

# James Cazer

July 9, 1947 to August 23, 2019

Our good friend, Jim, passed away at St. Mary's Hospital in Grand Junction on August 23, 2019. His big heart gave its last flutter.

A Celebration of Life and service will be held on November 2 at 2 p.m. at Redlands Mesa Grange, 27953 Redlands Mesa Rd., Hotchkiss, Colo. A gathering of family, friends, memories and refreshments will follow.

Jim was born in Denver, Colo. to James and Irene (Scott) Cazer. He grew up doing the many things boys do. He delivered newspapers on his bicycle. He was an acolyte at St. Barnabas Episcopal Church. He worked and played in Buford (near Meeker) with his friends, Tom and Leslie. In 1961, he earned his Eagle Scout award. He graduated from East High School in 1965. Thinking about furthering his education, Jim headed to Western State in Gunnison. While there, he discovered the mining town of Crested Butte. He worked at various jobs in order to be a ski bum. He loved it!

Jim was inducted into the U.S. Army in 1968. He served in Vietnam as a helicopter crew chief and had lots of stories. He was honorably discharged in March 1970. He lived in different places and eventually ended up back in Crested Butte. During this time he learned kayaking and rafting. The rafting won out and soon Jim and his friends were rafting as many rivers as they could. He enjoyed it so much that

he taught the skills to many of his friends which led to more rafting. He did the Grand Canyon six times. Since he loved rafting, he created his company, "ZOARS," where he made custom oars from white ash wood. Somewhere in this time span, Jim was also a member of the famous "Crested Butte Hotshots." He also attended and graduated with a certificate from the Aircraft Mechanic School in Louisville, Colo.

Around 1983 Jim moved to the Hotchkiss area and started his business, Cazer & Co. He did remodeling and new construction. He enjoyed helping people.

While rafting down the Green River, Jim married Chris at Rock Creek on June 3, 2000. It was such a memorable experience with all his rafting friends. Jim and Chris then started their business, "Rocket Compost," in Hotchkiss. He really enjoyed learning about composting and soil health. He met many interesting people in the business.

Jim was the past Grange Master of Redlands Mesa Grange 487 for eight years. He spearheaded the remodel of the kitchen and bathrooms, which spruced up the Grange. Jim also served as past president for Delta Conservation District working with area ranchers and farmers. Jim's favorite volunteer time was with the veterans at the VA Hospital in Grand Junction. It made him feel good to be there listening to those vets. He also



learned about some new good fishing spots.

Jim was also known for his delicious homemade bread. He earned many blue ribbons and Judge's Choice at the Delta County Fair.

This man did many, many things and adventures. He had a love for life and his wife. He is survived by his wife, Chris; step-children Jenny (Jesse) Sanders and Wesley (McKenzie) Jacobson; sisters Carol Cozart of Lakewood, Colo. and Mary (John) Beattie of Arvada; many nephews and nieces; and three grandchildren.

Memorial contributions may be sent to Disabled Veterans of America at [dav.org](http://dav.org) or to Redlands Mesa Grange #487, in Jim's honor at 29272 P 50 Rd. Hotchkiss, CO 81419

Arrangements are under the care and direction of Taylor Funeral Service and Crematory. View the online obituary and sign the guest registry at [www.taylorfuneralservice.com](http://www.taylorfuneralservice.com).

# KOCHHEVAR'S

**CRESTED BUTTE'S OLDEST BAR**  
127 Elk Avenue | 970.349.7117

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## DAILY DRINK SPECIALS

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### OPEN EVERY DAY 11AM-2AM

### GUNNISON COUNTY HOUSEHOLD WASTE - ALL HAZARDS COLLECTION DAY

**WHO:** GUNNISON COUNTY RESIDENTS (NO COMMERCIAL)  
**WHEN:** SATURDAY, SEPTEMBER 28, 2019  
**WHERE:** GUNNISON CITY SHOP  
1100 W. VIRGINIA AVE. - GUNNISON, CO  
**TIME:** 9:00 AM - 4:00 PM  
**FEES:** \$1.00 PER GALLON  
(\$1.00 MINIMUM)

**THE FOLLOWING ITEMS AND MUCH MORE WILL BE ACCEPTED.**  
ACIDS - FERTILIZERS - ANTIFREEZE - FLAMMABLE LIQUIDS  
CAR BATTERIES - OIL - CLEANERS - PAINT/SPRAY PAINT  
CAUSTICS - PESTICIDES

**SPONSORED BY:**  
GUNNISON COUNTY - CITY OF GUNNISON - TOWN OF CRESTED BUTTE  
TOWN OF MT. CRESTED BUTTE - CB SOUTH METRO DISTRICT  
UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

**For further information contact Gunnison County Public Works at  
641-0044 or Fire Marshal Hugo Ferchau at 641-8153.**

# Legals

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

—AGENDA—  
**TOWN OF CRESTED BUTTE  
REGULAR TOWN COUNCIL MEETING  
MONDAY, SEPTEMBER 16, 2019  
COUNCIL CHAMBERS, CRESTED BUTTE TOWN HALL**

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

**6:00 WORK SESSION**

1) Discussion on 2020 Budget.

**7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM**

**7:02 APPROVAL OF AGENDA**

**7:04 CONSENT AGENDA**

1) September 3, 2019 Regular Town Council Meeting Minutes.

2) Appointment of Election Commission.

3) Resolution No. 18, Series 2019 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Claude K. Rowland and Charlene Carbone Rowland to Encroach into the Right-Of-Way Adjacent to Elk Avenue and Lots 15-16, Block 25, Town of Crested Butte.

4) Approval of Comment Letter to Congressman Scott Tipton Regarding Colorado REC Act.

5) Resolution No. 20, Series 2019 - A Resolution of the Crested Butte Town Council Approving the Updated Intergovernmental Agreement ("IGA") Between the Town of Crested Butte and the Gunnison Watershed School District Replacing the

Existing IGA from 2009.

6) Approval of Nordic Trails Annual Use Agreement with CB Nordic.

7) Resolution No. 21, Series 2019 - A Resolution of the Crested Butte Town Council Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and the Completion of the Henderson Park Renovation Project.

*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.*

**7:06** Presentation by Executive Director of the Chamber Ashley UpChurch.

**7:15** Presentation by Morgan Bast and Tim Baker on the CBMR Marketing Plan.

**7:30 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.*

**7:40 STAFF UPDATES**

**7:50 PUBLIC HEARING**

1) Ordinance No. 34, Series 2019 - An Ordinance of the Crested Butte Town Council Providing Requirements for Demolition, Relocation and Replacement of Buildings or Structures.

**8:00** 2) Ordinance No. 35, Series 2019 - An Ordinance of the Crested Butte Town Council Adopting the 2017 National Electrical Code.

**8:05 OLD BUSINESS**

1) Discussion on The Corner at Brush Creek.

**8:15 NEW BUSINESS**

1) Ordinance No. 36, Series 2019 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 2, Article 8 of the Crested Butte Municipal Code to Establish a Public Art Commission in Replacement of the Creative District Commission and the Requirements Related Thereto.

**8:25** 2) Resolution No. 19, Series 2019 - A Resolution of the Crested Butte Town Council Supporting Ballot Measure "6A" to Increase the Mill Assessment in Gunnison County by 1.9 Mills for the Provision of

Library Services and Facilities.

**8:40** 3) Resolution No. 12, Series 2019 - A Resolution of the Crested Butte Town Council Amending Town of Crested Butte Affordable Housing Guidelines Adding Section 8 Regulations for Employer Rentals Units to Part III Purchasing Affordable Housing.

