



# Elkhorn Ranch Owners Association

## P.O. Box 106      Como, Colorado

### Newsletter



Volume 06

December 2006

Number 4

### Ask Uncle Elky

It's about time I made it to the front page of the newsletter. After all, what I have to say is more important than all of those Board minutes and such.



Well. It's almost time for me to settle in for my long Winter nap. Before I do, however, I would like to wish everyone greetings of the season before I hibernate. However, I have been informed by some big city attorney that this is no longer politically correct, whatever that means. Anyway, he has re-written these good wishes in a more acceptable format; as follows:

“Best wishes for an environmentally conscious, socially responsible, low stress, non-addictive, gender neutral, winter solstice holiday, practiced within the most joyous traditions of the religious persuasion of your choice, but with respect for the religious persuasion of others who choose to practice their own religion as well as those who choose not to practice a religion at all;

“Additionally,

a fiscally successful, personally fulfilling, and medically uncomplicated recognition of the generally accepted calendar year 2007, but not without due respect for the calendars of choice of other cultures whose contributions have helped make our society great, without regard to the race, creed, color, religious, or sexual preferences of the wishes.

“(Disclaimer: This greeting is subject to clarification or withdrawal. It implies no promise by the wisher to actually implement any of the wishes for her/himself or others and no responsibility for any unintended emotional stress these greetings may bring to those not caught up in the holiday spirit.)”

The heck with political correctness!

**“Merry Christmas and Happy New Year”.**

One more question, then I'll see you in the Spring.

- Q. The cattle in the valleys continue to wander onto my lot. What responsibility does the rancher have to keep his livestock off of my property.
- A. We live in an area that is known as open range. That means that cattle and other livestock can move about freely

without fences, except along major thoroughfares. As a result, the rancher does not have a responsibility to fence their cattle in. You have a responsibility to fence them out, if you want to keep them off your property.

It is unclear as to whether the rancher is responsible for damage to your property caused by their cattle. However, I do know of one incident where an SUV hit and killed a cow on Elkhorn Road. The rancher had no responsibility for damage to the vehicle and it may be that the driver is responsible for the rancher's loss. So drive carefully. Hopefully, the wandering will be reduced this Winter as livestock stay closer to their feed and water sources.

If you have any questions for me, send them to Mike Flower at (303) 470-3107 or at [mikeaf2000@comcast.net](mailto:mikeaf2000@comcast.net).

### VOLUNTEERS NEEDED – WELCOME COMMITTEE

Volunteers are currently needed to participate in the Welcome Committee. The Committee is responsible for contacting new property owners and sending them a welcome packet. The packet contains a copy of the most recent newsletter, wildfire, emergency fire and police information, bear encounter guideline from The American Bear Association, helpful Park County phone numbers, Neighborhood Watch gate sign and a Welcome card.

Another objective of the Committee is to educate new property owners. Many property owners are from states or areas where bear and fire are not a danger. We are hopeful that the packet will help them adjust to our area easily. Our sincere hope is that all new property owners feel welcome and will attend the next meeting to meet their neighbors.

If you have recently bought in the Elkhorn Ranch and did not receive a packet or this packet would be of interest to you please contact Ann Bridgewater (719) 836-2298 or by e-mail at [babridgewater@myway.com](mailto:babridgewater@myway.com)

happy Hanukkah



**ELKHORN RANCH OWNERS ASSOCIATION**  
**Board of Directors and Members Meeting**  
**October 7, 2006**  
**Como Community Center**  
*(Draft Minutes)*

The meeting was called to order by President Bob Bridgewater at 10:00 am. Board members present at the meeting were:

Bob Bridgewater, President  
Mike Flower, Vice President  
Cindy Gharst, Secretary  
JoAn Nall, Treasurer  
Art Burnham, Member-at-Large (left early)  
Terry Shumaker, Member-at-Large (arrived after meeting started)

#### **Approval of Minutes**

The minutes to the Annual Meeting and the Board of Directors Meeting, both held on July 2, 2006 at the EROA Pavilion were presented for approval. A motion to approve both sets of minutes was made by Mike Flower, seconded by JoAn Nall and passed.

