and Haynes will conduct case in District Court for $500.00 each. Both confident of winning the case. If goes to Supreme Court, $100.00 each, as agreed fees.


February 4, 1899, agreed pay attorneys Haynes and Elliott, $500.00 each for services in Supreme Court beside transcript, printing and travel expense.
March 4, 1899, $2.00 per share assessment declared due.

March 18, 1899, by laws were the subject of much controversy. Committee appointed to revise was Bradfield, DeVotie, Pinney. They reported April 1, 1899.

Ten years of reservoir construction completed.

In the last three years, 1899, 1900, 1901, of the first ten years of the Company, the directors minutes show Peter Brown, H. M. DeVotie, W. M. Morse, J. S. Newell and D. D. Wallace as the directors, with D. D. Wallace as president and E. S. Pinney as secretary. Decker Lee, C. E. Ramsey and D. D. Wallace as ditch riders. The board were holding meetings monthly, and some additional. They were borrowing smaller additional amounts and refinancing the loans at a lower rate of interest, 6%.

The board built a house at the reservoir for the keeper, at a cost of $274.00 in 1899. They settled a claim of Herbert M. Lewis for seepage from the inlet ditch by building him a bridge across the inlet ditch. They complained of their land being assessed for taxes by the Larimer County Assessor at a higher rate than he was assessing the acres of Water Supply and Storage Company, Larimer and Weld Reservoir Company, Home Supply Ditch Company. (Soon after that the taxing of mutual reservoirs and ditch companies was found to be completely illegal.)
They settled damages past and future with Katherine R. Slockett claimed as to NE\(\frac{1}{4}\) and N\(\frac{1}{4}\) NW\(\frac{1}{4}\) and SE\(\frac{1}{4}\) NW\(\frac{1}{4}\) Section 17 and S\(\frac{1}{2}\) SE\(\frac{1}{4}\) Section 8, township 7 North, Range 68 West, Larimer County, by deeding to her 4\(\frac{1}{2}\) acres of land paying her $250.00 cash and taking her release from all present and future claims for seepage damage. They also ordered in a 500 foot flume in portions of the inlet ditch leading to the Slockett lands from farther west up the inlet from the river. The G. G. Lebhart granted the new loan for $15,000.00 at 6% interest in December of 1899.

The assessments for 1900 and 1901 were each $2.00 per share.

They were having trouble over bridges over County roads and between farm fields. They were making inspections each spring and fall of the reservoir, inlet and the outlet, they were delivering water beginning about August 1 each year, to those under the canal Number 2 when as many as 200 shares were ordered in and those under Lake Canal when as many as 32 rights were ordered in. They issued 11 days on each "right". They found on August 24 that they had over issued the water and they had to rent an additional 29 million cubic feet for $1200.00 from Windsor Reservoir Company to make up the shortage of those who had not yet drawn all their quota.

Enlargement of the reservoir began to be directed at the end of the 1900 season. On January 23, 1901 a special meeting was called to submit the matter to the Stockholders for enlarging the
present reservoir by raising the banks so as to increase its capacity to 33 feet depth and to devise ways and means for raising the money. The stockholders did not vote favorably.

There were complaints that Fossil Creek Reservoir was taking water at times when it was junior. Evidently the investigation resulted in a Fossil Creek discontinuance of this invasion, temporarily.

On June 1, 1901 Attorney H. N. Haynes reported a favorable decision of the Water Supply and Storage Company case in Larimer County District Court and the return of $844.31 for court costs.

Efforts were still being made at the July 6, 1901 meeting to collect notes given in 1893 by subscribers of stock which were unpaid, or rather were uncanceled, the money having been paid to the Secretary, George M. Jacobs, who had failed to credit the same on the company's books. Compromise was made on some of these claims.

There was trouble with the outlet ditch cutting. Superintendent Newell was ordered to take steps to remedy it. Also, the spillway had to be widened. It was done under the plans of Engineer E. E. Baker, by the committee of J. S. Newell, D. D. Wallace and W. M. Morse. J.H. "Jack" Smiley appeared to be the reservoir keeper who did a greater part of the spillway labor.

January 18, 1902 the minutes record the election of N. D. Bartholomew to the Board in place of Peter Brown and the reelection of the other members; W. M. Morse was made president, Bartholomew vice president, Pinney secretary, J. S. Newell superintendent.
The exchange of water with Windsor Reservoir by the Superintendent and the water commissioner, J. J. Armstrong was approved.

February 1, 1902 the board took action to buy a lot and build an office building in conjunction with New Cache la Poudre Irrigating Company, to be on an equal basis. The lot was bought of A. L. Mumper and E. S. Pinney for $700.00 - Lot 4, Block 58, Greeley. This became the location of the office of the two companies for the 56 years since then.

Peter Brown and W. M. Morse were the appointees to plan and construct the building competition between the Colorado Telephone Company and the short lived Independent Telephone Company had arisen and each were making a proposition for service.

In April and May, 1902 addition to the house at the reservoir and also the putting of checks in the outlet ditch to stop erosion and caving were authorized. The office building cost was ratified at $1475.00. J. A. Woodbury was the contractor.

May 24, 1902 there was a proposal of the New Cache la Poudre Irrigating Company to run water into and through the reservoir as an equalizer basin when flows were low between July 20 and August 20.

A self registering weir at the outlet of the reservoir for measuring water was authorized. Proposals to exchange water in Cache la Poudre Reservoir by Asa A. Decker and by J. W. Palmer were both declined. A jointly installed stone weir in the reservoir
outlet ditch above No. 2 Canal was authorized at joint expense of the two companies.

On September 6, 1903 the reservoir company bought one million cubic feet of water from J. W. Palmer for $50.00 to be stated as not to create any "presidence."

The leakage of water from the headgates was causing concern in 1903 and eminent engineer L. G. Carpenter was employed to advise on it. Superintendent Newell reported that the gates had been overhauled and put in order so as to shut tight. Superintendent Newell was also instructed to put in a dam at the head of the inlet ditch and to expedite the work.

A new outlet ditch line was considered but report by R. F. Walter (later chief engineer of the U. S. Bureau of Reclamation) reported it not advisable after feasibility and cost of right of way had been considered, at a meeting of November 22, 1902. Instead E. E. Baker was employed to design stone and wood checks for installation in the present outlet. The cost of the new outlet including right of way was put at $10,000.00. On December 6, 1902, "the matter of the outlet ditch was dropped," in favor of new checks in the existing one.

New names as materialmen on the books in 1902 are Robie and McCutcheon and D. R. McArthur, hardware.

So far the reservoir story covers in some detail from the minutes in years of prosecution of the storage enterprise from the commencement of its actual construction, as well as some outline of what led up to it.

It seems as well to next set forth the matter of the adjudication of its priorities of appropriation.
Cache la Poudre Reservoir Co. - Water Adjudications.

The original adjudication of Cache la Poudre River water rights for reservoir purposes was brought in Larimer County District Court on August 25, 1902. It was referred to Frank J. Annis to take the testimony and make recommended findings and decree. His 1904 decree went to the Supreme Court, was there decided in 44 Colo. 214-234, remitting it back to District Court.

On October 28, 1909, final decree was entered by Judge James E. Garrigues. It awarded to Cache la Poudre Reservoir priority No. 28 for 31 feet depth, or 365,000,000 cubic feet, as of date March 17, 1892, by original construction.

The company's witnesses in that 1902 adjudication were: Lewis Kern, an original locator, from 1893 to 1897 superintendent and for many years a director, E. E. Baker engineer, H. M. Williams, former president, who directed the original surveys, William Morse, then president.

In the fall of 1902 the company began enlarging the reservoir by raising its embankments.
The reservoir adjudication was reopened in 1911, when J. Fred Farrar of Fort Collins was the referee appointed. He was later to become Attorney General and then for many years attorney and a chief executive of Colorado Fuel and Iron Company.

The adjudication in 1911 before Referee Farrar resulted in a decree entered April 22, 1922. It awarded priority No. 61 for enlargement by raising the banks of the reservoir, for a storage depth of 3½ feet and a total volume of 140,800,000 cubic feet, dating from December 1, 1902, from the Poudre, and from Dry Creek, Ames and Cooper Sloughs, streams crossed by the inlet.

The witnesses at this 1911 hearing were E. E. Baker, engineer, David Kelly, president, several years director and superintendent, B. C. Rienks, then superintendent, and John Smiley, reservoir keeper, then, and for many years before and afterwards.

With John Smiley's widow, M. W. Darling, president, George F. Kern, W. J. McAnelly, secretary George Davis as witnesses, in 1952, the latest adjudication was being conducted. A "second filling" priority, dating from 1923, was entered by District Judge Claude C. Coffin on September 10, 1953. Other reservoirs proved and were given much earlier refilling dates. We thought we were entitled to earlier date, but we had not then either records of earlier filling beyond the 140,800,000 cubic feet, or living witnesses to prove it.

The reservoir area is 805 acres.
Reservoir priorities summarized

<table>
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<th>Number</th>
<th>Date</th>
<th>Depth</th>
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<td>28</td>
<td>March 17, 1892</td>
<td>31 feet</td>
<td>365,000,000</td>
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<tr>
<td>61</td>
<td>December 1, 1902</td>
<td>34 feet</td>
<td>44,800,000</td>
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<td></td>
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<td>(10,000 acre feet total)</td>
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<td></td>
<td>refilling</td>
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<tr>
<td>136T</td>
<td>December 31, 1923</td>
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<td>259,087,550</td>
</tr>
<tr>
<td></td>
<td>conditional</td>
<td></td>
<td>18,174,250</td>
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Reservoir Company, 1903, another 20 years to 1922

At the January 3, 1903 meeting the governor was urged to appoint John L. Armstrong of LaPorte as Water Commissioner for Water District No. 3. The action of W. M. Morse agreeing to pay $2.50 per day toward expense of deputy water commissioner to keep track of reservoir up the river. Armstrong served with distinction for many years.

The January 15, 1903 meeting showed that there had been elected to the board: N. D. Bartholomew, H. M. DeVotie, David Kelly, W. M. Morse and J. F. Reid. These chose Morse president, J. F. Reid vice president, L. S. Pinney secretary, Bartholomew superintendent.

The board ordered the building of a stone arch where the inlet ditch crosses Lake Canal, to carry to the reservoir 150 c.f.s. and to be done under the plans of E. E. Baker and in charge of superintendent Bartholomew. J. Finger of Fort Collins was given the contract.

This work and the building of checks in the outlet ditch was continuing in the spring of 1903.

July 3, 1903 claims were made against the company for material and labor employed by the contractors building the checks in the outlet ditch by F. C. Warrall, W. P. Johnston and J. C. McLucas. The board took Attorney McCreery's opinion that the company was liable under mechanics' liens.

Water deliveries into No. 2 Canal for the season were authorized
as soon as 75 rights should be called for, but under the option of the superintendent of No. 2 Canal, in case there is not enough water in the ditch for keeping seepage and evaporation up.

July 17, and August 1, 1903 the Company decided to join a proposed new "Poudre Association of Ditches in acting for protection against encroachments made by recent mountain reservoirs and ditches upstream" and appointed W. M. Morse as a committee to attend a meeting to form the association at Fort Collins July 18, and voted to pay an assessment to it.

At the August 1, 1903 meeting, action was taken to restore the embankment (and strengthen it) by putting it back four feet higher than it had been and making the outside slope three to one. Work was to be done under E. E. Baker; engineer.

October 3, 1903 Knowlton and Bollen were paid $2850.90 for their work.

November 7, 1903 the Board declined the offer of the Colorado Press Bureau of Information asking for $100.00 for producing a moving picture of the construction outfit at work on the reservoir dam, to be exhibited in connection with lectures on Colorado.

November 19, 1903 the board reports a meeting with L. Ker, H. H. Thayer and other members of the board of the Lake Canal Company who stated their board willing to a change in Lake Canal line around the reservoirs, provided the Cache la Poudre Company
would build it. The reservoir company arranged for new right of way from George S. Carpenter for the changed line of Lake Canal. Knowlton and Bollen were given the contract to build the new line. They were paid $3500.00.

Note: On November 19, 1903, toward completing the raise of water height a contract was made between Cache la Poudre Reservoir Company and Lake Canal Company whereby Lake Canal line at the reservoir was changed. To 1903 it had run around the last high water line. By the 1903 agreement Lake Canal line and its Akin Lateral headgate and line at the basin were moved westerly to run outside the dams being raised from the northwest corner of the reservoir southerly to the outlet. Provisions were made for sharing structures and upkeep of the substituted channel.

In 1926, due to disagreement over interpretation of terms of the 1903 contract upkeep sharing, a new contract was made attempting to clarify and restate these obligations. The modification terms also are the subject of argument. It would appear that both written contracts may have been drafted without Cache la Poudre Reservoir Company's attorney having drafted or passing opinion on the drafts as signed.

January 16, 1905 J. H. Smiley was given the job of the reservoir tender for that year at $50.00 per month.

At the February 6, 1904 meeting directors appear as: J. F.
Reid, president; David Kelly vice president, Lewis Kern superintendent, H. M. DeVotie and C. H. Rea remaining members of the board.

February 20, 1904 the company authorized a new loan to take up its floating indebtedness and to extend over a period of 10 years.

The April 2, 1904 meeting reports that Knowlton and Bollen had finished the dam work on February 25, 1904 but that a violent wind March 2 had washed out the dam work.

July 2, 1904 it appeared the inlet ditch required considerable work. The committee appointed to take full charge were J. F. Reid, Lewis Kern and C. H. Rea. The trouble was a washout of the Slockett flume and the ditch at Dry Creek, and also a new flume at Box Elder Creek. These projects continued to give concern throughout meetings of July, August and September. The matter of checks installed in the outlet ditch had proven unsatisfactory, checks having gone out allegedly because not in accordance with plans and specifications.

December 3, 1904. Survey to determine the effect high water line of the reservoir and an arrangement for exchanging of land above the reservoir high water line with Bruce G. Eaton was ordered.

February 4, 1905 the Board was J. F. Reid, President, David Kelly vice president, C. H. Rea, H. M. DeVotie, Lewis Kern, E. S. Pinney continued as secretary, J. H. Smiley reservoir man.

The deed of B. H. Eaton for correcting the upper boundaries of the reservoir above contour 33 was authorized on February 9, 1905.
by deeding to Mr. Eaton 53.42 acres in Section 24, township 7 North, Range 68 and Eaton deeding to this company 70.5 acres lying between that dated by B.H. Eaton July 13, 1892 and the line known as the "plow furrow" which is above the contour 33.

September 16, 1905 the Hottel Mill water case in the Supreme Court was being inquired of from Attorney Haynes.

New headgate at the reservoir was ordered installed of rock material.

The Fort Collins Sugar Company on September 16, 1905 was asking to take water out of the Cache la Poudre River below the Hottel Mill. Dave Kelly was appointed as a committee to confer with the sugar company at Fort Collins.

On October 7, 1905 he reported we are not damaged by sugar company taking water from the river below Hottel Mill since the sugar company is returning other water to the river above the reservoir intake in excess of the amount being taken.

November 4, 1905 the board decided to go to Fort Collins to stop the beet pulp from the sugar company from going into the inlet ditch and hence into the reservoir.

The same board were reelected at the stockholders meeting of January, 1906. W. M. Morse continued as president, E. S. Pinney secretary, David Kelly superintendent, J. H. Smiley reservoir man.

The general tax matter was being contested and a map of the
reservoir property was ordered filed with the Treasurer of Larimer County.

November 3, 1906 reservoir man Smiley was instructed not to fill the reservoir above the 29 feet level until next spring or until further instruction.

February 2, 1907 the Board elected at the stockholders meeting of January 8, 1907 had been A. N. Lyster, Lewis Kern, David Kelly, W. M. Morse, C. H. Rea. Officers and employees continued as for 1906.

February 1, 1908 minutes show the members of the board of directors and for offices to be A. N. Lyster, president, George Emerson, Kelly, L. Kern and C. H. Rea other members.

March 20, 1908 the board took action to buy from the State all land lying west of the inlet ditch and a strip 50 feet wide on the east side of the present ditch in Section 36-7-68.

July 3, 1908 Kelly and E. E. Baker were appointed to determine the best manner of putting in a new headgate at the reservoir.

Much new stone was being ordered for this work, which was being continued that fall and winter.

September 5, 1908 subscription of $50.00 "toward locating the government post office on the Currier corner of 8th Street and 8th Avenue" was authorized.

December 5, 1908 E. E. Baker was being recommended for appointment for as State Engineer.
February 6, 1909 directors elected by the stockholders of January 12 had been S. A. Bradfield, D. Kelly, L. Kern, Frank Wherren, A. N. Lyster. Lyster became president, Frank Wherren general superintendent. Other officers and employees were unchanged.

