

Friday, April 10, 1987

Westside Library's Story, Vote in May

O.C.C.H.S. member **Betsy Evans** will present the program at our meeting May 8th, giving us the history of Old Colorado City libraries. In addition, the annual business meeting and election of Board members will be held.

Ladies of Colorado City established a "free library," which eventually became the Carnegie library when it was built in 1904. The Westside Branch, under Ms. Evans' leadership, is now part of the Pikes Peak Library District.

O.C.C.H.S. bylaws call for an annual meeting of members "on about the second Tuesday of the month of May" to elect 11 Directors and conduct other business. Immediately after the meeting, members of the Board elect Society officers from among the Board's membership.

Board members serve two years, and president **Agnes Johnson** has suggested that a system of electing half the boardmembers every two years be established to give continuity to the Board.

Ed Berry Benefits Society "Library"

Ed Berry, once a speaker and a guest at our last meeting, has donated his copy of "El Paso County Heritage," by Juanita and John Breckenridge, for the O.C.C.H.S. library.

The recently-published book includes general historic information and a number of family write-ups. It will be added to our collection of research volumes.

A Westside Welcome to NEW MEMBERS

We need some research to determine if the Oregon trail went through Colorado City! A number of former Colorado City residents ended in Oregon, and are keeping in touch with their home town!

Richard E. Chamberlain of Bend, Oregon, joins this month, courtesy of his mother, **Ms. Isabelle Mosley** of Klamath Falls. We welcome him both to the Old Colorado City Historical Society, and to the teeming Oregon chapter. **Lola Cooper Stone** and **Norma Hoehn**, of Cottage Grove, are Oregonians.

New Membership Year Begins With Opportunities For Member Participation and Growing Society Visibility

Members, local and out-of-town, those who attend meetings and those who rarely do, are urged to maintain support of the Old Colorado City Historical Society as we begin a new membership year.

Unspectacular but steady progress marks the year just past, and justifies optimism for our future. Our long-range goal remains establishment of a museum, and we moved farther in that direction.

Since April of 1986, membership has grown by 36%, and includes members in two dozen zip zones. Especially impressive is the number of gift memberships keeping former Westsiders in touch with the home community.

Attendance at meetings has grown, averaging exactly 28 (for the luncheon) in our last nine meetings. We've had as many as 22 visitors and guests.

Under leadership of Vice President **Jan Knox** we've enjoyed a variety of programs. Subject matter included local women, the trolleys, early exploration, ranchers and farmers, water rights, and colorful people. Speakers included Dr.

Outlaw Belle Starr Will Visit Meeting

Our meeting features the notorious Belle Starr, consort of Jesse James and Younger gang, and observance of "History Day".

Ms. Starr is portrayed by Palmer student **Jennifer Johnson**, who placed third in national History Day competition in 1985 as the Unsinkable Molly Brown.

Ms. Carolyn Churchill, founding president of History Day Scholars, will describe the History Day competition for grades 6 through 12 which just had local competition, and the support her organization gives.

Robert E. Smith, Joyce Johns, John Haney, Michel Dahlin, Gladys Bueler, and Curt Poulton.

Among the more unusual programs: dinner "out" at Henri's and a visit to the Simpich Doll works; and the Fountain Creek String Band's old-time music.

We received donations from ten different sources of books, historic items, and display cabinets for our future museum. By far the greatest number and most significant items came from the late **Luther McKnight** and his family. The Pioneers' Museum has been generous in giving us some valuable display cases. We
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have the nucleus for a useful research library.

Our Endowment/Perpetuity fund expanded with five Life memberships: **Barbara Carter, William C. Henderson, Agnes Johnson, Barbara Keller, and the Cedarwood Health Care Center.** Beyond memberships we received cash contributions from **Virginia Cox** and the estate of **Luther McKnight.**

We're increasingly active in historic and community affairs. We undertook to handle awards for improvements to buildings along Colorado Avenue, in cooperation with the City. We will again participate in Territory Days. The Society spent \$267 to replace the Old Colorado City Historic Marker in the 2500 block of Colorado, and contributed \$25 to History Day a year ago.

