

# Legals

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**—NOTICE OF PUBLIC HEARING BEFORE THE—  
PLANNING COMMISSION  
TOWN OF MT. CRESTED BUTTE, COLORADO**

Please take notice that the Mt. Crested Butte Planning Commission will hold a public hearing on Wednesday, February 21, 2018 at 5:00 p.m. in the Council Chambers, Municipal Building, Mt. Crested Butte, Colorado. The purpose of the hearing is for public input on a PUD Final Plan application to rezone 0.22 acres located at 19 Emmons Road (Lot 9, Lodge Sites) from a Business District (BD) lot to a Planned Unit Development (PUD) lot by Adaptive Sports

Center. The application submitted by Adaptive Sports Center is available for public viewing at the Mt. Crested Butte Town Hall, 911 Gothic Road, Mt. Crested Butte, CO during regular business hours. All interested parties are urged to attend. Written comments are welcome and should be received at the Town Offices, P. O. Box 5800, Mt. Crested Butte, CO 81225-5800, or by fax to (970) 349-6326, by Thursday, Febru-

ary 15, 2018. Dated this 30th day of January, 2018. /s/ Jill Lindros  
Town Clerk  
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 of the meeting.

Published in the *Crested Butte News*. Issues of February 2 and 9, 2018. #020207

**—NOTICE OF PUBLIC HEARING BEFORE THE—  
TOWN COUNCIL  
TOWN OF MT. CRESTED BUTTE, COLORADO**

Please take notice that the Mt. Crested Butte Town Council will hold a public hearing on Tuesday, February 20, 2018 at 6:00 p.m. in the Council Chambers, Municipal Building, Mt. Crested Butte, Colorado.

The purpose of the hearing is for public input on the amended annexation petition involving the real property described below for the purpose of determining and finding whether the area proposed to be annexed in said petition meets the applicable requirements of Section 30, Article II of the Colorado Constitution, §§31-12-104 and 31-12-105, Colorado Revised Statutes and the provisions of the Town of Mt. Crested Butte Resolution No. 1, Series 1995, and is considered eligible for annexation.

The 10.28 acre parcel is located in the SW1/4 SE1/4 of Section 26, Township 13 South, Range 86 West, 6th P.M.

The amended petition submitted by Hunter Ridge, LLC, on behalf of Glacier Bank is available for public viewing at the Mt. Crested Butte Town Hall, 911 Gothic Road, Mt. Crested Butte, CO during regular business hours.

All interested parties are urged to attend. Written comments are welcome and should be received at the Town Offices, P. O. Box 5800, Mt. Crested Butte, CO 81225-5800, or by fax to (970) 349-6326, by Thursday, February 15, 2018. Dated this 25th day of January, 2018.

/s/ Jill Lindros  
Town Clerk

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 of the meeting.

Published in the *Crested Butte News*. Issues of February 2 and 9, 2018. #020201

**—NOTICE OF PUBLIC HEARING BEFORE THE—  
PLANNING COMMISSION  
TOWN OF MT. CRESTED BUTTE, COLORADO**

Please take notice that the Mt. Crested Butte Planning Commission will hold a public hearing on Wednesday, February 21, 2018 at 5:00 p.m. in the Council Chambers, Municipal Building, Mt. Crested Butte, Colorado.

The purpose of the hearing is for public input on a PUD Final Plan application to rezone 3.319 acres located at 16, 18, 22, and 24 Treasury Rd Road (Inn Sites 4 & 5, Lots 1-2 and Lot 3 Block D, and Lot 1 Block C Chalet Village Addition 1) from High Density Multiple Family (HDMF), Low Density Multiple Family (LDMF), and Single Family Residential (SF) to Planned Unit Development (PUD) by Pearls Management, LLC.

The application submitted by Pearls Management, LLC is available for public viewing at the Mt. Crested Butte Town Hall, 911 Gothic Road, Mt. Crested Butte, CO during

regular business hours.

All interested parties are urged to attend. Written comments are welcome and should be received at the Town Offices, P. O. Box 5800, Mt. Crested Butte, CO 81225-5800, or by fax to (970) 349-6326, by Thursday, February 15, 2018.

Dated this 30th day of January, 2018.

/s/ Jill Lindros  
Town Clerk

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 of the meeting.

Published in the *Crested Butte News*. Issues of February 2 and 9, 2018. #020208

**—INVITATION TO BID—  
PROCESS BUILDING IMPROVEMENT PROJECT  
FOR THE  
MT. CRESTED BUTTE WATER & SANITATION DISTRICT**

The Mt. Crested Butte Water & Sanitation District (MCB W&SD, Owner) will receive sealed Bids for the construction of the Process Building Improvement Project until 2:00 P.M., March 6, 2018 at the MCB W&S District Office, Mt. Crested Butte, Colorado 81225, Attention: Michael Fabbre, District Manager, at which time bids will be opened publicly. Bids shall be clearly marked "Mt. Crested Butte Water & Sanitation District – Process Building Improvement Project."

A mandatory Pre-Bid Meeting will be held at the MCB W&S District Office, 100 Gothic Road, Mt. Crested Butte, Colorado 81225, on February 13, 2018 at 10:00 a.m. local time. A tour of the project location will follow the pre-bid meeting.

Qualification statements and other submittal requirements are outlined in Specification 00310 – Bid Form of the Project Manual.

The Work will include the following, but not limited to:

All necessary labor, supervision, equipment, tools, and materials for replacing the metal roof, siding panels and insulation on the process building.

