



Church Ditch  
Water Authority  
Est. 1865

# Annual Contractual Users Meeting

March 31, 2022



# AGENDA

- Introductions
- 2021 Diversion Report
- 2021/2022 Maintenance Activities
- 2022 Snowpack
- Budget update
- CIP Update
- Reminders
- 2022/2023 planned maintenance
- Questions
- Church Ditch History

# 2021 Church Ditch Diversions at Clear Creek

◦ Total Water DELIVERED	7388.69 AF
◦ Delivery per Inch	1.29 AF/Inch (325,850 Gallons per Af)
◦ Cost to User per Inch	\$131.39 per AF
◦ Average Delivery 2010- 2020	1.07 AF/Inch

# 2021 Operating season

- Ditch start-up began May 4, 2021
- Ditch flush completed May 5, 2021
- Headgates unlocked for deliveries May 6, 2021
- Ditch called out of priority August 23, 2021

# Little Dry Creek Start-Up



# 2021 /2022 Maintenance

- Vegetation control/removal
- Bank re-shaping, cleaning and rehabilitation upstream of Two Ponds Refuge
- Maintenance bridge installations
- Trash rack replacements and installation
- Actuator replacements and solar install
- Warranty work Basecamp Development
- Arapahoe Culvert replacement and extension



# Vegetation removal

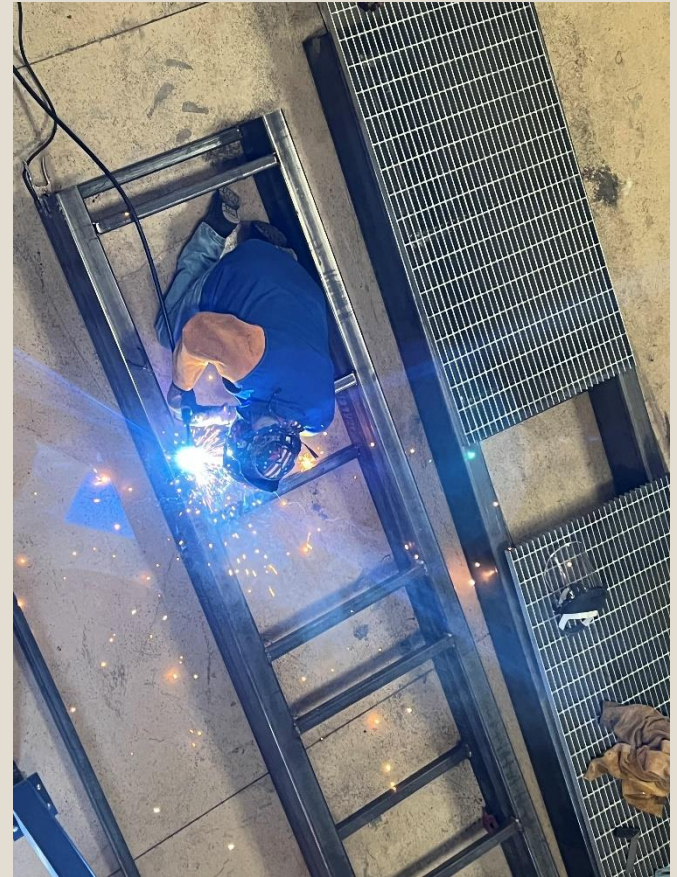


# Upstream of Two Ponds





# Bridge Fabrication



# Trash Rack Fabrication





# Bridges Installed





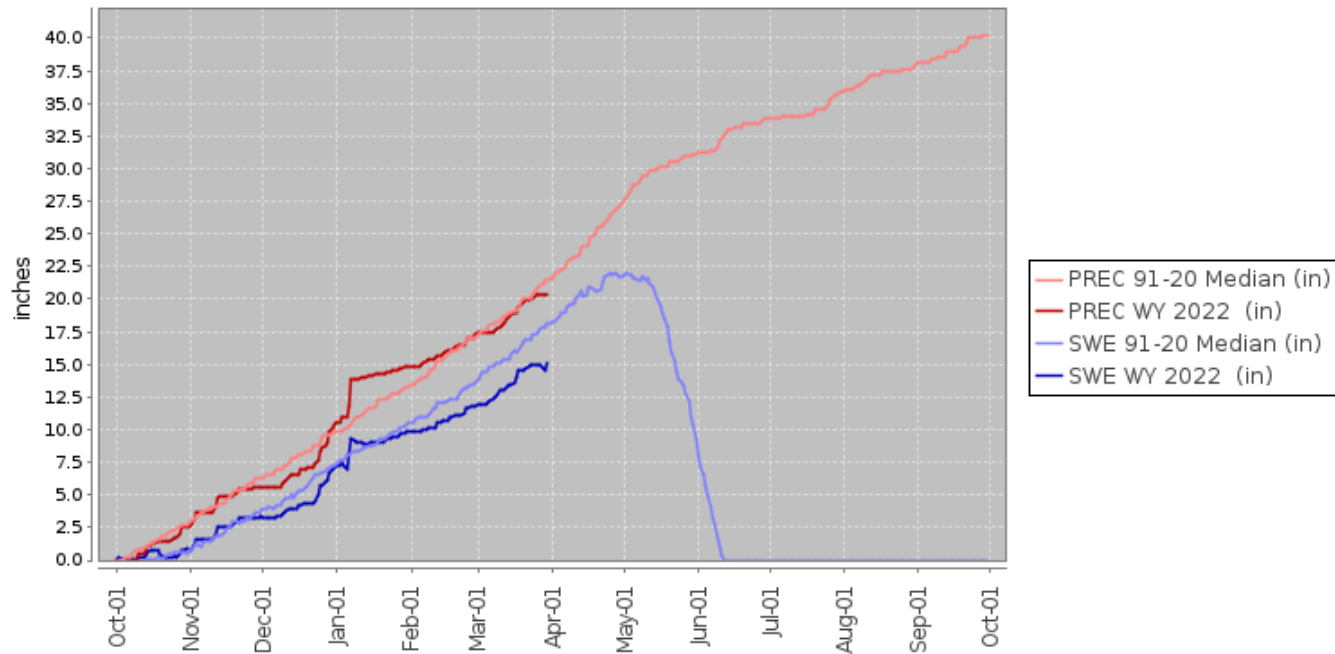
# Coors Tek



# 2022 Snowpack

Berthoud Basin  
(83% on 3/30/2022)

