

BRIEFS gunnison county

BY KATHERINE NETTLES

PPE care packages for businesses coming soon

During the regular commissioners' meeting on May 5, Gunnison County manager Matthew Birnie reported that the county's Recovery Team has put together dozens of starter kits for reopening businesses that include personal protective equipment for employees and customers or clients. Commissioner Roland Mason asked how the kits will be distributed, or how people can learn more about them and where else to find those supplies packages. Birnie said that information will be released soon. And like the emergency loan assistance, there will not be enough for everyone. "It's just meant to get some businesses started," said Birnie.

Apology-gram to second homeowners

The Tourism and Prosperity Partnership (TAPP) sent a second postcard to those who own vacation homes within the Gunnison Valley, apologizing for the tone of the original postcard. The original card asked them to essentially stay out of the county, or to leave if they were already here, until the COVID-19 response had run its course.

Mortgage assistance from Housing Authority, Valley Fund

Commissioner Mason reported that the Valley Housing Fund is working with the Gunnison Valley Regional Housing Authority in trying to get involved before foreclosure occurs to maintain deed restrictions in the valley. The

foundation has established a \$60,000 fund that includes a potential additional \$5,000 match from the GVRHA. Mason said the original intent was to get \$250,000. "It is a lower amount, but it is still going to be able to help some of those folks during this time, and help those people avoid foreclosure," he said. The GVRHA also received a \$5,000 grant for Anthracite Place to help with rental assistance.

Fire ban?

With warm temps and high winds, which caused multiple fires last weekend, commissioners may institute a fire ban in the near future. Birnie and commissioner Jonathan Houck said they were keeping on eye on conditions and recommendations from public land managers and the fire district.

BRIEFS mt. crested butte

BY KENDRA WALKER

Virtual oath

Newly elected Mt. Crested Butte Town Council members Michael Bacani, Janet Farmer, Nicholas Kempin, Roman Kolodziej and Dwayne Lehnertz took their oath of office during the April 21 meeting via GoToMeeting. Council voted to continue Janet Farmer in her mayoral position, and selected Lauren Koelliker as mayor pro tem, both for two-year terms.

Noxious weeds

Council approved an intergovernmental agreement with Gunnison County regarding undesirable plant management, to meet noxious weed management goals for 2020. In 2019, the Gunnison County Weed Management Program treated 102 infested acres of public lands and rights of way for noxious weeds.

Summer chamber events

The Crested Butte/Mt. Crested Butte Chamber of Commerce shared an update on several summer events. The Chainless will be rescheduled to August 28, Bridges of the Butte has been rescheduled to Au-

gust 29, and the gO Initiative Fat Tire 40 and Junior Bike Week have both been canceled this year. At this time the Chamber is planning a modified 4th of July parade and festivities.

New Planning Commission members

With four vacancies on the Mt. Crested Butte Planning Commission, Town Council voted on the six applications received during their April 4 council meeting. By majority vote, council appointed the following applicants to the Planning Commission: Reed Meredith, Cynthia Wolff, Nancy Grindlay and Randy Sackett.

Gothic Road 2020 project

Council considered two bidders, United Companies and Lacy Construction, Inc., for upgrades on Gothic Road and the extension of the Recreation Path from Winterset to Prospect Drive. Council decided to go with United, the lower bidder by \$43,989, for a total cost of \$2,758,032.25. Construction is slated for completion toward the end of July.

Legals

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

—GUNNISON WATERSHED SCHOOL DISTRICT RE1J—
MAY 11, 2020 ~ 5:30 P.M.
REGULAR MEETING

This meeting will be conducted by distance using the video conferencing platform Zoom. Please check GWSD website for further instructions.

- 5:30 I. Call to Order
II. Roll Call
III. Pledge of Allegiance
IV. Modifications/Approval of Agenda—**ACTION ITEM**
V. Commendations and recognition of visitors
*Visitors who wish to address the Board, please make known at the beginning of the meeting via Zoom
A. Teachers share remote learning activities
VI. Administrative Action Summaries
A. Graduation update-Dr. Nichols
B. COVID-19 Task Force update-Dr. Nichols
• Summer Experience
• Return to School in the Fall
C. Site-Based Facility planning update-Dr. Nichols
D. Budget update and timeline-Tia Mills
VII. **Action Items**
A. Consent Grouping
Note: Items under the consent grouping are considered routine and will be enacted under one motion. There will not be separate discussion of these items prior to the time the board

votes unless a Board Member requests an item be clarified or even removed from the grouping for separate consideration.

The Superintendent recommends approval of the following:

1. Board of Education Minutes
 - a. March 23, 2020—Special meeting
 - b. April 6, 2020—Regular meeting
 - c. April 27, 2020—Special meeting
2. Finance*
Approve for payment, as presented by the Business Manager, warrants as indicated:
 - a. General Account # 38232-38349
 - b. Payroll Direct Deposit # 42705-43073
3. Personnel*
 - a. Robin Wilkinson-Assistant Principal-GHS
 - b. Christopher Wiegand-Physical Education teacher-CBES
 - c. Resignation of Sherri Anderson-English teacher-GHS
 - d. Resignation of Mikaela Johnson-SPED EA-GES
 - e. Resignation of Todd Witzel-GMS Principal
4. Correspondence
- B. New Business

The Superintendent recommends approval of the following:

- C. Old Business
 1. Second reading of policies—**ACTION ITEM**
 - a. IHCD- Concurrent Enrollment
 2. DAC bylaws approval—**ACTION ITEM**
- VIII. Comments from the Public
*Visitors who wish to address the Board.
- IX. Items introduced by Board Members
- X. Board Committee Reports
- XI. Forthcoming Agendas/Meeting Dates and Times
 - A. Monday, June 1, 2020—Proposed FY20-21 Budget/Regular meeting@5:30
 - B. Monday, June 8, 2020—Budget Hearing/Regular meeting @ 5:30
 - C. Monday, June 22, 2020—Budget Adoption/Regular meeting @ 5:30
- XII. Executive Session to discuss a personnel matter pursuant to C.R.S. 24-6-402(4)(f)
- XIII. Adjournment

Published in the *Crested Butte News*. Issue of May 8, 2020. #050814

—COMBINED NOTICE - PUBLICATION—
CRS §38-38-103 FORECLOSURE SALE NO. 2020-002

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:
On January 28, 2020, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of Gunnison records.
Original Grantor(s) Susan L Todd
Original Beneficiary(ies) MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR COUNTRYWIDE HOME LOANS, INC., ITS SUCCESSORS AND ASSIGNS
Current Holder of Evidence of Debt BANK OF AMERICA, N.A.
Date of Deed of Trust May 25, 2004
County of Recording Gunnison
Recording Date of Deed of Trust June 03, 2004
Recording Information 542764
(Reception No. and/or Book/Page No.)
Original Principal Amount \$142,500.00
Outstanding Principal Balance \$144,838.91
Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.
THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.
LOT 2, TAYLOR RIVER ESTATES, ACCORDING TO THE PLAT THEREOF FILED OCTOBER 16, 1984 AND BEARING RECEPTION NO. 384215 OF THE RECORDS OF GUNNISON COUNTY, COLORADO.
Also known by street and number as: 26904 County Road, Almont, CO 81210.
THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE
The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust. THEREFORE, Notice Is Hereby Given that I will at public auction, at 10:00 A.M. on Wednesday, 07/01/2020, continued from the original sale date of 5/27/2020, at Treasurer's Office, 221 N. Wisconsin, Suite T, Gunnison, CO 81230, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.
First Publication 4/10/2020
Last Publication 5/8/2020
Name of Publication Crested Butte News
IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED;
DATE: 01/28/2020
Debbie Dunbar, Public Trustee in and for the County of Gunnison, State of Colorado
/s/ Teresa Brown
By: Teresa Brown, Deputy Public Trustee
The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:
Lynn M. Janeway #15592 Alison L. Berry #34531 David R. Doughty #40042
Nicholas H. Santarelli #46592 Elizabeth S. Marcus #16092
Janeway Law Firm, P.C. 9800 S. MERIDIAN, SUITE 400, ENGLEWOOD, CO 80112 (303) 706-9990
Published in the *Crested Butte News*. Issues of April 10, 17, 24, May 1 and 8, 2020. #041011