On April 3, 1909 Frank Wherren resigned as director. B. C. Reinks was appointed in his place. Bradfield was appointed superintendent.

February 5, 1910 the board were A. N. Lyster, president, S. A. Bradfield and David Kelly, L. Kern, B. C. Rienks, superintendent. Action was taken "to defend ourselves in the Norton seepage case." Bradfield moved, and Rienks seconded, that the Cache Poudre Reservoir Company advance no water to any other reservoir company. Kern and Kelly voted nay.

January 7, 1911 H. V. Norton had agreed to accept $35.00 per year for alleged seepage damage on his four year lease from January 1, 1911.

February 4, 1911 directors elected and their positions were: David Kelly president, L. Kern vice president, A. N. Lyster, H. N/ Bickling and B. C. Rienks superintendent. E. S. Pinney was continued as secretary, at $35.00 per month.

A resolution was passed that "no officer or employee of the company be allowed to speculate water to be run in No. 2 Ditch." The secretary was authorized to charge $5.00 per right for renting the water half the charge to go to the Reservoir Company, half to the Irrigating Company.
July 1, 1911 reservoir dividend declared was short, one cubic foot for ten days.

February 3, 1912 the Board again were D. Kelly president, Rienks superintendent, Bickling, Lyster and L. Kern. Assessment for 1912 was $1.50 per share. B. C. Rienks was again superintendent, J. H. Smiley watchman.

February 3, 1912 a special meeting of the stockholders was called to act on extending the corporate life of the company about to terminate on March 17, 1912. The call was signed by 22 stockholders. The meeting directed the extension to be made.

There are not any other unusual items recited in the minutes for the year 1912.

February 1, 1913 the same directors and officers had been reelected: D. Kelly president, A. N. Lyster vice president, B. C. Rienks superintendent, C. F. Mason, H. N. Bickling.

September 12, 1913 the board met with attorney H. N. Haynes to discuss its water cases. There is no record in the minutes of what was concluded.

February 7, 1914 the Board elected, and their offices, were: W. H. Gill, president, H. N. Bickling vice president, D. Kelly superintendent, A. B. Kight, B. C. Rienks. Secretary’s salary was reduced to $25.00 per month. W. M. Morse was made secretary succeeding E. S. Pinney.

E. S. Pinney's minutes of the secretary conclude January 13, 1914. They are carefully written and painstakingly detailed.

E. S. Pinney's minutes and financial statements continue for 16 years, through the January 13, 1914 stockholders meeting. The directors then were W. H. Gill, David Kelly, B. C. Rienks, H. N. Bickling, A. B. Kight.

The indebtedness was then shown reduced to $12,800.00; receipts included $4500.00 from assessments, $200.00 from fishing. Expenses, general were $4041.91 of which labor was $2000.00, directors $100.00, secretary $420.00. "All assessments are paid."

The next forty years of minutes show occasional questionings of the administration on expenses, manner of reservoir water ordering and running, litigation over water rights, repairs, assessments levied, varying from $1.50 to $6.00 per share, the annual reports submitted show the gradual climbing out of debt, and a stockholders policy of generally continuing the past year's boards.
These same men continued for 1915 and 1916. For 1917 they were the same, except that M. W. Darling came on the board in 1917, succeeding H. N. Bickling, so changed, the board continued for 1917 and 1918.

In 1919 the board were W. H. Gill president, H. N. Bickling, David Kelly, B. C. Rienks, C. B; Tisdel (succeeding A. B. Kight). David Kelly resigned on August 2, 1919 and James McCullough was appointed to the vacancy.

In 1920 Darling, Kelly, Rienks, Tisdel were again on the board and Lyster English succeeded H. N. Bickling.

The inlet was still giving trouble in 1914. It was of slow grade, through gravelly seepy ground at its upper section through the "Rudolph pasture" and for "1½ miles below" Slockett's slough. A contract was let to Ben F. Marsh, June 21, 1915, to deepen this section for 1½ feet by blasting. The blasting brought damage claims and law suit threats from Slockett's and Rusolphs. It was submitted to H. M. DeVotie and H. G. Springer, as arbitrators. They awarded Slockett's $500.00 and Rudolph $60.00. W. R. Kelly was the company attorney in the 1915 arbitration proceeding.

Along the inlet north bank and county road west of "Slockett Slough" in 1916, 1500 feet of 12 inch drainage tile were laid for a full release by Larimer County for road seepage claims.

Reservoir water dividends for 1915 were 12 days, but for 1916,
only ten days for 1917, eleven days No. 2 Canal was charged 20% of the 1916 water held in the reservoir as an equalizer.

Fred Slockett in October, 1916, was now claiming damage from seepage water discharged by the tile drain.

The board contracted with the Hordesty Co. to install 1,400 feet of ArmCo Flume across the Slockett slough in the summer of 1917, at a cost of $7800.00.

In 1917, World War drew the United States in. "Safety from enemy" acts caused placing night and day armed guards at the reservoir.

In 1918 Rudolph was again claiming seepage damage. It was referred to Attorney H. N. Haynes and a committee. They obtained an "all time" settlement. (Though it erupted again 15 years later).

A new drain at the river headgate of the inlet was ordered and built in the winter of 1919 and 1920.
Cache la Poudre Reservoir Company Board minutes 1921-1922

Directors elected for 1921 and 1922, and their offices, were Mort W. Darling president, L. A. English vice president, David Kelly, B. C. Rienks, C. B. Tisdale, W. M. Morse was secretary, C. T. Neil treasurer, David Kelly superintendent, JH Smiley reservoir man.

1921 was a high water river year with floods in early June which threatened all headgates the Cache la Poudre Reservoir had installed a new headgate on the river. Under the direction of Engineer L. L. Stimson. The river that year for a time cut across behind the headgate and back into the inlet below the gate.

A series of damage suits against the New Cache la Poudre Irrigating Company arose out of that flood. Three owners of river bottom lands alleged damage due to a new dam in the river at the headgate of No. 2 Canal. The Reservoir Company was also sued, but was dismissed on motions, before trial.

A flood again occurred in mid June, 1923 and again went out onto bottom lands all along the river. It also around the reservoir intake headgate at the river.

1922 was a "short" water year, of low river and superintendent's need to "rustle" for supplies of water. New Stockholders spurred the Whitney Irrigating Company to begin extending its ditch. The irrigating and the reservoir company water users considered this a possible danger to its appropriations, since the Whitney had older decreed priorities.
February 3, 1923 was the meeting of the same Board of Directors, elected in January, 1923. Mort Darling declined office and Asa A. Decker was appointed to the vacancy. C. E. Sherman was appointed President, Frank B. Davis was appointed secretary. He succeeded W. M. Morse, who had been company secretary for many years.

March 3, 1923 David Kelly resigned as superintendent. R. K. Wallace was appointed superintendent.

President Sherman "streamlined" the minutes.

There is not a listing thenceforth, under the President C. E. Sherman, of vouchers paid at each meeting, but rather only a summary of their gross amount. This failure to itemize in the board meeting the list of bills paid at each meeting was evidently considered unwise after Shermans presidency. Itemizing of bills paid was resumed again beginning with the April 3, 1926.

There is no mention of the 1921 of the suits for flood damage on the river in the directors 1921 to 1923 minutes. It does appear, on October 6, 1923, that there had been a washout of the structure where the reservoir inlet crosses Dry Creek and that was going to be a costly reconstruction. Following meetings show that a contract for the reconstruction was let to William Thorkildson in November 1923 at the cost of $10,000.00. William McAnelly was the engineer selected to direct the reconstruction.

Complaint was made also in 1923 to the Great Western Sugar
Company, wherein it was asked to desist depositing sediment from its Fort Collins factory into the inlet canal.

The directors for 1924 were L. A. English, D. Kelly, L. A. Kight, C. E. Sherman, R. K. Wallace. C. E. Sherman was again president, Frank B. Davis secretary.

Fall of 1924 it was recorded that the inlet ditch was so filled with deposit from floods that it needed a thorough going job of restoration and cleaning. An excavation machine at the cost of $4,000.00 was bought that fall.


At the March 7, 1925 meeting, D. Kelly resigned. He had been active for the project from its start in 1890. Max K. Gerry was appointed to succeed him.

The fall of 1925 new gates and structures were constructed in the outlet canal below the reservoir.

An amended agreement was made with Lake Canal Company on May 1, 1926 for sharing reconstruction and maintenance costs in more definite fractions as to different segments of that portion of the outlet ditch.
The directors for 1926, and the offices they held, were C. E. Sherman president, L. A. Kight vice president, R. K. Wallace superintendent, L. A. English and Max K. Gerry. It does not appear there were any attorneys services being regularly retained by the officers and administration during the years 1924 or 1925. The minutes of April 3, 1926 note that Attorney Walter E. Bliss was called to the board to advise during its meeting.

On June 19, 1926, under Sherman's direction, court proceeding to transfer the Boyd and Freeman priority dating from March 15, 1862, was by Board action, compromised, to be transferred, 7 c.f.s. to City of Fort Collins, 6 c.f.s. to City of Greeley, by Court decree in Larimer County District Court. The remaining 54 c.f.s. was to be limited by and was decreed cut down restricted to use of what water was available at its headgate, so that thenceforth, for it, no call on the river is allowed.

1926 was an ideal water supply year. Directors minutes of July 3 record a dividend of 12 days run to the right, delivered out of No. 2 Reservoir for the 1926 season. This was one day additional to runs declared in previous years.

The December 4, 1926 minutes record a proposal by the Lake Canal Board to build another reservoir across the draw below the No. 2 Reservoir and to have a capacity of 40 million cubic feet when filled back to the river of the present No. 2 outlet. It
appeared that Directors Sherman, Kight and Gerry met with the Lake Canal committee and Attorney Jefferson McAnelly, but that the project was dropped.

January 8, 1927 the Board recommended that the incoming board take action to collect from the Great Western Sugar Co. 1/3 of the $4,000.00 cost of cleaning the inlet canal in 1927. It was stated that deposit of tailings from the Fort Collins factory had contributed to this cost.

January 13, 1927 records that the directors elected for the year were L. A. English, Max K. Gerry, L. A. Kight and C. E. Sherman. L. A. English was chosen president, to succeed Sherman. R. K. Wallace was again superintendent and Smiley reservoir man. April 2, 1927 The directors pay per meeting was increased to $3.00 from the $2.00 stated in the bylaws; pay for committee work was increased to $6.00 per day.

August 5, 1927 the dividend on No. 2 Reservoir was again made 12 days to the right but all to be run not later than water was being run in No. 2 Canal; no discrimination to be in favor of Lake Canal stockholders.

No Attorney fees are listed as being paid during the year 1927. A letter appears in the minutes dated October 11, addressed by M. C. Hinderlider, state engineer, cautioning the company of danger to its dam from settling and erosion and making ten recommendations.
for restoration of height of the dam, resloping the eroded face of the dam, paving part of the resloped face, riprapping other parts and widening the dike at its easterly end and repairing the masonry on the outlet works.

The reservoir company thereupon employed former State Engineer John E. Field to plan and supervise the work. November 5, 1927 it let contract for the work to H. C. Lallier at $9980.00, "Engineer Field to draw a contract and submit it to the company's attorney for approval and ratification by the Board as soon as possible."

It appears the work was begun at once under Fields contract draft as considerable payments were begun to Lallier, beginning with the meetings of December 3, 1927. The whole job was to cost $12,000.00 and Fields was allowed by the board 10% to cover his engineering. No payment is noted to the company's attorney for the contract.

The February 4, 1928 shows election of board and their offices to be: Frank B. Davis president, L. A. Kight vice president, George Kern, W. E. Benton and H. L. Wells other members. W. E. Benton was chosen superintendent. George Davis comes in as secretary at $35.00 per month with an allowance of $15.00 per month for an assistant secretary, Elizabeth Johnson. $4.00 per share was ordered as an assessment for 1928. This typewritten minute book stops with the meeting of February 4, 1928.
On July 6, 1929 the reservoir depth was reported as 34 feet, 1/2 inch. 12 1/2 days run was given.

That year the Reservoir Company exchanged work with the Lake Canal Company on cleaning the portion of Lake Canal around the west and south reservoir dams. The reservoir company was ripraping 500 feet of the dam face.

In 1930 rock was being hauled from the quarry for riprap and dam strengthening was going on. Frank Davis, President, W. E. Benton, G. F. Kern, L. A. Kight, Harry L. Wells were the Board and W. E. Bliss was attorney for 1929 and 1930. W. T. Blight was superintendent. 1930 Reservoir depth was 32 feet 8 inches, 11 days the run.

Lake Canal board proposed filling the reservoir through Lake Canal on a division of expense.

For 1931 Ralph O. Cottingham became superintendent, W. T. Blight having resigned. W. E. Bliss continued as attorney. An agreement was authorized, for a one year period, to allow Lake Canal to instal gates and flashing in the inlet so as to make Lake Canal a filler for No. 2 Reservoir, 35% of the water so run and stored to go to Lake Canal Co.

The 1932 directors were M. W. Darling, F. B. Davis, G. F. Kern, L. A. Kight and H. L. Wells, with the same superintendent and attorney. H. N. Haynes was paid $100.00 for legal opinion on the
Hottel Mill water case, advising its reopening. Attorney Bliss advised the Board to wait and see if the reservoir filled to 31 feet, then to submit to the stockholders meeting renewal of the case. The reservoir filled in 1932 only to 28.75 feet. Demand was made on Water Commissioner McAnelly to enforce the decree.

The 1932 run was short - 10 days only. Times were tight, salaries cut, litigation shunned. M. W. Darling and G. F. Kern were, on October 1, 1932 committee attending a meeting of upstream companies at Loveland to try to work out with the State Engineer and downstream companies an arrangement for storage of water in place of out-of-usual-irrigation season direct diversions. On November 5, 1932, Bliss, the Company's attorney, was instructed to join other companies to bring action to allow storage.

Walter E. Bliss died in the spring of 1933. The minutes note, with regret, his death. E. T. Snyder was appointed attorney. The board for 1933, 1934 and 1935 remained the same as for 1932, except that M. D. Riggs replaced W. E. Benton.

1932 reservoir depth got only to 31.1 feet and made an 11 day run.

Lake Canal Company was paid $1.50 per million for a 73,080,000 cubic feet run as inlet from May 15, 1933 to May 23, 1933, Lake Canal Company to get 40% of that water, leaving 40% to our Company, after shrinkage.
Cache la Poudre Water Users Association, 1933.

The downstream Platte ditch irrigation demands caused formation in late 1933 of Cache la Poudre Water Users Association.

Water scarcity was hurting. The Board was considering a proposal of attorneys Temple and Stover of Fort Collins to buy the Old Coy Ditch water and run it into our canal. Our Board decided not to have a part in it. The 1934 run was only 9 days.
The Colorado-Big Thompson Project got started in 1933.

The water shortages of 1932, 1933 and 1934 and 1936 caused large meetings to begin in late 1933 to urge the Colorado-Big Thompson project, to bring water from the Colorado River at Grand Lake through a tunnel under the continental divide and into the Poudre and Thompson Rivers. The writer, beginning July 29, 1933, was one of the first in that undertaking. Beginning in 1953 it is the supplemental supply to furnish more water to allottees under our system than the entire Cache la Poudre Reservoir, and Fossil Creek Reservoir supplies then being used under No. 2. A chapter is given to it later.

It was a movement growing in strength in 1935 and 1936 and resulted in the Water Conservancy District Act of 1937, under which Northern Colorado Water Conservancy District was organized in 1937 and the construction contract voted in 1938.

1935 to 1945.

In 1935 a survey of cost of enlarging the inlet canal was ordered of superintendent Cottingham.

In 1937-1938 M. W. Darling continued as President, George Davis as secretary, R. O. Cottingham as superintendent and Jack Smiley as reservoir keeper.
In 1935 the Company attorney was requested to check up and advise on the records and rights of our Company in the Hottel Mill water.

Reservoir depth got to 33.9 in 1935 and a 12 days dividend was declared.

The Hardesty Company was hired to recondition the metal flume at the upper end of the intake. The minutes note a protest that its charge was "plenty steep", and Gordon Rudolph was in 1936 claiming damage for seepage for not cleaning the inlet canal.

A January, 1936 request of Northern Colorado Water Users Association, pushing the "Grand Lake Project," was for 1 cent per acre contribution on promotion expense. It was laid on the table. The request was renewed on November, 1936. The directors referred it to the January, 1937 stockholders meeting. The stockholders did not vote it.

The Nebraska vs. Colorado case in U. S. Supreme Court on the North Platte waters was going on in 1936. F. B. Davis was reporting on meetings of attorneys in the case. The writer hereof was one of Colorado Counsel in that suit.