**8:50 LEGAL MATTERS**

**8:55 COUNCIL REPORTS AND COMMITTEE UPDATES**

**9:10 OTHER BUSINESS TO COME BEFORE THE COUNCIL**

**9:20 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, October 7, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 21, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council

**9:25 ADJOURNMENT**

Published in the *Crested Butte News*. Issue of September 13, 2019. #091318

—REGULAR TOWN COUNCIL MEETING—  
**SEPTEMBER 17, 2019 ~ 6:00 P.M.**  
**COUNCIL CHAMBERS  
MT. CRESTED BUTTE, COLORADO  
DRAFT AGENDA**

*For the official agenda please go to [www.mtcrestedbuttecolorado.us](http://www.mtcrestedbuttecolorado.us)*

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENT** - Citizens may make comments on items **NOT** scheduled on the agenda. Per Colorado Open Meetings Law, no Council discussion or action will take place until a later date, if necessary. You must sign in with the Town Clerk before speaking. Comments are limited to three minutes.

**MINUTES**

- Approval of the September 3, 2019 Regular Town Council Meeting

**Minutes**

**REPORTS**

- Town Manager's Report
- Department Head Reports
  - Community Development
  - Finance
  - Police Department
  - Public Works
- Community Foundation of the Gunnison Valley - Welcome Stickers - Alicia Corliss and Maryo Gard Ewell
- Problems with Health Care Access in Mt. Crested Butte and Gunnison County - Dr. Laird Cagan and Shelly Higgins.
- Summer 2019 - Living Journeys

Admissions Tax Report Follow Up - Frances Bursch

• Crested Butte Mountain Resort Marketing Update - Tim Baker

**CORRESPONDENCE**

**OLD BUSINESS**

- Discussion and Possible Consideration of Ordinance No. 5, Series 2019 an Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado, Approving a Major Alteration to the Prospect Homestead Subdivision, Lots 9-28 and Common Area - Second Reading - Todd Carroll

**NEW BUSINESS**

- Discussion and Possible Consideration of Resolution No. 6, Series 2016 - A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado Supporting the Gunnison County Library District Ballot Issue 6A - Drew Brookhart and Mayor Janet Farmer
- Discussion and Possible Consideration of Ordinance No. 6, Series 2019 - an Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado Amending Chapter 18 Section 18-331(h) of the Town Code of the Town of Mt. Crested Butte, Colorado, Amending the

Recording Timeframe for Lot Line Adjustment and Vacation Plats - First Reading - Leah Desposato

**OTHER BUSINESS**

**EXECUTIVE SESSION -**

**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 September 13, 2019. #091319

# Legals

—COMBINED NOTICE - PUBLICATION—

**CRS §38-38-103 FORECLOSURE SALE NO. 2019-003**

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:  
On June 5, 2019, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of Gunnison records.

Original Grantor(s) John Mark Sibley, Sr  
Original Beneficiary(ies) Mortgage Electronic Registration Systems, Inc., as nominee for Affiliated Financial Group, Inc., Its Successors and Assigns  
Current Holder of Evidence of Debt U.S. Bank National Association, not in its individual capacity but solely as trustee for NRZ Pass-Through Trust VIII  
Date of Deed of Trust August 17, 2006  
County of Recording Gunnison  
Recording Date of Deed of Trust August 22, 2006  
Recording Information (Reception No. and/or Book/Page No.) 568281  
Original Principal Amount \$250,000.00  
Outstanding Principal Balance \$295,595.84

Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.

**THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN. A TRACT OF LAND SITUATED IN SECTION 28, TOWNSHIP 14 SOUTH, RANGE 85 WEST, 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE N 1/4 CORNER OF SAID SECTION 28, THENCE SOUTH 79°05'41" WEST 2,591.59 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 68°45'13" EAST 698.77 FEET TO A POINT; THENCE SOUTH 51°40'24" EAST 143.32 FEET TO A POINT; THENCE SOUTH 39°36'43" WEST 498.20 FEET TO A POINT; THENCE NORTH 51°51'08" WEST 569.73 FEET TO A POINT IN AN EXISTING FENCE LINE; THENCE NORTH 0°18'12" EAST 373.99 FEET ALONG AN EXISTING FENCE LINE TO THE TRUE POINT OF BEGINNING, COUNTY OF GUNNISON, STATE OF COLORADO.**

**Also known by street and number as: 21685 Highway 135, Crested Butte, CO 81224.**

**THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.**

**NOTICE OF SALE**

The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust.

THEREFORE, Notice Is Hereby Given that I will at public auction, at 10:00 A.M. on Wednesday, 10/02/2019, at Treasurer's Office, 221 N. Wisconsin, Suite T, Gunnison, CO 81230, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.

First Publication 8/16/2019  
Last Publication 9/13/2019

Name of Publication Crested Butte News

IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED; DATE: 06/05/2019

Debbie Dunbar, Public Trustee in and for the County of Gunnison, State of Colorado



/s/ Teresa Brown

By: Teresa Brown, Deputy Public Trustee

The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:

Holly Shilliday #24423

Erin Croke #46557

Steven Bellanti #48306

McCarthy & Holthus, LLP 7700 E. Arapahoe Road, Suite 230, Centennial, CO 80112 (877) 369-6122

Attorney File # CO-19-856302-LL

The Attorney above is acting as a debt collector and is attempting to collect a debt. Any information provided may be used for that purpose.

Published in the *Crested Butte News*. Issues of August 16, 23, 30 and September 6 and 13, 2019. #081601

—NOTICE TO TOWN OF MT. CRESTED BUTTE CITIZENS—

The Mt. Crested Butte Town Council have approved the submission of one (1) tax question at the November 5, 2019 coordinated election.

Amendment One (1992) to the Colorado Constitution requires a notice of the election to be mailed to all registered voters with certain information about the election and financial implications of the ballot question (TABOR notice). Part of the notice to be sent to electors must include summaries of written comments, up to 500 words each, one for and one against the proposal, filed with the election officer by 45 days before the election. The Town of Mt. Crested Butte hereby solicits written comments for and against the question listed below. Please address your comments to the Town Clerk, Town of Mt. Crested Butte, PO Box 5800, Mt. Crested Butte, CO 81225.

**Only comments filed by persons eligible to vote in the Town of Mt. Crested Butte will be summarized in the ballot notice.** To be summarized in the ballot issue notice, the comments must address this specific ballot issue, indicate whether

they are "for" or "against" the issue, must include a signature and the address where the signor is registered to vote.

**Written comments must be received no later than Friday, September 20, 2019 at 5 p.m.**

The TABOR ballot issues for the November regular municipal election read as follows:

**TOWN OF MT. CRESTED BUTTE**

**BALLOT ISSUE 2A**

SHALL TOWN OF MT. CRESTED BUTTE TAXES BE INCREASED NOT MORE THAN \$950,000 IN 2020 AND BY WHATEVER AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY AN EXCISE TAX OF NOT MORE THAN 2.9% ON THE AMOUNT CHARGED TO PERSONS RENTING SHORT TERM RENTAL PROPERTIES (DEFINED AS RENTALS FOR LESS THAN 30 DAYS) FOR THE PURPOSE OF RAISING FUNDS TO SUPPORT THE CREATION AND RETENTION OF WORKFORCE HOUSING, INCLUDING BUT NOT LIMITED TO FUNDING NECESSARY INFRASTRUCTURE, MAINTAINING

DEED RESTRICTED UNITS, PROVIDING FINANCIAL ASSISTANCE TO TOWN EMPLOYEES SEEKING HOUSING, PARTNERING WITH OTHER ENTITIES FOR THE PURPOSE OF CONSTRUCTING NEW WORKFORCE HOUSING PROJECTS, AND PAYING THE ADMINISTRATIVE COSTS RELATED TO SUCH EFFORTS, WITH THE RATE OF TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 2.9%; AND SHALL ALL AMOUNTS RECEIVED BY THE TOWN FROM SUCH TAXES AND OTHER REVENUES AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Published in the *Crested Butte News*. Issues of September 6 and 13, 2019. #090607

—COMBINED NOTICE - PUBLICATION—

**CRS §38-38-103 FORECLOSURE SALE NO. 2019-004**

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:

On June 14, 2019, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of Gunnison records.

