



Tessa

We See You There Tessa

We see you there Tessa
in the tall grass
by the clear river
running through the trees.
At the top of the mountain.
Bounding down the trail.
Playing in the river.
Sleeping in the sun.

We see you there Tessa
smiling running laughing hunting.
12 wonderful years of adventures
in the sun and the snow
and the wind and the rain.

Winter will pass and the sun will grow strong
The world will awaken and flowers will bloom

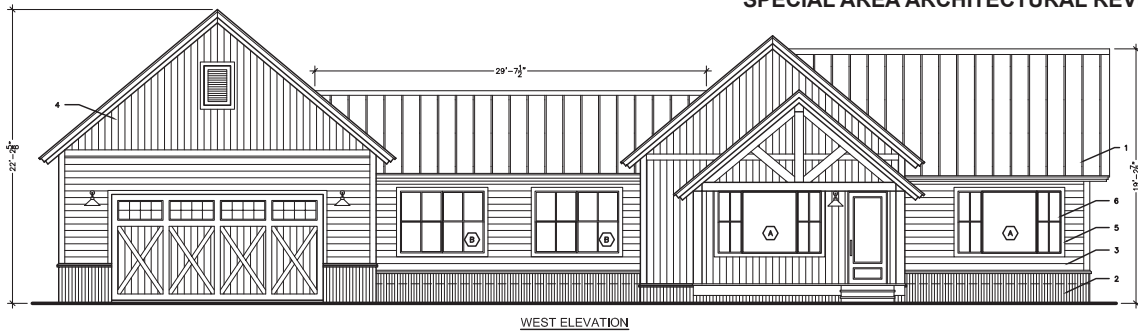
Spring will come rivers will run.
We will take you to your final place
to our special secret place
beside the dancing river
in the tall grass
under the cottonwood trees.
Deep in the canyon,
filled with the echo of your beautiful life
where we laughed and loved
and lived your life

We will hold you in our hearts forever sweet girl
as the years of our life fly by.
Until someday you are there again
with your shining eyes,
your bright smile
happy, full of youth and love and light.
To greet us again at the end of our journey.

Legals

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

- NOTICE OF HEARING - CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION, INC. SPECIAL AREA ARCHITECTURAL REVIEW



PLEASE TAKE NOTICE THAT a CB South Design Review Committee hearing will be held on Thursday February 25th, 2016 at 6:40 p.m. for the Crested Butte South Property Owners Association for the purpose of considering the following:
The application for the **Flint Single Family Residence**, Lot 32, Block 2, Filing #1, a.k.a. 103 Endner Street. A complete set of plans can be

viewed at the Crested Butte South P.O.A. Office, 61 Teocalli Road. CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION DESIGN REVIEW COMMITTEE. Submitted by Dom Eymere, CB South Property Owners Association Manager
Published in the *Crested Butte News*. Issue of February 12, 2016. #021221

—NOTICE OF HEARING— CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION, INC. SPECIAL AREA ARCHITECTURAL REVIEW

PLEASE TAKE NOTICE THAT a CB South Design Review Committee hearing will be held on Thursday February 25th, 2016 at 7:10 p.m. for the Crested Butte South Property Owners Association for the purpose of considering the following:
The application for the **Haverkamp Mixed-Use Commercial Building**, Lot C26, Block 5, Filing #2, a.k.a. 241 Gillaspay Street. A complete set of plans can be viewed at the

Crested Butte South P.O.A. Office, 61 Teocalli Road. CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION DESIGN REVIEW COMMITTEE. Submitted by Dom Eymere, CB South Property Owners Association Manager

Published in the *Crested Butte News*. Issue of February 12, 2016. #021222



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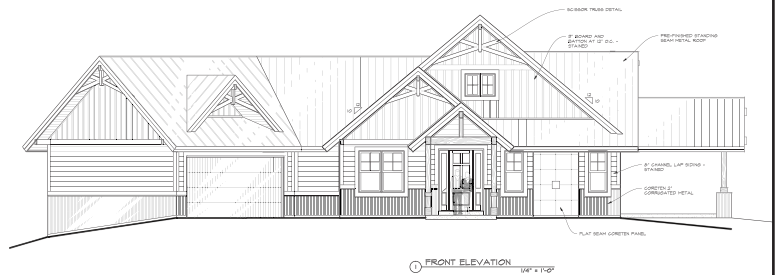
970.349.0500 ext. 112

—NOTICE OF HEARING— CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION, INC. SPECIAL AREA ARCHITECTURAL REVIEW

PLEASE TAKE NOTICE THAT a CB South Design Review Committee hearing will be held on Thursday February 25th, 2016 at 6:10 p.m. for the Crested Butte South Property Owners Association for the purpose of considering the following:
The application for the **Meier Single Family Residence**, Lot 5, Block 16, Filing #2, a.k.a. 792 Cascadilla Street. A complete set of plans can be viewed at the Crested Butte South P.O.A. Office, 61 Teocalli Road. CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION DESIGN REVIEW COMMITTEE.

Submitted by Dom Eymere, CB South Property Owners Association Manager

Published in the *Crested Butte News*. Issue of February 12, 2016. #021220



—REGULAR TOWN COUNCIL MEETING— FEBRUARY 16, 2016 ~ 6:00 P.M. COUNCIL CHAMBERS MT. CRESTED BUTTE, COLORADO

6:00 PM – Public Hearing – Discussion and Possible Consideration of a Special Event Liquor License Submitted By Crested Butte/ Mt Crested Butte Chamber of Commerce For An Event To Be Held On March 5, 2016 from 10am to 8pm at the CBMR Base Area Adventure Park.
• Call To Order
• Roll Call
• Approval Of The February 2, 2016 Regular Town Council Meeting Minutes
• Reports

• Iron Orchid Events – Winter Admissions Tax Follow Up Reports – Santa Ski – Shaun Matusewicz
• Correspondence
UNFINISHED BUSINESS – NEW BUSINESS –
• Discussion and Possible Consideration of a Special Event Liquor License Submitted by Crested Butte/ Mt Crested Butte Chamber of Commerce For An Event To Be Held On March 5, 2016 from 10am to 8pm at the CBMR Base

Area Adventure Park.
• Discussion and Possible Consideration Of Resolution No. 4, Series 2016- A Resolution Of The Town Council Of The Town Of Mt. Crested Butte, Colorado, Authorizing The Town Clerk To Cancel The April 5, 2016 Regular Municipal Election And Declaring The Candidates Elected.
OTHER BUSINESS – PUBLIC COMMENT – Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and

physical address for the record. Comments are limited to five minutes.
ADJOURN
If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.
Published in the *Crested Butte News*. Issue of February 12, 2016. #021219

Legals

**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
640 ELK AVENUE**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on February 23, 2016 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
The application of **Kobi Platt and Margaret Platt** to add additions to the historic single family residence located at 640 Elk Avenue, Parcel A of the Block 52 Minor Subdivision, Block 52, part of Lots 1-3 in the R1C

zone.
Additional requirements:
- Architectural approval is required.
- A conditional use permit for a heated and/or plumbed accessory building in the R1C zone is required.
(See attached drawing)
TOWN OF CRESTED BUTTE
By Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issues of February 12 and 19, 2016. #021216



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

**—PLANNING COMMISSION REGULAR MEETING—
WEDNESDAY, FEBRUARY 17, 2016 ~ 5:00 P.M.
MT. CRESTED BUTTE TOWN HALL
911 GOTHIC ROAD
MT. CRESTED BUTTE, COLORADO**

- 5:00 P.M. - CALL TO ORDER**
ROLL CALL
ITEM 1
APPROVAL OF THE FEBRUARY 3, 2016 REGULAR PLANNING COMMISSION MEETING MIUNTES (TODD CARROLL)
ITEM 2
DESIGN REVIEW – CRESTED MOUNTAIN NORTH, BUILDING L, 11 CRESTED MOUNTAIN LN LANDSCAPE PLAN (CARLOS VELADO)
ITEM 3
DESIGN REVIEW – 82 ANTHRACITE AKA LOT 15 & 16 ELK RUN SUBDIVISION ACCESSORY GARAGE AND DWELLING UNIT (TODD CARROLL)
OTHER BUSINESS
ADJOURN

This preliminary agenda is placed in the newspaper to notify the public of tentative agenda items for the meeting date noted above. The official posting place for the agenda is the bulletin board in the Mt. Crested Butte Town Hall entry. Please refer to that official agenda for actual agenda items for the meeting date noted above.
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.
Plans for designs to be reviewed at the meeting are available for viewing in the Mt. Crested Butte Town Hall.

Published in the *Crested Butte News*. Issue of February 12, 2016. #021223

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970.349.0500 ext. 112

deadline tuesday at noon

**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
640 1/2 ELK AVENUE**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on February 23, 2016 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
The application of **Colorado Investments LLC** to demolish the existing residence and construct a new single family residence and accessory building to be located at 640 1/2 Elk Avenue, Parcel B of the Block 52 Minor Subdivision, Block 52, part of Lots 1-3 in the R1C zone.
Additional requirements:
- Architectural approval is required.
- Permission to demolish a non-historic structure is requested.
(See attached drawing)
TOWN OF CRESTED BUTTE
By Jessie Earley, Building Department Assistant



EAST ELEVATION
SCALE: 1/4" = 1'-0"

Published in the *Crested Butte News*. Issues of February 12 and 19, 2016. #021213

deadline tuesday at noon

**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
303 ELK AVENUE**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on February 23, 2016 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
The application of **J&K Holdings LLC**

for the expansion of a conditional use permit for a restaurant to include additional outdoor seating located at 303 Elk Avenue, Block 22, West 75' of Lots 17-21 in the B1 zone.
Additional requirements:
- Expansion of a conditional use permit for a bar/restaurant in the B1 zone is required.

