



# GRIGGS ORTHOPEDICS TOWN RANDO SERIES

GORE-TEX

## RACE 1 RESULTS

**Men's Race**

1. Cam Smith	27:36.40
2. William Laird	27:46.68
3. Patrick O'Neill	30:28.60
4. Nick Jordan	32:27.43
5. Cyrus Desmarais	33:54.42
6. Marcel Medued	34:45.46
7. Jonathan Cuppett	34:46.00
8. Chris Besna	35:54.10
9. Niles Desmarais	37:59.16
10. Martin Catmur	44:56.11

**Women's race**

1. Sarah Stubbe	37:25.53
2. Jan Parker	40:59.78

**Rec men**

1. Mike Preston	42:35.76
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**Rec women**

1. Jordan Preston	42:35.77
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Lynn Moore, Anne Moore & Chris Evans; Cancun Mexico!

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Call 970.349.0500, email [subscription@crestedbuttenews.com](mailto:subscription@crestedbuttenews.com), mail to PO Box 369, Crested Butte, CO 81224 or stop by our office at 301 Bellevue, Unit 6A.

# Legals

[legals@crestedbuttenews.com](mailto:legals@crestedbuttenews.com) • phone: (970)349.0500 ext. 112 • fax: (970)349.9876 • [www.crestedbuttenews.com](http://www.crestedbuttenews.com)

**—NOTICE OF FINAL PAYMENT TO—  
LACY CONSTRUCTION  
MERIDIAN LAKE PARK DAM REHABILITATION**

**NOTICE** is hereby given that the Mt. Crested Butte Water and Sanitation District of Gunnison County, Colorado, will make final payment at the Administrative Office of the District (100 Gothic Road in the Town of Mt. Crested Butte, Colorado), on January 26, 2017, at the hour of 5:00 p.m. to Lacy Construction of Crested Butte, Colorado for all work done by said Contractor(s) on Meridian Lake Park Dam Rehabilitation Construction Project performed within Mt. Crested Butte Water and Sanitation District. Any person, co-partnership, association of persons, company or corporation that has furnished labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by such contractors or their subcontractors, in or about the performance of the work contracted to be done or that supplies rental machinery, tools, or equipment to the extent used in the prosecution of the work, and whose claim therefore has not been paid by the contractors or their subcontractors,

at any time up to and including the time of final settlement for the work contracted to be done, is required to file a verified statement of the amount due and unpaid, and on account of such claim, to the Mt. Crested Butte Water and Sanitation District, P.O. Box 5740, 100 Gothic Road, Mt. Crested Butte, CO 81225, on or before the date and time hereinabove shown. Failure on the part of any claimant to file such verified statement of claim prior to such final settlement will release the Mt. Crested Butte Water and Sanitation District, its Board of Directors, officers, agents and employees, of an from any and all liability for such claim.

**BY ORDER OF THE BOARD OF DIRECTORS**  
By: /s/ \_\_\_\_\_  
Kurt Giesselman, Board President

Published in the *Crested Butte News*. Issues of January 13 and 20, 2017. #011310

**—REGULAR TOWN COUNCIL MEETING—  
JANUARY 17, 2017 ~ 6:00 P.M.  
COUNCIL CHAMBERS  
MT. CRESTED BUTTE, COLORADO**

- Call To Order
- Roll Call
- Approval Of The January 3, 2017 Regular Town Council Meeting Minutes
- Reports
  - Manager's Report
  - Department Head's Reports
  - Town Council Reports
- CORRESPONDENCE**
- UNFINISHED BUSINESS -**
- NEW BUSINESS -**
- OTHER BUSINESS -**
- PUBLIC COMMENT - Citizens** may make comments on items not

*scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments are limited to five minutes.*

**ADJOURN**  
If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.

Published in the *Crested Butte News*. Issue of January 13, 2017. #011312

**—AGENDA—  
TOWN OF CRESTED BUTTE  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, JANUARY 17, 2017  
COUNCIL CHAMBERS, CRESTED BUTTE TOWN HALL**

*The times are approximate. The meeting may move faster or slower than expected.*

- 6:00 WORK SESSION**  
Center for the Arts
- 7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM**
- 7:02 APPROVAL OF AGENDA**
- 7:04 CONSENT AGENDA**
  - 1) January 3, 2017 Regular Town Council Meeting Minutes.
  - 2) Resolution No. 2, Series 2017 - Resolutions of the Crested Butte Town Council Adopting a Policy of the Town Council Regarding the Leasing of Non-Residential Municipal Properties.
  - 3) Resolution No. 3, Series 2017 - Resolutions of the Crested Butte Town Council Authorizing the Town of Crested Butte to Apply for a State of Colorado, Department of Local Affairs (DOLA) Energy Impact Program Grant for the Funding for the Construction of the Town's Wastewater Treatment Plant

- Improvements.
  - 4) Resolution No. 4, Series 2017 - Resolutions of the Crested Butte Town Council Appointing Creative District Commissioners.
  - 5) Fat Bike World Championships Special Event Application and Special Event Liquor Permit for Saturday, January 28, 2017 at Town Ranch, Parking Lot, and the Gravel Pit Area from 6AM to 7PM.
  - 6) Authorization for Mayor to Sign Audit Engagement Letter with Chadwick, Steinkirchner, Davis & Co., P.C.
- The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered*

- under New Business.
- 7:07 PUBLIC COMMENT**  
*Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.*
- 7:12 STAFF UPDATES**
- 7:25 PUBLIC HEARING**
  - 1) Ordinance No. 12, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 6 of the Crested Butte Municipal Code to Include New Regulations in Article 6 Thereof for the Licensing of Vacation Rentals and Defining Vacation Rentals in Chapter 16.
  - 8:35 NEW BUSINESS**
    - 1) Discussion and Possible Approval of the 31st Annual Alley Loop Nordic Marathon Special Event Application and Special Event Liquor Permit for Saturday, February 4, 2017 Located at Elk Avenue and 2nd Street and Pub Ski Proposed for Friday, February 3, 2017

- with a Proposed Closure of Elk Avenue from 1st Street to 3rd Street as well as Closures for the Race Route through Saturday, February 4 at 4PM.
- 8:50** 2) Update from Chris Larsen, Transit Manager of Mountain Express.
- 9:00** 3) Ordinance No. 1, Series 2017 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of Various Town Residential Properties (Units 1, 2 and 3, Town Ranch Apartments; 808 9th Street; 812 Teocalli Avenue; 814 Teocalli Avenue; and 19 9th Street, Crested Butte, Colorado) to Various Town Employees.
- 9:10 LEGAL MATTERS**
- 9:15 COUNCIL REPORTS AND COMMITTEE UPDATES**
- 9:25 OTHER BUSINESS TO COME BEFORE THE COUNCIL**
- 9:35 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**
  - Monday, February 6, 2017 - 6:00PM Work Session - 7:00PM Regular

