

## Meeting Minutes and Records

October 1904 – August 1916  
Volume 2 – Pages 46 – 91, Dated January 29, 1909 through January 14, 1913  
Grand Valley Water Users Association  
Grand Junction, Colorado

### Transcription Notes:

Notes were transcribed *verbatim* as much as possible, to preserve them as they were written. The exception would be that by doing so, the meaning or intent of the content would be significantly altered, given modern usage. The spellings of some names were not consistent throughout the record, On occasion, a word or words in parentheses and italic font are inserted for clarification. These are not part of the original document.

The bracketed numbers in bold font on the left, such as **[1]**, correspond with the stamped, numbered pages in the original document. This was done for ease in locating specific information in the original document.

Some handwriting was difficult to decipher. In these cases, the questionable words or passages are highlighted in yellow, so the reader may reference the original document, located at the Bureau of Reclamation office.

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Minutes of an adjourned meeting of the Board of Directors of the Grand Valley Water Users' Association held Friday January 29<sup>th</sup> 1909 as per adjournment of January 23<sup>rd</sup>, 1909.

Meeting was called to order at 10:15 a. m. by former President Delaplain who asked for roll call. Members present: Wallace, Blakslee, Aupperle, Delaplain, Campbell, Smith, Merritt, Jaynes, Lynch, Hunter, and Hynes.

Minutes of the annual meeting of the called meetings of January 18<sup>th</sup> and 23<sup>rd</sup> were read and approved.

The first order of business, that of electing officers for the ensuing year was next taken up.

M. O. Delaplain was nominated for President and elected by acclamation.

F. F. Merritt was nominated for Vice President and was elected by acclamation.

D. W. Aupperle was chosen for temporary Secretary.

W. S. Wallace was nominated for Treasurer and elected by acclamation.

The election of an auditor was on motion laid over for some future meeting.

The question of salary for permanent Secretary was taken up for discussion and on motion was fixed at \$125.00 per month for the ensuing year. On motion it was ordered that a warrant for \$400 be drawn in favor of D. W. Aupperle for back salary in full payment to Feb'y 1<sup>st</sup> 1909.

D. W. Aupperle was then placed in nomination for permanent Secretary for the ensuing year and elected by acclamation.

The committee of five formerly appointed to act in conjunction with a similar committee acting for the land owners in the Mesa County Mutual Irrigation District in the matter of damages to lands by reason of building the High Line Canal through the said district was       ?       by vote of the Board. The committee consists of the following members: Delaplain, Wallace, Smith, Blakslee and Aupperle.

The President was on motion instructed to appoint an executive committee of three members to act upon questions coming up requiring prompt action. The President appointed... *(no one listed in original document)*

It was moved, seconded and carried that the Secretary be empowered to draw warrants for fixed expenses, salary, notes, and lights as they come due.

On motion, it was ordered that a one-fourth-page ad be placed in the National       ?       of Chicago for one issue at a cost of \$25.00,...

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...advertising for sale \$125,000.00 of four-year 6% Water Users' Association certificates.

The right-of-way committee then made a verbal report of the work done. After some discussion the meeting was adjourned to meet at one-thirty in the afternoon, to meet with right-of-way committee from Palisade.

D. W. Aupperle, Secretary

The Board of Directors met at one-thirty p. m. on January 29, 1909 as per adjournment. All members present, also Messrs. Potter, Bancroft, Port, Nessler, Shideler, Bowman, Rait, and Harrison of Palisade, and Sands, Easley and Alexander of the Reclamation Service.

A form of agreement was presented which set forth the terms and conditions for a proposal basis for settlement of the damages to the land owners in the matter the High Line right of way was presented by the committee from the Water Users' Association for consideration. After much discussion, the joint meeting was adjourned at 6:15 to 8:30 to give time for redrafting the proposition for further consideration. The Board of Directors then on motion authorized the President and Secretary to sign the revised agreement on the approval of the committee of five on right of way.

The joint committee met at 8:30 as per adjournment and after some discussion adjourned to meet Saturday afternoon, January 30<sup>th</sup> 1909.

D. W. Aupperle, Sec'y.

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At a meeting of the committee appointed by the Board of Directors of the Grand Valley Water Users' Association held Feb'y. 1, 1909 to consider the matter of damages to lands on the rights of way of the Government Canal through the Mesa County Irrigation District in the Grand Valley the following resolution introduced by W. S. Wallace, seconded by James H. Smith was adopted by unanimous vote.

“Believing that the settlement of the matter of the right of way through the Palisade district is a condition precedent to the signing of the contract for building of the Government Canal by Secretary Garfield and on the theory that it is better for the Water Users' Association to agree to the excessive price fixed by the Palisade association than to delay the execution of this contract and the early construction of the canal,

Therefore, we, the committee do hereby approve the draft of the contract and recommendations submitted, and the President and Secretary of the Water Users' Association are hereby authorized to execute same on behalf of said association. The motion was carried by a unanimous vote of the five members of the committee.

Signed            W. S. Wallace  
                         M. O. Delaplain  
                         James H. Smith  
                         M. W. Blakslee  
                         D. W. Aupperle

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Minutes of a called meeting of the Board of Directors of the Grand Valley Water Users' Association held Wednesday, March 10<sup>th</sup>, 1909. Meeting was called to order at 3:20 p.m. by President Delaplain. Roll call showed the following members present: Aupperle, Blakslee, Campbell, Delaplain, Hunter, Jaynes, Lynch, Merritt, Smith, and Wallace.

Minutes of the previous meeting were read and approved.

A report of the work of the joint committee appointed to take up the question of rights of way through the Mesa County Mutual Irrigation District was submitted and ordered made a part of the records.

The members of this local committee reported having directed Secretary Aupperle to proceed to Washington D. C. at once on Feb'y. 1<sup>st</sup> to urge prompt execution of the contract between the Government and the Association.

Secretary Aupperle next made a report on his late trip to Washington, of the work done and the final signing of the contract by Secretary of the Interior Garfield. The contract as signed was then read, together with communications from Secretary Garfield and Director Newell relating to the

formal contract yet to be entered into between the Government and the Association. The formal contract was then read.

On motion, it was ordered that a special election of the shareholders of the Association be held on Saturday, March 27, 1909 at 550 Main St. Grand Junction at ten o'clock a. m., polls to close at noon, and the Secretary was instructed to issue call for such election in the manner prescribed by the by-laws, in section three, and that D. W. Aupperle, M. W. Blakslee, and H. E. Easley act as judges of said election.

On motion of Smith, seconded by Merritt, it was ordered that office room be engaged of W. S. Wallace in his building at 550 Main at \$25.00 per month including light, heat, and janitor services.

It was moved by Smith that when this meeting adjourns it shall be to meet on March 27<sup>th</sup>, 1909 at 3 o'clock p.m. Carried.

Moved and carried that the Secretary be instructed to issue a general call for payment of the funds subscribed to the special fund of \$125,000.00.

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Moved and carried that a formal invitation be extended to Director Newell to hold the annual meeting of the District Engineers for 1909 in Grand Junction.

On motion, it was ordered that Ben Griffith be retained as attorney for the Association on a basis of \$250 per annum.

On motion it was decided to join with the Chamber of Commerce in entertaining President Darwin P. Kingsley of the New York Life Insurance Co. on his "Hence coming" visit to Grand Junction.

The security bond secured by Treasurer Wallace was on motion approved and premium of \$75.00 ordered paid by the Association.

On motion the President was instructed to appoint a committee of three to draft suitable resolutions commending the work done by Secretary Aupperle in the negotiations with the Government officials for the contract assuring the building of the Grand River Project by the Government. The President appointed Wallace, Campbell, and Merritt as such committee.