Guarantee of/No. 2 Reservoir was being demanded of the "Water Supply" and North Poudre Companies, with the alternative of our enforcement of priority decrees.
J. M. Dille and other ditch men from down the Platte were to insisting on water turndown/earlier direct irrigation priorities in 1936. The 1936 reservoir run was only 10 days.

May 1, 1937, and again June 5, 1937, Northern Colorado Water Users Association was again appealing for a contribution of 1 cent per acre in 31,906 acres or $319.06 to help on promotion of the Colorado-Big Thompson expenses. It again was tabled each time.

The 1937 reservoir dividend was 10 days per right.

November 6, 1937 President Darling, Superintendent Cottingham and F. B. Davis were instructed to take up with attorney William R. Kelly, action to fill the reservoir to 31 feet and to make demand on the river commissioner, to enforce the Hottel Mill water right. "The Hottel Mill water" case is later discussed. This action brought some results.
For 1938 the reservoir attained a depth of 34.11. A 12 day dividend was declared on July 2, 1938. In the fall of 1938 Mr. Rudolph, through his attorney is demanding "seepage" damages from the intake ditch. He brought this suit in 1939 asking $9233.52. Attorneys Kelly and Snyder acted for the company and obtained its dismissal in 1941, after showing that Rudolph had theretofore, after a former suit threat, signed a complete release "for all past, present and existing damages arising out of this existence of the intake canal through his land." That seemed to end the Rudolph suits.

The 1939 board were the same as for 1938; Darling president, Davis vice president, Kern, Riggs and Wells.

J. H. Smiley sought to retire as headgate watchman. The board wrote him and Mrs. Smiley a letter of appreciation for long and faithful service.

July 1, 1939 water depth 32.3 feet. Dividend of 11 days on each right of No. 2 Reservoir was declared.

February 3, 1940 directors and officers chosen were M. W. Darling, president, F. B. Davis, vice president, Charles E. Peterson (to succeed M. D. Riggs), H. L. Wells. Attorneys for the company were E. T. Snyder and W. R. Kelly. George Davis was appointed secretary, J. H. Smiley watchman for another year, R. O. Cottingham superintendent.
September 7, 1940 the board was trying bentonite on repairing 600 feet on the inlet ditch from Dry Creek to Slockett's corner. A metal flume had been removed because of leakage. So much rain fell in October, 1940 that superintendent Cottingham was having trouble in preparing the intake ditch.

November 2, 1940 ditches at the Platte were demanding the storage water be shut down to run direct on their older priorities.

January 25, 1941 directors elected for 1941 were M. W. Darling, F. B. Davis, Charles E. Peterson, M. D. Riggs, H. L. Wells. Officers chosen were same as for 1940.

April 5, 1941 President and Superintendent were authorized to negotiate a temporary agreement with Lake Canal Company for carrying Box Elder water to No. 2 Reservoir inlet.

June 7, 1941, reservoir depth was 31.04. Only a ten day dividend was declared. President Darling and directors Davis and Peterson were authorized to meet with attorneys to attempt arrangement with Lake Canal Board to use No. 2 Reservoir as an equalizer for Lake Canal Ditch.

We got into World War II December 7, 1941 - "Pearl Harbor".

January 3, 1942, as a part of nationwide war precautions, guards and flood lights at outlet gates at reservoir were authorized.

February 7, 1942 the board elected and their officers were M. W. Darling president, F. B. Davis, Charles E. Peterson, M. D.
Riggs, H. L. Wells. George Davis was chosen secretary, J. H. Smiley watchman for another year, W. R. Kelly and E. T. Snyder, attorneys. Superintendent Ralph Cottingham, given leave of absence, returned to work April 20, 1942.

June 6, 1942 reservoir depth was better, 34.2 feet. 12 days run per right was declared as dividend, and on September 5, 1942 an extra day dividend was declared to make 13 days total.

December, 1942 completed fifty years for the Reservoir Company, from beginning of its actual construction of its works. It was a 50 years of benefit to the water users on 50,000 acres of land under it.

George Davis' secretary's annual report December 15, 1941 shows:

Assets, at cost, reservoir, inlet, outlet structures $186,668.13, Priorities $200,000.00; 1941 assessments income $4500.00, money borrowed $2000.00, fishing and hunting rent $70.00.

Disbursements, notes paid $1500.00, maintenance material and labor $2000.00, superintendent $360.00, secretary $420.00, watchman $1100.00, directors $2960.05, attorneys and their expense $253.75, other items bring disbursements to the total of $6625.75, (including $5.98 on hand.)
Sixty years: Some items from Cache la Poudre Reservoir Company

Board minutes of 1942 to 1951, completing 60 years.

February 5, 1943 the Board elected Mort W. Darling president, F. B. Davis vice president, Charles E. Peterson, M. D. Riggs, H. L. Wells. Same officers and secretary.

June 5, 1943 reservoir depth 34.55 feet. 12 day dividend declared. A 10 year oil lease was given to Fred Goodstein on the reservoir lands.

There was a problem of new tiling necessary along the west dike on account of Walter Scott complaint of seepage.

The 1944 board, June 3, 1944, were M. W. Darling president, Frank B. Davis vice president, George F. Kern, M. D. Riggs, H. L. Wells. Director Peterson had died early in 1944.

Reservoir depth 34.15. Dividend declared 12 days.

July 1, 1944 and through 1945 and 1946, were reports from time to time by attorneys Kelly and Snyder and President Darling on the progress of the suit brought by North Poudre Irrigation Company in Larimer County District Court, to transfer its priority from a lower level alleged to have been filled up with silt, to an upper contour of the reservoir. Engineer Stimson was investigating and advising on the capacities. Attempts were being made by the attorneys to arrive at a compromise. The case had gone to a pre trial conference on January 9, 1945, attended by attorneys and President Darling.
February 3, 1945 the board were the same and the officers the same. George Davis, secretary, R. O. Cottingham superintendent, J. H. Smiley reservoir watchman. All salaries of these were being raised at the rate of 5% per year.

July 7, 1945 depth of reservoir storage 32 feet. A 12 day dividend.

January 15, 1946 the North Poudre suit had gone to trial. February 2, 1946 same directors were reelected.

Letters of appreciation were ordered to President Darling and to Mr. Riggs for their many years of service as director.

July 6, 1946 depth of water in the reservoir 32.2. Dividend declared 11 days on each right.

Board discussed some action being taken for bind weed control along the inlet ditch.

August 3, 1946 the company's attorneys were directed to intervene in the case of the U. S. against Farmers Reservoir and Irrigation Company in U. S. court in Denver which sought to have it declared that the reservoir company and irrigation company were subject to the wages and 8 hour law limitations. The attorneys later from time to time report the progress of that case. It went to U. S. Supreme Court. The U. S. circuit court of appeals decided in favor of the ditch company, as being agricultural labor. The U. S. Supreme Court opinion by a southern Judge, Justice Black, took a
different view and held that maintenance of the operation of ditches and reservoir by mutual irrigation companies for their members was not agricultural labor and hence not exempt from the wages and hour law.

August 3 the attorneys reported that the North Poudre Reservoir No. 3 change of point of diversion storage case was still undecided by the Judge although tried some weeks previously.

January 4, 1947 the company's attorneys reported that Judge Bradfield had rendered his decision allowing a partial change of point of storage of the appropriation of the North Poudre Reservoir to a higher contour of the basin. It is treated more fully later.

February 1, 1947 directors who had been elected at the annual meeting, and their offices, were George F. Kern president, M. W. Darling, F. B. Davis, vice president, Ernest Meyer, H. L. Wells. George Davis was again secretary, R. O. Cottingham superintendent, J. H. Smiley watchman of the reservoir. Further 5% wage rises were granted.

July 5, 1947 reservoir depth 34.7. A 12 day dividend per right declared. State highway was given a contract for road material at 3¢ per ton.

April 3, 1948 reservoir depth 33 feet. 12 day dividend.

Death of Attorney E. T. Snyder was noted. William R. Kelly continued as attorney.

M. W. Darling was congratulated on his 84th birthday.

July 3, 1948 the company was served with petition from Larimer County District Court to change point of diversion of Kitchel-Ladd Ditch for 2.94 feet of water on Cooper slough. Attorney Kelly later reported that the change contemplated seemed not likely to diminish the amount of water available at the reservoir headgate since the diversion was out of a slough below.

January 9, 1949. Death of J. H. Smiley, long time guardian of the company's reservoir, was noted. His widow was voted $250.00 as his additional compensation.

February 5, 1949 directors same as for 1948.

June 11, 1949 Gordon Rudolph, through his attorney was claiming damage against the Company on two flumes over the intake ditch. Company attorneys, after investigation, were ordered to deny responsibility.

Reservoir depth 34 feet.

November 5, 1949 State Highway negotiating for easement for relocation for state highway across inlet at Slockett and Rudolph sloughs and for new bridge. It was committed to the Company attorney, for contract drafting.

March 4, 1950 company notified of a meeting to be held at Eaton High School March 14, 1950, former Governor Ralph L. Carr to speak in opposition to Missouri Valley authority.

Secretary ordered to mail notice to all stockholders informing them of meeting.

May 6, 1950 flume at Dry Creek on the intake was having to be replaced. Radial gate bids asked. Installation reported as $1466.40.

August 5, 1950, action by board to authorize Cache la Poudre Water Users Association to provide additional salary for William McAnelly, resigning as river commissioner because of inadequate salary.

September 2, 1940 communication from W. D. Farr to meeting at Fort Collins September 14 to act on rain making contract.

October 3, 1950 motion expressing sympathy with the rain making project but referring it to the annual meeting of stockholders for action on contribution to cost.

December 2, 1950 note that Northern Colorado Water Conservancy District advises some transmountain water will be available for 1951.
The 1950 Decade.

February 3, 1951 directors George F. Kern president, M. W. Darling, Frank B. Davis, Ernest Meyer, H. L. Wells. Reappointments of Charles Johnston as superintendent, George Davis secretary. 15% wage increase given to employees on cost of living basis.

April 7, 1951, on request of attorney for Water Users Association for State Control, Mr. E. S. Toelle's organization, our secretary was instructed to write Greeley Chamber of Commerce to work for appointment of Leslie A. Miller of Cheyenne to represent natural resources on U. S. Chamber of Commerce.

June 2, 1951. superintendent Johnston reports need for replacement of dam on intake on the river.

July 7, 1951 depth of water in reservoir 33.85. Dividend of 12 days per right declared.

Superintendent Johnston reports on several bridges owned by Larimer County and one private bridge giving trouble by obstructing intake ditch.

August 4, 1951 claim of W. A. Scott of Fort Collins that intake seeping his land.

Severe storm of July 30 above Halligan dam reported which filled dam and water was withheld by North Poudre Irrigation Company. Company attorneys instructed to write river commissioner protesting and requesting turn down pro rata share of this flow on senior priorities.
October 6, 1951 letter from attorney for Wm. E. Meyers, claiming flowing damage on 12 acres of his land at reservoir basin.

December 1, 1951 intake ditch headgate reported as reconstructed with new gates, at considerable cost.

**Beginning 1952, the past 7 years:**

January 5, 1952, note of condolence on the death of Frank B. Davis was recorded and resolution of appreciation for his long and valuable service to the company as secretary, director and president.

Robert S. Davis, son of Frank B. Davis, was elected director in his place and to represent our companies on the board of Cache la Poudre Water Users Association.

Attorney J. Corder Smith of Fort Morgan and E. S. Toelle appeared before the board to ask our company to join an association to oppose construction of the Narrows Dam.

February 2, 1952 the board of directors and officers were: George F. Kern president, Robert S. Davis, M. W. Darling, Ernest Meyer, H. L. Wells.

Company's attorneys rendered opinion that the Wm. E. Meyer claim was, by long years, barred under eminent domain, and outlawed, by failure to assert it. Meyer claimed the water exceeded the boundary line.

H. L. Wells resigned as director. Jackson B. Wells, his son, was elected to fill the vacancy.

Charles Johnston superintendent, George Davis secretary.
E. S. Toelle reports on progress to form an organization to protest the building of Narrows Dam.

In practically every meeting for the years 1952, 1953, 1954 and 1955 Mr. Toelle appeared before the board to give reports and urge action on association he had formed to oppose Federal control of water rights. His association had hired Denver attorneys to oppose the very late 1935 appropriations claimed for Horsetooth Reservoir and other works of Northern Colorado Water Conservancy District out of tributaries to the Poudre. The board continued contributions by the company to Toelle's project.

June 7, 1952 attorney Kelly reports new water adjudication begun on Cache la Poudre River. Advises that the company file a claim for second filling on the reservoir.

July 5, 1952, 12 days dividend declared.

September 6, 1952 superintendent Johnston reported damage to dam by hard wind and was authorized to go ahead and make necessary repairs.

October 4, 1952 Superintendent Johnson reports repairs made, ready to store water, but none authorized as yet by water commissioner.

December 6, 1952 company's attorney instructed to prepare claim for filing in District Court of Larimer County for refilling of reservoir.
January 3, 1953 renewed discussion and decision to insist upon observance to decrees for 60 feet of Hottel Mill water as demanded in letters and hearings of December, 1937 and January, 1938 before the State Engineer.


March 7, 1953 Lake Canal company asking permission to enlarge wasteway into our outlet ditch.

April 4, 1953 board decided larger structure would increase burden on outlet and declined consent.

May 2, 1953 board requesting cooperation from Chaffee Ditch Company to improve intake headworks jointly used by that ditch without Reservoir Company.

August 1, 1953 the Board notes new application by attorneys for Fort Collins to transfer Rudolph water to that city. Refered to attorneys for investigation and advice.

Refilling priority awarded.

September 5, 1953 report of attorneys on decree entered by District Court at Fort Collins in Water adjudication allowing appropriation for second filling, part final, part conditional, fixing date of first refilling as 1923. Attorneys report insufficient diversion records to claim earlier date.
December 5, 1953 joinder with New Cache la Poudre Irrigating Company decided upon for building for storing company machinery.

January 2, 1954 attorneys report demands on W. G. Wilkinson, Water Commissioner, to turn the Hottel Mill water of 60 second feet down the inlet of No. 2 Reservoir.

Commissioner Wilkinson, present at Board meeting, advised that an early run of water could be made by our stockholders by delivering it out of Fossil Creek Reservoir and Windsor Reservoir.

February 6, 1954, attorney Kelly reported that the change of point of diversion of the Rudolph water to the City of Fort Collins, then pending in Larimer County District Court would benefit, rather than injure, the reservoir and ditch companies, since the City return flow would be larger than by its use for irrigation and the water would be discharged into the river above our intakes, thus bypassing several intervening canal headgates.

President Kern reports trip to Fort Collins to obtain opinion of Thomas J. Warren, in regard to controversy over the Blue River water, and Mr. Warren's opinion, with bill for $25.00.
Reservoir Company's past 5 years, 1954-58

February 5, 1954, resignation of M. W. Darling accepted with appreciation for service.

Dewey Darling, his son, was appointed in his place, making the board of directors: George F. Kern president, Robert S. Davis, Dewey Darling, Ernest Meyer, and J. B. Wells.

March 6, 1954, Erwin and Rogers solicit oil lease on reservoir. Submitted to attorneys for approval. Rogers and Erwin did not meet the conditions, so lease never became effective.

April 3, 1954, storage building bid accepted to cost $4,000.00 by bid of Northern Colorado Steel buildings, Inc.

April 20, 1954, secretary requested to protest to river commissioner taking of water from Spring Creek by junior priorities. This condition continued May 1, 1954. Attorney Kelly was instructed to take steps to stop such efforts.

June 5, 1954 attorneys were instructed to investigate advisability of bringing injunction against Horsetooth Reservoir, Spring Creek, Dixon Creek and by Arthur ditches. It appeared these junior ditches were attempting changes of point of diversion of Spring Creek appropriations adjudicated to be diverted only out of the main river.

Letters of attorney Kelly, July 12, 1954, report on these suits and their dangers to diminish water available to Cache la Poudre Reservoir and Cache la Poudre Irrigating Company at their intakes.
September 24, 1954, further letter, reporting on the Spring Creek attempted changes and advising they be contested. Copy of protest and objections of New Cache la Poudre Irrigating Company, Cache la Poudre Reservoir and the Greeley Irrigation Company are attached to minutes, showing that such changes would result in increased diversions by the Spring Creek ditches.


March 5, 1955 Elkhorn dam project of Fort Collins parties discussed and referred to attorney Kelly for report.

April 2, 1955 "Horsetooth water" of Northern Colorado Water Conservancy District discussed but no action taken on allotment available to No. 2 Canal and Reservoir.