#### **Treasurer's Report**

JoAn Nall presented a Cash Flow Summary through the period ended September 30, 2006. She reported that the transfer of funds from Citibank to Peoples was completed. The Certificate of Deposit at Peoples renewed automatically for another year, earning approximately \$750/yr in interest.

Regarding liens filed for unpaid dues, JoAn explained the process and history about updating them. She asked the board about its desire to refile approximately 9 liens for a total cost of \$100 in fees. The board agreed that a letter to the member advising them of an a current or impending lien should be sent first; then the filing of the lien should take place if there is no response to the letter. Cindy Gharst moved to refile the current liens if no response is received from a letter from EROA. Art Burnham seconded the motion and it was passed.

At the conclusion of this report, Cindy Gharst moved to approve the Treasurer's report. Art Burnham seconded the motion and it was passed.



#### **Signs**

Paul does not have anything completed but thought he would have something in a month. The Board agreed to put up signs that are in storage on a temporary basis until the new signs are ready. A motion was made by JoAn and seconded by Cindy Gharst to give Paul one month to provide the Board with his signs and if he does not, the Board will find someone else to produce the signs. The motion passed. The Board then identified the temporary locations and Terry will get the sign materials out of storage for installation.

#### **Newsletter**

Mike Flower reported that the next deadline for the newsletter is December 1<sup>st</sup>. He reported that he would like to explore paid advertisers for the newsletter, including contractors, emergency services, road service, local businesses, etc. Discussion followed about not endorsing any particular advertiser and using a disclaimer. Art commented that depending on pricing, advertising might pay for newsletter. Terry Shumaker requested that the on-going dog problems be addressed in the newsletter.

#### **Architectural Committee**

Terry reported that one owner is sending final plan. The problem on Osprey is being handled by code enforcement of Park County. Discussion followed about the architectural review, only square footage and color are addressed in the covenants. The board also talked about the need to keep plans or just keep a log of the plans submitted. Art requested that contact information for the architectural review committee be put in the newsletter and on the website.

#### **Patrol**

Terry gave a brief report primarily about continued issues about dogs at large. A suggestion was made to put the number for Animal Control in the newsletter, too.

#### **New Business**

##### **Water Augmentation:**

Jim Campbell, Indian Mountain Corp (IMC) presented background information about the relationship of IMC, EROA and Indian Mountain Sub (IM) as it pertains to EROA's water augmentation plan. The EROA shares the reservoir with IM and IMC. Jim stated that he had to perform maintenance on the dam last year and paid for it personally. He also stated that performs services for EROA to meet its obligation for release of water per the augmentation plan. He has been doing for thirty years and said it is becoming a burden both financially and time consuming for him. He also said that there was no written agreement, but a handshake agreement years ago. The reason Jim came to the meeting today was to discuss this issue; he had met with Denny Nall, Bob Bridgewater and Doc McKay about

## Board of Directors – October 7, 2006 *(continued)*

this earlier in the summer. Bob invited him to come to the meeting in the fall after the new officers were elected. Discussion followed with different opinions and ideas about how to equitably divide the responsibility and involve IM in the matter so that EROA did not solely pay for maintenance of the shared reservoir. The Board asked Jim what proposal he wanted to make regarding compensation. Jim was not specific at first, but then stated he would be willing to continue the reservoir maintenance and water release for \$750/year. He also proposed \$15,000 as EROA's share for his time/services/costs for prior years through the current year. He did not have any documentation to substantiate this amount. The Board advised Jim that it could not make a decision about this expenditure during this meeting. The Board proposed holding a special meeting within the next 30 days to research this matter. Jim left the meeting. The Board continued discussion and agreed that Mike Flower would perform research about IMC; Cindy Gharst would research documents on record in the Clerk's office and Bob Bridgewater would contact Doc McKay regarding his knowledge about IM's homeowner's association and recreation district in regard to this matter.

### Rummage Sale:

Bob Bridgewater reported that a member was interested in having a rummage sale at the pavilion, organized by EROA. The board agreed that organizing a rummage sale was not an activity of the board.

### Social:

Ann Bridgewater presented the social report about upcoming events including Light Como, Turkey Bingo (Nov 18<sup>th</sup>) at Como, and a Republican get-together Oct 12<sup>th</sup>. She also reported that the Shriner's heard about the 4<sup>th</sup> of July parade and plan to be there next year.

