

P.A.W.S appreciates kids' support

Dear Editor:

P.A.W.S. would like to extend a very special 'thank you' to Poppie Pleak and Madeline Willett for raising money for P.A.W.S. through their bake sale. It's wonderful to see that the young people in our community want to take part in supporting our many non-profit organizations.

Rita Clement, P.A.W.S. president



SplatterDash thanks

Dear Editor:

The Trailhead Children's Museum hosted its third annual SplatterDash 5K and 1K Color Run fundraiser on June 27 and what a colorful start to our beautiful Crested Butte summer it turned out to be! More than 250 runners got "splattered" with color along the course. Thank you to all the participants for coming out to support The Trailhead Children's Museum. Fun was had by all!

The SplatterDash was an extremely successful event for the non-profit Trailhead. Funds raised will support exhibits, programs, classes, camps, and scholarships.

The Trailhead Board would like to thank and recognize our business sponsors: Action Learning Associates, King Systems, Resource Engineering Group, Mountain Colors, Trans-

america Financial, CORE Fitness, Paradox Footwear, Can You Imagine, Pooh's Corner, Pitas in Paradise, Petit Lavish, Diamond Blue Pool and Spa, Last Steep Bar and Grill, Crested Butte Kids, Elk Avenue Dental, Crested Butte News, Off Center Designs, Whimsical Popsicles, and Clark's Market. Thank you to Trailhead's community partners: The Crested Butte Bank, KBUT, and Town Marshal's Office.

We would also like to say thank you to our many volunteers. We could not have done this without you! We are already looking forward to SplatterDash 2016.

Thank you, SplatterDash committee: Christie Hasz, Kara Miller, Katherine Andrews

13th Annual Friends of NRA Banquet

Gunnison Rodeo Grounds • Thursday, July 23rd
Doors open at 6 pm, Dinner at 7:30 pm
Door prizes, games, live auction
FUN FOR THE WHOLE FAMILY
Adults \$40, Youth, 10 & under \$15
Gary 209-9515 • Brad 275-2923

NEW IRRIGATION RULES



EFFECTIVE IMMEDIATELY

2015 IRRIGATION REGULATIONS:
Irrigation is only permitted in

Mt. Crested Butte & Meridian Lake Park on ALTERNATE DAYS

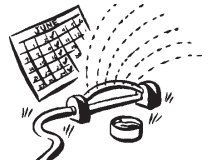
EVEN NUMBERED ADDRESS: WEDNESDAY, FRIDAY & SUNDAY
ODD NUMBERED ADDRESSES: TUESDAY, THURSDAY & SATURDAY
BETWEEN 5:00 AM —10:00 AM AND 5:00 PM —10:00 PM

PENALTIES FOR VIOLATIONS WILL BE STRICTLY ENFORCED: Any person violating any of the standard time restrictions set forth above shall be subject to the following fines:

First Violation:	Written Warning
Second Violation:	\$50
Third Violation:	\$100
Fourth Violation:	\$250
Subsequent Violations:	\$500

Restrict washing of open areas, such as driveways, streets and parking lots. Contact the District office at 970-349-7575 with any questions.

Mt Crested Butte and Meridian Lake will begin this irrigation season with new standard restrictions. If water consumption is excessive or dry conditions exist, irrigation could be restricted further. IF and when emergency restrictions become effective, a notice will be published in the CB News and listed on our website, www.mcbwsd.com.



Legals

legals@crestedbuttenews.com • phone: (970)349.0500 ext. 112 • fax: (970)349.9876 • www.crestedbuttenews.com

—GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE— REGULAR MEETING AGENDA WEDNESDAY, JULY 15, 2015

