

A meeting of the Board of Directors was requested by Kathy Haas and was held Thursday October 19th at 3:30 PM at the DeBeque Fire Station. All board members had been notified by phone, text and email. Those present at the meeting were -

Marvin Fender - President
John Hilderbrandt - Vice President - via Zoom
Guy Herwick - Director
Zach Pigati - Director
Kathy Haas - Secretary

Ed Olszewski (Attorney) - via Zoom

Also present - Todd Barton

Meeting called to order at 3:35PM

Guy and Marvin reported that the hole by the Narrows had been repaired and the water was back on - this had been caused by a Beaver.

Marvin asked why he had not seen any paperwork regarding the grants and Kathy explained that it was because we were still waiting for final approval and that she had not received any additional paperwork or documents since the last meeting.

This interaction led to a brief conversation from Kathy and her frustration at where shareholders were getting their information from. It was said how important it was for all Board members to provide accurate and factual information to shareholders as some of the rumors that had been regurgitated have to do with the costs of measuring devices, the possible improvements to the ditch and the amounts and sources of grants for possible future improvements.

Went over notes from the ditch tour with JUB engineering - Kathy, Guy and John toured the ditch with Luke Gingrich from JUB. Another "rumor" was brought up that if we were to measure the water in the ditch (which we already do) and we were not using our full rights, that the state could take our water rights away. Ed confirmed to the Board that this was not true. Although there are some rights that have been challenged through the state, they have nothing to do with use along ditches - only along primary water sources. IF the state were to ever do anything, it would take 10 years of records (historic use) of non-use (abandonment) and even then, it would be subject to an appeal in water court.

An email was received from Brian Sewell and Traeton Hittle (water commissioners) that the current measuring device we have towards the headgate is sufficient for the current state requirements. He asked that the ditch company provide records to Traeton in regards to water levels, when the ditch was on or off for the season and repairs. Marvin said that was the commissioners job to get those numbers. Kathy said she would follow up with the commissioners to see what they were looking for in regards to ditch data. Brian was also asked

when the state would eventually start looking at water issues in District 5 (our District) and he said probably 5 years.

Marvin stated that he was not in favor of measuring devices on head gates since Todd Barton was present in regards to an email that was shared with him from a Mesa County Planner regarding possible requirements for his newly proposed subdivision across from Bass Lake. It was explained to Todd that we had made it clear that no decisions had been made or voted on by the Board, but there were talks with our attorney about what was needed to protect the ditch company. Todd left angry and threatened a Board member with legal action. Todd was referred to Ed for further communications. It was mentioned that the job of the ditch is to ensure that all shareholders are getting the amount of water that they paid for.

The Board discussed who would pay for cleaning and maintaining the measuring devices at the head gates. As the Bylaws currently are written, shareholders would be responsible for this payment. Zach asked if it could be written into the Bylaws that the maintenance of the headgate and any measuring devices be the responsibility of the user(s). Marvin was concerned that it would be difficult to put a measuring device at his shared head gate and Kathy recommended that shareholders that had concerns could have them addressed by the engineering firm.

Zach pointed out that the reason he wanted to be on the Board was that he wanted to know that his rights would still be in place for his son some day. He feels that we need to be proactive instead of reactive since we know that it is not a matter of if - it is when the state starts looking at our water district and wondering what, if anything, we have done in regards to conservation efforts. Requiring measuring devices on headgates would ensure that the ditch is doing their job by ensuring that each shareholder was able to obtain the amount of water that they pay for. Zach said it was our job as Board members to show and prove to shareholders that what we are doing is what is best for the ditch. It is our job to provide information about what our goals are, what we are trying to accomplish and what we are trying to do that would be right for everyone.

John mentioned that until an annual meeting he had no idea that most of the money collected by the shareholders was spend every year putting "band-aids" on the ditch problems and felt a lot of people were not aware of the financial status of the ditch because shareholders were not provided any other information than Cyndie reading an annual report. Financial records that we can make available to the shareholders will be asked for from Cyndie (Treasurer).

Kathy asked if we should create a shortage schedule and Ed thought it to be a good idea.

Ed pointed out that it was important for us to make sure that we followed protocols for the announcement of meetings - currently the Bylaws state that all shareholders have to be notified by mail - Board member will work on improving this as this is the first time they have met more than once a year. Board members are hoping to create and adopt to the Bylaws a digital announcement such as through the website or social media.

Marvin asked if the Board could adopt new Bylaws or if they needed to be voted on by all shareholders. Ed responded that the Board was responsible for making the decisions on these types of matters, but that presenting all new ideas etc keeps the Board activities transparent to the shareholders and allows for them to provide input prior to the Board making any decisions.

The Board wanted to vote to put new Bylaws into place and Ed recommended we do so after a publicly announced meeting to provide transparency and a place for shareholders to share their thoughts if they choose to do so.

The next meeting will be held on Thursday November 16th at 6:30 PM at the De Beque Fire Department. Kathy will draft an agenda for Board approval and mail out notices to all shareholders.

Meeting Adjourned at 5:17PM