- Council
  - Tuesday, February 21, 2017 - 6:00PM Work Session - 7:00PM Regular Council
  - Monday, March 6, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- 9:40 EXECUTIVE SESSION**
  - 1) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the (i) Center for the Arts; and (ii) transactions with Freeport-McMoRan, Inc.
  - 2) For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).
- 10:40 ADJOURNMENT**  
Published in the *Crested Butte News*. Issue of January 13, 2017. #011311



# Legals

**—NOTICE OF ANNUAL MEETING OF MEMBERS OF—  
GUNNISON SAVINGS AND LOAN ASSOCIATION**

Notice is hereby given that the Annual Meeting of the members of the above-named Association will be held at 303 North Main Street, Gunnison, Colorado 81230, on the 18th day of January 2017, at the hour of 5:30 p.m. of said day. The business to be taken up at the Annual Meeting shall be:

- (1) Considering and voting upon the minutes of last members' meeting;
- (2) Considering and voting upon reports of officers and committees of the Association;
- (3) Considering and voting upon the acts of directors and officers of the Association;
- (4) Election of directors to fill the offices the terms of which are then expiring.
- (5) No other matters.

Dated this 21st day of December 2016.  
Janice English, Secretary  
Gunnison Savings and Loan Association

Published in the *Crested Butte News*. Issues of January 6 and 13, 2017. #010601

**—MOUNTAIN EXPRESS BOARD OF DIRECTORS MEETING—  
AGENDA**

**THURSDAY, JANUARY 19, 2017 ~ 9:00 A.M.  
MT. CRESTED BUTTE TOWN HALL**

- I. Roll Call
- II. Reading and Approval of the Minutes of December 15, 2016 Meetings.
- III. Transit Manager's Operational and Financial Report
  - A. Operations Report
  - B. Financial Report
- IV. Unfinished Business
- V. New Business
  - A. Bus Painter Contract
  - B. 2017 MX Audit Committee Appointment
- VI. Unscheduled Business
- VII. Schedule Next Board Meeting.
- VIII. Adjournment

Published in the *Crested Butte News*. Issue of January 13, 2017. #011306

**—CERTIFICATE NO. 20130173—  
NOTICE OF PURCHASE OF REAL ESTATE TAX LIEN AT SALE AND OF  
APPLICATION FOR ISSUANCE OF TREASURER'S DEED  
TO WHOM IT MAY CONCERN AND MORE ESPECIALLY TO  
FRANK VONDERSAAR, GREG FORBES**

You and each of you are hereby notified that on the 7th day of November, 2013, the then County Treasurer of the County of Gunnison, State of Colorado, sold at public sale to Greg Forbes the following described real estate, situate in said county of Gunnison, viz:

5% INT LOT 34 MARBLE SKI AREA 7 B526 P208  
Said sale being made to satisfy the delinquent taxes assessed against said property for the year 2012. Tax sale lien certificate of purchase number 20130173 was issued to Greg Forbes by said County Treasurer.

That subsequent taxes upon said property were paid by the holder of said tax sale lien certificate of purchase.

The valuation of said property for the year 2012 was a total \$ 1,030.00

That at the time of said valuation and said sale, said property was taxed in the name(s) of Robert v Raymond.

That the present holder of said tax sale lien certificate of purchase has made application to me for a treasurer's tax deed to said property.

That a treasurer's tax deed will be issued for said real estate to Greg Forbes after 4:00 p.m. on April 28, 2017, unless the same has been redeemed from said sale for taxes, as provided by law.

Witness my hand and seal this 13th day of January, 2017

Treasurer of Gunnison County  
Debbie Dunbar

Published in the *Crested Butte News*. Issues of January 13, 20 and 27, 2017. #011307

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 December 2016.

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.

**CASE NO. 2016CW3090 (REF NO. 08CW166).** Name, address, and telephone number of Applicants: Sheila Ewing Browne, Katherine Grand, and Eric Grand, 800 Sierra Vista Way, Gunnison, CO 81230, 970-209-0225. Please direct all correspondence to counsel for Applicants: LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230,

(970) 641-1903, kburgemeister@lawoftherockies.com. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. According to the Diligence Notice received from the District Court, Water Division 4, dated October 6, 2016, the deadline for filing this Application is December 31, 2016. Name of right: Spritzer Pond. Case Number, Date, and Court of Original Decree: 08CW166, Decree entered October 20, 2009, by the District Court, Water Division 4. Location: In the NESWNW of Section 13, Township 50 North, Range 1 West, NMPM, at a point 1287 feet from the west section line and 1467 feet from the north section line. Source: Ohio Creek, tributary to the Gunnison River, via Spritzer Pond Diversion. Appropriation Date: November 27, 2008. Amount: 0.67 acre-feet per year for recreation, stock watering, and wildlife, and 0.382 acre-feet per year for augmentation. Uses: recreation, stock watering, wildlife. Name of right: Spritzer Pond Diversion. Case Number, Date, and Court of Original Decree:

Notice is hereby given that FEI Engineers, Inc. the Contractor for the Design of the **Town of Crested Wastewater Treatment Plant Upgrades 2017**, has substantially completed the work specified in the Contract dated February 5, 2016, and that the work has been accepted by the Town of Crested Butte. The only work remaining in the contract are the bid and contract documents. Notice is further given that final pay-

**—NOTICE OF FINAL PAYMENT—**

ment for the work will be made to the Contractor on or after February 24, 2017, being at least thirty (30) days after the first publication of this notice.