On motion the meeting adjourned.

D. W. Aupperle, Sec'y.

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Minutes of a special meeting of the Board of Directors of the Grand Valley Water Users' Association held March 20<sup>th</sup> 1909 on call of the President for the purpose of considering a petition from Frank McClintock asking for the release of the north  $\frac{3}{4}$  of the SE  $\frac{4}{4}$  of the NE  $\frac{4}{4}$  of Section 5 H.1 south, R. I. east of the Ute P. M. under contract signed March 10<sup>th</sup> 1905 and recorded March 10<sup>th</sup> 1908.

Meeting was called to order at ten o'clock a. m. by the President. Members present - Aupperle, Blakslee, Delaplain, Hunter, Jaynes, Merrett, Smith, and Wallace.

The petition of Mr. McClintock was read and discussed at length. It appeared that the land under this contract had been included in and bonded under the Mesa County Mutual Irrigation Co. without Mr. McClintock's knowledge and before his contract with the Water Users' Association was recorded. Mr. Ben Griffith, attorney for the Association, in a written opinion gave it as his opinion that under these conditions Mr. McClintock is entitled to release from this association.

On motion of Mr. Smith, it was ordered that a proper release be granted subject to approval of the Interior Department.

On motion the meeting adjourned.

D. W. Aupperle, Sec'y.

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Minutes of an adjourned meeting of the Board of Directors of the Grand Valley Water Users' Association held Saturday, March 27<sup>th</sup> 1909 as per adjournment of March 10<sup>th</sup> 1909.

Meeting was called to order at 3:15 p. m. by President Delaplain. Roll call showed the following members present – Aupperle, Blakslee, Campbell, Delaplain, Hynes, Jaynes, Merritt, and Smith.

Minutes of the adjourned meeting of March 10<sup>th</sup> and the special meeting of March 20<sup>th</sup> were read and approved.

The Judges of the special election of the shareholders called and held March 27<sup>th</sup> 1909 beginning at ten o'clock a.m. and closing at noon, for the purpose of voting on the approval of the final contract submitted to the association by the Government, and for the purpose of authorizing the Board of Directors to execute this and other contracts necessary in carrying out the plans for constructing the Grand Valley Canal Project by the Government, filed a written report which was on motion received, adopted, and ordered made part of the records.

The report showed that 12,495 shares of stock were voted, all of which were cast in favor of approving the final contract. This being a majority of all the shares outstanding, the Judges declared the approval of the contract carried.

On motion, the President and Secretary were authorized to execute the contracts approved by the shareholders.

On motion, bill of \$100 for Smith Premier typewriter was allowed.

On motion bill of Secretary Aupperle for expenses to [REDACTED] on recent trip amounting to \$124.85 was allowed.

On motion meeting adjourned to meet May 4<sup>th</sup> 1909.

D. W. Aupperle, Sec'y.

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Minutes of adjourned meeting of the Board of Directors of the Grand Valley Water Users' Association held May 4<sup>th</sup> 1909 as per adjournment of March 27<sup>th</sup> 1909.

Meeting called to order at 3:15 p.m. by Vice-President Merritt in the absence of the President.

Members present – Aupperle, Blakslee, Campbell, Jaynes, Merritt, Smith, and Wallace.

Minutes of the previous meeting were read and approved.

The Secretary reported having secured bids from Jas. H. Gibbs, Forry & Campbell, and Boyer & Hawkins for construction work on part of the construction work on the Government canal, as advertised to be done under the cooperative plan, plans and specifications having been proposed by the local engineers of the Reclamation Service, this portion of the canal advertised being designated as Sections 32 to 40 inclusive, 84 to 88 inclusive, and 95 to 100 inclusive.

The sealed bids were opened in the presence of the Board and were as follows:

Jas. H. Gibbs, stations 32 to 40 inclusive, 35 cents per cu. yard; 85 to 88 inclusive 37 cents per cu. yard; 95 to 100 36 cents per cu. yard.

Forry & Campbell stations 32 – 38 & 39, 31 cents per cu. yard; 33 & 34, 30 cents per cu. yard; 35, 29 cents per cu. yard; 36, 26 cents per cu. yard; 37, 28 cents per cu. yard; 40, 32 cents per cu. yard.

Boyer & Hawkins, stations 32 & 33, 40 cents per cu. yard; 38, 48 cents per cu. yard; 35, 30 cents per cu. yard; 36, 25 cents per cu. yard; 37, 45 cents per cu. yard; 38, 48 cents per cu. yard; 39 & 40, 75 cents per cu. yard; 84, 59 cents per cu. yard; 85 & 96, 60 cents per cu. yard; 86 – 97 & 98, 50 cents per cu. yard; 87, 75 cents per cu. yard; 88, 65 cents per cu. yard; 95, 70 cents per cu. yard; 99, 40cents per cu. yard; 100, 45 cents per cu. yard.

The bid of Forry & Campbell being lowest on stations 32, 33, 34, 35, 37, 38, 38, & 40 and being within the maximum price established their bid was accepted on these stations.

The bid of Jas. H Gibbs being lowest on Stations 84, 85, 86, 87, 88, 95, 96, 97, 98, 99, & 100 and being within the maximum price established this bid was accepted on those stations.

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The bid of Boyer and Hawkins being the lowest on Section 36 this bid was accepted.

On motion it was ordered that contracts be made with Jas. H. Gibbs for the work on Sections 84, 85, 86, 87, 88, 95, 96, 97, 98, 99, & 100, with Forry & Campbell on Stations 32, 33, 34, 35, 37, 38, 39, & 40, and with Boyer & Hawkins on Station 36, with the understanding that if Boyer & Hawkins failed to make contract, Section 36 is to be included in the contract of Forry & Campbell, this being the next lowest bidders, all contracts being subject to approval by the Interior Department.

Moved and carried that the form of contract, also the maximum price for work under the cooperative agreement as prepared by M. O. Delaplain for the Association and E. E. Sands for the Reclamation Service bearing dates of April 15, 1909 be ratified.

The Secretary presented a resolution approving the railroad contract relating to matter of right of way for the Government canal in the canyon. The resolution was on motion adopted and the President and Secretary were instructed to execute same.

On motion the following bills were allowed:

Mesa County Mail – advertising contract bids	\$5.10
W. H. Bannister – <u>    ?    </u>	5.10
M. F. Fredricks ledgers, etc.	2.65
Herald Prt. Co. advertising, etc.	13.50
Mesa County Democrat, certificates, etc.	5.25
W. S. Wallace, Treas. % Desk & supplies	59.75
W. S. Wallace , Treas. % Smith <u>    Bowles Co    </u>	7.75

On motion meeting adjourned.

D. W. Aupperle, Sec'y.

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Minutes of a special meeting of the Board of Directors of the Grand Valley Water Users' Association held at the office May 14<sup>th</sup> 1909.

Meeting was called to order at 5:15 p. m. Members present: Aupperle, Campbell, Delaplain, Jaynes, Merritt, Wallace, and Engineer E. E. Sands, and Senator Horace T. DeLong.

The purpose of the meeting as stated in the call was to consider the question of suspension of work on the Grand Valley Project as per order of Secretary Ballinger. The matter was fully discussed and on motion of Campbell seconded by Wallace, Secretary Aupperle and Senator DeLong were instructed to go to Washington at once to learn the cause for the suspension order and to secure resumption of work on the Project if possible.

On motion, meeting adjourned.

D. W. Aupperle, Sec'y.

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Minutes of a special meeting of the Board of Directors of the Grand Valley Water users' Association held June 15<sup>th</sup> 1909 at the call of the President for the purpose of receiving a report from Senator Horace T. DeLong and Sec'y. Aupperle on their mission to Washington D. C. relating to the suspension of work on the High Line Canal.

