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STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
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JAN 13 2014

**DIVISION OF RECLAMATION
MINING AND SAFETY**



CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☐ **There is a File Number Already Assigned to this Operation.**
Permit # M 2014-COS (Please reference the file number currently assigned to this operation)
☒ **New Application (Rule 1.4.5)** ☐ **Amendment Application (Rule 1.10)**
☐ **Conversion Application (Rule 1.11)**
Permit # M - - - - - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information described below.

1. **Applicant/operator or company name (name to be used on permit):** O'Rourke Excavating, Inc.
 - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** O'Rourke, South Fork pit
3. **Permitted acreage (new or existing site):** 9.05 permitted acres
 - 3.1 Change in acreage (+): N/A acres
 - 3.2 Total Acreage in Permit Area: 9.05 acres
4. **Fees:**
 - 4.1 New Application: \$1258.00 application fee
 - Amendment Fee (C.R.S. 34-32.5-125(II)): ~~\$827.00~~ application fee
5. **Primary commodity(ies) to be mined:** Sand Gravel Fill Dirt
 - 5.1 Incidental commodity(ies) to be mined: 1. / lbs/Tons/yr 2. / lbs/Tons/yr 3. / lbs/Tons/yr
4. / lbs/Tons/yr 5. / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Road Base, Asphalt, structural Fill
Anticipated end use of incidental commodity(ies) to be mined: N/A

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Thomas O'Rourke Title: Operator
Company Name: O'Rourke Excavating, inc.
Street/P.O. Box: 2489 CR 15 P.O. Box: _____
City: South Fork
State: Colorado Zip Code: 81154
Telephone Number: (719) - 580-9602
Fax Number: () -

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: SAME Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -
Fax Number: () -

INSPECTION CONTACT

Contact's Name: SAME Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -
Fax Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: N/A
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: N/A
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

7. **Name of owner of the subsurface rights of affected land:** Thomas O'Rourke

8. **Name of owner of the surface of affected land:** Thomas O'Rourke

9. **Type of mining operation:** ☒ Surface ☐ Underground ☐ In-situ

10. **Location information:** The center of the area where the majority of mining will occur:

COUNTY: Rio Grande

PRINCIPAL MERIDIAN (check one): ☐ 6th (Colorado) ☒ 10th (New Mexico) ☐ Ute

SECTION (write number): S 27

TOWNSHIP (write number and check direction): T 40 ☒ North ☐ South

RANGE (write number and check direction): R 4 ☒ East ☐ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☒ NE ☐ NW ☐ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): Southfork - 8200 elev. - West approx. 9 miles

11. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg 89 min 28 sec 56.00 (2 decimal places)

Longitude (W): deg 01 min 28 sec 44.00 (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude (W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) NAD83

Zone 13

Easting _____

Northing _____

12. **Primary future (Post-mining) land use (check one):**

| | | | | | |
|-------------------------------------|-------------------------------|--------------------------|-----------------|--------------------------|---------------------------|
| <input type="checkbox"/> | Cropland(CR) | <input type="checkbox"/> | Pastureland(PL) | <input type="checkbox"/> | General Agriculture(GA) |
| <input checked="" type="checkbox"/> | Rangeland(RL) | <input type="checkbox"/> | Forestry(FR) | <input type="checkbox"/> | Wildlife Habitat(WL) |
| <input type="checkbox"/> | Residential(RS) | <input type="checkbox"/> | Recreation(RC) | <input type="checkbox"/> | Industrial/Commercial(IC) |
| <input type="checkbox"/> | Developed Water Resources(WR) | | | <input type="checkbox"/> | Solid Waste Disposal(WD) |

13. **Primary present land use (check one):**

| | | | | | |
|-------------------------------------|--------------------------------|--------------------------|-----------------|--------------------------|---------------------------|
| <input type="checkbox"/> | Cropland(CR) | <input type="checkbox"/> | Pastureland(PL) | <input type="checkbox"/> | General Agriculture(GA) |
| <input checked="" type="checkbox"/> | Rangeland(RL) | <input type="checkbox"/> | Forestry(FR) | <input type="checkbox"/> | Wildlife Habitat(WL) |
| <input type="checkbox"/> | Residential(RS) | <input type="checkbox"/> | Recreation(RC) | <input type="checkbox"/> | Industrial/Commercial(IC) |
| <input type="checkbox"/> | Developed Water Resources (WR) | | | <input type="checkbox"/> | Mining (MN) |