Any person having a claim for labor or materials furnished under this Contract shall present the same in writing to the Town of Crested Butte at the following address, prior to the date specified above:  
Town of Crested Butte

Department of Public Works  
Attn: Rodney E. Due  
P.O. Box 39  
Crested Butte, CO 81224  
TOWN OF CRESTED BUTTE

Town Clerk

Published in the *Crested Butte News*. Issues of January 13 and 20, 2017. #011309

## deadline tuesday at noon

**—CERTIFICATE NO. 20130169—  
NOTICE OF PURCHASE OF REAL ESTATE TAX LIEN AT SALE AND OF  
APPLICATION FOR ISSUANCE OF TREASURER'S DEED  
TO WHOM IT MAY CONCERN AND MORE ESPECIALLY TO  
ROBERT V RAYMOND, GREG FORBES**

You and each of you are hereby notified that on the 7th day of November, 2013, the then County Treasurer of the County of Gunnison, State of Colorado, sold at public sale to Greg Forbes the following described real estate, situate in said county of Gunnison, viz:

UND 1/2 INT IN: LOT 60 MARBLE SKI AREA 4 B713 P907  
Said sale being made to satisfy the delinquent taxes assessed against said property for the year 2012. Tax sale lien certificate of purchase number 20130169 was issued to Greg Forbes by said County Treasurer.

That subsequent taxes upon said property were paid by the holder of said tax sale lien certificate of purchase.

The valuation of said property for the year 2012 was a total \$ 8,430.00

That at the time of said valuation and said sale, said prop-

erty was taxed in the name(s) of Robert v Raymond. That the present holder of said tax sale lien certificate of purchase has made application to me for a treasurer's tax deed to said property.

That a treasurer's tax deed will be issued for said real estate to Greg Forbes after 4:00 p.m. on April 28, 2017, unless the same has been redeemed from said sale for taxes, as provided by law.

Witness my hand and seal this 13th day of January, 2017

Treasurer of Gunnison County  
Debbie Dunbar

Published in the *Crested Butte News*. Issues of January 13, 20 and 27, 2017. #011308

**—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 December 2016.

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.

**CASE NO. 2016CW3081. Application for Absolute Surface Water Right 1.**

**Name, address, telephone number of applicant:** United States of America, Department of the Interior, Bureau of Land Management, Uncompahgre Field Office, 2465 South Townsend Ave., Montrose, CO 81401. **2. Name of structure:** Pioneer Valley Spring #1

**3. Legal description of each point of diversion:** All UTM data are from Zone 13 and use the NAD83 (Conus) Datum. Located on public lands in

the SE/4 NW/4, Section 36, T47N R7W, N.M.P.M., approximately 2,775 feet from the north section line and 2,375 feet from the west section line (irregular section.) **4. Source:** Unnamed tributary to Coal Creek/Cimarron River/Gunnison River/Colorado River. **5. A. Date of appropriation:** 10/21/1976 **B. How appropriation was initiated:** BLM authorized use of these grazing allotments and their associated water sources by grazing permittees and was directed to manage lands in the vicinity of the spring for wildlife habitat purposes. Subsequently, BLM also inventoried the quantity of water available for wildlife.

**C. Date water applied to beneficial use:** 10/21/1976 **6. Amount claimed:** 0.0132 cfs, absolute **7. Use:** Livestock and wildlife. The spring provides water for a herd of up to 39 cattle on the High Park Grazing Allotment. The spring also provides drinking water, forage, and cover for deer, elk, and small mammals. **8. Name(s) and address(es) of owner(s) of land on which point of diversion and place of use(s) is (are) located:** United States Department of the Interior, Bureau of Land Management, Un-

compahgre Field Office, 2465 South Townsend Ave., Montrose, CO 81401. **9. Remarks:** The water right sought in this application is on the same water source specified in case number 2016 CW 66, filed by Gary W. Stephens. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of February, 2017 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

Published in the *Crested Butte News*. Issue of January 13, 2017. #011301

**—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**

08CW166, Decree entered October 20, 2009, by the District Court, Water Division 4. Location: In the SWNENW of Section 13, Township 50 North, Range 1 West, NMPM, at a point 2001 feet from the west section line and 1358 feet from the north section line. Source: Ohio Creek, tributary to the Gunnison River, via the Spritzer Pond Diversion. Appropriation Date: November 27, 2008. Amount: 0.069 cfs. Uses: Filling of Spritzer Pond. Name of rights: Spritzer Wells Nos. 1-4. Case Number, Date, and Court of Original Decree: 08CW166, Decree entered October 20, 2009, by the District Court, Water Division 4. Location: In the NESWNW of Section 13, Township 50 North, Range 1 West, NMPM, at a point 1287 feet from the west section line and 1467 feet from the north section line. Source: Ohio Creek, tributary to the Gunnison River, via Spritzer Pond Diversion. Appropriation Date: November 27, 2008. Amount: 0.67 acre-feet per year for recreation, stock watering, and wildlife, and 0.382 acre-feet per year for augmentation. Uses: recreation, stock watering, wildlife. Name of right: Spritzer Pond Diversion. Case Number, Date, and Court of Original Decree:

tributary to Ohio Creek, tributary to the Gunnison River. Appropriation Date: November 27, 2008. Amount: 15 gpm per well / 0.536 acre-feet per well per year. Uses: Each well is decreed for domestic use inside one single-family dwelling, irrigation of 2500 square feet of landscaping, and stock water. Relief Requested: Applicants seek to make the Spritzer Pond conditional storage right absolute. Applicants acquired the water rights that are the subject of this Application on April 30, 2015. At such time, the Spritzer Pond had been constructed and filled. Applicants seek to make the Spritzer Pond Diversion absolute based on the filling of the Spritzer Pond. Applicants seek a finding of reasonable diligence with respect to the Spritzer Well Nos. 1-4. The Spritzer Pond, Spritzer Pond Diversion, and Spritzer Wells are part of an integrated project, in that the Pond and Diversion are used to augment the use of water from the wells, and the 08CW166 Decree required that the Pond be built and filled before the wells could be used. The owner of the land upon which any new diversion or

storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicants. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of February, 2017 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

Published in the *Crested Butte News*. Issue of January 13, 2017. #011305

# 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 December 2016.

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.