—LEGAL—

PLEASE TAKE NOTICE that a public hearing will be on the 18th day of May, 2020 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 15, Series 2020: Ordinance No. 15, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Partial Release of the Town's Option to Repurchase Townhouse Units Constructed on Block 79, Lots 4, 10,

and 11 and Block 78, Lot 6, in the Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado.
TOWN OF CRESTED BUTTE, COLORADO
/s/ Lynelle Stanford, Town Clerk
Published in the *Crested Butte News*. Issue of May 8, 2020. #050812

—MEETING NOTICE—

The Board of Directors of the Upper Gunnison River Water Conservancy District will conduct the next regular meeting on Tuesday, May 26, 2020, beginning at 1:00 p.m. The meeting will be held by telephone conference and is open to the public. Please contact District staff for the teleconferencing information. An agenda will be posted prior to the meeting.
Published in the *Crested Butte News*. Issue of May 8, 2020. #050813

Legals

—NOTICE OF CANCELLATION— AND CERTIFIED STATEMENT OF RESULTS

NOTICE IS HEREBY GIVEN by the Mt. Crested Butte Water and Sanitation District, Gunnison County, Colorado, that at the close of business on the sixty-third day before the election, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates; therefore, the election to be held on May 5th, 2020 is hereby canceled pursuant to section 1-13.5-513(6) C.R.S.

The following candidates are hereby declared elected:
 Carlos Velado 2 Year Term until May 2022
 Nicholas Kempin 3 Year Term until May 2023
 Nancy Woolf 3 Year Term until May 2023

finance@mcbwsd.com
 970-349-7575
 100 Gothic Road
 Mt. Crested Butte, CO 81230

ATTEST: */s/ Perry W. Solheim*
 Designated Election Official: Perry W. Solheim

Published in the *Crested Butte News*. Issues of April 24, May 1, 8 & 15, 2020. #042410

—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 April 2020.

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.

2020CW3030 (13CW3036) GUNNISON COUNTY. Slate River. Application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute. Applicant: Whetstone Vista Association, Inc., P.O. Box 3647, Crested Butte, CO 81224; c/o Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Names and descriptions of water rights: Name of structure: Lacy Spring No. 4, First Enlargement. Decree Information: Original Decree: Entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Div. No. 4. Subsequent decrees finding reasonable diligence and making absolute were entered as follows: Case No. 05CW261 – Absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 6 residences and for filling of Trey's Pond. A finding of reasonable diligence was entered for the remaining decreed uses. Case No. 13CW3036 – Absolute for domestic and irrigation uses to serve 8 residences and for stockwatering use, all by direct use or by replacement or exchange. A finding of reasonable diligence was entered for domestic and irrigation uses to serve 6 additional residences. Legal Description: At a point whence the W ¼ Corner of Section 7, Township 14 South, Range 85 West of the 6th P.M. bears South 42°55' West 3,218 feet, in Gunnison County, Colorado. Coordinates: UTM Zone 13, NAD83. Northing: 4302779m. Easting: 331873m. Source: Slate River. Date of appropriation: Feb. 28, 1999. Amount: 20 g.p.m., absolute. Uses: domestic, irrigation, and stockwatering, by direct use or by replacement or exchange, and to fill and refill Trey's Pond for augmentation and replacement uses. Name of structure: Vieh Spring and Pipeline No. 1, First Enlargement. Decree Information: Original Decree: Entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Div. No. 4. Subsequent decrees finding reasonable diligence and making absolute were entered as follows: Case No. 05CW261 – Absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 6 residences and for filling of Trey's Pond. A finding of reasonable diligence was entered for the remaining decreed uses. Case No. 13CW3036 – Absolute for domestic and irrigation uses to serve 8 residences and for stockwatering use, all by direct use or by replacement or exchange. A finding of reasonable diligence was entered for domestic and irrigation uses to serve 6 additional residences. Legal Description: At a point whence the W ¼ Corner of Section 7, Township 14 South, Range 85 West of the 6th P.M. bears South 33°26'22" West 3,012.57 feet, in Gunnison County, Colorado. Coordinates: UTM Zone 13, NAD83. Northing: 4302833m. Easting: 331817m. Source: Slate River and/or East River. Date of appropriation: Feb. 28, 1999. Amount: 20 g.p.m., absolute. Uses: domestic, irrigation, and stockwatering, by direct use or by replacement or exchange, and to fill and refill Trey's Pond for augmentation and replacement uses. Name of structure: Vieh Spring and Pipeline No. 6, First Enlargement. Decree Information:

Original Decree: Entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Div. No. 4. Subsequent decrees finding reasonable diligence were entered in Case Nos. 05CW261 and 13CW3036. Legal Description: At a point whence the W ¼ Corner of Section 7, Township 14 South, Range 85 West of the 6th P.M. bears South 61°10'30" West 4,269.30 feet, in Gunnison County, Colorado. Coordinates: UTM Zone 13, NAD83. Northing: 4302675m. Easting: 332440m. Source: Slate River and/or East River. Date of appropriation: Feb. 28, 1999. Amount: 20 g.p.m., conditional. Uses: domestic, irrigation, and stockwatering, by direct use or by replacement or exchange, and to fill and refill Trey's Pond for augmentation and replacement uses. Name of exchange: Second Exchange (Points of depletion to outlet of Blue Mesa Reservoir). Decree Information: Original Decree: Entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Div. No. 4. Subsequent decrees finding reasonable diligence were entered in Case Nos. 05CW261 and 13CW3036. Downstream Terminus: Blue Mesa Reservoir. The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the Dam and of the center line of the outlet works tunnel, whence the Southwest Corner of Section 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36'44" West a distance of 3,207.07 feet, in Gunnison County, Colorado. Upstream Terminus: Lacy Spring No. 4, First Enlargement, Vieh Spring and Pipeline No. 1, First Enlargement, and/or Vieh Spring and Pipeline No. 6, First Enlargement, all as described above. Rate of exchange: 20 g.p.m., conditional. Date of appropriation: Feb. 28, 1999. Integrated System. As decreed in Case No. 13CW3036, the above-described water rights are part of an integrated water system, and work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). The application includes a detailed description of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Claim to Make Absolute. Applicant requests the Court to determine and decree that the following water rights have been made absolute as set forth below. To the extent that the Court does not determine that the subject water rights have been made absolute for their full decreed uses, the Applicant requests a decree finding reasonable diligence in the development of the remaining conditional uses of the subject water rights and continuing them until the next diligence period. Name of Structure: Lacy Spring No. 4, First Enlargement. In Case Nos. 05CW261 and 13CW3036, Lacy Spring No. 4, First Enlargement was made absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 8 lots, for stockwatering use, and for filling of Trey's Pond, all by direct use or by replacement or exchange. By this Application, Applicant requests to make the following additional uses of the water right absolute: Date water applied to beneficial use: Apr. 27, 2020. Uses: domestic and/or irrigation use to serve 2 additional lots (for a total of 10 lots), by direct use or by replacement or exchange. Supporting evidence of diversions: The Stock Parcel connected to Applicant's water supply system in the fall of 2019, and one additional lot within the Whetstone Vista Subdivision has connected to Applicant's water supply system. Description of place of use where water is applied to beneficial use: Whetstone Vista Subdivision, Brush Creek Estates Subdivision, and Stock Parcel. See map attached as Exhibit A.