- Payment in lieu of up to 2 off-street parking spaces is requested.
TOWN OF CRESTED BUTTE
By Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issues of February 12 and 19, 2016. #021215

**—TOWN OF CRESTED BUTTE—
REQUEST FOR PROPOSAL (RFP) FOR
ON-CALL ENGINEERING SERVICES**

The Town is issuing a Request for Proposal for On-Call Engineering Services. The Scope of Work outlining the services to be provided can be found on the Town website www.townofcrestedbutte.com under Bids/Proposals. RFP Due Date: February 26, 2016 before 03:00p.m. MST
Location for RFP delivery: Town of Crested Butte, Town Hall, 507 Maroon Ave., Crested Butte, Colorado 81224,

or can be mailed to PO Box 39, Crested Butte, Colorado 81224 Attn: Todd Crossett
Contact Information: Todd Crossett, Town Manager (970) 349-5338 or TCrossett@crestedbutte-co.gov
Please include 5 copies of your proposal

Published in the *Crested Butte News*. Issues of February 12 and 19, 2016. #021212

**—AGENDA—
TOWN OF CRESTED BUTTE
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 16, 2016
COUNCIL CHAMBERS, CRESTED BUTTE TOWN HALL**

- 6:00 WORK SESSION**
2016 Budget Amendment.
7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM
7:02 APPROVAL OF AGENDA
7:05 CONSENT AGENDA
1) Approval of February 1, 2016 Regular Town Council Meeting Minutes.
The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.
7:08 PUBLIC COMMENT
Citizens may make comments on item not scheduled on the agenda. Those commenting should state their

- name and physical address for the record. Comments may be limited to five minutes.*
7:15 STAFF UPDATES
7:30 NEW BUSINESS
1) Ordinance No. 1, Series 2016 – An Ordinance of the Crested Butte Town Council Authorizing the Short Term Borrowing of Funds Not to Exceed \$170,000.00 and the Expenditure of Such Funds for Purposes of Purchasing a Certain 2016 John Deere Loader by Way of a Lease to Purchase Arrangement.
7:35 2) Resolution No. 4, Series 2016 – Resolutions of the Crested Butte Town Council Approving the Pre-Annexation Agreement Pursuant to Section 13-1-280 of the Crested Butte Municipal Code between the Town and Cypress Foothills, LP.
8:35 3) Discussion and Possible Approval of Big Air on Elk Special Event Permit Proposed for Saturday, March 5, 2016 in the 200 and 300 Blocks of

- Elk Avenue.
8:45 4) Discussion of Locations for Food Cart and Farmers' Market Vending.
9:05 LEGAL MATTERS
9:10 COUNCIL REPORTS AND COMMITTEE UPDATES
9:20 OTHER BUSINESS TO COME BEFORE THE COUNCIL
9:30 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE
• Monday, March 7, 2016 – 6:00PM Work Session – 7:00PM Regular Council
• Monday, March 21, 2016 – 6:00PM Work Session – 7:00PM Regular Council
• Monday, April 4, 2016 – 6:00PM Work Session – 7:00PM Regular Council
9:35 ADJOURNMENT

Published in the *Crested Butte News*. Issue of February 12, 2016. #021218

**—NOTICE OF TOWN COUNCIL PUBLIC HEARING—
REGARDING A PETITION TO AMEND THE CONSOLIDATED SERVICE PLAN
FOR RESERVE METROPOLITAN DISTRICT NO. 1 AND RESERVE METROPOLITAN DISTRICT NO. 2 DATED AUGUST 15, 2000**

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the Town Clerk, Town of Mt. Crested Butte ("Town"), Gunnison County, Colorado, a Petition to Modify Service Plan for Reserve Metropolitan District No. 1 and Reserve Metropolitan District No. 2 dated August 15, 2000. A copy of the Petition and proposed Amendment, are on file with the Town of Mt. Crested Butte at the Town of Mt. Crested Butte Town Hall, 911 Gothic Road, Mt. Crested Butte, Colorado 81225; and what has been filed are available for public inspection.
NOTICE IS HEREBY FURTHER GIVEN that the Town Council of the Town of Mt. Crested Butte, Gunnison County, Colorado, will hold a public hearing at 6:00 pm, March 1, 2016. The purpose of the Public Hearing shall be to con-

sider a Service Plan Amendment for the District, and to form a basis for adopting a Resolution approving, conditionally approving, or disapproving the Service Plan Amendment.
The District was previously organized as a Metropolitan District to finance the construction of certain public improvements, and currently has the authority to impose a mill levy not to exceed 50 mills (Gallagherized). The District has requested the authority to impose a maximum Debt Service mill levy to 68 mills, and an administrative Operation and Maintenance mill levy of 10 mills (each Gallagherized). The proposed Debt Service mill levy is stated to be for the sole purposes of financing approximately \$11 million in General Obligation Debt to perform the terms of a Settlement with

Compass Bank and \$300,000.00 toward outstanding litigation costs, which Settlement will serve to reduce the total amount of debt of the District, and any refunding of such Debt. The authorization provides for issuance costs and necessary reserves. As a condition to this approval, the Town has proposed any further debt for any other use will be the subject of a future, more comprehensive Service Plan Amendment and Public Hearing process. Said future Service Plan Amendment would be considered by the Town in good faith, and approval not unreasonably withheld.
NOTICE IS FURTHER GIVEN that any protests or objections to the proposed Service Plan Amendment must be submitted in writing to the Town Council at or prior to the Public Hearing, or any

continuance or postponement thereof, in order to be considered.
All interested persons are urged to attend. Written comments are welcome and should be received at the Town Offices, PO Box 5800, Mt. Crested Butte, CO 81225-5800 by 5:00 PM, Thursday, February 25, 2016.
Dated this 9th day of February, 2016.
/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*. Issue of February 12, 2016. #021209

Legals

**—A CALL FOR NOMINATIONS—
(NOTICE BY PUBLICATION OF)
RESERVE METROPOLITAN DISTRICT NO. 2
§1-13.5-501, 1-13.5-1102(3), 32-1-905(2), C.R.S.**

TO WHOM IT MAY CONCERN, and, particularly, to the electors of the Reserve Metropolitan District No. 2 of Gunnison County, Colorado. **NOTICE IS HEREBY GIVEN** that an election will be held on the 3rd day of May, 2016, between the hours of 7:00 a.m. and 7:00 p.m. At that time, 3 directors will be elected to serve 4-year terms. Eligible electors of the Reserve Metropolitan District No. 2 District interested in serving on the board of directors may obtain a Self-Nomination and Acceptance form from the District Designated Election Official (DEO): Thomas J. Mullans 1311 North Greenwood Street Pueblo, Colorado 81003

(719) 543-2040
The Office of the DEO is open on the following days: Monday through Friday from 8:30 a.m. to 5:00 p.m.
-OR-
Toad Property Management
318 Elk Avenue, Suite 24
Crested Butte, Colorado 81224
Toad Property Management is open on the following days: Monday through Friday from 8:00a.m. to 5:00p.m.
The deadline to submit a Self-Nomination and Acceptance is close of business on **February 26, 2016** (not less than 67 days before the election). If the DEO determines that a Self-Nomination and Acceptance form is not sufficient, the eligible elector

who submitted the form may amend the form once, at any time, prior to 3:00 p.m. on the day of the deadline. Affidavit of Intent to Be Write-In-Candidate forms must be submitted to the office of the designated election official by the close of business on **Monday, February 29, 2016** (the sixty-fourth day before the election). **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 **Friday, March 18, 2016.**
Thomas J. Mullans /s/
Designated Election Official Signature

Published in the *Crested Butte News*. Issue of February 12, 2016. #021202

**—CERTIFICATE NO. 20120178—
NOTICE OF PURCHASE OF REAL ESTATE TAX LIEN AT SALE AND OF
APPLICATION FOR ISSUANCE OF TREASURER'S DEED
TO WHOM IT MAY CONCERN AND MORE ESPECIALLY TO:**

Edith M Stone, Ronald W Stone, James E Stone, Greg Forbes
You and each of you are hereby notified that on the 15th day of November, 2012, the then County Treasurer of the County of Gunnison, State of Colorado, sold at public sale to Greg Forbes the following described real estate, situate in said county of Gunnison, viz: BERTHA #1743 BONANZA QUEEN #2017, BUCKEYE CHIEF #2018, QUARTZ CREEK M.D SEC 7. 50N4E B378 P73.72 B590 P996
Said sale being made to satisfy the delinquent taxes assessed against said property for the year 2011. Tax sale lien certificate of purchase number 20120178 was issued to Greg Forbes by said County Treasurer.
That subsequent taxes upon said property were paid by the holder of said tax sale lien certificate of purchase.
The valuation of said property for the year 2011 was a total \$61,780.00

That at the time of said valuation and said sale, said property was taxed in the name(s) of Edith M Stone, Ronald W Stone and James E Stone.
That the present holder of said tax sale lien certificate of purchase has made application to me for a treasurer's tax deed to said property.
That a treasurer's tax deed will be issued for said real estate to Greg Forbes after 4:00 p.m. on May 16, 2016 unless the same has been redeemed from said sale for taxes, as provided by law.
Witness my hand and seal this 29th day of January, 2016