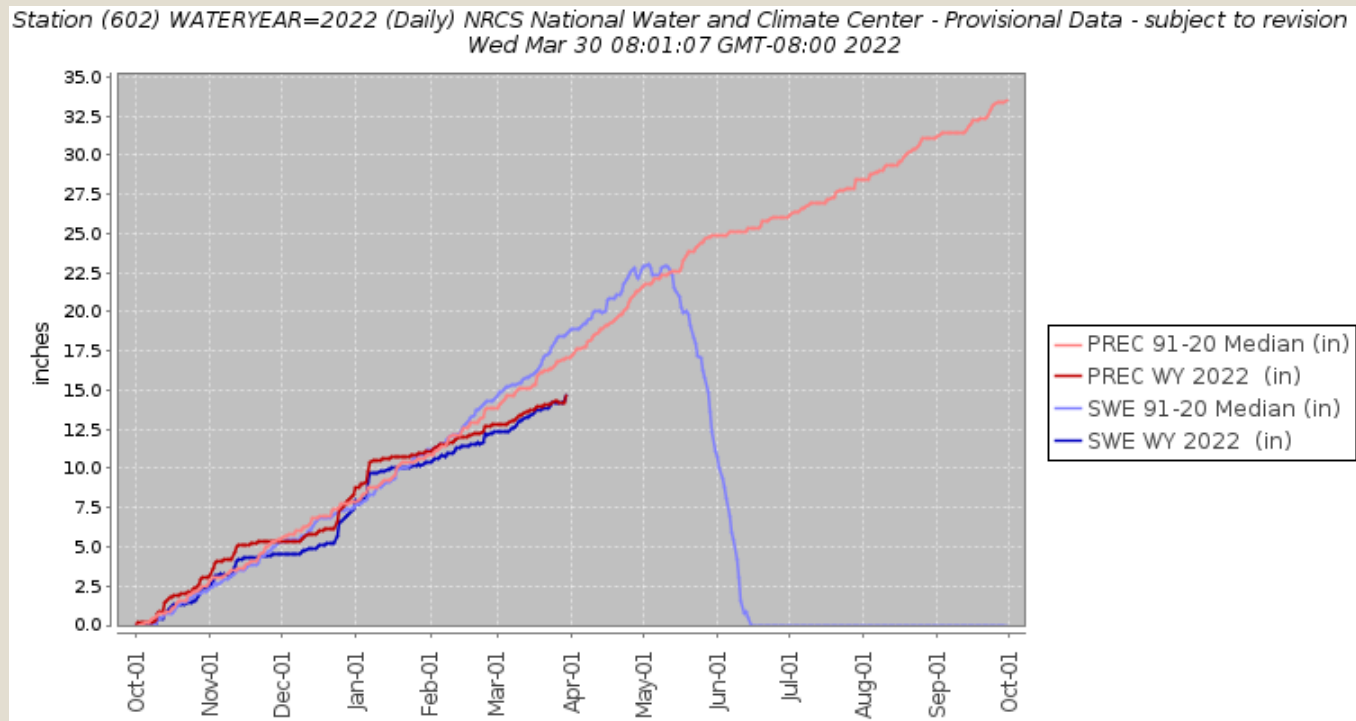
Station (335) WATERYEAR=2022 (Daily) NRCS National Water and Climate Center - Provisional Data - subject to revision  
Wed Mar 30 07:59:25 GMT-08:00 2022





# 2022 Snowpack

Loveland basin  
(78% on 3/30/2022)



# Budget Update

## Revenue

	2021 YE Financials	2022 Adopted Budget
WCRA Reimbursements	\$26,480	\$12,000
CDWA Reimbursements	\$4,448	\$5,000
Assessments	\$975,127	\$1,056,468
Transfer Fees	\$370	\$100
Crossing Fees	\$2,000	\$1,500
Interest Earned	\$784	\$1,075
Bypass Reimbursements	\$59,080	\$104,703
Miscellaneous Revenue	\$4,556	\$0
<b>Total Revenue</b>	<b>\$1,072,845</b>	<b>\$1,180,846</b>

# Operating Expenditures

	2021 YE Financials	2022 Adopted Budget
Legal Services	\$4,914	\$10,000
Engineering Services	\$13,378	\$25,000
Audit and Accounting	\$8,023	\$9,700
General Services	\$7,411	\$15,000
Contracted Services	\$0	\$0
Ditch Maintenance	\$65,744	\$60,000
Vehicle Expense	\$10,242	\$15,000
Communication and IT Services	\$25,149	\$23,000
CIRSA Insurance	\$11,688	\$12,500
Operating Supplies	\$21,865	\$30,000
Energy/Utilities/Fuels	\$34,588	\$32,000
Capital Equipment	\$0	\$30,000
Payroll Expenses	\$332,994	\$344,604
WCRA Operating Services	\$24,755	\$10,500
<b>Total Operating Expenditures</b>	<b>\$560,751</b>	<b>\$617,304</b>

# Capital Improvement Projects

	2021 YE Financials	2022 Adopted Budget
W. 82 <sup>nd</sup> Improvements	\$0	\$0
CIP Improvements	\$96,145	\$737,825
Headgate/Flume Replacement	\$17,060	\$20,000
CWCB Loan	\$114,113	\$114,113
CWCB Loan Reserve	\$0	\$11,411
CIP Reserve	\$60,000	\$50,000
<b>Total CIP Expenditures</b>	<b>\$287,318</b>	<b>\$933,349</b>

# Reminders

- Assessments are due tomorrow April 1, 2022.
- Please call or e-mail to request your water. We will not open your gate without a formal request.
  - 303-423-6010
  - nmccoy@churchditch.org
- Please make sure that your flume and laterals are cleaned prior to April 1, 2022 in preparation of water deliveries.
- If you have questions about the condition of your measuring device, please let us know.
  - We will not deliver water to a headgate that cannot measure deliveries. Please maintain these structures.
- The website will be updated frequently with updates on projects and with important information.