Bidding documents (digital copies of plans and specifications) may be obtained from the Engineer, JVA, Inc. located at 817 Colorado Avenue, Suite 301, Glenwood Springs, CO 81601 by calling (970) 404-3003 or emailing cbest@jva.com. No Bid will be received unless accompanied by a cashier's, certified or bank check or a Bid Bond equal to at

least five percent (5%) of the maximum Bid, payable to the Owner as a guarantee that after a Bid is accepted, Bidder will execute and file the Agreement and 100 percent Performance and Payment Bonds within ten days after the Notice of Award. MCBW&SD reserves the right to reject any or all Bids, to waive any irregularities or technicality, and to accept any Bid which it deems advantageous. All Bids shall remain subject to acceptance for 60 days after the time set for opening Bids. Published by the authority of the Mt. Crested Butte Water & Sanitation District, Michael Fabbre. Dated January 18, 2018

Published in the *Crested Butte News*. Issues of January 19, 26, February 2 and 9, 2018. #011903

**—DESIGN REVIEW COMMITTEE (DRC) AGENDA—  
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION  
THURSDAY, FEBRUARY 15, 2018 ~ 6:00 P.M.  
61 TEOCALLI ROAD (P.O.A. OFFICE, UPSTAIRS)**

Questions about this Agenda/Meeting can be directed to 349-1162 or info@cbsouth.net or viewed at: www.cbsouth.net

**6:00 PM Call to Order**

**6:05 PM Approve Minutes for the November DRC meeting**

**New Business:**

**6:10 PM Park Single Family Residence**, 665 Shavano Street, Lot 16, Block 14, Filing # 2

**6:50 PM Sigler/Meier Single Family Residence**, 2381 Bryant Ave, Lot 42, Block 23, Filing #3

**7:30 PM Skinner Single Family Residence with an Accessory Dwelling**, 200 Brackenbury Street, Lot 12, Block 17, Filing #3

**8:10 PM Haverland Garage Addition to a Single Family Residence**, 389 Haverly Street, Lot 8, Block 17,

Filing #3

**8:30 PM Buck Multi-Family Residence**, 471 Cement Creek Road, Lot 7, Block 9, Filing #2

**Old Business:**

**8:50 PM Commercial Area Master Plan review and update**

**9:00 PM Unscheduled Design Review Business or Design Review Updates**

**9:10 PM Adjourn**

**ADA Accommodations:** Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Association Manager prior to the day of the hearing.

Published in the *Crested Butte News*. Issues of February 2 and 9, 2018. #020214

**—TAX LIEN SALE NUMBER 20080234—  
NOTICE OF PURCHASE OF PROPERTY AT TAX LIEN SALE  
AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED**

To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having Interest of Title of Record in or to the said Premises and To Whom It May Concern, and more especially to: **Melissa Mumford and William W Mumford and John M Ritchey Revocable Trust**

You and each of you are hereby notified that on the 23rd day of October 2008, the then County Treasurer of Gunnison County, in the State of Colorado, sold at public tax lien sale to John M Ritchey Revocable Trust the following described property situate in the County of Gunnison, State of Colorado, to-wit:

**Schedule Number: 317726135062**

**Legal Description: UNIT 378 GRAND LODGE CRESTED BUTTE RESORT CONDOS #553905**

and said County Treasurer issued a certificate of purchase therefore to John M Ritchey Revocable Trust.

That said tax lien sale was made to satisfy the delinquent property (and special assessment) taxes assessed against said property for the year 2008;

That said property was taxed or specially assessed in the name(s) of Melissa Mumford and William W Mumford for said year 2008;

That said John M Ritchey Revocable Trust on the 8th day of December 2017, the present holder of said certificate (who) has made request upon the Treasurer of said County for a deed to said property;

That a Treasurer's Deed will be issued for said property to John M Ritchey Revocable Trust at 2:00 o'clock p.m., on the 23rd day of May 2018 unless the same has been redeemed;

Said property may be redeemed from said sale at any time prior to the actual execution of said Treasurer's Deed. This Notice of Purchase will be published in *Crested Butte News* on February 2, 2018, February 9, 2018 and February 16, 2018.

Witness my hand this 2nd day of February 2018

Debbie Dunbar  
Gunnison County Treasurer

Published in the *Crested Butte News*. Issues of February 2, 9 and 16, 2018. #020204

**—CALL FOR NOMINATIONS—  
CRESTED BUTTE FIRE PROTECTION DISTRICT**

**TO WHOM IT MAY CONCERN**, and particularly to the electors of the Crested Butte Fire Protection District of Gunnison County, Colorado.

**NOTICE IS HEREBY GIVEN** that an election will be held on the 8th day of May, 2018, between the hours of 7:00 a.m. and 7:00 p.m. At that time two (2) directors will be elected to serve 4-year terms, and one (1) director will be elected to serve a 2-year term. Eligible electors of the Crested Butte Fire Protection District interested in serving on the board of directors may obtain a Self-Nomination and Acceptance form from the district designated election official (DEO):

Michael M. Miller  
Crested Butte Fire Station  
306 Maroon Avenue  
P.O. Box 1009  
Crested Butte, Colorado 81224  
Telephone: 970-349-5333 ext 1  
Email: mikem@crestedbutte.net

The office of the DEO is open Monday-Friday from 8 am to 5 pm.

The deadline to submit a Self-Nomination and Acceptance form is **Friday, March 2, 2018**.

Affidavit of Intent to be a Write-In Candidate forms must be submitted to the office of the designated election official by the close of business on **Monday, March 5, 2018**.

**NOTICE IS FURTHER GIVEN**, an application for an absentee ballot shall be filed with the designated election official no later than the close of business on **Tuesday, May 1, 2018**.

CRESTED BUTTE FIRE PROTECTION DISTRICT  
By/s/ Michael M. Miller, Designated Election Official

Published in the *Crested Butte News*. Issues of February 2 and 9, 2018. #020202

**—CALL FOR NOMINATIONS—  
(NOTICE BY PUBLICATION OF)  
§§ 1-13.5-501; 1-13.5-303, C.R.S.**

**TO WHOM IT MAY CONCERN**, and, particularly, to the eligible electors of the Reserve Metropolitan District No. 1 of Gunnison County, Colorado (the "District").

