

39. HALLIGAN RESERVOIR LEASE

In the 1970s, the State of Colorado had two competing agencies for public recreation organized under the Department of Natural Resources. The Division of Wildlife (DOW), the big dog, had achieved dominance in 1973 and was used to throwing its weight around. Its little brother, State Parks, occupied a less assertive rung on the bureaucratic ladder.¹

With respect to Halligan Reservoir, the DOW exercised its muscle by posting signs in its Middle Cherokee Park Unit, pointing to "HALLIGAN RESERVOIR →" over a jeep road which led to the mud-flat estuary at the west end of Halligan. This had the effect of inviting those intrepid members of the public, who had made it clear over the hill to the mud-flat, to climb over the fence or drag a canoe into the lake and trespass on North Poudre property and/or the adjoining Brown Place.

One day (the way I heard it), the DOW marched into the North Poudre Board Room in Wellington and proposed to lease Halligan Reservoir, pointing out that the DOW was the de facto user anyway, and further, North Poudre had no alternative legal access to Halligan for recreational purposes.

I don't remember an accounting of further details of this meeting. Presumably, the Board's response was noncommittally polite, but the effect was an unspoken "*over our dead bodies*".

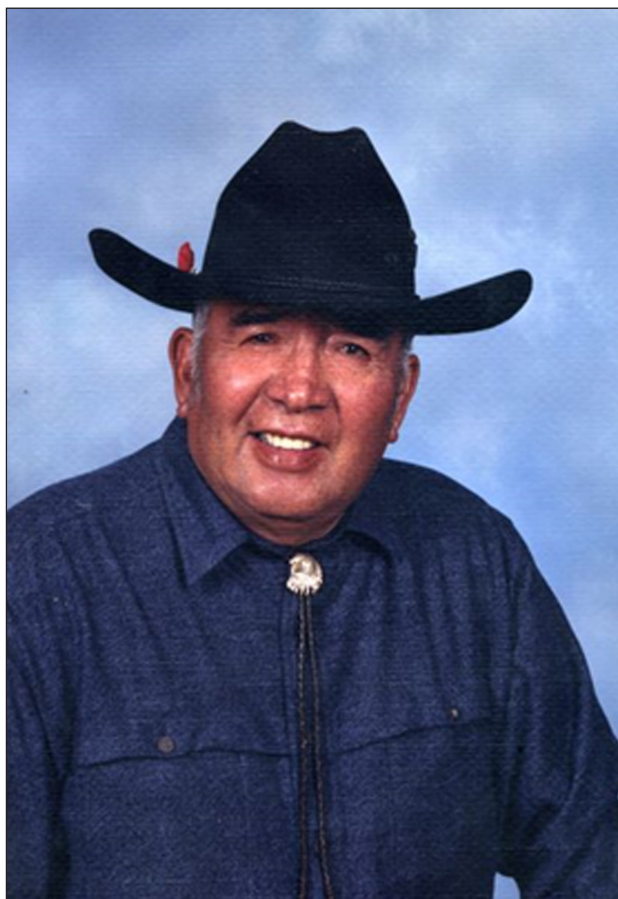
The Board thenceforth harbored animus toward the DOW for (in the Board's opinion) inviting trespass with the objective of bullying North Poudre into opening the reservoir to the public. Halligan remained the only one of North Poudre's nineteen reservoirs unleashed.

In June 1982, when I approached the Board with a request to lease Halligan on behalf of our newly formed North Fork Recreation Association,² I was made to feel more welcome than the previous year (Chapter 29) because: (a) I wasn't the DOW, and

(b) our association offered the opportunity to put a stop to the DOW's trespassers and the liability they represented to North Poudre. We signed a five-year lease for the use of the reservoir and adjacent North Poudre lands on June 18.

The lease provided that a limited number of North Poudre stockholders could become members

of our association. This was mostly to placate Manuel Pineda, a member of the North Poudre Board of Directors who was extraordinarily fond of fishing Halligan and the river below the dam. Manuel was a prominent local farmer and colorful character who became a valued friend.³