Treasurer of Gunnison County
Debbie Dunbar

Published in the *Crested Butte News*. Issues of January 29, February 5 and 12, 2016. #012905

**—A 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 3rd day of May, 2016, between the hours of 7:00 a.m. and 7:00 p.m. At that time, three (3) directors will be elected to serve 4-year terms. 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
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 the close of business on **Friday, February 26, 2016.** If the DEO determines that a Self-Nomination and Acceptance form is not sufficient, the eligible elector who submitted the form may amend the form once, at any time, prior to 3:00 p.m. on the day of the deadline.
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, February 29, 2016.** **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 **Friday, April 29, 2016.** CRESTED BUTTE FIRE PROTECTION DISTRICT
By/s/ Michael M. Miller, Designated Election Official

Published in the *Crested Butte News*. Issues of January 29, February 5, 12 & 19, 2016. #012908

**—A CALL FOR NOMINATIONS—
(NOTICE BY PUBLICATION OF)
§1-13.5-501, 1-13.5-1102(3), 32-1-905(2), C.R.S.**

TO WHOM IT MAY CONCERN, and, particularly, to the electors of the Gunnison County Metropolitan Recreation District of Gunnison and Saguache Counties, Colorado. **NOTICE IS HEREBY GIVEN** that an election will be held on the 3rd day of May, 2016, between the hours of 7:00 a.m. and 7:00 p.m. At that time, three (3) directors will be elected to serve 4-year terms. Eligible electors of the Gunnison County Metropolitan Recreation District interested in serving on the board of directors may obtain a Self-Nomination and Acceptance form from the District Designated Election Official (DEO) as follows: Julie Wills, Designated Election Official PO Box 1369 Gunnison, CO 81230 Phone: (970) 641-8725 Email: elections@gcmetrec.com Self-Nomination and Acceptance forms are also available on the web at: <http://www.gcmetrec.com/elections.htm> The Designated Election Official is available via phone and email during regular business hours. The office of the Designated Election Official is located at 710 South 9th Street, Gunnison, CO 81230. The office of

the DEO will be open on Friday, February 26, 2016 from 12:00 pm (noon) to 3:00 pm, or by appointment. The deadline to submit a Self-Nomination and Acceptance form is **3:00 pm on Friday, February 26, 2016.** If the DEO determines that a Self-Nomination and Acceptance form is not sufficient, the eligible elector who submitted the form may amend the form once, at any time, prior to 3:00 p.m. on the day of the deadline. It is the responsibility of the submitter to verify receipt of the Self-Nomination and Acceptance form by the DEO. 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, February 29, 2016.** **NOTICE IS FURTHER GIVEN**, that an application for an absentee ballot shall be filed with the Designated Election Official no later than the close of business on **Friday, April 29, 2016.** Gunnison County Metropolitan Recreation District Julie Wills, Designated Election Official

Published in the *Crested Butte News*. Issue of February 12, 2016. #021201

**—CERTIFICATE NO. 20120258—
NOTICE OF PURCHASE OF REAL ESTATE TAX LIEN AT SALE AND OF
APPLICATION FOR ISSUANCE OF TREASURER'S DEED
TO WHOM IT MAY CONCERN AND MORE ESPECIALLY TO:**

Janet Jacobsen Myrick, Jacek Kosla
You and each of you are hereby notified that on the 15th day of November, 2012, the then County Treasurer of the County of Gunnison, State of Colorado, sold at public sale to Jacek Kosla the following described real estate, situate in said county of Gunnison, viz: SURFACE RIGHTS ONLY TO: GET

THERE #13694, GOLD BRICK M.D. 50N3E & 50N3 1/2E, #610658 #610947
Said sale being made to satisfy the delinquent taxes assessed against said property for the year 2011. Tax sale lien certificate of purchase number 20120258 was issued to Jacek Kosla by said County Treasurer.

That subsequent taxes upon said property were paid by the holder of said tax sale lien certificate of purchase.
The valuation of said property for the year 2011 was a total \$ 27,440.00
That at the time of said valuation and said sale, said property was taxed in the name(s) of Janet Ja-

**—CERTIFICATE NO. 20120172—
NOTICE OF PURCHASE OF REAL ESTATE TAX LIEN AT SALE AND OF
APPLICATION FOR ISSUANCE OF TREASURER'S DEED
TO WHOM IT MAY CONCERN AND MORE ESPECIALLY TO:**

Edith M Stone, Ronald W Stone, Greg Forbes
You and each of you are hereby notified that on the 15th day of November, 2012, the then County Treasurer of the County of Gunnison, State of Colorado, sold at public sale to Greg Forbes the following described real estate, situate in said county of Gunnison, viz: OLD ZACK #17363, RED CLOUD #2615 LIZZIE N #16967, ELK MTN M.D. 12S84W
Said sale being made to satisfy the delinquent taxes assessed against said property for the year 2011. Tax sale lien certificate of purchase number 20120172 was issued to Greg Forbes by said County Treasurer. That subsequent taxes upon said property were paid by the holder of said tax sale lien certificate of purchase.
The valuation of said property for the

year 2011 was a total \$73,100.00
That at the time of said valuation and said sale, said property was taxed in the name(s) of Edith M Stone and Ronald W Stone.
That the present holder of said tax sale lien certificate of purchase has made application to me for a treasurer's tax deed to said property. That a treasurer's tax deed will be issued for said real estate to Greg Forbes after 4:00 p.m. on May 16, 2016 unless the same has been redeemed from said sale for taxes, as provided by law.
Witness my hand and seal this 29th day of January, 2016

Treasurer of Gunnison County
Debbie Dunbar

Published in the *Crested Butte News*. Issues of January 29, February 5 and 12, 2016. #012904

**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
611 FOURTH STREET**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on February 23, 2016 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
The application of **Mitchell Jay Evans in conjunction with Greg Grossman** to site a vehicle rental business at the existing mixed use building located at 611 Fourth Street, Block 39, North 25' of Lots 30-32 in the C zone.
Additional requirements:
- A conditional use permit for a vehicle rental business in the C zone is required.
TOWN OF CRESTED BUTTE
By Jessie Earley, Building Department Assistant

Published in the *Crested Butte News*. Issues of February 12 and 19, 2016. #021214

**—A CALL FOR NOMINATIONS—
(NOTICE BY PUBLICATION OF)
§1-13.5-501, 1-13.5-1102(3), 32-1-905(2), C.R.S.**

TO WHOM IT MAY CONCERN, and, particularly, to the electors of the Mt Crested Butte Water & Sanitation District of Gunnison County, Colorado. **NOTICE IS HEREBY GIVEN** that an election will be held on the 3rd day of May, 2016, between the hours of 7:00 a.m. and 7:00 p.m. At that time, Three (3) directors will be elected to serve 4-year terms and Two (2) directors will be elected to serve 2-year* terms. Eligible electors of the Mt Crested Butte Water & Sanitation District interested in serving on the board of directors may obtain a Self-Nomination and Acceptance form from the District Designated Election Official (DEO):
Nettie Gruber (Designated Election Official)
Mt Crested Butte Water & Sanitation District (DEO Address)
PO Box 5740, 100 Gothic Road (DEO Address)
Mt Crested Butte CO 81224 (DEO Telephone)
info@mcbswd.com (DEO Email)

The Office of the DEO is open on the following days: Monday - Friday from 8:00 a.m. to 5:00 p.m.
The deadline to submit a Self-Nomination and Acceptance is close of business on **Friday, February 26, 2016** (not less than 67 days before the election). If the DEO determines that a Self-Nomination and Acceptance form is not sufficient, the eligible elector who submitted the form may amend the form once, at any time, prior to 3:00 p.m. on the day of the deadline.
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, February 29, 2016** (the sixty-fourth day before the election). **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 **Friday, April 29, 2016.**

Designated Election Official Signature
In addition, C.R.S. 1-13.5-501(2) defines 'publication' as *printing one time, in a newspaper of general circulation in the [special district if there is such a newspaper, and if not, then in a newspaper in the county in which the special district is located].* Districts in more than one county should review the complete definition. *** Rare. Use Only applicable if director seat was vacated less than two years into 4 year term. [an appointee is] to serve until the next regular election, at which time, the vacancy shall be filled by election for any remaining unexpired portion of the term.** C.R.S. 32-1-905(2)(a).

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cobsen Myrick.
That the present holder of said tax sale lien certificate of purchase has made application to me for a treasurer's tax deed to said property. That a treasurer's tax deed will be issued for said real estate to Jacek Kosla after 4:00 p.m. on May 16, 2016 unless the same has been redeemed from said sale for

taxes, as provided by law.
Witness my hand and seal this 29th day of January, 2016

Treasurer of Gunnison County
Debbie Dunbar

Published in the *Crested Butte News*. Issues of January 29, February 5 and 12, 2016. #012906

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, 2016.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2016CW4 (REF NO. 2008CW114, 01CW171,

94CW76). Applicant: John Shomler, P.O. Box 350, Almont, CO 81210-0350. Application for Finding of Reasonable Diligence: Shomler Domestic Ditch and Pipeline – NE1/4SW1/4NW1/4 of Section 35, T13S, R86W, 6th P.M. 1,950 feet south of the north and 1,700 feet east of the west section line. Source: Slate River and the Gunnison River. Appropriation Date: 09/26/1990. Amount Claimed: 0.055 c.f.s. conditional for domestic use. 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, 2016 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain

application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of February 12, 2016. #021203

—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, 2016.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object

and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2016CW6 (REF NO. 09CW118).

