

# GUEST commentary

BY ANDREW SANDSTROM

## TAPP Who? Tourism Marketing

In Part 2 of this series we will focus on the Tourism and Prosperity Partnership's (TAPP) primary and oldest mission, tourism marketing. Like many of us here in the Gunnison Valley, I first came as a tourist. Since then, I have decided to call this place home and raise my family here. When I first arrived fresh out of college and during the

height of the Great Recession, I began working at the Elevation Hotel. During that time, the hotel was closed for two-plus months on either side of the seasons. These four to five months of unemployment each year forced me to retreat back to the Front Range to scrape together odd jobs and pay my rent back in Crested Butte.

In 2009, Gunnison County voters were asked for a second time if they supported taxing visitors 4 percent on their lodging stays for tourism promotion. Voters overwhelmingly approved the Local Marketing District (LMD) tax in perpetuity,

with 2,790 residents voting in favor of it and just 822 voters opposed.

Since 2009, tourism has grown and allowed for more year-round jobs in the valley. Recently there have been rumblings that our valley needs to stop tourism marketing in order to alleviate overcrowding.

Oddly enough, the state of Colorado provides a cautionary case study on what happens when marketing is defunded. Recently at the Colorado Governor's Tourism Conference (GovCon) in Denver, Colorado governor Jared Polis and Betsy Markey, head of the state's Office of Economic Development and International Trade, reminded the group of the 30 percent drop in

tourism (the No. 2 industry in Colorado) when the Colorado Tourism Office was defunded in 1993. By 1995, the state was losing \$1.4 billion annually, and losses grew to \$2 billion annually in subsequent years. This loss was primarily in the summer, as the ski industry banded together with marketing to keep wintertime flat.

Stopping marketing wouldn't freeze our tourism at current levels. It would most likely lead to a precipitous decline similar to Colorado's.

Yes, it is hard to see our favorite local restaurant with a line out the door. On the flipside, busier seasons mean that more locals don't have to leave home to find work every off-season. Most of our local economy is dependent on visitors bringing money into the valley. How can we keep ourselves employed year-round without overrunning our backyard?

At TAPP, we strive to attract the right type of visitors who have the same love for this place that brought us here. Our efforts are to invite "temporary locals" to fill the hotel rooms and businesses. Our marketing has been almost totally focused on trails. We feel the trails and public lands are the main reasons we all

chose to be here. By pushing this message, we speak almost exclusively to people who share our love of public lands, trails and stewardship.

In 2019, 35 percent of Crested Butte Mountain Bike Association members had non-local addresses, and a staggering 45 percent of the more than \$1,000 donors or "founding members" had non-local addresses. Our messaging via the Never-Never Land video series follows personalities in our community and focuses on what they love about it here. By attracting like-minded visitors, we are bringing in stewards who care for our backyard as much as we do. Highlighting our valley's values in advertising will continue to attract the "temporary locals" that we are looking for and hopefully keep our locals working year-round.

In the next installment, we will focus on TAPP's efforts to mitigate the impacts of greater visitation and the sustainable tourism aspects of our mission.

*Andrew Sandstrom has worked as the communications director for the Gunnison-Crested Butte Tourism and Prosperity Partnership, formerly the Tourism Association, since January 2017.*

## The Forgotten 59, a tribute to the victims of the Crested Butte mine disaster

Larry McDonald, local historian, will present "The Forgotten 59," a slideshow about the sorrowful details of the 59 men and boys who perished in the Crested Butte Mine Disaster on the frigid morning of January 24, 1884.

If you are interested in learning more about this important local event, presentations are scheduled at the Gunnison Library on Tuesday, January 21, and Crested Butte Library on

Thursday, January 23, beginning at 7 p.m. There will also be a brief ceremony at the Crested Butte Cemetery mass grave, including a reading of the victim's names, on Friday, January 24, beginning at 7:30 a.m. (Skis or snowshoes required.) For more information, or to schedule a presentation, please contact local historian Larry McDonald at larrymcdonald@rocketmail.com.

# Legals

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### —AGENDA— TOWN OF CRESTED BUTTE REGULAR TOWN COUNCIL MEETING TUESDAY, JANUARY 21, 2020 COUNCIL CHAMBERS, CRESTED BUTTE TOWN HALL

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

#### 6:00 WORK SESSION

- 1) Five Year Affordable Housing Plan.

