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Thermopolis
Hot Springs

Independent Record

SPECIAL INTERNET PREVIEW

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THERMOPOLIS, WY 82443

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Jury rules against man suing state for 2006 incident

by J.D. Stetson
Last week, a jury in Hot Springs County District Court did not find the State of Wyoming negligent in a 2006 incident resulting in burns to Francis Weber from hot mineral water in the Vapor Cave at the Star Plunge.

The jury's verdict concluded Weber was 51 percent at fault and that C&W Enterprises, the company that owns and operates Star Plunge, was 49 percent at fault. C&W Enterprises was not a defendant in the case during the trial.

Because Weber had more than 50 percent fault, the jury did not determine a monetary amount for damages.

The verdict came after a week long trial that started Monday, Aug. 20 and concluded after a little more than three hours of deliberations Friday.

Weber was represented by attorneys James E. Fitzgerald and Vance Countryman. Senior Assistant Attorney General Thomas Rumpke represented the state.

Before closing arguments Friday, Judge Robert E. Skar instructed the jury on the rules of law pertaining to the case the jury would follow when determining the verdict.

Some of the rules included the definition of negligence, a state law giving full power to the Department of State Parks and Cultural Resources to enforce rules and safety, an instruction that the state can't be held liable for the construction of the Star Plunge and can only be found liable if the state was negligent in its duties to the public.

Plaintiff closing arguments

Fitzgerald addressed the jury first. He stressed the power of the jury to prevent the same kind of injuries that befell Weber from ever happening again.

Fitzgerald said it has been six years since Weber passed out while inside the Vapor Cave and suffered burns to his right hand, arm, face and upper body. Four of his fingers were

amputated and he underwent skin grafts to his arm and body.

He said the state has never conceded the cave is unsafe, and that nothing has been done since the incident to remedy the danger posed by the cave.

Fitzgerald said the lawsuit isn't about the injuries sustained by Weber, and that it is really about forcing the state to take action and place a wood grate over the exposed hot water inside the cave.

He posed a hypothetical situation to the jury where a mother and three children visit the Star Plunge and one of them gets away and runs into the Vapor Cave and slips and falls into the hot water.

The mother would take personal responsibility and live with the guilt for the rest of her life, that is, unless the Star Plunge fixes it, Fitzgerald said.

Fitzgerald stated the state has a duty under state law to promote the well-being of the people who use the park. He said the state contends it's all right for the Star Plunge to have a danger in its Vapor Cave because the park has a lease with the Star Plunge, but he disagrees because of the state law.

"A lease is not a shield because it can't undo the law," Fitzgerald said.

While on the stand during trial, Weber conceded his partial fault for the incident. Fitzgerald praised Weber for his honesty, but stressed the state hasn't conceded any percentage of fault.

He said based on evidence introduced during the trial, the state has performed lease inspections at the Star Plunge, but the Vapor Cave was never properly inspected for safety.

"They left out the most dangerous thing – the only thing that will burn a hand off," Fitzgerald said.

State's defense

As the defendant, the state did not have the burden of proving any negligence.

Rumpke said the state was

See Lawsuit on page 13

First day of school picture taking



Dallyn Griffin, 3, poses next to the Ralph Witters Elementary "Welcome Back" sign Aug. 23 while a school bus is reflected in the plexiglass. Griffin was with his mother

seeing off his sister, first grader Jayda Griffin, on her first day of school.

— J.D. Stetson photo

Amy Ready's Early Childhood Liaison Program pays dividends

by Joe Sovo

Wyoming remains among the few states not committed to state-funded pre-K as an education reform strategy while many states maintain high-quality program efforts amid weak economic times, says a landmark national report capping 10 years of study by the National Institute for Early Education Research.

The State of Preschool 2011: State Preschool Yearbook shows Wyoming is one of 11 states where 3- and 4-year-olds had no access to state-funded preschool in 2010-11.

However, Hot Springs County School District No. 1 has an Early Childhood Liaison Program, spearheaded by Amy Ready for the third year, which is providing substantial benefits to students who are just entering kindergarten.

"In a short amount of time our preschool liaison (Ready) has been here, absolutely, we do need funding to support these types of programs," Superintendent Dustin Hunt said. "I really look at the accountability at different levels."

The Early Childhood program is being provided without state funding geared specifically for that purpose.

"We've been creative on how to be able to provide that program. We partner with Fremont County BOCES (Board of Cooperative Educational Services), that's how we continue to offer that," Hunt said. "There are a lot of things that go into that (funding) formula... For the next year (2012-13), things look good."