June 4, 1955 Harlan Soworth and Mr. Hutchinson of North Poudre Irrigation Company met with board to propose exchange of water in Fossil Reservoir in return for water for "Horsetooth water" at river.

July 2, 1955 depth of reservoir only 24.3 feet.

August 6, 1955 application of Ernest Meyer for position of secretary. Mr. Meyer was appointed assistant secretary at $250.00 per month for both companies. George Davis to stay on as secretary to October 1, 1955. Davis retired in January, 1956.
Letter of attorneys that company not liable for ton mile tax for 1955 but was liable on act as it had been in 1954; that the 1955 amendment excepted mutual irrigation companies.

September 3, 1955 Ernest Meyer's resignation from board accepted with regret. Russell O. Clark appointed to vacancy as director.

November 15, 1955 report of Attorney Kelly that the change of point of diversion suits from Spring Creek to the main Cache la Poudre sought by Larimer County Canal No. 2, New Mercer and Sherwood Irrigation Companies had been tried. That District Judge Donald A. Carpenter had denied the petitions and upheld the ground of protestants and held that the changes would not be without injury to other appropriators.


March 3, 1956, plan for new residence for superintendent at the reservoir.

April 7, 1956, residence bid of Windsor Hardware and Supply Company for $2376.00 ordered accepted.

May 5, 1956 directors pay raised to $7.50 per day at meetings, committee work; Robert Davis $10.00 per day for attendance at Cache la Poudre Water Users Association meetings.
June 2, 1956, depth of water at reservoir 26.90. Call made on river commissioner Wilkinson to allow more to be stored but commissioner reported it impossible, due to calls for direct irrigation down the river, (by ditches of senior priorities).

Oil lease to California Company at bonus payment of $10.00 per acre and delay rental for $1.00 per acre per year, for 5 years authorized. The acreage is 880.

July 7, 1956, depth of reservoir 27.25. Dividend reduced to total of 7 days for 1956.

September 1, 1956, metal lining for intake canal at its upper portion was discussed.

October 6, 1956 reported that Dreher Pickle Company trespassing on ditch and obstructing it by washing dirt into inlet canal. Demand made to Dreher to remove the dirt at once.

Demands made on board of County Commissioners of Larimer County to remove obstruction of footings of new bridge south of Slockett corner in inlet canal; that it had constricted the width of the canal by 2 feet. Letter to R. A. Keagy to discontinue discharge of sand and gravel and sediment into inlet canal and so obstructing it.

November 3, 1956 moved by Robert S. Davis, seconded by Dewey Darling that Ray Mueller be employed to set up a filing system for the company's records.
December 1, 1956, meetings with Armco Company on bid for metal lining for upper part of canal.

January 5, 1957 Armco bid for 1400 feet of 16 gauge corrugated ditch lining at a $32.50 per lineal foot. No action taken.

Requirement adopted that any bridges constructed or pipelines constructed over or under company's canal should only be done under supervision of the board of directors and its superintendent.

Mr. Wilkinson, river commissioner, reporting that his salary inadequate.

Water meter installed in Poudre River at Canyon mouth at joint expense of this company and others.

February 2, 1957 directors and officers George F. Kern president Robert S. Davis vice president, Dewey Darling, Russel Clark, J. B. Wells. Insurance at new house at reservoir increased to $12,000.00. H. E. Meyer appointed secretary, Charles Johnston superintendent at $210.00 per month. Meyers salary $135.00 per month for this company. Robert Davis to be allowed $10.00 per day in milage on Cache la Poudre Water Users Association meetings.

April 6, 1957 superintendent Johnston reports loss due to seepage in company's inlet ditch as high as 50% on some days, less on other days.

May 4, 1957 committee of Roy Bishop, Clovis Nelson, C. O. Riggs, Adolph Sitzman, Roy Johnson, Gayland Miller appointed by stockholders
annual meeting reported that it would not seem practical to line any part of the canal at this time.

Two way radio and telephone constructed for automobiles of superintendent and ditch rider authorized May 11, 1957. Empire dispatch company given contracts to install units on superintendents and ditch riders pickups.
IV.

WHENCE CAME THESE BUILDERS; THESE "DITCH MEN?"

Pages 182-209
Whence came these builders, these "ditch men?"

Those Union Colony men who were the "stayers" were mainly from New England, New York and Ohio. They were the New York Tribune readers, where N. C. Meeker was the agricultural editor, and in which Horace Greeley sponsored this colony to make concrete his slogan of "Go West Young man, and grow up with the country." And they were young men, mostly in their thirties. Some were in their forties. None of them expected to find things ready made for them in this arid western prairie. They had hardihood of body and mind, and desire to help developing a new country. The faint hearted did not stay.

Many were Civil War Veterans. They were not looking for "soft snaps." They wanted to meet new conditions and break new ground, build new homes and a new community. They wanted to help make a community which, when they had builded, would justify their vision and effort. It was a challenge to stout hearts to prove that such elements can succeed. That challenge and Colorado air stimulated them.

N. C. Meeker was from New York. So were Warren Morse, H. C. Watson, John Mosher, Will and Sam Tinker.

The Harry Haynes family were from Maine. Several were from Massachusetts and Connecticut, C. A. White, O. P. Gale, George Lovell, Arthur Hotchkiss.
Captain David Boyd, in his history points out how many of the pioneers were from the British Isles. David Boyd himself, directly from Michigan, had been a Civil War Company Commander in the Union Army, a University of Michigan graduate, was of North of Ireland descent.

These men were from humid states. They had no experience in irrigation ditch building. Some had built mountain ditches for placer mining. They used their ingenuity and set to work. They built and rebuilt. They did some straightening on No. 2 Canal. Each new enterprise improved over the old.

James E. Garrigues was from Indiana, of Huguenot descent.

These had the urge to push on to the west and there to build a new land in which they had a part.

Thomas H. Ferrill, in the inscription to the murals in the Capitol rotunda, at Denver, has expressed the spirit:

"Here is a land where life is written in water,
The West is where the water was, and is,
Father and son of old, Mother and daughter,
Following the rivers up immensities
Of range and desert, thirsting the sundown ever."
From Delaware came Bicklings, "Johnny" Cornell, Bruce Williams, Chas. Ford.

From Pennsylvania came James W. McCreery, and in 1890, a large part of the early faculty of the Normal School.

Some were from Missouri, directly. Among these were Captain M. J. Hogarty, W. E. Benton, Dave Kelly, John A. Rankin.

The Willard Darling and sons, Frank and Mort, John F. Reid, Charles and Fred Mason, the Jasper Riggs family, B. C. Rienks, two Bliss families, were from Iowa. George K. Peasley was from Illinois.

Some were directly from the south - August Boye and Doctor A. L. Camp, from Georgia, Dr. G. Law and sons Dow and John, Joel Davis and the Hopkins families from Virginia by way of Tennessee.

The J. Max Clark and E. E. Baker families were from Wisconsin. There they had learned early rising and hard work.

From Ohio were B. H. Eaton, C. G. Buckingham, Dr. Charles Emerson. Some were of Scottish and English descent but directly from Canada. These included the A. D. Moodie, A. N. Lyster, Wm. H. Farr families. Louis Dupree was from French Canada.

Peter Brown migrated from Scotland, as did Charles Wallace. Some were from English meadows. James McCullough came from England, as did early Tribune Editor, E. J. Carver, who farmed also in LaGrange.

Oscar Adams, a native of Maine, homesteaded that "quarter" in pleasant valley which still is owned by the children of his late daughter, Pearl, Mrs. A. B. Kight. Oscar died in 1915. His son Donald died in 1957. Don's widow, Eva Poe Adams, resides in the former Kight home on 11th Avenue, Greeley, Colorado.
Fred H. Badger, a director, 1896-1898, was from New Hampshire, of scholarly nature. He had two good "eighties" a half mile north of LaGrange school. He operated a mercantile business at the turn of the century at Timnath and later produce business and auto livery business at Greeley. He was killed in a collision of a train one mile south of Lucerne in 1917. His son, Herbert Badger, honor graduate of Colorado School of Mines, was partner in irrigation construction with the late Will Welsh, whose wife, now living in Greeley, was the cousin of Mrs. Fred Badger.

N. D. Bartholomew came to Colorado as a young man from Iowa, worked as farm hand, then as renter and soon bought one of the Clark farms, that right next east of the Charles Mason farm three miles north of Greeley and now owned by Oscar Riggs. He had health and optimism and energy and developed his farm into high value and built on it a spacious home. He early made a record for good management and good yeilds and understanding action on the ditch and reservoir boards. He is retired now and living at Boulder, of ripe years and good philosophy.

Captain David Boyd, of North Ireland descent, from Michigan University, former company commander in the Union Army, was of literary interests. He was the first superintendent of Union Colony Canal construction, patriotic minded, committed to improve his community. He was later to be President of the State Board of Agriculture. He was author of The History of Greeley and the Union Colony, published in 1890.

S. A. Bradfield came from Iowa as a young man. He had energy and assurance. From modest beginnings he acquired and improved with a fine home a "quarter" section in the same as the Wallace and Watson farms, two miles north of Greeley on the McElroy road. He gave his services to improving the No. 2 Irrigation system, was argumentative, but constructive. He had lived to 82 years when he died in 1937.
Peter Brown, who joined the colony in 1872, was a mechanic, intelligent, well trained by apprenticeship in Scotland. He had industry and shrewdness, invented the Peter Brown Potato Digger and other farm machines. He brought into cultivation a farm on Lone Tree Creek, was of high sense of honor. The Peter Brown School District was named for him.

J. Max Clark, of studious bent, energetic and civic minded, was from Wisconsin, in 1870. "J. Max" was one of four brothers, with Horace, Arthur and Ed, "the Clark Quartet," early colonists. They were all men of vision who all played large parts in Union Colony development.

Max Clark and Ed Baker and Abner Baker were brothers-in-law. These Bakers, as engineers and promoters were to develop irrigation works, not alone on the Poudre, but later on the Platte, in Morgan County. They were to have a hand for 50 years in nearly every irrigation enterprise on the Poudre and down the Platte. Bakers also were from Wisconsin. They led not only in No. 2 Canal development, but in building that of "Ogilvy," "Fort Morgan," and two "Platte and Beaver" ditches.

John D. Cornell, director for several years, was a "Delaware Dutchman" of good mind, a bachelor, business-like, thrifty and a worker. He built a fine set of farm buildings on land he developed in the Lone Tree District. He was an improver, and at the same time willing to take a hand in programs at Lone Tree and Buell literary societies.
Mort W. Darling was born in Iowa. He came to Greeley Colony as a small boy, with his father, William Darling and brother Frank. They established the Darling farms at Darling Lake on the East side of Pleasant Valley. Later Mort bought the A. D. Moodie farm just east of the Pleasant Valley School. He was active, liked sociability and was an understanding "ditch man." His Cache la Poudre Irrigating service began at 20 in 1886 as assistant ditch rider. The esteem in which he was held is shown by the many repeated years of service on the boards to which he was elected by the users under the "Cache la Poudre system." He was a courteous, loyal and active board member and president. His wife was Jane Bell, was the daughter of David Bell, another highly regarded farmer of the Lone Tree district who was a native of Scotland.

The Mort Darling farms are still in the family. Dewey Darling, the son, became a member of the boards of both companies, when Mort Darling resigned in 1954. Dewey continues to operate the home farm.

Mort's declining strength, after 88 years, caused him on February 5, 1954, to address his associates in the manner which was characteristic of him. It is here copied:

"To the members of the Board of Directors of The New Cache la Poudre Irrigation Company and the Cache la Poudre Reservoir Company:

I hereby tender my resignation as a member of these boards. Realizing that my ability for active service is declining, I wish to express my feeling of sincere friendship for the former members of the Boards with whom we have worked for many years, and also for the present members who now assume the responsibility of carrying on.

Mort W. Darling"

Mort's death occurred in 1955.
Doctor A. L. Camp was a substantial pioneer who came, with his large family, from Georgia, soon after the colony was founded. He developed considerable land in the Pleasant Valley Area, two miles east of the railroad and four miles north of Town. He built there good buildings, lived graciously and joined in irrigation development. He was an early member of the board of the irrigating company. Two sons Charles and A. L. Camp, Jr. became known as expert horsemen. One daughter Evelyn, was the mother of a large and useful family. Herb Bickling, for some years a director of the companies, was her husband.

Frank B. Davis record would take more than one of these paragraphs. He was the son of Stanley Davis and of a mother, Lida Herrington, also of pioneer parents. She is still active. Frank went to University of Colorado and had military service in World War I. He came back to enter actively into ditch company, City Council and civic activity.

Frank had ability and talent to spread his time over many businesses, which soon made him a very busy citizen, with managing others property and accumulating his own many properties in farm lands in the Gill area, business buildings, cattle feeding on farms and on East 8th Street near Greeley.

Frank was secretary of the Cache la Poudre Irrigating and Reservoir Companies from 1922 to 1926, when he became President. He recompiled their rules, applied business methods. He was chosen in 1944 to head the Weld County General Hospital Board to build a new and modern hospital. He was on that Board and in the harness to his succumbing to a heart attack in 1955.
Joel E. Davis, from Virginia by way of Tennessee, was another colonist who was one of the incorporators of the Cache la Poudre Irrigation Company. Davis had "say" many times in early Cache la Poudre Irrigation Company affairs. He urged businesslike practices. Davis developed a tree claim at what in the 1870's was the end of the ditch. He was one of the builders of the Union Lateral there. Like others at the end of the ditch, he found it was a disadvantageous spot when it came to getting your share of the water. His complaints thereof appear in early board meetings. He was one who built, and who, like his son Stanley, furnished others with capital to build. He left farms some of which are still in the hands of his great grandchildren.

Frank B. Davis was his grandson. Robert D. Davis, son of Frank, is a worthy successor and great-grandson, carries on the family tradition of improving land and adding to the words sustenance by irrigation farming and livestock feeding on a large scale.

Henry M. DeVotie was a seasoned Coloradoan, in this Valley ten years before the Colony. He had been in a Colorado Union Army regiment in the Civil Way. He had pioneer experience, freighting over mountains, was willing to try new undertakings and had ability to organize work. He took up and developed one of the best farms in the LaGrange District. He early built a substantial home in the west edge of Greeley, to give his children the advantages of schools. Their records since have justified it. Two still reside in Greeley, Duane DeVotie and Mrs. Volney Gates.

DeVotie believed in action and common sense. His fairness caused him to be often selected as an arbitrator of controversies.

The DeVotie farm was a "quarter", one mile north and 1/4 mile west of LaGrange school in the section adjoining LaGrange school to the west. Lyster English bought the DeVotie farm. Carl Leffler now owns it.
Ben H. Eaton had taught school in Ohio. He had got to the Poudre ten years before Union Colony and had in 1860 built two ditches at his homestead, on the Poudre South of where Windsor now is. He helped in the Greeley City Ditch and No. 2 Ditch building. He went on to build other and larger canals. He was one of the first to see the value of reservoir building. He became Governor of Colorado.

Lyster English, a cousin of A. N. Lyster, was the son of Albert English whose farm was that cornering the LaGrange School. It is still in the hands of Lyster's brother, Gordon English, for many years a manager of the Great Western Sugar Company. Lyster developed a fine 160 acres in the next section north and fed lambs in the early quarter of this century. He was for many years on the boards of the Irrigating and of the Reservoir Company.

He later went into farming and livestock in the larger way in the Wiggins Area where he is now living and where he developed dry land into irrigation.

Will (W. H.) Gill, a director for 6 years from 1914, president part of the time, came in 1879 from northern New York near Lake Ontario. Bruce Johnson who had come to Colorado with the 1859 "Rush to the Rockies" had married his sister Alice Gill. They had extensive interests for fifty years in South Platte flour mill, cattle ranching, banking and mercantile business. Will Gill was partner in the "Park Merchandise" a general outfitter in Greeley for twenty-five years from 1890. The Town of Gill was named for him, when it was located on the Union Pacific branch line in 1909 through the section of land he, with E. J. Decker, put into irrigation under the North Side Lateral. He died about 1930. His brothers, Mark and Frank were large factors in developments at Hillrose and Merino, with the "22 Ranch," a cattle and irrigation development under the Johnson and Edwards one of the old canals out of the South Platte.
Frank's son, Senator Frank L. (Ted) Gill has for years been a leader in the Colorado State Senate. He has owned and operated the large 22 Ranch properties for the past 25 years, succeeding in that management Wills brother, Mark B. Gill, Justice of the Peace when he died in 1956, after 75 years of activity in water, and ranch development.

