

NORTH STAR B CONDOMINIUM ASSOCIATION
302 ADAM'S RANCH RD
MOUNTAIN VILLAGE, CO 81435

August 19, 2024

Telluride Ski Resort
Attn: Chuck Horning and Chad Horning
565 Mountain Village Blvd.
Telluride, CO 81435
United States

Re: Beaver Damage affecting North Star B Condominiums

Dear Mr. Chuck Horning and Mr. Chad Horning:

I am writing on behalf of the Board of Directors and Homeowners Association of North Star B Condominium Association ("North Star"), the owner of Lot C, Filing 33, recorded with Telluride Mountain Village County of San Miguel, State of Colorado, located adjacent to the open space owned by Telski situated immediately to the North, identified as OSP-35a and OSP-35D pursuant to the Town of Mountain Village Official Zoning Map dated April 20, 2014 ("Open Space"). Enclosed for your reference is a survey reflecting the referenced North Star property, as well as land adjacent thereto owned by Telski.

We would like to draw to your attention to the fact that beavers have obstructed the natural water flow of the creek running through the Open Space which is interfering with and having detrimental effects to the North Star property. Specifically, the increased pooling caused by the beaver dams has caused the water to overflow its banks and to unnaturally pool – resulting in elevated water levels in the soil on North Star property. Moreover, the beavers have burrowed and created dens within the banks of the stream creating hollowed out tunnels which are a danger to the community and eroding soil.

The net result is sinking foundations for Buildings 3 and 4 within North Star.

Enclosed for your review are:

- Engineering report from Kurtz Engineering

The engineering report details the extent of the issue and the effects the soil conditions are having on Buildings 3 and 4. North Star has incurred engineering fees in the amount of \$4,776.

The estimate outlines the services to be provided to restore the foundations of Buildings 3 and 4 to their original level. The estimate to install piers is \$115,595. The plan is to make these repairs in the Spring of 2025 so that seasonal owners can plan and be her for the repairs.

Further, we fully anticipate incurring additional costs to improve drainage and runoff since our historic drainage systems are no longer adequate because of the increased water table caused by the beavers.

Legal counsel has advised us that we have a right to require that water flow and drainage of an adjacent property be regulated such that the flow not be destructive. In other words, that we have an implied easement for drainage of the water, requiring Telski to restore the natural flow of the creek to prevent further harm to our property.

Colorado law also recognizes the Common Enemy Rule. As such, we may take measures to protect our property. Additionally, the Natural Flow rule recognizes that each landowner is entitled to rely upon continuation of the natural flow of water. Under this rule a landowner who increases runoff, thereby causing flooding, is liable for damages.

We would like your assistance in remedying the costly and significant harm being caused by the beavers. Our immediate concern is to remedy the water flow issues being caused by the beavers in the Open Space. Failure to do so will result in further ongoing repeated damage to our property.

We also contacted Colorado Parks and Wildlife, Department of natural resources, Norwood District Wildlife Manager, Mark W. Caddy. His suggestions and procedures are listed below.

1. Remediation of the water and soil issues caused by the beavers since the beavers are on private land. Regarding water level issues and installation of leveler tubing, Mark suggested we seek the assistance of a hydrologist to assure the leveler system is properly installed.
2. Trap and remove beavers. If a trapper is hired to live trap and move beavers, CPW will have to issue a letter of authorization for movement which is why the letter from the receiving landowner is required.

Any previous experience Telski or the Town of Mountain Village has had with beaver water flow mitigation and relocation would be much appreciated.

Please accept this letter in the spirit in which it is intended, and that is to open a dialogue for finding a mutually beneficial solution to all parties. We respectfully request a meeting with representatives of North Star and Telski for the purpose of remedying the water flow issues in the Open Space. Thank you in advance for your consideration and we look forward to your prompt response.

Sincerely,



John Vise
Northstar B HOA President
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(480)432-3243

cc: Scott Strand, HOA Vice-President
Dwight Janzen, HOA Secretary
Nick Karrabas, HOA Treasurer
Jeff Cieslik, HOA Board Member
Robert Colbert (Bly), HOA Board Member
John Howe, HOA Board Member
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