"It provides resources for parents, preschools and daycares," Ready said of the Early Childhood program. "It realizes the kindergarten skills they (students) need. When they attend school they're ready."

According to Ready, after the first year of the program, kindergarten students scored 21 percent higher on their DIBELS (Dynamic Indicators of Basic Early Literacy Skills) tests in the fall of 2011 than in the fall of 2009.

Ready said that the local program serviced 209 of the 250 youth in the early childhood community in the first year, as well



Amy Ready

as 167 parents.

More time with students

While some teachers will have students in their specific classes for one hour a day for one year, kindergarten teachers have much more time with their students.

"They have them all day their whole entire first year of school, when they're first molding that student. I really think of pre-K the same way," Hunt said.

The impact those teachers in early childhood have is huge, according to the superintendent.

"We're the model for the state of Wyoming for the Early Childhood liaison program," Ready said. "It's exciting that they're wanting to model what we're doing in Hot Springs County."

Although state funding is available for Head Start and child development programs, most school districts just don't have the funds for an Early Childhood program.

"Thermopolis is really lucky. We have Fremont County BOCES funding. It pays for my salary and consumable items in the classroom and resources for parents. Anybody with children from pre-kindergarten through school age can benefit from this program."

Hunt believes funding the pre-K students is critical.

"I see it as a necessity in our state. It's a priority in our district," he said. "You can't start (educating youth) soon enough. It's really important to understand what types of programs those are."

Some people worry about whether youth are getting into the school setting too early.

"It's partnerships with parents that are developed at that age level, too. If we could maintain those partnerships all the way through high school, we'd have a lot of success with our kids," he said.

Moms and Tots program, preschool class

Amy Ready administers the hour-long Moms and Tots program every Tuesday at 10 a.m. during the school year. The first program is Sept. 4.

Each Wednesday, Ready holds a one-hour preschool class. This school year's class begins Sept. 5.

The program and class are both held in the district's vocational building on Springview Street.

Ready's motto this school year is, "Read 10 minutes a day to your children."

Bighorn sheep in WRC



A bighorn sheep stands on a rock in the Wind River Canyon about two miles north of Wolf Creek Monday afternoon. — J.D. Stetson photo/illustration

Early deadline for Sept. 6 edition of the IR

The Independent Record office will be closed on Monday, Sept. 3 in recognition of

Labor Day. The deadline for classified, display and legal advertising in the Sept. 6 is-

sue is 4 p.m. Friday, Aug. 31. The IR office will be open until 5 p.m. on that day.

The deadline for editorial/news content for the Sept. 6 issue is noon Tuesday, Sept. 4.

from page 1

Rotary district governor visit



Rotary District Gov. Mike Forney said he was very impressed with the operation of the Thermopolis club while visiting at last week's meeting. — Joe Sovo photo

Lawsuit

not refusing to do anything about the incident, but was asking the jury to place the responsibility on the parties most involved, which were Weber and C&W Enterprises.

Rumpke's closing arguments focused on the facts about the Vapor Cave revealed during the trial.

The water in the Vapor Cave has traditionally been between 118 degrees and 120 degrees, with one exception in the records taken after the incident where it exceeded 120 degrees.

He said the maximum allowable temperature in a common shower is 120 degrees.

Rumpke disputed the amount of time Weber had spent in the water, which the plaintiff contended to be a possible maximum of five minutes.

He said an expert witness of the plaintiff stated during tri-

al it is common sense to place a grate over exposed water to avoid injuries.

Rumpke said the expert, who has been involved with several lawsuits involving saunas and steam rooms, conceded in every case that the people injured had always sued the facility, and not the landlord.

Rumpke also restated the state's contention that once delivery of the mineral water crosses the leaseholder property line, it is the responsibility of the Star Plunge on how the water is used.

He ended the presentation asking the jury to determine who ultimately had the responsibility of placing a grate on the water – the state or the operators of the facility.

Final argument

Countryman was the final attorney to address the jury. He

focused on the beginnings of Hot Springs State Park and the minds of the legislators as they drafted a law allowing the state to own and manage the park.

He focused on the same law as Fitzgerald, which charged the state with the duty of responsibility for the well-being of park patrons.

He talked about the power of the state to end any lease if the lessee did not follow park regulations.

Then he discussed the injuries sustained by Weber and the circumstances that caused him to pass out in the steam room.

