



# ALLEN-RENO PARK LATERAL DITCH COMPANY

Bylaws: Historical Origin, Original Text, and  
Modern Interpretation

## ABSTRACT

The Allen–Reno Park Lateral Ditch Company has operated as a Colorado domestic corporation for more than eight decades. Its corporate existence was formally renewed perpetually on May 28, 1942, as certified by the Colorado Secretary of State. The bylaws governing the company today originate from that era and have guided the operation, maintenance, and governance of the ditch system ever since.

Over time, the membership has adopted updates and additions — including the 1968 sump and pump requirement and other operational rules — but the core bylaws remain rooted in mid-20th-century legal language. While historically important, the original formatting and terminology can be difficult for modern readers to interpret.

This document preserves the exact original bylaw language, while providing:

- A modern, plain-English explanation of each section
- A practical breakdown of what each rule means for members, officers, and the Board
- A consistent, readable structure that prevents misinterpretation
- A clear operational reference for current and future boards

## **I. MEMBERSHIP**

### **1. Membership Eligibility**

#### **Bylaw Language:**

“Only owners of lots on Allen Reno Park Lateral Ditch Company shall be eligible to become members of this company.”

#### **Plain-English Explanation:**

Membership is tied to property ownership. If you own a property served by the ditch, you are a member. If you sell the property, membership ends automatically.

#### **Practical Meaning:**

- Membership cannot be separated from the land
- Renters, tenants, or non-owners cannot be members
- Membership transfers only through property sale
- The Board cannot create new memberships beyond the 150-member limit

## 2. Membership Certificate

### Bylaw Language:

“The certificate shall be prima facie evidence of membership... and the right to vote.”

### Plain-English Explanation:

The certificate is proof of membership and gives the owner one vote in company decisions.

### Practical Meaning:

- The certificate is the official record of membership
- Only certificate holders may vote
- Certificates must be updated when property changes hands

## 3. No Guaranteed Quantity of Water

### Bylaw Language:

“No member shall be deemed entitled to any specific quantity of water...”

### Plain-English Explanation:

Water is not guaranteed. Water is delivered only when available, based on snowpack, priority calls, ditch conditions, and state regulations.

### Practical Meaning:

- No member can demand a certain amount of water
- No guaranteed season, schedule, or flow rate
- Water delivery depends on legal and physical availability
- Protects the company from liability during drought or curtailment

## 4. One Vote Per Membership

### Bylaw Language:

“Each membership shall be entitled to one vote.”

### Plain-English Explanation:

Voting is simple: one property = one vote.

### Practical Meaning:

- Multi-owner properties still get one vote
- Voting rights follow the certificate, not the number of owners

## 5. Suspension of Membership

### **Bylaw Language:**

“A membership may be suspended... for violation of regulations... or for failure to pay any delinquent assessment.”

### **Plain-English Explanation:**

Members can lose water access and voting rights if they break rules or fail to pay assessments.

### **Practical Meaning:**

- Water can be shut off for non-payment
- Suspended members cannot vote
- Suspension ends only when the issue is corrected

## 6. Membership Ends When Property Sells

### **Bylaw Language:**

“A membership shall automatically terminate upon the transfer of a member’s ownership of land.”

### **Plain-English Explanation:**

Membership does not follow the person — it follows the land.

### **Practical Meaning:**

- Seller’s membership ends immediately
- Buyer must apply for a new certificate
- Past assessments must be paid before transfer

## 7. Sump and Pump Requirement

### **Bylaw Language:**

“All stockholders, after 1968, are required to have sump and pump...”

### **Plain-English Explanation:**

Every member must have a sump and pump system that meets the size and installation requirements.

### **Practical Meaning:**

- Required for all members
- Must meet size limits

Sump and Pump Requirement / Practical Meaning Continued:

- Must be maintained by the property owner

## **8. Ditch Alterations**

### **Bylaw Language:**

“Any alteration to the ditch has to be approved by the Board of Directors.”

### **Plain-English Explanation:**

Members cannot modify the ditch without Board approval.

### **Practical Meaning:**

- Unauthorized changes create liability for the member
- Board approval protects the system
- Members pay for any damage caused

## II. WATER DISTRIBUTION & AVAILABILITY

### 1. Water Availability

**Bylaw Language:**

“No member shall be deemed entitled to any specific quantity of water...”