Captain Michael J. Hogarty, came to the Colony from Missouri. He had been a Civil War officer, who lost an eye in the war, had freshness of mind, native wit, lively interest in his fellow men and a willingness to pioneer and develop new land and to join to building ditches to help neighbors. He must have been Irish! He too, took up, put under irrigation, and thereby made one of the best farms of the LaGrange District. His sons and daughters, likewise, were of pioneer spirit in reclaiming of the West. One daughter, Mame, became the wife of Bruce Eaton. Another, the widow of Delph E. Carpenter, still resides in Greeley. Delph was a pioneer in water development, not only of new land, but an outstanding water lawyer, who was originator of the 1922 Colorado River Interstate Compact. In actual practice he brought new land into production under North Side Extension Lateral of which he was one of the organizers.

Will Hopkins was in 1893 and 1894 a director and superintendent of the two companies. He was one of twelve children of Lewis Anderson Hopkins, who, in early 1870's came from the south. The father and sons, Horace, Sol and Will, all built substantial houses and barns on their farms in the Pleasant Valley and Olin Districts. They were improvers. Will died in 1904. His daughter, Esther and her husband, Lucien Molineaux, a retired accountant, now own and make their home in commodious residence on the Will Hopkins "Eighty", on the Olive Branch road four miles north of Greeley. A brother, John Hopkins, became manager of Great Western Sugar Co. farms and feeding at Windsor.

Wallace Hopkins, the youngest of the 12 children, now retired also, owns and lives on the old Lewis Hopkins homestead at Sand Creek on the Bliss and Hopkins road.
David Kelly came from Northwest Missouri to Greeley. In 1890, he first bought one Fullerton "eighty" bounded by No. 2 Canal, on the U. P. Railroad on the No. 2 Canal 3 miles north of town. The Colony fence was still there. He later added the "George Lovell" "80" and "Wint Fullerton" quarter. Lucerne was to become a station and market later. He began there livestock feeding and land improvement and raised a family of six children - the writer is one of them. Born in the Isle of Man, as a youth he had five years of sailor's arduous life with the Manx fishing boats. He was 17 years of age when, in 1867, he migrated to his adopted land, going first to Galva, Illinois. He went thence in 1880 to the neighborhood of his wife's family in Missouri. He continued active to his death in 1928, but resigned from the boards in 1926. He became an early advocate of reservoirs. He had the experience in his first farming year of water in the Canal stopping in mid July just when the potato crop needed it. He served on No. 2 boards over a period of thirty years, was many years president and superintendent for each. He was one who believed a man should leave the land better than when he found it, and that difficulties gave a man strength.

David Kelly was "No. 2" director on Windsor Reservoir and Canal Company Board for about 25 years to 1927. Then Mort W. Darling succeeded him and continued for 27 more years on the Windsor Board.
George F. Kern, now president of both companies and on their boards for 30 years, was born at Windsor, graduated at the Agricultural College, now Colorado State University. He followed in the footsteps of his father, Lewis Kern, in improvement of farms, feeding sheep and cattle, serving many years on school board, Town board, committees and delegations to build up the Windsor community. He was an original member, from 1944 and for 10 years, on the board of trustees which built Weld County General Hospital, to mention one of the recent activities where he has helped in civic projects. Needless to say, he has been, and still is, alert and has brought knowledge and mature experience to board work and direction of the maintenance and operation of the companies. He has been alert to their welfare.

Lewis Kern came to the Windsor and Fort Collins area in 1871 as a young man. He had been brought by his parents as a six year old boy from Germany. He brought farms into cultivation, fed livestock, helped build ditches and reservoirs, particularly those of Lake Canal and Cache la Poudre Irrigating and Reservoir Companies. He was a predecessor and one of the first projectors of the "Timnath" or No. 2 Reservoir development. He helped procure that site for the Cache la Poudre Reservoir Co. in 1890. He was elected and reelected to their boards many years. He had mechanical ability, was superintendent some years and supervised much of the reservoir inlet and outlet betterments. He died in 1919 at the age of 78. His son, George F. Kern became his worthy successor and is now President of both companies.
B. S. LaGrange, of French descent, of engineering talent, an early trustee of Union Colony and of Cache la Poudre Canal Company, designed its first dam on the river, helped build No. 2 Canal, and was a witness in its water adjudication. He was progressive. He led in installing its telephone system, became water commissioner of the river, later became State Engineer. By his experience and travels he became an irrigation authority. He was developer of the farm next to Hogartys. The LaGrange district was named for him. His grandson, Lewis L. Stimson, became an irrigation water rights engineer who had a part later in construction of most of the irrigation works on the South Platte as well as many elsewhere.

Decker Lee was ditch rider a number of years in the last ten years of the 19th and the first decades of this century. He was a man whose honesty was trusted. He played no favorites. He had the unfortunate handicap of stammering. He did not talk much. He made it mighty plain and emphatic, and yet gave every man his due.

A. N. Lyster was one who, in the late "80's" as a young man, had come from near Montreal in Canada. He developed the well improved Lyster farms next north and next east of the Potato Experiment Station in Pleasant Valley. He and his estimable wife there raised a family who are now grown and who have distinction as fine citizens and intelligent people. A. N. Lyster was early drafted into service on the boards of the companies, school, church and on other boards. He was a sheep feeder and a man who improved whatever he took over and always "held up his end of the board." His sons, Cyril and Norman, continue to operate those farms with the same tradition.
Solon D. Martin, then a young man was, to 1886, several times member of those first boards of trustees of the Irrigating Company. He and his brother were horse ranchers as well as irrigation men. They moved to Orchard in 1886 and were prime movers in constructing the Weldon Valley Ditch at Orchard. Twenty-five years later he returned to Greeley to retire and do some real estate brokerage. He was often seen on the street and in offices, thenceforth a kindly man, who felt another generation could take over the oars, while he mused over the fevered past.

Charles F. Mason, as a young man, came from Iowa. He bought 200 acres of the Clark land three miles north of Greeley which he developed into a fine farm. It is still in his daughters ownership. He was a thinker, studying improved seeds and methods, conferring with neighbors on potato culture and marketing. He was highly respected for integrity and conscientious service as board member and sometimes president of each our Irrigation company and Reservoir company, and for other local enterprises where he served on boards. His wife was Mary Darling - sister of Mort and Frank Darling, daughter of Willard Darling.

A. D. Moodie, with David Boyd was an active participant in breaking the sod, in ditch building and water adjudication legislation. He helped in handling of adjudication proofs of No. 2 and No. 3 Canal priorities. He was no neutral. He was a man for action. From Canada, of Scottish descent, miner as well as farmer, he was of fine physique and erect bearing. He did not turn the other cheek. And when he retired from farming, it was not to a park bench, but to drive a shaft of tunnel, as a prospector for precious ore. That,
and his heritage, gave him full years. Of the 480 acres he farmed, 320 became the Mort Darling land, at Pleasant Valley School. The other 160 acres became the Frank (now Carl) Swanson farm. Moodie was erect in stature, vigorous in mind as well as body and he expressed his opinions in meetings. Moodie's and Lyulph Ogilvy's willingness to try out, as sportsmen, "who was the best man, in endurance fisticuffs" is related in Vol. 52 of the Westerners Brand Book.

The writer remembers the A. D. Moodie of 65 years ago, driver of horses to a grain binder with whip and language emphasis. He was an early director of the No. 2 Company, as well as one who had a physical part in its first construction.

Harvey T. Pollock was chosen as a member of the first Board of Trustees of that 1878 first incorporation of Cache la Poudre Irrigating Company. He had come from Warsaw, Indiana and joined the Colony in 1870. He homesteaded first, near what is now the Lone Tree School. Soon he moved nearer town and built the brick house on the fine farm 2 miles northeast of Greeley where he died young in 1882. W. H. H. Bliss then bought that land. For many years it was known as the "Dave Bliss Farm". Conrad Koehler now owns it. Of Pollocks children, all have gone except his son Harvy T. Pollock, now 81, who farmed for many years in the Lone Tree District but who, forty years ago, exchanged into cattle ranching north of Nunn, where he and his sons have made a success,"through thick and through thin." Harvey now resides in Greeley.
E. S. Nettleton, a first trustee of the Town of Greeley, was the engineer who surveyed the original No. 2 Canal. He was the engineer hired by B. H. Eaton and J. C. Abbott in 1873 to survey The "Eaton and Abbott Canal," now known as Lake Canal, heading at Fort Collins. Enlightened by further experience, Nettleton was engineer for Gov. Eaton and the "English Company" interests in building the larger Larimer and Weld Canal, the line of which he made straighter. Nettleton became Colorado's second state engineer and there made a distinguished record.

J. S. Newell, a quiet man, willing to work, served on the boards of the Irrigating Company and of the Reservoir Company, and was president, for a number of years in the 1890's and in the early part of the present century. His home farm was just east of Windsor, where he died in 1916.

J. F. Reid, brought his family from Southern Iowa to the Pleasant Valley District in the late nineties, with means to buy a good farm, a mile east of Pleasant Valley School. It is now owned by eminent engineer Royce L. Tipton. Reid's intelligence and fairmindedness soon made him one nominated and elected director and part time president of the companies. To find more room for livestock and land development for his family he sold his farm here to Harry Farr and bought land in the New Torrington, Wyoming District, and took his family there, to again be a builder of a new western irrigated area. One son, John G. Reid, is District Judge at Colorado Springs. One daughter, Jane, with her husband Will Lynn, lives retired at Greeley.
Ben C. Rienks, director several years, president and superintendent, some years was one of the four Rienks brothers with Cornelius, John and Frank, all good physical specimens and of active minds. Ben proved that more could be accomplished by directing the work and hiring others to do the manual labor. He was a good bridge whist player, had good business judgment and jovial disposition. The writer, as a boy on a neighboring farm on the "Rienks and Henry" lateral, thought Ben could read a boys mind, was urbane, and was given to banter as well as wisdom.

Mrs. Gladys Rienks Hood, his daughter, has her home on the Rienks farm 2½ miles north of Greeley.

Millard D. Riggs, as a youth, was from Iowa. He came in 1886 to the Olin District with his father, Jasper Riggs and mother, the sister of W. H. and of Stephen Bliss. They early built one of the most substantial brick farm homes. Millard farmed that land and was an intelligent and conservative farmer who took an interest in the irrigation and reservoir companies. He helped in their upkeep and betterment, as director and as president, in his active years. He developed a second farm, just west of Seeley Lake in the LaGrange District, where he lived at his death.
"Jack" Smiley was the person to whom the care taking of the Cache la Poudre Reservoir was entrusted for fifty years, from 1898 until his death in 1948. He and his wife, as young people, were from Ireland. They had humor, wisdom, and had a loyal regard for the welfare of that reservoir as if it were their child. His charge of it continued to his death. They acquired a farm a little to the West of the reservoir on the Timnath road where his widow, still active, continues to reside with her son. "Jack" was a faithful servant.

D. D. Wallace, in 1890 lived on his farm, the Bliss and Hopkins road in the Pleasant Valley 2½ miles northeast of Greeley. He was a serious man and one who was trusted to measuring out the water to the farmers in a way that was fair, and in an early day when the facilities were more primitive and more difficult for the ditch rider. His son still has that good farm.

R. K. Wallace, "Bob", on the boards for years, was Scotch. The son of Charles Wallace, a pioneer who built, step by step, one of the finest farms in Pleasant Valley. Bob, like his Caledonian parents, was upright, bluff and outspoken. He had followed railroading a while, then came back to buy and retain The Pier farm, land next west of that of his fathers. It is in the same section with that of Bradfield, Watson, and Wherren, a mile west of Pleasant Valley School. He had constructive nature, liked to joke, until his decline in health some ten years ago.
H. C. Watson was from Ohio. Had been a volunteer in a Pennsylvania Calvary Regiment in the Civil War. Came to Greeley in the Spring of 1870 with the Colony. Entered into business of saw mill and dairying first, then the produce business, as Greeley Mercantile Company, with O. P. Gale. With C. H. Wheeler he bought a 240 acre farm 2½ miles North of Greeley on the McElroy road. His grandsons, Henry and John Watson, still own that farm. His wife was the sister of John C. Mosher. Henry Watson and John Mosher did much to make the Greeley Potato and Pinto beans known to southern markets. Watson was active in improving the Cache la Poudre System and in getting the reservoir going. Even after he was off the boards he was an active advisor. He was experienced in business and ready to help in public affairs. Was Mayor of Greeley, was State Senator, was director on Greeley National Bank. He believed in doing something.

He developed new lands also by irrigation in the Green City district and in the Crow Creek district. His grandsons John Watson and Henry C. Watson still own the 240 acre farm he bought over 60 years ago, 2½ miles north of the Greeley Sugar Factory.
Harry L. Wells came from Missouri as a 12 year old boy. He worked first on his Uncle Abe Buyler's Gill farms, studied what made good crops, and good livestock handling, became the owner, progressively of several farms, beside a cattle ranch. He helped improve much land by irrigation in the Gill area, and helped build and bring land from prairie into production. Naturally he was chosen to serve on ditch boards and continued for many years, by reelection, until in 1956, a year before his death, he resigned because of failing health. In the days of his strength he was an active member on board work. It was not all work and no play. When he became comfortably well off he found time to be a good hunter and fisherman with his neighbors.

His son, Jackson B. Wells, of the same mold, succeeded him on the "No. 2 Boards."

Henry Williams was an 1890 organizer of the Reservoir Company. He surveyed its first lines and was a director for several years, was President and Superintendent some years, in the two decades of 1890 to 1910. He had the farm on Sand Creek 1/2 mile north of Pleasant Valley School. He sold it to Charles Carter who farmed it for many years, and whose executors sold it to Carl Swanson who now owns it. Williams was careful, a good man on the board. He built the "Williams Block" on 9th Street in Greeley - now owned by the"J. V. Smith and Sons" Dry goods firm.
Superintendents of the "No. 2 Companies."

In the earlier years it was the practice to make the President of the Board the superintendent of maintenance and operations of the company. Beginning in 1929 the board decided to employ a civil engineer as superintendent. They employed W. T. Blight, from the State Engineers office. He continued for two years and was of value but resigned to take a position with higher pay.

Ralph O. Cottingham followed in 1931 as an engineer superintendent. He continued through 1946. Cottingham is a native of Indiana, is county surveyor, and still lives in Greeley, semi retired, although still doing some engineering.

Thereupon the boards appointed Charles Johnston, long experienced and proven ditch rider, as superintendent for both companies. "Charley" Johnston has been reappointed superintendent year after year, for both companies.

Charles Johnston was born in Chicago. He came to the Greeley country as a young man. He began as an assistant ditch rider in 1918 and progressed to lower or first and most important ditch rider. He showed the ability to observe and to learn and to get things done for the best interests of the two companies. He has continuously served the New Cache la Poudre Irrigating Company and Cache la Poudre Reservoir Company a total of 40 years and is still active.
Secretaries.

John D. Buckley was secretary of the Colony executive committee and of the Cache la Poudre Irrigating Company in its early years. He had come to the Colony at the age of 30. Buckley became No. 2 Canal engineer in 1871 and had charge of its 1871, 1874 and 1876 enlargements though not of its original survey. He was a surveyor on the early reservoir projects, also. Buckley was an unassuming man. He was the company's first secretary and continued to 1882.


For 1894, 1895, 1896 and 1897 Sam H. Southard was secretary. There were six applicants for the job in that distress year of 1894. He was a thorough one and his records are an example.

E. S. Pinney, of exceptional secretarial ability, was an accountant in the Albert Igo produce office when he took over, in 1897, to be for sixteen years secretary for our two companies. His minutes and bookkeeping were accurate and continued through 1913, when he retired to California. He died in 1916.
Arthur J. Hotchkiss, Civil War Captain, was an early (1870) member of Union Colony executive committee and an early (1885), careful, secretary of the Irrigating Company. He took up a farm southeast of Windsor on the railroad (then called the Greeley and Salt Lake R. R.). They named the station Hotchkiss. It was later changed to Bracewell. He was an early county commissioner, serving in erecting Weld County's first brick court house in 1883; became County Recorder, then was appointed County Judge and moved to Greeley. About 1889 he organized a bank at Fort Morgan and made his residence there.

Warren Morse was secretary for the years 1885 to 1891 and again from 1914 to 1921. As a young man he had come from northern New York, with Abe Cuyler, his cousin. They developed the good farm in LaGrange, later sold to Von Trotha Brothers, now owned by Henry I. Brown. He was genial, sang bass in a LaGrange quartet with James McCullough, Mrs. McCullough and Mrs. Milford, much in demand in the neighborhood affairs. He had office experience in Weld County Abstracting work with W. R. Adams, was well informed.

In the last year of his secretaryship his handwriting in the minutes was becoming shaky.