[www.churchditch.org](http://www.churchditch.org)



# 2022/2023 planned maintenance

- Continue vegetation removal
- Routine ditch shaping and rehab
- Bypass capacity improvements
- Culvert Replacements
- Headgate replacements
- Bridge and trash rack installations

QUESTIONS



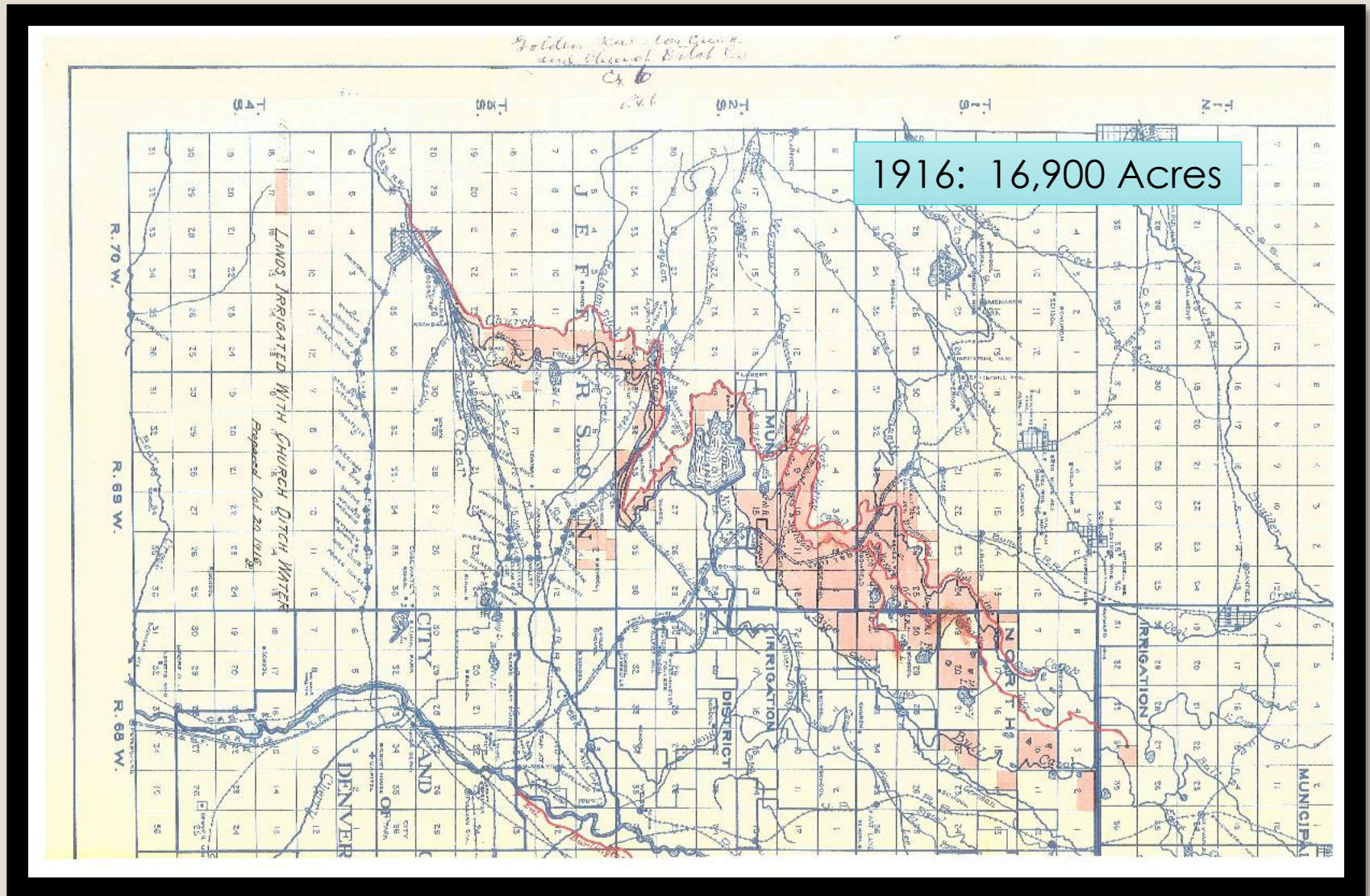
## A Brief History of the Church Ditch

- Fischer, Brown, Bartlett & Gunn, P.C.

# Introductory Note...

- The information in this presentation is based on FBBG's research as of August 19, 2014. A lot of the information is from anecdotal historical information found in old FRICO correspondence, and the information hasn't necessarily been verified by multiple sources. Some sources even present conflicting accounts of the historical facts. Additional information may come to our attention which could alter the facts presented herein.
- So, don't take this as Gospel, but we think it's a reasonable account of the history surrounding the Church Ditch.

# The Church Ditch





# Overview

- Unlike most ditches, the Church Ditch has been owned and/or operated by many entities throughout its history:
  - The Golden City and Ralston Creek Ditch Company (a mutual ditch company)
  - The Golden City, Ralston Creek and Church Ditch Company (a “hybrid” company)
    - George H. Church
    - Denver Reservoir Irrigation Company
    - Farmers Reservoir and Irrigation Company
  - The Church Ditch Company
    - The Cities of Northglenn, Broomfield and Westminster
  - The Church Ditch Water Authority

# The First Company: The Golden City and Ralston Creek Ditch Company

- Incorporated January 9, 1865 for a term of 20 years.
- Incorporated as a mutual ditch company.
- Constructed first 10 miles off Clear Creek to the North Bank of Ralston Creek, or thereabout.
  - Note: there is conflicting information on the original length of the ditch.
- Issued 100 shares of capital stock.
- McQuiston, Kinnear, Alford, original incorporators.