Members present: Aupperle, Blakslee, Campbell, Delaplain, Hynes, Jaynes, and Merritt.  
President Delaplain in the chair.

Messrs. DeLong and Aupperle made a verbal report on the work done and presented a written proposition from Secretary Ballinger in which he agrees that work shall be resumed as soon as a new form of contract can be arranged with the Magenheimers in the transfer of 750 second feet of water to the Government.

On motion the report was accepted and the Secretary instructed to continue work along the line of securing resumption of work.

On account of the cooperative contract having been declared illegal, the Secretary was instructed to refund the money which has been paid in on the cooperative subscriptions.

On motion the President was instructed to appoint a committee of three including himself, to check up Treasurers account and the Treasurer was instructed to surrender his bond for \$25,000.00, taking refund for the unexpired term of the bond.

On motion the expense accounts of Senator DeLong and Secretary Aupperle on their Washington trip amounting to \$432.75 was allowed and ordered paid when funds are available.

On motion, meeting adjourned.

D. W. Aupperle, Sec'y.

**[57]**

Minutes of the annual meeting of the shareholders of the Grand Valley Water Users' Association held in the County Court House in Grand Junction, Colo. Tuesday, January 11<sup>th</sup> 1910, beginning at ten o'clock a. m. and closing at noon.



The meeting was called to order by President Delaplain. Secretary Aupperle made a verbal report on the affairs of the association. The members present discussed briefly the situation.

The President announced that D. W. Aupperle, M. W. Blakslee and H. E. Easley had been appointed to act as judges in annual election of Directors for the ensuing year. Nominations were called for and the following are placed in nomination and received the number of votes opposite their names:

W. S. Wallace	13,600
Horace T. DeLong	11,964
M. O. Delaplain	13,600
F. F. Merritt	13,610
W. P. Ela	13,600
M. W. Blakslee	13,600
John Hynes	13,860
D. W. Aupperle	13,600
Wm. Campbell	13,560
L. E. Jaynes	13,480
Wm. Buthorn	9,648
Jas. B. Hunter	4,372
Jas. H. Smith	4,352
H. B. Patorf	2,833

The first eleven in the list having received the highest number of votes were declared elected and the judges so reported (*to*) the President, as required by the by-laws. A majority of the shares outstanding were present and voted.

D. W. Aupperle, Sec'y.

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Minutes of the first meeting of the Board of Directors of the Grand Valley Water Users' Association elected at the annual meeting of the shareholders January 11<sup>th</sup> 1910 for the current year of 1910. Meeting held at the Y. M. C. A. Building Jan'y. 25<sup>th</sup> 1910 on call of former President Delaplain.

Meeting was called to order at ten o'clock a. m. Members present: Aupperle, Blakslee, Delaplain, DeLong, Ela, Jaynes, Merritt, and Hynes. Those absent, Buthorn and Wallace. Mr. Buthorn was absent on account of sickness in his family, and Mr. Wallace because he was sick in Denver. All members waived the question of legal notice in the call.

There were present in addition to the Directors named, Engineer E. E. Sands, Attorney S. M. Logan representing the Mesa County Mutual Irrigation District and the Palisade Irrigation District, and attorney Ben Griffith for the Water Users' Association.

The purpose of the meeting was to consider the situation with relative to the proposed agreement between the Government and the two districts above mentioned and to discuss the advisability of sending a representative of the Association to Washington to expedite, if possible, the endorsement by the Secretary of the Interior of satisfactory agreement. Also to organize the Board by the election of officers for the ensuing year.

M. O. Delaplain presided. After a full discussion a motion was unanimously adopted instructing D. W. Aupperle to go to Washington at once prepared to advise the Secretary fully on the local situation and endeavor to secure a satisfactory adjustment and secure the execution of the final contract between the Secretary of the Interior and the Grand Valley Water Users' Association.

On motion, Mr. Delaplain and Mr. Aupperle were instructed to provide funds necessary for the expenses of the trip and to issue the note of the Association for the amount, (\$400.00) and to sign said note as President and Secretary of the Association.

On motion the meeting adjourned to meet July 16<sup>th</sup> 1910.

D. W. Aupperle, Sec'y.

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July 16, 1910

Minutes of an adjourned meeting of the Board of Directors of the Grand Valley Water Users' Association, adjourned from Jan. 25, 1910 and held July 16, 1910 at the Y. M. C. A. Bldg. Members present: Buthorn, Campbell, Delaplain, DeLong, Ela, Hynes, Jaynes, Merritt, Wallace, and Aupperle.

Minutes of the previous meeting were read and approved.

M. O. Delaplain acted as Chairman of the meeting and D. W. Aupperle as Secretary. The question of organization which had been left over from the meeting of Jan. 25 was taken up.

M. O. Delaplain was placed in nomination for President of the Board, and the Secretary was instructed to cast the vote of the Board in his favor and he was declared elected.

W. P. Ela was nominated for Vice-President and the Secretary instructed to cast vote in his favor and was declared elected.

W. S. Wallace was nominated for Treasurer and the Secretary instructed to cast the vote of the members in his favor and he was declared elected.

D. W. Aupperle was elected Secretary and his salary placed at \$125.00 per month for the balance of this year.

Sec'y. Aupperle next made a verbal report of the work done at Washington D. C. during the five months spent there in an endeavor to get the Grand Valley Project accepted by the Department and work resumed. The report indicated that the Government will begin work as soon as the project has been examined and recommended by the Board of Army Engineers appointed by the President to examine all irrigation projects now underway. The total expenses of the trip was reported as being \$565.00.

On motion of Wallace, a committee of three appointed by the Chair was directed to audit the accounts of the Association and negotiate, if possible, a loan to raise money...

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...with which to pay the indebtedness of the Association. Chair appointed Campbell, Ela, and Aupperle.

On motion, the Pres. and Sec'y. were authorized to release the land subscribed by John R. Wallace on Orchard Mesa from the contract entered into for water from this Assn.

On motion, the meeting adjourned.

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Jan. 16, 1911

Minutes of a called meeting of the Board of Directors of the Grand Valley Water Users' Association held on call by the President at the Y. M. C. A Bldg. Jan. 16, 1911 for the purpose of closing up the business of the old Board for the year and for the organization of the new Board by the election of officers for the ensuing year and the transaction of such other business as may properly come before the board.

The meeting was called to order at 2:30 p. m. by the Pres. Roll call showed all members present. Minutes of the last meeting, held July 16, 1910, were read and approved. The auditing committee which was appointed at the last meeting to audit the accounts of the assn. and negotiate a loan for the purpose of paying the claims, reported that it found the indebtedness to be about \$4700.00 and had arranged for a loan of \$5000.00 from J. S. Duncan of Chicago and had authorized the execution of the note of the association for that amount, that the money was received and the obligations discharged.

The bill of the Merrell Printing Co. for \$10.50 for printing and supplies, and that of D. W. Aupperle for \$89.50 for money advanced on expense account were both allowed and ordered paid.

On motion, the action of the Pres., Sec'y, and Treas. In paying the account of Wm. Buthorn for \$120.00 for banquet tendered the Board of Army Engineers Sept. 20, 1910 was approved.

It was reported that L. C. Henry is endeavoring to induce the officials of the Denver & Rio Grande R.R. Co. to petition the Government to abandon the Grand Valley Project. A motion was passed providing that the Sec'y. and incoming Pres. shall write a letter to Mr. Frank A. Wadleigh, Gen'l Pass. Agt. concerning the matter.