"Is it right for a person to fall unconscious and lose their hand?" Countryman asked.

Countryman also spoke about testimony from the state park officials and inspectors. He said they conceded in testimony that if a guard had been over the wa-

ter, Weber wouldn't have sustained the injuries.

He said the inspections of the facility did not cover the Vapor Cave because there are no rules or regulations in the state to cover steam rooms. He also said the inspector could not have seen the danger posed by the steam room because she did not fully enter the room because of claustrophobia.

"Weber didn't do anything but become unconscious," Countryman said. "It could have happened to anyone."

Countryman restated Fitzgerald's position about this case being about preventing further injuries in the cave.

"Is it not foreseeable that someone could fall in that water?" Countryman said. "Send a message to the state and tell them they are not to let this happen again."

Public notices

ADVERTISEMENT FOR BIDS

Notice is hereby given that the Town of Kirby will receive sealed bids until 4:00 P.M., local time, 9/20/12 at the Kirby Town Hall at 114 North Bryan Street, Kirby, Wyoming, for MATERIALS, LABOR, SERVICES, TRANSPORTATION & COMPLETE CONSTRUCTION OF TEAL Sign Project. The Engineer's opinion of probable construction costs ranges from \$10,000 to \$15,000. All bids publicly opened and read aloud - date and time stated above. Mail or deliver to **Town of Kirby**. Town of Kirby will take no responsibility for delivery of bids through mail. Bidding documents are available at: Engineering Associates, 902 13th St., P.O. Box 1900, Cody, WY 82414 for a \$50 non-refundable. The Town of Kirby reserves the right to reject any and/or all bids and to waive any informalities if deemed in the best interest of the Owner. No bid may be considered unless accompanied by the required bid guarantee of 10% of the total bid amount which amount shall be forfeited if the bidder is awarded the Contract and fails to enter into a Contract with the Owners. Pre-bid meeting held at 1:00 P.M. local time, on 09/17/12 at the Kirby Town Hall.

Qualified Disadvantaged Business Enterprises (DBEs) are encouraged to submit bids on this project. Contractors that use a subcontractor(s) are required to make a good faith effort at soliciting DBE subcontractor participation. Bidder shall include good faith effort documentation in the bid or bidder may be considered non-responsive.

Dated this 24th day of August, 2012.

Town of Kirby
/s/ owner

Pub. August 30, September 6 and 13, 2012

No. 6655

STATE OF WYOMING)	OFFICE OF THE BOARD OF
)	COUNTY COMMISSIONERS
COUNTY OF HOT SPRINGS)	THERMOPOLIS, WYOMING
		August 21, 2012

The Hot Springs Board of County Commissioners met in regular session on Tuesday, August 21, 2012 at 4:00 p.m. in the Public Meeting Room at the Government Annex.

Present were Commissioners Brad Basse, John Lumley and Mike Baker. Also present were County Attorney Jerry Williams, County Clerk Hans Odde and Administrative Assistant to the Commissioners Penny Herdt.

Chairman Basse led those present in the Pledge of Allegiance.

Approval of Agenda

John Lumley moved to approve the agenda with the following change:

ADD: Correspondence 4. Reid Odde – Scholarship Thank You

Mike Baker seconded the motion. Motion carried.

Airport Update

Relocation Update – Jeremy Gilb reported that GDA representatives have been in contact with Michelle Colby to discuss her work as the Disinterested Third Party (DTP) for the relocation negotiations. Ms. Colby seems to be well up to speed regarding the requirements and timelines for these negotiations. GDA is still working with the FAA regarding their willingness to reimburse grant requests for the DTP, and hopes to have a firm answer by the September 4th meeting of the Commissioners.

Phase I Timeline – GDA is currently in the final phase of design work for the Phase I Project – Access Roads, Perimeter Fence & Demolition of Existing Buildings on County Property. The Notice to Contractors & Schedule will be released August 23rd, the Pre-Bid meeting will be held September 6th at 2:00 p.m. at the Annex Building. Bids are due to the County Clerk's office by 9:00 a.m. September 18th, Bid Opening will be at 9:30 a.m. September 18th, and it is anticipated there will be a special Commissioner meeting sometime the week of September 25 to award the bid for Phase 1 work.

WYDOT Memorandum of Understanding – Road Closed Gate/Turnaround – Mr. Gilb reported that he has just received comments and changes from the WYDOT District 5 engineers for incorporation into the MOU, and so asked to present the MOU in it's final form at the September 4th meeting. This item will be placed on the September 4, 2012 agenda. Mr. Gilb indicated that the Road Closed Gate/Turnaround will likely be in Phase III of the airport project.