PLANNING COMMISSION MEETING ROOM, BLACKSTOCK GOVERNMENT CENTER

- | | |
|---|---|
| <p>1. 10:00am Call Regular Meeting to Order; Determination of Quorum; Verify Public Notice of Meeting</p> <p>2. 10:05 Agenda Approval</p> <p>3. 10:10 Approval of May 20, 2015 Meeting Minutes</p> <p>4. 10:20 Committee Member Comments/Reports</p> <p>5. 10:40 Litigation Update</p> <p>6. 10:45 BLM Resource Management Plan Amendment EIS
-status report
-Cooperating Agency report from Gunnison County</p> <p>7. 11:00 Waunita Watchable Wildlife Subcommittee
-report
-recommendations</p> <p>8. 11:20 GuSG Riparian Restoration Resilience Project
-2015 activities</p> <p>9. 12:00 Technical Subcommittee Habitat Prioritization Tool Review
-progress report</p> | <p>10. 12:30 Adjourn to Courthouse
-view facilities
-direction on future meetings location</p> <p>11. 12:55 Future Meetings</p> <p>12. 1:00pm Adjourn</p> <p>NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. Regular Meetings, Public Hearings, and Special Meetings are recorded and ACTION MAY BE TAKEN ON ANY ITEM. Work Sessions are not recorded and formal action cannot be taken. Two or more Gunnison County Commissioners may attend this meeting. For further information, contact the County Administration at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.</p> <p>Published in the <i>Crested Butte News</i>. Issue of July 10, 2015. #071017</p> |
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—MOUNTAIN EXPRESS BOARD OF DIRECTORS MEETING— AGENDA THURSDAY, JULY 16, 2015~ 9:00 A.M. MT. CRESTED BUTTE TOWN HALL

- I. Roll Call
- II. Reading and Approval of the Minutes of June 18, 2015 Meeting.
- III. Transit Manager's Operational and Financial Report
 - A. Operations Report
 - B. Financial Report
- IV. Unfinished Business
- V. New Business
 - A. Possible Appointment of 5th Member of Board, Member at Large Seat.
 - B. Election of Mountain Express Board Officers.
 - C. Schedule 2015 MX Board Retreat.
 - D. CB South 2015/2016 Winter Service Discussion.
 - E. Executive Session: Annual Review of Transit Manager.
- VI. Unscheduled Business
- V. Adjournment

Published in the *Crested Butte News*. Issue of July 10, 2015. #071019

—LEGAL—

<p>PLEASE TAKE NOTICE that a public hearing will be on the 20th day of July, 2015 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 4, Series 2015: Ordinance No. 4, Series 2015 - An</p>	<p>Ordinance of the Crested Butte Town Council Extending the Vested Property Rights for the Planned Unit Development for Sixth Street Station, LLC for Lots 1-5 and 28-32, Block 1 and Lots 1-5 and 28-32, Block 12, Town of Crested</p>	<p>Butte. TOWN OF CRESTED BUTTE, COLORADO /s/ Lynelle Stanford, Town Clerk</p> <p>Published in the <i>Crested Butte News</i>. Issue of July 10, 2015. #071021</p>
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—LEGAL—

<p>PLEASE TAKE NOTICE that a public hearing will be on the 20th day of July, 2015 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 3, Series 2015: Ordinance No. 3, Series 2015 - An Ordinance of the Crested Butte Town Council Approving the Telecommunications Facilities Space Lease Agreement</p>	<p>with Internet Colorado, L.L.C. for 508 Maroon Avenue and 801 Butte Avenue, Crested Butte. TOWN OF CRESTED BUTTE, COLORADO /s/ Lynelle Stanford, Town Clerk</p> <p>Published in the <i>Crested Butte News</i>. Issue of July 10, 2015. #071020</p>
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—GUNNISON COUNTY PLANNING COMMISSION— PRELIMINARY AGENDA: FRIDAY, JULY 10, 2015