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

NONE

15. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s):

N/A

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

- 6.3.1 EXHIBIT A - Legal Description and Location Map
- 6.3.2 EXHIBIT B - Site Description
- 6.3.3 EXHIBIT C - Mining Plan
- 6.3.4 EXHIBIT D - Reclamation Plan
- 6.3.5 EXHIBIT E - Maps, to include the location of any recorded easements
- 6.3.6 EXHIBIT F - List of Other Permits and Licenses Required
- 6.3.7 EXHIBIT G - Source of Legal Right-to-Enter
- 6.3.8 EXHIBIT H - Municipalities Within a Two-mile Radius
- 6.3.9 EXHIBIT I - Proof of Filing with County Clerk
- 6.3.10 EXHIBIT J - Proof of Mailing Notices of Permit Application
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)
- 6.5 Geotechnical Stability Exhibit (as required)

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- TDC 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
- TDC 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresents important material facts;
- TDC 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- TDC 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- TDC 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- TDC 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- TDC 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;
- TDC 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.
- TDC 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- TDC 10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office review and decision or appeals process, you may contact the Office at (303) 866-3567.

An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. There are no structures located on
2. or within 200 feet of the proposed
3. affected area.
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, O'Rourke Excavating, Inc. (print applicant/company name),
by Thomas O'Rourke (print representative's name), as President (print
representative's title), does hereby certify that _____ (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for _____ (operation name),
File Number M-____-____.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant O'Rourke Excavating Representative Name [Signature]
Date 12/10/13 Title President

STATE OF Colorado)
) ss.
COUNTY OF Rio Grande)

The foregoing was acknowledged before me this 10 day of December, 2013, by
Thomas O'Rourke as president of O'Rourke Excavating, Inc.

[Signature] My Commission Expires: 3/27/14
Notary Public

Marlin Reed
Notary Public
State of Colorado
My Commission Exp. 03-27-2014

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this _____ day of _____, _____.

Thomas O'Rourke
Applicant/Operator

If Corporation Attest (Seal)

Signed: _____

Signed: [Signature]

Corporate Secretary or Equivalent

Title: President

Town/City/County Clerk

State of _____)
) ss.

County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
, by _____ as _____ of _____.