# George H. Church

- In 1877 the First Company leased the Church Ditch to George H. Church.
  - Lease dated October 29, 1877.
  - Term of lease was 49 years.
  - Church agreed to provide water to the original shareholders of the company free of charge at a rate of 12 inches per share.



# What is an “Inch” of Water?

- Defined by Statute in 1891:

“...water sold by the inch by any individual or corporation shall be measured as follows, to-wit: Every inch shall be considered equal to **an inch square orifice** under **a five-inch pressure**, and a five-inch pressure shall be from the top of the orifice of the box put into the banks of the ditch, to the surface of water...

- Consistency of application questionable...

# What is an “Inch” of Water?

- Statutory definition equates (physically) to about 44.62 inches/cfs.
- “Miners Inch” typically refers/equates to 38.4 inches/cfs.
- Custom varies by ditch company, but as long as the measurement method is consistent throughout, each owner gets equitable share.
  - But, can't reliably use “inches” to convert to flow rates in CFS.



# Enlargement and Extension of the Church Ditch 1877-1884

- George Church enlarges and extends the Church Ditch:
  - 1877, 1<sup>st</sup> Enlargement: Changed grade of ditch, and extended to total length of 28 miles.
  - 1878, 2<sup>nd</sup> Enlargement: Capacity increased.
  - 1881, 3<sup>rd</sup> Enlargement: Capacity increased.

Note: this is generally per the testimony in CA60052, obtained as part of 12CW303.

# Why was the ditch extended?

- Here's what we believe may have happened, generally:
  - George Church leased the Church Ditch in order to expand it and extend it to his own ranch.
  - In order to finance the extension, Church sold water from the ditch.
  - The final extension made delivery to additional paying customers under new ditch systems:
    - Dry Creek Valley Ditch (circa 1884).
    - Broomfield Highline (circa 1890).
    - Graves & Dollison (Equity) Ditch (prior to 1884).