- 10:15 a.m.** • Call to order; determine quorum
• Approval of Minutes
• **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.
- 10:30 a.m.** **Fialkoff**, public hearing/no action, request for 10,461 square foot single family residence greater than 10,000 square feet on a parcel legally described as Tracts 4 and 10, Roaring Judy Ranch, Phase II. Work session/possible action will follow public hearing.
Application #LUC-15-00010
- 11:00 a.m.** **Vista Business Park, Hal Hearne - Preliminary Plan**, joint public hearing/no action; request is for the subdivision of 28-acres into 13 lots, approximately 1.1 to 2.5 acres in size, to be developed as an industrial and commercial development, with ancillary residential use on some lots. The project is located approximately 4 miles east of the City of Gunnison, south of Highway 50, NW1/4SW1/4 & SW1/4NW1/4 Section 3, Township 49 North, Range 1 East, N.M.P.M.
Application #LUC-11-00035
Adjourn
- You may access the entire file for each agenda item by using this link <http://204.132.78.100/citizenaccess/> Click on public access- these items are PROJECTS, using the application number as noted above, open and review any attachment in these files. If you have any questions please call us at 970-641-0360.**
- NOTE:** To receive e-mail / mobile device notification of Planning Commission Agendas, etc. Please go to Notify Me on the Gunnison County Web site or use <http://gunnisoncounty.org/list.aspx> to sign up for notifications.
- NOTE:** Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed by the staff up to 24 hours before the meeting date. If you are interested in a specific agenda item; you may want to call the Community Development Department (641-0360) ahead of time to confirm its scheduled time. Any one needing special accommodations please contact the Community Development Department before the meeting.
- Published in the *Crested Butte News*. Issue of July 10, 2015. #071023

—PUBLIC HEARING— JULY 21, 2015 ~ 6:00 P.M.

MT. CRESTED BUTTE TOWN COUNCIL CHAMBERS

Discussion and Possible Consideration of a Special Event Liquor License Submitted By The Crested Butte Nordic Council For An Event To Be Held On September 6, 2015 from 11am to 6pm At The CBMR Ski Area Base for the 2nd Annual Mountain Bike Grand Traverse.
Jill Lindros, Town Clerk

Published in the *Crested Butte News*. Issue of July 10, 2015. #071022

deadline tuesday at noon

legals@crestedbuttenews.com

970.349.0500

Legals

—NOTICE OF APPROVAL CREATING A VESTED PROPERTY RIGHT—

PLEASE TAKE NOTICE that the Town of Crested Butte approved the following site specific development plan(s) for construction or subdivision within the Town which creates a three year vested property right pursuant to Colorado Revised Statutes, section 24-68-103 (as amended). The "vested property right" gives the following applicant(s) the right to undertake and conditions of the approval for their site-specific develop-

ment plan(s).
 March 31, 2015
 Marybeth Goodnough and Christopher D. Goodnough Survivors Trust et al: Rehabilitate the existing historic accessory building to be utilized as a garage located at 210 Gothic Avenue, Block 16, Lots 11-12, part of Lot 13 in the R1C zone. Permission was granted to demolish a portion of an accessory building; conditional use permit was granted for a heated

and plumbed accessory building; and architectural approval was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Molly Minneman, Design Review Coordinator

Published in the *Crested Butte News*. Issue of July 10, 2015. #071006

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 March 31, 2015
 Kokoapplejak LLC: PUD General Plan and Building Permit Review for a commercial/ residential building to be located at 430 Belleview Avenue, Block 47, Lots 1-4. A conditional use permit was granted for the PUD;

a variance was granted to to increase the maximum lot size for the PUD; a conditional use permit was granted for three long-term residential units; payment in lieu of providing four off-street parking spaces; and architectural approval as part of building permit review; all in the C zone.
 More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Molly Minneman, Design Review Coordinator

Published in the *Crested Butte News*. Issue of July 10, 2015. #071007

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proval for their site-specific development plan(s).
 March 31, 2015
 MB Chicken Little LLC: Rehabilitate the historic accessory building located at 517 Second Street, Block 32, Lots 30-32 in the R3C zone. A conditional use permit was granted for an accessory dwelling, permission granted to demolish a portion of the accessory building, and architec-

tural approval was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Molly Minneman, Design Review Coordinator

Published in the *Crested Butte News*. Issue of July 10, 2015. #071008

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 June 30, 2015
 John M. Pulliam and Marlo C. Pulliam: Construct a single family residence and accessory building to be located at