Original Grantor(s) Jennie Demarco  
Original Beneficiary(ies) Mortgage Electronic Registration Systems, Inc., as nominee as Bay Equity LLC  
Current Holder of Evidence of Debt AmeriHome Mortgage Company, LLC  
Date of Deed of Trust November 30, 2017  
County of Recording Gunnison  
Recording Date of Deed of Trust December 01, 2017  
Recording Information (Reception No. and/or Book/Page No.) 650525  
Original Principal Amount \$193,922.00  
Outstanding Principal Balance \$190,450.96

Pursuant to CRS §38-38-101(4)(i), you are hereby notified that the covenants of the deed of trust have been violated as follows: failure to pay principal and interest when due together with all other payments provided for in the evidence of debt secured by the deed of trust and other violations thereof.

**THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN. CONDOMINIUM UNIT 3, BUILDING C, FAIRWAY CONDOMINIUMS, ACCORDING TO THE CONDOMINIUM MAP THEREOF FILED FOR RECORDED MAY 20, 1981 AT RECEPTION NO. 359215 AND THE SECOND SUPPLEMENT TO CONDOMINIUM FOR FAIRWAY CONDOMINIUMS PERTAINING THERETO RECORDED MAY 20, 1981 IN BOOK 566 AT PAGE 573; AND ANY AMENDMENTS OR SUPPLEMENTS THERETO, COUNTY OF GUNNISON, STATE OF COLORADO.**

**Also known by street and number as: 101 Shavano Dr C3, Gunnison, CO 81230.**

**THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN**

**OF THE DEED OF TRUST.**

**NOTICE OF SALE**

The current holder of the Evidence of Debt secured by the Deed of Trust, described herein, has filed Notice of Election and Demand for sale as provided by law and in said Deed of Trust.

THEREFORE, Notice Is Hereby Given that I will at public auction, at 10:00 A.M. on Wednesday, 10/16/2019, at Treasurer's Office, 221 N. Wisconsin, Suite T, Gunnison, CO 81230, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.

First Publication 8/30/2019  
Last Publication 9/27/2019

Name of Publication Crested Butte News

IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED; DATE: 06/14/2019

Debbie Dunbar, Public Trustee in and for the County of Gunnison, State of Colorado



/s/ Teresa Brown

By: Teresa Brown, Deputy Public Trustee

The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:

Holly Shilliday #24423

Erin Croke #46557

Steven Bellanti #48306

McCarthy & Holthus, LLP 7700 E. Arapahoe Road, Suite 230, Centennial, CO 80112 (877) 369-6122

Attorney File # CO-19-861308-LL

The Attorney above is acting as a debt collector and is attempting to collect a debt. Any information provided may be used for that purpose.

Published in the *Crested Butte News*. Issues of August 30, September 6, 13, 20 and 27, 2019. #083002

—NOTICE OF 2020 BUDGET AND AMENDMENT TO 2019 BUDGET FOR RESERVE METROPOLITAN DISTRICT NO. 1—

NOTICE IS HEREBY GIVEN that a budget has been submitted for the year of 2020 and a budget amendment for the year of 2019 to the Reserve Metropolitan District No. 1. A copy of the proposed budget and budget amendment have been filed in the accountant's office of Reserve Metropolitan District No. 1 and are available for public inspection. The Board will consider the adoption of the proposed 2020 budget and proposed 2019 budget amendment at a meeting of the Board of Directors to be held at Crested Butte Real Estate, Lodge at Mountaineer Square, 620 Gothic Road, Mt Crested Butte, Gunnison County, Colorado, on Thursday, September 26, 2019, at 10:00

A.M. Any interested elector of Reserve Metropolitan District No. 1 may inspect the proposed budget and budget amendment at the offices of Marchetti & Weaver, P.C., 28 Second Street, Suite 213, Edwards, Colorado, and file or register any objections at any time prior to the final adoption of the budget and budget amendment.

BY ORDER OF THE BOARD OF DIRECTORS:  
RESERVE METROPOLITAN DISTRICT NO. 1  
By: Eric Weaver, District Administrator

Published in the *Crested Butte News*. Issue of September 13, 2019. #091302

—DESIGN REVIEW COMMITTEE (DRC)—

**CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION**

**AGENDA**

**THURSDAY SEPTEMBER 19, 2019 ~ 6:00 P.M.**

**61 TEOCALLI ROAD (P.O.A. OFFICE, UPSTAIRS)**

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

**6:00 PM Call to Order**

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

**New Business:**

**6:10 PM Tardiff Request for Landscape**

**Requirement Modification**, Lot 15, Block 29, Filing #4, 195 Neville Way

**6:30 PM Blewett Single Family Residence Resubmittal of Approved Plans**, Lot 34, Block 21, Filing #3, 300 Zeligman Street.

**7:10 PM Olson Single Family Residence Resubmittal of Approved Plans**, Lot 14,

Block 5, Filing #2, 498 Cascadilla Street

**7:50 PM** **Unscheduled DRC Business**

**8:00 PM Adjourn**

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

**Agenda Items:** All times are estimates. Please allow for earlier discussion. Please show up at least 20 minutes prior to the listed times.

Published in the *Crested Butte News*. Issues of September 6 and 13, 2019. #090609

legals@crestedbuttenews.com

970.349.0500 ext. 112

deadline tuesday at noon

# Legals

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

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

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of August 2019.

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. 2019CW31 (REF NO. 13CW40, 05CW200).** Applicant: Jacobs Family, LLP., P.O. Box 309, Hotchkiss, CO 81419; Application for Finding of Reasonable Diligence - Jacobs Sagebrush Pond - NW1/4SW1/4NW1/4 of Section 20, T11S, R89W, 6th PM. 1,920 feet from the north line and 35 feet from the west section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 5.00 acre-feet conditional for stockwater, piscatorial, wildlife and recreation. Jacobs Spring No. 1 - NE1/4NE1/4NW1/4 of Section 20, T11S, R89W, 6th PM.

770 feet from the north line and 2,673 feet from the east section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 08/18/2005. Amount Claimed: 0.30 c.f.s. conditional for domestic use in one single-family dwelling, commercial and stockwater. Jacobs Lee Creek Reservoir No. 1 - NW1/4NE1/4SW1/4 of Section 20, T11S, R89W, 6th PM. 1,995 feet from the south line and 1,626 feet from the west section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 1000.00 acre-feet conditional for stockwater, piscatorial, wildlife, recreation and augmentation. Jacobs Lee Creek Reservoir No. 2 - NE1/4SW1/4SE1/4 of Section 17, T11S, R89W, 6th PM. 1,020 feet from the south line and 1,930 feet from the east section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 750.00 acre-feet conditional for stockwater, piscatorial, wildlife, recreation and augmentation. Jacobs Drift Creek Reservoir - SW1/4NE1/4NW1/4 of Section 19, T11S, R89W, 6th PM. 1,315 feet from the north line and 1,550 feet from the west section line. Source: Lee Creek, Drift Creek, Muddy Creek,

North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 500.00 acre-feet conditional for stockwater, piscatorial, wildlife, recreation and augmentation. 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 October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at [www.courts.state.co.us](http://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 September 13, 2019. #091303

**deadline is tuesday at noon • [legals@crestedbuttenews.com](mailto:legals@crestedbuttenews.com) • 970.349.0500 ext. 112**