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On motion, the Pres. and Sec'y. were instructed to prepare a letter to the Sec'y. of Interior, relating the Palisade right-of-way situation and give notice that this Board accepts the recommendation of the Board of Army Engineers in adopting the lower survey for the canal line.

The question of the attempt to divert water from the headwaters of the Grand River from the Western Slope to the Eastern Slope was discussed at length. It was moved by DeLong and seconded by Wallace that a committee consisting of the incoming Pres. and Sec'y. and three others to be appointed by the Pres. shall consider this diversion matter with power to act.

On motion, meeting adjourned.

Jan. 16, 1911

Minutes of the first meeting of the newly elected Board of Directors of the Grand Valley Water Users' Assn. held at Y. M. C. A. Bldg. Jan 16, 1911, for the purpose of organizing the Board by the election of officers for the ensuing year and to transact such other business as may properly come before the Board. Members present: Buthorn, Blakslee, Campbell, Delaplain, DeLong, Ela, Hynes, Jaynes, Merritt, Wallace, & Aupperle.

Mr. Delaplain called the meeting to order M. O. Delaplain was nominated for President and on motion elected. W. S Wallace was nominated for V. President and on motion elected. W. P. Ela was nominated for Treas. and on motion was elected. D. W. Aupperle was nominated for Sec'y. and on motion elected.

Moved by Wallace that the question of salary for the Sec'y. be referred to the executive committee with power to fix the salary, and that the salary shall remain the same as at present until otherwise fixed. Motion carried. Mr. Wallace and Sec'y. Aupperle reported that recently the question of submitting evidence in court of Ref. Sternberg in the water rights adjudications of the various claimants of water in the Grand River came to their attention at a time and in a manner which required immediate action. On their own motion, they arranged with atty. S. G. McMullen to appear for the water users' association with the attorney for the Reclamation Service, this arrangement being made subject to the approval of the Board of Directors and to apply only to this one case before the Referee of the District Court. On motion, this action in engaging S. G McMullen for this service was approved.

On motion, meeting adjourned.

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Minutes of a special meeting of the Board of Directors of the Grand Valley Water Users' Association held Saturday p. m. Feb'y. 25<sup>th</sup>, 1911, at the Y.M.C.A. Building on call of the President for the purpose of authorizing the conveyance of rights and title of a certain water right filing in connection with the Government Grand Valley Irrigation Project, to the United States Government.

The following members were present: Blakslee, Buthorn, Campbell, Delaplain, DeLong, Ela, Jaynes, Merritt, Wallace, Aupperle.

The form of conveyance was presented and read. On motion of Wallace seconded by Merritt, the President and Secretary were authorized and instructed to execute the said instrument of conveyance and place same on file. Motion carried.

On motion, the meeting adjourned.

D.W. Aupperle, Sec'y.

We, the undersigned, hereby wave (*sic*) the usual notice for a call of a special meeting and approve these minutes.

Wm. Campbell  
Wm. Buthorn  
F. F. Merritt  
W. S. Wallace  
M. O. Delaplain  
M. H. Blakslee  
W. P. Ela  
L. E. Jaynes  
Horace DeLong  
D. W. Aupperle  
John S. Haynes

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June 19, 1911

Minutes of a special meeting of the Board of Directors of the Grand Valley Water Users' Assn. held Mon. June 19, 1911 as per call of the Pres. for the purpose of considering a communication from the attorney for the Palisade Irrigation Dist., the Mesa County Mutual Irrigation Dist. and the Land Owners Protective Assn. concerning the matter of rights of way to be secured for the Government Canal under the agreement entered into by the Palisade Districts and the consulting engineers of the Government Reclamation Service.

Meeting was called to order at 7:45 p. m. with Pres. Delaplain in the chair. Members present were Campbell, Delaplain, DeLong, Ela, Hynes, Jaynes, Merritt, Wallace and Aupperle.

Pres. Delaplain presented two written communications from D. D. Potter and Logan & Miller, attorneys for the Palisade assn., one under date of June 10, 1911 and one dated June 17, 1911; also a copy of a communication addressed to the above attorneys by Project Engineer J. H. Miner under date of June 14, 1911. Copies of these communications are here entered as a part of the records.

Grand Jct., Colo. June 10, 1911

M. O. Delaplain, Pres.  
Grand Va. Water Users' Assn.  
Grand Jct., Colo.

Dear Sir,

On May 31, Mr. R. F. Walter, Supervising Engr., Mr. W. H. Henney, Consulting Engr., and J. H. Miner, Project Engr. Of the Reclamation Service, in conference with representatives of the Palisade and Mesa County Irrigation Districts and Land Owners Protective Assn., submitted a proposition looking to the adjustment of difficulties between the Government and the Mesa County and Palisade Districts and Land Owners in the Mesa County District, over the proposed construction of what is known as...

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...the Grand Va Project. This proposal was made orally and was later incorporated as a part of a letter of that date addressed to Mr. R. F. Walter by the representatives of the two districts and the individual land owners. The proposition is as follows:

- That instead of constructing the Grand Va. Project through the orchards of the Mesa County Irrigation District on what is known as the lower line, the Government shall construct two canals through said territory as near as practicable along the lines of what is known as the Stub and Price ditches. The amount of water to be carried in the Stub ditch to be about  $\frac{2}{7}$  of the whole amount of water to be carried, and thru the Price ditch about  $\frac{5}{7}$ , requiring a right of way along the Stub ditch of not to exceed 100 ft. and along the line of the Palisade ditch of not to exceed 120 ft., the width of the rights of way to be determined by accurate survey.
- That the necessary rights of way along or above the line of the Stub Ditch and along the Price Ditch shall be furnished free of charge to the Government and that if any further right of way along the Price Ditch, additional to the 120 ft. width mentioned, shall be required, the Government will acquire it at its own cost.
- That the Mesa County and Palisade Irrigation Districts surrender their power water to the Government without compensation. The Government to recognize the priority of the two districts to the use of the irrigation water as against the lands under the Grand Va. Project.
- Each district to pay the Government for a carrying right in the Government project the sum of twenty dollars per acre on all lands lying in the two districts, and said sum to be

paid in ten equal annual installments as a delivery charge. The districts to also annually from the...

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...water is delivered through the Government Project to pay a maintenance and operating charge equal to that paid by lands lying said project and outside of the territory embraced in said districts, all matters between the Government and the ditches to be regulated by contract and ratified by the electors of the districts.

The following answer was made to this proposal:

“This is to notify you that your propositions meet the approval of the boards of directors of the districts and the executive committee of the Protective Assn; that said boards and executive committee will use their best endeavors to obtain a ratification by the electors of said districts and the members of the Protective Assn. so far as may be necessary to carry the above proposition into effect and that they will make every reasonable effort to obtain said rights of way and have them deeded to the Government. We hereby request of you to recommend to your superiors that we be granted time until July 10, 1911, in which to effect an agreement and tentative ratification of said propositions by all persons and bodies corporate interested therein. This letter is written in the spirit of compromise and nothing herein shall be taken or used to our prejudice if this effort at settlement results in failure. Nothing herein contained shall be construed as binding the district to pay anything toward acquiring the rights of way required by the United States.

During the course of the conference, it was made clear to the Reclamation officials that it would be impossible for the districts and the Protective Assn. to pay for the additional rights of way required along the line of the Price Ditch. It was also brot (*sic*) to their attention that the land owners under the proposed Government...

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...project represented by the water users assn. were the ones most directly interested in complying with the proposition of the Reclamation officials and by reason of this fact they moved to be expected to contribute their reasonable share toward the purchase of such rights of way. It was also agreed that the districts could not directly contribute. The Reclamation officials were in agreement with us that the water users assn. should contribute their reasonable proportion of the necessary amount of money to purchase said right of way.