**NOTICE IS HEREBY GIVEN** that an election will be held on May 8, 2018, between the hours of 7:00 a.m. and 7:00 p.m. At that time, three (3) directors will be elected to serve until the next regular special district election (May 2022). Eligible electors of the District(s) interested in serving on the board of directors may obtain a Self-Nomination and Acceptance Form from the Designated Election Official ("DEO"), located at 28 Second Street, Suite 213, Edwards, CO 81632 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

The deadline to submit a Self-Nomination and Acceptance Form is **March 2, 2018**. If the DEO determines a Self-Nomination and Acceptance Form is not sufficient, the form may be amended once prior to 5:00 p.m. on March 2, 2018. Earlier submittal is encouraged as the deadline will not permit curing of an insufficient form after this date. An Affidavit of Intent to be a Write-In Candidate must be submitted to the office of the DEO by the close of business on **March 5, 2018**. **NOTICE IS FURTHER GIVEN** that information on obtaining an absentee ballot may be obtained from the DEO, and applications for an absentee ballot must be filed with the DEO no later than the close of business on **May 1, 2018**.

**RESERVE METROPOLITAN DISTRICT NO.1**  
Debbie Braucht, Designated Election Official

Published in the *Crested Butte News*. Issue of February 9, 2018. #020901

**—NOTICE OF PUBLIC HEARING BEFORE THE—  
PLANNING COMMISSION  
TOWN OF MT. CRESTED BUTTE, COLORADO**

Please take notice that the Mt. Crested Butte Planning Commission will hold a public hearing on Wednesday, February 21, 2018 at 5:00 p.m. in the Council Chambers, Municipal Building, Mt. Crested Butte, Colorado.

The purpose of the hearing is for public input on a lot line vacation and boundary line adjustment application submitted by Pearls Management, LLC to vacate and adjust lot lines on Inn Sites 4 & 5, Lots 1-2 and Lot 3 Block D, Chalet Village Addition 1. Written comments are welcome and should be received at the Town Offices, P. O. Box 5800, Mt. Crested Butte, CO 81225-5800, or by fax to

(970) 349-6326, by Thursday, February 15, 2018.

Application and site plan are available for viewing at Mt. Crested Butte Town Hall during regular business hours. Dated this 30th day of January, 2018.

/s/ Jill Lindros  
Town Clerk

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 of the meeting.

Published in the *Crested Butte News*. Issues of February 2 and 9, 2018. #020209



# Legals

**—CALL FOR NOMINATIONS—  
(NOTICE BY PUBLICATION OF)  
§§ 1-13.5-501; 1-13.5-303, C.R.S.**

**TO WHOM IT MAY CONCERN**, and, particularly, to the eligible electors of the Reserve Metropolitan District No(s).5-6 of Gunnison County, Colorado (each a "District" and collectively, the "Districts").

**NOTICE IS HEREBY GIVEN** that an election will be held on May 8, 2018, between the hours of 7:00 a.m. and 7:00 p.m. At that time, and for each District, two (2) directors will be elected to serve until the next regular special district election (May 2020), and three (3) directors will be elected to serve until the second regular special district election (May 2022). Eligible electors of the District(s) interested in serving on the board(s) of directors may obtain a Self-Nomination and Acceptance Form from the Designated Election Official ("DEO"), located at 28 Second Street, Suite 213, Edwards, CO 81632 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The deadline to submit a Self-Nomi-

nation and Acceptance Form is **March 2, 2018**. If the DEO determines a Self-Nomination and Acceptance Form is not sufficient, the form may be amended once prior to 5:00 p.m. on March 2, 2018. Earlier submittal is encouraged as the deadline will not permit curing of an insufficient form after this date. An Affidavit of Intent to be a Write-In Candidate must be submitted to the office of the DEO by the close of business on **March 5, 2018**.

**NOTICE IS FURTHER GIVEN** that information on obtaining an absentee ballot may be obtained from the DEO, and applications for an absentee ballot must be filed with the DEO no later than the close of business on **May 1, 2018**.

**RESERVE METROPOLITAN DISTRICT NO(S). 5-6**  
Designated Election Official

Published in the *Crested Butte News*. Issue of February 9, 2018. #020902

**—CALL FOR NOMINATIONS—  
(NOTICE BY PUBLICATION OF)  
§§ 1-13.5-501; 1-13.5-303, C.R.S.**

**TO WHOM IT MAY CONCERN**, and, particularly, to the eligible electors of the Skyland Metropolitan District of the City and County of Gunnison, Colorado (the "District").

**NOTICE IS HEREBY GIVEN** that an election will be held on May 8, 2018, between the hours of 7:00 a.m. and 7:00 p.m. At that time, two (2) directors will be elected to serve until the second regular special district election (May 2022). Eligible electors of the District interested in serving on the board of directors may obtain a Self-Nomination and Acceptance Form from the Designated Election Official ("DEO"), located at 2154 E. Commons Ave., Suite 2000, Centennial, CO 80122, (303-858-1800) between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The deadline to submit a Self-Nomination and Acceptance Form is **March 2, 2018**. If the DEO determines a Self-Nomination and Acceptance Form is not sufficient, the form may be amended once prior to 5:00 p.m. on March 2, 2018. Earlier submittal is encouraged as the deadline will not permit curing of an insufficient form after this date. An Affidavit of Intent to be a Write-In Candidate must be submitted to the office of the DEO by the close of business on **March 5, 2018**.

**NOTICE IS FURTHER GIVEN** that information on obtaining an absentee ballot may be obtained from the DEO, and applications for an absentee ballot must be filed with the DEO no later than the close of business on **May 1, 2018**.

**SKYLAND METROPOLITAN DISTRICT**  
Designated Election Official

Published in the *Crested Butte News*. Issue of February 9, 2018. #020905

**—CALL FOR NOMINATIONS—  
(NOTICE BY PUBLICATION OF)  
§§ 1-13.5-501; 1-13.5-303, C.R.S.**

**TO WHOM IT MAY CONCERN**, and, particularly, to the eligible electors of the Reserve Metropolitan District No(s). 3,4,7,8 of Gunnison County, Colorado (each a "District" and collectively, the "Districts").

