

June 12, 2024

Joe Reale  
Open Space Superintendent  
City of Westminster  
Parks, Recreation and Libraries  
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Mr. Reale:

This letter is to follow up on discussions between the City of Westminster and the Dry Creek Valley Ditch Company ("DCVDC") regarding the Westminster Hills Open Space Area Management Plan.

DCVDC does not support or permit humans or dogs to enter the ditch or come into contact with water in the ditch at any time. DCVDC is particularly concerned with recreational use of the ditch as it crosses the Westminster Hills Open Space ("WHOS") due to high E. coli levels in recent water samples taken from the ditch.

If Westminster would like to maintain recreational access to the ditch across WHOS, DCVDC requests that Westminster enter into a license agreement with DCVDC under which Westminster would assume responsibility for maintenance of the ditch and liability for the recreational use pursuant to C.R.S. § 33-41-103(2)(d). DCVDC anticipates such an agreement would be similar to its existing agreements with Westminster for the pedestrian bridge on WHOS and the ditch as it passes through the subdivision east of Simms Street.

In the absence of such an agreement, DCVDC reserves the right to fence off the ditch in accordance with C.R.S. § 37-86-103 to prevent any access to the ditch or ditch easement from the trails on WHOS.

We appreciate Westminster's willingness to work with DCVDC to address these issues and look forward to continued discussion.

Feel free to reach out with any questions.

*Brennan Middleton*

Brennan Middleton  
Ditch Company President