

Legals

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

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

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of April 2021.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:

The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division, and owners of affected rights must appear to object and protest within the time provided by statute, or be forever barred.

CASE NO. 2021CW3021: Mt. Emmons Mining Company, c/o Francis McAllister, V.P. Liability Management and Land & Water, Freeport McMoran, 333 North Central Avenue, Phoenix, AZ 85004, Telephone: (602) 366-8100. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** in Gunnison County. Please direct all correspondence or inquiries regarding this matter to counsel for Applicant: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., NAZARENUS STACK & WOMBACHER, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661. 2.

Description of Decreed Conditional Water Rights 2.1. Slate River Direct Flow Right 2.1.1. Name of Structure: Slate River Intake 2.1.2. Original and Subsequent Decrees: 2.1.2.1. The Slate River Direct Flow Right was originally decreed in Case No. 96CW311 on July 25, 2002 in the District Court in and for Water Division No. 4 ("96CW311 Decree"). 2.1.2.2. The Slate River Direct Flow Right was continued as conditional in Case No. 08CW81 on April 16, 2015 in the District Court in and for Water Division No. 4 ("08CW81 Decree"). 2.1.3. Legal Description of Structure: The Slate River Intake will divert at a point on the South bank of the Slate River from which the West quarter corner of Section 20, Township 13 South, Range 86 West of the 6th P.M., bears South 88° 54' 52" West, distance of 2,666.55 feet, in Gunnison County, Colorado. 2.1.4. Source of Water: Slate River, a tributary of the East River. 2.1.5. Appropriation Date: November 11, 1996. 2.1.6. Amount: The 96CW311 and 08CW81 Decrees granted and continued as conditional the Slate River Direct Flow Right in the amount of 30 cfs. By this Application and in accordance with paragraph 6.2.6 of the 96CW311 Decree, Applicant has re-evaluated the flow rate decreed for the Slate River Direct Flow Right and has determined that only 20 cfs of the water right is necessary for Applicant's beneficial use. Therefore, this Application seeks to abandon 10 cfs of the Slate River Direct Flow Right and continue, as conditional, 20 cfs for the beneficial uses described in paragraph 3.6, below. 2.1.7. Use of Water: Use and reuse for all industrial purposes

associated with mining and milling molybdenum at the Mount Emmons molybdenum property, including without limitation: mining, grinding, and processing of ore; transportation of tailings; evaporation replacement; cooling and dust suppression; fire suppression; and domestic use and lawn and park irrigation at mine and mill facilities. 2.2. Carbon Creek Direct Flow Right 2.2.1. Name of Structure: Carbon Creek Intake. 2.2.2. Original and Subsequent Decrees: 2.2.2.1. The Carbon Creek Direct Flow Right was originally decreed in Case No. 96CW311 on July 25, 2002 in the District Court in and for Water Division No. 4. 2.2.2.2. The Carbon Creek Direct Flow Right was continued as conditional in Case No. 08CW81 on April 16, 2015 in the District Court in and for Water Division No. 4. 2.2.3. Legal Description of Structure: The Carbon Creek Intake will divert at a point on Carbon Creek from which the Southwest corner of Section 28, Township 14 South, Range 86 West of the 6th P.M., bears South 51° 56' 38" West, a distance of 3,617.89 feet, in Gunnison County, Colorado. 2.2.4. Source of Water: Carbon Creek, a tributary of Ohio River. 2.2.5. Appropriation Date: November 11, 1996. 2.2.6. Amount: 10 cfs, conditional. 2.2.7. Use of Water: Use and reuse for all industrial purposes associated with mining and milling molybdenum at the Mount Emmons molybdenum property, including without limitation: mining, grinding, and processing of ore; transportation of tailings; evaporation replacement; cooling and dust suppression; fire suppression; and domestic use and lawn and park irrigation at mine and mill facilities. 2.3. Carbon Creek Reservoir Storage Right 2.3.1. Name of Structure: Carbon Creek Reservoir. 2.3.2. Original and Subsequent Decrees: 2.3.2.1. The Carbon Creek Reservoir Storage Right was originally decreed in Case No. 96CW311 on July 25, 2002 in the District Court in and for Water Division No. 4. 2.3.2.2. The Carbon Creek Reservoir Storage Right was continued as conditional in Case No. 08CW81 on April 16, 2015 in the District Court in and for Water Division No. 4. 2.3.3. Legal Description of Structure: Carbon Creek Reservoir will be an on-stream reservoir located on Carbon Creek. The location of the dam will be a point on the South abutment of the dam axis from which the Southwest corner of Section 28, Township 14 South, Range 86 West of the 6th P.M., bears South 54° West, a distance of 3,300 feet, in Gunnison County, Colorado. Total capacity of Carbon Creek Reservoir will be 1,000 acre-feet. The dam will be approximately 115 feet high. The anticipated length of the dam will be 990 feet. 2.3.4. Source of Water: Carbon Creek, a tributary of the Ohio River; and the Slate River, a tributary of the East River. 2.3.5. Appropriation Date: November 11, 1996. 2.3.6. Amount: 1,000 acre-feet, conditional. 2.3.7. Use