**CASE NO. 2016CW3089;** Gunnison County – Tomichi Creek; Oldcastle SW Group, Inc., c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865, and Varra Companies, Inc., c/o Matthew S. Poznanovic, Petrock & Fendel, P.C., 700 17th Street, Suite 1800, Denver, CO 80202, (303) 534-0702; **APPLICATION FOR UNDERGROUND WATER RIGHTS, SURFACE RIGHTS, AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION;** **Contact information for Applicants:** Oldcastle SW Group Inc., 2273 River Road, Grand Junction, CO 81505-7179; Varra Companies Inc.; 8120 Gage Street; Frederick, CO 80516-9439; **Request for groundwater right:** Seahorse West Pit; **Name of structure:** Seahorse West Pit; **Legal description of pit well:** SW/4 SW/4 of Section 3, Township 49 North, Range 1 East, N.M.P.M., at a point 1,149 feet from the south section line and 146 feet from the west section line (UTM Easting 338063, Northing 4266641, Zone 13); **Source:** Water tributary to Tomichi Creek; **Depth of well:** 35 feet; **Regarding appropriation:** **Appropriation date:** March 1, 2002; **How appropriation was initiated:** By commencement of gravel mining operation; **Date water applied to beneficial use:** March 1, 2002; **Information regarding withdrawal of tributary water:** **Amount claimed in cubic feet per second:** 5.5 c.f.s., absolute; **Amount claimed in acre feet:** 12.8 a.f. annually; **Information regarding plan for augmentation:** **Case number for augmentation plan:** The augmentation plan for this structure is requested in this case; **Is the plan for augmentation operational:** The augmentation plan will be operational upon the issuance of a decree in this

case; **Uses:** Industrial, recreation, aquifer recharge, piscatorial, fire protection within the mining permit area for the Seahorse Pit, Vader Northwest Pit, Vader Northeast Pit, and Vader South Pit; **Request for groundwater right:** **Name of structure:** Vader Northwest Pit; **Legal description of pit well:** NE/4 SW/4 of Section 3, Township 49 North, Range 1 East, N.M.P.M., at a point 1,816 feet from the south section line and 2,155 feet from the west section line (UTM Easting 338680, Northing 4266832, Zone 13); **Source:** Water tributary to Tomichi Creek; **Depth of well:** 50 feet; **Regarding appropriation:** ; **Appropriation date:** September 8, 1978; **How appropriation was initiated:** By applying to Mining Reclamation Board for a mining permit; **Date water applied to beneficial use:** February 1, 1980; **Information regarding withdrawal of tributary water:** **Amount claimed in cubic feet per second:** 5.5 c.f.s., absolute; **Amount claimed in acre feet:** 2.8 a.f. annually; **Information regarding plan for augmentation:** **Case number for augmentation plan:** The augmentation plan for this structure is requested in this case; **Is the plan for augmentation operational:** The augmentation plan will be operational upon the issuance of a decree in this case; **Uses:** Industrial, recreation, aquifer recharge, piscatorial, fire protection within the mining permit area for the Seahorse Pit, Vader Northwest Pit, and Vader Northeast Pit, and Vader South Pit; **Request for groundwater right:** **Name of structure:** Vader Northeast Pit; **Legal description of pit well:** SW/4 SE/4 of Section 3, Township 49 North, Range 1 East, N.M.P.M., at a point 1,267 feet from the south section line and 2,140 feet from the east section line (UTM Easting 338970, Northing 4266659, Zone 13); **Source:** Groundwater tributary to Tomichi Creek; **Depth of well:** 50 feet; **Regarding appropriation:** **Appropriation date:** September 8, 1978 (mining permit application date to the Mined Land Reclamation Board); **How appropriation was initiated:** Gravel Mining; **Date water applied to beneficial use:** February 1, 1980 (issue date of mining permit); **Information regarding withdrawal of tributary water:** **Amount claimed in cubic feet per second:** 5.5 c.f.s.; **Amount claimed in acre feet:** 0.3 a.f. annually, absolute; **Information regarding plan for augmentation:** **Case number for augmentation plan:** The augmentation plan for this structure is requested in this case; **Is the plan for augmentation operational:** The augmentation

plan will be operational upon the issuance of a decree in this case; **Uses:** Industrial, recreation, aquifer recharge, piscatorial, fire protection within the mining permit area for the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and Vader South Pit; **Request for groundwater right:** **Name of structure:** Vader South Pit; **Legal description of pit well:** SE/4 SW/4 of Section 3, Township 49 North, Range 1 East, N.M.P.M., at a point 1,194 feet from the south section line and 2,242 feet from the west section line (UTM Easting 338702, Northing 4266642, Zone 13); **Source:** Water tributary to Tomichi Creek; **Depth of well:** 50 feet; **Regarding appropriation:** **Appropriation date:** September 8, 1978; **How appropriation was initiated:** By filing application for mining permit with Mined Land Reclamation Board; **Date water applied to beneficial use:** February 1, 1980; **Information regarding withdrawal of tributary water:** **Amount claimed in cubic feet per second:** 5.5 c.f.s.; **Amount claimed in acre feet:** 4.3 a.f. annually, absolute; **Information regarding plan for augmentation:** **Case number for augmentation plan:** The augmentation plan for this structure is requested in this case; **Is the plan for augmentation operational:** The augmentation plan will be operational upon the issuance of a decree in this case; **Uses:** Industrial, recreation, aquifer recharge, piscatorial, fire protection within the mining permit area for the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and Vader South Pit; **Request for surface right:** **Name of structure:** Griffing No. 1 Ditch, Oldcastle Enlargement; **Location:** NE/4 NE/4 of Section 10, Township 49 North, Range 1 East, N.M.P.M., 955 feet from the north section line and 1,207 feet from the east section line (UTM Easting 339238, Northing 4265976, Zone 13); **Source:** Tomichi Creek; **Regarding appropriation:** **Date of appropriation:** December 30, 2008; **How appropriation was initiated:** By retaining a consultant to prepare an augmentation plan for the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and the Vader South Pit which relies on the enlargement requested in this claim; **Amount:** 2.93 c.f.s., conditional; **Uses:** Industrial, recharge, filling and refilling the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and Vader South Pit; **Request for surface right:** **Name of structure:** Griffing No. 2 Ditch, Oldcastle Enlargement; **Location:** NE/4 NW/4 of Section 11, Township 49 North, Range 1