## —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 August 2019.

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. 2019CW3047.** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, and Marc D. Sarmiento, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele); (720) 508-6429 (Sarmiento). Email: [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov); [marc.sarmiento@coag.gov](mailto:marc.sarmiento@coag.gov). APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN **SAGUACHE COUNTY**, COLORADO. **2. Name of water right:** Cold Springs Creek Instream Flow Water Right. **3. Legal Description:** The Cold Springs Creek Instream Flow Water Right is located in the natural stream channel of Cold Springs Creek from Amalla Spring to the confluence with Pauline Creek, a distance of approximately 1.23 miles. A map depicting the approximate location of the Cold Springs Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** Amalla Spring at: 1. UTM: Northing: 4223358.35; Easting: 343427.98 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 08' 40.27"N; Longitude 106° 47' 12.40"W. **B. Downstream Terminus:** Confluence with Pauline Creek at: 1. UTM: Northing: 4223387.43; Easting: 345270.75 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 08' 42.37"N; Longitude 106° 45' 56.75"W. **C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD).** **4. Source:** Cold Springs Creek, tributary to Pauline Creek, tributary to Cochetopa Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 29, 2019. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 29, 2019, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). **C. Date applied to beneficial use:** January 29, 2019. **6. Amount of water claimed:** Instream flow of 0.25 cfs (07/01 - 04/30), and 0.4 cfs (05/01 - 06/30), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2018), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the

CWCB under the provisions of section 37-92-102(3), C.R.S. (2018). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2018). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 15, 2019, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2018), that the natural environment of Cold Springs Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **SAGUACHE COUNTY.**

**CASE NO. 2019CW3048.** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, and Marc D. Sarmiento, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele); (720) 508-6429 (Sarmiento). Email: [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov); [marc.sarmiento@coag.gov](mailto:marc.sarmiento@coag.gov). APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN **GUNNISON COUNTY**, COLORADO. **2. Name of water right:** East Fork Little Cimarron River Instream Flow Water Right. **3. Legal Description:** The East Fork Little Cimarron River Instream Flow Water Right is located in the natural stream channel of the East Fork Little Cimarron River from its headwaters to the confluence with the Little Cimarron River, a distance of approximately 6.45 miles. A map depicting the approximate location of the East Fork Little Cimarron River Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** East Fork Little Cimarron River headwaters in the vicinity of: 1. UTM: Northing: 4233197.29; Easting: 287899.31 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 13' 18.38"N; Longitude 107° 25' 22.60"W. **B. Downstream Terminus:** Confluence with the Little Cimarron River at: 1. UTM: Northing: 4241814.80; Easting: 284446.65 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 17' 54.76"N; Longitude 107° 27' 53.90"W. **C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD).** **4. Source:** East Fork Little Cimarron River, tributary to the Little Cimarron River, tributary to the Cimarron River, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 29, 2019. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 29, 2019, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3),

(4) and (10), C.R.S. (2018). **C. Date applied to beneficial use:** January 29, 2019. **6. Amount of water claimed:** Instream flow of 1.0 cfs (01/01 - 04/30), 2.8 cfs (05/01 - 06/30), and 1.2 cfs (07/01 - 12/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2018), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2018). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2018). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 15, 2019, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2018), that the natural environment of the East Fork Little Cimarron River will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

**CASE NO. 2019CW3049.** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, and Marc D. Sarmiento, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele); (720) 508-6429 (Sarmiento). Email: [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov); [marc.sarmiento@coag.gov](mailto:marc.sarmiento@coag.gov). APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN **GUNNISON COUNTY**, COLORADO. **2. Name of water right:** Gold Creek Instream Flow Water Right. **3. Legal Description:** The Gold Creek Instream Flow Water Right is located in the natural stream channel of Gold Creek from its headwaters to the Tarkington Ditch headgate, a distance of approximately 10.32 miles. A map depicting the approximate location of the Gold Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** Gold Creek headwaters in the vicinity of: 1. UTM: Northing: 4284386.51; Easting: 363395.53 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 41' 51.22"N; Longitude 106° 34' 15.10"W. **B. Downstream Terminus:** Tarkington Ditch headgate at: 1. UTM: Northing: 4270404.77; Easting: 359675.26 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 34' 15.70"N; Longitude 106° 36' 38.89"W. **C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as**

cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Gold Creek, tributary to Quartz Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 29, 2019. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 29, 2019, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). **C. Date applied to beneficial use:** January 29, 2019. **6. Amount of water claimed:** Instream flow of 4.0 cfs (04/15 - 07/10), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2018), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2018). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2018). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. The CWCB has an existing instream flow water right on Gold Creek from its headwaters to the Tarkington Ditch headgate, in the amount of 7.0 cfs (01/01 - 12/31), decreed in Case No. 80CW0135 with an appropriation date of 3/17/1980. The flow rates sought herein are in addition to the amount of the existing instream flow water right.** **10. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 15, 2019, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2018), that the natural environment of Gold Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

**YOU ARE FURTHER NOTIFIED THAT** you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at [www.courts.state.co.us](http://www.courts.state.co.us)). **DARLEEN CAPPANNOKEEP**, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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# 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 August 2019.

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. 2019CW3050. APPLICATION FOR ABSOLUTE WATER RIGHT.**

**1. Applicant:** Gold Creek Real Estate LLC, 499 County Road 771, Ohio City, Colorado 81237, [rick@goldcreekmeadows.com](mailto:rick@goldcreekmeadows.com), (970) 641-3014. 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. **2. Name of Structure:** Gold Creek Pump and Sprinkler. **3. Description:** This is an application for an absolute water right in Gold Creek for the irrigation of 0.90 acres in Gunnison County, Colorado. Applicant and its predecessors have diverted 0.10 cfs from the Waterman Miller Ditch for lawn irrigation since June 1, 1987 using a 1 ½ horsepower sprinkler irrigation pump with a 1 ½ inch inlet and outlet. A one inch plastic underground sprinkler pipe connects the pump to sprinkler heads with one inch thread. Each cycle runs five sprinkler heads. **4. Point of diversion:** Point of diversion for the Waterman Miller Ditch and the Griffin Ditch on the easterly bank of Gold Creek from whence angle point No. 1 of Tract 48, Section 23, Township 50 North, Range 3 East, N.M.P.M., bears South 02°50' West 1246.9 feet. UTM Zone: 13, Easting: 359952.9, Northing:

4271149.3. See Exhibit A to the Application. **5. Source:** Gold Creek, a tributary of Quartz Creek, a tributary of Tomichi Creek, a tributary of the Gunnison River. **6. Appropriation, a. Date of appropriation:** June 1, 1987. **b. How appropriation was initiated:** By applying water to beneficial use through a sprinkler system. **c. Date water was applied to beneficial use:** June 1, 1987. **7. Amount of water claimed:** 0.10 cfs absolute. **8. Use:** Sprinkler irrigation of 0.90 acres. **9. Legal description of irrigated land:** Township 50 North, Range 3 East N.M.P.M. A tract of land located in Tract 48, more particularly described as follows: Said tract being described as the W1/2NE1/4 of Section 26, said township and range, according to the original government survey approved August 13, 1881 and designated as Tract 48 in the new Independent Resurvey accepted March 2, 1934, said parcel including lands both inside and outside of the Townsite of Ohio City, more particularly described as follows: Beginning at

Corner No. 1 of said Tract 48 (a General Land Office brass cap); Thence west along the north boundary of said Tract 48 a distance of 114.01 feet to an aluminum capped rebar corner monument located on the westerly side of the traveled "Gold Creek" County Road; Thence South 15°48' West along the above said westerly roadside 339.46 feet to another aluminum capped rebar corner monument; thence South 75°59' East leaving the above said westerly roadside 218.12 feet to the easterly boundary of said Tract 48; Thence North 0°47' west along the above said east boundary 379.50 feet to the Point of Beginning; State of Colorado, County of Gunnison. See Exhibit B to the Application. **10. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed:** No new diversion structures or modifications to any existing diversion structures will be constructed. Therefore, notice

to owners pursuant to C.R.S. §37-92-302(2)(b)(II) is not required. Application is 4 pages in length. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at [www.courts.state.co.us](http://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 September 13, 2019. #091305