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

#### 7:02 APPROVAL OF AGENDA

#### 7:04 CONSENT AGENDA

- 1) January 6, 2020 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.*

#### 7:06 PUBLIC COMMENT

*Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.*

#### 7:12 STAFF UPDATES

- 7:20 Presentation by Tori Jarvis from Northwest Colorado Council of Governments, Water Quality and Quantity (QQ) Committee.

- 7:40 Presentation Regarding Possibility of Lead in the Water of Some Homes in Town.

#### 8:00 PUBLIC HEARING

- 1) Ordinance No. 39, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 606 Sixth Street to The Center for the Arts.

- 8:30 2) Ordinance No. 44, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing a Potable Water Agreement for Lot 8, Trapper's Crossing at Crested Butte, Gunnison County, Colorado.

- 8:40 3) Ordinance No. 1, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 815 Gothic Avenue to Mel Yemma.

- 8:45 4) Ordinance No. 2, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 817 Gothic Avenue to Jackson Morgan.

#### 8:50 NEW BUSINESS

- 1) Ordinance No. 4, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 808 Ninth Street, Town Ranch, Unit 3 to Andrew Crowley.

#### 8:55 LEGAL MATTERS

#### 9:00 COUNCIL REPORTS AND COMMITTEE UPDATES

#### 9:15 OTHER BUSINESS TO COME BEFORE THE COUNCIL

#### 9:25 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, February 3, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 10, 2020 - 6:00PM Work Session to Discuss Empty House Tax
- Tuesday, February 18, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, February 25, 2020 - 9:00AM Council Retreat

#### 9:30 ADJOURNMENT

Published in the *Crested Butte News*. Issue of January 17, 2020. #011710

### —REGULAR TOWN COUNCIL MEETING— JANUARY 21, 2020 ~ 6:00 P.M. COUNCIL CHAMBERS MT. CRESTED BUTTE, COLORADO DRAFT AGENDA

*for the official agenda please go to www.mtcrestedbuttecolorado.us*

**6:00 P.M. - PUBLIC HEARING** - To Receive Public Input on 5-year vested property right for the Nordic Inn Planned Unit Development.

#### 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 January 7, 2020 Regular Town Council Meeting Minutes

#### REPORTS

- Town Manager's Report
- Department Head Reports
  - Community Development
  - Finance
  - Police Department
  - Public Works
- Town Council Reports
- TAPP Update - John Norton
- Annual Mountain Express Update - Chris Larsen

#### CORRESPONDENCE OLD BUSINESS

• Discussion and Possible Consideration of Ordinance No. 12 Series 2019 - An Ordinance of the Town Council of the Town of Mt. Crested Butte Establishing the Minimum Regulations Governing the Conditions and Maintenance of all Property, Buildings and Structures; By Providing the Standards for Supplied Utilities and Facilities and Other Physical Elements and Conditions Essential to Ensure that Structures are Safe, Sanitary and Fit for Occupations and Use; and the Condemnation of Buildings and Structures Unfit for Human Occupancy and Use and Demolition of Such Structures; Known as the Building Code by the Adoption by Reference of the 2015 International Building Code, Chapters 1 through 35 and Appendices B, C, E, F, I, and J; Adoption by Reference of the 2015 International Residential Code, Chapters 1 Through 24 and Chapter 41 and Appendices A Through H, Appendices J Through O and Appendices Q Through U; Adoption by Reference of the 2015 International Mechanical Code, Chapters 1 Through 15 and Appendices A and B; Adoption

by Reference of the 2015 International Energy Conservation Code Chapters 1 through 6 (Commercial and Residential); Adoption by Reference of the 2015 International Fuel Gas Code, Chapters 1 Through 8 and Appendices A Through D; Adoption by Reference of the 2015 International Property Maintenance Code; Chapters 1 Through 8; Adoption by Reference of the 2015 International Existing Buildings Code; Chapters 1 Through 15, and Appendix Chapter A, and Chapters A1 through A5, and Appendices A and B and Resource Chapter A; Adoption by Reference of the 2015 International Fire Code Chapters 1 Through 80 and Appendices A Through C and Appendices E Through G; Adoption by Reference of the 2015 International Swimming Pool and Spa Code; Providing Penalties for the Violation Thereof; and Repealing Ordinance No. 2, Series 2015, of the Town of Mt. Crested Butte, Colorado and All Other Ordinances and Parts of Ordinances in Conflict Herewith - Second Reading - Carlos Velado

- Discussion and Possible Consideration of Resolution No. 5 Series 2020 - A Resolution of the Town Council of

the Town of Mt. Crested Butte, Colorado, Setting the Fees Charged for the Inspection and Licensing of Short-Term Rental Units