We are reliably informed that the Reclamation officials communicated this fa(c)t to certain members of the Board of Directors of the water users' assn., and you are, therefore, not in ignorance of the real understanding at time the proposition was submitted and approved. We are still willing and ready to make every effort within our power to comply with the proposition emanating from the Government. Are you will to aid us?

The rights-of-way now actually occupied by the Price and Stub Ditches and the additional rights along the Stub Ditch demanded by the Government has been or will be provided by the districts and the Protective Assn. and in these matters nothing will be required or expected of you.

At the time of the conference no actual survey of the additional rights required by the government along the line of the Price Ditch had been made and consequently no estimate could be made of the proper cost of securing such additional rights-of-way.

We are informed that surveys have now been made and that plats will soon be ready, giving the necessary information upon which the cost of such additional rights of way may be estimated.  
*(Note: Copy unclear at end of page)*

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Having received no intimation from you of your purposes in this behalf, and being desirous to do all in our power to fully effectuate our expressed attitude with the government, we are desirous of knowing how far you are willing to go with us in fully complying with the proposition of the government. If you desire to join with us in securing the additional rights of way herein before mentioned, we respectfully request that you name the place and time when it will be convenient for representatives of your association to confer with representatives of the districts and the Land Owners Protective Assn. On account of the importance of the matter, we would especially request that you name an early date.

Awaiting your reply, we are  
Very resp. yours,

The Palisade Irrigation District  
The Mesa County Irrigation District  
The Land Owners Prot. Assn.

By D.D. Potter  
Logan & Miller  
Attys.

Dept. Of the Interior, U. S. Reclamation Service  
Grand Jct., Colo. June 14, 1911

Messrs. D. D. Potter and  
Logan & Miller  
Grand Jct., Colo.

Gentlemen—

My attention has been called to your letter of June 10, 1911, addressed to Mr. Delaplain, wherein, as attorneys for the Palisade Irrigation District, the Mesa County Irrigation Dist. and the Land Owners Prot. Assn., you request that the Grand Va. Water Users' Assn. cooperate with



your organizations in the effort to carry out the provisions of the proposition outlined in the letter submitted to Supervising...

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...Engineer Walter under date of May 31, 1911.

The statements in your letter do not give an accurate idea of the intentions and expectations of the Engineers of the Reclamation Service who participated in the conference of May 31, and the following supplemental statement regarding the points mentioned in your letter are respectfully submitted in order that the attitude of the Reclamation Service may not be misunderstood.

1. You will recall that the proposition first considered at the conference differed from the proposition finally agreed upon, in that the lands in the Mesa County District were to pay \$40.00 per acre for a carrying right in the Government system; and that it was agreed by the Reclamation Service Engineers to reduce this \$40.00 to \$20.00 per acre on your representation that the burden of securing the additional rights of way necessary in accordance with the agreement would fall largely on the Mesa County Irrigation Dist. and that consequently the charge to the Mesa County Dist. should be reduced. The figure of \$40.00 per acre was considered by the Engineers of the Reclamation Service to be a very reasonable charge for the benefits that would accrue to the district lands, if we disregard the item of the rights of way to be furnished free of charge to the United States. It was expected that this concession to the Mesa County District would be given due consideration when deciding what "reasonable share" would be contributed by the parties outside of the districts toward the purchase of the rights of way. In other words, it was expected that the larger part of the funds required to satisfactorily adjust the rights of way matters would be collected in the Districts.
2. While you made it plain in the conference that you did not feel able to raise within the two districts all the money that might be required to purchase the right of way, it appeared to be fully understood that your districts were to contribute their reasonable proportion of the funds required, and also that the ...

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...responsibility of carrying the proposition thru was assumed by the Districts and the Protective Assn., altho the Reclamation Service would be pleased to see the various business mens' associations in the valley cooperate with you.

3. The land owners under the project are directly interested in the success of the proposition because the consummation of the agreement removes the conditions which the Board of Army Engineers found should be imposed upon the beginning of construction, and consequently it brings the date when these lands can be irrigated much nearer. On the other hand, in view of the protests which the Districts have made against the use of the lower location as approved by the Army Board, it must be considered that the Districts are deeply interested in the success of the proposition. The proposition is being entertained in order to avoid the damage they claim will be consequent upon the construction of the canal on the

location that has been approved if that damage can be avoided without undue expense to the lands under the project.

4. The construction of the project using the location of the Price and Stub Ditches, considered from the engineering and operating standpoints alone, does not give as desirable a system as would the use of the approved location, so that the fulfillment of all the terms of the proposed agreement is necessary in order that the conditions may warrant the engineers of the Service in recommending that the proposed change in plans be approved.

Notwithstanding the disadvantages of the proposed change in the plan from an engineering standpoint, the Consulting Board of Engineers who reviewed the details of the changes as completely as the available data permitted, have felt that the general welfare and prosperity of the whole valley would be greatly advanced by the proposed change, and have recommended...

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...its favorable consideration, conditional upon the fulfillment of the conditions set forth in your letter of May 31. We believe that as a business proposition, the contemplated plan merits the support of all the boosters of the Valley.

We believe that the only thing which might warrant the Reclamation Service in recommending that the U. S. Dist. Atty. should delay after July 10, 1911, in following out the Atty. General's instruction to begin proceedings to acquire the right of way required for the lower location, as approved by the Army Board, would be a showing on the part of your clients that the proposition of May 21, 1911 is sure to carry.

The work of making the survey of the Price Ditch is progressing satisfactorily and we expect to hand to you at Palisade plats showing the location of rights of way required at the upper end of the ditch, on the morning of June 19.

Very resp.  
J. H. Miner, Engineer

Grand Junction Colo., June 17, 1911

M. O. Delaplain, Pres.  
G. V. W. Users Assoc.  
Grand Jct., Colo.

Dear Sir,--

On the 12<sup>th</sup> inst. we delivered to you, personally, a communication requesting the cooperation of your association in procuring rights of way along the Price Ditch for the proposed Grand Va. Project, pursuant to the recommendations of the Reclamation Officials officials changing the course of the canal of said project. No word or intimation of your intentions in relation thereto have been received by us, altho our offices are in the same building.

On yesterday, we received a communication from Mr. J. H. Miner, Project Engineer in charge of...

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...the Grand Va. Project, in effect paving the way for a declination on your part, or that of your membership, to substantially, or at all, aid us in this behalf. In the light of this communication and your silence, we can no longer entertain a hope that your membership will contribute substantially in aid of securing said right of way, nor do we believe you intend to do so. We therefore sincerely and humbly beg your pardon for even indulging the presumption that we were to receive aid in that behalf from your assoc. Being limited to July 10, in which to present our grievances to the Hon. Sec'y. of Interior, and the local negotiations having failed to produce results and being hard pressed for time in which to present our appeal we will henceforth direct our efforts to secure consideration and fair treatment from the Dept. of the Interior.

Very resp. submitted  
Palisade Irrigation Dist.  
Mesa County Irrigation Dist.  
Land Owners Prot. Assn.  
By D. D. Potter  
Logan & Miller  
Attys.

At the close of the readings of these communications the situation was discussed at some length by the Board. After fully considering the circumstances, the following resolutions were adopted by unanimous vote:

Whereas, on June 12, 1911, the Palisade Irrigation Dist., the Mesa County Irrigation Dist., and the Land Owners Prot. Assn. by their attys., D. D. Potter and Logan & Miller, delivered to M. O. Delaplain, Pres. of the G. V. W. Users Assn., their letter reciting the terms of the agreement between their said several associations and the Board of Consulting Engineers, wherein they offered among other things to furnish...