Ground Control Outlet (GCO) – Clerk Odde reviewed the GCO program provided by WYDOT. This is an unstaffed, remotely controlled, ground/ground communications facility that enables pilots to contact air traffic control centers as well as flight service stations in order to obtain an instrument clearance or close a VFR or IFR flight plan. Pilots can also get an updated weather briefing prior to takeoff. The initial installation costs for the GCO system will be funded by WYDOT, with the County responsible for all future maintenance and service fee costs, which are expected to be minimal. The GCO does require a dedicated phone line, with a monthly fee which the County would be responsible for. There are two options for maintenance: Option 1 is a flat \$850.00/year with all maintenance costs borne by WYDOT; Option 2 puts the responsibility for the maintenance on the County, at an estimated average repair cost of \$200-\$350. Mike Baker moved to authorize the WYDOT Aeronautics Division to install a GCO at the current airport with the understanding that it can be moved to the new airport site when necessary, with Maintenance Option 2 selected, and installation to occur in the first phase of the installation project as outlined by WYDOT. John Lumley seconded the motion. Motion carried.

Groundbreaking Ceremony – The groundbreaking ceremony for the new airport site has been scheduled for Thursday, September 13th, at 12:30 p.m. Commissioners' staff and GDA staff will work together to coordinate plans and notifications for the day.

Tax Rebate

Assessor Shelley Deromedi presented the following tax rebate for the Commissioners' approval:

Rebate #4-12 – Uncollectible Personal Property Taxes 2008-2010 – **Total Taxes \$892.26**

Parcel #4232 – Magelky, Anton, dba Bleachers – 2008 Taxes - Business sold and closed and owner moved. No real property and no forwarding address. Was deleted from tax roll for 2009, but 2008 taxes remain unpaid. I ask the commissioners to cancel the taxes for years 2008 in the amount of **\$103.63**.

Parcel #4024 – Wease, Glen dba Glen's Auto Repair – 2009 Taxes – Business closed during 2009. Was deleted from tax roll for 2010 but 2009 taxes remain unpaid. Mr. Wease has no real property and left no forwarding address. I ask the commissioners to cancel taxes for 2009 in the amount of **\$61.30**.

Parcel #4139 – Prospector Pizza – 2009 and 2010 Taxes – Business was

open and closed sporadically during these two years. Was removed from tax roll for 2011. This property owner never owned real property and cannot be reached. I ask the commissioners to cancel the taxes for 2009-2010 in the amount of **\$82.20** for the two years.

Parcel #3999 – Gerber Construction, Inc – 2008 and 2009 taxes – Business closed, personal property sold and owner moved out of state in 2009. Parcel was removed from tax roll for 2010, but 2008 and 2009 taxes remain unpaid. I ask the commissioners to cancel the unpaid taxes in the amount of **\$163.95** for the two years.

Parcel #4663 – Strickland Axell dba Tat Diesel Performance – 2010 taxes. This was a new business for 2010 that we added as an estimate value as no rendition was received. It was deleted from the tax roll for 2011, but 2010 taxes are unpaid. No response from out of state address. I ask the commissioners to cancel taxes for 2010 in the amount of **\$481.18**.

Mike Baker moved to approve Tax Rebate #4-12 – Uncollectible Personal Property Taxes as presented in the total amount of \$892.26. John Lumley seconded the motion. Motion carried.

E-911 Software Update

Emergency Management Coordinator Bill Gordon reported that he has not yet received any further information on this and indicated that he will bring this item for discussion at the September 4th Commission meeting.

Consider Meeteetse Draw Agreement with Wyo-Ben and the BLM

Planner Bo Bowman discussed the draft of the Meeteetse Draw Agreement that he distributed to the Commissioners via email earlier this month. The final document has not yet been issued. The County Attorney has reviewed the draft and finds it acceptable in its present form. Mr. Bowman will bring the Agreement back to the Commissioners for approval when it is finalized.

Lodging Tax Renewal Question

Clerk Odde presented a request from the Lodging Tax Board to place the 4% Lodging Tax Renewal on the General Election ballot in November. John Lumley moved to approve placement of the 4% Lodging Tax Renewal on the General Election ballot. Mike Baker seconded the motion. Motion carried.