Regarding the 2007 Annual Picnic, Ann gave history about the use of a caterer versus potluck for past picnics. Catering is more advantageous for those members who do not have facilities to prepare meals for potluck and also creates more of a draw. There was also discussion about the perception by members that their dues are for the picnic. Changing the date of the picnic was also considered since many people have other plans on the 4<sup>th</sup> of July weekend. JoAn stated that she does not want to pay to cater the picnic and does not agree about the facilities influence the success of a potluck because other subdivisions hold potlucks with good attendance. A motion was made to cater and then withdrawn. The Board directed Ann to obtain bids from caterers first before deciding about 2007 picnic.

### Well Pump

Bob Bridgewater reported that the pump by the dump station was pulled due to unsafe water. Per Bob O'Conner of the Park County Environmental Health Department, the Board can put the pump back and install a sign indicating that the water is not potable. The Board decided to take no action on this until receiving something in writing from the county on this matter.



### Storage Tank

There is an opportunity to have a feasibility study done and paid for by Jefferson Como Fire Department regarding installation of water holding tanks near the picnic area. Cindy Gharst agreed to submit the letter to JCFD on the Board's behalf.

The meeting was adjourned at 2:25 pm.

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## NEIGHBORHOOD WATCH - FALL 2006

Nothing to report for this quarter. To report break-ins or suspicious activity, contact:

Rhonda Garrett - Neighborhood Watch Coordinator  
303-766-2647 ; 719-836-9555 (Elkhorn) [rota4951@msn.com](mailto:rota4951@msn.com)

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## UNCLE ELKY'S FAVORITE HOLIDAY JOKES

Here are my favorite Christmas jokes. Enjoy!

1. If Santa Claus and Mrs. Claus had a child, what would he be called? *A subordinate Claus.*
2. If Santa rode a motorcycle, what kind would it be? *A Holly Davidson.*
3. What do you call a bunch of grandmasters of chess bragging about their games in a hotel lobby? *Chess nuts boasting in an open foyer!*
4. What do you get if you deep fry Santa Claus? *Crisp Kringle.*
5. Why does Santa have 3 gardens? *So he can ho-ho-ho.*
6. Why is Christmas just like a day at the office? *You do all the work and the fat guy with the suit gets all the credit*
7. Why was Santa's little helper depressed? *Because he had low elf esteem*
8. If athletes get athlete's foot, what do astronauts get? *Missile-toe!*
9. Why did Santa Claus trade Rudolph? *He wanted change for a buck.*
10. What is the best evidence that Microsoft has a monopoly? *Santa Claus had to switch from Chimneys to Windows.*
11. What do you call people who are afraid of Santa? *Claus-trophobic*

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## SECURITY PATROL

The Security Patrol has received a few calls regarding dogs running loose in the Elkhorn. Please be advised that dogs should be leashed or otherwise controlled at all times. This not only ensures the safety of other residents, but better protects you dog from passing vehicles or wild animals. We thank you for your cooperation in this matter.

**ELKHORN RANCH OWNERS ASSOCIATION**  
**Special Board of Directors Meeting**  
**November 25, 2006**  
**Como, Colorado**  
*(Draft Minutes)*

The meeting took place at the home of President Bob Bridgewater and was called to order by him at 10:00 am. Board members present at the meeting were:

Bob Bridgewater, President  
Mike Flower, Vice President  
Cindy Gharst, Secretary  
JoAn Nall, Treasurer

Other members present:  
Denny Nall  
Ann Bridgewater

As a result of the meeting with Jim Campbell on October 7<sup>th</sup>, the Board felt it was prudent to have an attorney review EROA's documents pertaining to the water augmentation plan and provide the Board with an analysis of its responsibilities and obligations in this matter. The Board agreed to engage the services of Lee Phillips who initially met with Bob Bridgewater and Cindy Gharst in October.

The purpose of this Special Meeting was to review and discuss the contents of the letter from Lee Phillips. Specifically, his letter recommended contacting the attorney who previously represented the EROA to obtain relevant documents and contacting Bellamah and Indian Mountain Corp, two corporations who may have executed an agreement regarding maintenance of the reservoir for more information.