Name of Structure: Vieh Spring and Pipeline No. 1, First Enlargement. In Case Nos. 05CW261 and 13CW3036, Vieh Spring and Pipeline No. 1, First Enlargement was made absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 8 lots, for stockwatering use, and for filling of Trey's Pond, all by direct use or by replacement or exchange. By this Application, Applicant requests to make the following additional uses of the water right absolute: Date water applied to beneficial use: April 27, 2020. Uses: domestic and/or irrigation use to serve 2 additional lots (for a total of 10 lots), by direct use or by replacement or exchange. Supporting evidence of diversions: The Stock Parcel connected to Applicant's water supply system in the fall of 2019, and one additional lot within the Whetstone Vista Subdivision has connected to Applicant's water supply system. Description of place of use where water is applied to beneficial use: Whetstone Vista Subdivision, Brush Creek Estates Subdivision, and Stock Parcel. See map attached as Exhibit A. Name of structure: Second Exchange (Points of depletion to outlet of Blue Mesa Reservoir). Date water applied to beneficial use: July 31, 2003. Amount: 20 g.p.m. Supporting evidence of diversions: In Summer 2003, releases were made from Blue Mesa Reservoir to satisfy a call from the Gunnison Tunnel, thus operating the Second Exchange for diversions made at the Lacy Spring No. 4, First Enlargement and the Vieh Spring and Pipeline No. 1, First Enlargement. Names and addresses of the owners of land upon which the subject water rights are located: Lacy Spring No. 4, First Enlargement: John and Jodie Ludwig, 338 Silver Canyon Drive, Fort Worth, TX 76108-9612; Vieh Spring and Pipeline No. 1, First Enlargement: CB Whetstone LLC, P.O. Box 991, Norman OK 73070-0991; Vieh Spring and Pipeline No. 6, First Enlargement: Lindsay S. Arell, P.O. Box 2634, Crested Butte, CO 81224-2634. The Applicant requests the Court to determine, adjudicate, and decree as follows: That the additional uses of the Lacy Spring No. 4 First Enlargement and the Vieh Spring and Pipeline No. 1 First Enlargement water rights have been made absolute and unconditional, and that the Applicant has shown reasonable diligence in the development of the remaining conditional uses of those water rights and continuing such conditional uses in full force and effect; and that the appropriate right of exchange for the Second Exchange (Points of depletion to outlet of Blue Mesa Reservoir) has been made absolute and unconditional; and that the Applicant has shown reasonable diligence in the development of the Vieh Spring and Pipeline No. 6, First Enlargement water right and continuing such conditional water right in full force and effect. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of June, 2020 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: \$192.00; 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 May 8, 2020. #050804

—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 April 2020.

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. 2020CW3032 (Ref No. 13CW039, 05CW040). Applicant: Joseph William Foran, c/o Mark E. Hamilton, Esq. and C. Tarn Udall, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611, 970-925-3476, mehamilton@hollandhart.com. First Amended Application for Findings of Reasonable Diligence and to Make Conditional Water Right Partially Absolute and for Change of Water Right. **First Claim (Request for Findings of Reasonable Diligence):** Applicant seeks findings that reasonable diligence has been exercised and that the following conditional water rights should be continued conditional for an additional diligence period as to all conditionally decreed amounts and uses: 1. Info. from Previous Decrees: Case No. 05CW040, Water Div. 4, decree entered on 03/15/2007; Case No. 13CW039, Water Div. 4, decree entered on 04/14/2014; 2. Structures:(a) Lower Skunk Creek Pond: (1) Location: the center of the dam

will be in the NE 1/4 NE 1/4 of Sec. 25, T. 46 N., R. 4 W., N.M.P.M., at a point approx. 245 ft. S. of the N. Sec. Line and 785 ft. W. of the E. Sec. Line, Gunnison County;(2) Source: Skunk Creek, trib. to Lake Fork of the Gunnison River, McGee Pond Well;(3) Approp. Date: 11/03/2004; (4) Surface Area: 0.22 acres (5) Amount: 1.0 acre-feet, together with the right to fill and refill in priority, cond.; (6) Uses: stock water, recreation, augmentation, operational irrigation storage; (7) Depth: < 10 ft; (b) Upper Skunk Creek Pond:(1) Location: NE 1/4 NE 1/4 of Sec. 25, T. 46 N., R. 4 W., N.M.P.M., at a point approx. 823 ft. S. of the N. Sec. Line and 20 ft. W. of the E. Sec. Line, Gunnison County;(2) Source: Skunk Creek, trib. to Lake Fork of the Gunnison River; (3) Approp. Date: 11/03/2004; (4) Surface Area: 0.80 acres;(5) Amounts and uses: 2.4 acre-feet, cond., for irrigation and augmentation; 2.24 acre-feet, cond., for recreation and stock watering; 0.16 acre-feet, absolute, for recreation and stock watering;(6) Depth: < 10 ft.; (c) Foran Pond:(1) Location: the center of the dam will be in the SW 1/4 SE 1/4 of Sec. 24, T. 46 N., R. 4 W., N.M.P.M., at a point approx. 179 ft. N. of the S. Sec. Line and 2102 ft. W. of the E. Sec. Line, Gunnison County (this location was confirmed in 13CW039); (2) Source: springs and seeps tributary to the Lake Fork of the Gunnison River;(3) Approp. Date: 11/03/2004; (4) Surface Area: 0.28 acres; (5) Total Capacity: 1.0 acre-feet, cond.; (6) Uses: stock water, fire protection, irrigation, and augmentation; (7) Depth: <10 feet; and (d) Foran Lake Fork Exchange No. 1: (1) Downstream Terminus: Blue Mesa

Reservoir Dam; (2) Upstream Termini: locations of the McGee Ditch decreed in Case No. 99CW253 (Water Div. 4), McGee Pond Well and Lower Skunk Creek Pond, described above and/or in the final decree in Case No. 05CW040 (Water Div. 4);(3) Maximum Rate of Exchange: 1.0 c.f.s., cond.(4) Approp. Date: 3/31/2005. A detailed outline of activity during the diligence period is included in the Application. **Second Claim (to make water right partially absolute):** In 13CW039, the court determined that the water storage right decreed to the Upper Skunk Creek Pond had been made partially absolute in the amount of 0.16 acre-feet for recreation and stock watering. This structure is also decreed conditionally for augmentation and irrigation uses. Applicant requests that the conditional water rights decreed to the Upper Skunk Creek Pond also be made absolute in the amount of 0.16 acre-feet for irrigation and augmentation uses pursuant to C.R.S. § 37-92-301(4)(e), and that 2.24 acre-feet be continued conditional for all decreed amounts and uses. **Third Claim (for change of legally described location of conditional water right):** Applicant requests approval of a change in the legally described location of the Upper Skunk Creek Pond from the originally decreed location, described above, to the as-built, actual location as stated by the Division Engineer's office in the last diligence proceeding, 13CW039. The new legal description provided by the Division Engineer's office is as follows: SW 1/4 NW 1/4 NW 1/4 of Section 30, T. 46 N., R. 3 W., N.M.P.M., at a point 1046 feet S. of the N. Sec. line and 281 feet E. of the W. Sec. line, with UTM coordinates (Zone 13, NAD

83) of 0301723 Easting and 4231840 Northing. **Integrated system:** The subject conditional water rights serve the entire Foran Ranch as part of an integrated water supply plan and as part of the same plan for augmentation and exchange decreed in 05CW040, Water Division No. 4. Applicant therefore requests continuing confirmation that these water rights are part of an integrated water storage and supply system for the Foran Ranch within the meaning of C.R.S. § 37-92-301(4)(b). **Land Ownership:** Applicant is the owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed. (8 pages). **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of June, 2020 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: \$192.00; 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 May 8, 2020. #050805

