

Ridgewood Water District
Board of Directors **Special Meeting Minutes**
December 3, 2025

1. **Call meeting to order** at 7:00 PM. Members present: Steve Ghioto, Charlie Parnell, Bob Panick, Kathy Furrow, Dave Burgess, Bruce Vanderpool.
2. **Patron/Customer Forum** None
3. **Discussion on Leak Issue & Repair at 24 and 28 Ponderosa Circle** – Letter was sent to Patrons on November 12 saying since no action has been taken water due to be turned off on November 21 as per R&R Section 22.

On Wednesday November 19, we got served a District Court Summons and Complaint from Nicole Ries, patron at 28 Ponderosa Circle. It included a Temporary Restraining Order (TRO) from turning off the water to her residence. It also prevented the district from making the necessary repairs to the leaking water line. A hearing for the motion was set for December 1 at 3pm. This was ordered on 18th day of November 2025 by District Court Judge William H. Moller.

Steve, Charlie and our lawyer, Jonah Hunt of Orten Cavanagh Holmes & Hunt, LLC attended the December 1 hearing. Jonah sent a 9 page opposition to the TRO, to the judge prior to the hearing. During the hearing, the Plaintiff spoke for approx. 45 minutes; that left little time for Charlie & Jonah to defend our position. The judge ordered that the RWD has a right to proceed with the repairs required, lifting the TRO while the repairs are being made and that we provide a 10 day notice to the parties involved when said repairs will begin. In the judge's opinion "Patron Line" was not adequately defined for lots 19 and 20. Our lawyer asked the judge if he read the opposition response and Judge Moller admitted that he had not read it. Nor did the judge hear the history behind the matter as time did not allow. However, the judge stated that he is not saying she has a case.

This is from the minute order entered by the Court:

- CT ORDERED TPO LIFTED; WATER DISTRICT TO GIVE ADEQUATE NOTICE TO PREPARE TEMP SERVICE CUT OFF; CT DIRECTS DEFENDANTS TO GIVE 10 DAYS NOTICE TO PTD; PARTIES ORDERED TO MEDIATE COSTS; WATER TO BE TURNED OFF BETWEEN 11 PM TO 7 AM; PARTIES TO CONFER ABOUT WATER SHUT OFF AT NIGHT; PARTIES TO DRAFT AGREEMENT AND FILE W/CT BY FRIDAY

We are disappointed that Judge Moller did not read our lawyer's response and basically gave RWD little input response to the summons. Definition of "Patron Line" should not have been an issue as that is basically self-explanatory; A line that lies on the PATRON's property. The issue is who is responsible for the repair and the RWD R&R 22: Repairs from the water main up to and including the water meter/service valve, meter pit, shall be repaired at the expense of the RWD, providing that the repair is not the result of the property owner's actions. If emergency repairs are required to remedy any leaks from the water meter/service valve to the residence (on the "service" side of the meter/service valve), the owner of the premises shall repay all costs of such work to RWD. The status quo has always been that any repairs made on private property is the responsibility of the homeowner.

According to the 2025 SDA manual: The Courts enforce adopted rules and regulations **and often yield to the judgment and discretion of the district's Board of Directors in matters of interpretation and application.** Bennett Bear Creek Farm Water and Sanitation District v. City and County of Denver, 928 P.2d 1254 (Colo. 1997). A Court will not imply rules and regulations if they have not been formally adopted by the Board.

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The RWD R&R have been formally adopted by the Board. In addition, they have been reviewed by a lawyer.

From our Lawyers opposition response: The status quo in this case is the Board operates pursuant to the Rules, determines the method of implementing requisite repairs to the patron line, and how to allocate the costs to do so. The Plaintiff is seeking to usurp such authorization and authority ... this will disrupt the status quo, not preserve it.

In other words, the Board is responsible for interpreting the R&R and courts normally yield to that. Having a patron try to define R&R disrupts the status quo.

However, the Board Members believe it is best for the district to avoid a court case.

We are pleased that we are able to precede with repairs as we see fit. A new water line will be installed for each patron and both water meter pits will be moved; Ries's will be moved down to the cul-de-sac/property line, just like all the other properties in the district, and Livingstone's will replace the one already in place in the cul-de-sac and will serve as his individual meter. This eliminates the shared patron line and we will be left with an extra meter pit. The issue of it not being on her property specifically will be updated in the R&R and approved and adopted at the next regular meeting. To be on her property specifically, it would have to run down the other side of her property that connects to Upper Ponderosa. That would be a huge cost and her responsibility according to R&R 15 Service Line Installation. (Though it was NOT the RWD that allowed a shared line for these properties, on private property. During the installation time, the RW Water Company, owned by the Warren's, was in charge of the water system.) **Steve made a motion to accept the resolution for the leak in the shared patron line, Bruce second and all agreed.**

Kelly Brock can do the repair starting next Thursday December 11. It is imperative that this happens ASAP as the leak now totals over 33,000 for last month (November).

For now, we will continue to bill the patrons for the water loss so that there is record for mediation.

Our lawyer will file agreement with Court by Friday.

8. **Adjourn** meeting at 7:50 pm. Next meeting December 9 @ 7pm.

Respectfully submitted, Kathy Furrow