501 Gothic Avenue, Block 12, Lots 17-19 in the R1 zone. Architectural approval was granted. A conditional use permit for a heated and/or plumbed accessory building in the R1 zone was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issue of July 10, 2015. #071009

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April 28, 2015
 Christopher and Wendy Bales: Renovate and make changes to the single family residence, and construct an accessory building to be located at 726 Maroon Avenue, Block 60, West 10' of Lot 3, Lots 4-6 in the R2 zone. A conditional waiver of a non-conforming aspect with respect to excessive lot size in the R2 zone was granted. Architectural approval was granted. A conditional use permit for a heated and/or

plumbed accessory building in the R2 zone was granted. Demolition of a non-historic accessory building was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issue of July 10, 2015. #071012

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 March 31, 2015
 Priscila Banks: Rehabilitate and construct an addition to the existing historic primary building located at 312 Sopris Avenue, Block 34, Lot 11 and the East 10' of Lot

12 in the R1C zone. Permission was granted to demolish a portion of the historic building; conditional waiver of a non-conforming aspect in regards to side yard setback encroachment into the east and west side yard setbacks, and development on a small lot size in the R1c zone. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Molly Minneman, Design Review Coordinator

Published in the *Crested Butte News*. Issue of July 10, 2015. #071013

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for their site-specific development plan(s).
 May 26, 2015
 East of Irwin, LLC: Construct an accessory building to be located at 214 Maroon Avenue, Block 21, Lots 9-11 less East 1' of the South 20' of Lot 9 in the R1C zone. Architectural approval was granted. A special development permit for stream margin review was granted. A conditional use permit for

a heated and/or plumbed accessory building in the R1C zone was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issue of July 10, 2015. #071015

—NOTICE—

Mountain Express is seeking to fill the Member-at-Large position on its Board of Directors. The Member at Large is voluntary and is for two years beginning July 2015 running through July 2017. The candidate must be a resident of Gunnison County and shall not be a current employee or member of the Town Council of either Crested Butte or Mt. Crested Butte or a current employee of Mountain Express. The Board of Directors meets the third Thursday of every month at 9:00 a.m. Duties include working with the other board members to set policies and oversee the business of Mountain Express. Please submit letter of interest to: Mountain Express Board of Directors, c/o Chris Larsen, P.O. Box 3482, Crested Butte, CO 81224 by Friday, July 13, 2015 at 12:00 p.m. If you have any questions, please call (970) 349-5616. EOE.

Published in the *Crested Butte News*. Issues of June 26, July 3 and 10, 2015. #062602

—MEETING NOTICE—

The Board of Directors of the Upper Gunnison River Water Conservancy District will conduct its monthly regular board meeting on Monday, July 27, 2015 beginning at 5:30 p.m. The meeting is being held at the District offices, 210 West Spencer, Suite B, Gunnison, and is open to the public. An agenda will be posted prior to the meeting.

Published in the *Crested Butte News*. Issue of July 10, 2015. #071001

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 June 30, 2015

Jefferson and Angela Ratliff: Construct a single family residence to be located at 6 Treasury Hill Road, Lot 3 Treasury Hill in the R1B zone. Architectural approval was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issue of July 10, 2015. #071010

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 April 28, 2015
 Tract 4 CB, LLC: Construct a new single family residence and accessory building to be located at 919 Belleview Avenue, Block 75, Tract 4 in the R1D zone. A conditional use permit for a heated and/or plumbed accessory building in the R1D zone was granted. Architectural approval was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issue of July 10, 2015. #071011

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 April 28, 2015
 Andrew Thomas Caron: Construct

an accessory dwelling to be located at 15 Ruth's Road, Lot 7, Kapushion Subdivision in the R1 zone. Architectural approval was granted. A conditional use permit for an accessory dwelling in the R1 was granted. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.
 TOWN OF CRESTED BUTTE
 by Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issue of July 10, 2015. #071014