The Board agreed that it would be more efficient and effective to have Lee Phillips contact those parties because he will know specifically what information to request. Although Terry Shumaker was not present at this meeting, he discussed this matter with Cindy Gharst beforehand and directed her to inform the group that he supported hiring Lee Phillips to pursue the recommendations of his letter. Because the attorney's services were engaged to ensure EROA's compliance with and good legal standing of the water augmentation plan, his fees will be paid from the funds allocated to water augmentation.

The Board also discussed the current article in The Flume regarding Saddle Mountain's issues with their water augmentation plan and the consequences of not having things done properly.

More discussion followed about options for the future to bring together Indian Mountain and EROA to form an agreement or a special district to equitably share the burden of cost of maintenance of the reservoir. EROA cannot take on the full responsibility of maintaining the reservoir. The Board also recognized that it needs to begin to educate its members about the EROA's obligations under the water augmentation plan and what that means to the members. With the recent Flume article about Saddle Mountain and the upcoming newsletter, the Board

agreed it was an opportune time to write an article about this issue. Mike Flower agreed to draft an article for newsletter for the Board to review.

In summary, the short-term actions are proposed:

- Bob will get in touch with Lee Phillips to contact the parties specified in his letter
- The Board will invite the water commissioner for our district to the next board meeting in January
- Establish a process, either with or without Jim Campbell, for the current water release obligations
- Bob will contact the president of IMPOA to meet and begin discussion with Indian Mountain

The long-term goal will be to determine how to share the cost of the maintenance of the reservoir with Indian Mountain and Indian Mountain Corp.

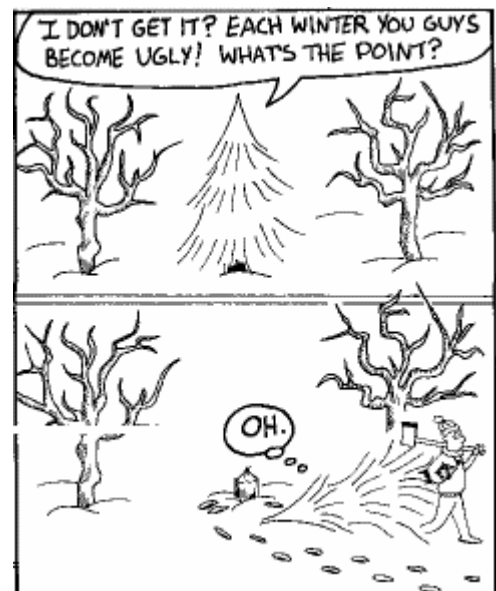
Mike Flower made motion, seconded by JoAn Nall, to authorize Bob Bridgewater to contact Lee Phillips to follow-through on his recommendations and to authorize Bob Bridgewater to contact the president of IMPOA on EROA's behalf to begin discussion about the water issue. The motion was approved.

The meeting was adjourned.

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**NEXT BOARD OF DIRECTORS MEETING**

The January 2007 EROA Board of Directors meeting will be held at 10:00 am on Saturday, January 6, 2007. The meeting will be held at the Como Civic Center.





## WATER AUGMENTATION –

### UNDERSTANDING THE RIGHTS AND OBLIGATIONS OF THE EROA PROPERTY OWNERS

Water augmentation is the process of receiving rights to reservoir or underground water without negatively impacting those downstream who also need the water. It includes a plan for storing and releasing water from small reservoirs in the area. A water augmentation plan (“Plan”) is submitted to the State of Colorado by a subdivision. The submitted plan is reviewed by the state engineers and approved by the Colorado water courts.



It appears that Elkhorn Ranch obtained its water rights through a “piggy back” agreement with Indian Mountain Corporation (“IMC”). IMC had previously filed a Plan that was approved by the water courts in 1975. This filing included the planned developments in Elkhorn, as well as Bellamah Community Development. The agreement states that “All expenses of operation, maintenance and repair of the Reservoir, including but not limited to the cost of hiring a designee to perform operational functions, or other expenses with respect to the Reservoir shall be borne by the parties in accordance with their respective ‘accounts’.”