## —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 August 2019.

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. 2019CW3051 (REF NO. 13CW6, 03CW288). APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.**

**1. Name and address of Applicant:** Cockrell Investment Partners, L.P. c/o Robert K. Hatcher, 3737 Buffalo Speedway, Suite 1100, Houston, TX 77098 c/o Charles B. White, No. 9241, Thomas W. Korver, No. 36924, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, Phone: (303) 825-1980. **Claim for Findings of Reasonable Diligence.** **2. Names of structures:** A. Preserve Lodge Augmentation Reservoir. Type: Storage. B. Imobersteg Ditch Preserve Lodge Enlargement. Type: Direct Flow. C. Blue Mesa Reservoir (by exchange). Type: Storage. D. Slide Ditch (by exchange). Type: Direct Flow. E. East River No. 1 Ditch (by exchange). Type: Direct Flow. F. Imobersteg Ditch (by exchange). Type: Direct Flow. G. Imobersteg Willow Creek Ditch (by exchange). Type: Direct Flow. H. Lodge Pond Diversion (by exchange). Type: Direct Flow. **3. Description of the Subject Conditional Water Rights:** A. Preserve Lodge Augmentation Reservoir. i. **Date of original decree:** January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. **Date of subsequent diligence decree:** February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4. iii. **Legal description:** Located in the NW1/4 SE1/4 NE1/4, Section 3, T. 15 S., R. 85 W., 6th P.M., 2,614 feet from the North section line, and 1005 feet from the East section line. (UTM NAD83, Zone 13, Easting 0337291m, Northing 4293975m). iv. **Source:** East River. This off-channel reservoir may be filled by any one or combination of the Imobersteg Ditch (as changed and decreed in Case No. W-2134, Water Division No. 4), Imobersteg Willow Creek Ditch (as changed and decreed in Case No. W-2134), Imobersteg Ditch Preserve Lodge Enlargement (as decreed in Case No. 03CW288), or by pumping, the Lodge Pond Diversion (as decreed in Case No. 03CW288). v. **Appropriation date:** September 30, 2003. vi. **Amount:** 16.5 acre-feet, conditional. 3.5 acre-feet was decreed absolute in Case No. 13CW6, Water Division No. 4. vii. **Use:** Piscatorial, augmentation, exchange, recreation, evaporation, stock water, wildlife watering, and fire protection. B. Imobersteg Ditch Preserve Lodge Enlargement. i. **Date of original decree:** January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. **Date of subsequent diligence decree:** February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4. iii. **Legal description:** The Imobersteg Ditch diverts from the west bank of the East River in the NE1/4 NW1/4 Section 28, T. 14 S., R. 85W., 6th

#### **P.M., at a point 630 feet from the North section line, and 2,470 feet from the West section line. (UTM NAD1927 E:335262, N:4297556).**

iv. **Source:** East River. v. **Appropriation date:** September 30, 2003. vi. **Amount:** 2.0 c.f.s., conditional. vii. **Use:** To fill and refill continuously the Preserve Lodge Augmentation Reservoir to maintain full reservoir levels and for the uses described above. C. Description of Conditional Rights of Exchange: i. **Date of original decree:** January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. **Date of subsequent diligence decree:** February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4. iii. **Exchange from Blue Mesa Reservoir to headgates of Slide Ditch and East River No. 1 Ditch:** Said exchange is in the amount of 0.5 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided below. iv. **Exchange from Blue Mesa Reservoir to headgates of Imobersteg Ditch, Imobersteg Willow Creek Ditch, and Lodge Pond Diversion:** Said exchange is in the amount of 0.5 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided below. v. **Exchange from Slide Ditch to headgates of Imobersteg Ditch and Imobersteg Willow Creek Ditch:** Said exchange is in the amount of 0.04 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided below. vi. **Decreed locations of structures used by exchange:** (1) **Blue Mesa Reservoir:** Sections 1, 2, 3, 4, and 12, Township 48 North, Range 4 West, N.M.P.M.; Sections 8, 9, 14, 15, 16, 21, 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36, Township 49 North, Range 4 West, N.M.P.M.; Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 49 North, Range 3 West, N.M.P.M.; Sections 2, 3, 7, 11, 18, 19, 29 and 30, Township 48 West, Range 3 West, N.M.P.M.; Sections 13, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32 and 34, Township 49 North, Range 2 West, N.M.P.M. and SW1/4 SW1/4, Section 32, Township 49 North, Range 4 West, N.M.P.M. and in the NE1/4 NW1/4, Section 4, Township 48 North, Range 4 West, N.M.P.M. (2) **Slide Ditch:** As decreed in prior cases, the headgate is located on the left bank of the East River, at a point whence the North Quarter Corner of Section 2, T.15 S., R. 85 W., 6th P.M., bears South 4 degrees 5 Minutes East 2,972 feet. (3) **East River No. 1 Ditch:** As decreed in prior cases, the headgate is located on the east (left) bank of the East River, at a point whence the East Quarter Corner of Section 3, T. 15 S., R. 85 W., 6th P.M., bears South 11 degrees East 680 feet. (4) **Imobersteg Ditch:** See Paragraph 3.B.iii above. (5) **Imobersteg Willow Creek Ditch:** Located on the North bank of Willow and Grouse Creeks at a point from which the Southwest corner of Section 34, Township 14 South, Range 85 West, N.M.P.M., bears North 17°30' East 1,385 feet. (6) **Lodge Pond Diversion:** Located in the SE1/4 NE1/4, Section 3, T. 15 S., R. 85 W., 6th P.M., 1,580 feet from the North section line, and 1,180 feet from the East section line. (UTM NAD1927 E:337432, N:4293881). vii. The maximum combined rate of exchange under paragraphs 3.C.iii and 3.C.iv shall not exceed 0.5 c.f.s. The structures used by exchange and the Blue Mesa Reservoir and Slide Ditch water rights

used by exchange are more fully described in the decree entered by the Water Court in Case No. 03CW288. **4. Evidence of Reasonable Diligence:** The Subject Conditional Water Rights are part of an integrated water supply project or system. Thus, any work on any one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights for all features of the entire project or system. See C.R.S. §37-92-301(4)(b). The application includes a summary of specific projects and work undertaken during the diligence period (from August 1, 2013 to August 31, 2019) and is available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. **5. Can and will:** The Subject Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). **6. Names, and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** The land on which the Preserve Lodge Augmentation Reservoir water is stored is owned by the Reserve on the East River Association, 770 Riverview Rd., Almont, CO 81210. There are no other new diversion or storage structures or modifications to any existing diversion or storage structures associated with the conditional water rights described in paragraph 3 above. Maps depicting the location of the structures and the property on which the subject water rights are used are attached to the application as Exhibits A and B and are available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. WHEREFORE, Applicant respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Applicant has been reasonably diligent in the development of the Subject Conditional Water Rights as described in the preceding paragraphs; (2) continuing the Subject Conditional Water Rights in full force and effect; and (3) granting such other relief as may be appropriate. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at [www.courts.state.co.us](http://www.courts.state.co.us)). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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## —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 August 2019.