of Water: Use and reuse for all industrial purposes associated with mining and milling molybdenum at the Mount Emmons molybdenum property, including without limitation: mining, grinding, and processing of ore; transportation of tailings; evaporation replacement; cooling and dust suppression; fire suppression; and domestic use and lawn and park irrigation at mine and mill facilities. 2.4. Mill Water Reservoir Storage Right 2.4.1. Name of Structure: Mill Water Reservoir. 2.4.2. Original and Subsequent Decrees: 2.4.2.1. The Mill Water Reservoir Storage Right was originally decreed in Case No. 96CW311 on July 25, 2002 in the District Court in and for Water Division No. 4. 2.4.2.2. The Mill Water Reservoir Storage Right was continued as conditional in Case No. 08CW81 on April 16, 2015 in the District Court in and for Water Division No. 4. 2.4.3. Legal Description of Structure: Mill Water Reservoir will be an on-stream reservoir located on an unnamed tributary of Ohio Creek. The location of the dam will be a point on the South abutment of the dam axis from which the Southwest corner of Section 19, Township 14 South, Range 86 West of the 6th P.M., bears South 81° East, a distance of 3,856 feet, in Gunnison County, Colorado. The total capacity of Mill Water Reservoir will be 1,000 acre-feet. The dam will be approximately 185 feet high. The anticipated length of the dam will be 710 feet. 2.4.4. Source of Water: An unnamed tributary of Ohio Creek, and the Slate River, a tributary of the East River. 2.4.5. Appropriation Date: November 11, 1996. 2.4.6. Amount: 1,000 acre-feet, conditional. 2.4.7. Alternate Point of Storage: Elk Creek Reservoir is an alternate place of storage for 600 acre-feet of the Mill Water Storage Right; provided, however, that the source of any Mill Water Reservoir water stored in Elk Creek Reservoir shall be limited to diversions from the Slate River Intake. 2.4.8. Use of Water: Use and reuse for all industrial purposes associated with mining and milling molybdenum at the Mount Emmons molybdenum property, including without limitation: mining, grinding, and processing of ore; transportation of tailings; evaporation replacement; cooling and dust suppression; fire suppression; and domestic use and lawn and park irrigation at mine and mill facilities. 2.5. Elk Creek Reservoir Storage Right 2.5.1. Name of Structure: Elk Creek Reservoir. 2.5.2. Original and Subsequent Decrees: 2.5.2.1. The Elk Creek Reservoir Storage Right was originally decreed in Case No. 96CW311 on July 25, 2002 in the District Court in and for Water Division No. 4. 2.5.2.2. The Elk Creek Reservoir Storage Right was continued as conditional in Case No. 08CW81 on April 16, 2015 in the District Court in and for Water Division No. 4. 2.5.3. Legal Description of Structure: Elk Creek Reservoir will be

an on-stream reservoir located on Elk Creek. The location of the dam will be a point on the north abutment of the dam axis from which the Southwest corner of Section 6, Township 14 South, Range 86 West of the 6th P.M., bears South 77° East, a distance of 2,720 feet, in Gunnison County, Colorado. The total capacity of Elk Creek Reservoir will be 1,600 acre-feet; provided, however, that the volume of water diverted into storage in Elk Creek Reservoir from the natural flow of Elk Creek shall be limited to a maximum of 1,000 acre-feet. The dam will be approximately 220 feet high. The anticipated length of the dam will be 960 feet. 2.5.4. Source of Water: Elk Creek, a tributary of Coal Creek; Carbon Creek, a tributary of Ohio Creek; and the Slate River, a tributary of the East River. 2.5.5. Appropriation Date: November 11, 1996. 2.5.6. Amount: 1,000 acre-feet, conditional. 2.5.7. Use of Water: Use and reuse for all industrial purposes associated with mining and milling molybdenum at the Mount Emmons molybdenum property, including without limitation: the mining, grinding, and processing of ore; the transportation of tailings; evaporation replacement; cooling and dust suppression; fire suppression; and domestic use and lawn and park irrigation at mine and mill facilities. 3. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** 3.1. On February 12, 2016, Applicant acquired from the previous owner, U.S. Energy ("USE"), all of USE's properties and interests related to the Mt. Emmons mine site, including the mine, water rights, and water treatment plant. 3.2. The Applicant spent the rest of 2016 analyzing the mine site to determine what is necessary to keep the water quality in good condition and make the operation run more efficiently. 3.3. In 2018, the Applicant established various levels of drainage systems on the property to better mitigate the water, and retained Trout Unlimited and the Colorado Division of Reclamation Mining and Safety to design and oversee implementation of onsite reclamation work, including reclamation of two waste rock areas. 3.4. The majority of 2019 was spent evaluating how to overall best improve the wastewater treatment plant for the long term, while Applicant also finished ditch and road improvements along with some slope improvements and additional waste rock reclamation. Applicant also, conducted repairs to the re-vegetation work done in 2018, and projects to improve stormwater management. 3.5. In 2020 and 2021, the Applicant continued with road, slope, and channel improvements, waste rock reclamation, as well as recontouring tailing dams to improve stormwater management. Applicant