Legals

**—PUBLIC NOTICE—
TOWN OF MT. CRESTED BUTTE
DOWNTOWN DEVELOPMENT AUTHORITY BOARD VACANCY**

The Mt. Crested Butte Town Council will be appointing two (2) member to the Downtown Development Authority Board at the Tuesday, June 2, 2020 meeting. This term will run to June 2024. The appointed member of the board shall reside, lease or own real property within the Mt. Crested Butte Downtown Development Authority. An officer or director of a corporation or other entity owning property in the Mt. Crested Butte Downtown

Development Authority shall be eligible for appointment to the board. Members of the board shall serve without compensation, but they may be reimbursed for actual and necessary expenses. Interested people who meet the qualifications may apply by submitting a letter of interest to the Town Hall by Thursday, May 28, 2020 or by stating his/her interest at the June 2, 2020 Town Council meeting. Applicants are encouraged to attend the June 2, 2020 Town Council meeting. Applicants' letters should

include information on whether they reside, lease or own real property inside the Downtown Development Authority boundaries and the location of such property.
/s/ Tiffany O'Connell
Town Clerk

Published in the *Crested Butte News*. Issues of May 8, 15 and 22, 2020. #050801

—LEGAL—

PLEASE TAKE NOTICE that a public hearing will be on the 18th day of May, 2020 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 8, Series 2020 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 4 to Include Division 12-R1F Residential District.
TOWN OF CRESTED BUTTE, COLORADO
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of May 8, 2020. #050806

—LEGAL—

PLEASE TAKE NOTICE that a public hearing will be on the 18th day of May, 2020 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 10, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Establishing the Zoning Designations for the Slate River Annexation; and Amending the Town of Crested Butte's Official Zoning District Map for the Purpose of Including the Slate River Annexation.
TOWN OF CRESTED BUTTE, COLORADO
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of May 8, 2020. #050808

—LEGAL—

PLEASE TAKE NOTICE that a public hearing will be on the 18th day of May, 2020 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 14, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Chamber of Commerce Visitors Center Located at 601 Elk Avenue to the Crested Butte / Mt. Crested Butte Chamber of Commerce.
TOWN OF CRESTED BUTTE, COLORADO
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of May 8, 2020. #050810

—LEGAL—

PLEASE TAKE NOTICE that a public hearing will be on the 18th day of May, 2020 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 13, Series 2020 - An Ordinance of the Crested Butte Town Council Approving a Subdivision Improvements Agreement with Cypress LP for Tracts 1 - 6 of the Slate River Subdivision and Other Improvements within the Slate River Annexation.
TOWN OF CRESTED BUTTE, COLORADO
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of and May 8, 2020. #050809

—LEGAL—

PLEASE TAKE NOTICE that a public hearing will be on the 18th day of May, 2020 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 9, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Annexing Slate River Major Subdivision.
TOWN OF CRESTED BUTTE, COLORADO
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of May 8, 2020. #050807

—LEGAL—

PLEASE TAKE NOTICE that the continuation of a public hearing will be on the 18th day of May, 2020 at 7PM in a regular meeting of the Town Council (Zoom meeting info will be on the meeting agenda) for the purpose of determining and finding whether the area proposed to be annexed for the Slate River Annexation meets the applicable requirements of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105 and is considered eligible for annexation.

Published in the *Crested Butte News*. Issue of May 8, 2020. #050811

legals@crestedbuttenews.com

**—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 April 2020. 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. 20CW3029 (13CW3056, 13CW3056, 06CW222, 00CW41, 92CW65, 86CW76, 81CW306).** CITY OF GUNNISON (c/o Jennifer M. DiLalla, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302 (303) 443-8782) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** IN GUNNISON COUNTY 2. **Gunnison Reservoir No. 4 ("Reservoir No. 4"):** 2.1 **Type of structure:** Reservoir. 2.2 **WDID:** 5903781. 2.3 **Original decree:** Case No. 81CW306, Dist. Court for Water Division No. 4, entered Oct. 21, 1982. 2.4 **Subsequent decrees awarding findings of reasonable diligence:** Case No. 86CW76, entered May 18, 1987; Case No. 92CW65, entered Mar. 23, 1994; Case No. 00CW41, entered Nov. 20, 2000; Case No. 06CW222, entered Nov. 16, 2007; and Case No. 13CW3056, entered Apr. 14, 2014; all in the Dist. Court for Water Division No. 4. 2.5 **Other applicable decrees:** Case No. 07CW63, as amended, Dist. Court for Water Division No. 4, entered Feb. 4, 2016 ("07CW63 Decree"). 2.6 **Legal description - places of storage:** 2.6.1 **Originally decreed place of storage:** The east abutment of the dam is at a point on the east bank of Antelope Creek in the NW1/4 of Sec. 35, T50N, R1W of the N.M.P.M., Gunnison County, CO, at a point 600 feet from the north section line and 200 feet from the west section line of said Sec. 35, as shown on **Ex. A. 2.6.2 Alternate places of storage:** The 07CW63 Decree approved the following alternate places of storage, the approximate locations of which are shown on **Ex. B:** 2.6.2.1 **Gunnison Van Tuyl Ranch Pond No. 1:** The center point

will be located in the SW1/4 NE1/4, Sec. 26, T50N, R1W of the N.M.P.M., Gunnison County, CO, at a point approximately 2,794 feet east of the west section line and 1,694 feet south of the north section line of said Sec. 26. 2.6.2.2 **Gunnison Van Tuyl Ranch Pond No. 2:** The center point will be located in the SW1/4 SE1/4, Sec. 26, T50N, R1W of the N.M.P.M., Gunnison County, CO, at a point approximately 2,860 feet east of the west section line and 990 feet north of the south section line of said Sec. 26. 2.6.2.3 **Gunnison Van Tuyl Ranch Pond No. 3:** The center point will be located in the NW1/4 NE1/4, Sec. 35, T50N, R1W of the N.M.P.M., Gunnison County, CO, at a point approximately 3,124 feet east of the west section line and 440 feet south of the north section line of said Sec. 35. 2.6.2.4 **Gunnison Pac Man Pond:** The center point is located in the NW1/4 NE1/4, Sec. 1, T49N, R1W of the N.M.P.M., Gunnison County, CO, at a point approximately 321 feet south of the north section line and 2,043 feet west of the east section line of said Sec. 1; alternatively, it has the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4267874.757 mN and 332660.833 mE. 2.6.2.5 **Gunnison Community Center Irrigation Pond:** The center point is located in the NE1/4 NW1/4, Sec. 36, T50N, R1W of the N.M.P.M., Gunnison County, CO, at a point approximately 533 feet south of the north section line and 1,984 feet east of the west section line of said Sec. 36; alternatively, it has the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4269433.88 mN and 332316.082 mE. 2.7 **Source:** Antelope Creek, tributary to the Gunnison River; and the Gunnison River. 2.8 **Legal description - points of diversion:** Gunnison Reservoir No. 4 may be filled with water diverted into storage from Antelope Creek Basin and from the following points of diversion on the Gunnison River: 2.8.1 **Gunnison Town Ditch:** Located on the south bank of the Gunnison River at a point whence the E1/4 corner of Sec. 24, T50, R1W of the N.M.P.M., Gunnison County, CO, bears South 56°30' East 1,760 feet, as shown on **Ex. A. 2.8.2 Alternate points of diversion approved in the 07CW63 Decree:** 2.8.2.1 **Piloni Ditch:** The headgate is located on the left bank of the Gunnison River at a point whence