Notary Public

My Commission expires: _____

SIGNATURES MUST BE IN BLUE INK

EXHIBIT A

Legal Description and Location Maps

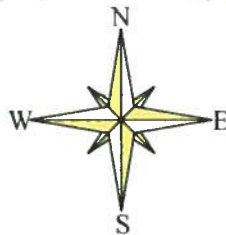
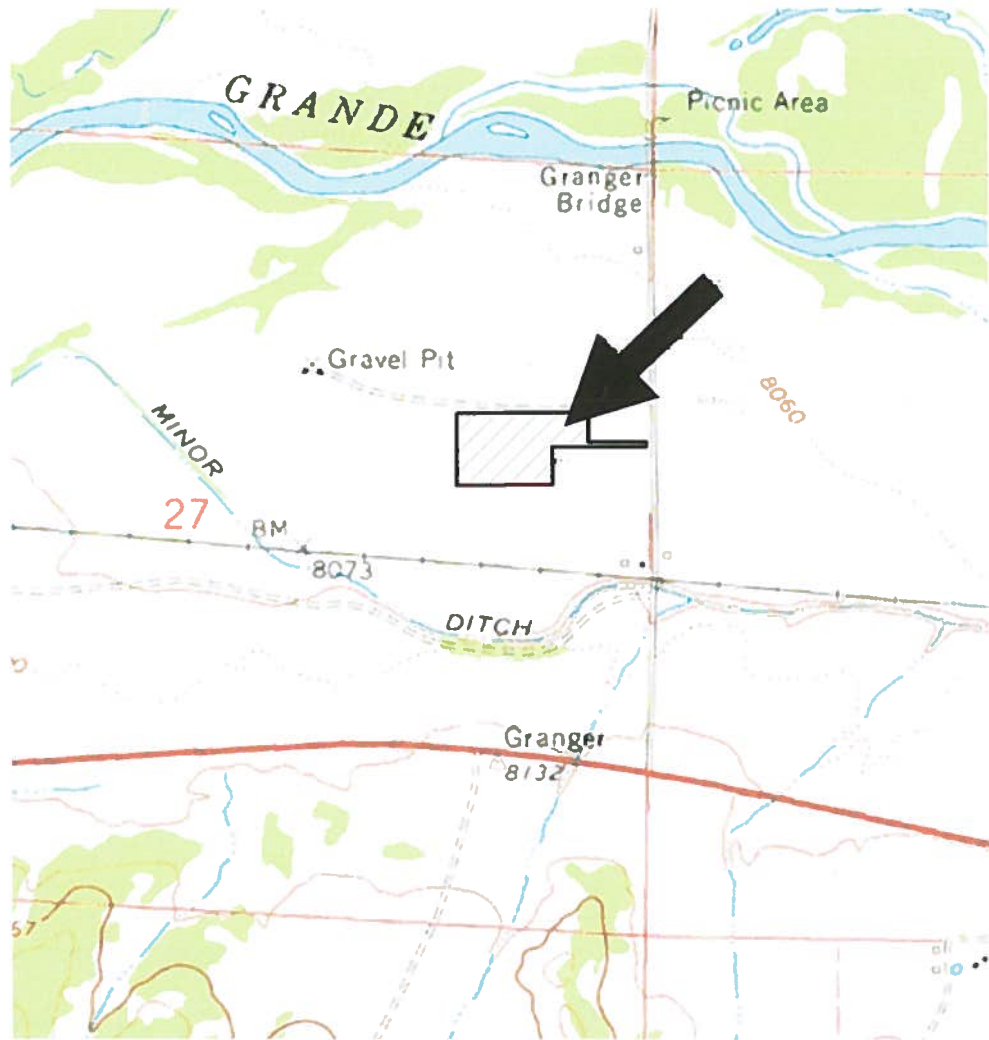
A tract of land located in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27, Township 40 North, Range 4 East, New Mexico Principal Meridian, Rio Grande County, Colorado, more particularly described by meters and bounds as follows:

Beginning at the southeast corner of the Trisha Martinez Exempt Land Division, as shown on that plat filed under Reception No. 0932 in the records of the Rio Grande County Surveyor, also being a point on the west right of way of Rio Grande County Road 18, monumented by a #4 rebar with a 1" plastic cap set by PLS No. 38009, from which the North Sixteenth Corner common to Sections 26 and 27, a 3.25' aluminum cap set by PLS No. 38009, bears N 01°53'57" E a distance of 653.84 feet; thence S 01°28'44" E along said west right of way a distance 30.00 feet; thence S 89°28'56" W a distance of 645.67 feet; thence S 01°06'18" E a distance of 257.15 feet; thence S 89°33'40" W a distance of 658.30 feet to a point on the west line of the Southeast Quarter of the Northeast Quarter of said Section 27; thence N 00°09'52" E along said west line of the Southeast Quarter of the Northeast Quarter a distance of 493.93 feet to the southwest corner of The Daniel Subdivision, as shown on that plat recorded under said Reception No. 356665; thence N 89°33'17" E along the south line of said Daniel Subdivision a distance 626.16 feet; thence N 89°24'47" E along the south line and its extension of said Daniel Subdivision a distance of 277.08 feet to a point on the west line of said Trisha Martinez Exempt Land Division; thence S 00°01'33" W along said west line a distance of 207.21 feet to the southwest corner of said Trisha Martinez Exempt Land Division; thence N 89°28'56" E a distance of 393.68 feet to the Point of Beginning, containing 9.05 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.

The above description is supported by the following three maps, Exhibits A-1, A-2, and A-3.

**EXHIBIT A-1 LOCATION MAP
THE O'ROURKE PIT No. 2**

LOCATED IN THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 27, T. 40 N., R. 4 E.,
N.M.P.M., RIO GRANDE COUNTY, COLORADO



APPLICANT
O'ROURKE EXCAVATING, INC.
2489 County Road 15
South Fork, CO 81154
719-580-9602