#### NEW BUSINESS

- Discussion and Possible Consideration of Resolution No. 3 Series 2020 - A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado Appointing the Town Clerk as the Designated Election Official and Authorizing the Town Clerk to Appoint Election Judges for Municipal Elections Held in the Town of Mt. Crested Butte, Colorado - Tiffany O'Connell
- Discussion and Possible Consideration of Resolution No. 4 Series 2020 - A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Directing the Town Clerk of the Town of Mt. Crested Butte to Conduct the Regular Municipal Election Scheduled for April 7, 2020, as a Mail Ballot Election - Tiffany O'Connell
- Discussion and Possible Consideration of a Letter of Support for Grant Funding for the Slate River Integrated Monitoring Project - Coal Creek Watershed Coalition - Zach Vaughter and Ashley Bembek

- Discussion and Possible Consideration of Ordinance No. 1 Series 2020 of the Town Council of the Town of Mt. Crested Butte Approving a Planned Unit Development Major Alteration Application Submitted by Pearls Management, LLC to Amend the Existing Planned Unit Development for the Nordic Inn with the Design Provided at the December 17, 2019 Town Council Meeting, with Conditions, and Also Approving a Five-Year Vesting Period for Such PUD - First Reading - Carlos Velado
- Discussion and Possible Consideration of North Village Parcel Pre-Development Memorandum of Understanding Between North Village Associates, LLC and the Town of Mt. Crested Butte - Crockett Farnell

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

Published in the *Crested Butte News*. Issue of January 17, 2020. #011711

# Legals

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

Notice is hereby given that the Annual Meeting of the members of the above-named Association will be held at 303 North Main Street, Gunnison, Colorado 81230, on the 22nd day of January 2020, at the hour of 5:30 p.m. of said day. The business to be taken up at the Annual Meeting shall be:

- (1) Considering and voting upon the minutes of last members' meeting;
- (2) Considering and voting upon reports of officers and committees of the Association;
- (3) Considering and voting upon the

acts of directors and officers of the Association;

(4) Election of directors to fill the offices the terms of which are then expiring.

(5) No other matters.  
Dated this 18th day of December 2019.  
Maureen Eden, Secretary  
Gunnison Savings and Loan Association

Published in the *Crested Butte News*.  
Issues of January 10 and 17, 2020.  
#011007

**—NOTICE OF PUBLIC HEARING—  
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW  
TOWN OF CRESTED BUTTE, COLORADO  
729/731 WHITEROCK AVENUE**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on January 28, 2020 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 **Gregory S. Faust and Susan M. Faust** to construct a single family residence and accessory dwelling per the approved demolition plan from the December 18, 2019 BOZAR for the existing building to be located at 729/731 Whiterock Avenue, Block 62, Lots 31-32 in the R2 zone.

Additional requirements:

- Replacement housing and architectural approval are required.
- A conditional use permit for an accessory dwelling in the R2 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 January 17 and 24, 2020.  
#011706

**South Elevation**



**deadline tuesday at noon**

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

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on January 28, 2020 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 **Midtown Mountain, LLC** to construct a single family residence and an accessory building to be located at 821 Elk Avenue, Block 69, Tract 7 in the R1E zone.

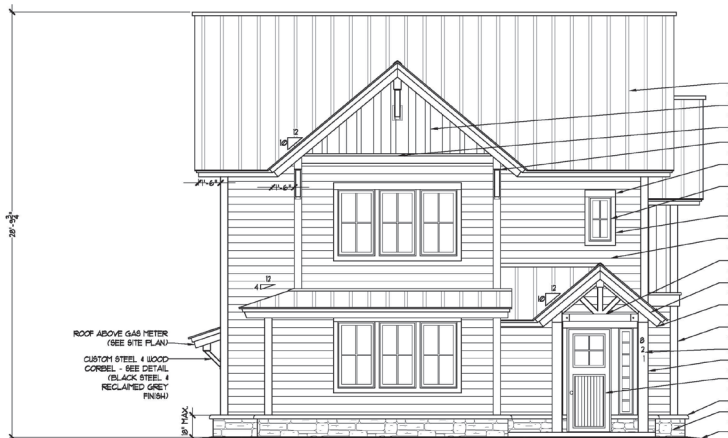
- Architectural approval is required.
- A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R1E zone is required.