Applicant: Bruce Saunders and Noreen Horwitz, 43281 Ponderosa Trail, Gunnison, CO 81230. Application To Make Absolute: GBHCR No. 2 – NW1/4SE1/4SW1/4 of Section 27, T48N, R1E, N.M.P.M. 2,295 feet north of the south line and 1,397 feet east of the west section line. Source: Tomichi Creek and the Gunnison River. Appropriation Date: 09/06/2005. Amount Claimed:

.004 c.f.s. absolute for wildlife and fire protection. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAGUACHE COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2016 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the

applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of February 12, 2016. #021204

—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, 2016.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 16CW3001 (08CW195) GUNNISON COUNTY. Darren C. Moore Revocable Trust, c/o Kevin L. Patrick, Esq. and Christopher R. Stork, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, (970) 920-1030. **First Claim: For Finding of Reasonable Diligence.** Name of structure: J and N Ditch. Type: Ditch. Conditional water right description: Date of original Decree: January 6, 2010. Case No. 08CW195, Division 4 Water Court. Decreed legal description of point of diversion: Located in the NW ¼, NW ¼, NW ¼, of Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 2594 feet from the South section line and 334 feet from the West section line in Gunnison County, Colorado. Actual legal description of location of point of diversion: Located in the NE ¼, SW ¼, NW ¼, of Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3565 feet from the South section line and 1264 feet from the West section line in Gunnison County, Colorado. See map attached as **Exhibit A**. The Applicant has submitted an Application for Correction for an Established but Erroneously Described Point of Diversion to correct the location information described in the decree for an absolute storage water right for Rainbow Lake and for conditional surface water rights, J and N Ditch, and J and N Ditch, 1st Enlargement which were transposed in the decree entered in Case 08CW195. The Division Engineer has identified this as a clerical error and supplied the information attached as **Exhibit B** to the Court. The corrected legal description will be contained in the proposed Ruling of the Referee to be submitted in this case. Under section 37-92-305(3.6)(V), these actions may not be consolidated or joined together. Applicant, however, respectfully requests that a ruling on the Application for Correction for an Established but Erroneously Described Point of Diversion precede any ruling for this Application for a Finding of Reasonable Diligence. Source: Unnamed stream fed by springs tributary to the Big Cimarron

River. Appropriation date: July 31, 2003. Amount: 0.25 c.f.s., conditional. Use: To fill and refill Rainbow Lake, of which the uses are stockwatering, fire protection, recreation, piscatorial, and wildlife watering. Applicant's Rainbow Lake water right was decreed absolute in 08CW195 before the Division 4 Water Court. Work to complete the appropriation, including expenditures is detailed on **Exhibit C**. Applicant owns the land where the structure is located and upon which the water is or will be beneficially used. Remarks: The J and N Ditch is a component part of an integrated water supply plan for Applicant's property. **Second Claim: For Finding of Reasonable Diligence.** Name of structure: J and N Ditch, 1st Enlargement. Type: Ditch. Conditional water right description: Date of original Decree: January 6, 2010. Case No. 08CW195, Division 4 Water Court. Decreed legal description of point of diversion: Located in the NW ¼, NW ¼, NW ¼, of Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 2594 feet from the South section line and 334 feet from the West section line in Gunnison County, Colorado. Actual legal description of location of point of diversion: Located in the NE ¼, SW ¼, NW ¼, of Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3565 feet from the South section line and 1264 feet from the West section line in Gunnison County, Colorado. See map attached as **Exhibit A**. The Applicant has submitted an Application for Correction for an Established but Erroneously Described Point of Diversion to correct the location information described in the decree for an absolute storage water right for Rainbow Lake and for conditional surface water rights, J and N Ditch, and J and N Ditch, 1st Enlargement which were transposed in the decree entered in Case 08CW195. The Division Engineer has identified this as a clerical error and supplied the information attached as **Exhibit B** to the Court. The corrected legal description will be contained in the proposed Ruling of the Referee to be submitted in this case. Under section 37-92-305(3.6)(V), these actions may not be consolidated or joined together. Applicant, however, respectfully requests that a ruling on the Application for Correction for an Established but Erroneously Described Point of Diversion precede any ruling for this Application for a Finding of Reasonable Diligence. Source: Unnamed stream fed by springs tributary to the Big Cimarron River. Appropriation date: July 31, 2009. Amount: 1.25 c.f.s., conditional. Use: To fill and refill Rainbow Lake of which the uses are stockwatering, fire protection, recreation, piscatorial, and wildlife watering. Applicant's Rainbow Lake water right was decreed absolute in 08CW195 before the Division 4 Water Court. Work to complete the

appropriation, including expenditures is detailed on **Exhibit C**. Applicant owns the land where the structure is located and where the water is or will be beneficially used. Remarks: The J and N Ditch, 1st Enlargement is a component part of an integrated water supply plan for Applicant's property. Accordingly, Applicant respectfully requests the court enter a decree awarding the Applicant a Finding of Reasonable Diligence for the J and N Ditch and J and N Ditch, 1st Enlargement. **GUNNISON COUNTY.** **CASE NO. 16CW3002 (REF NO. 08CW195) GUNNISON COUNTY.** Darren C. Moore Revocable Trust, c/o Kevin L. Patrick, Esq. and Christopher R. Stork, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONIOUSLY DESCRIBED POINTS OF DIVERSION. **First Claim: For Correction of an Established but Erroneously Described Point of Diversion.** Decreed water right for which correction is sought: J and N Ditch. Date of original Decree: January 6, 2010. Case No. 08CW195, Division 4 Water Court. Legal description of structure as described in 08CW195: Gunnison County, NW ¼, NW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 2594 feet from the South section line and 334 feet from the West section line. See map attached as **Exhibit A**. Source: Unnamed stream fed by springs tributary to the Big Cimarron River. Appropriation Date: July 31, 2003. Amount: 0.25 c.f.s., conditional. Use: To fill and refill Rainbow Lake the uses of the water will be for stockwatering, fire protection, recreation, piscatorial, and wildlife watering. Detailed description of proposed correction to an established but erroneously described point of diversion. Complete statement of correction: Due to a clerical error, the legal descriptions of the J and N Ditch and J and N Ditch, 1st Enlargement and the legal description of Rainbow Lake were switched in the Summary of Consultation in Case No. 08CW195. These legal descriptions were then incorporated into the Decree in that case. Applicant discovered this error when preparing an Application for Finding of Reasonable Diligence for the J and N Ditch and J and N Ditch, 1st Enlargement water rights on January 25, 2016. Applicant then contacted the Division 4 Engineer Bob Hurford who confirmed the clerical error and supplied information to the water clerk requesting an Order to Correct Clerical Errors. Please see **Exhibit B**. Legal description of corrected point of diversion: Gunnison County, NE ¼, SW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3565 feet from the South section line and 1264 feet from the West section line. See map attached as **Exhibit C**. Applicant owns the land where the structure is located and upon which the water is beneficially used. **Third Claim: For Correction of an Established but Erroneously Described Point of Diversion.** Decreed water right for which change is sought: Rainbow Lake. Date of original Decree: January 6, 2010. Case No. 08CW195, Division 4 Water Court. Legal description of structure as described in 08CW195: The dam is located in Gunnison County, NE ¼, SW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3565 feet from the South section line and 1264 feet from the West section line. See map attached as **Exhibit A**. Source: Spring, an unnamed tributary to the

See map attached as **Exhibit C**. Applicant owns the land where the structure is located and upon which the water is beneficially used. **Second Claim: For Correction of an Established but Erroneously Described Point of Diversion.** Decreed water right for which correction is sought: J and N Ditch, 1st Enlargement. Date of original Decree: January 6, 2010. Case No. 08CW195, Division 4 Water Court. Legal description of structure as described in 08CW195: Gunnison County, NW ¼, NW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 2594 feet from the South section line and 334 feet from the West section line. See map attached as **Exhibit A**. Source: Unnamed stream fed by springs tributary to the Big Cimarron River. Appropriation Date: July 31, 2009. Amount: 1.25 c.f.s., conditional. Use: To fill and refill Rainbow Lake the uses of the water will be for stockwatering, fire protection, recreation, piscatorial, and wildlife watering. Detailed description of proposed correction to an established but erroneously described point of diversion. Complete statement of correction: Due to a clerical error, the legal descriptions of the J and N Ditch and J and N Ditch, 1st Enlargement and the legal description of Rainbow Lake were switched in the Summary of Consultation in Case No. 08CW195. These legal descriptions were then incorporated into the Decree in that case. Applicant discovered this error when preparing an Application for Finding of Reasonable Diligence for the J and N Ditch and J and N Ditch, 1st Enlargement water rights on January 25, 2016. Applicant then contacted the Division 4 Engineer Bob Hurford who confirmed the clerical error and supplied information to the water clerk requesting an Order to Correct Clerical Errors. Please see **Exhibit B**. Legal description of corrected point of diversion: Gunnison County, NE ¼, SW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3565 feet from the South section line and 1264 feet from the West section line. See map attached as **Exhibit C**. Applicant owns the land where the structure is located and upon which the water is beneficially used. **Third Claim: For Correction of an Established but Erroneously Described Point of Diversion.** Decreed water right for which change is sought: Rainbow Lake. Date of original Decree: January 6, 2010. Case No. 08CW195, Division 4 Water Court. Legal description of structure as described in 08CW195: The dam is located in Gunnison County, NE ¼, SW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance of 3565 feet from the South section line and 1264 feet from the West section line. See map attached as **Exhibit A**. Source: Spring, an unnamed tributary to the