Frank B. Davis became secretary in 1922 and continued to 1926, when he was elected President of both companies.
George Davis began the secretaryship in 1927 and continued for twenty years, to his retirement in 1956. George was born in Ohio, he grew up at Erie, was seasoned by years with the telephone company and in the Weld County Treasurer's and Assessor's offices, Weld County Abstract office and in produce and sheep buying. He was for several years on the Greeley City Council. He still manages his irrigated farm on east 8th Street.

Ernest Meyer, the present secretary, was a member of the board of directors before becoming secretary in 1956. He was born in Nebraska. His boyhood was spent on his father's farm at Fort Collins. 30 years ago he began farming the land he owns which begins at the east side of Lucerne and extends a mile east along the south side of No. 2 Canal to the Olin School. After several years service on the board, upon the retirement of George Davis in 1956, he became secretary of the boards of the two companies and moved to town. His son-in-law, James Marriner, continues operating the farm.
Attorneys.

From the foregoing narrative it will be seen that in the early years the Cache la Poudre Irrigating Company had different attorneys. Haynes, Dunning and Annis, a noted firm, with offices both in Greeley and Fort Collins, and on some early occasions, Denver counsel, were early advisors and advocates of the enterprise. For several matters of legal business, contracts and court proceedings to 1900, James W. McCreery was the company's attorney. He was also in demand as attorney for the Eaton interests with the Larimer and Weld Canal, Windsor and Larimer and Weld Reservoirs, which were competitors for priorities and in the conflict of interests with which he became aligned for the "Eaton" or the "Larimer and Weld" Companies. It evolved that Harry N. Haynes became depended upon as the "No. 2" attorney for over a quarter of a century.

Of James E. Garrigues, later Chief Justice, a sketch appears above.

James W. McCreery came from Pennsylvania in the 1880's in the beginning of his practice. His career became a distinguished one and made him recognized as of exceptional ability and a widely known irrigation lawyer. He was in demand not only here in the Cache la Poudre Valley but down the Platte River, and up the Platte River from Sterling to Fairplay, and in other river valleys in Colorado and in Wyoming and Nebraska. He became State Senator, a leader in irrigation law evolution and the chief factor in getting
the legislation in 1889 to establish the State Normal School at Greeley. He had quick perception and ability to weigh the probabilities of the outcome of a given case. He was a leader in his party. When he fought he fought to the finish, and with skill. Many times, however, he "settled", when his judgement told him that was the wiser course for his clients. Busy as he was, he took time to teach a course in Law School at University of Colorado. He was there the writer's perceptor in Irrigation Law. His son, Donald McCreery, graduated from Harvard Law School and continued that career but is now retired in Denver. His son-in-law, Hubert D. Waldo, has continued the Greeley office with distinction.

McCreery was a leader in New Irrigation enterprises and local institutions and an organizer. His constructive energies made him the participant in organization for construction of canals and reservoirs elsewhere and as an associate of Governor Ben Eaton, the "Works" and "Bakers" of Fort Morgan and Dan Camfield, all builders.

Harry N. Haynes was the scholar. He was of deep reasoning and logic, and would pursue a subject thoroughly, sometimes too thoroughly for the understanding of his clients. He was public spirited, of the highest standards of professional conduct, served on school boards and other boards, wrote able arguments in a multitude of cases and had an outstanding record in Supreme Court. He was held in the highest respect by fellow lawyers and by courts. He attained fulness of years and continued a limited law practice to his death in 1936.
His son-in-law, Harold D. Roberts, associated with him for a while in Greeley and later removing to Denver, he became a senior member of one of the principal law firms there, had his legal education at Harvard. He became to a constructive and practical lawyer, distinguished in federal practice. His leadership in City of Denver water counsel matters caused that City to name the 23 mile tunnel from the Blue River to the Platte, now being constructed, the "Harold D. Roberts Tunnel." He died in 1956 shortly after having been so honored.

Walter E. Bliss was attorney for the company in the intervening years after H. N. Haynes and until his own death in 1933. He was a member of the highly regarded Stephen Bliss family of which there were many sons and daughters and all highly regarded in the community. Walter went to University of Colorado and University of Michigan and began his law practice with Charles F. Tew. He was noted for good common and fidelity to his clients best interests. He died too young.
E. Tyndall Snyder, Attorney for the companies for several years was the son of President Z. X. Snyder of Our College. He was born in Greensburg, Pa. in 1885, came with his parents to Greeley in 1891 where his father did much for high scholarship and the growth of the Teachers College. "Tyn" graduated from Greeley Schools, University of Colorado (where also he was a star athlete in baseball and tennis). He was studious, careful, believed in keeping his clients out of trouble. He and the writer had worked together for several years before they formed the law partnership in 1941 which continued to "Tyns" death in 1948. He was a good lawyer and a good partner.

The writer hereof has been active attorney for the company the past 16 years, but in various capacities, over a period of the past 40 years. His record will have to speak for itself.
V.

SUPPLEMENTAL WATER - THE COLORADO-BIG THOMPSON PROJECT

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SUPPLEMENTAL WATER - THE COLORADO-BIG THOMPSON PROJECT

This valley wide movement of 25 recent years deserves some exposition in a history of our water rights.

First known as the "Grand Lake Project," it had its inception at Greeley in late July, 1933, and its office there for its first 21 years. It was precipitated by the disappointing outcome of ten years' prior efforts carried on for getting reservation of water for Northern Colorado from the North Platte Casper-Alcova Project being urged in Wyoming in those years. That Wyoming project financing legislation was given the go-ahead by President Roosevelt on July 28, 1933, and without reserving any water for us. The faces of the farmers were long when that news came. They were in the fourth year of drought. It forced resort to the only water source left in Colorado, the Colorado River. The writer, with Fred Norcross and L. L. Stimson called on Chas Hansen of the Tribune and upon the Weld County Commissioners to urge survey for it on July 29, 1933. Charles Hansen headed thence to fruition.

Weld County men began the movement immediately. Meetings resulted in early August, again in September, and continued in 1933 and 1934. Other communities joined up. To advance the project, Northern Colorado Water Users Association was formed out of about 60 irrigation companies and some local leaders in 1934. A mutual irrigation company had been used to rehabilitate the Greeley-Poudre. Tribune publisher, Charles Hansen was chosen to head the Board.
Fred Norcross was Secretary, John M. Dille of Fort Morgan was hired in late 1934 as the expeditor. Thomas A. Nixon and the writer were the attorneys. This steering organization sent representatives to lay the matter before government authorities in Denver and in Washington in 1934 and in Washington in 1935.

For an irrigation project it had to be started with surveys to demonstrate feasibility and to initiate appropriations of water.

The original survey was financed by Weld County Commissioners, $2,500.00, Greeley Chamber of Commerce, $250.00 and Larimer County Commissioners, $700.00. It was begun September 14, 1933 by a party sent to Grand County in charge of L. L. Stimson with Burgess G. Coy, of noted tunnel engineering experience as consultant. It ran a line of Granby Reservoir and a tunnel therefrom under the continental divide to come out at Estes Park, and a distributing canal to the Poudre. Opposition from the National Park Service at first interfered with this survey.

R. L. Tipton as deputy State Engineer made an effective engineering report in December, 1933. It was presented in early 1934 to local meetings at which strong community leaders throughout the district showed a determination to go ahead with the project. It was too big for financing by anything less than the government.

From then on the primary matter was legislation, state and federal, for financing the construction. There followed the planning of engineering and organization, many meetings, much speech.
making and newspaper publicity on this side of the continental divide as well as in western slope communities and Washington.

Special enabling legislation had to be formulated to meet a need not to be solved by mutual company or irrigation district corporate form. There had to be constructed and got through a new kind of law to provide a unique district which had, not only general taxing powers, but power to levy a special assessment tax for actual water use. The precedent was found largely in the seven county Golden Gate Bridge Acts of California. Those attorneys were kept busy in 1934 through 1937 with those legal matters of formulation and legislation. We had the assistance of experienced Reclamation counsel.

Grant of $150,000 for the Reclamation survey was obtained from Congress in early 1935. The construction survey began on August 1, 1935. The priorities of appropriation from the Colorado River date therefrom.

An attempt in 1936 for appropriation from Congress to start construction was blocked by Western Slope representatives.

In late 1936 there was evolved a plan of satisfying the western slope, by adding the construction of Green Mountain Reservoir, at Project cost of eight million dollars, for west slope use, but at no cost to the western slope. In order of construction, we agreed to start it first. Leaders' 1936 and 1937 negotiations crystallized into a west slope-east slope treaty, "Senate Document 80," in June,
1937. The first legislation from Congress, the first appropriation for construction $900,000.00 followed that summer.

An act to enable Conservancy District creation was formulated in the fall and winter of 1936 and 1937 and was passed by the Colorado Legislature in May, 1937. Petitions for its formation were next circulated.

The District was formed by a petition of taxpaying landowners of the seven counties whose irrigated land it embraces. Its creation was decreed by Judge Claude C. Coffin of the Weld County District Court September 20, 1937.

The District Water Conservancy Act next was tested and its validity was upheld by a Colorado Supreme Court decision in May, 1937. Circulation and signup of petitions for water allotments began at once. They are contractual, not involuntary.

Negotiation of the construction and repayment contract with the United States followed in Denver that fall and was completed at Washington in the spring of 1938. It limited the District's share of works' cost to $25,000,000. It was put to a vote of taxpayers throughout the Conservancy District in June, 1938 and carried 17 to 1. The contract was officially signed on July 5, 1938.

Earth and rock moving of the works began first at Green Mountain Dam in the fall of 1938. Final surveys were going on and construction on other dams and tunnels on the west slope followed progressively. Boring the "Alva B. Adams" tunnel was begun in
1940. The World War II was precipitated that year and held up construction on all works except Green Mountain Reservoir and Power Plant.

The enterprise became even a bigger engineering and construction problem than we had foreseen in 1933.

The works is not one simple dam or one single tunnel. It comprises ten reservoirs, of a total capacity of 984,975 acre-feet of water, each with several dams and dikes; 24 tunnels, of 34.3 miles total, the longest one 13.1 miles in length, eleven canals, of 31 miles total length, beside 51 miles of other canals enlargements, three closed conduits, 21 siphons, three pumping plants, six power plants, eight penstocks, 821 miles of transmission lines, 43 substations, and total cost over $160,000,000.

In water supply, it is equivalent to another Poudre River normal water supply brought into the south Platte watershed.

The project has meant relieving of the distresses from water supply "playing out" too early. This is shown by the fact that in 1954 our Platte and its tributaries' supplies, including the Cache la Poudre, were only 35% of normal. In that year 60% of all the water used for irrigation through the canals in the seven counties in the District came from this new project. In 1955, 60% of all the late water used, ordinarily referred to as "reservoir water", came from the Colorado-Big Thompson Project. With reason, it is claimed by some that Colorado-Big Thompson water in these two
years saved crop values an amount equivalent to the agricultural and irrigation total $26,000,000 part of the project repayment cost.

Cities also had had their future growth secured by this trans-mountain, dependable, water supply. The Greeley subscription for a 15,000 acre foot allotment, in 1938 was the incident which assured its acceptance for the government capital. Fort Collins took 6,000 acre feet, Loveland and Longmont, each 5,000 acre feet, Johnstown 600, and Berthoud 300 acre feet. Boulder, late comer, when the construction was nearing completion in 1953, took 12,700 acre feet - a major factor in that city's surging accession of industries.

At any rate, by supplemental water so secured, the Colorado Big Thompson gave assurance for the future to irrigation farmers in the Conservancy District area. It is reflected in valuation for tax purposes, which, in this area has risen from $120 million dollars total in 1937, to 328 million dollars in 1958. By this water resource and reserve, farmers can go ahead with more confidence.

The Cache la Poudre Irrigating Company shareholders and allottees of the Conservancy District are served with Colorado-Big Thompson water by an exchange agreement with the North Poudre Irrigation Company. That company controls Fossil Creek Reservoir on the Poudre across Fossil Creek, just two miles west from our Canal intake on the Poudre River. The North Poudre delivers us our Conservancy District Water but of its Fossil Creek Reservoir and takes a like amount from Conservancy District supplies delivered into the Cache la Poudre River at the canyon. It is beneficial to both companies.
VI.

WATER LAW DECIDED IN CACHE LA POUDE CASES

Pages 216-244

The decisions in several cases, participated in by The Cache la Poudre Irrigating and Reservoir Companies, helped to mold the irrigation law of Colorado. Among them are the following:
Water Law decided in Cache la Poudre Irrigation and Reservoir Companies Cases.

Cache la Poudre Irr. Co. vs. Hawley, Water Com'r, 43 Colo. 32, was a decision in 1908 arising out of a suit filed four years earlier, to compel water of "Little" Cache la Poudre Irr. Ditch Co. heading at LaPorte, a direct river appropriation of water, to be turned into the ditch as an inlet for storage in the Larimer and Weld Reservoir Company's "Terry Lake." The reservoir company claimed it had that right because it was a stockholder in the Jackson Ditch owner. Our company intervened to oppose such use, for storage, of a direct irrigation appropriation for an old river bottom ditch. Judge C. A. Bennett of the District Court denied the attempt to compel the river commissioner to turn the ditch water into the reservoir.

The Supreme Court affirmed that decision, declaring that "If the reservoir company is permitted to divert the water to which it claims to be entitled by virtue of an alleged ownership of the stock of the ditch company, intervenor (our company) will be deprived of the use of water from a common source of supply to which it is entitled, and held that the Jackson ditch water could be used for direct irrigation only, and not for storage; that the commissioner was performing his duty in refusing to allow it to be diverted from the river for storage."
NOTE

Beginning in 1879 with the water adjudication validation and continuing for the next 75 years, there have been many cases to establish water rights law to which our two companies have been active parties. It was a new kind of water law. Like stream conditions, these water rights change under changed circumstances.

The establishment, defense of their water priorities, and protection of their appropriations against enlarged use by transfers or changes of point of diversion have been vital to the stockholders under these two companies. Generally, they have been stoutly and tenaciously maintained.

Some of the decisions are notable enough to still be of current interest. Those only are here outlined.

The District Court decree was affirmed in that it cut down to 6½ cubic feet per second the 20 cubic feet the reservoir company sought to have the Water Commissioner compelled to allow it to divert through the "Little Cache la Poudre" ditch on its stock in that ditch and decreed that the reservoir company was entitled to divert, from the Little Cache la Poudre Canal water for the use of its stockholders for direct irrigation only, and not for storage.

The Supreme Court in that case also announced the principle that "a water commissioner is not required, nor is it his duty to make any division of water between the users thereof from the same ditch."
The Cache la Poudre Irrigating Company, in another case in Supreme Court established the principle that a ditch appropriation priority made for immediate irrigation cannot be converted into one for storage. The Court therein recognized, as permissible, the practice detaining the ditch water temporarily by using a natural depression along the line of the ditch to accumulate a head. This case is:

Finley v. Cache la Poudre Irrigating Co., 44 Colo. 234.

The storage priority problem is decided in another case reported in the same volume wherein our company was a party. The case is:

Windsor Res. and Canal Co. vs. The Lake Supply Ditch Co., et al., 44 Colo. 214.

There the court held, among other principles, that the North Poudre Co., for its Douglass Reservoir which it had begun in 1901 across the bed of Dry Creek, then sold the reservoir site in 1924 to the Poudre Valley Co. without having proved any actual diversion of water or its application to beneficial use thereby could not have a 1902 priority awarded therefor. Nor could the Poudre Valley Co. have legally, a 1902 priority awarded for Douglass Reservoir.
No double filling of reservoirs can be awarded priorities of the same date. This principle was announced in the same Windsor Co. vs. Lake Supply Ditch Co. decision in 44 Colo. 214. There, the North Poudre Co. had tried to get priorities not for one filling only but of the same date a priority for refilling several of its reservoirs. The court held that "to permit a double filling of a reservoir in any one year on one appropriation, as against junior rights is just as obnoxious to the principle (that a ditch appropriation could not be made to do double duty for other, or double the land for which appropriated.)

For several years this announcement was mistakenly understood to prohibit any second filling appropriation for a reservoir basin. District Judge Claude C. Coffin later cleared it up in reservoir adjudication decrees on the Thompson River, wherein he entered reservoir refilling priorities not of the same date as the first filling, but of a later date. He applied this rule also on the Poudre River adjudications, and in his 1953 general decree awarded several refilling priorities of dates later than the first filling, to reservoirs, among them to the Cache la Poudre Reservoir.
"The Hottel Mill Water Cases."

These cases, three in number, which went to the Colorado Supreme Court, were for 45 years being conducted by our Company and its attorneys from 1893, the last contest being that before the state engineer in 1938.