the SW corner of Sec. 24, T50N, R1W of the N.M.P.M. bears South 36°25' West 1,308 feet; also described as the NE1/4 SW1/2 of said Sec. 24, at a point approximately 2,067 feet from the south section line and 1,431 feet from the west section line, as shown on **Ex. B. 2.8.2.2 Wilson Creek Diversion Point:** The headgate is located in the NW1/4 NE1/4 of Sec. 26, T50N, R1W of the N.M.P.M., Gunnison County, CO, at a point approximately 939 feet south of the north section line and 2,110 feet west of the east section line of said Sec. 26, as shown on **Ex. B;** alternatively, it has the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4271842.571 mN and 332187.204 mE. 2.9 **Appropriation Date:** December 23, 1981. 2.10 **Amount:** 3,000 acre-feet ("AF"), **CONDITIONAL**, with the right to refill when in priority. Water may be stored in the following amounts in the alternate places of storage approved in the 07CW63 Decree: 2.10.1 **Gunnison Van Tuyl Ranch Pond No. 1:** 156 AF, **CONDITIONAL**. 2.10.2 **Gunnison Van Tuyl Ranch Pond No. 2:** 156 AF, **CONDITIONAL**. 2.10.3 **Gunnison Van Tuyl Ranch Pond No. 3:** 168 AF, **CONDITIONAL**. 2.10.4 **Gunnison Pac Man Pond:** 4.8 AF, **CONDITIONAL**. 2.10.5 **Gunnison Community Center Irrigation Pond:** 3.6 AF, **CONDITIONAL**. 2.1 **Use:** All municipal purposes, including without limitation domestic, commercial, industrial, irrigation, and fire protection purposes as well as maintenance of storage reserves, replacement, and exchange purposes. The place of irrigation use other than municipal irrigation is the Van Tuyl Ranch, located in the NE1/4 NE1/4, the W1/2 SE1/4 NE1/4, the W1/2 NE1/4, the SE1/4 NW1/4, the SE1/4, and the E1/2 SW1/4 of Sec. 26 and in the NW1/4 NE1/4 and the NE1/4 NW1/4 of Sec. 35, all in T50N, R1W of the N.M.P.M., Gunnison County, CO, as generally shown on **Ex. A. 3. Detailed outline of work and expenditures toward completion of the appropriation and application of the water to beneficial use:** 3.1 **Diligence Period:** The diligence period for Reservoir No. 4 is April 2014 through April 2020 ("Diligence Period"). 3.2 **Integrated system:** Reservoir No. 4 is part of Gunnison's integrated municipal system to supply water for the City. "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 the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). 3.3 **Diligence work and expenditures:** During the Diligence Period, Gunnison has worked diligently to develop the conditional water right decreed to Reservoir No. 4, complete the appropriation, and store water for subsequent beneficial use, as demonstrated by the activities and expenditures described in paragraphs 3.3.1 through 3.3.7 below. Due to the City's resources' being devoted almost entirely to COVID-19 response at the time this Application was being prepared, the list of tasks and expenses recited below is representative but not exhaustive. 3.3.1 Throughout the Diligence Period, Gunnison devoted significant staff time and financial resources to operation, maintenance, and repair of the integrated municipal system, of which Reservoir No. 4 is a component. 3.3.2 From 2014 through 2018, Gunnison worked with its consulting engineers on operation, maintenance, repair, and replacement of the wells that are part of the City's integrated municipal system, including without limitation production well work, well intervention, pump replacements, and redevelopment activities. 3.3.3 In 2017, Gunnison staff met with undersigned counsel several times by telephone to discuss municipal water planning, especially with respect to plans for delivering water to storage under the Reservoir No. 4 water right. 3.3.4 Also in 2017, Gunnison's consulting engineers made a site visit as part of the City's diligent planning efforts for the integrated municipal water system, including Reservoir No. 4. During that site visit, Gunnison and its consulting engineers reviewed and evaluated the Wilson Creek Diversion Point and the decreed locations of storage for Reservoir No. 4, and further evaluated monitoring and equipment needed for Gunnison to divert water at the decreed points of diversion for delivery to storage. 3.3.5 In 2018, Gunnison staff conferred with the City's consulting engineers and special water counsel regarding municipal water planning projects involving infrastructure associated with Reservoir No. 4. 3.3.6 Gunnison incurred approximately \$78,028.66 in legal fees for work per-

taining to municipal water planning, prosecuting water court applications to make absolute or for findings of reasonable diligence on other conditional water rights that are components of the integrated municipal system, and prosecuting water court statements of opposition so as to protect Gunnison's water rights and interests, including Reservoir No. 4, from injury. 3.3.7 From 2017 to the present, Gunnison incurred approximately \$32,479 in engineering consulting costs for work pertaining to the projects described in paragraphs 3.3.2, 3.3.4, 3.3.5, and 3.3.6 above. 4. **No claim to make absolute:** Although Gunnison has diverted and stored water in priority under the Reservoir No. 4 water right, the City does not seek to make any portion of the water right absolute by this Application. 5. **Names and addresses of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored:** Gunnison. WHEREFORE, Gunnison requests that the Court enter a decree (i) granting this Application, (ii) finding that Gunnison exercised reasonable diligence in developing the appropriation of the Reservoir No. 4 conditional water right during the Diligence Period, and (iii) continuing the Reservoir No. 4 conditional water right in full force and effect for an additional diligence period. (9 pages including exhibits) **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of June, 2020 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: \$192.00; 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 May 8, 2020. #050803

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 April 2020.

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. 20CW3026 CASE NO. (Prior Case No. 12CW151). Applicant: Mountain Coal Company, LLC. (Please send a copy of all filings with the court and other communications to Mason H. Brown and Katrina Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203-4312). APPLICATION FOR FINDING OF REASONABLE DILIGENCE (B North Panels Sealed Sump). 1. Mountain Coal Company, LLC, 5174 State Highway 133, Somerset, Colorado 81434, Phone: (970) 929-5015. 2. Name of Structure: B North Panels Sealed Sump. 3. Describe conditional water right (as to each structure) including the following information from previous decree: 3.1. Date of Original Decree: April 7, 2014, Case No. 12CW151, District Court, Water Division No. 4. 3.2. Subsequent decrees awarding findings of diligence: N/A. 3.3. Legal Description: Beneath the SE ¼ SE ¼ Section 10, S ½ S ½ Section 11, W ½ W ½ Section 13, Section 14, Section 15, and N ½ N ½ Section 23, Township 13 South, Range 90 West, 6th P.M., Gunnison County, Colorado, underground within the West Elk Mine near Somerset, Colorado. The centroid of the structure is located in the NE ¼ NE ¼ SE ¼ of Section 15, Township 13 South, Range 90 West, 6th P.M., at a point approximately 155 feet from the East section line and 2,430 feet from the South section line. Latitude 38° 55' 04.17"; Longitude 107° 25' 30.92". 3.4. Sources: 3.4.1. Nontributary groundwater diverted by the Mountain Coal Company Nontributary B East Mains Fault Well and the Mountain Coal Company Nontributary Southeast Panels Fault Well. 3.4.2. North Fork Gunnison River. 3.5. Delivery to storage: 3.5.1. By pumping from the Mountain Coal Company Nontributary B East Mains Fault Well and the Mountain Coal Company Nontributary Southeast Panels Fault Well. 3.5.2. By the Mount Gunnison Pipeline from the North Fork Gunnison River. 3.6. Legal descriptions of points of diversion: 3.6.1. Mountain Coal Company Non-tributary B East Mains Fault Well: Water issues from a fault that trends N 60° East. Water was first encountered in the NE ¼ NE ¼ of Section 28, Township 13 South, Range 90 West of the 6th P.M. at a point approximately 600 feet south of the North section line and 800 feet west of the East section line. As mining has progressed along the fault, water has been encountered at other locations. 3.6.2. Mountain Coal Company Nontributary Southeast Panels Fault Well: Water issues from a fault that trends N 60° E. Water was first encountered in the NW ¼ of the NE ¼ of Section 27, Township 13 South, Range 90 West of the 6th P.M. at a point approximately 1,200 feet south of the North section line and 2,700 feet east of the West section line. As mining has progressed along the fault, water has been encountered at other locations. 3.6.3. Mt. Gunnison Pipeline: The headgate is located in the NW ¼ of the SE ¼ of the SE ¼ of Section 9, Township 13 South, Range 90 West of the 6th P.M. in Gunnison County at a point 903 feet north of the South section line and 823 feet west of the East section line. 3.7. Appropriation Date: March 31, 2009. 3.8. Amount: 3.8.1. Volume: 3,065 acre-feet (conditional). 3.8.2. Rate of flow for filling: 3.8.2.1. Mountain Coal Company Nontributary B East Mains Fault Well: 0.50 c.f.s. 3.8.2.2. Mountain Coal Company Nontributary Southeast Panels Fault Well: 1.0 c.f.s. 3.8.2.3. Mt. Gunnison Pipeline: 15.0 c.f.s. 3.9. Use: Water stored in the B North Panels Sealed Sump will be used to supply water for the operations of the West Elk Mine in Gunnison, Colorado, including use for industrial; mining; domestic; augmentation as decreed in Case No. 97CW244; mining and mine reclamation, including but not limited to irrigation for mine reclamation, dust suppression, fire protection, and other mine operation uses. 3.10. Reservoir Characteristics: 3.10.1. Surface area at high water line: 1,198 acres. 3.10.2. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: N/A. There is no dam for this underground facility. 3.10.3. Length of dam: N/A. There is no dam for this underground facility. 3.10.4. Total capacity of reservoir in acre-feet: 3,065 acre-feet. 3.11. Other: By decree in Case No. 12CW151, the water decreed to be stored in the Northwest Panels Sealed Sump was changed to be stored in the B North Panels Sealed Sump. Additionally, the decree in Case No. 12CW151 also added the B North Panels Sealed Sump as an alternate place of storage