Two matters have recently come to the attention of the Board that have resulted in the Board performing certain research and taking certain actions to better understand our water rights and obligations. Obviously, ensuring that our water rights have been “perfected” is extremely important to our existing homeowners, as well as those still planning to build. Receiving a well permit is contingent upon having an approved Plan in place. Problems with the Plan could significantly impact property values.

First, the current “designee” of our water augmentation plan has come to us seeking reimbursement for expenses he claims to have incurred in the maintenance of our reservoir, including periodic releases from the reservoir. This function has been performed by IMC since the plan was first approved. To the best of the Board’s knowledge, until recently, we have not been approached by IMC to provide funding for maintenance and repair.

Second, the Board has become aware of problems with the water augmentation plan submitted by certain Saddle Mountain subdivisions in southern Park County. The state engineers approved the Saddle Mountain plan in 1972, but did not take it to the water court for approval. This was not required in 1972. In 1977, a new regulation required all existing and new water augmentation plans to be submitted to the water courts for approval. Apparently Saddle Mountain did not do this. They



have filed suit with the developer, but are now facing thousands of dollars in legal costs, as well as potentially hundreds of thousands of dollars to correct the problem if they do not receive a favorable ruling when the matter goes to court in 2007. Until then, no well permits are being approved in the affected subdivisions.

Obviously, these matters got the attention of the Board. With regard to the first issue, representatives from the Board have met with the designee and have consulted with counsel to better understand our “rights and obligations” for maintenance and repair. We are also reviewing the documents and filings to ensure that all of the agreements were properly completed, filed and approved. We are also seeking to understand the rights and obligations of IMC, the original party to and the designee for the Plan. We are prepared to pay for our fair share of the costs, upon receipt of reasonable documentation and invoices from the designee. The Elkhorn Ranch Owners Association (“EROA”) has the authority to collect funds for such matters and has already set aside substantial amounts for such purposes. At the current time, the Board does not anticipate that there will need to be any adjustments to the current dues rate to cover these costs. However, EROA is only a part of the solution. Indian Mountain is a much larger partner in this matter. However, it does not appear that the Indian Mountain Property Owners Association (“IMPOA”) charter provides the authority to collect such funds from its property owners. Representatives of the Board are seeking to meet with representatives of IMPOA to see how this matter can be resolved. The Board has discussed several options and will provide further information as this initiative progresses.

The second matter has resulted in representatives of the Board performing a thorough review of our relevant documents to ensure that we are not in a situation similar to Saddle Mountain. Our review determined that the original water augmentation plan was properly filed with and approved by the Colorado water courts. Further, our sharing agreement with IMC is valid and enforceable, securing our rights and obligations under the Plan.

In a special meeting of the Board held on November 25, the Board authorized President Bob Bridgewater to continue his initiatives and to delegate certain matters to other Board members or designees. (see draft Board minutes of November 25, 2006). The Board will discuss this matter further at its regularly scheduled meeting on January 8, 2007 and will update the property owners on its progress on this very important topic. If you have any questions in the meantime, please direct them to Bob Bridgewater at [habridgewater@myway.com](mailto:habridgewater@myway.com) or to Denny Nall at [djnall@djnall.com](mailto:djnall@djnall.com).



## DIRECTORY

### EROA BOARD

<i>President</i>	Bob Bridgewater	719-836-2298	e-mail <a href="mailto:babridgewater@myway.com">babridgewater@myway.com</a>
<i>Vice-President</i>	Michael Flower	303-470-3107	e-mail <a href="mailto:mikeaf2000@comcast.net">mikeaf2000@comcast.net</a>
<i>Secretary</i>	Cindy Gharst	719-836-3209	e-mail <a href="mailto:billandcindy@mindspring.com">billandcindy@mindspring.com</a>
<i>Treasurer</i>	JoAn Nall	719-836-1993	e-mail <a href="mailto:djnall@djnall.com">djnall@djnall.com</a>
<i>Member-at-Large</i>	Art Burnham	303-424-4871	
<i>Member-at-Large</i>	Terry Shumaker	719-836-3555	