The first decision, in 1898, Cache la Poudre Reservoir Co. vs. Water Supply and Storage Co., 25 Colo. 161. The Milling Company constructed its Hottel Mill race in 1868, taking water from the river, 60 cubic feet per second above Fort Collins and discharging it back from the water wheels at its mill. This return of water to the river was above the Cache la Poudre Reservoir intake built in 1892, just below Fort Collins and relied on this 60 second feet return for its supply. For money paid the Milling Company by the Water Supply and Storage Company those two companies made a contract in 1893 to cease drawing that mill race water, hence let the Water Supply Company take it into its reservoir intakes from the river above the Hottel Mill race headgate. This began to deprive our reservoir company of that supply, and they sued to compel the letting of that water pass the Water Supply Company intake and to come down the river to the Cache la Poudre Reservoir.
December 14, 1937

Hon. W. J. McAnelly
Water Commissioner, District No. 3
Fort Collins, Colorado

Dear Mr. McAnelly:

The Cache la Poudre Reservoir Company makes its demand and call for the full amount of its Priority No. 28 to fill the Cache la Poudre Reservoir to its 31 feet depth whenever, by the date of that priority there is water available in the Cache la Poudre River and when that priority dated March 17, 1892, has been filled. Our Company also demands that there be delivered to said reservoir the amount of its enlargement Priority No. 61, to bring its gauge height to 34.4 feet whenever there is water in the Cache la Poudre River and not taken by priorities senior.

We also demand that you observe the Final Decree of March 23, 1901, in case No. 1260 in the Laramie County District Court, wherein this Company was plaintiff and The Water Supply and Storage Company, The Colorado Milling and Elevator Company, and Water Commissioner of District No. 3 were defendants, wherein it is decreed,

"2nd. The Water Commissioner of Water District No. 3 insaid state is hereby required and commanded to recognize the said priority of plaintiff to the extent of sixty cubic feet per second outside of the so-called irrigating seasons and when the same is not needed for immediate use for irrigation, as senior to any reservoir storage priorities of defendant, The Water Supply & Storage Company."

Respectfully yours,

sd/ Mort W. Darling         President

sd/ R. O. Cottingham     Superintendent

sd/ William R. Kelly   Attorney for
The Cache la Poudre Reservoir
The District Court decided in favor of the Milling and the Water Supply Companies, but the Supreme Court reversed it, declaring that the "hired abandonment could not stand to the injury of the Cache la Poudre Reservoir Supply."

The case went back in 1898 for retrial and decree and came to the Supreme Court again in 1900, where the Court found for the other parties. The Cache la Poudre Reservoir Company again appealed and was upheld by the Supreme Court which instructed the District Court to enter the decree asked by the plaintiff enjoining the two other companies from interfering with the flow of the so-called winter waters of the Cache la Poudre River, to the extent of 60 cubic feet of water per second until Cache la Poudre Reservoir is filled, as senior to any reservoir priorities of the Water Supply and Storage Company.

Final decree was entered in Larimer County District Court March 23, 1901, in case No. 1260 wherein the Court enjoined:

"2nd. The Water Commissioner of Water District No. 3 in said state is hereby required and commanded to recognize the said priority of plaintiff to the extent of 60 cubic feet per second outside of the so-called irrigating seasons and when the same is not needed for immediate use for irrigation, as senior to any reservoir storage priorities of defendant, The Water Supply & Storage Company."
This injunction applied only as to the Cache la Poudre Reservoir original appropriation of 31 feet depth. The enlargement, a later appropriation dating only from 1902 was not a beneficiary.

The Water Supply and Storage Company did not accept this final decree with grace, and began to disobey it again in 1938, as not applying to its Chambers Lake Reservoir. In an explanation of its 1900 decision in the case the Supreme Court said, in 1908 in the adjudication decision entitled Windsor Reservoir and Canal Co. vs. Lake Supply Ditch Co., 44 Colo. 214, at 227 "The Cache la Poudre Reservoir Co. in a suit . . . "Obtained a decree, which as between their reservoirs then in controversy, made that of the reservoir senior." The court in 1908 declined to give Fossil Creek Reservoir benefit of that injunction, though its river intake also was below Hottel Mill, but declared that as between the Cache la Poudre Reservoir Co. and the reservoirs of Water Supply and Storage Company and the Larimer and Weld Reservoir Company, that 1901 decision is stare decisis, that is a finality.

A lawyer considering further action on the Hottel Mill water would do well to study the explanation of the Hottel Mill water decision by Justice Campbell in the case entitled Windsor R. and C. Co. v. Lake S. and D. Co., 44 Colo. 214 at pgs 228 to 232.
In the 1938 hearing on Cache la Poudre Reservoir Company protest to the State Engineer the other two companies strenuously resisted. The 1938 ruling of Deputy State Engineer C. S. Hazmalhalch is here quoted:

"As a result of such consideration it is our order and instructions to the Water Commissioner that the decree of the District Court in Case No. 1260, is binding upon the Water Commissioner and the Water Supply and Storage Company only as to the priorities of the four reservoirs filled thru the Larimer County Ditch, namely, Reservoir No. 1, or Rocky Ridge Reservoir; Reservoirs No. 2 and 3, Reservoir No. 4, and Reservoir No. 5, or Long Pond Reservoir, having a total capacity in excess of 500 million cubic feet, but only to the extent, and at such times, as there is less than 60 cubic feet per second at the diversion point of the inlet to the Cache la Poudre Reservoir, or when said reservoir is not filled to a depth of 31 feet, and when said owner, the Cache la Poudre Reservoir Company, desires to divert said amount of water therein; that said order of the District Court is not binding upon the Water Supply and Storage Company, or the Water Commissioner of Water District No. 3, as to storage of water in Chambers Lake in accordance with its priorities, as adjudicated by the District Court."

The issue has not again been raised, but it is well to here record the final Supreme Court and District Court setting of this superior right to 60 second feet of water at the Cache la Poudre Reservoir intake on the river. Chambers Lake reservoir was excepted because of priority senior to Cache la Poudre original 1892 priority, and for the same reason, because later, our reservoirs 1902 enlargement priority is not decreed the 60 second feet injunction.
"The Jackson Ditch Case."

In a case decided by the Supreme Court in 1898, Cache la Poudre Irrigating Co. vs. Larimer and Weld Reservoir Co., 25 Colo. 144, our company was not successful in opposing action of the Larimer and Weld Reservoir in using stock in Jackson Ditch to store in Terry Lake Reservoir. James E. Garrigues was our attorney and won in District Court. H. N. Haynes was attorney for the Larimer and Weld, which got an affirmance by the Supreme Court.

The Jackson Ditch takes out of the Poudre at the east edge of Bellevue, irrigates bottom land on the north side, is older than No. 2 Canal. The Larimer and Weld Co. bought stock in the Jackson Co. and began running the water into Terry Lake, for storage. Our Company sought to enjoin this as an enlarged use, because it would apply the water to the greatly larger acreage under Larimer and Weld Canals. The Supreme Court said that evidence that after transfer of water rights more lands were irrigated from the ditch than before does not, of itself establish enlarged diversion; that if no more water is diverted from the stream into the headgate of the ditch, the fact that by a transfer of water rights a greater quantity of land is irrigated thereby is no injury to later appropriators, and they cannot complain of such transfer.

The naturally greater user seemed obvious in that circumstance. The court, 10 years later, saw this probability in a later case and denied the extended use in the "Little Cache la Poudre Case" 43 Colo. 32, where James W. McCreeery represented our company.
Pioneer Ditch Litigation

This was a resistance by the New Cache la Poudre Irrigating Company, against the change into Larimer County Ditch of the Water Supply and Storage Company, extending far out beyond the bench lands nearly to Crow Creek. It was continued over a period of 30 years from June 1, 1899. The water being so changed in place and extent of use was that of the Pioneer Ditch. It had been given priority No. 5 in the 1882 water adjudication decree, being for 12.9 cfs, dating from March 1, 1862, and priority No. 12 for 16.7 cfs, dating from September 15, 1864. The ditch was also, from its founder, known as the Howes Ditch. It was taken out from river sloughs just at the east side of Fort Collins. It originally irrigated a quite limited area of land, which was of loose gravelly soil, and from which the water returned quickly to the stream, well above the Irrigating Company's headgate.

The litigation was begun June 1, 1899 by the Water Supply and Storage Company alleging the right to change the point of diversion from Pioneer Ditch so that it would flow through its "Larimer County" Ditch. The Cache la Poudre Irrigation Company contested the right to change on the ground that it would deprive the stockholders of the return flow and would put the Pioneer Water to an enlarged use. The Larimer County Ditch there got decreed the right to change of 24.66 c.f.s. The Irrigating Company
appealed it. The Supreme Court reversed the case and sent it back for retrial. That case is reported in 29 Colo. Page 459.

The next appellate installment of the case is reported in 49 Colo., Page 1. There the Court, by Justice Campbell, after retrial in 1910, upheld the change of point of diversion, on the ground that, up to that time the evidence had not shown an actual enlarged use was proven to have occurred by the change.

The contest got to the Supreme Court the third time and is there reported, in the decision of 1923, in 74 Colo., Page 1. The New Cache la Poudre Irrigating Company there alleged that notwithstanding the judgment in the change of point of diversion suit an enlarged use had been shown and therefore there should be an injunction against such enlarged use. The Supreme Court held that the showing of enlarged use should have properly been admitted by the trial court because that inflicted a questionable injury upon the New Cache la Poudre Irrigating Company and the case should have gone to trial on this enlarged use by the Storage Company of the Pioneer appropriation.

Justice Campbell wrote the opinion in all three cases.

In the 29 Colorado case H. N. Haynes and Platt Rogers were attorneys for the Irrigating Company. James W. McCreery was attorney for the Water Supply and Storage Company. In the 49 Colorado case, H. N. Haynes, F. J. Annis and Fred W. Stow were attorneys for the
irrigating company, L. R. Rhodes and L. R. Temple were attorneys for the Storage Company. In the third case, 74 Colorado 1, H. N. Haynes again was attorney for the Irrigating Company. L. R. Temple, C. D. Todd and Donald C. McCreery were attorneys for the Storage Company. The case was delayed in getting to third trial in the Larimer County District Court. Confirmation proceedings resulted, whereby the amount of Pioneer Water allowed finally to be transferred was 10.77 c.f.s. from Pioneer Ditch priority No. 5 to Larimer County Canal and 13.89 from priority No. 12 to Larimer County Canal. For use by F. P. Rudolph under Lake Canal, decree in 1920 was entered to transfer 2.15 out of priority No. 5 and 2.78 out of priority No. 12, both out of the Pioneer Canal, limited to use on Rudolph lands near Fort Collins and above No. 2 Canal headgate.

This Rudolph transfer was cut down and again, in part, transferred to the City of Fort Collins.

When the 74 Colo. decision came back to the District Court and order was made in 1925 for the Irrigating Company to file an amended and supplemental complaint. This attorney Haynes did in 1926. But the case, now become stale, was allowed to die for lack of prosecution.

Larimer County Canal No. 2 Irrigating Company vs. New Cache la Poudre Irrigating Company.

This suit was begun by the New Cache la Poudre Irrigating Company.
in the Larimer County District Court by H. N. Haynes its attorney, against the Larimer County Canal No. 2, in which Rhodes, Temple and Foster were the Larimer County No. 2 Company's attorneys. It alleged that senior priorities (No. 14 dating from May 1, 1865) issued originally to the John R. Brown Ditch and transferred in 1907 to the Larimer County Canal No. 2 Company was being put to an enlarged use, in that it was being extended beyond that of the Brown Ditch on the river bottom; further that the water commissioner was failing to take into account the accretions to the river between the headgates of the New Cache la Poudre Irrigating Company and lower down companies with earlier priorities. This case, begun about 1910, was a strenuous contest. It was reversed by the Supreme Court and sent back to the District Court with orders to proceed to hear the evidence.

The effect of the case was to accomplish the result that the water commissioner must allow diversion by a junior, provided a senior ditch down stream, either from regular flow or from accretions from seepage, has the senior's priorities available to it in the stream at the seniors headgate.
Water Adjudication Cases

Finley vs. The New Cache la Poudre Irrigating Company went from the Larimer County District Court to the Colorado Supreme Court and was decided there in April, 1908. The decision is in 44 Colo. 234. It arose out of a decree for adjudicating reservoir priorities on the Poudre River and was a review of various objections to priorities granted certain reservoirs.

The Finley decision repeated the principle that the widening out of the canal so to form a basin of waters temporarily accumulated for immediate irrigation is not a reservoir, but has its appropriation and priority as a part of the tract irrigation appropriation awarded the ditch. It did not hold that such temporary accumulation was illegal. It held that such was a use for temporary accumulation for direct irrigation and was not to be classified as a separate reservoir, entitled to separate priorities.

Another case in the same volume, in which the company was represented by H. N. Haynes, is entitled The Windsor Reservoir and Canal Company vs. The Lake Supply Ditch Company, 44 Colo. 214. It was to contest priorities for reservoir granted in adjudication in the Larimer County District Court.

The result of the Finley Case was to have it adjudged that a stockholder of an irrigation company whose method was to draw the water diverted on a direct irrigation appropriation and accustomed
to impound his share in a natural depression upon his lateral ditch and detain it temporarily in order to accumulate a head, is not entitled to award of a separate priority in respect to such temporary reservoir. The court held that his appropriation, being for immediate irrigation, had already been granted a priority through the ditch company and that this could not be converted into a water storage priority.

In the other case, Windsor Co. v. Lake Supply Company, at 44 Colo. 214, decided in 1908 the Supreme Court held, as between Cobb Lake and Douglass Reservoir, the North Poudre Company, as grantee of the Poudre Valley Reservoir Company, could not switch the appropriation for the Douglass Reservoir site, (which it had sold to the Poudre Valley Reservoir Company, and was attempting to hold out the priority (no. 50) and apply it to other reservoirs (5, 6, 7, 9, of the North Poudre Company), to the Fossil Creek Reservoir site, not having completed the Douglass Lake Reservoir or applied water thereby to any beneficial use.

This case also held that there could not be awarded, to the same works, two separate reservoir priorities of the same date and capacity. This left it that the second filling must begin at a different date if a second use were made by refilling of the reservoir basin capacity.

In the series of cases in 1908, in the 44th Colorado, the attorney for the New Cache la Poudre Irrigating Company was H. N. Haynes. L. R. Rhodes represented Finley, James W. McCreery and C. D. Todd represented the Windsor Company and Rhodes and Temple represented other ditch and reservoir companies.
Transfer Ditch Decrees. Changes of points of diversion.

There were some transfers from time to time, of these early ditch priorities from their original headgates into the pipelines of cities. These were not in the end regarded as detrimental to the New Cache la Poudre Irrigating Company, provided the return flow from the cities got back into the Poudre River above the headgate on the river of the Irrigating Company. This lack of objections was due to two things, partly a reluctance to oppose the farmers trading centers from getting a necessary and dependable municipal supply. Another reason is that experience is proven that about 3/4 of the water diverted from municipal use is not consumed in volume but is returned to the river of the sewers and hence again made available for diversion, whereas a less fraction returns from irrigation use.

Instances of transfers of these early ditch priorities to cities were:

From Yeager Ditch of June 1, 1860 to the City of Fort Collins, 2.65 c.f.s.;

Whedbee Ditch priority No. 6½ on August 1, 1862 of 7.5 c.f.s. transferred to the Greeley pipeline;

John R. Brown ditch priority of May 1, 1865 for 4 c.f.s. transferred to the City of Fort Collins pipeline;

also, to Larimer County Canal No. 2 priority of May 1, 1865 transferred from John R. Brown Ditch to Fort Collins City pipeline.

John R. Brown appropriation, both to the City of Fort Collins pipeline.
But when these transfers began to be made from short ditches through gravely river bottom into upland ditches, longer and taking the water further away from the stream, it became apparent this was to be greatly to the detriment of New Cache la Poudre Irrigating Company and others whose priorities had been dependent upon the return flow from this river bottom ditch use, as well as from the fact that the extravagant priorities awarded those ditch bottoms generally were not exercised or diverted from the river. Hence resulted defensive litigation on the part of the Irrigating Company against further transfers.

The trial courts were rather liberal in granting these transfers in the earlier instances but, experience under the passage of time showed that they greatly depleted the supply on the river upon which the ditches such as No. 2 had depended. Our company board, with others, began contesting these changes of point of diversion, so that they have seldom been granted in the past 50 years.

There was a change allowed to Greeley and Fort Collins of a part of the Boyd and Freeman ditch water which irrigated on the river bottom about 8 miles west of Greeley. The attempt there made was to transfer the priorities of the Boyd and Freeman to other sources. The culmination of that transfer was with strict limitations put upon it.
A part of the Boyd and Freeman priorities which dated from March 15, 1862 was transferred to the City of Fort Collins Pipeline to the extent of 7 c.f.s. and to the Greeley pipeline to the extent of 5 c.f.s. and what remained of this large priority of a total 66.05 c.f.s. was practically declared abandoned at least so as to any part except that which was available at the Boyd and Freeman headgate and without right to call upon other appropriators upon the river to turn down water to satisfy that old priority.

