

# **OVERLAND DITCH AND RESERVOIR CO.**

## **Board of Directors Meeting**

**April 8, 2021**

Meeting was called to order at 6:00 p.m. by David Kuntz.

In attendance were:

Directors: Jerry Adams, Bryan Klaseen, Debbie Gray and Wyatt Wilson

Overland Ditch Manager: Ray Penland

Overland Personal: Robert Stephenson

Overland Ditch Rider: Austin Paris

Secretary/Treasurer: Shellie Gies

Overland Shareholder: Dave Whittlesey

### **AGENDA:**

Stands

### **MINUTES OF THE PREVIOUS MEETING:**

The minutes of the March 11, 2021 were presented.

David asked to add that Jason Ward and Craig Ulman need to meet to discuss fixing the piezometers, this year. So, we know how to move forward on getting the piezometers all in working order.

MOVED BY: Bryan Klaseen, to approve March 11, 2021 minutes, as corrected.

SECONDED BY: Jerry Adams

MOTION CARRIED: with no opposing votes.

### **TREASURER REPORT:**

Shellie handed out Bills to Pay and Budget Comparison

MOVED BY: Wyatt Wilson, to pay the bills, except the treasure's report.

SECONDED BY: Bryan Klaseen

MOTION CARRIED: with no opposing votes.

### **OPERATIONS:**

Ray said earlier snowpack was better than last year. He thinks we may be a little better off than last year. He says the Overland Reservoir will not fill this year. The snowpack was very spotty this winter, some areas have more snow than others. Robert and Ray discussed a time to start plowing the ditch and getting it open. Last year they started opening May 4, 2020. Robert suggested to go up on May 3, 2021 to start plowing. Bryan said wait to see what the conditions are like to decide on a date. Equipment will have to be reserved. David would like them to get up and get the water coming from West Terror and Roatcap and other areas before May 3, 2021. Bryan said that the gate at Cow Creek was leaking and would need to be worked on again. Robert said we wanted the rock and dirt work he did last year to settle, then they would get some concrete poured this fall. Bryan said there was about 18 inches of snow on the upper part of Redlands Mesa when he was there, a couple weeks ago.

**PRESIDENTS REPORT:** None

**OLD BUSINESS:** None

### **NEW BUSINESS:**

According to an article in the North Fork Merchant Herald the Town of Hotchkiss has decided not to lease their 300 shares of Overland water. Their plan is to run it in the Highline Ditch and use it as domestic water. We have not had any communication from them on this as of today. It was discussed that Overland does not carry a domestic degree, the Articles of Incorporation and the By-Laws state all Overland water must be used for irrigation purposes only. We have discussed this with Rob Pierce, the Overland Ditch & Reservoir Attorney and the Water Commissioners. They all say they could not use their Overland shares for domestic purposes.

They would have to come to an Overland Board meeting and make a request to the Board members to have the Articles of Incorporation changed to allow domestic use. The Overland Board would have to either, call a special Shareholders meeting or wait until the 2022 Annual meeting, to ask the Shareholders to take a vote to change the Articles of Incorporation and By-laws to allow domestic use for the Town of Hotchkiss. This process will take up to two years. The other issue on using their Overland shares is, the Highline Ditch does not allow Overland water in the Highline Ditch until Spring Run-off (early water) is done. There is not room in the ditch to run it at that time. Since we have not had any communication with the Town of Hotchkiss on this issue, we will wait to see how to move forward, until they make any formal request.

MOVED BY: Jerry Adams, to pay the Attorney's fee of \$313.00 to go over the Overland's Articles of Incorporation and By-Laws

SECONDED BY: Bryan Klaseen

MOTION CARRIED: with no opposing votes.

**STOCKHOLDER'S CONCERNS:**

Dave Whittlesey asked Bryan if Redlands Mesa Water Users have made any decisions regarding water and ditched on Redlands Mesa. Bryan said no. They had an impromptu meeting the other day but did not discuss any issues other than a lower ditch matter.

**BOARD CONCERNS:**

Bryan and David discussed how dry it was on Redlands Mesa. David said he had seen it a lot worse.

**ADJOURN:**

David adjourned the meeting at 6:30 pm

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Shellie Gies, Secretary