**Plain-English Explanation:**

Water is delivered only when legally and physically available.

**Practical Meaning:**

- Water availability depends on snowpack, runoff, and priority
- State curtailments override ditch operations
- Swadley’s senior right takes precedence
- Ditch damage or emergencies may halt water
- No guaranteed season, schedule, or flow

### 2. Ditch Rider Authority

**Bylaw Language:**

“The ditch rider... is empowered to turn water off during the period of emergency... and to turn off water... when assessments are delinquent.”

**Plain-English Explanation:**

The ditch rider has full authority to shut off water during emergencies or delinquency.

**Practical Meaning:**

- Ditch rider decisions are final during emergencies
- Water shutoff for non-payment is mandatory
- Protects the ditch and ensures fairness

### **III. ASSESSMENTS & FUNDING**

#### **1. Annual Assessments**

**Bylaw Language:**

“The Board of Directors may levy an annual assessment... for the operation of this Company.”

Plain-English Explanation:

The Board sets yearly dues to cover all operating costs.

**Practical Meaning:**

- Dues must cover all expenses
- The Board may adjust dues as needed
- No member vote required
- No limit on timing or frequency of adjustments

#### **2. Special Assessments**

**Bylaw Language:**

“Upon approval of the Members... the Board may levy special assessments...”

**Plain-English Explanation:**

Special assessments require a member vote.

**Practical Meaning:**

- Used only for major or extraordinary expenses
- Must be clearly explained to members
- Requires majority approval

### 3. Delinquency

**Bylaw Language:**

“Any assessment shall become delinquent... thirty days after written notice... The Board may add a penalty... and may bring suit to collect.”

**Plain-English Explanation:**

Members have 30 days to pay assessments.

**Practical Meaning:**

- Penalties apply after 30 days
- Water may be suspended
- Legal action may be taken
- Enforcement must be consistent

### 4. Swadley Ditch Sinking Fund

**Bylaw Language:**

“The Swadley Ditch payment shall have priority over all other expenses...”

**Plain-English Explanation:**

This is a mandatory reserve fund.

**Practical Meaning:**

- Must always be funded
- Cannot be used for other expenses
- Must be replenished immediately if used
- First financial obligation each year

## **IV. BOARD STRUCTURE & AUTHORITY**

### **1. Board Composition**

#### **Bylaw Language:**

“The control and management... shall be in the hands of 8 directors and 3 officers.”

#### **Plain-English Explanation:**

The Board manages all operations and finances.

#### **Practical Meaning:**

- Board decisions govern the entire ditch
- Officers execute Board decisions
- Directors must act as a unified body

### **2. Borrowing & Property Restrictions**

#### **Bylaw Language:**

“The Board... shall not borrow money or encumber or permanently dispose of real property... except with the consent of the Members.”

#### **Plain-English Explanation:**

The Board cannot take on debt or sell property without member approval.

#### **Practical Meaning:**

- Protects the company from financial risk
- Ensures transparency for major decisions

## **V. OFFICER DUTIES**

### **1. President**

#### **Bylaw Language:**

“He/she shall sign all certificates... checks... deeds... contracts...”

#### **Plain-English Explanation:**

The President leads meetings and signs official documents.

#### **Practical Meaning:**

- Primary executive officer
- Oversees Board actions
- Ensures compliance

### **2. Vice-President**

#### **Bylaw Language:**

“The Vice-President shall... perform the duties of the President.”

#### **Plain-English Explanation:**

Steps in when the President is unavailable.

#### **Practical Meaning:**

- Backup executive
- Supports continuity

### **3. Secretary-Treasurer**

**Bylaw Language:**

“He/she shall record minutes... have custody of all funds... keep accurate records...”

**Plain-English Explanation:**

Manages all records, finances, and archives.

**Practical Meaning:**

- Maintains membership lists
- Manages deposits and accounts
  - Keeps historical documents
  - Ensures smooth officer transitions

### **4. Ditch Rider**

**Bylaw Language:**

“Empowered... to turn water off during emergencies... and for delinquent assessments.”

**Plain-English Explanation:**

Manages daily operations and enforces water rules.

**Practical Meaning:**

- Executes Board policies
- Ensures safe water delivery
- Protects the ditch during emergencies