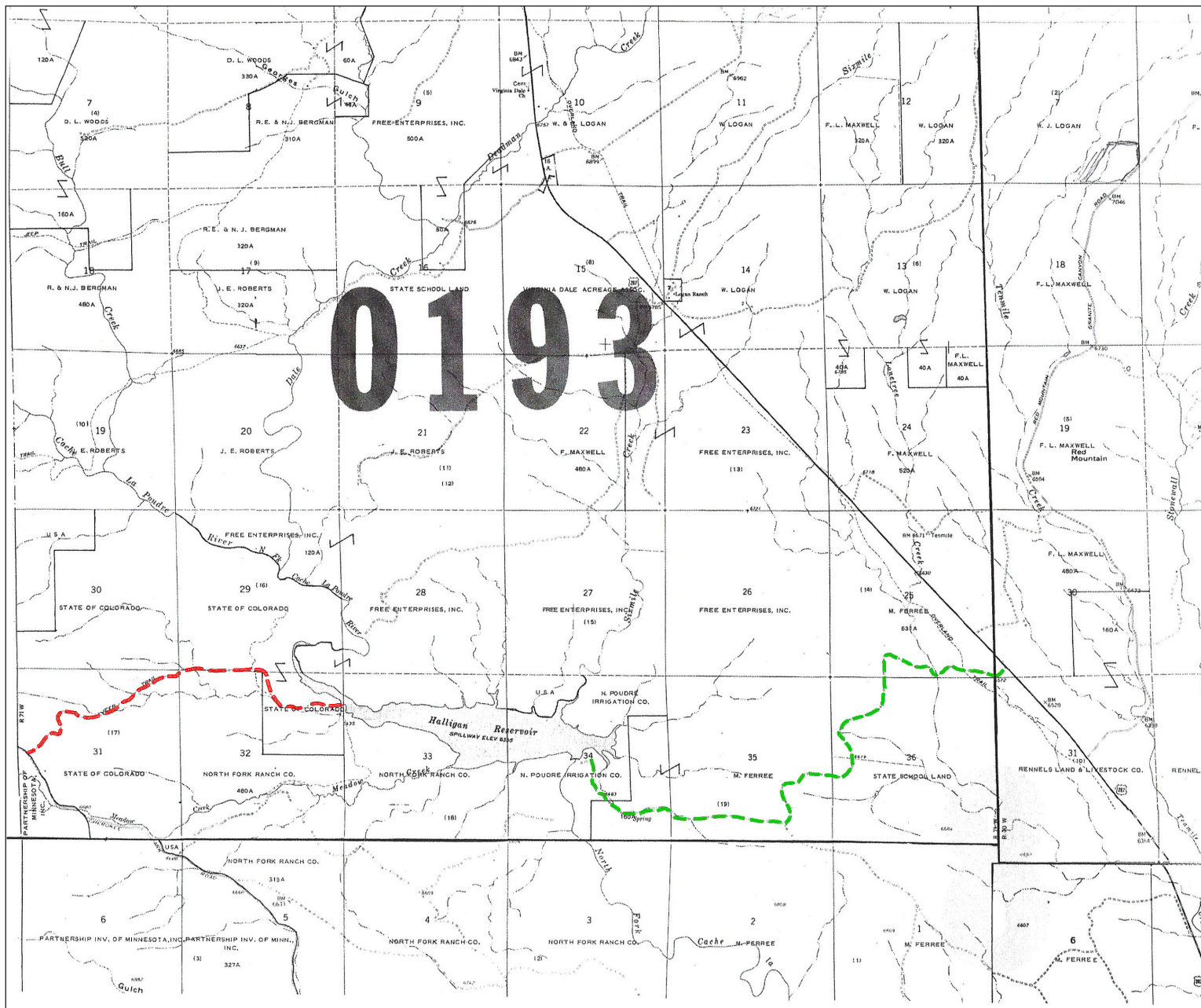


MANUEL PINEDA (1934 – 2009), North Poudre Irrigation Company Director for 28 years (I had the privilege of serving on the North Poudre Board with Manuel for six of those years).

¹ In 2011, the two competing departments, if not entirely reconciled, were nonetheless merged into *Colorado Parks and Wildlife*. This sensible arrangement would have saved us a lot of grief. Suffice it to say, for now, that the timing of the Phantom Canyon Ranch project was such that it was trapped by several fault lines in the cultural continuum that made its destiny irreconcilable with its fate (more about this later).

² We filed the Certificate of Limited Partnership for the North Fork Land & Cattle Co. on May 12. On May 19 we filed articles of incorporation for the North Fork Recreation Association (NFRA), a non-profit corporation, with Jeanne and me as officers and directors. The purpose of the NFRA was to manage the recreational use of the ranch primarily for the benefit of our limited partners. Uncertain exactly how we would need to handle the recreation, we were sure we wanted to control it closely. Our experience the previous year, leasing the hunting and fishing to a sportsman's club for a few months, had been frustrating but instructional.

³ The Pineda family owned and operated several farms in the Windsor and Wellington areas. For those of you who know Tony and Teresa Pineda, Manuel was one of Tony's six brothers (more about Manuel later).



The DOW, Halligan Reservoir and North Poudre - - - - DOW Halligan Trespass Road - - - - North Poudre Halligan Operating Access Road