Big Cimarron River and natural runoff. Appropriation Date: July 16, 2002. Amount: 15 acre-feet, with the right to fill and refill when water is physically and legally available. Use: Stockwatering, fire protection, recreation, piscatorial, and wildlife watering. Detailed description of proposed correction to an established but erroneously described point of diversion: Complete statement of correction: Due to a clerical error, the legal descriptions of the J and N Ditch and J and N Ditch, 1st Enlargement and the legal description of Rainbow Lake were switched in the Summary of Consultation in Case No. 08CW195. These legal descriptions were then incorporated into the Decree in that case. Applicant discovered this error when preparing an Application for Finding of Reasonable Diligence for the J and N Ditch and J and N Ditch, 1st Enlargement water rights on January 25, 2016. Applicant then contacted the Division 4 Engineer Bob Hurford who confirmed the clerical error and supplied information to the water clerk requesting an Order to Correct Clerical Errors. Additionally, Rainbow Lake's legal description should be corrected to read "at a distance 2594 feet from the **North** section line" rather than from the South section line as described in the 08CW195 Decree. Please see **Exhibit B**. Legal description of corrected point of diversion: The dam is located in Gunnison County, NW ¼, NW ¼, NW ¼, Section 4, Township 46 North, Range 6 West, of the NM Prime Meridian at a distance 2594 feet from the North section line and 334 feet from the West section line. See map attached as **Exhibit C**. Applicant owns the land where the structure is located and upon which the water is beneficially used. Accordingly, Applicant respectfully requests the Court enter a decree correcting the erroneously described points of diversion for the J and N Ditch, J and N Ditch, 1st Enlargement, and Rainbow Lake. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2016 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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Legals

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

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

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of January, 2016.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2016CW3003. Mountain Coal Company, L.L.C., P.O. Box 591, 5174 State Highway 133, Somerset, CO 81434; (970) 929-5015. Please direct all future correspondence and pleadings regarding this Application to: Lee H. Johnson and Mason H. Brown, Carlson Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, CO 80203; Telephone: (303) 861-9000; E-Mail: ljohnson@chp-law.com; mbrown@chp-law.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GUNNISON COUNTY, COLORADO. **2.** Name of Water Right: Fresh Water Pond No. 2. **3.** Describe conditional water right (as to each structure) including the following information from previous decree: **3.1. Date of Original Decree:** December 15, 1981, Case No. 80CW456, District Court in and for Water Division No. 4. **3.2. Subsequent decrees:** **3.2.1.** Decrees finding reasonable diligence have been entered by the District Court in and for Water Division No. 4 in Case No. 85CW278 on April 24, 1986, Case No. 89CW215 on May 21, 1990, Case No. 96CW98 on February 25, 1997, Case No. 03CW48 on August 29, 2003, and Case No. 09CW107 on September 13, 2010. **3.2.2.** By decree of the District Court in and for Water Division No. 4 dated September 13, 2010, in Case No. 09CW108, a change of water right was approved moving the decreed place of storage for the Fresh Water Pond No. 2 water right to the location of Sedimentation Pond No. 1, now known informally as "New Fresh Water Pond." **3.2.3.** By decree of the District Court in and for Water Division No. 4 dated April 7, 2014, in Case No. 12CW151, a change of water right was approved adding the Northeast Panels Sealed Sump and the B North Panels Sealed Sump as alternate places of storage for the Fresh Water Pond No. 2 water right. **3.3. Legal Description:** **3.3.1. New Fresh Water Pond** (from decree in Case No. 09CW108): Sedimentation Pond No. 1, now known informally as New Fresh Water Pond. The PLSS location of this structure is in the NW¼ of the NE¼ of the NE¼ of Section 16, T 13 South, R 90 West, 6th P.M., at a point 17 feet from the North section line, and 742 feet from the East section line, of Section 16. **3.3.2. Alternate Places of Storage:** Pursuant to the change of water rights decree in Case No. 12CW151, the Fresh Water Pond No. 2 water right may be stored in the following alternate places of storage: **3.3.2.1. Northeast Panels Sealed Sump** (from Case No. 97CW243): beneath most of Section 21, Township 13 South, Range 90 West of the 6th P.M. (underground within the West Elk Mine near Somerset, Colorado). **3.3.2.2. B North Panels Sealed Sump** (from Case No. 12CW151): Beneath the SE¼ SE¼ Section 10, S½ S½ Section 11, W½ W½ Section 13, Section 14, Section 15, and N½ N½ 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 NE¼ NE¼ SE¼ 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. Source:** Water tributary to North Fork Gunnison River, including water intercepted and collected by works on the West Elk Coal Mine site. See also Paragraph 3.8 below. **3.5. Appropriation Date:** September 9, 1979. **3.6. Amount:** 9.98 acre-feet Conditional; 0 acre-feet Absolute. **3.7. Use:** Mine land reclamation, sedimentation, and pollution control, mining, industrial, commercial, manufacturing, domestic and municipal purposes, and irrigation (pursuant to land reclamation) of 46.5 acres. **3.8. Other:** Pursuant to the decrees entered in Cases No. 80CW456 and 80CW458, the New Fresh Water Pond (which now stores the Fresh Water Pond No. 2 water right) may be filled and refilled when water is available and may receive and store water from the Mt. Gunnison Pipeline water right (decreed in Case No. W-2982) and the Snowshoe Reservoir water right (decreed in Civil Action No. 5873). **3.9.** A map depicting the decreed locations of storage, including alternate places of storage, the Fresh Water Pond No. 2 water right is attached as Exhibit 1. A map depicting the land that may be irrigated by the Fresh Water Pond No. 2 water right is attached as Exhibit 2. **3.10.** The Fresh Water Pond No. 2 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. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. **4.** Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: **4.1. Background:** Applicant owns and operates the West Elk Mine (the "Mine"), located south of the North Fork Gunnison River near Somerset, Colorado. The conditional water right was appropriated and has been exercised, in part, 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 1960's, and continued through the 1970's. 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 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. That Permit, No. PR 10, was approved on July 7, 2006. As coal production has increased, and increases in the future, water demand for the Mine increases as well. **4.2. Diligence Activities since the last Finding of Reasonable Diligence:** **4.2.1.** 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, during the diligence period, 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 will be prepared in 2016. Since the Mine operations are a necessary prerequisite to the development of the Fresh Water Pond No. 2 water right for the Mine operation, Applicant's efforts to expand its lease areas constitutes diligence in the development of the subject conditional water right. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.2.** 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 2012, during the Diligence Period, Applicant began analyzing the contribution factors in preparation for submittal to the State and Division Engineer pursuant to the Decree in Case No. 86CW38. Since Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which the Augmentation Plan forms a part, the Applicant's efforts in compliance with the Augmentation Plan constitutes diligence with regard to the subject conditional water right. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.3.** During the Diligence Period, Applicant constructed and reorganized various surface facilities for water storage and handling at the mine: enlarging a small existing sedimentation pond at the original decreed location of Fresh Water Pond No. 2 to create Sedimentation Pond MB-5E, with a total capacity of 19.59 acre-feet; filling in the pond located at the original decreed location for Sedimentation Pond No. 2 and converting the area to coal storage; and reconfiguring the pond at the decreed location of former Sedimentation Pond No. 1 (now known informally as New Fresh Water Pond) so that it may be used as a fresh water pond to store the Fresh Water Pond No. 2 water right while continuing to store 3.68 acre-feet of the Sedimentation Pond No. 1 water right. In 2009 and 2010, the Applicant adjudicated Case No. 09CW108 to effect those changes of water right. The Applicant also constructed two treatment ponds to treat water from its underground sumps, and obtained a NPDES permit from the Colorado Department of Public Health and Environment for discharges from the treatment ponds. Additionally, in 2012, Applicant built a new coal preparation plant on site. Since the Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which the above structures form a part, the Applicant's reorganization and construction of surface water facilities constitutes diligence with regard to the subject conditional water right. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.4.** During the Diligence Period, the Applicant successfully challenged the Division Engineer for Water Division No. 4's listing of the Applicant's Chipmunk Ditch water right on the Division 4 Abandonment List, by demonstrating that the Chipmunk Ditch water right continues to be utilized for both augmentation and direct use for mining operations. Since the Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which the Chipmunk Ditch water right forms a part, the Applicant's efforts with regard to the Chipmunk Ditch water right constitute diligence with regard to the subject conditional water rights. **4.2.5.** During the diligence period, Applicant adjudicated Case No. 12CW151 in which the Court approved: (1) a conditional storage water right for the B North Panels Sealed Sump; (2) five alternate points of diversion/storage rights for Fresh Water Pond Nos. 1 and 2 and Sedimentation Pond Nos. 1 through 3; (3) changes to the Northwest Panels Sealed Sump and Northeast Panels Sealed Sump water rights; and (4) change of Chipmunk Ditch water right. Since the Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which the above water