—TOWN COUNCIL AND MAYORAL ELECTION—

Three Crested Butte Town Council Seats and the Mayor's seat are open for election on November 3, 2015. If you are interested in running in the election, nominating petitions for Council seats and the Mayor's seat are available starting July 17, 2015 in the Town Clerk's Office. August 4, 2015 is the first day to circulate petitions. Completed petitions must be turned into the Clerk's Office by 5 p.m. August 24, 2015. You must obtain at least 10 signatures of people registered to vote in the Town of Crested Butte. Council seats are four year seats and the Mayor's seat is a two-year seat. Eligibility for Office: You must be a registered voter in the Town of Crested Butte at the time of your nomination and a resident for at least one-year preceding the November 3, 2015 mail ballot election. For more information call Town Clerk Lynelle Stanford at 970-349-5338 or email lstanford@crestedbutte-co.gov.

Published in the *Crested Butte News*. Issues of July 10, 17, 24, 31 and August 7 and 14, 2015. #071016

**—PUBLIC NOTICE—
 CRESTED BUTTE SOUTH METROPOLITAN DISTRICT**

The regular meeting of the Board of Directors of the Crested Butte South Metropolitan District scheduled for Wednesday, July 15th, 2015 at 6:00 P.M. has been moved to Wednesday, July 22nd, 2015 at 6:00 P.M. at 280 Cement Creek Road.

For further information please call 970-349-5480
 Jack Dietrich
 District Manager

Published in the *Crested Butte News*. Issue of July 10, 2015. #071018

deadline tuesday at noon

Legals

—IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4— STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of June, 2015.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred. "THERE HAS BEEN FILED IN THIS PROCEEDING A CLAIM OR CLAIMS WHICH MAY AFFECT IN PRIORITY ANY WATER RIGHT CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST AS PROVIDED IN THE WATER RIGHT DETERMINATION AND ADMINISTRATION ACT OF 1969, OR BE FOREVER BARRED."

CASE NO. 2015CW3046 (REF NO. 08CW139, 01CW198, 94CW180, 87CW138, 83CW13, W-153, W-755, W-154). APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN GUNNISON COUNTY. 1. Name, address, and telephone number of applicant: City of Gunnison ("Gunnison"), c/o Ken Coleman, City Manager, P. O. Box 239, Gunnison, Colorado 81230, (970) 641-8020, c/o Jennifer M. DiLalla, Esq., Moses, Wittermyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, Colorado 80306-1440, (303) 443-8782. 2. **Name of structure:** O'Fallon Ditch. 3. **Description of conditional water right for the O'Fallon Ditch:** 3.1 **Original decree:** June 20, 1957, in Civil Action No. 5289, Gunnison County District Court. 3.2 **Related decrees:** The amended decree entered January 5, 1989, in Case No. 81CW308, Water Division 4, approved alternate points of diversion for the O'Fallon Ditch at the Gunnison Well Nos. 1 through 13; the Gunnison Town Pipeline; a new point of diversion on the east bank of the Taylor River in Section 22, Township 51 N., Range 1 E. of the N.M.P.M.; the Gunnison Town Ditch; and a point on the East bank of a side channel of the Gunnison River in the SE ¼ of the NW ¼, Section 35, Township 50 N., Range 1 W. of the