Individual members are active as officers and volunteers in schools, historic, genealogical and Westside civic organizations, improving the public's awareness of our organization.

Some progress is in refinement of what we were already doing. We expanded the newsletter, and now include history articles as well as Society news. We regularly record information from our meetings, and where space allows print historic articles from other sources.

We audited our books and established a tentative budget. We surveyed members to learn what priorities we should have. Publicity has been refined so notices of our meetings now appear in five newspapers. Functions of Secretary and Treasurer have been separated, and **Lyn Owen** has taken over "courtesy" and "reservations" responsibilities.

We are looking quietly for a building for a museum, and dis-

Visitors and Guests:

Our speaker, **Curt Poulton**, was a guest at the luncheon, and we were pleased to have two visitors who came especially to hear his talk on Bear Creek: **Peggy Johnson** and **John Alford.**

A welcome and helpful guest was **Rick Owen**, son of member **Lyn Owen.**

Bancroft Event Gives Society More Money and Visibility

O.C.C.H.S. President **Agnes Johnson** has notified **Katie and Clyde Tullis** of the Old Colorado City Merchants' Association that the Old Colorado City Historical Society will participate in Territory Days May 23-25th.

An important part of that weekend (Saturday, May 23) will be a ceremony recognizing five property owners who have done the most to improve property on Colorado Avenue, keeping alive the historic nature of the area.

NEXT MEETING MAY 8th

cussing plans for the campaign to raise money for its purchase and remodeling and for construction of exhibits. The ideal building will be in the heart of "downtown" Colorado City, with adequate space, with a minimum of repairs or modification needed. Oh, yes, we'd like it have historic significance, too. And cheap!

Considerably more planning is needed, and we must set up a system to process historical items and get them ready for exhibit. We will increasingly need support from members, through memberships, and—from those who can—through time and money.

If you receive this newsletter by mail, and it includes a membership application and envelope, you need to renew your membership. If you joined in recent months, you need not renew for another year.

We invite continued support.

SECRETARY'S EXPENSES

Last month's treasurer's report listed a check for \$93. to the Secretary. That included four months expenses, itemized in Jan. and Feb. newsletters, plus Feb. postage of \$19.43.

New expenses: March Postage 15.79 (Treasurer's report lists check for \$15.79 to Secretary.)

Ms. Johnson plans to offer historic tours on Sunday and Monday of the 2400 and 2500 blocks of Colorado Ave., leaving from the cabin at 2:00.

We will again display historical items from private and Society collections that show Colorado City's past. Tourists will have the opportunity to register as Old Towne "honorary citizens".

Other details are still to be worked out, depending on how the membership rallies to host the cabin. A time schedule will avoid creating too great a burden for any one person.

Kay Arnold, who made lemonade and baked cookies in previous years, will be out of town those days, but has offered to bake cookies if others will make lemonade and handle sales.

The Bancroft cabin is reserved for three days of the Memorial Day weekend—a longer period than we have operated in the past. A day is set aside before and after to allow us to move displays in and out.

It's a good chance to make people conscious of our organization and of Westside history, and to add a little income.

"Colorado Doctrine" Set Precedence in Nation's Water Rights Laws

Little-known history from the area south of Colorado City, and smattering of law, gave Old Colorado City Historical Society members new insights in March, as Curt A. Poulton traced the history of Bear Creek water rights.

Territorial Legislature Separates Water Rights from Land; Bear Creek History

Bear Creek rises on the slopes of Mt. Amalgre (Baldy), one ridge north from North Cheyenne Canon, flowing generally easterly into Fountain Creek about four blocks south of the junction of Fountain and Monument Creek. Twenty-first street crosses Bear Creek where it flows into the former County Poor Farm at Gold Camp Road.

Mr. Poulton, a PhD candidate in historical geography, traced the evolution of property and water rights, beginning with first diversions of streams for irrigation thousands of years ago, and the proposal of Thomas Jefferson in 1789 to divide the country into square parcels called ranges, townships and sections.