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. 2019CW3052 (REF NO. 10CW136).**

Gunnison County - Gunnison River; Mt. Crested Butte Water and Sanitation District; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; **Name and address of applicant:** Mt. Crested Butte Water and Sanitation District; P.O. Box 5740; Crested Butte, CO 81225-5740; (970) 349-7575; **Name of structure:** East River Water Source Addition, First Supple-

ment; **Description of conditional water right:** **Date of original decree:** May 3, 1991; Case No. 90CW147; **Subsequent decrees awarding diligence:** 97CW68, 04CW16, 10CW136; **Legal description:** NW/4, SE/4 of Section 13, Township 13 South, Range 86 West, of the Sixth Principal Meridian, Gunnison County, at a point 2,130 feet from the east section line and 1,720 feet from the south section line; **Source:** East River, tributary to the Gunnison River; **Appropriation date:** December 28, 1979; **Amount:** 2.5 c.f.s. (the East River Water Source Addition, First Supplement was originally decreed for 3.0 c.f.s., but the court cancelled 0.5 c.f.s. in Case No. 10CW136); **Use:** all municipal uses, including domestic, lawn irrigation, commercial, industrial, fire protection, and snow making; **Outline of what has been done toward application of water to beneficial use:** Applicant is a special district that provides potable water and sanitation services to the Mt. Crested Butte area. The First Supplement is a necessary component of a larger integrated water system designed to address the future growth in water demand within the District. Applicant has taken the following actions toward placing the First Supplement to beneficial use: In approximately 2014, an engineering review of the

District's East River water system concluded that the facilities needed major improvements or replacements. Those improvements were necessary to increase the pumping rate of the East River Pumping Station, a prerequisite to utilizing the conditional water right in the East River Water Source Addition, First Supplement. To begin those improvements, the District requested approval from the U.S. Forest Service to make several changes, including the reconstruction of its diversion facilities and the replacement of its pumping station and pipeline delivery system. The District retained RESOURCE Engineering to oversee the necessary permit applications with the US Army Corps of Engineers and the U.S. Fish and Wildlife Service. RESOURCE also completed the engineering design for the new East River diversion system. Stantec Engineers, and more recently, JVA Incorporated, designed the new pump station and pipeline delivery system. The cost to the District for the work performed by RESOURCE was approximately \$113,720. Stantec prepared the designs for the upgraded East River Pump Station and the raw water line at a cost of approximately \$287,112. JVA Incorporated has completed approximately 30% of the design for the East River Pump Station, the

raw water line, and improvements to the East River pre-sedimentation pond, and the District's water treatment plant at a cost of approximately \$273,418. The total cost of improvements to increasing the pumping rate of the East River Pump Station during the last diligence period is approximately \$674,250. (4 pages). **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at [www.courts.state.co.us](http://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 September 13, 2019. #091307

# 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 August 2019.

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. 2019CW3053.** Applicant: Jackson-Shaw / Taylor River Ranch, LLC, 4890 Alpha Road, Suite 100, Dallas, TX 75244, (972) 628-7429. Please direct all correspondence to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. Application for Change of Water Right. Name of right to be changed: Rarick Ditch No. 1. Original Decree: Case No. 08CW180 (August 20, 2013, District Court, Water Division 4). Decreed Location: A point in the NE¼NW¼NE¼ Section 28, Township 15 South, Range 84 West, 6th P.M. approximately 235 feet from the north line and 1936 feet from the east line of said Section 28. Source: Rarick Gulch, tributary to the Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: Applicant seeks to change the entire 0.11 cfs decreed to the structure (conditional). Decreed Use: Irrigation of 2 acres in the NW¼NE¼ and NE¼NW¼ Section 28, Township 15 South, Range 84 West, 6th P.M. Description of the Proposed Change. Applicant seeks to correct the place of use to 2 acres in the NW¼NE¼ and SW¼NE¼ of Section 28, Township 15 South, Range 84 West, 6th P.M. Applicant seeks to change the point of diversion to a location downstream on Rarick Gulch, at UTM 344962E, 4267489N (NAD 83, Zone 13), in the same quarter section as the decreed point of diversion. The owner of the land upon which any new diversion or storage structure or modification

to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicant. **GUNNISON COUNTY.** **CASE NO. 2019CW3054 (REF NO. 08CW180).** Name, address, and telephone number of Applicant: Jackson-Shaw / Taylor River Ranch, LLC, 4890 Alpha Road, Suite 100, Dallas, TX 75244, (972) 628-7429. Please direct all correspondence to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. Application to Make Conditional Rights Absolute In Part and for Finding of Reasonable Diligence. Name of right: Taylor Pipeline. Location: A point within the NE¼NE¼SE¼ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 2598 feet from the south section line, and 524 feet from the east section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 3.15 cfs, conditional, for the uses described below, being a part of the same 10 cfs that was decreed absolute for use in the Fishing Stream in 08CW180. Uses: Piscatorial and recreation uses in the Amenity Stream and Ponds A-F. Name of right: Pond G Pipeline. Location: NE¼SW¼SW¼ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 790 feet from the south line and 809 feet from the west line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 0.28 cfs. Uses: Irrigation of 5 acres in the S¼SW¼SW¼ Section 28, and N¼NW¼NW¼ Section 33, Township 15 South, Range 84 West, 6th P.M., piscatorial, recreational, and fire protection uses through the filling and refilling of Pond G. Name of right: Pond I Pipeline. Location: NE¼NE¼SE¼ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 2598 feet from the south section line and 524 feet from the east section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 0.06 cfs. Uses: Irrigation of 1 acre located in the NE¼SE¼

Section 28, Township 15 South, Range 84 West, 6th P.M., piscatorial, recreational, and fire protection uses through the filling and refilling of Pond I. Name of right: Rarick Ditch No. 1. Location: The decreed point of diversion is a point in the NE¼NW¼NE¼ Section 28, Township 15 South, Range 84 West, 6th P.M. approximately 235 feet from the north line and 1936 feet from the east line of said Section 28. An application has been filed to change the point of diversion to a location downstream on Rarick Gulch, at UTM 344962E, 4267489N (NAD 83, Zone 13), in the same quarter section. Source: Rarick Gulch, tributary to the Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 0.11 cfs. Uses: Irrigation of 2 acres in the NW¼NE¼ and NE¼NW¼ Section 28, Township 15 South, Range 84 West, 6th P.M. An application has been filed to correct the place of use to the NW¼NE¼ and SW¼NE¼ of Section 28. Name of right: Pond G. Location: In the SE¼SW¼SW¼ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point 80 feet from the south section line and 682 feet from the west section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 8 acre-feet. Uses: Irrigation, piscatorial, recreational, and fire protection. Name of right: Pond H. Location: In the NE¼SW¼NW¼ Section 33, Township 15 South, Range 84 West, 6th P.M. at a point approximately 1472 feet from the north section line and 1209 feet from the west section line of said Section 33. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 8 acre-feet. Uses: Livestock, piscatorial, recreational, and fire protection. Name of right: Pond I. Location: In the NE¼NE¼SE¼ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 2041 feet from the south section line and 147 feet from the east section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 4 acre-feet. Uses: Irrigation, piscatorial, recreational, and fire protection. Name of right: Pond J. Location: In the NE¼NW¼NE¼ Section 28, Township 15

South, Range 84 West, 6th P.M. at a point approximately 235 feet from the north section line and 1936 feet from the east section line of said Section 28. Source: Rarick Gulch, tributary to the Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 1.5 acre-feet. Uses: Irrigation, piscatorial, recreational, and fire protection. Applicant seeks to make the Rarick Ditch No. 1 absolute. Date applied to beneficial use: Approximately May 1, 2015. Amount: 0.11 cfs. Use: Irrigation. Applicant seeks a finding of reasonable diligence with respect to the remaining conditional water rights. An outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use is included in the Application on file with the Court. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Pond G Pipeline, Pond G, Pond H, Rarick Ditch No. 1, Pond J. Applicant. Taylor Pipeline: Edward Herring, 3404 Cornell Ave., Dallas, TX 75205-2902. Pond I Pipeline and Pond J: Colleen F. Pisciotta 2005 Revocable Trust, 7076 S. Alton Way, Building D, Centennial, Colorado 80112. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of September 13, 2019. #091308

—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 August 2019.