East, N.M.P.M. 168 feet from the north section line and 2,029 feet from the west section line (UTM Easting 340228 Northing 4266202, Zone 13); **Source:** Tomichi Creek; **Regarding appropriation:** **Date of appropriation:** December 30, 2008; **How appropriation was initiated:** By retaining a consultant to prepare an augmentation plan for the Seahorse Pit, Vader Northwest Pit, Vader Northeast Pit and the Vader South Pit which relies on the enlargement requested in this claim; **Amount:** 2.25 c.f.s., conditional; **Uses:** Industrial, recharge, filling and refilling the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and Vader South Pit; **Request for surface right:** **Name of structure:** McCanne No. 2 Ditch, Oldcastle Enlargement; **Location:** NE/4 SW/4 of Section 12, Township 49 North, Range 1 East, N.M.P.M., 2,489 feet from the south section line and 1,968 feet from the west section line (UTM Easting 341811 Northing 4265366, Zone 13); **Source:** Tomichi Creek; **Regarding appropriation:** **Date of appropriation:** December 30, 2008; **How appropriation was initiated:** By retaining a consultant to prepare an augmentation plan for the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and the Vader South Pit which relies on the enlargement requested in this claim; **Amount:** 2.31 c.f.s., conditional; **Uses:** Industrial, recharge, filling and refilling the Seahorse Pit, Vader Northwest Pit, Vader Northeast Pit and Vader South Pit; **Request for surface right:** **Name of structure:** McCanne No. 3 Ditch, Old Castle Enlargement; **Location:** SE/4 NE/4 of Section 11, Township 49 North, Range 1 East, N.M.P.M., 1,879 feet from the north section line and 1,223 feet from the east section line (UTM Easting 340844 Northing 4265674, Zone 13); **Source:** Tomichi Creek; **Regarding appropriation:** **Date of appropriation:** December 30, 2008; **How appropriation was initiated:** By retaining a consultant to prepare an augmentation plan for the Seahorse West Pit, Vader Northwest Pit, Vader Northeast Pit and the Vader South Pit which relies on the enlargement requested in this claim; **Amount:** 0.59 c.f.s., conditional; **Uses:** Industrial, recharge, filling and refilling the Seahorse Pit, Vader Northwest Pit, Vader Northeast Pit and Vader South Pit; **Request for change of water rights:** **Name of structure:** Griffing No. 1 Ditch; **Date of original and subsequent decrees, amounts, and appropriation dates:**

Case No.	Amount; (c.f.s.)	Priority; No.	Decree; Date	Appropriation; Date
CA1266	2.00	39	April 29, 1904	June 1, 1878
CA1266	1.00	44	April 29, 1904	August 1, 1879
CA2079	8.00	208	April 19, 1943	June 1, 1878
CA2079	4.00	212	April 19, 1943	August 1, 1879
CA2079	11.00	287	April 19, 1943	April 29, 1904

**Legal description of structure as described in most recent decree:** CA1266 stated the point of diversion of the Griffing No. 1 Ditch as "on the south bank of Tomichi Creek, at a point whence the S.E. Cor. Sec. 3 T. 49 N. R. 1 E. N.M.M. bears N. 52° E. 1580 feet.;" **Decreed source of water:** Tomichi Creek; **Decreed uses:** Irrigation; **Approximate Amount of water Applicants intend to change:**

Priority No.	Amount to be Changed
39	0
44	0
208	2.75
212	0
287	0.17825
Total	2.92825

**Description of change:** Applicants request to add augmentation as a beneficial use, in accordance with the augmentation plan requested in this case; **Request for change of water rights:** **Name of structure:** Griffing No. 2 Ditch; **Date of original and subsequent decrees, amounts, and appropriation dates:**

Case No.	Amount; (c.f.s.)	Priority; No.	Decree; Date	Appropriation; Date
CA1266	2.00	39	April 29, 1904	June 1, 1878
CA1266	0.50	64	April 29, 1904	August 1, 1882
CA2079	8.00	208	April 19, 1943	June 1, 1878
CA2079	2.00	229	April 19, 1943	August 1, 1882
96CW60	2.00	Lost Miner	December 31, 1996	January 10, 1996

**Legal description of structure as described in most recent decree:** The decree in Case No. CA2079 stated the location of the Griffing No. 2 Ditch as "on the North bank of Tomichi Creek at a point whence the North quarter corner of Section 11, Township 49 North, Range 1 East, N.M.M., bears North 74° East 670 feet." **Decreed source of water:** Tomichi Creek; **Decreed uses:** Irrigation; **Approximate Amount of water Applicants intend to change:**

Priority No.	Amount to be Changed
39	0.33784
64	0.11261
208	1.35135
229	0.45045
Lost Miner Enlargement	0
Total	2.25225

**Description of change:** Applicants request to add augmentation as a beneficial use, in accordance with the augmentation plan requested in this case; **Request for change of water rights:** **Name of structure:** McCanne No. 2 Ditch; **Date of original and subsequent decrees, amounts, and appropriation dates:**

Case No.	Amount; (c.f.s.)	Priority; No.	Decree Date	Appropriation Date
CA946	8.463	11	May 1, 1894	December 31, 1879
CA1266	0.25 (transferred from McCanne No. 3)	106	April 29, 1904	May 1, 1890
CA1266	1.0	122	April 29, 1904	June 1, 1898
CA1266	2.4	136	April 29, 1904	September 1, 1903
CA1602	1.5	188	September 3, 1918	June 1, 1917
CA2079	14.18	215	April 19, 1943	December 31, 1879
CA2079	4.0	274	April 19, 1943	June 1, 1898
CA2079	10.1	285	April 19, 1943	September 1, 1903
CA2079	3.65 (transferred from Griffing No. 1)	287	April 19, 1943	April 29, 1904
CA2079	3.68	309	April 19, 1943	June 10, 1917

**Legal description of structure as described in most recent decree:** The decree in Case No. CA2079 stated the location of the McCanne No. 2 Ditch as "at a point from which the quarter section corner in the center of the SW ¼ of Section 12 Township 49 North, Range 1 E., N.M.P.M., bears South 30°30' West 1320 feet." **Decreed source of water:** Tomichi Creek; **Decreed uses:** Irrigation; **Approximate Amount of water Applicants intend to change:**



# Legals

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Priority No.	Amount to be Changed
11	0
106	0.05631
122	0.30752
136	0
188	0
215	0
274	0.78950
285	0.5
287	0.66124
309	0
Total	2.31457

Description of change: Applicants request to add augmentation as a beneficial use, in accordance with the augmentation plan requested in this case; Request for change of water rights: Name of structure: McCanne No. 3 Ditch; Date of original and subsequent decrees, amounts, and appropriation dates:

Case No.	Amount; (c.f.s.)	Priority No.	Decree Date	Appropriation Date
CA946	8.463	11	May 1, 1894	December 31, 1879
CA1266	0.8	106	April 29, 1904	May 1, 1890
CA2079	3.180	215	April 19, 1943	December 31, 1879
CA2079	6.2	260	April 19, 1943	May 1, 1890

Legal description of structure as described in most recent decree: In Case No. 2079 the location of the headgate for the McCanne No. 3 Ditch was described as "at a point from which the Northwest corner of Section 12, Township 49 North, Range 1 East, N.M.P.M., bears North 34° East 2,260 feet." Decreed source of water: Tomichi Creek; Decreed uses: Irrigation; Approximate Amount of water Applicants intend to change:

Priority No.	Amount to be changed
11	0
106	0
215	0
260	0.61600
Total	0.61600

Description of change: Applicants request to add augmentation as a beneficial use, in accordance with the augmentation plan requested in this case; Request for approval of plan for augmentation: Name of structures to be augmented: Seahorse West Pit, Vader Northeast Pit, Vader Northwest Pit, and Vader South Pit; Are the structures decreed? Water rights for the augmented structures are requested in this case.; Legal description: See paragraphs 2.b, 3.b, 4.b, and 5.b, above; Water rights to be used for augmentation: Griffing No. 1 Ditch, Oldcastle Enlargement; Griffing No. 2 Ditch, Oldcastle Enlargement; McCanne No. 2 Ditch, Oldcastle Enlargement; McCanne No. 3 Ditch, Oldcastle Enlargement; Information regarding water rights used for augmentation: See above paragraphs; Depletions: Water depletions addressed by this augmentation plan include evaporation from exposed groundwater, aggregate production and washing, and dust suppression; Evaporative depletions and vegetative credit: Evaporative calculations are based on gross evaporation rates of 39 inches per year and temperature data from the Gunnison Climate Station. The gross evaporation rate is based on the annual value from the NOAA Technical Report NWS 33 and distributed monthly by SEO Guideline (2/28/95) for sites with an elevation above 6,500 feet. The monthly gross evaporation is adjusted for freezing and vegetative cover located underneath the exposed groundwater surface. The adjustment for freezing is based on when the average monthly temperature is less than 32 degrees Fahrenheit. The depletion from vegetative cover replaced by the exposed groundwater surface is based on the gross evapotranspiration of grass, also referred to as the Crop Demand, and does not deduct effective precipitation. The use of a crop demand for grass is a conservative approximation of depletions associated with existing phreatophytes and grasses removed or covered with water during the development of the pit well. Unit crop demand is based on an analysis of the crop demand and historical consumptive use for the Griffing No. 1 Ditch, Griffing No. 2 Ditch, McCanne No. 2 Ditch, and McCanne No. 3 Ditch, which all divert from Tomichi Creek and historically irrigated grass hay crops where the Seahorse West and Vader Pits are located. The net unit evaporation is equal to the distributed gross evaporation adjusted for icing minus the monthly Crop Demand and equals 5.48 inches per year. Table 1, attached as Exhibit 3, provides a summary of approximate net unit evaporation. The Vader Pit was originally permitted in 1978. Based on information from permits and aerial

photographs, two acres of groundwater was exposed prior to 1981. The two acres of pre-1981 exposed groundwater is within the mining area for the Vader Pit (see Figure 2, attached as Exhibit 4). For the purposes of this augmentation plan, the full buildout surface area has been reduced from 60 acres to 58 acres to account for that two acres of pre-1981 exposed groundwater. Evaporation from dewatering trenches will vary based on the size of the trenches and will be accounted for on an accounting sheet prepared by the Applicants. The calculated net evaporation of the proposed full buildout of the pits is 25.98 a.f. per year, as shown in Table 2, attached as Exhibit 5; Aggregate production and material washing: Water use associated with aggregate production and sand washing that are mined below the natural groundwater level is estimated to be four percent of the weight of the material. Annual production is anticipated to be 150,000 tons of gravel, which equates to 4.41 a.f. per year of water depletions. Depletions from aggregate production is summarized in Table 2, attached as Exhibit 5; Dust suppression: The amount of water used for dust suppression is estimated to be 1,000 gallons per day, which results in annual water depletions of 0.66 a.f. per year, as summarized in Table 2, attached as Exhibit 5; Lagged depletions: Depletions from the pits impact water that is tributary to Tomichi Creek. Based on the Glover Stream Depletion Model, the yield values of the underlying aquifer is 36,650 gallons per day per foot. Based on typical published values for unconfined aquifers, the specific yield is estimated to be 0.12. A Uniform Response Function using the Glover Analysis is provided in Table 3, attached as Exhibit 6; Total water depletions: Total water depletions from evaporation from 58 acres of surface area of a remediated gravel pit pond (not including pre-1981 surface area exposure), material removal and washing, and dust suppression total 31.05 a.f. (see column 6 in Table 2, attached as Exhibit 5). A monthly distribution of depletions is also provided in Table 2, attached as Exhibit 5. To avoid short term water depletion to the river while filling the gravel pits, Applicants will avoid filling the pits with water by using surface water delivered pursuant to the Oldcastle Enlargements of the Griffing Ditch No. 1, Griffing Ditch No. 2, McCanne Ditch No. 2, and McCanne Ditch No. 3, requested in paragraphs 6-9, above, whenever they are in priority; Water rights administration: During most years, there are no calls administered on Tomichi Creek and the Gunnison River downstream of the City of Gunnison. However, during dry years there is a

potential for a call downstream from the gravel operations from the beginning of June to the end of September. To avoid injury to other water rights, the gravel pits will offset depletions to Tomichi Creek and the Gunnison River during June, July, and August and to the Gunnison River downstream of Blue Mesa during September. Table 4A, attached as Exhibit 7, provides a schedule of out-of-priority depletions based on a 2002 dry year call scenario. At full buildout, up to 3.92 a.f. may be needed to replace out-of-priority depletions to Tomichi Creek during the period of June, July, and August. For September, up to 3.00 a.f. of out-of-priority depletions would need to be replaced downstream from Blue Mesa Reservoir and upstream of the Gunnison Tunnel. Total out-of-priority depletions during the irrigation season equal 6.92 a.f. Table 4B, attached as Exhibit 8, provides a schedule of potential out-of-priority depletions during the non-irrigation season from a potential Redlands Power Canal call. The potential call period is based on stream gauge records for the Gunnison River near Grand Junction when average daily discharge falls below 750 c.f.s. The year 2003 was chosen since its non-irrigation season flows were lower than 2002. The calculated out-of-priority depletions during the non-irrigation season equal 4.14 a.f.; Of the 31.05 a.f. of full buildout depletions, 4.14 a.f. of potential out-of-priority depletions could occur during the non-irrigation season as a result of a potential Redlands Power Canal call, including depletions from filling the pits; Augmentation replacement sources: Augmentation replacement sources include HCU credits from the dry-up of irrigated areas, recharge accretions from recharge water diverted into the pits, and Blue Mesa Reservoir water released to address calls below the Reservoir. In addition, Applicants may lower the pit ponds to bypass out-of-priority net evaporation and inflow if needed and refill the pit wells during free river conditions; Historical consumptive use credits: HCU for the water rights associated with the dry up of approximately 64.68 acres of land on the Seahorse West and Vader properties historically irrigated with water from the Griffing No. 1 Ditch, Griffing No. 2 Ditch, McCanne No. 2 Ditch, and McCanne No. 3 Ditch are estimated total 143.58 a.f. (approximately 2.22 a.f. per acre). Table 5, attached as Exhibit 9, provides a schedule of water rights, proposed approximate amounts for change of use, priority, total approximate amount of HCU, and an approximate unit HCU per acre of dry-up; Blue Mesa Reservoir: Calls placed downstream of Blue Mesa Reservoir will be addressed through a water supply contract for augmentation water