(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 January 17 and 24, 2020.  
#011707



**SOUTH ELEVATION  
SCALE: 1/4"=1'-0"**

**—NOTICE OF PUBLIC HEARING—  
CONCERNING A LAND USE CHANGE PERMIT  
APPLICATION FOR THE DEVELOPMENT OF THE SHADY ISLAND RIVER PARK**

**HEARING DATE, TIME AND LOCATION:** The Gunnison County Planning Commission will conduct a public hearing on **January 24, 2020 at 9:00 a.m.** in the Planning Commission Meeting Room, 2nd Floor, Blackstock Building, 221 N. Wisconsin, Gunnison, Colorado, to hear public comment concerning land use change permit application LUC-19-00037.

**APPLICANT:** The applicant is Gunnison County, represented by John Cattles, Director of Sustainable Operations.

**LOCATION:** The site is legally described as 10.5 acres in the NE1/4, Section 24, Township 50 North, Range 1 West, NMPM. 2728 Highway 135, the subject parcel is approximately 1.7 miles north of the City of Gunnison.

**PROPOSAL:** The applicant proposes the development of 10.5-acre site into

a river park. The primary purpose of the park will be to provide riverside boat access and adequate parking and sanitary facilities. The current access site (across Hwy 135) at "North Bridge" is not a legal, permitted use nor does it provide adequate parking or infrastructure.

The following amenities are proposed at the Park: 36 trailer parking spaces and 43 vehicle parking spaces; 19 walk-in, tent only campsites and camp host site; Boat prep and staging area; Boat ramp; Restrooms; Picnic shelter; Nature play area; Nature trails; ADA access; and instream fisheries habitat improvements.

**PUBLIC PARTICIPATION:** The public is invited to submit oral or written comments at the hearing, or to submit written comments by email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org); or letter

(Community Development, 221 N. Wisconsin, Suite D, Gunnison, CO 81230), so long as they are received by 5 p.m. the afternoon before the date of the meeting so that they may be submitted for the public record during the hearing. A copy of the application is available online at: <https://www.gunnisoncounty.org/436/Permit-Database>. Additional information may be obtained by calling the Community Development Department at (970) 641-0360.

**ADA ACCOMMODATIONS:** Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Community Development Department prior to the day of the hearing.

Published in the *Crested Butte News*.  
Issue of January 17, 2020. #011701

**—NOTICE OF APPROVAL CREATING A VESTED PROPERTY RIGHT—**

PLEASE TAKE NOTICE that the Town of Crested Butte approved the following site specific development plan(s) for construction or subdivision within the Town which creates a three year vested property right pursuant to Colorado Revised Statutes, section 24-68-103 (as amended).

The "vested property right" gives the following applicant(s) the right to undertake and conditions of the approval for their site-specific development plan(s).  
December 17, 2019:

Crested Butte Nordic in conjunction with the Town of Crested Butte: construct an addition to the existing cat barn located

at 615 Second Street, Block 41 in the P zone. Architectural approval was granted. Relocation or demolition of an existing non-historic accessory building in the P zone was approved. More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.

TOWN OF CRESTED BUTTE

By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issue of January 17, 2020. #011704

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

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on January 28, 2020 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 **9th Street Blue Sky, LLC** to construct a single family residence and an accessory building to be located at 414 Ninth Street, Block 70, Tract 3 in the R1D zone.

Additional requirements:

- Architectural approval is required.
- A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R1D 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 January 17 and 24, 2020. #011705



**WEST ELEVATION  
SCALE: 1/4"=1'-0"**

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

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on January 28, 2020 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 **Barry Alan Sullivan and Jennifer Diesman Sullivan** to demolish the existing single family residence and accessory building located at 113 Sopris Avenue, Block 29, Lots 22-23 in the R1C zone.

Additional requirements:

- Permission to demolish two existing non-historic structures in requested per Ordinance #34, Series 2019.

TOWN OF CRESTED BUTTE

By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issues of January 17 and 24, 2020. #011708

**—NOTICE OF APPROVAL CREATING A VESTED PROPERTY RIGHT—**

PLEASE TAKE NOTICE that the Town of Crested Butte approved the following site specific development plan(s) for construction or subdivision within the Town which creates a three year vested property right pursuant to Colorado Revised Statutes, section 24-68-103 (as amended).

The "vested property right" gives the following applicant(s) the right to under-

take and conditions of the approval for their site-specific development plan(s).  
December 17, 2019:

Gregory S. Faust and Susan M. Faust: to demolish the existing building located at 729 Whiterock Avenue, Block 62, Lots 31-32 in the R2 zone. Permission to demolish an existing non-historic structure was granted per Ordinance #34, Series 2019.

More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.