N.M.P.M., all as described in paragraph 3.5 below. The decree entered December 31, 1996, in Case No. 96CW056, Water Division 4, approved an additional alternate point of diversion for the O'Fallon Ditch at the Piloni Ditch headgate, as described in paragraph 3.6 below. 3.3 **Previous diligence decrees:** Prior findings of reasonable diligence on the O'Fallon Ditch were entered in Case Nos. 08CW139, 01CW198, 94CW180, 87CW138, 83CW13, W-153, W-755, and W-154. 3.4 **Originally decreed point of diversion:** East bank of the Gunnison River at a point whence the East quarter corner of Section 33, Township 51 N., Range 1 E. of the N.M.P.M. bears North 85° East 1,565 feet, Gunnison County, Colorado. 3.5 **Alternate points of diversion decreed in Case No. 81CW308:** 3.5.1 **Gunnison Well No. 1,** located at 6th Street and Virginia Avenue in the City of Gunnison, as described in the decree entered on October 28, 1965, in Case No. 5782, Gunnison County District Court ("5782 Decree"). Gunnison Well No. 1 was plugged and abandoned in 2004. 3.5.2 **Gunnison Well No. 2,** located at 9th Street and Gothic Avenue in the City of Gunnison, as described in the 5782 Decree. 3.5.3 **Gunnison Well No. 3,** located at 9th Street and Ohio Avenue in the City of Gunnison, as described in the 5782 Decree. 3.5.4 **Gunnison Well No. 4,** located at 9th Street and Gunnison Avenue in the City of Gunnison, as described in the 5782 Decree. 3.5.5 **Gunnison Well No. 5,** located at 9th Street and Rio Grande Avenue in the City of Gunnison, as described in the 5782 Decree. 3.5.6 **Gunnison Well No. 6,** located at 10th Street and Virginia Avenue in the City of Gunnison, as described in the 5782 Decree. 3.5.7 **Gunnison Well No. 7,** located in the NE ¼ of the NE ¼ of Section 35, Township 50 N., Range 1 W. of the N.M.P.M. 3.5.8 **Gunnison Well No. 8,** located in the NW ¼ of the NW ¼ of Section 36, Township 50 N., Range 1 W. of the N.M.P.M. 3.5.9 **Gunnison Well No. 9,** located in the SW ¼ of the NE ¼ of Section 35, Township 50 N., Range 1 W. of the N.M.P.M. 3.5.10 **Gunnison Well No. 10,** located 200 feet South of the North section line and 2,400 feet West of the East section line of Section 35, Township 50 N., Range 1 W. of the N.M.P.M. 3.5.11 **Gunnison Well No. 11,** to be located 1,350 feet South of the North section line and 2,700 feet West of the East section line of Section 35, Township 50

N., Range 1 W. of the N.M.P.M. 3.5.12 **Gunnison Well No. 12,** to be located 2,650 feet North of the South section line and 2,350 feet East of the West section line of Section 35, Township 50 N., Range 1 W. of the N.M.P.M. 3.5.13 **Gunnison Well No. 13,** to be located 1,850 feet East of the West section line and 2,000 feet South of the North section line of Section 36, Township 50 N., Range 1 W. of the N.M.P.M. 3.5.14 **Gunnison Town Pipeline,** the intake gallery for which is located on the east bank of the Gunnison River at a point whence the East ¼ corner of Section 35, Township 50 N., Range 1 W. of the N.M.P.M. bears South 85° East 3,823.2 feet. 3.5.15 A point of diversion located on the east bank of the Taylor River in Section 22, Township 51 N., Range 1 E. of the N.M.P.M., 1,700 feet North of the South section line and 3,700 feet East of the West section line of said Section 22. 3.5.16 **Gunnison Town Ditch,** the headgate of which is located on the south bank of the Gunnison River at a point whence the East ¼ corner of Section 24, Township 50 N., Range 1 W. of the N.M.P.M. bears South 56° 30' East 1,760 feet. 3.5.17 A point on the East bank of a side channel of the Gunnison River in the SE ¼ of the NW ¼ of Section 35, Township 50 N., Range 1 W. of the N.M.P.M., whence the NW corner of said section bears North 39.7° West a distance of 3,054 feet. Water diverted at said location is to be introduced into a recharge pond of approximately 50 acres surface area and 10 feet depth, which will transmit said water into the aquifer which is the source of water for Gunnison's wells, all for the purpose of maintaining or restoring the hydrostatic water level in said aquifer, and supplying water to said wells from which the water will be pumped for municipal use. 3.6 **Piloni Ditch alternate point of diversion decreed in Case No. 96CW056:** The headgate of the Piloni Ditch is located on the left bank of the Gunnison River at a point whence the Southwest corner of Section 24, Township 50 N., Range 1 W. of the N.M.P.M. bears South 36° 25' West 1,308 feet. 3.7 **Source of water:** The Gunnison River. 3.8 **Appropriation date:** October 26, 1954. 3.9 **Amount:** 10 cfs, CONDITIONAL. 3.10 **Use:** Municipal purposes including domestic, commercial, industrial, irrigation, and fire prevention purposes. 4. **Outline of work and expenditures during the diligence period toward completion of the**

