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## BOOK REVIEW

**GREGORY M. SILKENSEN, THE FARMERS' HIGHLINE CANAL AND RESERVOIR COMPANY: A CENTURY OF CHANGE ON CLEAR CREEK,** North Suburban Printing, Denver, Colorado (2000); 164pp; softcover.

REVIEWED BY JOHN M. DINGESS

To borrow a cliché from the popular press, this is a “must read” for any water rights attorneys, engineers, and other professionals whose practice deals in any way with Clear Creek.

The author was commissioned by the Farmers' High Line Canal and Reservoir Company Board of Directors to write a history of the company. Mr. Silkensen worked on the project simultaneously while pursuing a Doctorate in History at the University of Colorado. However, from the text, the hundreds of footnotes, the lengthy appendix, the numerous photographs and the half dozen useful maps, the reader quite quickly deduces this composition certainly became a labor of love for the author.

The book is subdivided into five chapters. They provide a history and understanding of not only the Farmers' High Line Canal system, but also the interrelationship between that complex system, and other mutual ditches and water rights located on Clear Creek.

Chapter One, The Origins of the Farmers' High Line Canal, begins with the details of a May 1885 meeting between approximately twenty men on a remote farm owned by Detrick Schrader in what was then northern Arapahoe County. The group, composed of farmers like Schrader and a few businessmen, wished to supply additional water to their irrigated agricultural lands. It is truly astounding to note that by the following January of 1886, this group had surveyed several existing and proposed alternate canal routes, incorporated their mutual ditch company, obtained funding and acquired what was theretofore known as the Golden Canal, these accomplishments put them in the position to deliver water during the following irrigation season. One wonders if a group of investors and professionals today could accomplish such an undertaking so as to have a major canal system up and running in approximately six months.

The initial chapter goes on to detail the history of the region leading up to the incorporation of the Farmers' High Line Canal. The text recites a wonderful lineage of both the physical system and owners and operators of the system. Parts of this chapter are reminiscent of *Genesis 5:1-32* or *Luke 4:24-38* with the details of who was a predecessor in interest to whom. However, with the aid of an excellent illustration,

the lineage of the physical facilities and the various owners thereof clarifies what could easily be a hazy understanding of the interaction of water rights on Clear Creek. The first chapter concludes with a discussion of the Company's priorities and an excellent explanation of the so-called "schedule," "statutory," and "stock water." Anyone who has practiced on Clear Creek or who has dealt with Farmers' High Line Canal shares knows the different types of water have different characteristics and different values. This explanation is quite useful for anyone who wishes to better understand these different classes of Farmers' High Line Canal water rights.

The second chapter, entitled Fiscal Challenges, provides insight not only to the early fiscal challenges facing the Farmers' High Line Company, but also the financing challenges that any of the many ditch companies of the state faced in the late nineteenth and early twentieth centuries. An interesting discussion is presented regarding the development of roads, and the often-heated debates between county commissioners (those who in this era were most often responsible for road building) and ditch companies regarding the bridging of ditches and the allocation of costs therefor. The chapter also includes the history of the first enlargement of the Farmers' High Line Canal Company and how the company and its shareholders dealt with its first stock assessment, something that did not occur until nine years after the company was incorporated. While the annual assessment of the shareholders in a mutual ditch company is common today, the text explains that such was not common in the late nineteenth century. Understanding this history gives one a new appreciation for the accomplishments of this and other ditch companies while working under such tight budgetary constraints.

Chapter Three discusses water scarcity. This discussion serves to remind all readers that not only were 1950-1954 and other more recent years lacking in precipitation, but also drought events have consistently occurred throughout the modern history of this state and will no doubt persist. A particularly intriguing element of this chapter is a section dealing with the attempt to obtain administration of water users in former Water District 23 during the first decade of the twentieth century. Apparently, water rights users in the Upper South Platte Basin would routinely ignore lawful administration and it was not until after representatives of the Farmers' High Line Canal Company and others formed a watchdog group known as Clear Creek Valley Water Protective Association, that enough pressure was put on the state water administrative officials that they took action. However, District 23 administration, or lack thereof, continued to be a problem for five decades. It was somewhat humorous to note that administration in District 23 was still lacking after the 1940s, and that it was not until the Metro area cities of Denver, Thornton and Aurora purchased a significant number of District 23 water rights before legitimate administration occurred.

Chapter Four deals with the canal operation and water quality. In the same way as the Internet and gauging stations that report using

satellite telemetry have revolutionized water rights operations in the last two decades, it is interesting to note that a similar impact was felt with the development of Portland Cement (used to construct concrete facilities to replaced wooden flumes and diversion works), the automobile and the telephone in the reliability and cost effectiveness of delivering the water.

The fourth chapter also details and provides a greater understanding of the impact of the mining industry and the stress between mineral extraction and agricultural production in Colorado. One can scarcely imagine a better crucible to examine the stress between these two occupations than Clear Creek with its mining interests in Gilpin County and agricultural production occurring in what was originally Arapahoe County and now Jefferson and Adams Counties. Today, hardly any brief dealing with water quality issues submitted to either the State Water Courts, the Water Quality Control Division, or the Colorado Supreme Court fails to mention the seminal case of *Wilmore v. Chain O'Mines*, 44 P.2d 1024 (Colo. 1934). Even those who have read and cited *Chain O'Mines* on multiple occasions will find the book's detail concerning the history of the case and the interaction of the participants very interesting and informative.

The final chapter deals with the Farmers' Company's operations and activities during modern times. The chapter titled Suburban Growth in the Post War Era, details the effects of World War II and the Post War period upon both agriculture and growth in the Metro Denver area. The chapter also provides a fine history of the attempt to condemn mutual ditch company water rights by the City of Thornton. Finally, a candid discussion is made regarding the sale of Farmers' High Line stock to various municipalities and the cities' use of the water. Also mentioned is the modern problem of balancing the maintenance of water quality in the canal, important to its use as a municipal supply, with the competing demand for the canal to serve as a drainage facility.

The book is fascinating and can be easily read within a few hours. However, once read for the first time any practitioner who wishes to better understand water rights in Clear Creek, will certainly keep this book on his shelf as a reference and source of information for the future.