for the water rights decreed to the Northeast Panels Sealed Sump. Finally, the decree in Case No. 12CW151 added the B North Panels Sealed Sump as an alternate place of storage for the following water rights: (1) Fresh Water Pond No. 1; (2) Fresh Water Pond No. 2; (3) Sedimentation Pond No. 1; (4) Sedimentation Pond No. 2; and (5) Sedimentation Pond No. 3. 3.12. A Map depicting the locations of the B North Panels Sealed Sump, the Mountain Coal Company Nontributary B East Mains Fault Well, the Mountain Coal Company Nontributary Southeast Panels Fault Well, and the point of diversion for the Mt. Gunnison Pipeline is attached hereto as Exhibit 1. 3.13. The conditional water right for the B North Panels Sealed Sump described in this paragraph 3 is hereinafter referred to as the "Subject Conditional Water Right." 4. Integrated System: Pursuant to the decree in Case No. 12CW151, the Subject Conditional Water Right is part of an integrated water system comprising all water rights decreed and used for development and operation of the West Elk Mine. Accordingly, reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and the application of water to a beneficial use as conditionally decreed, including expenditures: 5.1. Background. Applicant owns and operates the West Elk Mine (the "Mine"), located south of the North Fork Gunnison River near Somerset, Colorado. The Subject Conditional Water Right was appropriated to provide water for the operation of the Mine facility. A mining and exploration program for the Mine property was begun by Applicant's predecessors during the late 1960s and continued through the 1970s. Preliminary permits were issued in 1981. Construction began in 1981 on surface facilities, coal handling facilities, and portals for the Mine. Coal production from the "F" Seam began in 1982. Beginning in 1991, Applicant began development of the "B" Seam, and purchased and installed longwall mining facilities. Longwall mining production of the "B" Seam began in 1992; production from the Mine has increased substantially as a result. In response to increased water demand at the Mine, Applicant has engaged in substantial improvement of its water supply facilities and capabilities. In 2004, Applicant filed its application with the Colorado Division of Minerals and Geology for a permit to mine the "E" Seam reserves in Applicant's Federal Lease No. C-1362. The associated Surface Mining Control and Reclamation Act ("SMCRA") Permit, No. C-1980-007, was revised with Permit Revision No. PR-10 and was approved on July 7, 2006. The mine reserves were further expanded with Federal Lease COC-67232, approved by Colorado Division of Reclamation, Mining and Safety ("CDRMS") with SMCRA Permit Revision No. PR-12 on March 21, 2008, and with the modifications of Federal Lease Nos. C-1362 and COC-67232, approved by the CDRMS with Permit Revision No. PR-15 on November 15, 2018. As coal production has increased, and continues in the future, water demand for the Mine increases as well. 5.2. In December of 2008, Applicant ceased mining operations in the "B" Seam and began longwall mining in the "E" Seam pursuant to SMCRA Permit Revision Nos. PR-10, PR-12 and PR-15. During the diligence period, Applicant has continued to mine the "E" Seam. Since mine operations are a necessary prerequisite to the development of the Subject Conditional Water Right, this mine development constitutes diligence in the development of the Subject Conditional Water Right. 5.3. In 2009, Applicant filed an application with the U.S. Bureau of Land Management ("BLM") and Forest Service to expand its coal leases by 1,721 acres. The lease modifications would result in extending the existing mine operations approximately 19 months beyond those currently approved; an additional 16-17 months of mining coal on adjacent private lands could also be realized by access gained through the lease modification areas. An Environmental Assessment was prepared analyzing the effects of the Forest Service consenting to the BLM leasing these additional acres, and the lease modifications were initially approved in November of 2011. In February 2012, that decision was reversed. After an Environmental Impact Statement was prepared, on August 2, 2012, the Forest Service again consented to the BLM modifying the leases. A Notice of Appeal was filed on September 24, 2012; on November 7, 2012, the Forest Service reaffirmed its consent for the lease modifications; and on March 26, 2013, the BLM approved the lease modifications. The lease modifications were successfully challenged in September 2014 and as a result, a draft Supplemental Environmental Impact Statement was circulated in November 2015 and a final Supplemental Environmental Impact Statement was prepared and issued in August 2017. United States Forest Service and Bureau of Land Management/Department of the Interior ("DOI") Records of Decision were finalized and approved in December 2017 and modified Federal Coal Leases C-1362 and COC-67232 were issued on December 22, 2017.