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. 2019CW3058. DELTA COUNTY Applicants:** Edward L. Smoak Revocable Trust and Anne G. Smoak Revocable Trust, 220 Huntley Oaks Blvd., Lake Placid, FL 33852, 863-441-8321. APPLICATION FOR SURFACE WATER RIGHTS: **Name of Structure:** Erickson Springs, Smoak Enlargement, **Legal description of point of diversion:** NW¼ SW¼ of Section 6, Township 13 South, Range 88 West, Sixth PM (UTM coordinates Zone 13 Easting 302966, Northing 4313978), **Date of Appropriation:** July 1, 2002, **Amount:** 40 GPM, Absolute, **Use:** Irrigation of 0.61 acres lawn and trees, **Source of Water:** Anthracite Creek, tributary to the North Fork of

the Gunnison River, tributary to the Gunnison River. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION: **Name of Structure to be Augmented:** Erickson Springs, Smoak Enlargement, **Source of Augmentation:** Tomahawk Reservoir, **Legal description of point of diversion:** SE¼ SW¼ of Section 14, Township 12 South, Range 89 West, Sixth PM (UTM coordinates Zone 13 Easting 300222, Northing 4320444), **Date of Appropriation:** February 15, 2019, **Amount:** 1.26 acre-feet, **Use:** Augmentation, **Source of Water:** Dugout Creek, tributary to Muddy Creek, tributary to North Fork of the Gunnison River, tributary to Gunnison River. APPLICATION FOR DECREE FOR APPROPRIATIVE RIGHT OF EXCHANGE: Applicants request a decree for a right of exchange for up to 0.005 c.f.s. absolute for diversions at Erickson Spring, for irrigation of 0.61 acres of Applicants' property to be replaced to the stream by releases from Tomahawk Reservoir to Dugout Creek, tributary to Muddy creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. The terminus of the exchange are defined as follows: **Upper Terminus** – This is the location where the side channel of water from Erickson Springs enters back into Anthracite Creek. It is located in the NW¼ of the SW¼ of Section 6, Township 13 South, Range 88 West of the Sixth P.M. The UTM

coordinates are Zone 13 south, Easting 302698, Northing 4313936. **Lower Terminus** – Where Anthracite Creek comes together with Muddy Creek and starts the North Fork of the Gunnison River. It is located in the NW¼ of the NE¼ of Section 8, Township 13 South, Range 89 West of the Sixth P.M. The UTM coordinates are Zone 13, 295357, Northing 4312777. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of September 13, 2019. #091309

—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 August 2019.

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. 2019CW3062 (REF NO.**

**13CW22).** **Name, Address of Applicant.** Eagle Ridge Ranch Homeowners Association, 6635 County Road 730, Gunnison, CO 81230. Please direct all correspondence to the above-captioned counsel for Eagle Ridge Ranch Homeowners Association. **Application for Conditional Surface Water Rights. Structure: STEEP SPRING Legal Description:** In the NW¼SE¼SW¼ of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 1629 feet east of the west line and 1069 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 327555 E 4279677 N. **Source:** Alluvium of Ohio Creek, tributary to the Gunnison River. **Amount:** 0.011

cfs (5 g.p.m.) conditional. **Use:** Irrigation, stock watering, and wildlife propagation. **Structure: ERRHOA SOUTH SPRING Legal Description:** In the SE¼SW¼NE¼ of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 1347 feet west of the east line and 504 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 328239 E 4279496 N. **Source:** Alluvium of Ohio Creek, tributary to the Gunnison River. **Amount:** 0.011 cfs (5 g.p.m.) conditional. **Use:** Irrigation, stock watering, and wildlife propagation. **Structure: LONE PINE DITCH SPRING Legal Description:** In the NE¼SE¼NE¼ of Section 28, Township 51 North, Range 1 West,

N.M.P.M., approximately 108 feet west of the east line and 1177 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 328620 E 4279696 N. **Source:** Alluvium of Ohio Creek, tributary to the Gunnison River. **Amount:** 0.011 cfs (5 g.p.m.) conditional. **Use:** Irrigation, stock watering, and wildlife propagation. The application contains a detailed list of those activities undertaken by Applicant during the diligence period to complete the appropriation of the subject right in a reasonably expedient and efficient manner. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 to file with the Water Clerk a Verified Statement of Opposition

setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of September 13, 2019. #091310

—GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE—  
REGULAR MEETING AGENDA

WEDNESDAY, SEPTEMBER 18, 2019

PLANNING COMMISSION MEETING ROOM, BLACKSTOCK GOVERNMENT CENTER

1. **10:00am** • Call Regular Meeting to Order; Determination of Quorum; Verify Public Notice of Meeting
  - Agenda Approval
  - Approval of July 17, 2019 Meeting Minutes
2. **10:05** • Committee Member Comments/Reports
3. **10:30** • Update on County Coalition Meeting
4. **10:40** • Cheatgrass Efforts Update
5. **10:50** • Waunita Subcommittee Meeting Update
6. **11:15** • I & E Subcommittee Update

7. **11:30** • Survey Methods to Detect Zombie Ecosystems in Gunnison, and Improving GUSG Habitat for Species Recovery
  8. **12:00** • Public Comments
  9. **12:05** • Future Meeting
  10. **12:10** • Adjourn
- NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. Regular Meetings, Public Hearings, and Special Meetings are recorded and **ACTION MAY**

**BE TAKEN ON ANY ITEM.** Work Sessions are not recorded and formal action cannot be taken. Two or more Gunnison County Commissioners may attend this meeting. For further information, contact the County Administration at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.

Published in the *Crested Butte News*. Issue of September 13, 2019. #091313

# Legals

—LEGAL NOTICE—  
TOWN OF CRESTED BUTTE

PLEASE TAKE NOTICE, following is a list of the Town of Crested Butte Council and Mayoral Candidates and whether or not each candidate has chosen to voluntarily comply with the Town of Crested Butte's voluntary campaign spending limits for the November 5, 2019 Coordinated Election.

<p><b>Candidates who will comply with the Voluntary Campaign Spending Limit:</b> Will Dujardin Laura Mitchell Monique "Mona" Merrill Malika Magner</p>	<p><b>Candidates who will not comply with the Voluntary Campaign Spending Limit:</b> Jim Schmidt Candice Bradley Anne Moore</p>
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Section 2.7 (c) of the Town of Crested Butte Municipal Charter - Spending Limit - Every candidate is requested to voluntarily comply with the following: No candidate or candidate's political committee will accept or spend a combined total of contributions and contributions in-kind from any source whatsoever in excess of \$200, plus 3% per annum, commencing in 1998, during any election campaign for Mayor or Town Council.