rights form a part, the Applicant's efforts with regard to the above water rights constitute diligence with regard to the subject conditional water rights. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.6.** During the Diligence Period, in 2012 and 2013, Applicant adjudicated Case No. 12CW152, in which the court found reasonable diligence in the development of the conditional decrees for the Mountain Coal Company Nontributary B East Mains Fault Well, the Mountain Coal Company Nontributary Southeast Panels Fault Well, the Northeast Panels Sealed Sump, and the Northwest Panels Sealed Sump and continued the water rights in full force and effect. Since the Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which above water rights form a part, the Applicant's efforts to develop those water rights constitutes diligence with regard to the subject conditional water right. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.7.** During the Diligence Period, in 2012 and 2013, Applicant adjudicated Case No. 12CW153, in which the court found reasonable diligence in the development of the conditional decrees for the Mt. Gunnison Pipeline and continued the water right in full force and effect. Since the Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which the Mt. Gunnison Pipeline water right forms a part, the Applicant's efforts to develop those water rights constitutes diligence with regard to the subject conditional water right. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.8.** During the Diligence Period, in 2015, Applicant filed Case No. 15CW3056, seeking a finding of reasonable diligence in the development of the conditional decree for the Snowshoe Dam and Reservoir and Snowshoe Pipeline water rights. Since the Fresh Water Pond No. 2 water right is part of a unified and integrated water supply system, of which the Snowshoe Dam and Reservoir and Snowshoe Pipeline water rights forms a part, the Applicant's efforts to develop that water right constitute diligence with regard to the subject conditional water rights. The Applicant incurred expenses associated with these activities during the diligence period. **4.2.9.** During the diligence period, Applicant filled the New Fresh Water Pond with the Fresh Water Pond No. 2 water right in priority and applied the resulting water to beneficial use. **4.2.10.** Applicant has expended in excess of \$2.6 million over the Diligence Period in connection with the above activities (including capital expenditures for development and extension of its mining activities). **5.** If claim to make absolute in whole or in part: Throughout the diligence period, Applicant filled the New Fresh Water Pond and subsequently applied the diverted water to beneficial use in the course of Applicant's mining activities. These diversions were made in priority and, at times, fairly allocated to the Fresh Water Pond No. 2 water right. Under normal operations, Applicant seeks to maintain the 13.66 acre-feet of storage capacity in the New Fresh Water Pond as full as possible. To this end, from January 20, 2014, through January 25, 2014, Applicant diverted in excess of 9.98 acre-feet into the New Fresh Water Pond. These diversions can be attributed to the Fresh Water Pond No. 2 water right diverted in priority. As a result, Applicant seeks to make the full 9.98 acre-feet decreed to the Fresh Water Pond No. 2 water right absolute. A summary of the relevant diversions in January of 2014 is attached as Exhibit 3. **6.** Names(s) and address(es) 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: **6.1.** Mountain Coal Company, LLC, P.O. Box 591, 5174 State Highway 133, Somerset, CO 81434. (The following structures are on land owned by the Applicant: New Fresh Water Pond, surface above Northeast Panels Sealed Sump, and a portion of the B North Panels Sealed Sump). **6.2.** United States Forest Service, 740 Simms Street, Lakewood, CO 80401. (Surface above a portion of the B North Panels Sealed Sump). **6.3.** United States Bureau of Land Management, c/o Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215. (Surface above a portion of the B North Panels Sealed Sump). WHEREFORE, Applicant requests the Court to enter its decree and ruling as follows: **A.** To issue a finding that the full 9.98 acre-feet of the Fresh Water Pond No. 2 water right has been made absolute by reason of diversion in priority and application of the resulting water to decreed beneficial uses. **B.** In the alternative, to make a finding of reasonable diligence with respect to the entire Fresh Water Pond No. 2 water right decreed in Case No. 80CW456, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence. **C.** Any other ruling the Court deems appropriate in the above-captioned matter. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2016 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPAN-NOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of February 12, 2016. #021206

—PUBLIC NOTICE—

AGENDA

REGULAR MEETING

CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

FEBRUARY 17, 2016 ~ 6:00 P.M.

280 CEMENT CREEK ROAD

Public Hearing Agenda

1. Call to Order
Proposed Road Maintenance Fee for Vacant Properties within the District
Public Comments
2. Adjourn

Board Meeting Agenda

1. Call to order

2. Citizen Comment Period

3. Approve – January 27, 2016 Regular Board Meeting Minutes
4. Discuss – Financial Reports – January 2016
5. Discuss/Approve – Current Bills – January 2016

MANAGER'S REPORT

UNFINISHED BUSINESS

1. Discuss – Proposed Road Maintenance Fee/Public Hearing
2. Discuss – Employee Policy Changes

NEW BUSINESS

1. Discuss – Delinquent Account Management
2. Discuss – Directors Election Process

UNSCHEDULED BUSINESS

ADJOURNMENT

The Board may address individual agenda items at any time or in any order to accommodate the needs of the Board and the audience.

Published in the *Crested Butte News*. Issue of February 12, 2016. #021210

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, 2016.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2016CW3004 (REF NO. 09CW7, 01CW36, 94CW61, 88CW41, 84CW59, W-2997)

TECK RESOURCES, INC., 501 N. Riverpoint Blvd., Suite 300 Spokane, WA 99202, Attorneys: L. Richard Bratton, John P. Justus, Karoline M. Henning, HOSKIN, FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40 Grand Junction, Colorado 81502-0040. APPLICATION FOR FINDING OF DILIGENCE IN GUNNISON COUNTY. Name of Structures: Powderhorn Pump & Pipeline Headgate Nos. 1-3 and Buttes Exchange Plan. Original and all relevant subsequent decrees: Decree entered April 18, 1980 by the District Court in and for Water Division 4 in Case No. W-2997 ("Original Decree"); Subsequent decrees awarding findings of diligence entered in Case Nos. 84CW59, 88CW41, 94CW61, 01CW36, and 09CW7 by the District Court in and for Water Division 4. Legal description of points of diversion: Powderhorn Pump & Pipeline Headgate No. 1: The point of diversion at Powderhorn Pump & Pipeline Headgate No. 1 is located a point on the northeast bank of Cebolla Creek at the confluence of Cebolla Creek and Beaver Creek, which point bears North 71° 0' 0" east 950 feet from the SW corner of Section 11, Township 46 North, Range 2 West, N.M.P.M.; Powderhorn Pump & Pipeline Headgate No. 2: Powderhorn Pump & Pipeline Headgate No. 2 is located at a point on the northeast bank of Cebolla Creek at the confluence of Cebolla Creek and Deldorado Creek, which point bears south 8° 30' west 1680 feet from the NE corner of Section 10, Township 46 North, Range 2 West, N.M.P.M.; Powderhorn Pump & Pipeline Headgate No. 3: Powderhorn Pump & Pipeline Headgate No. 3 is located at a point on the southeast bank of Deldorado Creek, which point bears South 19° 30' west 780 feet from the SW corner of Section 1, Township 46 North, Range 1 ½ West, N.M.P.M.; Buttes Exchange: Buttes Exchange Plan is located at the points of diversion described above for Powderhorn Pump & Pipeline Nos. 1, 2, and 3 and Blue Mesa Reservoir which is located on the Gunnison River in Gunnison and Montrose Counties. Water will be diverted from Cebolla Creek and Deldorado Creek at Powderhorn Pump & Pipelines Nos. 1, 2 and 3 by exchange for releases from Blue Mesa Reservoir. The initial point of survey for Blue Mesa Dam is located at a point on the right abutment thereof, being the intersection of the centerline of the axis of the dam and the centerline of the outlet works tunnel, whence the SW 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. Sources of water: Powderhorn Pump & Pipeline Headgate Nos. 1 and 2: Cebolla Creek; Powderhorn Pump & Pipeline Headgate No. 3: Deldorado Creek; Buttes Exchange: Cebolla Creek and Deldorado Creek in exchange for Gunnison River water released from Blue Mesa Reservoir. Appropriation dates: Powderhorn Pump & Pipeline Headgate No. 1: November 8, 1976; Powderhorn Pump & Pipeline Headgate No. 2: November 8, 1976; Powderhorn Pump & Pipeline Headgate No. 3: November 8, 1976; Buttes Exchange Plan: November 8, 1976. Amounts: Powderhorn Pump & Pipeline Headgate No. 1: 2.26 c.f.s. cumulative with the Powderhorn Pump & Pipeline Headgate No. 2; Powderhorn Pump & Pipeline Headgate No. 2: 2.26 c.f.s. cumulative with the Powderhorn Pump & Pipeline Headgate No. 1; Powderhorn Pump & Pipeline Headgate No. 3: 2.26 c.f.s.; Buttes Exchange Plan: 2.26 c.f.s. Uses of water: Mining, milling, industrial, domestic, irrigation, regulating storage, mined land reclamation and other associated beneficial uses. Detailed outline of diligence: The conditional water rights which are the subject of this application are necessary for development and operation of Applicant's White Earth Project (the "Project") consisting of an open pit titanium dioxide mine near Powderhorn in Gunnison County. The mine would produce