Other Business

FY2013 4-H Extension Education Contract – Clerk Odde presented the Salary Contribution Agreement between Hot Springs County and the University of Wyoming for fiscal year 2013 for the 4-H Extension Educator for the Commissioners' consideration. John Lumley moved to approve the Salary Contribution Agreement between Hot Springs County and the University of Wyoming for the 4-H Extension Educator position for the time period July 1, 2012 through June 30, 2013 in the amount of \$19,356.00 to be paid in quarterly installments of \$4,839.00 in October, 2012 and January, March and June 2013. Mike Baker seconded the motion. Motion carried.

Allegiance Summary of Benefits & Coverage – Clerk Odde presented the Summary of Benefits & Coverage Services Election for the Commissioners' consideration. The Summary of Benefits & Coverage is a federally-mandated document that must be provided to all County employees covered by the Health Insurance plan. Allegiance has offered to provide the SBC to all covered employees for initial fee of \$425.00, and \$150.00 per amendment. Brad Johnson, the County's insurance consultant, feels that the County does not have the expertise to produce this document and indicates that the proposed fees are quite reasonable in his opinion. Mike Baker moved to request Allegiance Benefit Plan Management, Inc. to prepare and provide the SBC for the County's insurance plan for an initial fee of \$425.00 and \$150.00 per amendment. John Lumley seconded the motion. Motion carried.

Correspondence

Library Board Minutes – July, 2012

Zach Anderson – Scholarship Thank You

Environmental Quality Council - Proposed Storage Tank Rules
Revision

Reid Odde - Scholarship Thank You

The Commissioners reviewed the foregoing correspondence. No further action was required.

Adjournment

There being no further business to come before the Board of County Commissioners at this time, Chairman Basse declared the meeting adjourned at 5:09 p.m.

ATTEST:

Brad Basse, Chairman

Hans Odde, County Clerk

Pub. August 30, 2012

No. 6656

PUBLIC NOTICE

Pursuant to the Wyoming Administrative Procedure Act and the Wyoming Public Service Commission's (Commission) Procedural Rules and Special Regulations, notice is hereby given of the application of Rocky Mountain Power (Rocky Mountain or the Company) requesting a Certificate of Public Convenience and Necessity (CPCN) to construct the Selective Catalytic Reduction Systems on Jim Bridger Units 3 and 4 (the "Proposed Project"), as more fully described below.

Rocky Mountain is a public utility, as defined in W.S. §37-1-101(a)(vi)(C), providing retail electric public utility service under certificates of public convenience and necessity issued by the Commission. Rocky Mountain is subject to the Commission's jurisdiction under W.S. §37-2-112.

On August 7, 2012, Rocky Mountain submitted an application, together with testimony and exhibits requesting a CPCN to construct the Proposed Project, which will consist of selective catalytic reduction ("SCR") systems on Unit 3 and on Unit 4 of the Jim Bridger steam electric plant located in Sweetwater County, Wyoming. The scope of these environmental projects would include related upgrades. The projects are required to operate Unit 3 beyond December 31, 2015, and Unit 4 beyond December 31, 2016, to maintain compliance with environmental requirements. According to the Company, the approximate cost for the proposed project is expected to be in excess of \$200 million.

Rocky Mountain states in its application that the Proposed Project is required to operate Jim Bridger Units 3 and 4 in compliance with environmental permits and emissions requirements. Rocky Mountain proposes to begin construction on the project upon receipt of a CPCN from the Commission. The current estimated completion date of the Proposed Project under normal con-

struction circumstances, weather conditions, labor availability and materials delivery is prior to December 31, 2015.

This is not a complete description of the application. Customers with questions about the proposed application should contact Rocky Mountain directly for further information. Interested persons may inspect the application during regular business hours at the Company's Wyoming service centers located in Casper (Casper Service Center and Casper Region Office), Cody, Evanston, Laramie, Pinedale, Rawlins, Riverton, Rock Springs, and Worland, and at the Commission's offices in Cheyenne, Wyoming, during regular business hours.

Anyone desiring to file a public comment, statement, protest, intervention petition or request for a public hearing in this matter must file with the Commission in writing on or before September 27, 2012. Intervention petitions and requests for a public hearing shall set forth the grounds on which they are made and the position and interest of the petitioner in this proceeding.

If you wish to intervene in this matter or request a public hearing that you will attend, or you wish to file a public comment, statement, or protest, and you require reasonable accommodation for a disability, please contact the Commission at (307) 777-7427, or write to the Commission at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002, to make arrangements. Communications impaired persons may also contact the Commission by accessing Wyoming Relay at 711. Please mention Docket No. 20000-418-EA-12 in your communications.