TOWN OF CRESTED BUTTE

By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*.  
Issue of January 17, 2020. #011702

**—NOTICE OF APPROVAL CREATING A VESTED PROPERTY RIGHT—**

PLEASE TAKE NOTICE that the Town of Crested Butte approved the following site specific development plan(s) for construction or subdivision within the Town which creates a three year vested property right pursuant to Colorado Revised Statutes, section 24-68-103 (as amended).

The "vested property right" gives the following applicant(s) the right to undertake and conditions of the approval for their site-specific development plan(s).  
December 17, 2019:

Tribly Carrier: Relocate the existing historic shed onsite and construct a new shed to be located at 501 Sopris Avenue, Block 25, Lot 17, Lot 18 excluding the South 28' of the East

3.4', North 28' of the West 3.4' of Lot 19 (AKA Sopris Sub-division) in the R1C zone. Continued from the October 29, 2019 and November 19, 2019 BOZAR meetings. Architectural approval was granted.

More information is available at the Town Office located at 507 Maroon Ave., Crested Butte, CO.

TOWN OF CRESTED BUTTE

By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Published in the *Crested Butte News*. Issue of January 17, 2020. #011703

# Legals

## —DISTRICT COURT, WATER DIVISION NO. 2, COLORADO— TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following case is a portion of the resume of applications and amendments filed and/or ordered published during the month of December 2019, in Water Division No. 2. The Water Judge ordered this case be published in the *Crested Butte News* in Gunnison County, Colorado. The name(s) and address(es) of applicant(s), description of water rights or conditional water rights and description of ruling sought as reflected by said application, or amendment, are as follows.

**CASE NO. 2019CW3089: THE UPPER ARKANSAS WATER CONSERVANCY DISTRICT, ACTING THROUGH THE UPPER ARKANSAS WATER ACTIVITY ENTERPRISE, P.O. Box 1090, Salida, Colorado 81201,** (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, Phone: 970-641-1903).

Application for a Change of Water Rights

**CHAFFEE, CUSTER, FREMONT, LAKE, AND PUEBLO COUNTIES.**

**2. Description of Changed Rights.** In this case, UAWCD seeks to change a portion of the water rights decreed to the Cottonwood Irrigating Ditch that were previously quantified in Case No. 79CW172 (Div. 2), more particularly described as follows: Name of structure: Cottonwood Irrigating Ditch (WDID 1100648). Legal description: On the south bank of Cottonwood Creek, in the SW1/4NE1/4, Section 13, Township 14 South, Range 79 West, 6th P.M., in Chaffee County. Decreed source: Cottonwood Creek, tributary to the Arkansas River. Appropriation dates, amounts decreed, and amounts Applicant intends to change: Priority 15: July 31, 1866, 6cfs, 0.145 cfs; Priority 43: December 31, 1872, 13 cfs, 0.535 cfs. Original and all relevant subsequent decrees for all of the above water rights: CA-1127 (6/19/1890, District Court, Chaffee County), 79CW172 (January 9, 1981, Water Division 2). Other portions of the Cottonwood Irrigating Ditch that are not being changed in this case were the subject of Case Nos. CA-4396, CA-4738, and W-4411. Decreed uses: Irrigation. **3. Detailed description of proposed change:** UAWCD operates existing plans for augmentation that augment out-of-priority depletions from structures located within portions of UAWCD's territory (See, e.g., 92CW84, 94CW5, 06CW32). UAWCD also operates a Rule 14 replacement plan to replace depletions from wells located within UAWCD's boundaries. UAWCD may also obtain approval of additional plans for augmentation and/or substitute water supply plans (or similar administratively approved plans that may be authorized by statute in the future) to replace out-of-priority depletions from structures located within UAWCD's boundaries. In this case, UAWCD seeks to change the Changed Rights to allow their use as a source of augmentation or replacement water in all such plans (the "Changed Uses"). UAWCD's use of the Changed Rights for the Changed Uses may occur by applying stream depletion credits from the Changed Rights as they accrue to the stream, or through storage in and subsequent release from the storage structures listed below: Pueblo Reservoir (WDID: 1403526): The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section bears North 61° 21'20" East, a distance of 2,511.05 feet, in Pueblo County (Division Engineer's reported location: 524076E, 4235362N); O'Haver Reservoir (WDID: 1103921): Near the center of Section 12, Township 48 North, Range 7 East, NMPM., in Chaffee County (Division Engineer's