**NOTICE IS HEREBY GIVEN** that an election will be held on May 8, 2018, between the hours of 7:00 a.m. and 7:00 p.m. At that time, and for each District, one (1) directors will be elected to serve until the next regular special district election (May 2020), and three (3) directors will be elected to serve until the second regular special district election (May 2022). Eligible electors of the District(s)

interested in serving on the board(s) of directors may obtain a Self-Nomination and Acceptance Form from the Designated Election Official ("DEO"), located at 28 Second Street, Suite 213, Edwards, CO 81632 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The deadline to submit a Self-Nomination and Acceptance Form is **March 2, 2018**. If the DEO determines a Self-Nomination and Acceptance Form is not sufficient, the form may be amended once prior to 5:00 p.m. on March 2, 2018. Earlier submittal is encouraged as the deadline will not permit curing of an insufficient form

after this date. An Affidavit of Intent to be a Write-In Candidate must be submitted to the office of the DEO by the close of business on **March 5, 2018**. **NOTICE IS FURTHER GIVEN** that information on obtaining an absentee ballot may be obtained from the DEO, and applications for an absentee ballot must be filed with the DEO no later than the close of business on **May 1, 2018**.

**RESERVE METROPOLITAN DISTRICT NO(S). 3, 4, 7, 8**  
Designated Election Official

Published in the *Crested Butte News*. Issue of February 9, 2018. #020903

**—CALL FOR NOMINATIONS—  
(NOTICE BY PUBLICATION OF)  
§§ 1-13.5-501; 1-13.5-303, C.R.S.**

**TO WHOM IT MAY CONCERN**, and, particularly, to the eligible electors of the East River Regional Sanitation District of the City and County of Gunnison, Colorado (the "District").

**NOTICE IS HEREBY GIVEN** that an election will be held on May 8, 2018, between the hours of 7:00 a.m. and 7:00 p.m. At that time, two (2) directors will be elected to serve until the second regular special district election (May 2022). Eligible electors of the District interested in serving on the board of directors may obtain a Self-Nomination and Acceptance Form from the Designated Election Official ("DEO"), located at 2154 E. Commons Ave., Suite 2000, Centennial, CO 80122, (303-858-1800) between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The deadline to submit a Self-Nomination and Acceptance Form is **March 2, 2018**. If the DEO determines a Self-

Nomination and Acceptance Form is not sufficient, the form may be amended once prior to 5:00 p.m. on March 2, 2018. Earlier submittal is encouraged as the deadline will not permit curing of an insufficient form after this date. An Affidavit of Intent to be a Write-In Candidate must be submitted to the office of the DEO by the close of business on **March 5, 2018**.

**NOTICE IS FURTHER GIVEN** that information on obtaining an absentee ballot may be obtained from the DEO, and applications for an absentee ballot must be filed with the DEO no later than the close of business on **May 1, 2018**.

**EAST RIVER REGIONAL SANITATION DISTRICT**  
Designated Election Official

Published in the *Crested Butte News*. Issue of February 9, 2018. #020904

**—NOTICE OF VACANCY ON THE BOARDS OF DIRECTORS OF—  
RESERVE METROPOLITAN DISTRICT NOS. 1 & 3-8**

**TO WHOM IT MAY CONCERN**, and particularly to the electors of the Reserve Metropolitan District Nos. 1 & 3-8 (the "Districts"), Gunnison County, Colorado.

**NOTICE IS HEREBY GIVEN** pursuant to Section 32-1-808, C.R.S., that one or more vacancies currently exist or will exist on the boards of directors

of the Districts. Any qualified, eligible elector of the Districts interested in serving on the boards of directors for the Districts should file a Letter of Interest with the board by 5:00 p.m. on Monday, February 26, 2018. Letters of Interest should be sent to Reserve Metropolitan District No. 1, c/o Marchetti & Weaver, LLC, 28 Sec-

ond St., Ste. 213, Edwards, CO 81632. **RESERVE METROPOLITAN DISTRICT NOS. 1 & 3-8**  
By: /s/ WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

Published in the *Crested Butte News*. Issue of February 9, 2018. #020906

**—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 January 2018.

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. 2018CW2**. Applicant: C.B. Moncrief, Moncrief Building, 950 Commerce, Ft Worth, TX 76102, by his Agent Chris Kruthaupt, 712 Andrew Lane, Gunnison, CO 81230. Application for Simple Change in Surface Point of Diversion: Frank Adams No. 1 Ditch: Original and All Relevant Subsequent Decrees: See Table. Legal Description as Described in Most Recent Decree

- Located on the North bank of the Gunnison River at a point whence the East quarter corner of Section 8, Township 49 North, Range 1 West, N.M.P.M. bears North 57 degrees 40 minutes West 2,150 feet. Decreed Source: Gunnison River. Decreed Appropriation Date: See Table. Decreed Amount: See Table. Detailed Description of Proposed Change in Surface Point of Diversion: The Applicant has been diverting the water for several years at a point slightly upstream from the decreed location as it is a more practical/

efficient location to deliver water to the irrigated meadows. There are no diversions or ditches between the proposed new point of diversion and the original point of diversion location described above, thus no risk of injury to other water rights. Both points of diversions are located on the applicant's property. Location of the New Surface Point of Diversion: NW1/4SW1/4 of Section 9, T49N, R1W, N.M.P.M. 1,356 feet from the south line and 1,913 feet from the east Section line. 327994 Easting, 4265230 Northing, zone 13.

Adj Date	Aprr Date	Priority #	UseType	Adj Type	Rate (CFS)	Case No	Action Comment
1906-09-14	1880-05-31	19	1	O,TT	2.0000	CA5619	TF THE MOORE DITCH 6/1/1959 P724
1906-09-14	1884-06-01	48	1	O	9.2500	CA1325	HGT ON N BK P46
1906-09-14	1892-12-31	95	1	O,TT	1.8750	CA5840	TF SOAP CR DITCH 10/21/1964 P706
1906-09-14	1902-06-30	155	1	O,TT	0.3750	CA5619	TF MOORE DITCH; P 724
1941-04-29	1880-05-31	291	1	S,TT	5.6250	CA5619	P924 TF MOORE DITCH
1941-04-29	1884-06-01	314	1	S,AB	-9.7	92CW0053	REF 92CW19 & 1991 REVISED ABANDONMENT LIST
1941-04-29	1884-06-01	314	1	S	23.75	CA2021	GUNNISON R P321
1941-04-29	1908-06-01	414	1	S	4.0000	CA2021	AKA FRANK ADAMS NO 1 DITCH ENLT P322
1941-04-29	1908-06-01	414	1	S,AB	-2.5	92CW0053	Abandonment list
1941-04-29	1910-06-01		1	S,AB	1.5000	92CW0053	SOAP CRKTRANS WATER, REF 92CW19 & 1991 REVISED ABAND LIST
1941-04-29	1910-06-01		1	S,TT	1.5000	CA5840	TF SOAP CREEK DITCH
1941-04-29	1933-07-01	466	1	S	5.5000	CA2021	AKA FRANK ADAMS NO 1 DITCH ENLT P322
				Total	43.175		

**GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2018 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain applica-

tion 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, Wa-

ter Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of February 9, 2018. #020907

**—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 January 2018.

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. 2018CW3 (REL NO. 2010CW17, 03CW40)**. Applicant: Mile 200, Scott Wagner, P.O. Box 25, Morrison, CO 80465. Application for Finding of Reasonable Diligence: Concrete Pond Spring No. 11 - NW1/4SW1/4SW1/4, Section 10, T49N, R4E, N.M.P.M. 1,068 feet north of the south line and 3,115 feet

west of the east section line. Source: Hot Springs Creek, Gunnison River. Appropriation Date: 01/30/2002. Amount Claimed: 1.0 c.f.s. conditional for non-consumptive heating use in five structures. Bath House Spring No. 12 - NW1/4SW1/4SW1/4, Section 10, T49N, R4E, N.M.P.M. 961 feet north of the south line and 2,920 feet west of the east section line. Source: Hot Springs Creek, Gunnison River. Appropriation Date: 01/30/2002. Amount Claimed: 1.0 c.f.s. conditional for non-consumptive heating use in five struc-

tures. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2018 to file with the Water Clerk 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 February 9, 2018. #020908

# 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 January 2018.

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. 2018CW3000.** Applicants: Barton

E. Showalter and Elizabeth T. Showalter, 4328 Caruth Blvd., Dallas, Texas 75225 (214) 953-6509. Send all pleadings to Austin J. Chambers at Law of the Rockies, LLC, 525 North Main Street, Gunnison, CO 81230. Showalter Pond at UTM coordinates: Zone 13 N Easting 334002 Northing 4299968. Source of water is East River. Filled from Showalter Ditch at 0.51 cfs at UTM coordinates: Zone 13 N Easting 334000 Northing 4300108. Appropriation of 4.62 acre feet conditional for fishery and recreation initiated by formation of intent to appropriate, site reconnaissance, and filing of application on January 11, 2018. Showalter Pond will be excavated below grade with 0.7 acres of surface area at the high water line. Total capacity of 5.04 acre

feet, with active capacity of 4.62 acre feet and dead storage of 0.42 acre feet. Applicants will cease diversion in the event of an enforceable call. Showalter Pond will be lined to prevent interception of groundwater. Once Showalter Pond is full, water will be diverted at the rate of approximately 0.5 cfs and returned to the East River through a ditch. The point of return flow will be at the following UTM coordinates: Zone 13 N Easting 333979 Northing 4299944. Diversion and storage structures are on land owned by Applicants. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2018 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a cer-

tain 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 February 9, 2018. #020909

—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 January 2018.

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. 2018CW3002 (REF NO. 11CW60, 03CW107, 02CW294).** Applicant: Upper Gunnison River Water Conservancy District, 210 West Spencer, Suite B, Gunnison, CO 81230; direct all correspondence and pleadings regarding this Application to: John H. McClow, General Counsel, Upper Gunnison River Water Conservancy District, 210 West Spencer, Suite B, Gunnison, CO 81230 email: jmcclow@ugrwc.org. APPLICATION TO MAKE ABSOLUTE IN GUNNISON COUNTY, COLORADO. Name of structure: Meridian Lake Reservoir. Type: Reservoir. Conditional decrees. a) Date of original decree: May 17, 2005, Case No. 02CW294, 03CW107 (consolidated), Water Division 4. Date of subsequent decree: January 6, 2012, Case No. 11CW60, Water Division 4. Lo-

cation of the dam: Located in the NE¼ NE¼ Section 21, Township 13 South, Range 86 West, 6th P.M., at a point 1,200 feet from the South line and 850 feet from the East line of said Section 21. UTM coordinates 13S 326330 N 4308856 E. Source of water: Surface runoff tributary to Meridian Lake, tributary to Washington Gulch, and the Slate, East and Gunnison Rivers. Appropriation date: August 26, 2002. Amount: 407.21 acre-feet. Use: Augmentation of out-of-priority depletions by domestic, municipal, industrial and irrigation uses (including pond evaporation and livestock watering. Detailed outline of what has been done for completion of the appropriation and application of water to a beneficial use: Since June 1, 2011, the District, acting through its Water Activity Enterprise, has advanced the plan for augmentation by selling and issuing Augmentation Certificates representing 29 Base Units, bringing the total Base Units sold to 559 which equals 27.95 acre-feet of water. The plan for augmentation has been implemented in 2013, 2016, and 2017 by releases from the reservoir directed by the Division Engineer to replace out-of-priority depletions as the result of a call placed on the Slate River. Claim to make absolute: The diversion record attached as EXHIBIT A demonstrates that in 2014, 2015, 2016, and 2017 the District has captured, possessed, and controlled at 407.21 acre-feet of water in the reservoir in priority; thus the conditional storage right in that amount shall be made absolute

for all decreed purposes pursuant to § 37-92-301(4)(e), Colorado Revised Statutes. Names and addresses of owners of the land on which structures are located and upon which water is and will be stored: Ralph R. Allen and Sons, Inc., 1897 County Road 8, Gunnison, CO 81230; DLCTM Ltd., 301 Mayerling Drive, Houston, TX 77024-6417; USDA Forest Service, P. O. Box 2000, Washington, DC 20013-2000. Town of Crested Butte, P. O. Box 39, Crested Butte, CO 81224. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2018 to file with the Water Clerk 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 January 2018.