Before '49ers found gold in California, ownership of land included control of its water. But in California, the practice grew that a person who first used land, its minerals, or equally scarce water, could claim "ownership" of that resource.

Thus, land ownership was separated from ownership of minerals or water. Like land, mineral or water rights could be bought and sold, once ownership was established through a claim.

The Colorado Territorial Legislature in 1858-59 made this "custom" into law in what became known as the "Colorado Doctrine."

The 1841 Preemption Act set up conditions by which squatters who occupied land without legal title could claim ownership of that land.

This came together for local residents before and after El Paso County was established, by September of 1861. Colorado City settlers were technically infringing on Indians' rights. But they kept records and enforced a primitive kind of law through their "Claim Clubs."

In 1862 the first general land survey was begun. A. Z. Sheldon was elected surveyor and laid out Colorado City. It wasn't oriented to either true or magnetic north, causing claims to overlap or be ill-defined, and setting up future legal problems.

[Mr. Poulton says Colorado Springs is "off" by 1°. To which some hardline Westsiders would respond, "At least!"]

Those who claimed land at that time were required to stake it off, record its description, and "build a house." But custom was tolerant on the latter point; it was enough to "start" a house. Thus

the letter of the law was satisfied if the property included a rectangle of four logs, establishing a "foundation" of the house "being built". One way to spot a newcomer was to hear his questions about these odd log markers!

In earliest days, despite only 15 inches of rainfall each year, there was enough water from Fountain and Bear Creeks. Most settlers relied on ditch rights—rarely on wells or groundwater.

Much subsequent history of the area has been unraveling conflicting claims, straightening out records of the sometimes extra-legal organizations, and deciphering confusing "descriptions."

Mr. Poulton demonstrated how these laws and customs applied to Bear Creek.

Slides illustrated the claims and changing boundaries, and it isn't feasible to reproduce that record here. He showed three major irrigation ditches stemming from Bear Creek, remains of which may still be seen on the ground. In line with the earlier explanation that water rights are independent of property ownership, one ditch was established by a speculator who owned no land, but dug the ditch across others' land to give himself a claim to Bear Creek water.

Mr. Poulton says Bear Creek has 12½ square miles of watershed, and is 7½ miles long. Its year-around water flow is 1¼ cubic feet per second. Claims soon exceeded this flow.

An illustration of legal complications grows from a Mrs. Hardwick's establishment of a "Garden" subdivision in the area now occupied by the soccer field west of 21st St. This space was subdivided into 14 5-acre plots. When Colorado Springs began usurping all Bear Creek water from higher up and diverting it to 28th Street and Mesa reservoirs, Mrs. Hardwick sued.

The law gives top priority to water for urban and domestic use, so the courts ultimately granted the water to the city, but required it to compensate Mrs. Hardwick. Agricultural use is second most important, and industrial is third.

In the 1890's Melvin Sinton helped establish the County Farm, for the poor and to isolate smallpox victims, and the land purchased included water rights. The Portland Mill, roughly where the Equestrian Center is, also held early water rights. Henry Templeton, Oscar Matthews, Robert F. Love, C. White, Wellsey and Fische are names associated with Bear Creek water claims, which sometimes produced wealth as quickly as the gold discoveries which brought some of these men here.

Treasurer's Report:

ENDOWMENT IN AMER. FEDERAL SAVINGS AND WORLD SAVINGS

Balance reported 3/13/87 \$95,494.52
Balance reported 4/10/87 \$95,495.52

CHECKING

Balance as of 3/13/87 \$12,037.93
Check #1044 (Trinity Methodist Church) \$8.00
Bank Service Charge .90

Balance \$12,029.03

Memberships:
Chamberlain 8.00

March lunch:

27 reservations @4.00 108.00
25 paid @4.00 \$100.00
1 guest @4.00 \$4.00
1 no-show @4.00 \$4.00
\$108.00