reported location: 399983E, 4253720N); North Fork Reservoir (WDID: 1103300): In Section 5, Township 50 North, Range 6 East, NMPM, more particularly described as: The northeasterly point of contact of the dam axis with the existing ground is at a point whence the Northwest corner of Section 21, T.50N., R.7E, NMPM, in Chaffee County, Colorado bears South 68°50' East a distance of 31,920 feet; said point being further described by bearing on the Peak of Granite Mountain of North 23°28' West and by bearing on the Peak of Calico Mountain of North 37°03' East, in Chaffee County (Division Engineer's reported location: 384999E, 4274370N); Boss Lake Reservoir (WDID: 1103920): E½ of Sec. 25 and NE¼ Sec. 29, T. 50 N., R. 6 E. NMPM, in Chaffee County (Division Engineer's reported location: 385004E, 4268662N); Cottonwood Lake (WDID: 1104005): Section 36, Township 14 South, Range 80 West, 6th P.M., in Chaffee County (Division Engineer's reported location: 388969E, 4293209N); Rainbow Lake (WDID: 1103535): S½ Section 19 and N½ Section 30, T.14S., R.79W., 6th P.M. in Chaffee County (Division Engineer's reported location: 390150E, 4296557N); DeWeese Reservoir (WDID: 1303613): The southeasterly corner of the dam of said reservoir is North 41°37' East, and is distant 758.7 feet from the Northeast Corner of Section 20, T. 21 S., R. 72 W., 6th P.M., in Custer County (Division Engineer's reported location: 460703E, 4229165N); Twin Lakes Reservoir (WDID: 1103503): Twin Lakes Reservoir is formed by a dam across Lake Creek in Lake County in Section 23, Township 11 South, Range 80 West of the 6th Principal Meridian, as described in the Decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980 (Division Engineer's reported location: 387247E, 4326098N); and Conquistador Reservoir (WDID: 1303535): SE ¼ of Section 21, Township 22 South, Range 73 West of the 6th P.M., in Custer County (Division Engineer's reported location: 452098E, 4219247N). Franklin Reservoir (a/k/a Ice Lake) (WDID 1103511): SWNW Section 8, Township 14 South, Range 78 West, 6th P.M., in Chaffee County (Division Engineer's reported location: 400754E, 7300760N). The above-described uses may be accomplished directly or by exchange, including by exchange pursuant to UAWCD's exchange decreed in Case No. 04CW96. The historical consumptive use of the Changed Rights was determined in Case No. 79CW172. In that case, 1 cfs owned by the applicants was found to irrigate 26 acres, resulting in an average annual consumptive use of 34 acre-feet per year, or 1.31 acre-feet per acre per year. Those findings are not subject to re-litigation in this case. Williams v. Midway Ranches Prop. Owners Ass'n, 938 P.2d 515, 524-26 (Colo. 1997). UAWCD is the successor in interest to the applicants in Case No. 79CW172, and the Changed Rights are a portion of the rights quantified in 79CW172. The Changed Rights are 68% of the water rights changed in 79CW172, therefore, the historical consumptive use of the Changed Rights is 23.12 acre-feet per year. In Civil Action No. 4396 (Chaffee County), the point of diversion of another portion of the Cottonwood Irrigating Ditch water rights was changed to a point on the southeast bank of Cottonwood Creek, in the W1/2E1/2 Section 13, Township 14 South, Range 79 West, 6th P.M., from whence the northwest corner of said Section 13 bears North 52°33' West a distance of 4425 feet. This new point of diversion is sometimes referred to as Cottonwood Irrigating 2 and is assigned WDID 1100936. Per the Decree entered in Case No. W-4411, Cottonwood Irrigating 2 is used as the point of diversion and measurement for the 3.8 cfs changed in Case No.

