

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF THE  
PUEBLO CONSERVANCY DISTRICT

July 10, 1934

A meeting of the Board of Directors of The Pueblo Conservancy District was held in the office of the District at 2 P.M. July 10, 1934.

The meeting was called to order by John M. Holmes, President of the District.  
Directors present: Holmes; Mathis and Pryor.

The minutes of the meeting of June 7, 1934 were read, and upon motion approved.

The following bills were read and allowed, vouchers being ordered drawn on the Treasurer for same:

|      |                                  |           |
|------|----------------------------------|-----------|
| 9888 | First National Bank, Pueblo      | 69,400.00 |
| 9889 | Wilmington Savings Fund Society  | 1,250.00  |
| 9990 | Knights Life Ins. Co. of America | 600.00    |
| 9991 | Winifred Cross                   | 100.00    |
| 9992 | Southern Colorado Inv. Co.       | 41.00     |
| 9993 | First National Bank, Pueblo      | 34.50     |
| 9994 | State Compensation Ins. Fund     | 2.25      |
| 9995 | Samuel T. Jones Jr.              | 5.00      |
| 9996 | Benj. M. Koperlik                | 1.20      |

The Secretary was asked to write Judge Voorhees with regard to the Treasurers bill of \$668.32 as to what action had been taken on same.

A letter was read from L. W. Creager asking for consideration of making him a lease for placer mining on District land owned at the Rock Canyon Barrier. It was moved and seconded that the letter be referred to Chas. M. Rose for his opinion as to the legality of making such lease.

The Secretary of the Bessemer Ditch Company was present at the meeting and presented the following letter with regard to the sluice gate at the Barrier:  
June 28, 1934

The Pueblo Conservancy District,  
Pueblo, Colorado.

Gentlemen:

On June 7th we sent you a copy of a letter which we received from the D&RGW RR. as a result of our investigation with Mr. Puder, Division Engineer, of the pipe installed by the District under the Railroad Company tracks at mile post 125 plus 3433 feet.

The Railroad Company was very emphatic in their decision that this pipe was not accepted to carry the water from the emergency sandgate of the Bessemer Ditch, and that they were not consulted in any way to its carrying capacity. It is the desire of the Bessemer Ditch Company to use this

sandgate, and we believe that the District should complete its work by installing pipe or pipes sufficient to carry the amount of water which the ditch will carry and will have to discharge at this point.

The Railroad Company further advised us that you will have to grant the Right of Way for the use of the culvert or culverts under their tracks.

This sandgate is very important to have in working order in case of emergencies and it is our desire to have this work done as soon as possible. We would appreciate hearing from you in regard to how soon you will put it in usable condition, satisfactory to the Railroad Company and ourselves, and also granting us a Right of Way for the water discharged through the Conservancy land and under the Rio Grande Railroad tracks.

The records of the Ditch Company show that this work was never accepted and repeated requests were made to have it finished.

Yours very truly,

THE BESSEMER IRRIGATING DITCH COMPANY

By (Signed) A. G. Chamberlain Jr.  
Secretary.

After some discussion the following letter was dictated by Mr. Holmes in answer to Mr. Chamberlain's letter:

July 10, 1934

A. G. Chamberlain Jr., Secretary,  
The Bessemer Irrigating Ditch Co.  
Pueblo, Colorado.

Dear Sir:

With reference to the meeting of the Board of Directors of the Pueblo Conservancy District in our office this date at which time you presented certain letters to the District regarding the four foot concrete pipe underneath the D&RGW right of way at Mile Post 125 plus 3433 feet, which pipe is intended to carry the water from the sluice gate in the Bessemer Ditch. In these letters it is stated that the pipe is not of adequate size to carry the head of water that would be released by the headgate. A letter from the Railroad states that they received and installed the pipe but that they were not consulted as to its carrying capacity.

It seems a rather strange proposition to the present Board of Directors of the Conservancy District that Mr. Puder, Division Engineer of the D&RGW RR would receive this pipe knowing for what purpose it was intended; that he would install same under the railroad right of way and that the railroad would accept the Conservancy District's money for the installation of this job without them having something to say regarding the size of the pipe. It would seem to the present Board of Directors of the District that the railroad company knew of the size and the purpose of this pipe and that if they accepted and installed this

pipe without registering a protest as to its carrying capacity, that then they are liable for any action that might be caused by the water coming from the sluice gate of the Bessemer Ditch. Most certainly they must have had something to say regarding the size of that pipe or on the other hand if they were not consulted at the time the pipe was purchased then they should have registered their protest that the pipe was not of sufficient size to properly protect their right of way.

We therefore feel that the responsibility of the size of this pipe and the responsibility for the protection of the D&RGW RR right of way at this point is entirely a proposition up to the railroad company and not up to the Conservancy District. As to the right of way under their tracks for the carrying of this water we believe that it is a matter between the Bessemer Ditch and the D&RGW RR Co. to grant that right of way. So far as the Conservancy District is concerned we are perfectly willing to grant a right of way from the sluice gate over their own property. We feel that under the circumstances it is up to the Railroad Company to see that its own right of way is ripped and properly protected, not only from ordinary drainage but from flood water that might wash its bank and the Conservancy District does not feel that they are in any way responsible for anything that might be caused from overflow of the Bessemer Ditch.

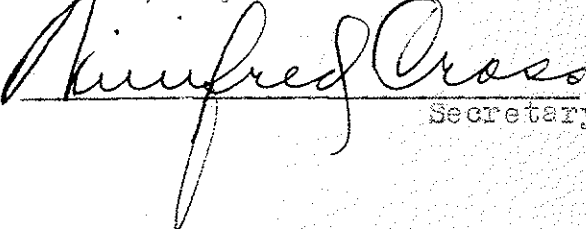
Yours very truly,

THE PUEBLO CONSERVANCY DISTRICT

By (Signed) John M. Holmes,  
President.

It was suggested by Mr. Pryor that the government might be approached with regard to a plan for re-financing of the Pueblo Conservancy District, with a view to paying off the present issue of bonds and reissuing bonds carrying a lower rate of interest. Mr. Holmes was requested to get in touch with Senator Alva B. Adams or Congressman Martin with regard to this matter.

There being no further business to come before the meeting, it was, upon motion, adjourned.

  
Secretary