from Blue Mesa Reservoir, which was decreed in Case Nos. CA5590 and CA6981 for 939,204 a.f., with a November 11, 1957 appropriation date. An additional 124,253 a.f., with the same appropriation date, was transferred to the reservoir in CA10045. As discussed in paragraph 14.D, above, out-of-priority depletions during the irrigation season equal 6.92 a.f. (see Exhibit 7). Upon approval of this augmentation plan, Applicants will obtain a water supply contract for Blue Mesa Reservoir for seven acre-feet. Additionally, out-of-priority depletions of 4.13 a.f. could occur during the non-irrigation season in the event of a call by the Redlands Power Canal. If that occurs, Applicants will obtain a water supply contract for an additional 5.0 a.f. of water from Blue Mesa Reservoir. If the non-irrigation season call period should increase beyond historical levels in the future, Applicants reserve the right to provide up to 31.05 a.f. to address out-of-priority depletions, as well as additional water if needed to offset the impacts of filling the gravel pits; Gravel pit recharge: Applicants request junior conditional water rights in the Griffing No. 1 Ditch, Griffing No. 2 Ditch, McCanne No. 2 Ditch, and the McCanne No. 3 Ditch for industrial and recharge purposes. The amounts proposed for recharge are provided in Table 6, attached as Exhibit 10. The recharge accrual calculations for each gravel pit were calculated using the URF in Table 3, attached as Exhibit 6; Gravel pit drawdown: Another option to offset out-of-priority depletions is to draw down the surface elevation of the pits, thus bypassing any out-of-priority inflow into the pits. A sample schedule of the gravel pit draw down and depletions during recovery is provided in Table 7, attached as Exhibit 11. (18 pages). **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of February, 2017 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

Published in the *Crested Butte News*. Issue of January 13, 2017. #011304

—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 December 2016. 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. **CASE NO. 2016CW3084 (REF NO. 08CW10). Gunnison County, Gunnison River, Water District No. 4, Applicant:** Crested Butte, LLC, a Colorado limited liability company, North Village Reserve, Inc., a Colorado corporation, CLP Crested Butte, LLC, a Delaware limited liability company and United States of America, Department of Agriculture, United States Forest Service, c/o O'HAYRE DAWSON, P.C., 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326. **Type of Application:** Application for finding

of Reasonable Diligence. **Name of Structures:** Crescent Lake and East River Pump Station, Crescent Lake Supplement. **Location:** The center of the dam on Crescent Lake will be in Section 23, Township 13 South, Range 86 West, 6th P.M., approximately 838.40 feet south of the north section line and 450.50 feet west of the east section line of said section. The East River Pump Station, Crescent Lake Supplement is located at a point on the right bank of the East River in the NW1/4SE1/4 of Section 13, Township 13 South, Range 86 West, 6th P.M., from whence the SW corner of said section 13 bears South

61E31'28" West a distance of 3959 feet, in Gunnison County, Colorado. **Drainage Basin:** The East River, a tributary of the Gunnison River. **Quantity/Appropriation date/Use:** 160 acre feet-6.0 c.f.s. (conditional) /May 31, 2006/recreational, piscatorial, firefighting and commercial (snowmaking). **Type of Structure:** Lake. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of February, 2017 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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# 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 December 2016.

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.

**CASE NO. 2016CW3085 GUNNISON COUNTY – GUNNISON RIVER.** Town of Crested Butte, c/o Scott C. Miller, Esq. and Danielle Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR CHANGE OF WATER RIGHT AND APPROPRIATIVE RIGHT OF EXCHANGE. **First Claim:** McCormick Ditch, Priority 164. Date of original decree: September 14, 1906. Civil Action 1325, Gunnison County District Court. Legal: East bank of Coal Creek at a point whence the NE corner of Section 3, Township 14 S, Range 86 W, 6th P.M., bears North 67° E. approximately 890 feet. Source: Coal Creek. Appropriation date: June 1, 1903. Amount: 0.64 c.f.s. of total 2.25 c.f.s. absolute. Use: 1.75 c.f.s. for irrigation (Applicant owns 0.5 c.f.s.) and 0.5 c.f.s. for irrigation, municipal, and domestic (Applicant owns 0.14 c.f.s.). Amount of water for change: 0.5 c.f.s. Historic use: Case No. 02CW63 recites that the McCormick Ditch irrigated approximately 90 acres; and that the Verzuh Annexation parcel consisted of 79.3 acres of which 71 acres were irrigated by the McCormick Ditch. Out of the 71 acres, 40 acres is associated with the Sheep Mountain Parcel, as shown on Exhibit B on file with the court; and the remaining 31 acres is associated with the Crested Butte Acreage. In Case No. 02CW63, Applicant changed 0.14

c.f.s. associated with 14.4 acres of dry-up on the Crested Butte Acreage, leaving 0.5 c.f.s. unchanged and subject of this application. Applicant historically used its 0.5 c.f.s. interest in the McCormick Ditch to irrigate the remaining 16.6 acres within the Crested Butte Acreage. The historic irrigation within the 16.6 acres is the subject of this application. The historical diversion records associated with the full 2.25 c.f.s. of Priority 164 are on file with the court as Exhibit C. Change in use: From irrigation to irrigation, municipal, domestic, industrial, manufacturing, recreation, commercial, fire protection, augmentation, exchange and aquifer recharge within and by Applicant's municipal water supply and delivery system, including storage. Applicant may continue to use 0.5 c.f.s. for irrigation of historically irrigated acreage. Change in place of use: From historic place of use to all property within the Town of Crested Butte's service area. Change in point of diversion: Add Crested Butte Water Ditch and Wildcat Pipeline as alternate point of diversion for the 0.50 c.f.s. of the McCormick Ditch with a decreed location on the South bank of Coal Creek where the NE corner of Section 5, Township 14 S., Range 86 W., 6th P.M., bears North 30° E. approximately 2,998 feet. HCU analysis: The initial crop HCU, return flow and net stream depletion analysis is shown on Exhibit D on file with the court. The HCU yield of 0.91 acre-foot per acre results in 15.2 acre-feet of HCU credits associated with historic irrigation on 16.6 acres. The HCU analysis may be revised or refined during the prosecution of this case. Applicant will replace all return flow obligations in time and amount through the use of water sources controlled or developed by Applicant, including but not limited to releases from Lake Irwin (a/k/a Brennand Reservoir). **Second Claim:** Conditional Appropriative Right of Exchange. Between the Upstream Termini (Crested Butte Water Ditch and Crested Butte Town Pipeline) and the Downstream Terminus on the Slate River (place of potable irrigation return