W-4411. Cottonwood Irrigating 2 is located approximately 200 feet or less upstream of the Cottonwood Irrigating Ditch. Because the Cottonwood Irrigating 2 is already set-up divert and return water to Cottonwood Creek, UAWCD requests the flexibility to divert, measure, and administer the Changed Rights at the Cottonwood Irrigating 2 point of diversion. Return flows from the historical use of the Changed Rights accrued to the Arkansas River. UAWCD requests the right to use any fully consumable water rights in its portfolio, but not Fryingpan-Arkansas Project Water, to comply with any obligation to maintain historical return flows from the Changed Rights in time, location, and amount. When return flows are replaced using water other than the Changed Rights, the corresponding diversion of the Changed Rights shall be a fully consumable depletion credit available for the Changed Uses. The other rights that UAWCD may use to replace return flows include fully consumable water attributable to: Water available pursuant to shares of Twin Lakes Reservoir and Canal Company owned, leased, or controlled by UAWCD ("Twin Lakes Water"). The water rights producing the pro rata interest of UAWCD are described in detail in the Application on file with the Court, and in Decrees entered in Civil Action No. 3082, District Court, Garfield County, August 25, 1936; Case No. W-1901, District Court, Water Division 5, May 12, 1976; 95CW321; Civil Action No. 2346, District Court, Chaffee County, July 14, 1913; Case No. W-3965, District Court, Water Division 2. North Fork Reservoir. Case Number, Date, and Court of Original Decree: 82CW204, May 23, 1983, nunc pro tunc April 14, 1983, District Court, Water Division 2. Case Number, Date, and Court of Subsequent decrees: 87CW23, May 10, 1988; 94CW17, November 22, 1994; 00CW121, September 20, 2006; 12CW97, February 9, 2013; 13CW3030, December 2, 2013; 19CW3014 (pending); all in District Court, Water Division 2. Location: SE¼ of Section 5, Township 50 North, Range 6 East, N.M.P.M., in Chaffee County, Colorado. Source: North Fork, South Arkansas River. Appropriation Date: September 9, 1982. Amount: 595 acre-feet (495 acre-feet absolute, 100 acre-feet conditional). Use: irrigation, municipal, industrial, recreational and augmentation uses. O'Haver Reservoir. Case Number, Date, and Court of Original Decree: 82CW205, June 28, 1985, District Court, Water Division No. 2, Colorado, Case Number, Date, and Court of Subsequent Decrees: 88CW75, September 6, 1989, amended July 13, 1990; 95CW207, December 10, 1996; 02CW178, November 25, 2003; 09CW128, March 31, 2011; 13CW3031, November 4, 2013, all in District Court, Water Division 2. Location: Near the center of Section 12, T.48 N. R.7E., N.M.P.M., Chaffee County, Colorado. Source: Gray's Creek by means of O'Haver filler Ditch. Appropriation Date: September 9, 1982. Amount: 193 acre-feet (absolute). Uses: Irrigation, municipal, industrial, augmentation, and recreational. Water Leased from Board of Water Works of Pueblo, Colorado. UAWCD has entered into a lease with the Board of Water Works of Pueblo, Colorado (BWWP), for 202 acre-feet of fully consumable water per year, for a term of 40 years. With respect to the source of the water to be provided the lease provides in pertinent part that BWWP "will deliver water derived from the Board's shares in the Twin Lakes Reservoir and Canal Co. to the extent that such water is available to the Board. If Board does not have sufficient water from the Twin Lakes Reservoir and Canal Co. to satisfy its delivery obligations under this lease, then the Board may deliver water from other sources of fully consumable water available to the Board including, but not limited to, stored water at Clear Creek Reservoir,