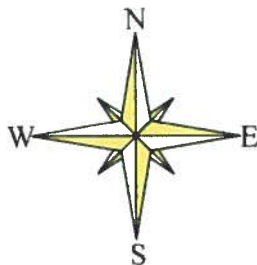
Signed 
Print Thomas O'Rourke
1/13/14

EXHIBIT A-2 OWNERSHIP THE O'ROURKE PIT No. 2

LOCATED IN THE SE¼NE¼ OF SECTION 27, T. 40 N., R. 4 E.,
N.M.P.M., RIO GRANDE COUNTY, COLORADO



NOT TO SCALE

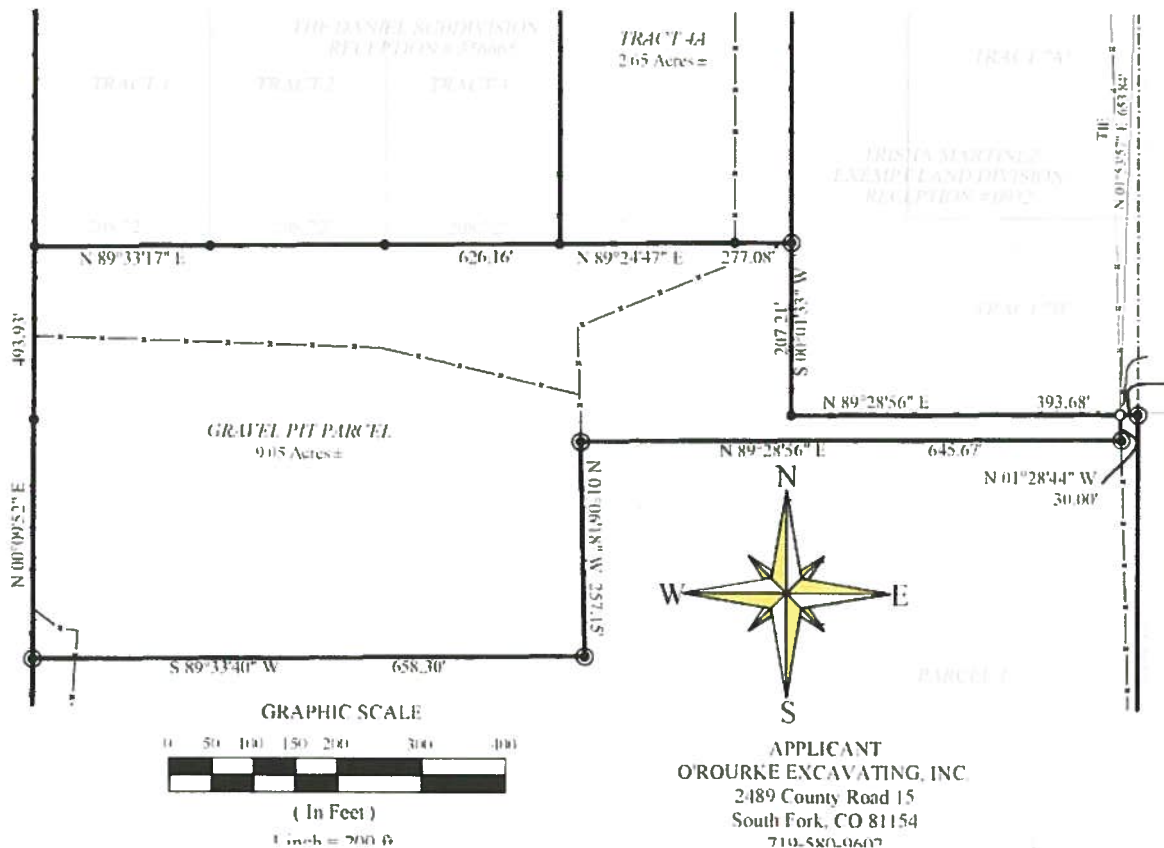


APPLICANT
O'ROURKE EXCAVATING, INC.
2489 County Road 15
South Fork, CO 81154
719-580-9602

Signed *Thomas O'Rourke*
Date *1/13/14*
Thomas O'Rourke

EXHIBIT A-3 SURVEY THE O'ROURKE PIT No. 2

LOCATED IN THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 27, T. 40 N., R. 4 E.,
N.M.P.M., RIO GRANDE COUNTY, COLORADO



Signed *Thomas O'Rourke*
print Thomas O'Rourke
1/13/14

EXHIBIT B

Site Description

The site is currently used as range land, consisting of 9.05 un-irrigated acres. The site is situated between the Daniel Subdivision (North), Mathias Concrete Inc. (West), Wendy and Randy Mellott (South), and County Road 18 (East). The site has two soil types that have been proven to be excellent producers of gravel, sands, and fill. The soil types are the Norte Gravelly Sand Loam (No) and the Norte-Dunal Complex (Nr). The soils proposed to be mined at the site will produce desired final aggregate products. The site has an approximate elevation of 8,150 feet.