Pub. August 30 and September 6, 2012

No. 6657

COUNCIL PROCEEDINGS

The Thermopolis Town Council met in regular session August 21, 2012 at 7 p.m. at Town Hall. Present were Mayor Bill Malloy, Council members Tony Larson, Al Braaten, Dick Hall and Tom Linnan. Also, present were Assistant to the Mayor/Codes Administrative Assistant Fred Crosby, Clerk/Treasurer Tracey Van Heule, Police Sergeant Mike Chimenti, Town Engineer Heath Overfield and Town Attorney Curtis Cheney.

AGENDA: Following a prayer led by Mayor Malloy and the Pledge of Allegiance, Hall made a motion, seconded by Braaten and carried to approve the agenda with the addition of an Oath of Office for the new police officer.

FINANCIAL STATEMENT: Hall made a motion, seconded by Linnan and carried to approve the financial statement for July 2012.

OATH OF OFFICE: Attorney Cheney gave the oath of office to Patrick Grabowski, a new police officer.

CITIZEN PARTICIPATION: MICHELLE LUE: POSSIBLE 3-ON-3 CHANGES: Lue noted the 3-on-3 committee is looking at moving the date and location for the 2013 basketball tournament. The committee is considering a date change due to conflicts with school activities and a location change due to the closure of businesses and restaurants. Lue noted the committee is looking at the street in front of the Chamber office and a portion of Senior Avenue for the first or second weekend in June. Chimenti asked Lue to check with WYDOT, since the streets connect to the highway; State Park access would still be available. The Mayor and Council did not express any objections to the potential change. Lue will contact the school for their comments, since the proposed location borders the high school.

CITIZEN PARTICIPATION: EAGLES #1884: PARKING LOT DANCE: David Adams representing the Eagles noted the club would like to have a parking lot dance on September 1, 2012. Tear away badges would be used to identify those of age. Linnan made a motion, seconded by Larson and carried to approve the dance as long as the listed rules are followed.

TOWN ENGINEER: HEATH OVERFIELD: Nothing at this time.

TOWN ATTORNEY: CURTIS CHENEY: Nothing at this time.

ADMINISTRATION: FRED CROSBY: McDONALD SUBDIVISION REQUEST: Crosby noted three brothers had inherited unplatted land near South Street. Patrick McDonald representing himself and his brothers presented a map of the land divided into three tracts. Water will be obtained from a well and sewer will be disposed in a septic system. Water well permits are obtained from the state engineers office and septic system permits from the county and DEQ. The planning commission recommends approval of the subdivision with a house on each of the three tracts and the stipulation that the owners will connect to Town water and sewer services, when available. The owners also agree to share in the cost of road development at some time in the future. Hall made a motion, seconded by Linnan and carried to approve the McDonald subdivision as proposed.

MAYOR AND COUNCIL: OTHER: The meeting adjourned at 7:18 p.m. The next Council meeting is September 4, 2012 at 7 p.m.

ATTEST:

Tracey Van Heule, Clerk/Treasurer

William H. Malloy, Mayor

Pub. August 30, 2012

No. 6658

NOTICE OF FINAL PAYMENT

The Chairman of the Cottonwood/Grass Creek Watershed Improvement District, acting as agent for the Cottonwood/Grass Creek Watershed Improvement District, has accepted all work as complete according to the Project Agreement set forth in the written Agreement between the **Dee Hilberry - Canyon Spring Development** and the Cottonwood/Grass Creek Watershed Improvement District dated the 18th day of May, 2012 for the **Canyon Spring Development Project**. **Dee Hilberry**, Contractor, is entitled to final payment therefore, and on the 27th day of September, 2012, the 41st day after the first publication of this notice, final payment of the full amount due under the Agreement will be made. Nothing in this notice shall be construed as relieving the Contractor and the Sureties on its bond from any claim or claims for the work or labor done or materials or supplies furnished in the execution of the Agreement. All persons having claims for labor and materials furnished the Contractor shall present a verified statement of the amount due and unpaid on account of the same to the District prior to the day specified for final payment. Failure on the part of the claimant to file such statement will relieve the District from any and all liability on such claim.

Owner: Cottonwood/Grass Creek Watershed Improvement District

By: /s/ _____
John Leroux, Chairman

Pub. August 16, 30 and September 13, 2012

No. 6643