appropriation and application of water to beneficial use: The O'Fallon Ditch water right is part of the integrated system of water rights that makes up Gunnison's municipal water supply. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). The diligence period for the O'Fallon Ditch water right is June 2009 through June 2015 ("Diligence Period"). During the Diligence Period, Gunnison worked diligently to develop the O'Fallon Ditch water right, complete the appropriation, and place the water to beneficial use, as demonstrated by the following activities and expenditures: 4.1 Gunnison expended approximately \$42,206 to improve, maintain, and develop the Piloni Ditch alternate point of diversion, at which Gunnison diverts water under the O'Fallon Ditch water right for irrigation of the Van Tuyl Ranch. Those expenditures included costs for maintenance, repair, and reconstruction of the Piloni Ditch headgate in 2009, 2010, 2011, 2012, and 2014; installation of a weir on Wilson Creek in 2011; removal of beaver dams on the Van Tuyl Ranch in 2012; installation of diversion boxes in 2013; and construction of a Piloni Ditch road crossing and headgate access in 2013. 4.2 Gunnison continues to own, operate, and maintain the working Van Tuyl Ranch. As part of the operation of Gunnison's integrated municipal system of water rights, irrigation of the Van Tuyl Ranch with water diverted under the O'Fallon Ditch water right also recharges the aquifer from which the City pumps water through its Gunnison Well Nos. 2-10. 4.3 Gunnison expended approximately \$58,067 in legal fees related to filing and prosecuting statements of opposition in Water Court to protect Gunnison's water rights, including the O'Fallon Ditch water right, from injury; and related to preparation and prosecution of Water Court applications to maintain the water rights that, along with the O'Fallon Ditch water right, make up Gunnison's integrated municipal system. 4.4 Gunnison expended approximately \$3,302 in costs for engineering consultants in support of the Water Court activity described in paragraph 4.3 above. 5. **Claim to make absolute:** 5.1 **Date of**

diversion in priority and application to beneficial use: May 20, 2013, and May 28, 2013. 5.2 **Amount:** 8.89 cfs. 5.3 **Use:** Municipal purposes including domestic, commercial, industrial, irrigation, and fire prevention purposes. 5.4 **Place of beneficial use:** Water diverted under the O'Fallon Ditch water right at the Piloni Ditch alternate point of diversion on May 20, 2013, and May 28, 2013, was placed to beneficial use for irrigation purposes on Gunnison's Van Tuyl Ranch. 5.5 **Evidence that diversion was made in priority:** Gunnison's internal accounting records show that Gunnison diverted water at a maximum rate of 8.89 cfs at the Piloni Ditch Headgate Alternate Point of Diversion on May 20, 2013, and May 28, 2013. 6. **Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Not applicable. WHEREFORE, Gunnison requests that the Water Court enter a decree making the O'Fallon Ditch water right partially absolute for municipal purposes as described in paragraph 5 above, and/or finding that Gunnison has exercised reasonable diligence with respect to the O'Fallon Ditch water right, and continuing in full force and effect, for an additional diligence period, that portion of the O'Fallon Ditch water right that remains conditional. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of August, 2015 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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—IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4— STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of June, 2015.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred. "THERE HAS BEEN FILED IN THIS PROCEEDING A CLAIM OR CLAIMS WHICH MAY AFFECT IN PRIORITY ANY WATER RIGHT CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST AS PROVIDED IN THE WATER RIGHT DETERMINATION AND ADMINISTRATION ACT OF 1969, OR BE FOREVER BARRED."