The existing vegetation consists of Indian Rice grass, Thinkspikes Wheat grass, Russian Wild Rye, Louisiana Sage, Four Wing Salt Brush and Alfalfa.

The northern boundary of this tract is the Daniel Subdivision. The western boundary of the tract is Mathias Concrete's gravel pit. The southern boundary is Wendy and Randy Mellott's ranch land. The east boundary of the tract is County Road 18 and a parcel owned by Trisha Martinez.

An existing domestic well (Permit No. 53807) is located approximately 400 feet east of the northwest corner of the property and 75 feet south of the northern property line.

EXHIBIT C

Mining Plan

Mining will begin upon the issuance of the proper permit from the Division of Reclamation, Mining and Safety, and is estimated to begin in early March 2014. There is a planned 30-year mine life for the site with a projected completion date of December 2044. A 25-foot setback has been allowed by Rio Grande County for the North, South, East and West portions of the site. These 25 feet of land surrounding the property are not to be mined. Topsoil may be stockpiled in this area for later Reclamation. The domestic well near the northern property line will remain undisturbed.

The topsoil will be stripped to an approximate depth of 2 to 3 inches. The topsoil will then be stockpiled on the North and East sides of the pit (as shown on the attached Exhibit E map). It is not expected to have any overburden or waste rock requiring removal before mining begins. It cannot be determined how much topsoil will be stripped at any given time, but is assumed to not exceed 4 acres. The amount to be stripped will be based on a three year running average of final product sales of those three years.

The stockpiled topsoil will be sloped at a 3:1 or flatter grade for the temporary slopes on the edge of the pile. The entire topsoil stockpile will be seeded with the same seed mixture and at the same rate as proposed by the NRCS for the final reclamation plan. This will occur only after it has been determined that the stockpile will not be added to or changed for a period of at least one year. The pit operator will control any infestation of noxious weeds that may occur. The pit operator will use approved chemical methods to control the noxious weeds, if any, and will use the standard acceptable method of application of such chemical. Tillage, if appropriate, will also be a possible control device for an infestation of any noxious weeds.

The site will be mined to an estimated depth of 25 feet. The bottom of the pit will maintain a 2-foot minimum elevation above the ground water table on the site. This will ensure zero exposure of the ground water. This 2-foot minimum will also help the recommended reseeding plant types thrive. The site will be a rectangular shape as shown on the Exhibit A-3 survey. A historic survey of the property is filed in the Rio Grande County Surveyors records. Mining will begin in the eastern most portion of the site and will continue in the western direction.

The mining operation will use conventional construction/mining equipment. Such equipment as front end loaders, dozers, trucks and track hoes of various sizes will be used. It is anticipated that the working face or highwall will be mined at a vertical or near vertical face, at an offset distance from the boundary sufficient to match the depth of the pit. The sides will then be mined and then filled with concrete and/or asphalt rumble to create the 3:1 or less grade. To create the final exterior slopes as part of the mining process pit run will be placed on the concrete and asphalt. All rumble fill will be above the water table. For example if the pit is at a depth of 20 feet while working near an exterior boundary of the site, a distance of 60 feet from the setback boundary will be determined. The mining process of complete vertical highwall excavation will be discontinued at a 10 feet mark from the tract boundary and the 3:1 or less slope will be created by concrete and/or asphalt fill. Pit run material will cover the final slope before reclamation.

During the mining process blast rock from other projects may be hauled to the pit and stockpiled to be sold at a future time. It will be stockpiled in the mined out pit bottom until it can be processed and sold.

It is understood by the operator that any on-site processing will need to meet the requirements of the state of Colorado for clean air and water and that any required permits will need to be obtained before processing. It is intended that this application cover on-site processing to include crushing, screening, batching and/or hot plants.

Access to this site will be from an existing access road located at the eastern side of the tract that connects to County Road 18. County Road 18 is a publicly maintained road. As part of the Condition Use Permit (CUP) already granted by Rio Grande County for this pit, access has been allowed.

The site will neither generate nor consume water. The site will not discharge any water nor will it impact any water rights as per applicable to Colorado water law.