# What is a “Statutory Inch”?

- In 1879 the Colorado General Assembly Enacted the following statute:

“Any person or persons, acting jointly or severally, who **shall have purchased and used water for irrigation for lands** occupied by him, her, or them from any ditch or reservoir, and shall not have ceased to do so for the purpose or with intent to procure water from some other source of supply, **shall have a right to continue to purchase water to the same amount** for his, her or their lands, on paying or tending the price thereof fixed by the county commissioners as above provided, or, if no price shall have been fixed by them, the price at which the owners of such ditch or reservoir may be then selling water, or did sell water during the then last proceeding year...

Sess. Laws 1879 p. 96-7; now codified in C.R.S. 37-85-102.

# Thus, “Statutory” Water Users

- Derives from English common law – “Common Carrier” ditches.
- Hence, “Carrier Ditch Company” (there are other types of common carriers).
- The Church Ditch is a Carrier Ditch Company, but for a time, it was both a Carrier Ditch Company, and, in some respects, a mutual Ditch Company.

# Carrier Ditch Companies

- Obligation to deliver water to consumers, provided the consumers continue to pay the rate set by the company.
- Increases in rates must be approved by Board of County Commissioners.
- **Water rights are owned by the Company – not the inch holders.**
  - This is the critical distinction between a Carrier Ditch Company and a Mutual Ditch Company.

# 1884

- By 1884, there were (probably) both “statutory users” and “free” users.
  - Statutory users obtained their right by operation of law (statute).
  - Free users refer to the original shareholders of the Golden City and Ralston Creek Ditch Company (the First Company).

## The Second Company: The Golden, Ralston Creek, and Church Ditch Company

- The Second Company was formed around 1884
  - We know this because the original, 1884 water rights adjudication, refers to both companies.
- Incorporated January 9, 1885.
  - 20 years after the original company.
- Took over ownership and operation of the Church Ditch.
  - Note: 49 year lease to George Church still in effect.
- Issued 300 shares, some issued in exchange for stock in the original company.
- Churches became majority stock holders in the Second Company (~190 shares).
- Some stock in both companies still outstanding as of 1914.



# Enlargement and Extension, 1884 - 1915

- 1886, 4<sup>th</sup> Enlargement: Capacity increased.
- Circa 1909, 5<sup>th</sup> Enlargement: Extended to Woman Creek, Sec. 18.
- Circa 1915, 6<sup>th</sup> Enlargement: Extended 2 miles to Sec. 8, approximate location of Dry Creek Valley Ditch.
  - May have been relocated due to construction of Standley Lake.

# Church Ditch Water Rights

- 1884 Water Adjudication: Church Ditch awarded four priorities.
  - **February 28, 1865 for 41.43 cfs.**
  - November 18, 1877 for 18.26 cfs.
  - November 15, 1878 for 18.85 cfs.
  - November 20, 1881 for 32.34 cfs.
- Transfer decree: additional 2.15 cfs.
- 1936 Water Adjudication (CA60052): Additional absolute and conditional rights from Clear Creek and Ralston Creek.

# Church Ditch Water Rights

Date Entered	Case No.	Court	Priority No.	App. Date	Amount (cfs)
10/04/1884	6963	Arapahoe	21	06/01/1862	0.90
10/04/1884	6963	Arapahoe	40	02/28/1865	41.43
10/04/1884	6963	Arapahoe	44	05/16/1865	1.25
10/04/1884	6963	Arapahoe	62	11/18/1877	18.26
10/04/1884	6963	Arapahoe	65	11/15/1878	18.85
10/04/1884	6963	Arapahoe	66	11/20/1881	32.34

\*Source: Ralston Creek

# The Denver Reservoir Irrigation Company

- DRICO (a corporation organized in the State of Maine) began acquiring ditch and reservoir. companies in the Denver area in the early 1900's.
- Acquired the Church Ditch on June 1, 1907:
  - The Second Company conveyed all right, title and interest in the Church Ditch to DRICO.
  - The Churches (George and son John) conveyed their shares in the second company to DRICO.
  - George Church conveyed the 49 year lease.
  - Churches acquired 450 inches from the Church Ditch.
  - Specified that the total number of inches issued by DRICO limited to 5,247.