also re-evaluated the volume of water necessary for various reclamation scenarios on the property and determined that only 20 cfs of Slate River Direct Flow Right would be necessary for the uses described in paragraph 3.6, below. 3.6. Applicant continues to rely upon and develop the conditional water rights described herein and has no intent to abandon them for industrial purposes associated with water management; water treatment; site operation, maintenance and restoration; and reclamation purposes, including, but not limited to, evaporation replacement; fire suppression; and domestic use and lawn and park irrigation at the former mine and mill location(s). 4. **Names and addresses of owners of the land on which the structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.** All water diversion structures, reservoir, and related facilities will be constructed on land owned by the Applicant, as well as on land owned by: 4.1. United States Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215. 4.2. United States Forest Service, Gunnison National Forest, 2250 Highway 50, Delta, Colorado 81416. WHEREFORE, Applicant respectfully requests that this Court enter an order finding that reasonable diligence has been exercised in the development of the conditional water rights and that such water rights be continued as conditional in the amounts described in paragraphs 2.1.6, 2.2.6, 2.3.6, 2.4.6, and 2.5.6, above for industrial purposes associated with water management; water treatment; site operation, maintenance and restoration; and reclamation purposes, including, but not limited to, evaporation replacement; fire suppression; and domestic use and lawn and park irrigation at the former mine and mill location(s). (8 pages, 0 exhibits). **GUNNISON COUNTY** YOU ARE FURTHER NOTIFIED THAT you have until the last day of June, 2021 to file with the Water Clerk a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

Published in the *Crested Butte News*. Issue of May 7, 2021. #050701

—LEGAL—

PLEASE TAKE NOTICE, that Ordinance No. 7, Series 2021, was passed on second reading and public hearing at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on Monday, May 3, 2021 in the Town Offices at 507 Maroon Avenue, Crested Butte, Colorado: Ordinance No. 7, Series 2021 - An Ordinance of the Crested Butte Town Council Amending Crested Butte Municipal Code Chapter 8, Article 4, Section 20, Speed and Special Hazards. The full text of Ordinance No. 7, Series 2021 is on file at the Town Offices at 507 Maroon Avenue and will be available on the Town website at townofcrestedbutte.com for public reading. This ordinance shall become effective five days after the date of publication. **TOWN OF CRESTED BUTTE, COLORADO** /s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of May 7, 2021. #050706

—LEGAL—

PLEASE TAKE NOTICE, that Ordinance No. 6, Series 2021, was passed on second reading and public hearing at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on Monday, May 3, 2021 in the Town Offices at 507 Maroon Avenue, Crested Butte, Colorado: Ordinance No. 6, Series 2021 - An Ordinance of the Crested Butte Town Council Amending and Replacing Crested Butte Municipal Code Chapter 8, Article 2, Section 60, Designated Loading Zones.

The full text of Ordinance No. 6, Series 2021 is on file at the Town Offices at 507 Maroon Avenue and will be available on the Town website at townofcrestedbutte.com for public reading. This ordinance shall become effective five days after the date of publication. **TOWN OF CRESTED BUTTE, COLORADO** /s/ Lynelle Stanford, Town Clerk

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legals@crestedbuttenews.com

NOTICE OF PUBLIC HEARING APPLICATION FOR A RETAIL LIQUOR STORE TRANSFER OF OWNERSHIP TWOFOURTEEN, LLC DBA TREASURY LIQUORS

Pursuant to the laws of the State of Colorado and the ordinances of the Town of Mt. Crested Butte, Colorado, TWOFOURTEEN, LLC DBA TREASURY LIQUORS, on March 8, 2021 applied for a retail liquor store license, transfer of ownership. If granted, said license will be exercised at 611 Gothic Road, Unit C, Mt. Crested Butte, Colorado. The liquor license authority of the Town of Mt. Crested Butte, Colorado, will hold a public hearing on said application on Tuesday, the 18th day of May, 2021 at 6:00 p.m., via zoom, Mt. Crested Butte, Colorado at which time and place any interested persons may be present and heard. All interested persons are requested to virtually attend. Please use the information below:
Join Zoom Meeting
<https://zoom.us/j/95037232654?pwd=UEM0dnVtUDVlaGpSOFdQMTRF5QnNLZz09>
Meeting ID: 950 3723 2654
Passcode: 297214
One tap mobile
+16699009128,,95037232654#,,,*,297214# US (San Jose)
+12532158782,,95037232654#,,,*,297214# US (Tacoma)

Dial by your location
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)

Meeting ID: 950 3723 2654
Passcode: 297214

Find your local number: <https://zoom.us/j/95037232654>
Any petition or remonstrances pertaining to the grant of said license may be filed at the office of the Town Clerk, Town Offices, 911 Gothic RD (PO Box 5800/fax: 970-349-6326, toconnell@mtcrestedbuttecolorado.us), Mt. Crested Butte, Colorado 81225 no later than Thursday, May 13, 2021 at 5:00pm.
Dated this 4th day of May, 2021.
/s/ Tiffany O'Connell
Town Clerk

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