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...to the Government free of charge certain rights of way for the construction of the canal along new lines; and

Whereas, the said associations have asked the aid of the Water Users Assoc. in carrying out the terms of their proposition, and

Whereas, under date of June 14, 1911, Mr. J. H. Miner, Project Engineer, has clearly defined the position of the Consulting Board, as relating to said proposition, and

Whereas, the position of this assoc. has always been to do everything in our power to aid and assist in the construction of the project along lines adopted by the Government; therefore, be it

Resolved, that it is the sense of this meeting that a committee of three be appointed to confer with the committee or committees of the said associations to render to them such aid and

assistance as may be proper in carrying out the terms of their proposition to the Board of Consulting Engineers.

Following the adoption of these resolutions, W. S. Wallace, Wm. Campbell and John Hynes were appointed a committee to confer with such committee or committees as the Palisade assoc. shall appoint.

On motion, Pres. Delaplain was instructed to submit the resolutions to the attorneys for the Palisade associations.

On motion, Sec'y. Aupperelle was instructed to go to Washington D. C. starting not later than July 1<sup>st</sup>, 1911, to be on the ground to represent the interests of the Water Users Assoc. at the conference between the Palisade districts' representatives and the Sec'y. of the Int. relating to right of way matters.

On motion, the officers of the Board were instructed to borrow for the assoc. \$200.00 to defray the expenses of Sec'y. Aupperle on the trip to Washington.

On motion, the meeting adjourned.

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Jan 17, 1912

Minutes of the adjourned session of a called meeting of the Board of Directors of the G. V. W. U. Assoc. held June 19, 1911 adjourned to Jan 17, 1912.

Meeting called to order by Pres. Delaplain at 3 o'clock p.m. Members present: Blakslee, Campbell, Delaplain, DeLong, Ela, Jaynes, Merritt, Wallace & Aupperle.

Minutes of the meeting held Jan 16, 1911 and June 19, 1911, were read and approved.

A report of the election judges who conducted the election at the annual meeting of the assoc. held Jan 9, 1911, was read, showing that D. W Aupperle, M. W. Blakslee, Wm. Campbell, M. O. Delaplain, H. T. DeLong, W. O. Ela, John Hynes, L. E. Jaynes, D. W. Lynch, F. F. Merritt, & W. S. Wallace had received the highest number of votes cast, which was also a majority of the votes of the association and were declared by the judges to be elected directors for the association for the ensuing year. The report was, on motion, received and adopted. In motion, the Board adjourned.

D. W. Aupperle, Sec'y.

Minutes of the first meeting of the newly elected Board of Directors of the G. V. W. U. Assoc. held at their office in the Capital Life Bldg., Jan 17, 1912. Meeting called to order at 3:20 p.m. by M. O. Delaplain. Members present: Aupperle, Blakslee, Campbell, Delaplain, DeLong, Ela, Hynes, Jaynes, Lynch, Merritt, & Wallace.

The first order of business, the election of officers for the ensuing year, was taken up.

M. W. Blakslee nominated W. S. Wallace for president & Wm. Campbell seconded the nomination. There being no further nominations, the Sec'y. was on motion instructed to cast the vote of the Board for Mr. Wallace & he was declared elected president. Pres. Wallace took the chair.

W. P. Ela was nominated for V. Pres. and on motion, the Sec'y. was instructed to cast the vote of the board for Mr. Ela.

M. O. Delaplain was nominated for Treas. and ...

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...the Sec'y. on motion cast the vote of the Board for Mr. Delaplain.

D. W. Aupperle was nominated for Sec'y. and on motion, the Pres. was instructed to cast the vote of the Board for Mr. Aupperle.

F. F. Merritt was placed in nomination for the auditor, and the Sec'y. on motion was instructed to cast the vote of the Board for Mr. Merritt.

The question of salary of the secretary and other financial matters were discussed informally and action was deferred until some subsequent meeting.

Petitions from Amelia Miller, Eben McKean Miller, and Chas. W. Anderson and John Wester, asking their contracts with this assoc. for water from the Gov. Irrigation System canceled were read. On motion, it was voted to refer the petitions to the Reclamation Officials to be transmitted to the Sec'y. of the Interior.

On motion, the meeting adjourned.

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Feb. 10, 1912

Minutes of a special meeting of the Board of Directors of the G. V W U. Assoc. held on call of V. Pres. Ela, Feb. 10, 1912, due notice having been given. The purpose of the meeting, to consider a petition from Smith Bros. asking that their lands on Orchard Mesa be released from the contracts of the assoc. and to consider such other matters as may come before the meeting.

Meeting called to order by V. Pres Ela in the absence of Pres. Wallace. Members present: Campbell, Delaplain, Ela, Jaynes, Lynch, Hynes, Merritt, & Aupperle.

On motion, the following resolution was adopted:

Whereas, on the tenth day of Mar. 1905, Geo. P. Smith of Mesa County, Colo. Entered into a contract and agreement with this association relative to water for the northwest quarter and southwest quarter, both in Section thirty (30) Township One South, Range One East, Ute Meridian, from the Grand Va. Irrigation Project, which contract and agreement is recorded in Book 129 at P. 37 of the Records of Mesa County, Colo. And to which reference is hereby made for further particulars as to its contents; and

Whereas, on the same date, Geo. P. Smith subscribed for one hundred sixty shares of stock of the G. V. W. U. Assoc. to become appurtenant to the Southeast quarter of the Northeast quarter and the East one-half of the Southeast quarter of Sec. Twenty-five, Twp. One South, Range One West, Ute Meridian, which subscription contract is recorded in Book 130 at P. 163 of said Mesa County Records, and to which reference is hereby made for further particulars as to its contents; and

;

Whereas, at said time and ever since, both the above described tracts of land were contiguous and part of one farm owned by Geo. P. Smith and his brother, James H. Smith, the title to which at said time stood in the name of Geo. P. Smith; and...

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Whereas, at said time said land had been reclaimed, and since 1889 portions of the same have been cultivated in orchard and in annual crops, and all of said lands had been irrigated from the Grand River by the Orchard Mesa Power Canal; and

Whereas, it is the desire of said Geo. P. Smith and James H. Smith, who are now the legal owners and holders of said land and water rights, that said contracts may be cancelled, set aside and held for naught, and their aforesaid lands be released from any and all liens or liabilities which said contract and agreement and said subscription for stock may impose, and any liability on account of assessments for said stock, in order that they may establish a prior first-mortgage lien thereon;

Now therefore, it is resolved by the Board of Directors of the Grand Va. Water Users' Assoc. that the aforesaid contract and agreement recorded in Book 129 at P. 37 of the Mesa County Records made by Geo. P. Smith on Mar 10, 1905 and the aforesaid subscription for stock in the Grand Va. Water Users' Assoc., recorded in Book 130 at P. 163 of said Mesa County records, be cancelled, set aside, and held for naught, and the Pres. or in his absence, the Vice Pres. of the association shall execute and deliver to said Geo. P. Smith, his heirs or assigns, such conveyance as may be necessary to carry into effect this resolution, to which shall be affixed the seal of said association and which shall be attested by the Sec'y.

Be it further resolved that the aforesaid deed when executed as aforesaid shall be held by the Sec'y. until the said Geo. P. Smith and James H. Smith shall execute and deliver to him new contracts covering the same land which shall be held by the Sec'y. of the Interior(r) of the U.S. thereon:

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When the new contracts are so delivered to the Sec'y., he shall at once deliver said deed to the said Smiths.