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. 2018CW3003 (REF NO. 09CW141)** GUNNISON COUNTY Application to Make Absolute in Part and for a Finding of Due Diligence 1. Applicant: Simmons Mountain Ranch, LLC, Chad J. Simmons, Manager, 4200 Somerset, Suite

209, Prairie Village KS 66208, 913-648-7747, by Aaron R. Clay, P.O. Box 38, Delta CO 81416, 970-874-9777. 2. Name of Structures: Simmons Ponds 1, 2, 3, 4, and 11; Simmons Springs 2 and 3; Simmons Pipeline 1; Simmons Pond 10 Outlet Pipeline; Simmons Pond 9 Pit Well. 3 Amounts: See Table 1 below. 4. Legal Description of Points of Diversion: See Tables 1 and 2, below 5. Dates of Appropriation: See Table 3, below. 6. Uses: stockwater, wildlife, recreation, fish culture, ir-

rigation, and augmentation (See Table 2, below) 7. Source of Water seeps, springs, natural drainage, and wastewater tributary to the Little Cimarron River, tributary to the Gunnison River. 8. Rights requested: Applicant seeks to make absolute the water rights for the Simmons Springs 2 and 3, the Simmons Pond 2, and the Simmons Pond 9 Pit Well, and to continue the rest of the rights as conditional. The work done is listed in the Application.

**Table 1 – Filing Locations and Amounts**

**Ponds**

NAME	SIZE (af)	EASTING	NORTHING
Simmons Pond 1	2.3	0283624	4250724
Simmons Pond 2	7.7	0283682	4250748
Simmons Pond 3	5	0283734	4250741
Simmons Pond 4	5	0283936	4250595
Simmons Pond 11	5	0284376	4251319

**Springs**

NAME	FLOW RATE (cfs)	EASTING	NORTHING
Simmons Spring 2	0.033	0283267	4250791
Simmons Spring 3	0.033	0283177	4251031

**Pipelines**

NAME	FLOW RATE (cfs)	EASTING	NORTHING
Simmons Pipeline 1	0.11	0284361	4250893
Simmons Pond 10 Outlet Pipeline	0.11	0284437	4251176

**Underground Water Right**

NAME	Surface Area (Acres)	FLOW RATE (cfs)	EASTING	NORTHING
Simmons Pond 9 Pit Well	0.64	0.0045	0284660	4250163

**Springs**

Structure	Q40	Q160	Sec	T	R	PM	Distance (feet)	Sec line	Distance (feet)	Sec line
Simmons Spring 2	SW	NW	36	48N	6W	NM	1333	N	1118	W
Simmons Spring 3	NW	NW	36	48N	6W	NM	553	N	790	W

**Ponds**

Structure	Q40	Q160	Sec	T	R	PM	Distance (feet)	Sec line	Distance (feet)	Sec line
Simmons Pond 1	SE	NW	36	48N	6W	NM	1473	N	2480	W
Simmons Pond 2	SE	NW	36	48N	6W	NM	1437	N	2484	W
Simmons Pond 3	SW	NE	36	48N	6W	NM	1455	N	2633	E
Simmons Pond 4	SW	NE	36	48N	6W	NM	1916	N	1966	E
Simmons Pond 11	SE	SE	25	48N	6W	NM	497	S	557	E

**Pipelines**

Structure	Q40	Q160	Sec	T	R	PM	Distance (feet)	Sec line	Distance (feet)	Sec line
Simmons Pipeline 1	NE	NE	36	48N	6W	NM	902	N	581	E
Simmons Pond 10 Outlet Pipeline	SE	SE	25	48N	6W	NM	33	S	341	E

**Table 2 – Appropriation Dates and Uses**

**Ponds** (2009 adjudication date, except Pond 2, which has a 2010 adjudication date)

Structure	Appropriation date	Uses
Simmons Pond 1	June 8, 2009	Stock, wildlife, recreational, piscatorial, and irrigation
Simmons Pond 2	June 8, 2009	Augmentation of Evaporation from Simmons Pond 9 Pit-Well
Simmons Pond 3	June 8, 2009	Stock, wildlife, recreational, piscatorial, and irrigation
Simmons Pond 4	June 8, 2009	Stock, wildlife, recreational, piscatorial, and irrigation
Simmons Pond 11	August 25, 2009	Stock, wildlife, recreational, piscatorial, and irrigation

**Underground Water Right** (adjudication date of 2009)

Structure	Appropriation date	Uses
Simmons Pond 9 Pit Well	June 8, 2009	recreational and piscatorial

**Springs** (2009 adjudication date)

Structure	Appropriation date	Uses
Simmons Spring 2	June 8, 2009	Domestic, stock, wildlife and irrigation
Simmons Spring 3	June 8, 2009	Domestic, stock, wildlife and irrigation

**Pipelines** (adjudication date of 2010)

Structure	Appropriation date	Uses
Simmons Pipeline 1	June 1, 2010	irrigation, stock, wildlife, recreation and filling of ponds 12 and D
Simmons Pond 10 Outlet Pipeline	June 1, 2010	irrigation, stock, wildlife, recreation and filling of ponds 12 and D

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tion 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, Wa-

ter 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 January 2018.

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. 2018CW3004 (REF NO. 11CW44).** Gunnison County. Wastewater from the Home Ditch and Groundwater trib. to the Gunnison River. Application for Finding of Reasonable Diligence and to Make Cond. Water Rights Partially Absolute. Applicant: William R. Goddard, Jr., c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: This application seeks confirmation that Applicant has been reasonably diligent in the development of cond. and underground water rights for the **Goddard N. Braid Ditch, Goddard N. Braid Ditch Well, Goddard S. Braid Ditch, Goddard S. Braid Ditch Well, S. Meadow Pond Well and the N. Meadow Pond Well and the Goddard Fishery Exchange and making portions of these rights absolute.** A map showing the diversion features identified herein is attached as Exhibit A. **Goddard N. Braid Ditch.** Legal Description: a pt. in the NW ¼, SW ¼, Sec. 24, T. 50 N., R. 1 W., NMPM, at a pt. 2,590 ft. from the S. Sec. line, 28 ft. from the W. Sec. line. The UTM coordinates are 331,759, 4,272,013 (UTM NAD83, Zone 13N, meters). Source: Wastewater from the Home Ditch. Amt.: 5.13 c.f.s., cond. Date of Approp.: 1/14/2011. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well and the Goddard River Pond Well, the dam centerline for which is located in the SE ¼, SE ¼, Sec. 23, T. 50 N., R.