approximately 5,500 tons per day of titanium dioxide ore and other valuable by-products. This ore would be processed in an on-site concentrator, producing a concentrate containing approximately 50% titanium dioxide. The concentrate would be transported to another location for conversion into pigment. Preliminary estimates are that the mining and concentrating portion of the project would cost approximately \$150,000,000. The titanium dioxide from this project would be used primarily in pigments. The concentrate that would be produced at the White Earth Project is from a somewhat unique mineral assemblage requiring a pigment plant specifically designed to convert the concentrate into pigment. Further research and development is necessary to design the process and plant for conversion. Until that is accomplished, marketing arrangements are made, and pigment plant construction is under way, beneficial use of the conditionally decreed water cannot commence. During the current diligence period, Applicant expended \$520,741 in accomplishing the activities listed below. These actions and expenditures were necessary to maintain the Project site and prepare for future mining activities, and were prerequisites to the beneficial use of the conditionally decreed water rights. In 2010, Applicant expended a total of \$36,552. Applicant began researching the status of its patent applications for the Project at the BLM's Denver State Office. This research was necessary for Applicant to determine the steps required to secure patents for the Project and to move towards its initiation. Until a patent determination is completed for the Project, beneficial use of the conditionally decreed water cannot commence. Applicant also expended \$27,500 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project site. In 2011, Applicant expended a total of \$80,566. During this time, Applicant continued to review its patent applications. Applicant also received a legal opinion on the applications' status and necessary future actions regarding the patents for \$7,070. Additionally, Applicant expended \$21,237 to retain Shaw Environmental & Infrastructure, Inc. to perform a Physical Hazards Assessment. An additional \$12,407 was expended on travel, field labor and engineering consultations related to the Physical Hazards Assessment. This Assessment identified and categorized potential physical hazard locations associated with historic mining exploration and development at the Project site, which must be remediated before operations can begin. Finally, Applicant expended \$30,800 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project site. In 2012, Applicant expended a total of \$220,757. Applicant expended \$7,615 in legal fees associated with the ongoing patent review. Applicant also retained CDM Smith for \$166,690 to remediate the hazardous mine workings and other structures identified in the 2011 Physical Hazards Assessment. This remediation was necessary to prepare the Project site for mining activities because the existing structures created hazards which could cause death or injury to ranch workers, livestock, trespassers, and future mine employees on the site. As part of the remediation, CDM Smith also performed maintenance work on access roads to the Project site and evaluated the stability of two bridges on the property that cross Cebolla Creek upstream and downstream of the Powderhorn Pump & Pipeline Headgate No. 1 and No. 2 diversions. Applicant expended an additional \$6,600 on travel expenses to oversee the remediation activities. Finally, Applicant expended \$30,800 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project Site. In 2013, Applicant expended a total of \$66,214. Applicant expended \$455 in legal fees associated with the ongoing patent review. Applicant also expended \$25,907 on travel and field labor to continue remediating the Project site. Additionally, Applicant expended \$30,800 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project Site. In 2014, Applicant expended a total of \$63,042. Applicant expended \$693 in legal fees associated with the ongoing patent review. Applicant also expended \$19,197 on field labor and materials to continue remediating the Project site, including revegetation of disturbed areas. Finally, Applicant expended \$34,100 on Federal and State claim maintenance fees, \$152 on

Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the White Earth Project site. In 2015, Applicant expended a total of \$53,610. During this time, Applicant met with BLM personnel and provided information to the BLM for its review of Applicant's patent application. Applicant also expended \$10,458 on travel, field labor, and materials for the continued remediation and reclamation of the Project site, including revegetation. Additionally, Applicant expended \$34,100 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the White Earth project site. Application is 7 pages in length. **GUNNISON AND MONTROSE COUNTIES.** **Case no. 2016CW3005 (REF NO. 01CW37, 93CW44).** TECK RESOURCES, INC., 501 N. Riverpoint Blvd., Suite 300 Spokane, WA 99202, Attorneys: L. Richard Bratton, John P. Justus, Karoline M. Henning, HOSKIN, FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40 Grand Junction, Colorado 81502-0040. APPLICATION FOR FINDING OF DILIGENCE IN GUNNISON COUNTY. Name of Structures: Road Beaver Creek Exchange. Original and all relevant subsequent decrees: Decree entered May 31, 1995 by the District Court in and for Water Division 4 in case No. 93CW44 ("Original Decree"); Subsequent decrees awarding findings of diligence entered in Case Nos. 01CW37 and 09CW08 by the District Court in and for Water Division 4. Legal description of points of diversion: Road Beaver Creek Headgate No. 3: The point of diversion of Road Beaver Creek Headgate No. 3 is located at a point on the east bank of Road Beaver Creek at latitude 38° 14' 10" North, longitude 107° 02' 02" West (or in Section 14, Township 46 North, Range 1 ½ West, N.M.P.M. at a point 750 feet from the west section line and 910 feet from the south section line); Blue Mesa Reservoir: Blue Mesa Reservoir is located on the Gunnison River in Gunnison and Montrose Counties. Water will be diverted from Road Beaver Creek by exchange for releases from Blue Mesa Reservoir. The initial point of survey for Blue Mesa Dam is located at a point on the right abutment thereof, being the intersection of the centerline of the axis of the dam and the centerline of the outlet works tunnel, whence the SW 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. Source of water: Road Beaver Creek in exchange for Gunnison River water released from Blue Mesa Reservoir. Appropriation date: June 6, 1992. Amount of water: 2.26 c.f.s.. Uses of water: Mining, milling, industrial, domestic, irrigation, regulating storage, mined land reclamation and other associated beneficial uses. Detailed outline of diligence: The conditional water rights which are the subject of this application are necessary for development and operation of Applicant's White Earth Project (the "Project") consisting of an open pit titanium dioxide mine near Powderhorn in Gunnison County. The mine would produce approximately 5,500 tons per day of titanium dioxide ore and other valuable by-products. This ore would be processed in an on-site concentrator, producing a concentrate containing approximately 50% titanium dioxide. The concentrate would be transported to another location for conversion into pigment. Preliminary estimates are that the mining and concentrating portion of the project would cost approximately \$150,000,000. The titanium dioxide from this project would be used primarily in pigments. The concentrate that would be produced at the White Earth Project is from a somewhat unique mineral assemblage requiring a pigment plant specifically designed to convert the concentrate into pigment. Further research and development is necessary to design the process and plant for conversion. Until that is accomplished, marketing arrangements are made, and pigment plant construction is under way, beneficial use of the conditionally decreed water cannot commence. During the current diligence period, Applicant expended \$520,741 in accomplishing the activities listed below. These actions and expenditures were necessary to maintain the Project site and prepare for future mining activities, and were prerequisites to the beneficial use of the conditionally decreed water rights. In 2010, Applicant expended a total of \$36,552. Applicant began researching the status of its patent applications for the Project at the BLM's Denver State Office. This research was necessary for Applicant to determine the steps required to secure patents for the Project and to move towards its initiation. Until a patent determination

is completed for the Project, beneficial use of the conditionally decreed water cannot commence. Applicant also expended \$27,500 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project site. In 2011, Applicant expended a total of \$80,566. During this time, Applicant continued to review its patent applications. Applicant also received a legal opinion on the applications' status and necessary future actions regarding the patents for \$7,070. Additionally, Applicant expended \$21,237 to retain Shaw Environmental & Infrastructure, Inc. to perform a Physical Hazards Assessment. An additional \$12,407 was expended on travel, field labor and engineering consultations related to the Physical Hazards Assessment. This Assessment identified and categorized potential physical hazard locations associated with historic mining exploration and development at the Project site, which must be remediated before operations can begin. Finally, Applicant expended \$30,800 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project site. In 2012, Applicant expended a total of \$220,757. Applicant expended \$7,615 in legal fees associated with the ongoing patent review. Applicant also retained CDM Smith for \$166,690 to remediate the hazardous mine workings and other structures identified in the 2011 Physical Hazards Assessment. This remediation was necessary to prepare the Project site for mining activities because the existing structures created hazards which could cause death or injury to ranch workers, livestock, trespassers, and future mine employees on the site. As part of the remediation, CDM Smith also performed maintenance work on access roads to the Project site and evaluated the stability of two bridges on the property that cross Cebolla Creek upstream and downstream of the Powderhorn Pump & Pipeline Headgate No. 1 and No. 2 diversions. Applicant expended an additional \$6,600 on travel expenses to oversee the remediation activities. Finally, Applicant expended \$30,800 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project Site. In 2013, Applicant expended a total of \$66,214. Applicant expended \$455 in legal fees associated with the ongoing patent review. Applicant also expended \$25,907 on travel and field labor to continue remediating the Project site. Additionally, Applicant expended \$30,800 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the Project site. In 2014, Applicant expended a total of \$63,042. Applicant expended \$693 in legal fees associated with the ongoing patent review. Applicant also expended \$19,197 on field labor and materials to continue remediating the Project site, including revegetation of disturbed areas. Finally, Applicant expended \$34,100 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the White Earth Project site. In 2015, Applicant expended a total of \$53,610. During this time, Applicant met with BLM personnel and provided information to the BLM for its review of Applicant's patent application. Applicant also expended \$10,458 on travel, field labor, and materials for the continued remediation and reclamation of the Project site, including revegetation. Additionally, Applicant expended \$34,100 on Federal and State claim maintenance fees, \$152 on Gunnison and Saguache County claim filing fees, and \$8,900 on property taxes for the White Earth project site. Application is 6 pages in length. **GUNNISON AND MONTROSE COUNTIES.** **YOU ARE FURTHER NOTIFIED THAT** you have until the last day of March, 2016 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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—MOUNTAIN EXPRESS BOARD OF DIRECTORS MEETING—
AGENDA
THURSDAY, FEBRUARY 18, 2016 ~ 9:00 A.M.
MT. CRESTED BUTTE TOWN HALL

- I. Roll Call
- II. Reading and Approval of the Minutes of January 21, 2016 Meeting.
- III. Transit Manager's Operational and Financial Report
 - A. Operations Report
 - B. Financial Report

- IV. Unfinished Business
- V. New Business
 - A. Colorado/West Equipment, Inc. Bus Contract Approval.
 - B. Review of Summer and Winter Driver Policies.
 - C. Discussion of Possible Updates/Changes to the Personnel Manual.