(\$108.00 paid to Trinity United Methodist Church—\$100.00 cash and Ck. #1044: \$8.00)

Check #1045—Ralph Conner, Secy.—expenses \$15.79

Receipts—\$100.00 cash paid to Trinity United Methodist Church \$0.00

Interest on Pikes Peak Nat'l Bank Account \$49.18

Balance in checking account as of 4/10/87 \$12,067.42

Bal. in Amer. Fed. Savings and World Savings, 4/10/87 \$95,494.52

GRAND TOTAL AS OF 4/10/87 \$107,561.94

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Old Colorado City Historical Society

Old Colorado City Historical Society
Post Office Box 6702
Colorado Springs, Colorado 80934

WEST WORD

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Published the second Friday of almost every month by
THE OLD COLORADO CITY HISTORICAL SOCIETY
Post Office Box 6702, Colorado Springs, CO. 80934

The Old Colorado City Historical Society was formed to maintain the memory of Colorado City (1859-1917), to encourage research, to preserve historic buildings, monuments and pictures, and to keep alive the unique culture and spirit of Westside Colorado Springs.

MEETINGS

Meetings are held the second Friday of each month [except in June, July and August] at 11 a. m. at the Trinity United Methodist Church, 1920 Henderson Avenue—across 19th Street, west of Uintah Gardens Shopping Center. The public is welcome at all meetings and no reservation is needed for the program.

The program is followed by a luncheon, served by ladies of the church. Cost is \$4 per person. Reservations are required, and can be made by phoning Lyn Owen, 473-1846. Deadline is normally the Wednesday before the meeting, although last-minute change can usually be accommodated up to 5 p. m. the Thursday before the meeting. Since we must pay for all reservations made, please call Lyn Owen to cancel if you find you can't attend.

MEMBERSHIPS

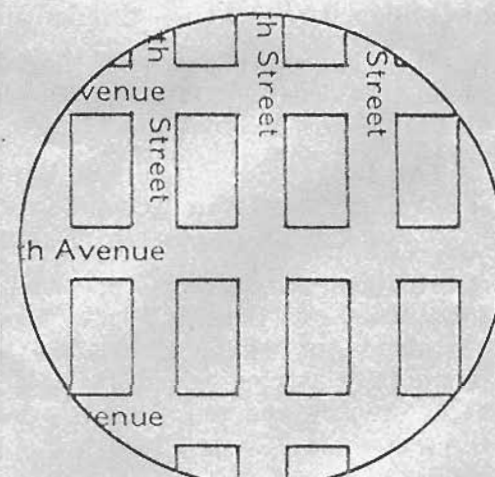
Individual membership is \$5 a year; family membership is \$10. Renewal falls in April. Members receive our newsletter, and local members will usually be phoned before each meeting.

Also available is a Lifetime membership, for \$100. This amount is placed in our Perpetuity/Endowment fund, to be used for long-term projects which have approval from two-thirds of the members. Only the interest will be used for current expenses. We welcome gifts to this fund, which will be credited to the donor or as a memorial.

OFFICERS AND BOARD MEMBERS

	Work:	Home:
President:	Agnes Johnson	633-8040
Vice President:	Jan Knox	495-3359
Secretary:	Ralph Conner	634-0895
Treasurer:	Orville Kenelly	471-0551
	Vera Ghamon	473-5307
	David Clark	634-2340
	Betsy Evans	473-3941
	David Hughes	634-1698
	John Keller	593-2088
	Aldine Lipe	636-2040
	Leon Young	475-8634
		475-1846
		633-2621
		63

Luncheon Reservations (Lyn Owen) 473-1846



HISTORIC SITE: January 24, 1908, Timothy Berend, then seven years old, got lost (in area shown on above map) while trying to meet his father, T. J. Berend, who was returning home after a day's work as a fireman on the Midland Railroad. Young Timothy wandered a block east of the spot indicated above, where he saw his father trudging home. The boy never told anyone of his adventure. —From *Little Known Milestones in Colorado History*, 1937.