### OTHER

<i>Security Patrol</i>	Terry Shumaker	719-836-3555		
<i>Neighborhood Watch</i>	Rhonda Garrett	303-766-2647	e-mail <a href="mailto:rota4951@msn.com">rota4951@msn.com</a>	
<i>Architectural Control</i>	Terry Shumaker	719-836-3555	Art Burnham	303-424-4871
<i>By-Laws and Web Page</i>	Dennis Nall	719-836-1993		
<i>Maintenance</i>	Terry Shumaker	719-836-3555		
<i>Social</i>	Ann Bridgewater	719-836-2298	e-mail <a href="mailto:babridgewater@myway.com">babridgewater@myway.com</a>	
<i>Welcome (interim) Committee</i>	Ann Bridgewater	719-836-2298	e-mail <a href="mailto:babridgewater@myway.com">babridgewater@myway.com</a>	
<i>Newsletter</i>	Michael Flower	303-470-3107	e-mail <a href="mailto:mikeaf2000@comcast.net">mikeaf2000@comcast.net</a>	
<i>Web Page</i>			<a href="http://www.elkhornowners.org">www.elkhornowners.org</a>	

If you would like to receive the periodic newsletter by e-mail and haven't signed up yet, please send your e-mail address to [mail@elkhornowners.org](mailto:mail@elkhornowners.org). This will also enable you to receive news from the Elkhorn between newsletters. If you have any ideas or suggestions for the newsletter or the website, please let us know.

### USEFUL TELEPHONE NUMBERS

Park County Sheriff – Emergency	011
Non-emergency	(719) 836-2494
Jefferson/Como Fire Station – Emergency	911
Non-emergency	(719) 836-3244
Park County – Administration	(719) 836-2771
Building Department	(719) 836-4256
Animal Control	(719) 836-4380

### USEFUL WEB SITES

South Park Weather Information	<a href="http://www.southparkwx.com">www.southparkwx.com</a>
Fire Safety Information	<a href="http://www.fs.fed.us">www.fs.fed.us</a>
Jefferson/Como Fire Protection District	<a href="http://www.jcfpd.org">www.jcfpd.org</a>
Park County	<a href="http://www.parkco.us">www.parkco.us</a>

## COMMUNITY CLASSIFIEDS

For Sale: 1988 Prowler 29' camper located in the Elkhorn Ranch. Excellent condition; very well maintained. Call Terry (719) 836-3555

If you have something to give away, sell or trade, or need a product or service, please submit your items to Michael Flower at [mikeaf2000@comcast.net](mailto:mikeaf2000@comcast.net). There is no charge for this service to property owners. Also, classified ads will be automatically removed from the subsequent issue, unless you request that it be republished by communicating such to Michael by the next publication deadline.

The deadline for submissions for the March 2007 issue is Monday, February 26, 2007.

## COMMERCIAL ADVERTISING PROGRAM

The Board has approved a program to allow commercial advertising in our newsletter. We believe that this can be a valuable service to our owners, as well as provide additional revenue for EROA. In January, we will be sending out flyers to about 100 local businesses who provide relevant products and services. The program will include newsletter advertising, a directory listing on our web-site and a link to the advertiser's web-site. EROA will not be endorsing or recommending vendors as a part of this program. If you would like to have a commercial listing or have a provider you would like us to contact, please submit the relevant information to Michael Flower at [mikeaf2000@comcast.net](mailto:mikeaf2000@comcast.net).

## IS UNCLE ELKY CHEAP?

After being away on a hunting trip for a week before Christmas, Uncle Elky thought it would be nice to bring his fifth wife a little gift.

"How about some perfume?" he asked the cosmetics clerk. She showed him a bottle costing \$50.

"That's a bit much," said Uncle Elky, so she returned with a smaller bottle for \$30.

"That's still quite a bit," Uncle Elky grouched.

Growing disgusted, the clerk brought out a tiny \$15 bottle.

Uncle Elky grew agitated, "What I mean," he said, "is I'd like to see something real cheap."

So the clerk handed him a mirror.

Don't forget to visit the web site at [www.elkhornowners.org](http://www.elkhornowners.org). Any web site suggestions should be sent to Denny Nall at [mail@elkhornowners.org](mailto:mail@elkhornowners.org).