**TOWN OF CRESTED BUTTE, COLORADO**  
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of September 13, 2019. #091312

—NOTICE OF PUBLIC HEARING—  
CRESTED BUTTE BOARD OF ZONING  
AND ARCHITECTURAL REVIEW  
TOWN OF CRESTED BUTTE, COLORADO  
500 BELLEVUE AVENUE

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on September 24, 2019 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 **Clarks Crested Butte LLC** to make changes to a previously approved plan to site three long term residential units (2 ROAH, 1 deed restricted long term unit) instead of two and revisions to the phasing plan for the expansions to the Arbor P.U.D. to construct additions to the existing commercial building located at 500 Bellevue Avenue, Unit A and B, Empire Condominiums, Block 48, Lots 1-16 in the T/B2 zone. *Original approval at the June 26, 2018 BOZAR meeting and secondary approval at the July 30, 2019 BOZAR meeting.*

Additional requirements:

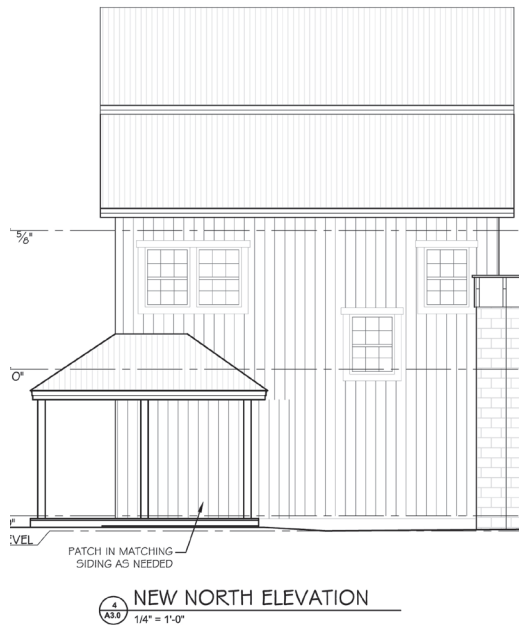
- **A change to the PUD General Plan and Building Permit Review from the June 26, 2018 and July 30, 2019 approval involving the expansion of the Arbor PUD in the T/B2 zone as follows:**

- **A revision of the conditional use permit to increase the long-term residential units from two (2) units to three (3) units in the T/B2 zone is required.**

- **Architectural approval is required.**

(See Attached Drawing)

TOWN OF CRESTED BUTTE



By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issues of September 13 and 20, 2019. #091315

—TOWN OF CRESTED BUTTE—  
REQUEST FOR QUALIFICATIONS  
FOR  
ARTISTIC GRAPHICS FOR  
CRESTED BUTTE COMPREHENSIVE PLAN

The Town is issuing a Request for Qualifications for qualified Gunnison Valley artists to create unique, artistic graphics in a variety of mediums to be featured in the Town of Crested Butte 2020 Comprehensive Plan. The Request for Qualifications outlining the services to be provided can be found on the Town website [www.townofcrestedbutte.com](http://www.townofcrestedbutte.com) under Bids/Proposals or found at [www.cbcreativedistrict.org](http://www.cbcreativedistrict.org).

RFQ Due Date: October 18, 2019.  
Contact Information: Mel Yemma, Creative District/Open Space Coordinator, Town of Crested Butte (970) 349-5338  
[melyemma@crestedbutte-co.gov](mailto:melyemma@crestedbutte-co.gov)

Published in the *Crested Butte News*. Issues of September 13 and October 4, 2019. #091311

**deadline tuesday at noon**

—NOTICE OF PUBLIC HEARING—  
CRESTED BUTTE BOARD OF ZONING  
AND ARCHITECTURAL REVIEW  
TOWN OF CRESTED BUTTE, COLORADO  
423 GOTHIC AVENUE

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on September 24, 2019 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 **423 Gothic CB Partners LLC** to construct a single family residence and accessory building to be located at 423 Gothic Avenue, Block 11, Lots 27-29 in the R1 zone.

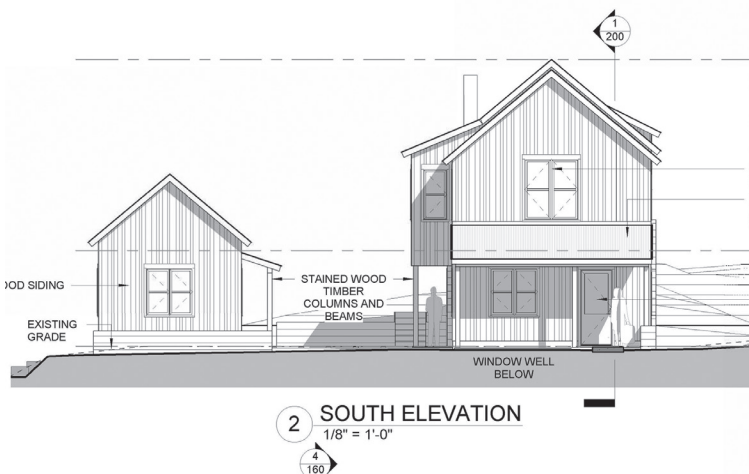
Additional requirements:

- **Architectural approval is required.**

- **A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R1 zone is required.**

(See Attached Drawing)

TOWN OF CRESTED BUTTE



By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issues of September 13 and 20, 2019. #091317

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

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on September 24, 2019 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 **Plaza at Woodcreek Unit 35, LLC** to relocate the existing outhouse structure and the addition of an unheated storage shed on the northeast corner of the existing building located at 402 Fourth Street, Unit 402, License Plate Plaza Condominiums in the B3 zone.

Additional requirements:

- **Architectural approval is required.**

quired.

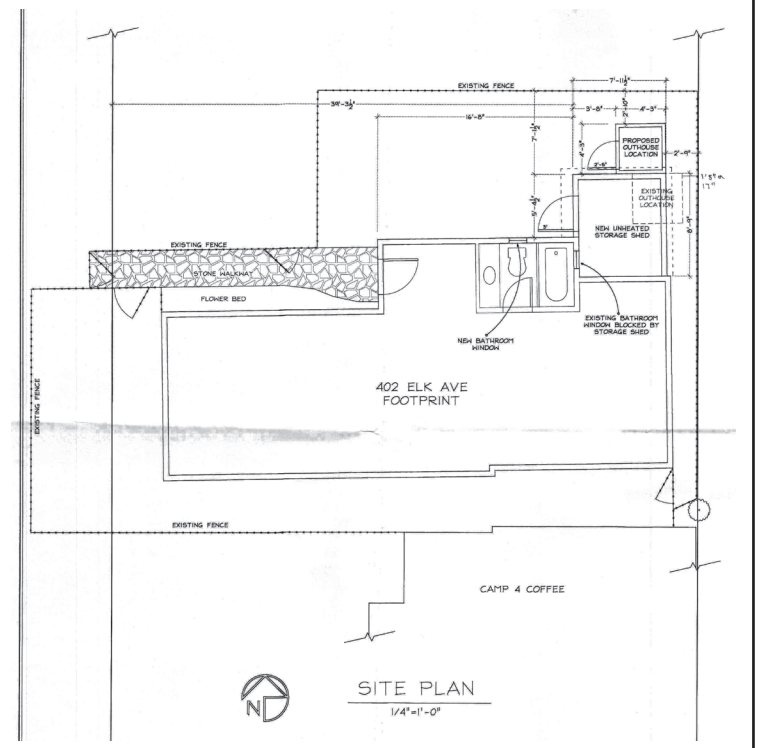
- **Permission to relocate an existing non-historic accessory building is requested.**

- **A conditional waiver of a non-conforming aspect with respect to the east side yard setback is required, minimum setback is 7'6" and existing is 2'6".**

(See Attached Drawing)

TOWN OF CRESTED BUTTE  
By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issues of September 13 and 20, 2019. #091314



[legals@crestedbuttenews.com](mailto:legals@crestedbuttenews.com)

970.349.0500 ext. 112

—NOTICE OF PUBLIC HEARING—  
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW  
TOWN OF CRESTED BUTTE, COLORADO  
120 GOTHIC AVENUE

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on September 24, 2019 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 **Mark H. Flolid and Leslie C. Annand** to raise the roof over the gable on the East elevation and replace the windows located at 120 Gothic Avenue, Block 17, Lots 6-7 in the R1C zone.

Additional requirements:

- **Architectural approval is required.**

- **Permission to demolish less than 25% of a non-historic single family residence is requested.**

(See Attached Drawing)

TOWN OF CRESTED BUTTE

By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issues of September 13 and 20, 2019. #091316