- VI. Unscheduled Business
- VII. Schedule next Board Meeting
- VIII. Adjournment

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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, 2016.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2015CW3064. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OR AMERICA IN THE TAYLOR RIVER, A TRIBUTARY OF THE GUNNISON RIVER IN GUNNISON COUNTY. AMENDED APPLICATION FOR CHANGE OF WATER RIGHT.

1. Name, mailing address, telephone number and email address of Applicant: Bureau of Reclamation, Western Colorado Area Office, 445 West Gunnison Avenue, Suite 221, Grand Junction, CO 81506, (970) 248-0690, Email: rchristianson@usbr.gov. All communication directed to: David Gehlert, Trial Attorney, U.S. Department of Justice Environment and Natural Resources Division Natural Resources Section, 999 18th Street, South Terrace, Suite 370, Denver, CO 80202, Telephone: (303) 844-1386, Facsimile: (303) 844-1350, Email: david.gehlert@usdoj.gov. 1. Decreed water right for which change is sought: (a) Name of structure: Taylor Park Reservoir and Taylor River. (b) Date of original and all relevant subsequent decrees: The decree entered by this Court in Case No. 86CW203 on September 18, 1990, and amended by an Order dated November 13, 1990 (Refill Decree), for the refill of Taylor Park Reservoir in the amount of 106,230 acre-feet annually (Refill Right). (c)

Legal description of the structure: The dam impounding Taylor Park Reservoir is located in Gunnison County, Colorado in the N½ of Section 24, Township 14 South, Range 83 West of the 6th Principal Meridian. The initial point of survey for the reservoir impounded by the dam is at a point whence the North quarter corner of Section 8, Township 14 South, Range 82 West of the 6th Principal Meridian bears North 39° 13' East a distance of 15,911.5 feet. (d) The Refill Right was decreed for 106,230 acre-feet, of which 44,700 acre-feet were decreed absolute and 61,530 acre-feet were decreed conditional, with a priority date of August 28, 1975. The source of supply for the water right decreed to the Refill Right is the Taylor River and its tributaries, tributaries of the Gunnison River. (e) The Refill Decree was granted upon an Application filed by the Upper Gunnison River Water Conservancy District (Upper Gunnison District). The Refill Right was assigned to the United States by the Upper Gunnison District, by an Assignment of Water Rights dated March 22, 1993, in accordance with a contract dated April 16, 1990 between the United States, the Upper Gunnison District, the Uncompahgre Valley Water Users Association and the Colorado River Water Conservation District. (f) Under the terms of the April 16, 1990 contract and March 22, 1993 Assignment, the Upper Gunnison District is the beneficial user of the Refill Right. (g) The Refill Decree provides that while the water is impounded in Taylor Park Reservoir, it shall be used for recreational purposes, including fishery and wildlife, and that the impounded water shall be released at times and in quantities calculated to enhance the fishery and recreational uses of the Taylor and Gunnison Rivers above Blue Mesa Reservoir. (h) Of the 106,230 acre-feet, 19,200 acre-feet were decreed for additional use for increased and supplemental irrigation within the Upper Gunnison District. Of

said 19,200 acre-feet, 13,777 acre-feet were decreed absolute (as part of the 44,700 acre-feet), and the remaining 5,423 acre-feet were decreed conditional (as part of the 61,530 acre-feet). (i) The 61,530 acre-feet conditional portion of the Refill Right, including 5,432 acre-feet decreed for increased and supplemental irrigation, was continued in force until March 31, 2011 by this Court by decree entered on April 12, 2005 in Case No. 96CW224. (j) An Application to make absolute the conditional portion of the Refill Right is pending in this Court in Case No. 11CW31. The Applicant intends to seek consolidation of this case with Case No. 11CW31 after the final date on which Statements of Opposition may be filed in this case. 3. In addition to the Refill Right, the Applicant is the owner of the following water rights: (a) A water right as described in a decree granted on May 8, 1913 in Case No. 1745, Water District No. 62, Montrose County, for diversions into the Gunnison Tunnel and South Canal Project in an amount not to exceed 1,300 cubic feet per second (Gunnison Tunnel Right); and, (b) A water right described in the decree granted on April 21, 1942 in Case No. 2021, Water District No. 59, Gunnison County, for storage in Taylor Park Reservoir in an amount not to exceed 111,230 acre-feet annually (First Fill Right). 4. Under the terms of contracts with the Applicant, the Uncompahgre Valley Water Users Association (Association) is the beneficial user of the Gunnison Tunnel Right and the First Fill Right. 5. The Gunnison River and its tributaries upstream from the East portal of the Gunnison Diversion Tunnel (Gunnison Tunnel) are administered by the Division 4 Engineer pursuant to the Gunnison River System - Official Accounting Spreadsheet (Accounting Sheet), a daily accounting using a water year beginning on November 1 and ending on October 31 of the following calendar year. 6. Accounting Condition 9 in the Accounting Conditions (Schedule "A") to the Refill

Decree provides, in part, that "When additional water supplies are needed by the Gunnison District for irrigation purposes and when such water is available from Taylor Park Reservoir under the water right in Case No. 86-CW-203, releases of such supplies shall be made." 7. The Applicant seeks to change the uses of 106,230 acre-feet of water stored in Taylor Park Reservoir to provide an additional use under the Refill Right: to postpone or avoid curtailment of water rights junior to the Gunnison Tunnel Right within the Upper Gunnison District; specifically: (a) When there exists a shortage of natural flows to fully satisfy the Gunnison Tunnel Right, which would entitle the Association to place a legal call on the Gunnison River under the Gunnison Tunnel Right, upon the request of the Upper Gunnison District the Division Engineer shall satisfy the shortage by charging against water stored in Taylor Park Reservoir under the Refill Right an amount sufficient to satisfy the Gunnison Tunnel shortage, which shall be considered to be a release of Refill water being diverted by the Gunnison Tunnel as the senior calling right, and be thus accounted for in the Accounting Sheet. (b) The shortage described in paragraph 7 is defined by the three-day average Tunnel shortage column in the Accounting Sheet, which is calculated by subtracting computed Aspinall Unit inflows below Taylor Park Reservoir and computed Taylor Park inflow from the amount of Gunnison Tunnel diversions. In this calculation, Aspinall Unit inflow below Taylor Park is calculated by converting the change in Aspinall Unit storage to a flow rate in cubic feet per second, adding computed Crystal Reservoir outflow in cubic feet per second and subtracting Taylor Park outflow in cubic feet per second. 8. This Application also seeks the following changes to the Refill Decree: (a) That the limitation of 19,200 acre-feet per year contained in paragraph 59.f. (as amended by the Order dated November 13, 1990) and

Accounting Condition 9 in the Refill Decree be changed to permit the use of the total amount in storage under the Refill Right for the purpose described in paragraph 0 above when the conditions described in that paragraph exist; and, (b) That the requirement of Accounting Condition 7 in the Refill Decree be changed to permit releases to be charged against water stored under the Refill Right for the purpose described in paragraph 0 above, when the conditions described in that paragraph exist, notwithstanding the presence in the Reservoir of water stored under the First Fill Right. 9. The use of the Refill Right pursuant to this Application will not alter the rate or volume of releases that would otherwise occur from Taylor Park Reservoir under existing decrees and the Taylor Park Reservoir Operation and Storage Exchange Agreement dated August 28, 1975. 10. The changes sought in this Application are consistent with the intent and purpose of the 1975 Exchange Agreement. 11. The changes sought in this Application will not injure other vested water rights or decreed conditional water rights. **GUNNISON COUNTY. YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2016 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401**

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—GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE—
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 17, 2016
PLANNING COMMISSION MEETING ROOM, BLACKSTOCK GOVERNMENT CENTER

1. 10:00am Call Regular Meeting to Order; Determination of Quorum; Verify Public Notice of Meeting	7. 10:35 BLM Resource Management Plan Amendment EIS -status report	11. 12:10 Conservation Poster	Special Meetings are recorded and ACTION MAY BE TAKEN ON ANY ITEM. Work Sessions are not recorded and formal action cannot be taken. Two or more Gunnison County Commissioners may attend this meeting. For further information, contact the County Administration at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.
2. 10:05 Agenda Approval	8. 10:40 Lek Access Application(s)	12. 12:20 Wildlife Conservation Coordinator Transition -update	
3. 10:10 Approval of December 16, 2015 Meeting Minutes	9. 11:00 Mapping of Gunnison sage-grouse seasonal habitat use in the Gunnison Basin -Mindy Rice, CPW Spatial ecologist researcher	13. 12:25 Future Meetings	
4. 10:15 Committee Member Comments/Reports	10. 12:00 2016 Gunnison sage-grouse Summit -update	14. 12:30 Adjourn	
5. 10:25 CR 887 (Waunita Lek) No Parking Signage			
6. 10:30 Litigation Update			

NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. Regular Meetings, Public Hearings, and

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