1 W., NMPM, at a pt. 242 ft. from the S. Sec. line and 1,116 ft. from the E. Sec. line. The UTM coordinates are 331,397, 4,271,300 (UTM NAD 83, Zone 13N, meters). Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. **Goddard N. Braid Ditch Well.** Legal Description: a pt. in the NW ¼, SW ¼, Sec. 24, T. 50 N., R. 1 W., NMPM at appt. 2,590 ft. from the S. Sec. line, 28 ft. from the W. Sec. line. The UTM coordinates are 331,759, 4,272,013 (UTM NAD83, Zone 13N, meters). Source: Groundwater trib. to the Gunnison River. Amt.: 0.004 c.f.s.; 1.70 AF annually, cond. Date of Approp.: 1/14/2011. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard River Pond Well, described above and the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well described below. Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. **Goddard S. Braid Ditch.** Legal Description: Located a pt. in the NW ¼, SW ¼, Sec. 24, T. 50 N., R. 1 W., NMPM, at a pt. 1,929 ft. from the S. Sec. line and 25 ft. from the W. Sec. line. The UTM coordinates are 331,755, 4,271,812 (UTM NAD83, Zone 13N, meters). Source: Wastewater from Home Ditch. Amt.: 4.21 c.f.s. cond. Date of Approp.: 1/14/2011. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard River Pond Well, described herein and the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well described herein. Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. **Goddard S. Braid Ditch Well.** Legal Description: Located a pt. in the NW ¼, SW ¼, Sec. 24, T. 50 N., R. 1 W., NMPM, at a pt. 1,929 ft. from the S. Sec. line and 25 ft. from the W. Sec. line. The UTM coordinates are 331,755, 4,271,812 (UTM NAD83, Zone 13N, meters). Source: Groundwater trib. to the Gunnison River. Amt.: 0.011 c.f.s.; 4.27 AF annually, cond. Date of Approp.: 1/14/2011. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard River Pond Well, described herein and the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well described herein. Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. **Goddard N. Meadow Pond Well.**

Legal Description of Location of Dam Centerline NE ¼, SE ¼, Sec. 23, T. 50 N., R. 1 W., NMPM, at a pt. 2,038 ft. from the S. Sec. line and 475 ft. from the E. Sec. line. The UTM coordinates are 331,603 4,271,846 (UTM NAD 83, Zone 13N, meters). Source: Groundwater trib. to the Gunnison River. Amt.: 0.006 c.f.s.; 2.20 AF annually, cond. Date of Approp.: 1/14/2011. Uses: Pisc., rec. and fire prot. Surface Areas of High Water Line: 0.66 acres. Total Capacity of Pond Well: 5.28 AF. Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. **Goddard S. Meadow Pond Well.** Legal Description of Location of Dam Centerline NE ¼, SE ¼, Sec. 23, T. 50 N., R. 1 W., NMPM, at a pt. 1,371 ft. from the S. Sec. line and 521 ft. from the E. Sec. line. The UTM coordinates are 331,585 4,271,643 (UTM NAD 83, Zone 13N, meters). Source: Groundwater trib. to the Gunnison River. Amt.: 0.007 c.f.s.; 2.80 AF annually, cond. Date of Approp.: 1/14/2011. Uses: Pisc., rec. and fire prot. Surface Areas of High Water Line: 0.84 acres. Total Capacity of Pond Well: 6.72 AF. Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. **Goddard Fishery Exchange.** Downstream Terminus: Blue Mesa Reservoir Dam, as decreed in Case No. 11CW44. Upstream Terminus: Goddard N. Braid Ditch, as described above. Max. Rate of Exchange: 0.029 c.f.s., cond. Approp. Date: 4/29/2011. Exchange Use: This exchange is for all purposes described herein assoc. with the Decree in Case No. 11CW44; the Amt. of the exchange represents the instantaneous rate of depletion for all structures expressed in cubic ft. per second. Decree: Case No. 11CW044, Water Div. No. 4, entered 1/17/2012. Aug. Plan: The foregoing rights are also augmented by the plan for aug. decreed in Case No. 11CW044. A list of diligence activities and expenditures is stated in the Application on file with this Court. **CLAIM TO MAKE PORTIONS ABSOLUTE. Goddard N. Braid Ditch.** Date applied to beneficial use: 10/8/2012. Amt. to be made absolute: 5.0 c.f.s. Amt. to remain cond.: 0.13 c.f.s. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard N. Meadow Pond Well and Goddard S.

Meadow Pond Well described herein. **Goddard N. Braid Ditch Well.** Date applied to beneficial use: 10/8/2012. Amt. to be made absolute: 0.002 cfs; 0.83 AF. Amt. to remain cond.: 0.002 cfs; 0.87 AF. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well. **Goddard S. Braid Ditch.** Date applied to beneficial use: 10/8/2012. Amt. to be made absolute: 1.3 c.f.s. Amt. to remain cond.: 2.91 c.f.s. Uses: Pisc., rec. and fire prot. through deliveries the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well. **Goddard S. Braid Ditch Well.** Date applied to beneficial use: 10/8/2012. Amt. to be made absolute: 0.004 cfs; 1.63 AF. Amt. to remain cond.: 0.007 cfs; 2.64 AF. Uses: Pisc., rec. and fire prot. through deliveries to the Goddard N. Meadow Pond Well and Goddard S. Meadow Pond Well. **Goddard N. Meadow Pond Well.** Date applied to beneficial use: 10/8/2012. Amt. to be made absolute: 1.13 AF. Amt. to remain cond.: 1.07 AF. Uses: Pisc., rec. and fire prot. **Goddard S. Meadow Pond Well.** Date applied to beneficial use: 10/8/2012. Amt. to be made absolute: 0.83 AF. Amt. to remain cond.: 1.97 AF. Uses: Pisc., rec. and fire prot. 10 pgs. **GUNNISON COUNTY.**

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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 January 2018.