Subsequently, Applicant conducted coal exploration drilling within the modified leases and adjacent fee parcel. The SMCRA permit for these modified federal leases and for adjacent fee parcel was later submitted and subsequently approved by the CDRMS with Permit Revision No. PR-15 in November 2018, and the Office of Surface Mining, Reclamation, and Enforcement ("OSM") and DOI approved the federal mine plan in March and April 2019, respectively. The OSM/DOI federal mine plan approval was overturned in November 2019. Thereafter, an additional Environmental Analysis was completed and a new federal mine plan approval was issued on January 13, 2020. Since the mine operations are a necessary prerequisite to the development of the Subject Conditional Water Right, Applicant's efforts to expand its lease areas as described herein constitute diligence in the development of the Subject Conditional Water Right. 5.4. During the diligence period, in November 2014, Applicant redesigned and reconstructed the Mt. Gunnison Pipeline intake gallery diversion structure. Because the Mt. Gunnison Pipeline is the decreed point of diversion for the Subject Conditional Water Right, reconstruction of the diversion structure constitutes diligence in the development of the Subject Conditional Water Right. 5.5. During the diligence period, in May 2018, Applicant completed engineering designs for a well, pumps, and pipeline system to improve the withdrawal and distribution of water stored in the B North Panels Sealed Sump. Because this system is necessary for the withdrawal, distribution, and beneficial use of water stored in the B North Panels Sealed Sump throughout the Mine, these efforts constitute diligence in the development of the Subject Conditional Water Right. 5.6. During the diligence period, in August 2015, Applicant completed engineering, design, and construction of a buried water distribution pipeline from water storage pond MB-5E to the B North Panels Sealed Sump and the Applicant's Coal Preparation Plant facility. Because construction of this pipeline improved the management and distribution of water throughout the Mine and provided for the storage of water in the B North Panels Sealed Sump, Applicant's construction of the pipeline constitutes diligence in the development of the Subject Conditional Water Right. 5.7. In Case No. 12CW151, this Court adjudicated a change in place of storage of the Northwest Panels Sealed Sump water storage right originally decreed in Case No. 97CW243 to the B North Panels Sealed Sump. The decree in Case No. 12CW151 also approved the B North Panels Sealed Sump as an alternate place of storage for the Freshwater Pond No. 1 and Fresh Water Pond No. 2 water storage rights originally decreed in Case No. 80CW456, the Sedimentation Pond No. 1, Sedimentation Pond No. 2, and Sedimentation Pond No. 3 water storage rights originally decreed in Case No. 80CW457, and the Northeast Panels Sealed Sump water storage right originally decreed in Case No. 97CW243. During the diligence period, Applicant stored in excess of 430 acre-feet of water in the B North Panels Sealed Sump pursuant to the water rights described in this paragraph. Because the water placed into storage in the B North Panels Sealed Sump was not diverted or stored pursuant to the Subject Conditional Water Right, the Application herein does not seek to make absolute any portion of the Subject Conditional Water Right; however, Applicant's use of the B North Panels Sealed Sump as a place of storage for the water rights described in this paragraph, which, along with the Subject Conditional Water Right, are all part of the unified and integrated water supply system for the development and operation of the Mine, constitutes diligence in the development of the Subject Conditional Water Right. 5.8. Throughout the diligence period, Applicant has stored nontributary groundwater diverted from the Mountain Coal Company Nontributary B East Mains Fault Well and the Mountain Coal Company Nontributary Southeast Panels Fault Well ("Fault Wells") in the B North Panels Sealed Sump on a continuous basis. Because the water stored in the B North Panels Sealed Sump from the Fault Wells is nontributary groundwater, the Application herein does not seek to make absolute any portion of the Subject Conditional Water Right based on such storage, § 37-92-305(11), C.R.S.; however, because the Fault Wells are decreed sources of supply for the Subject Conditional Water Right, Applicant's storage of nontributary groundwater from the Fault Wells in the B North Panels Sealed Sump constitutes diligence in the development of the Subject Conditional Water Right. 5.9. During the diligence period, in November 2017, Applicant completed permitting and construction of a new 185,000-gallon potable water storage tank used to store treated water from the Mt. Gunnison Pipeline for subsequent use in operation of the Mine. Since mine operations are a necessary prerequisite to the development of the Subject Conditional Water Right, these permitting and construction efforts constitute diligence in the development of the Subject Conditional Water Right. 5.10. In 1987, as part of its Mine development, the Applicant adjudicated Case No. 86CW38, approving a Plan for

Augmentation for certain mine operations. Applicant is required by the decree in that case to prepare and provide the State Engineer and/or Division Engineer a summary report recomputing the so-called contribution factors for the augmentation plan at certain time intervals. In the spring of 2017, during the diligence period, Applicant completed analyses of the contribution factors for submittal to the State and Division Engineer pursuant to the Decree in Case No. 86CW38. Since the Subject Conditional Water Right and the Augmentation Plan adjudicated in Case No. 86CW38 are part of the unified and integrated water supply system for the development and operation of the Mine, the Applicant's efforts in complying with the requirements of the Augmentation Plan constitute diligence in the development of the Subject Conditional Water Right. 5.11. During the diligence period, in 2015 and 2016, Applicant adjudicated Case No. 15CW3056, in which the Court found that Applicant diverted and placed to beneficial use a portion of its Snowshoe Dam and Reservoir water right, making a portion of that right absolute. The Court further found reasonable diligence in the development of the remaining conditional amounts for the Snowshoe Dam and Reservoir and Snowshoe Pipeline water rights and continued those water rights in full force and effect. Since the Subject Conditional Water Right and the Snowshoe water rights are all part of the unified and integrated water supply system for development and operation of the Mine, the Applicant's efforts to develop and place to beneficial use the Snowshoe water rights constitute diligence in the development of the Subject Conditional Water Right. 5.12. During the diligence period, in 2016 and 2017, Applicant adjudicated Case No. 16CW3003, in which the Court found that Applicant diverted and placed to beneficial use the entire Fresh Water Pond No. 2 water right, making the entire water right absolute. Since the Fresh Water Pond No. 2 water right and the Subject Conditional Water Right are both part of the unified and integrated water supply system for the development and operation of the Mine, the Applicant's efforts to develop and place to beneficial use the Fresh Water Pond No. 2 water right constitute diligence in the development of the Subject Conditional Water Right. 5.13. During the diligence period, in 2019, Applicant adjudicated Case No. 19CW3021, in which the Court found reasonable diligence in the development of the remaining conditional portion of the Mt. Gunnison Pipeline water right originally decreed in Case No. W-2982. Since the Mt. Gunnison Pipeline water right decreed in Case No. W-2982 and the Subject Conditional Water Right are both part of the unified and integrated water supply system for the development and operation of the Mine, the Applicant's efforts to develop and place to beneficial use the Mt. Gunnison Pipeline water right constitute diligence in the development of the Subject Conditional Water Right. 5.14. During the diligence period, Applicant incurred and expended at least \$33 Million in connection with the above-described activities (including but not limited to legal and engineering costs and capital expenditures for development and extension of its mining activities). 6. If Claim to Make Absolute: N/A. 7. Names and Addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: 7.1. Mountain Coal Company, LLC, 5174 State Highway 133, Somerset, Colorado 81434 (Mt. Gunnison Pipeline and surface above a portion of the B North Panels Sealed Sump). 7.2. U.S. Forest Service, Paonia Ranger District, P.O. Box 1030, North Rio Grande Avenue, Paonia, CO 81428 (Surface above a portion of the B North Panels Sealed Sump). 7.3. Bureau of Land Management, Uncompahgre Field Office, 2465 S. Townsend Avenue, Montrose, CO 81401 (Surface above a portion of the B North Panels Sealed Sump). 8. Remarks: N/A. WHEREFORE, Applicant requests that a finding of reasonable diligence be entered, and the conditional water right that is the subject of this application be continued in full force and effect for the period allowed by law. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of June, 2020 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: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Legals

**—COMBINED NOTICE - PUBLICATION—
CRS §38-38-103 FORECLOSURE SALE NO. 2020-001**

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:
On January 24, 2020, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of Gunnison records.

Original Grantor(s)	Brush Creek Airport, LLC
Original Beneficiary(ies)	Brian Landy
Current Holder of Evidence of Debt	Brian Landy
Date of Deed of Trust	April 07, 2011
County of Recording	Gunnison
Recording Date of Deed of Trust	April 18, 2011
Recording Information (Reception No. and/or Book/Page No.)	604754
Original Principal Amount	\$180,000.00
Outstanding Principal Balance	\$180,000.00

Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.
THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN.
Lot 3, Buckhorn Ranch Filing No. 1, according to the offi-

cial plat thereof filed for record May 9, 1994, bearing Reception No. 451348 as amended by the Amendment to Plat of Avion Club Filing No. 1, filed for record on March 3, 2001 at Reception No. 510418, County of Gunnison, State of Colorado, together with all its appurtenances. THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE
The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust.
THEREFORE, Notice Is Hereby Given that I will at public auction, at 10:00 A.M. on Wednesday, 05/27/2020, at Treasurer's Office, 221 N. Wisconsin, Suite T, Gunnison, CO 81230, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.