## DRICO becomes majority shareholder in the Second Company

- With the conveyance of the Churches' shares to DRICO, DRICO became majority shareholder in the Second Company.
- Shortly thereafter, DRICO voted to increase the total number of shares to 2,000.
  - Some "water" shares were outstanding from the original company and the second company, and were not surrendered for reissue.
  - Remaining shares represented shares in the corporation (no water entitlement).



# DRICO goes bankrupt, enter FRICO

- DRICO became insolvent sometime in the late 1910's, early 1920's.
- The Farmers Reservoir and Irrigation Company acquired the Second Company from DRICO around 1923.
- Note: Around this time, of the 450 inches reserved by the Churches, 400 were conveyed to the Mandalay Irrigation Company (a mutual ditch company).
- Over time, remaining shares in First and Second Company surrendered in exchange for statutory inches (we believe).

# FRICO Involvement 1920-1978

- Owned majority of shares in, and operated the Golden City, Ralston Creek, and Church Ditch Company (the Second Company).
- Not clear whether the Second Company had a separate board of directors; FRICO minutes indicate FRICO carried the affairs of the Second Company within FRICO's regular board meeting.
- FRICO also owned various number of inches in the Second Company over the years which may have been delivered in the FRICO-Standley system (not clear).

# Municipal Involvement

- Arvada and Broomfield (and perhaps Westminster) began acquiring Church Ditch inches in the 1950's.
- Broomfield probably began using water from the Church Ditch by at least the 1950's, maybe sooner.
- Anecdotal information suggests Golden used water from the Church Ditch in the early 1900's.
- Coors Brewing Company completes first change of use of Church Ditch inches in 1977.
  - Decree established depletion (CU) percentages for Church Ditch deliveries – the “Coors Factors”.

# Church Ditch Ownership Transfer 1978-2004

- 1978: Northglenn contracts for the purchase of the Second Company's assets.
- 1978: Broomfield sues Northglenn to prevent Northglenn's acquisition of the Church Ditch (78CV1228).
- 1979:
  - "Church Ditch Company" incorporated by Northglenn representatives to take over operation of the Church Ditch.
  - Northglenn files application to change 415 Church Ditch inches (majority acquired from FRICO prior to 1978).

# Church Ditch Ownership Transfer 1978-2004

- 1979 (cont.):
  - Second Company deeds its assets to FRICO in liquidation, FRICO succeeds in interest to the 1978 Northglenn purchase contract.
- 1983: Northglenn assigns 1/3<sup>rd</sup> interest in the 1978 purchase contract to Broomfield. This effectively settled the 1978 lawsuit by Broomfield.
- 1987: FRICO quitclaims Church Ditch to Northglenn
- 1995: Broomfield conveyed its 1/3<sup>rd</sup> interest in the Church Ditch to Westminster.
- 2004: Westminster and Northglenn form the Church Ditch Water Authority and deed title to the Church Ditch to the CDWA.



# Church Ditch Water Authority Ownership



# CDWA – Rights and Obligations

- A quasi-governmental agency.
- Owns and operates the Church Ditch.
- Has statutory obligations to continue to provide water to inch “owners”.
- Any water not needed by inch owners is available to the owner(s) of the Church Ditch (i.e., Northglenn and Westminster) by operation of law.
  - EXCEPT: use of the water by Northglenn and Westminster must be authorized by court decree.

# CDWA – Rights and Obligations

- CDWA has the right to establish reasonable rules and regulations for the distribution of water to inch holders.
- CDWA distributes available water pro-rata to inch holders.
  - If any inch holders do not desire to take their entitlement, that water must first be delivered to other inch holders to the extent there is demand.
  - Any water in excess of inch holders' demands is available to the owners of the Church Ditch.

Questions