flows) as shown on Exhibit E on file with the court. Rate of exchange: 0.5 c.f.s. Purpose: Allowing all municipal diversions up to the exchange rate at the Upstream Termini, including exchanging those HCU credits applied for herein that will not be fully consumed by the Applicant through various municipal uses. Date of appropriation: August 1, 2016 at which time Applicant formulated the intent to appropriate such exchange. Applicant will operate the exchange applied for herein when the same is in priority. The exchange is a component part of integrated water supply system for the Applicant. Applicant owns the land upon which the headgate of the McCormick Ditch is located. The land upon which the intake structure of the Crested Butte Water Ditch is located is owned by the United States Forest Service. **GUNNISON COUNTY. CASE NO. 2016CW3086. GUNNISON COUNTY – GUNNISON RIVER.** Town of Crested Butte, c/o Scott C. Miller, Esq. and Danielle Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR CHANGE OF WATER RIGHT AND APPROPRIATIVE RIGHT OF EXCHANGE. **First Claim:** McCormick Ditch, Priority 164. Date of original decree: September 14, 1906. Civil Action 1325, Gunnison County District Court. Legal: East bank of Coal Creek at a point whence the NE corner of Section 3, Township 14 S, Range 86 W, 6th P.M., bears North 67° E. approximately 890 feet. Source: Coal Creek. Appropriation date: June 1, 1903. Amount: Verzuh Ranch, Inc's ("Vezuh") 0.64 c.f.s. of total 2.25 c.f.s. absolute. Use: 1.75 c.f.s. for irrigation (Vezuh owns 0.28 c.f.s.) and 0.50 c.f.s. for irrigation, municipal, and domestic (Vezuh owns 0.36 c.f.s.). Amount of water for change: 0.64 c.f.s. Historic use: Verzuh has historically used its 0.64 c.f.s. interest in the McCormick Ditch to irrigate 28.9 acres within the "Vezuh Parcel" (a/k/a McCormick Ranch lands) as shown on Exhibit B on file with the court. The historic irrigation of this 28.9

acres is the subject of this application. The historical diversion records associated with the full 2.25 c.f.s. of Priority 164 are on file with the court as Exhibit C. Change in use: From irrigation to irrigation, municipal, domestic, industrial, manufacturing, recreation, commercial, fire protection, augmentation, exchange and aquifer recharge within and by Applicant's municipal water supply and delivery system, including storage. Also a change from irrigation to augmentation (including exchange or otherwise) of commercial, industrial, domestic, irrigation, pond evaporation, and livestock watering uses in the Slat River drainage, including those uses that are the subject of Case No. 16CW3035 (Div. 4). Applicant and Verzuh may continue to use 0.64 c.f.s. for irrigation of historically irrigated acreage. Change in place of use: From historic place of use to all property within the Town of Crested Butte's service area and to the extent necessary to allow augmentation of structures owned or controlled by Verzuh or its successors in the Slate River drainage. Change in point of diversion: Add Crested Butte Water Ditch and Wildcat Pipeline as alternate point of diversion for the 0.640 c.f.s. of the McCormick Ditch with a decreed location on the South bank of Coal Creek where the NE corner of Section 5, Township 14 S., Range 86 W., 6th P.M., bears North 30° E. approximately 2,998 feet. HCU analysis: The initial crop HCU, return flow and net stream depletion analysis is shown on Exhibit D on file with the court. The HCU yield of 0.66 acre-foot per acre results in 19.1 acre-feet of HCU credits associated with historic irrigation on 28.9 acres. The HCU analysis may be revised or refined during the prosecution of this case. Applicant will replace all return flow obligations in time and amount through the use of water sources controlled or developed by Applicant, including but not limited to releases from Lake Irwin (a/k/a Brennand Reservoir). Verzuh will replace all return flow obligations associated with its share of the changed 0.64 c.f.s. in time and amount through

use of water sources controlled or developed by Verzuh. **Second Claim:** Conditional Appropriative Right of Exchange. Between the Upstream Termini (Crested Butte Water Ditch and Crested Butte Town Pipeline) and the Downstream Terminus on the Slate River (place of potable irrigation return flows) as shown on Exhibit E on file with the court. Rate of exchange: 0.64 c.f.s. Purpose: Allowing all municipal diversions up to the exchange rate at the Upstream Termini, including exchanging those HCU credits applied for herein that will not be fully consumed by the Applicant through various municipal uses. Date of appropriation: August 1, 2016 at which time Applicant formulated the intent to appropriate such exchange. Applicant will operate the exchange applied for herein when the same is in priority. The exchange is a component part of integrated water supply system for the Applicant. Applicant owns the land upon which the headgate of the McCormick Ditch is located. The land upon which the intake structure of the Town of Crested Butte Water Ditch is located is owned by the United States Forest Service. **GUNNISON COUNTY. YOU ARE FURTHER NOTIFIED THAT** you have until the last day of February, 2017 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](http://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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**BEAUTIFUL EXTRAORDINARY ROOM** with private bath available in Mt. Crested Butte. Not near transportation so 4 wheel drive is needed. \$800 for single person or \$950 for a couple. \$800, but you will be alone in 4 bedroom house so it is very private and scenic. Available Jan. 12 till close of ski season approximately. 847-769-7800. (1/13/57).

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**SPACIOUS 1 BED/1 BATH** unfurnished apartment in town. Located above Le Bosquet Restaurant, unit includes a W/D, dishwasher, gas fireplace and 1 off street parking place. Includes water, sewer, trash. No Pets! \$1,100/mo. Kristin 970-349-6339. (1/13/38).

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