CASE NO. 2015CW3044 (REF NO. 08CW142, 99CW182). Applicant: Crystal Creek Homeowners Association c/o Mr. Douglas Forshagen, 2 Duchess Ct., Houston TX 77024. Copies of all pleadings to: Charles B. White, Esq. Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980. **APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE.** **Name of structure:** Summerville Ditch Enlargement. **Description of conditional water right:** A. **Prior decrees:** Decree entered on November 12, 2002, Case No. 99CW182,

District Court, Water Division 4 adjudicated a rate of 60 c.f.s., conditional for the Summerville Ditch Enlargement, for piscatorial and recreational use in a trout fishery. Of the 60 c.f.s. originally adjudicated as conditional, 56 c.f.s. was made absolute by the decree entered on June 4, 2009 in Case No. 08CW142, District Court, Water Division No. 4, leaving 4 c.f.s. remaining as conditional. B. **Location:** The headgate of said ditch is located on the south bank of the Taylor River, a tributary of the Gunnison River, in the NE 1/4 NW 1/4 SW 1/4 of Section 9, Township 15 South, Range 83 West, 6th P.M., at a point 1100 feet from the west section line and 2250 feet from the south section line. This location places the headgate on Crystal Creek's property. C. **Source:** Taylor River, a tributary of the Gunnison River. D. **Appropriation date:** October 20, 1999. E. **Amount:** 56 c.f.s., absolute, and 4 c.f.s., conditional. F. **Use:** Piscatorial and recreational use in a trout fishery. G. **Terms and conditions.** Applicant's conditional water right for the Summerville Ditch Enlargement was adjudicated in Case No. 99CW182, Water Division No. 4 subject to the conditions and limitations as set forth in ¶¶ 15(a)-(f) of that Ruling and Decree. Those conditions and limitations are incorporated herein by this reference. 4. **Evidence of reasonable diligence:** Applicant constructed the enlargement of the Summerville Ditch in 2007. During the diligence period, the Applicant maintained the Summerville Ditch and fully exercised the conditional water right for the Summerville Ditch Enlargement. Applicant's efforts to develop the conditional water right and apply the water to beneficial use during the diligence period support

a finding of reasonable diligence. The application contains a summary of the specific projects and work undertaken during the diligence period and is available for inspection at the office of the water court clerk or via ICCES. The list is not intended to be all-inclusive and may be supplemented by additional evidence during any hearing in this matter. **Water right made absolute:** The conditional water right for the Summerville Ditch Enlargement was diverted in priority and applied to beneficial use in the full amount of 60 c.f.s. for the decreed piscatorial and recreational purposes in accordance with the conditions and limitations set forth in ¶¶ 15(a)-(f) of the Ruling and Decree in Case No. 99CW182. A. **Rate of diversion:** On June 2 and June 21, 2015, Applicant diverted and measured 64 c.f.s. at the headgate of the Summerville Ditch Enlargement. Of the amount diverted, 60 c.f.s. was diverted for piscatorial and recreational purposes in the Summerville Ditch Enlargement. The remaining 4 c.f.s. was applied to beneficial use for irrigation purposes pursuant to the water rights described in subparagraph B below. B. **Summerville Ditch Irrigation:** Applicant's diversion and beneficial use of the Summerville Ditch Enlargement for piscatorial and recreational use was "in addition to and not in substitution for the use of water under existing irrigation rights decreed to the Summerville Ditch and Summerville Ditch No. 2 under priority 265 in the amount of 1.25 c.f.s. (subject to the terms of a change decree in Case No. 79CW259), priority 454 in the amount of 6.75 c.f.s., and priority 655 in the amount of 1.5 c.f.s." On June 2 and June 21, 2015, 4 c.f.s. of the 64 c.f.s. diverted at the headgate of the Summer-

ville Ditch Enlargement was used for irrigation purposes pursuant to the Applicant's irrigation water rights in the Summerville Ditch and Summerville Ditch No. 2. **Names and addresses of owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool will be constructed or upon which water is or will be stored:** Applicant. WHEREFORE, the Applicant respectfully requests that this Court enter a decree finding that the Applicant has been reasonably diligent in the development and use of the Summerville Ditch Enlargement and making absolute the remaining conditional water right decreed in Case No. 99CW182 in the amount of 4 c.f.s., for piscatorial and recreational purposes. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of August, 2015 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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