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**CASE NO. 2018CW3005 (REF NO. 10CW59, 96CW60). Name, mailing address, and telephone number of applicant(s):**

Lost Miner Enterprises, LLC, P.O. Box 1086, Gunnison, Colorado 81230, c/o Law of the Rockies, LLC, attn: Kendall Burgemeister, 525 N. Main St., Gunnison, Colorado 81230, 970-641-1903.

**Original Decree:** Case No. 96CW60, District Court, Water Division 4, October 10, 1996. **Subsequent Decree:** Case No. 10CW59, District Court, Water Division 4, January 12, 2012.

**Description of Conditional Water Rights in Original and Subsequent Decrees:**

Applicant received conditional water rights for the following wells. The source of water for each of the wells is the Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Each well was to be completed at a depth of approximately 100 feet. The amount for each well is 15 g.p.m. unless otherwise stated. The appropriation date for each well is January 10, 1996. The beneficial uses for each well are domestic, irrigation of no more than 5000 square feet per well, livestock watering, and fire protection. **Lost Miner Cabin Creek Well,** located in the SW¼NE¼ Section 12, Township 49 North, Range 1 East of the N.M.P.M., at a point approximately 2800 feet east of the west section line and 1500 feet south of the north section line of said Section 12. **Lost Miner Well No. 2,** located in the SE¼SW¼ Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 1890 feet East of the West line, and 540 feet North of the South line of said Section 2. **Lost Miner Well No. 4,** located in the SW¼SE¼, Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 3190 feet East of the West line, and 330 feet North of the South line of said Section 2. **Lost Miner Well No. 5,** located in the SW¼SE¼, Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 3620 feet East of the West line, and 270 feet North of the South line of said Section, at 3 g.p.m. **Lost Miner Well No. 6,** located in the NW¼NW¼, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 720 feet East of the West line, and 310 feet South of the North line of said Section 12, at 14.5 g.p.m. **Lost Miner Well No. 7,** located in the SW¼NE¼, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 2740 feet East of the West line, and 2000 feet South of the North

line of said Section 12. **Lost Miner Well No. 8,** located in the SW¼NE¼, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 2740 feet East of the West line, and 2270 feet South of the North line of said Section 12. **Lost Miner Well No. 9,** located in the NE¼SW¼, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 1600 feet East of the West line, and 2700 feet South of the North line of said Section 1. **Lost Miner Well No. 10,** located in the SE¼NE¼, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 930 feet West of the East line, and 2340 feet South of the North line in said Section 11. **Lost Miner Well No. 12,** located in the NW¼SE¼, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 2580 feet West of the East line, and 2680 feet South of the North line in said Section 11. **Lost Miner Well No. 15,** located in the NE¼SW¼, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 3930 feet West of the East line, and 2690 feet South of the North line in said Section 11. **Lost Miner Well No. 16,** located in the SW¼NW¼, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 4430 feet West of the East line, and 2620 feet South of the North line in said Section 11. **Lost Miner Well No. 17,** located in the SW¼NW¼, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 5090 feet West of the East line, and 2530 feet South of the North line in said Section 11. Applicant received a conditional storage water right for Adit Pond in the amount of 3.6 acre-feet. The beneficial uses are fish and wildlife habitat, recreation, and by way of augmentation of the wells described above, domestic, irrigation, livestock watering, and fire protection. The appropriation date is January 10, 1996. The location is the SE¼SW¼ Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado. The source of the water is Tomichi Creek, by way of the Griffing No. 2 Ditch, under the following rights: The Griffing No. 2 Ditch Lost Miner Enlargement decree (absolute) in Case No. 10CW59; The 0.04 cfs of Priority No. 39 decreed to Griffing Ditch No. 2 that was changed in Case No. 96CW60; and the 0.127 cfs of Priority No. 11 decreed to McCanne Ditch No. 3 that was changed in Case No. 96CW60.

**APPLICATION FOR REASONABLE DILIGENCE** Applicant has put additional wells in the well field to beneficial use. Applicant has made physical improvements to infrastructure for other water rights within the Lost Miner subdivision. All of the water rights owned by Applicant are part of an integrated project for the Lost Miner subdivision. "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); see

*also City & Cty. of Denver By & Through Bd. of Water Comm'rs v. Colorado River Water Conservation Dist.*, 696 P.2d 730, 750 (Colo. 1985) ("work accomplished on one portion of an integrated project may be considered evidence of reasonable diligence on the part of the appropriator as to another portion of the project, even in another drainage basin, if the portion on which the work is done must necessarily be constructed in order that the second portion may be successfully operated."). The foregoing activities and expenditures do not reflect each and every activity undertaken by Applicant to place the conditional water rights described herein to beneficial use, but are illustrative of Applicant's reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4). Additional work may be performed and additional expenses may be incurred between the date this Application is filed and the entry of any decree in this matter. Based on the activities described above, Applicant requests a finding of reasonable diligence with respect to the following water rights: Lost Miner Cabin Creek Well; Lost Miner Well No. 2; Lost Miner Well No. 5; Lost Miner Well No. 6; Lost Miner Well No. 7; Lost Miner Well No. 8; Lost Miner Well No. 9; Lost Miner Well No. 10; Lost Miner Well No. 12; Lost Miner Well No. 15; Lost Miner Well No. 16; Lost Miner Well No. 17; and Adit Pond **APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE** Applicant requests absolute water rights with a priority date of January 10, 1996 and a decree date of 1996, in the amount of 15 g.p.m., at the respective locations and for the beneficial uses described above, for the following structures: **Lost Miner Well No. 4,** Permit No.: 67057-F, Depth: 70 feet, Date water applied to beneficial use: April 22, 2010, Place of Use: Lot 4, Lost Miner subdivision (see attached Exhibit A). All of the conditional water rights decreed in Case No. 10CW59 were decreed for beneficial use within the Lost Miner subdivision, in Gunnison County. The map attached as Exhibit A illustrates the location of the subdivision, and the location of the structures that have been applied to beneficial use. All new structures will be located on land that is owned by Applicant or by members of Applicant on whose behalf the Applicant files this Application. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2018 to file with the Water Clerk 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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deadline is tuesday at noon • [legals@crestedbuttenews.com](mailto:legals@crestedbuttenews.com) • 970.349.0500 ext. 112