First Publication 4/10/2020
Last Publication 5/8/2020
Name of Publication Crested Butte News
IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED;
DATE: 01/24/2020
Debbie Dunbar, Public Trustee in and for the County of Gunnison, State of Colorado
/s/ Teresa Brown
By: Teresa Brown, Deputy Public Trustee
The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:
Brian Landy #25337
Brian Landy, Attorney at Law 4201 E Yale Ave., Suite 110, Denver, CO 80222 (303) 781-2447



Published in the *Crested Butte News*. Issues of April 10, 17, 24, May 1 and 8, 2020. #041010

Classifieds

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FOR RENT

LARGE, BRIGHT AND OPEN STUDIO apartment downtown. 1 parking spot. No pets. \$1,150/month plus electric. First, last, deposit. Call Toad: 970-349-2773. (5/8/22).

2 BEDROOM/2 BATH fully furnished Three Seasons condo. \$1400/month, includes cable and wi-fi, low elec. bills, no pets. Email paula@crestedbuttelodging.com. (5/8/23).

AVAILABLE IN TOWN: Long term rental, 4 bedroom, 3 bath, furnished, W/D, steam shower, jacuzzi tub. \$2,850. realestate@mitchellevans.com. (5/8/20).

LONG TERM RENTAL available on Elk Avenue: Fully furnished 3BD/2BA available from September through June 2021, with a possibility of the home being available earlier. Open floor plan LR/DR/KIT with new stainless steel appliances. Gas fireplace, hardwood floors, W/D, large fenced yard with private deck on Coal Creek. Off-street parking, one block to town shuttle. No smoking. Well behaved pet negotiable. \$3,000 per month plus utilities. Please email info@mountainhm.com for more information and photos. (5/8/79).

MT. CB SUNNY 3BD/2BA CONDO: Completely remodeled. 5' jacuzzi bath, covered private deck, great view, on bus shuttle, slab granite, stainless appliances, wood floors. \$1850/month. 970-209-0177. (5/8/28).

ON THE MOUNTAIN 3 bed/2 bath nicely furnished condo with garage. No pets. \$2600. Available now. 970-209-6898. (5/8/18).

FOR RENT

TOWNHOME FOR RENT IN CB SOUTH: Cement Creek Road (\$2,200/month, pets considered). Sunny end unit with small fenced yard. 3 bedroom, 2.5 bath, 1-car heated garage. Super clean, energy-efficient. Call/text 719-338-2516 for additional information. (5/8/36).

2/1 CONDO: On the Mountain. Available 4/1. \$1500/month. Must qualify for employee housing. Quiet person only, no pets, no parties. 1st, last and deposit required. Call Toad: 970-349-2773. (5/8/29).

HOUSE IN TOWN OF CB: Long term rental, available June 1, fully furnished, 3+ bedroom, finished basement with bar and gaming area, office nook, 2 off-street parking spots, quiet side of town, Whiterock Ave., 2 blocks from school, \$3000/month. 970-596-5865. (5/8/41).

2BD/1BA CONDO on Mt. CB, community hot tub. 6 month lease. \$1400/mo. + electric. No pets. 970-331-7268. (5/8/18).

CB SOUTH HOME: 3BD/2.5BA, 1 car garage w/ extra storage room upstairs. 1 dog negotiable. Avail June 1. \$2,600/mo. + utilities. Call or text 503-341-7507. (5/8/26).

FOR RENT

LET CB LODGING HELP YOU take care of your property. Whether it's a short-term or long-term rental property, or if you'd just like help with maintenance or housekeeping. Call us! Paula 970-349-7687. (5/8/32).

HOUSE IN TOWN: 4+ bedrooms; 2 full/2 half baths; WD/DW; off-street parking; dog ok. \$3600/mo. + util. 970-209-7353. (5/8/20).

1 BEDROOM: Partially furnished, Evergreen Condominiums, Mt. Crested Butte. Includes internet and all utilities (except electric). NS/NP. \$1300. Available May 1st, 2020. 206-300-3754. (5/8/24).

CB 3BD/2.5BA TOWNHOUSE: Long term, W/D, 1 car garage, near school, pet negotiable, \$2,800 +utilities, available 6/15. Email: ssnichol@gmail.com. (5/29/22).

1 BEDROOM nicely furnished Emmons condo. Ski in/out \$1300/month, includes cable and wi-fi, no pets. Email paula@crestedbuttelodging.com. (5/8/20).

IN TOWN 3BD/2BA with garage. Open floor plan, W/D. No pets/no smoking. Long-term lease preferred. Avail June. \$2350 + utilities. Call 248-866-2593. (5/8/24).

FOR RENT

3BD/2BA SUMMER RENTAL available on Elk Avenue for a 30 day minimum stay. Terms based on dates and length of stay. Please email info@mountainhm.com for more details if interested. (5/8/31).

Disclaimer:
DUE TO THE LAYOUT OF OUR CLASSIFIEDS, SOME EMAILS MAY APPEAR WITH A HYPHEN.

MT CONDOS: Ski-in/out large 1/1 Emmons, \$1400. Renovated kitchen, one vehicle parking. 3/2 OUTRUN New chef's kitchen, open concept living, amazing views, new W/D, fireplace, some garage storage, \$2100. Both are fully furnished, includes wi-fi, cable, water, sewer, trash, NS/NP. Tenants pay low electricity. CC@InvestInCrestedButte.com. (5/8/49).

CASTLE ROAD on the Mountain, 2 bed/2 bath furnished locals' condo. Sunny, on the condo loop, \$1500/month, available now. 970-209-6898. (5/8/22).

NICELY REMODELED 3BD/2BA in town condo. Convenient, sunny, spacious wrap around deck. No pets, no smoking or vaping of any kind, \$2950/mo. Call Carolyn 970-349-6339. (5/8/27).

2 BED PLUS LOFT/1.5 BATH in town. This top floor unit comes unfurnished and has a nice open floor plan. This is a bright sunny unit with skylights in the loft. Sorry, no pets! \$1750/mo. plus utilities. Looking for a 1 year lease. Call Carolyn 970-349-6339. (5/8/48).

FOR RENT

BEAUTIFUL FULLY FURNISHED 4BD/4.5BA home on Mt: 2-car garage, approx. 4000 sq.ft., views, gas fireplace, one dog negotiable, close to trails. \$3,400/mo. Year lease. mto-homes@gmail.com, 970-349-7311. (5/8/29).

MAY FREE: Beautiful Mt. CB townhome 3 bedroom, 2.5 bathrooms, furnished, fireplace, pets ok, hardwood floors, beautiful views of everything. \$2700 plus utilities. 847-769-7800, liskorinternational@gmail.com. (5/8/26).

2BD/2BA CONDO in town: \$1400/mo. 1st, last, sec. 6 month lease only! Avail now. No pets/smokers, 970-729-0101. (5/8/20).

FOR RENT IN MT. CRESTED BUTTE: Quiet roommate for large bedroom in 3 bedroom house. Spacious living/kitchen area, large deck & yard, great views, off-street parking, on bus route. No smoking, no pets. \$950/mo. + shared utilities. 1 year lease. 970-275-8442. (5/8/41).

1 BEDROOM beautifully remodeled Axtel condo, W/D. Ski in/out \$1550/month, includes cable and wi-fi, no pets. Email paula@crestedbuttelodging.com. (5/8/22).

IN TOWN SUNNY 2BD/2BA entire top floor of alley house. Approximately 1200 sf. with awesome views, sunny deck, wood-burning stove, hardwood floors, W/D, dishwasher, separate dining room, off-street parking. Long-term lease. No smokers. NO pets-NOT negotiable. Avail. 6/1/20. \$1,800 plus utilities. Text 904-707-7018. (5/8/45).

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IF YOU ARE INTERESTED IN PLACING AN AD IN THE *CRESTED BUTTE NEWS*' "AT YOUR SERVICE" SECTION, PLEASE CALL **349-0500, EXT. 108**

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