State of Colorado     }  
                                  } S. S.  
County of Mesa        }

D. W. Aupperle, Sec'y. of the Grand Va. Water Users' Assoc. do hereby certify that the above and foregoing is a true, full, complete, and correct copy and transcript of a certain resolution of the Board of Directors of the G. V W U. Assoc., passed and adopted this date at a called meeting of said Board of Directors of said Assoc. duly and regularly called, as the same appears from the minute book of said The Grand Valley Water Users' Assoc.

In witness whereof, I have hereunto set my hand and affixed the seal of the said G. V. W. U. Assoc. this 10<sup>th</sup> day of Feb. A. D. 1912

Signed -----

Sec'y. Grand V. Water Users' Assoc.

On motion, meeting adjourned.

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Minutes of an adjourned meeting of the Board of Directors of the Grand Va. Water Users' Assoc. held July 18, 1912.

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July 18, 1912

Minutes of an adjourned meeting of the Board of Directors of the Grand Va. Water Users' Assoc. held July 18, 1912, as per adjournment of July 16, 1912. Meeting called to order by Pres. Wallace at 5 PM. Members present: Blakslee, Delaplain, Campbell, DeLong, Ela, Merritt, Wallace & Aupperle.

Pres. Wallace stated the object of the meeting to again consider the advisability of sending a representative to Washington to work in the interests of the association in securing prompt execution of the Government contract. After some discussion, on motion of Ela, seconded by DeLong, by a unanimous vote Sec'y. Aupperle was directed to proceed at once to Washington to represent the association.

On motion, Pres. Wallace and Sec'y. Aupperle were instructed to negotiate a lone(**loan**) not exceeding \$300.00 with which to pay the expense of the Secretary's trip to Washington.

On motion, the meeting was adjourned.

D.W. Aupperle, Sec'y.

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Oct. 7, 1912

Minutes of a special meeting of the Board of Directors of the Grand Va. Water Users' Assoc., held at the office of the assoc. Monday evening, Oct. 7, 1912, at the call of the Pres. for the purpose of receiving report from Sec'y. Aupperle on recent trip and of making plans for celebrating the beginning of construction work on the High Line Canal at the time Sec'y. of the Int., Hon. Walter L. Fisher is expected on his return trip from the West on or about the 18<sup>th</sup> of Oct. 1912, according to tentative plans previously made with Sec'y. Fisher to be present as the guest of honor of the assoc.

Pres. Wallace called meeting to order at 8:15. Roll call showed the following members present: Blakslee, Campbell, Delaplain, DeLong, Ela, Hynes, Jaynes, Merritt, Wallace, & Aupperle.

Reading of the minutes of previous meeting was on motion dispensed with.

Sec'y. reports approval of contract and order by Downs to start work.

Plans for the celebration were informally discussed, after which it was decided to arrange for a special train to carry those who wished to attend the celebration to the point where work is to be started at the lower portal of tunnel #1 in the canon at Jerry Creek, a point about one mile above Cameo station, where the beginning of work shall be appropriately celebrated, the honor of turning the first shovel full of dirt to be accorded to Sec'y. Fisher.

On motion of Ela, Wallace, Delaplain, & Aupperle were appointed a committee to arrange for special train, to prepare a program and submit this program to Sec'y. Fisher for his approval on his arrival at Seattle on the 12<sup>th</sup> inst; also to confer with the 50000 Club concerning a banquet or luncheon to be given under auspices of that Club in honor of Sec'y Fisher and the event to be celebrated.

On motion, it was voted that Horace T. DeLong shall represent the Board in a short address at the celebration,...

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...also that invitations be extended to State officials, Congressmen, E. L. Taylor, Railroad officials and others, and that the speaking program be made up from the list of guests.



On motion, the meeting adjourned.

D. W. Aupperle, Sec'y.

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Jan. 4, 1913

Minutes of annual meeting of the Stockholders of the G. V. W. U. Assoc. held Jan. 14, 1913.

The stockholders of the G. V. W. U. Assoc. met in annual meeting at the office of the company in the Capitol Bldg. in the City of Grand Jct. in Mesa County, Colo. At 10 o'clock a. m. on Jan. 14, 1913.

The meeting was called to order and presided over by W. S. Wallace, Pres. of **the** assn. D. W. Aupperle, Sec'y. of the assoc., acted as Sec'y. of the meeting.

The call for the meeting was read by the Sec'y. A majority of the shares being represented by proxy and in person, the meeting was declared legally capable of conducting business. The Sec'y. presented his annual report, which was accepted and approved and ordered placed in file.

The Treas. presented his report, which was accepted and ordered placed on file.

The following resolutions were then presented for consideration and their adoption moved by Wm. Campbell and seconded by F. F. Merritt:

Be it resolved by the stockholders of the G. V. W. U. Assoc. that the articles of Incorporation of the assn. herein after mentioned be amended to read and be as follows, to-wit:

That Article II be amended to read as follows;

“The names of the Incorporators are Lawrence M Miller, S. P. Green, H. H. Beach, Daniel Lynch, John T. Beaman, James B. Hunter, Geo. Smith, Marion O. Delaplain, Wm. S. Wallace, James H. Smith, & Merrill W. Blakslee, but others may become members of this association by subscribing for the stock of the association or by the transfer of stock to them in the regular course of the administration of the affairs of the association.”

That Sect. 2 of Article V be amended to read as follows:

“Sect. 2. Only those who are owners of lands or occupants of public lands having initiated a right to acquire the same, within the area described in Art. IX or within such extensions thereof as ma be duly...

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...made shall be qualified to own the shares of this association. Not more than one share shall be allotted for each acre of land, but fractional shares may be issued on fractions of acres.”

That Sect. 4 of Art. V be amended to read as follows;

“Sect. 4. The shareholder or his successor further agrees that if he should fail to make prompt application for such water rights for the land herein described, or in case of his failure to comply promptly and in good faith with the law and the regulations applicable thereto, he shall nevertheless be liable to the U. S. for the water right charges in such sums of money as may be levied by the Sec’y. of the Int. and the assoc. upon such lands, and until such charges are fully paid, they shall be a lien upon such lands and shares and the said lien shall be enforced by foreclosure and sale of said lands and shares of stock, as provided in the by-laws of the association and the regulations made by the Sec’y. of the Int.”

That Sect. 5 of Art. V be stricken and omitted from the said Articles of Incorporation.

*(margin note: “amended 1929”)*

That Sect. 3 of Art VI be amended to read as follows:

“Calls and assessments shall be made and levied from time to time by the Board of Directors for the collection of the amounts due on the shares of the stock of the association, in pursuance of the requirements of the U. S. in connection with such application, provided, that assessments may be levied specially against such shares of stock as are appurtenant to lands for which excess charges shall be levied by the Sec’y. of Int. When all payments required for such rights shall have been made, and when proper evidence of the perfection of such water rights has been issued, his stock shall be deemed and held to have been fully paid up and until fully paid he shall be liable therefore, and the payments due thereon in pursuance of...

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...assessments and calls duly made by the Board of Directors shall be a lien upon such lands and shares, and said lien shall be enforced by the assoc. by foreclosure and sale of said stock and lands, or so much thereof as may be necessary, in the manner provided by law for the foreclosure of mortgages, and the purchaser at such sale shall be entitled to the benefit of all payments on the water right appurtenant to the land purchased, and shall take said lands subject to the obligations and conditions herein provided.”

That Sect. 4 of Art VI be amended to read as follows:

“Sect. 4. Assessments may be made from time to time as required for the operation, maintenance, repair, renewal, replacement, improvement, enlargement, or extension of the works owned, controlled or to be maintained by the assoc. or for the construction, acquisition, or control of any works, property or rights required in connection with the business of the assoc. and for fulfillment of any obligation undertaken by it for the carrying out of any of its purposes.”