Turquoise Reservoir, Twin Lakes Reservoir, Pueblo Reservoir, from direct flow transmountain water or transmountain return flows by exchange." The leased water will be delivered at confluence of Lake Creek and the Arkansas River, or at Pueblo Reservoir. The Twin Lakes water rights are described above. On information and belief, other water rights that BWWP owns or has the right to use and that may also be used to deliver water under the lease include, but are not necessarily limited to: The Ewing Placer Ditch, the Warren E. Wurtz Ditch, the Wurtz Extension Ditch, the Busk-Ivanhoe System, and the Homestake Project, as each such right was changed in one or more of the following cases: 84CW177 (Div. 2); 84CW177(B) (Div. 2); and 90CW340 (Div. 5). The points of diversion of the foregoing water rights are located in the Colorado River drainage basin. Other water rights may include the Clear Creek Reservoir Second Enlargement, 04CW130 (Div. 2), and BWWP's interest in the West Pueblo Ditch, 90CW55 (Div. 2). HBL Water Rights. Name of Structure: Alfred Katzenstein Ditch No. 1 (aka A. Katzenstein Ditch No. 1) (Priority Nos. 51 and 207(B)). Date of Prior Decrees, Case Numbers, and Court: Original Decree: Decree of the Fremont County District Court dated March 12, 1896. Relevant subsequent decrees: 95CW10, August 4, 1998 (changed to augmentation use); 00CW42, February 12, 2001 (added alternate point of diversion); 10CW30, March 10, 2013 (change for use in Plan for Augmentation (the "06CW32 Plan") approved by the decree entered in Case No. 06CW32 (the "06CW32 Decree") and storage in Pueblo and DeWeese Reservoirs), all in District Court, Water Division 2. Conquistador Reservoir No. 1: Date of Prior Decrees, Case Numbers, and Court: Original decree: District Court, Water Division 2, August 1, 1978, Case No. W-4320. Relevant subsequent decrees: 86CW67, January 9, 1987 (change in place of storage); 95CW10, August 4, 1998 (changed to use in HBL augmentation plan); 00CW3, September 27, 2001 (decreed absolute storage right for 134.6 acre-feet, and the remaining conditional 15.4 acre-feet was declared to be abandoned); 10CW30 (change for use in 06CW32 Plan and storage in Pueblo and DeWeese Reservoirs), all in District Court, Water Division 2. The A. Katzenstein Ditch No. 1 and Conquistador Reservoir No. 1 water rights are more particularly described in the Application on file with the Water Court, and in the Decrees entered in Case Nos. 95CW10, 00CW42, and 10CW30. Friend Ranch Water Rights. Name of structures: Huntzicker Ditch (WDID: 1100600), Hensie Ditch No. 1 (WDID: 1100602), Boon Ditch No. 2 (WDID: 1100608), Hensie Ditch No. 2 (WDID: 1100609), Mundlein Ditch No. 2 (WDID: 1100597). Original and all relevant subsequent decrees for all of the above water rights (the "Friend Ranch Water Rights"): Civil Action No. 1127, District Court, Chaffee County (6/19/1890); W-294, District Court, Water Division 2 (October 18, 1978); 07CW111, District Court, Water Division 2 (June 13, 2012); 17CW3037, District Court, Water Division 2 (March 22, 2019). In Case No. 07CW111, the Friend Ranch Water Rights were changed from irrigation use to direct flow and storage for the Town of Poncha Springs's municipal uses in its existing and future service areas including the Friend Ranch, including, without limitation, domestic, commercial, industrial, irrigation, recreational, fire protection, augmentation, exchange and replacement purposes as provided in the 07CW111 Decree. In Case No. 17CW3037, UAWCD changed the Friend Ranch Water Rights to allow their use as a source of augmentation or replacement water in all existing and future plans for augmentation, Rule 14 replacement plan, substitute water supply plans,

and other statutorily authorized plans, including but not limited to, such approval as authorized by C.R.S. §§ 37-92-308, 37-92-309, 37-60-115(8), or 37-83-101 et seq., operated by UAWCD to replace out-of-priority depletions from structures located within UAWCD's boundaries, in addition to the existing decreed uses by the Town of Poncha Springs. The Friend Ranch water rights are more fully described in the Application on file with the Water Court, and in the Decrees in Case Nos. 07CW111 and 17CW3037. A map showing the Cottonwood Irrigating Ditch and Cottonwood Irrigating 2 points of diversion, a map showing the location of UAWCD's boundaries and the proposed places of storage, and a table of diversion records for the Cottonwood Irrigating Ditch are attached as Exhibits to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). **4. Name(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:** Pueblo Reservoir, Twin Lakes Reservoir: U.S. Dep't of Interior, Bureau of Reclamation, 11056 West County Rd., 18-E, Loveland, CO, 80537-9711 ("Bureau of Reclamation"). O'Haver Reservoir, North Fork Reservoir, Cottonwood Lake: United States Department of Agricultural, Forest Service, 5575 Cleora Road, Salida, CO 81201 ("Forest Service"). Boss Lake Reservoir: SALCO ASSOCIATES, L.L.P., 225 G Street, Salida, CO 81201; and the Forest Service. Rainbow Lake: Rainbow Lake Resort, Inc., P.O. Box 17450, Oklahoma City, OK, 73136. DeWeese Reservoir: DeWeese-Dye Ditch and Reservoir Company, 1631 Chestnut Street, Canon City, CO 81212. UAWCD holds the right to store water in the lower bay of Conquistador Reservoir, which is on land owned by C. Jean Zeller, PO Box 25, Westcliffe, CO 81252. Franklin Reservoir: Lakeside Estates Preserve Homeowners Association, PO Box 4454, Buena Vista, CO 81211-4454. The Cottonwood Irrigating Ditch 1 and 2: Robert Orris, 13851 W County Road 270, Nathrop, CO 81236-8716. THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED. YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition must be filed by the last day of February 2020, (forms available at Clerk's office or at www.courts.state.co.us, must be served on parties and certificate of service must be completed; filing fee \$192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below. Witness my hand and the seal of this Court this 10th day of January 2020. */s/ Michele M. Santistevan* Michele M. Santistevan, Clerk District Court Water Div. 2 501 N. Elizabeth Street, Suite 116 Pueblo, CO 81003 (719) 404-8832

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