A second Boyd and Freeman priority, No. 30, dating from July 16, 1866, for 9 c.f.s. and a second enlargement, dating from August 1, 1873 for 24.23 c.f.s., were in the decree declared abandoned entirely.

These change of point of diversion suits were settled in 1925 without contested trial and by a negotiated decree. This acquiescence had to be justified chiefly upon the reluctance upon the farmers to contest a dependable water supply for their market towns and also on the consideration that a heavy burden handing over the river by these outstanding "paper" priorities was being gotten rid of for all time, by abandonment decree.
This early litigation of the Cache la Poudre Irrigating Company was by these cases brought by this company against the Larimer and Weld Reservoir Company to enjoin the reservoir company from enlarging the use of the "Jackson" Ditch which had a direct priority. The reservoir company had purchased control of Jackson ditch and was running the water into "Terry Lake." It was alleged this was an enlargement of use and hence contrary to the priority rights of the No. 2 Canal of the Irrigating Company.

James E. Garrigues was attorney for the irrigating company in that case and H. N. Haynes was attorney for the Larimer and Weld Reservoir Company when it was decided in the Colorado Supreme Court at 1898. Garrigues soon became District Judge and later the Colorado Supreme Court Justice.

The Supreme Court held that an actual enlarged use was a violation of the Irrigating Company's right, but the change of use was not proven that actual enlargement of use had been made. They held it was a question of whether a greater quantity of water was actually being used than was being used under the Jackson Ditch before. The evidence they held, did not show such an increased use at that time. But, they held, this did not foreclose the raising of the same question at a later time upon actual proof of use enlarged over what had been the customary use of the Jackson Ditch in direct irrigation.
North Poudre Irrigation Company Reservoir No. 3 siltation case, change of storage elevation and partial abandonment.

From 1941 to 1947 there was pending litigation in the Larimer County District Court a case No. 8383 which, at one of its stages, went to the Colorado Supreme Court. The Supreme Court decision was in 1944 and is reported under the name of North Poudre vs. Hinderlider, Larimer and Weld Reservoir Co., Cache la Poudre Reservoir Co. and Water Supply and Storage Co., intervenors, 112 Colo. 468.

In its original suit, for mandamus, the North Poudre Co. claimed that its Reservoir No. 3 was entitled to an over-all delivery for storage in its No. 3 Reservoir of 125,000,000 cubic feet of water of which priority No. 11 was for a depth of 20 feet from the base of the outlet tube and a capacity of 110,000,000 cubic feet, and that its reservoir priority 29 was for an enlargement to fill the reservoir to a depth of 26 feet, an increase of 6 feet, with the capacity of 125,000,000 cubic feet. It claimed that by deposit of silt the reservoir had become so filled up that it did not hold its original capacity and hence ask that the water commissioner and state engineer be commanded to deliver on its No. 11 priority the full 110,000,000 cubic feet notwithstanding it would exceed 20 feet depth. The water officials and other reservoir intervenors denied the right to fill beyond 20 foot depth or the
equivalent in actual cubical contents. By surveys they had
determined that the reservoir would not hold 110,000,000 cubic
feet at 20 foot depth. The State Engineer in 1940 and 1941
refused to deliver above the 20 foot depth on the priority No. 11
and turned the case over to the other interested reservoir companies
to defend.

The law is that gage height is controlling over estimated
capacities. Gage heights are not easily mis-stated. Estimated
volume capacities, in early adjudications, were often rather freely
over-estimated. District Judge Frederick W. Clark upheld the
motions of the other reservoir companies to require all junior
appropriators to be made parties defendant and given opportunities
to defend the suit.

The Supreme Court held that it was not necessary to make all
other junior water claimants parties to such a suit but upheld the
rights to intervene by those that had appeared. It remanded the
case back to the District Court to allow amendments to the pleadings
and to determine what was equitable in view of the reduction in
capacity insofar as reduction resulted from deposits of silt.

The protesting companies, including Cache la Poudre Reservoir
Company, were not so opposed to some proper gage height adjustment
to take the place of space occupied by siltation. They were opposed
to the volume award of 110,000,000 cubic feet by the Court because
they were convinced from the surveys of their engineers, of whom L. L. Stimson and Theo Moodey were the principal ones, that the reservoir never, even before siltation, had not capacity of 110,000,000 cubic feet at 20 foot depth. These engineers found that in fact its original capacity at 20 foot depth was not more than 68,555,800 cubic feet.

After several amendments the litigation was turned into one of the nature of change of point of diversion. Therein the North Poudre Company sought to have a decree for change the location of storage of 110,000,000 cubic feet up to a height of 25 1/3 feet, instead of the 20 feet, above the base of its outlet tube, for its priority No. 11, and to a depth of 30 1/3 feet on its priority No. 29.

The final decision of the case was a decree of February, 1947 by Honorable George H. Bradfield, as District Judge. It allowed to be stored to a quantity of 68,555,800 cubic feet and to a depth of 25 1/3 feet on the priority 11 and on the priority No. 29 to a depth of 30 feet reducing the total capacity from 125,000,000 cubic feet to 105,818,490 cubic feet. The Court adjudged that the amount of the No. 11 priority, originally estimated at 110,000,000 cubic feet was reduced to 68,555,800 and that the amount of cubic feet of that priority, above that figure was abandoned and that the total amount to be stored under the two priorities, No. 11 and No. 29, was reduced to 105,818,490 cubic feet, although permitted
to be raised in elevation depth. Further "that in determining
capacity of said reservoir under the several priorities herein
mentioned the depth of water, as measured on the gage rod above
the base of the outlet tube as originally located, shall be controll-
ing, irrespective of the cubical capacity as recited in this decree
as to each of said priorities," and assessed the cost of the pro-
ceedings to the North Poudre Company.

The outcome of this case was at last satisfactory to the Cache
la Poudre Reservoir Board after long contest of the case by its
attorneys.
The most recent change of point of diversion suit protested by these two Cache la Poudre Irrigating and Reservoir Companies were three cases, 11564, 11566 and 11572, in Larimer County District Court, brought by Larimer County Canal No. 2, New Mercer Ditch Company and the Sherwood Irrigation Company. They had early decreed priorities in total 426 second feet, to divert from Spring Creek, a considerable tributary which enters the Poudre just east of the south part of Fort Collins. This is above the headgate of Cache la Poudre Irrigating Company's No. 2 Canal. Spring Creek depends on irregular freshet, some seepage, and brief early supplies, not many days available for use.

Those Spring Creek diverters sought to have their Spring Creek appropriations decreed to be diverted from the main stream at their respective Poudre River headgates, in the LaPorte area above Fort Collins. Thereby the bigger stream supply of the river itself would have been available and heavier drafts probable, thereby diminishing that available at our lower heads.

The protests of our companies and of other companies were granted and the changes were all denied by decree of Judge Donald A. Carpenter on November 15, 1955.
The Last "Pioneer Water" Transfer suit.

A change of point of diversion suit was No. 11488 brought by the City of Fort Collins to transfer to its pipelines above the cannon mouth. 4.83 second feet of early priorities Nos. 5 and 12. This was 1/6 of both priorities originally decreed to the Pioneer Ditch, which, on March 29, 1920 had been decreed to be transferred to F. P. Rudolph, for use under Lake Canal. The Cache la Poudre Irrigating and Reservoir Companies watched the progress of this case but did not enter as formal protest. Other companies contested it actively. Since the water use by the City would be for year round, not merely irrigation season, would put its return flow back into the river below their other headgates, but above our reservoir and canal headgates, the intervening ditches might be deprived by the city's greater diversion in number of days of use than were diverted up to then for irrigation use alone. The change thereby might result that our companies would be benefitted by having more water available at their river headgates than if the water were left for use under Lake Canal for irrigation.

Municipal use is generally accepted as returning 70 per cent of the water to the stream through sewer outlets, while irrigation use returns only about 35 per cent of the diversion.

The decree allowing the change, entered June 11, 1955 by Judge Donald Carpenter, imposes specific conditions on the City,
that it must, from its Colorado-Big Thompson sources from outside of Cache la Poudre River supplies, reimburse the river for diversions made between October 15 of each year to the next April 15 by replacing an amount of water equal in amount to that diverted by the City during that "out of irrigation season" period.

The "Pioneer Water" priorities have been a 60 year cause of continuing consideration by the Cache la Poudre Irrigating Company. Its various suits for changes of points of diversion required the services of attorney Haynes for the company from 1898, in various cases contesting its threatened expansion of use. It first went to the Supreme Court in 29 Colo. 469. That was a suit brought by the Cache la Poudre Irrigating Company in 1898 to enjoin such change of the place of diversion being made by the Water Supply and Storage Company.

The change of 5/6 or 10.76 cfs of priority No. 5 and 13.89 cfs of priority No. 12 to Water Supply and Storage Company long contested by New Cache la Poudre Irrigating Company were affirmed in the Colorado Supreme Court 49 Colo. 1 in 1910.

The Court said that the permission to make the change in no way enlarges the right of the petitioner, either as to volume of water or time of use, indicating that enlarged use under the longer canal could later be enjoined, if actually proven. These transfers were quieted by decrees of the Larimer County District Court. Their
reopening on the ground of enlarged use under the change was advised by attorney Haynes, and in 192 was authorized, but he did not file it. The water was transferred from small river bottom acreage to a large one, the 50,000 acres under the Larimer County Canal. Too much time had run under the new use to encourage prospects for success.

The 1/6 remaining, now transferred to Fort Collins would seem to end this disturbing set of early priorities.
Fort Collins Co. v. Larimer and Weld Co.

"The Chamberlain Ditch Case" 61 Colo. 45 (1916).

In this case Cache la Poudre Irr. Co., by our attorney H. N. Haynes, Larimer and Weld Co., by L. B. Rhodes, successfully joined The Greeley Irrigation Co. and City of Greeley represented by Joseph C. Ewing, in defeating an attempt by Fort Collins ditches, Larimer Co. No. 2, New Mercer and Arthur Irrigation Co. by Frank J. Annis, as their attorney where it was sought to transfer an earlier bottom lands, small area, ditch priority to the upstream, larger irrigated area system of canals. The decision by the Supreme Court was in 1916, on a change of point of diversion suit begun by the Fort Collins ditches 6 years earlier. It took a different view from a similar transfer The Supreme Court had allowed in the "Pioneer Ditch" case, where our company was objecting. 29 Colo. 459 and 49 Colo. 1.

In the "Pioneer Case" decision the court, in 1916 held that, while every appropriator of water having a decreed priority, is entitled to have the conditions existing at the time of his appropriation substantially maintained, and that a change in the point of diversion of the water awarded one appropriator will be denied where, as here, it appears that such change will materially injure other appropriators by a draft on the river longer in duration, or volume, or by reducing the seepage return flow to the river which results from the original use.
Now he makes the round trip in one-tenth of the time, maintains the works with one-tenth of the man hours, and is in constant immediate touch with his ditch riders and with repair, operation and river supply conditions, with his two-way radio in his pickup truck.

The writer realizes that not many will take the time to read through this recital. It is, rather, only an index to the history of these companies which constitute the system. He has embellished it some from personal knowledge and research. It is hoped it will be of some interest to those who have had a part in it and to their friends, and to those now in charge and conducting its affairs.

Perhaps it may be of interest to those who are to take over its destinies in days to come.

Respectfully,

WILLIAM R. KELLY

Greeley, Colorado
November 1, 1958
SECRETARY'S REPORT FOR YEAR 1958
THE CACHE LA Poudre
RESERVOIR COMPANY
708 8th Street, Greeley, Colorado
STATEMENT OF CASH RECEIPTS
AND DISBURSEMENTS
FISCAL YEAR ENDED DEC. 15, 1958

Balance in Bank Dec. 15, 1957 - - - - $ 6,575.02

RECEIPTS
Assessments collected on
3000 shares @ $4.00
per share - - - - - - $12,000.00
Refund from Consumers Oil
Company - - - - - - 75.70
State gas Tax refund - - - - 11.50
Certificate transfers - - - - 30.00
Refund on material - - - - 75.00
Refund Directors fees - - - - 10.00
Refund on Insurance - - - - 26.00
Refund on Social Security
Tax paid Government - - - - 10.76
Interest on delinquent
Assessments - - - - - - - .24
Oil lease on reservoir site - - 805.23
Social Security Tax refunds
never cashed - - - - - 1.31

Total Collections - - - - - $13,045.74

Total to account for - - - - - $19,620.76

DISBURSEMENTS
Maintenance labor - - - - $ 1,685.17
Maintenance material - - - 1,055.36
Attorney fees - - - - - - 152.00
Taxes and License Fees - - - 204.01
Superintendent - - - - - 685.38
Watchman - - - - - 1,978.20
Secretary - - - - - - 1,733.27
Directors meetings &
Ditch & reservoir
Inspection - - - - - - 1,095.24
Telephones - - - - - - - - 233.53
Office expense - - - - - - 203.44
Pickup expense - - - - - 276.38
Trucks expense - - - - - 493.65
Insurance - - - - - - - 219.16
Annual meeting expense - - - - 83.92
Association dues - - - - - 120.00
Social Security Tax
paid Government - - - - 276.42
Dragline and Dozer work - - 3,353.00
Two way Radio - - - - - - 172.36
New 851 Ford tractor,
loader & blade, ½ - - - 748.00
New sprayer, ½ - - - - 57.46
Used compressor, ½ - - - 112.50
Total Disbursements - - - - $14,943.45
Balance in Bank Dec. 15, 1958 - - 4,677.31

Total accounted for - - - - $19,620.76

Respectfully submitted,
H. E. MEYER, Secretary

DIRECTORS FOR YEAR 1958
Geo. F. Kern, President
Robert S. Davis, Vice President
Dewey L. Darling
J. B. Wells
LeRoy Johnson

Audited by Ray C. Mueller,
Certified Public Accountant
SECRETARY'S REPORT FOR YEAR 1958
THE NEW CACHE LA Poudre IRRIGATING COMPANY
708 8th Street, Greeley, Colorado
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FISCAL YEAR ENDED DEC. 15, 1958

Balance in Bank Dec. 15, 1957 - - $12,029.18

RECEIPTS
Assessments collected on 2,499.7 shares @ $8.00 - - $19,997.61
Running charge on Reservoir water - - 21,242.83
Long distance telephone calls paid by employees - - 19.62
Refund from Consumers Oil Company - - 151.42
State gas Tax refund - - 22.00
Old refund checks never cashed - - 4.73
Oil lease - - 8.75
Sale of Greeley surplus water - - 4,901.53
Certificate transfers - - 37.00
Refund Directors fees - - 10.00
Refund on material - - 60.94
Refund on Insurance - - 72.00
Refund on Social Security Tax from Government - - 14.42
Refund on Abstract - - 7.35
Total collections - - $46,551.20
Total to account for - - $58,580.38

DISBURSEMENTS
Maintenance labor - - $ 5,803.97
Maintenance material - - 6,152.09
Attorney fees - - 150.00
Taxes and License fees - - 487.06
Superintendent - - 3,726.48
Secretary and Ass't - - 3,918.12
Upper ditch rider - - 3,455.14
Lower ditch rider - - 3,803.04
Headgate keeper - - 3,451.19
Office expense - - 314.43
Directors meetings and Ditch inspection - - 1,174.07
Telephones - - 754.20
Pickup expense - - 567.15
Trucks expense - - 1,175.98
Insurance - - 782.26
Association dues - - 144.00
Annual meeting expenses - - 165.30
Social Security Tax paid Government - - 971.26
Dragline & dozer work - - 3,462.50
Greeley surplus water - - 4,456.00
Refund on running charge on reservoir water - - 883.60
Two way radio - - 172.36
New 851 Ford tractor, loader and blade, ½ - - 1,496.00
New sprayer, ½ - - 114.92
Used compressor, ½ - - 112.50
1 & 6/10 acres at lower end ditch house - - 1,000.00
New building at head of ditch - - 1,286.02
Abstract on 1 & 6/10 acres - - 20.50
Total Disbursements - - $50,040.14
Balance in Bank Dec. 15, 1958 - - $8,540.24
Total accounted for - - $58,580.38

Respectfully submitted,
H. E. MEYER, Secretary

Audited by Ray C. Mueller,
Certified Public Accountant

DIRECTORS FOR YEAR 1958
Geo. F. Kern, President
Robert S. Davis, Vice President
Dewey L. Darling
J. B. Wells
LeRoy Johnson