That Sect. 5 of Art. VI be amended to read as follows:

Sect. 5 Assessments for expenditures for purposes that are of benefit to a part of the shareholders may be specially assessed in proportion to such benefits against such shareholders, but no expenditures to be provided for, or covered by, such special assessments shall be made, or obligation to expend the same incurred, except upon the petition of the holders of two thirds of the shares to be so specially benefited. Providing that the terms of this section shall not be construed as applying to any variation in the charges to be made on account of the building, operation, and maintenance of the project, as assessed by the Sec'y. of the Int.”

That Sect. 1 of Art XI be amended to read as...

**[87]**

...follows:

“Sect.1. The irrigation system which it is the purpose of this association to acquire or secure control of, is to consist of a canal to be constructed by the U. S Government to furnish water for irrigation and domestic purposes to unwatered lands lying within the boundaries of said Grand Va. Irrigation Dist. as defined in Sect. 5, Art IV hereof, and such diversion work, ditches, laterals, distribution works, power plant, electric transmission lines, pumping plants, telephone system, and other works or structures as are necessary or proper in connection with the construction and maintenance of said irrigation system. The headgate of said canal is to take the water of the Grand River at a point near the South line of the northwest quarter of Sect. thirteen, Twp. ten South, Range Ninety-eight West of the 6<sup>th</sup> Principal Meridian, whence the canal will extend in a southwesterly direction thru the canyon of the Grand River for a distance of about six miles, thence in a general westerly and northwesterly course between sixty and sixty-five miles to a point near the Excelsior Divide, so called, discharging its waste water into the Grand River or tributaries thereof.”

That Art. XII be amended to read as follows:

“The corporate indebtedness other than that incurred for construction, purchase, or securing control of the irrigation system shall not exceed two-thirds of the capital stock.”

That Sections 2 and 3 of Art XV be amended to read as follows:

“Sect. 2. The undersigned furthermore grants to the U. S. over the lands described herein, as may be required in connection with the works constructed or controlled by the U. S. for the use and benefit of the stockholders, necessary right-of-way for the construction, operation, and maintenance of canals, tunnels, and other water conduits, telephone, and electric transmission lines,...

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drains, dikes, and other works for the irrigation, drainage, and reclamation.

Sect. 3. The undersigned furthermore releases and discharges the U. S. from damage or claim for damage on account of the construction, operation and maintenance of the canals or other irrigation works built or operated in connection with this project, including consequential damages, except that reasonable compensation will be made for all improvements actually damaged or destroyed by such construction. The undersigned also releases and hereby grants to the U. S. the right to take, appropriate, and use all seepage, waste and spring waters arising on the land herein described and not heretofore appropriated.”

After which W. P. Ela presented the following resolutions and moved their adoption. L. E. Jaynes seconded the motion.

“Be it resolved by the stockholders of the G. V. W. U. Assoc. duly and regularly assembled on this 14<sup>th</sup> day of Jan., A. D. 1913, that whereas, this association is indebted to **diverse**, persons; and

Whereas, hereafter this assoc. will be required to lay out and expend more or less moneys in order to carry out the objects and purposes of its incorporation and organization; and

Whereas, it is the desire of said assoc. to discharge said indebtedness and to lay out and expend moneys from time to time hereafter as the business of the assoc. shall require; and

Whereas, it is the sentiment of the Stockholders of said assoc. that it is inadvisable at this time or in the near future, to raise the money necessary for the foregoing purposes by means of assessments of the Stockholders; and,

Whereas, it is the sentiment of the stockholders present at this meeting that it is for the best interest of the assoc. and the Stockholders that said moneys be raised by the sale of the negotiable bonds of the assoc., and

Whereas, for the purposes aforesaid of the Board of ...

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... Directors has declared it necessary that bonds of the assoc. in the amount of Fifteen thousand Dollars (\$15,000) be issued, and has directed that the question of the issuance of said bonds be submitted to the Stockholders present at this meeting for approval or disapproval;

Therefore, be it resolved by the stockholders of said assoc. that they do hereby consent to and approve of the execution by the proper officers of this assoc. of thirty (30) negotiable bonds or notes of the assoc. each in the principal sum of Five hundred dollars (\$500.00) and due ten (10) years after date thereof with the privilege of payment at any interest maturity after five (5) years from date, each of said bonds to bear interest at the rate of six percent (6%) per annum from date of issuance until paid, payable-----; said bonds to be sold when and as far as deemed necessary by the Board of Directors.”

Both resolutions were adopted by a unanimous vote.

Thereupon the Pres. announced that a majority of the issued and outstanding stock was present in person or by proxy so as to constitute a quorum and that the meeting was ready to proceed to carry out such business as might be brot (*sic*) before the meeting and that the first order of business was the election of a Board of Directors for the ensuing year.

It was therefore moved, seconded and unanimously carried that \_\_\_\_\_, who will heretofore designated by the Board of Directors of said assoc. to act as judges of election now about to be held for members of the Board of Directors; and that a list of the stockholders having the right to vote in person or by proxy at this meeting be furnished said election board by the Sec'y. to assist said board to carry out its duties.

Thereupon the following named persons were regularly nominated as candidates for the office of Director of said assoc. for the ensuing year, to wit, D. W., Aupperle, M. W Blakslee, Wm. Campbell, M. O. Delaplain...

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...Horace L. DeLong, Wendell P. Ela, John Hynes, L. E. Jaynes, D. W. Lynch, F. F. Merritt, and W. S. Wallace.

Know all men by these present, that we, W. S. Wallace, Pres. and D. W. Aupperle, Sec'y. of the Grand Valley Water Users Assoc., a corporation duly organized and existing under and by virtue of the laws of the State of Colorado in that case made and provided, do hereby make this certificate in triplicate and in accordance with said laws of the Sate of Colorado, we make the following statement:

That the regular annual meeting of the shareholders of the said assoc. was held in the office of the assoc. in Grand Jct., Colo. On the 14<sup>th</sup> day of Jan., 1913, beginning at 10 o'clock a. m. That the call for said annual meeting was duly and legally issued by sending written notice by mail to each and every member on the records of the assoc. and depositing same in the P. O. at least 30 days before the date of the said annual meeting and by publishing said notice in the Grand Jct. News, a weekly paper published in Grand Jct. Mesa County, Colo. First publication Dec. 14, last publication Dec 21, 1912, which notice was signed by the Pres. of said assoc. that this notice stated the purposes of the said annual meeting, one of which was to vote on amending the Articles of Incorporation and By-Laws of this assoc. as provided in the attached resolution.

That at the said meeting of the shareholders, the said attached resolution was read to the members present and that a vote was taken by ballot on the adoption of the resolution, that 18310 votes representing more than two thirds (2/3) of the shares of said assoc. were polled, all of which were cast in favor of the adoption of the resolution.

In witness whereof, we, the Pres. and Sec'y. of the said assoc. have hereunto set our hands and the seal of the corporation this 18<sup>th</sup> day of Jan., 1913.

\_\_\_\_\_  
Sec'y.

\_\_\_\_\_  
Pres.

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State of Colorado     }  
                                  } S. S.  
County of Mesa        }

Before me, Marion O. Delaplain, a notary public in and for said County in the Sate aforesaid, personally appeared W. S. Wallace, Pres. and D. W. Aupperle, Sec'y. of the G. V. W. U. Assoc., to me personally known to me to be the persons whose names are subscribed to the certificate relating to the amending of the Articles of Incorporation and By-Laws of the said assoc. and acknowledge that they made, signed, and executed said certificate for the uses and purposes therein mentioned.

Witness my hand and seal this 18<sup>th</sup> day of Jan., A. D. 1913.

\_\_\_\_\_  
Notary Public

My commission expires  
Sept. 15, 1914