

Butte Ditch Company

Articles of Incorporation

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The Butte Ditch Company

The undersigned incorporators of The Butte Ditch Company, for the purpose of becoming a body corporate and politic under and by virtue of the laws of the State of Colorado, and for the purpose of enjoying the rights and benefits of such laws relative to corporations, hereby make, acknowledge and file this statement or certificate of incorporation.

First

The name of our said company shall be "The Butte Ditch Company!"

Second

The objects for which said Company is created are: to acquire for the use and benefit of its stockholders only that certain irrigation ditch known as the Buttes Ditch, and its water rights or any part of said Ditch or water rights, and to take over the title to said Ditch and water rights by grant, or otherwise to hold, maintain and operate said Ditch, to enlarge, repair or reconstruct the same or any part thereof; to acquire and operate any extensions or additions thereof or thereto and laterals thereof; to acquire and further or future water rights by grant or appropriation and to divert onto and carry through said ditch any and all water or water rights as may be determined upon by our said Company and to make levy and collect all necessary assessments for the maintenance, operation and repair of said Ditch.

That the said Buttes Ditch has its headgate situated on the east bank of Surface Creek in water district number forty, Delta County, Colorado, at a point whence the northeast corner of section twelve, township fourteen, south of range ninety-four west of the sixth principal meridian, bears north forty-five (45) degrees, east two thousand feet, and from said headgate said Ditch extends in a southerly direction a distance of about six miles, and the land to be irrigated there-from is situated in sections twelve, thirteen, twenty-three, twenty-four, twenty-five, twenty-six, and thirty-five, and thirty-six, of township fourteen, south of range ninety-five, west sixth P. M., and sections one, two and three in township fifteen, south of range ninety-five west of sixth P. M., all in Delta County, Colorado, and the water diverted into and carried through said Ditch is to be used for domestic and irrigation purposes.

Third

The capital stock of said Company is the sum of Thirty Thousand (\$30,000.00) Dollars, divided into three thousand (3000) shares of the par value of Ten (\$10.00) Dollars per share.

Said stock shall be divided into twenty-four hundred (2400) shares of Class "A" stock, which shall represent the ditch and water rights owned by said Company, and six hundred (600) shares of Class "B" stock, which shall represent a voting right only. Said "B" stock shall be non-assessable for any purpose and shall represent no right to draw water from said Ditch. Said "A" stock shall be non-assessable except for purposes of repair, maintenance and operation.

All water rights belonging to said Company shall be divided among the said Class "A" stockholders, according to the amount of their stock holdings.

Fourth

The term of existence of said Company shall be twenty (20) years from the time of the filing of these Articles.

Fifth

The number of directors of said company shall be five.

Sixth

The names of the persons who shall manage the affairs of said company for the first year of its existence are: E. R. Coffey, Elias Wenger, Mark S. Phoenix, E. F. Hubbard and A. L. Reynolds.

Seventh

The name of the place where the principal office of the company shall be kept is Eckert, Delta County, Colorado.

Eighth

The principal business of said company shall be carried on in Delta County, Colorado.

Ninth

The Board of Directors of said Company shall have power to make such prudential by-laws for the government and regulation of said Company and its property as they shall deem necessary or expedient.

Tenth

In addition to the water rights belonging to The Butte Ditch Company, the owners of any stock in such Company who own or rent other water shall be entitled to run the same in said ditch as a matter of right, subject to the right of the Board of Directors to make a reasonable charge to cover the actual cost of running and distributing such water, and the proportionate part of the upkeep and maintenance of the ditch; provided that when the demands for space belonging to this company in said ditch to run such extra or private water, exceed the ditch capacity so belonging to this company taken along with the water belonging to said Company, then such ditch space shall be divided according to the stock holdings in this Company, proportioned according to the number of shares owned by the different stockholders.

In witness whereof, we have hereunto set out hands and seals this twentieth day of February, A.D. 1915.

[Signatures not transcribed.]

Notary

State of Colorado

County of Delta

I, Clyde R. Stewart, a Notary Public in and for said County and State do hereby certify that Elias Wenger, Mark S. Phoenix, E.F. Hubbard, and A. L. Reynolds personally, known to me to be the persons whose names are subscribed to the foregoing Articles of Incorporation, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said Articles of Incorporation as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 20th day of February, A. D. 1918.

Clyde H. Stewart, Notary Public