The aggregate, sand and gravel material removed from this site will be used for fill, road base gravel, and as a source for asphalt aggregate. It is not anticipated that any other incidental products will be generated.

EXHIBIT D

Reclamation Plan

Mining is anticipated to begin on the western boundary with the topsoil initially being stripped from the west to the east. Initial stripping is estimated to be between 3 to 5 acres being stockpiled starting on the northern boundary. It is not anticipated that any topsoil will be replaced prior to mining a minimum of 50 percent of the site.

The maximum gradient for the final exterior slopes of the pit created will be 3:1 or less. The stockpile of topsoil will then be placed loosely on the slope as a final surface at a depth of 2 to 3 inches. Seeding of the slope will take place between July 1 and July 31 in order for the natural weather and growing season to aid germination.

The seed mix will consist of four seed types. The four types are Crested Wheat grass, Western Wheat grass, Indian Rice grass, and Russian Wild rye. The NRCS recommendations will be followed, shown below:

| Seed Types | | |
|---------------------|--------------------|---------------|
| Seed Type | Variety | lbs. per Acre |
| Crested Wheat Grass | Ephraim or Fairway | 1.5 |
| Western Wheat Grass | Arriba | 2.0 |
| Indian Rice Grass | Nezpar | 0.9 |
| Russain Wild Rye | Bozoiski | 0.5 |

A drilled planting method is recommended by NRCS and will be used in the planting process. All seed referenced above is "Pure Live Seed." If a particular species/variety should not be available or found to be prohibitively expensive, then the NRCS guidelines state that species will be reduced or replaced by one of the others. If replaced by another species, the combined seeding rate will be adjusted back up to 100 percent.

This property will be utilized as range land after reclamation. Grazing will be deferred for 1 to 2 years after seeding to allow for adequate plant establishment. It is not anticipated that any watering will be used for seeding but rather will rely upon planting occurring at the appropriate date (July 1 to July 31) to allow for the natural wet cycle to assist with germination and establishment of the seeded plants.

The above outlined procedure indicates compliance with the NRCS reclamation guide sheet prepared by Mr. Steve Russell, District Conservationist for Rio Grande County for the Smith Pit located in Section 29, Town ship 40 North, Range 4 East, NMPM, Rio Grande County, Colorado.

Total reclamation cost for the site is estimated to be \$10,690.38 as shown below.

Estimated Cost of Reclamation

| Seed Costs | | | | | |
|---------------------|---------|---------------|-------|----------------------|-----------------|
| Seed Type | \$/lb. | lbs. per Acre | Acres | Total lbs. for acres | Total Cost (\$) |
| Crested Wheat Grass | \$ 1.45 | 1.5 | 9.0 | 13.5 | \$ 19.58 |
| Western Wheat Grass | \$ 5.00 | 2.0 | 9.0 | 18.0 | \$ 90.00 |
| Indian Rice Grass | \$ 5.50 | 0.9 | 9.0 | 8.1 | \$ 44.55 |
| Russain Wild Rye | \$ 2.50 | 0.5 | 9.0 | 4.5 | \$ 11.25 |
| | | | | Total | \$ 165.38 |

| Planting Costs | | | |
|---------------------|-----------|-------|-----------------|
| Activity | \$/Acre | Acres | Total Cost (\$) |
| Harrowing | \$ 25.00 | 9.0 | \$ 225.00 |
| Planting (drilling) | \$ 200.00 | 9.0 | \$ 1,800.00 |
| | | Total | \$ 2,025.00 |

| Pit Grading Costs | | | |
|-------------------|-----------|-------|-----------------|
| Pit Section | \$/Hour | Hours | Total Cost (\$) |
| Highwall | \$ 100.00 | 80.0 | \$ 8,000.00 |
| Pit Bottom | \$ 100.00 | 5.0 | \$ 500.00 |
| | | Total | \$ 8,500.00 |

| | |
|----------------------------------|--------------|
| Total Estimated Reclamation Cost | \$ 10,690.38 |
|----------------------------------|--------------|

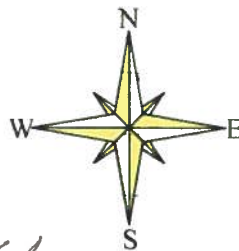
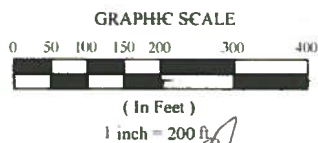
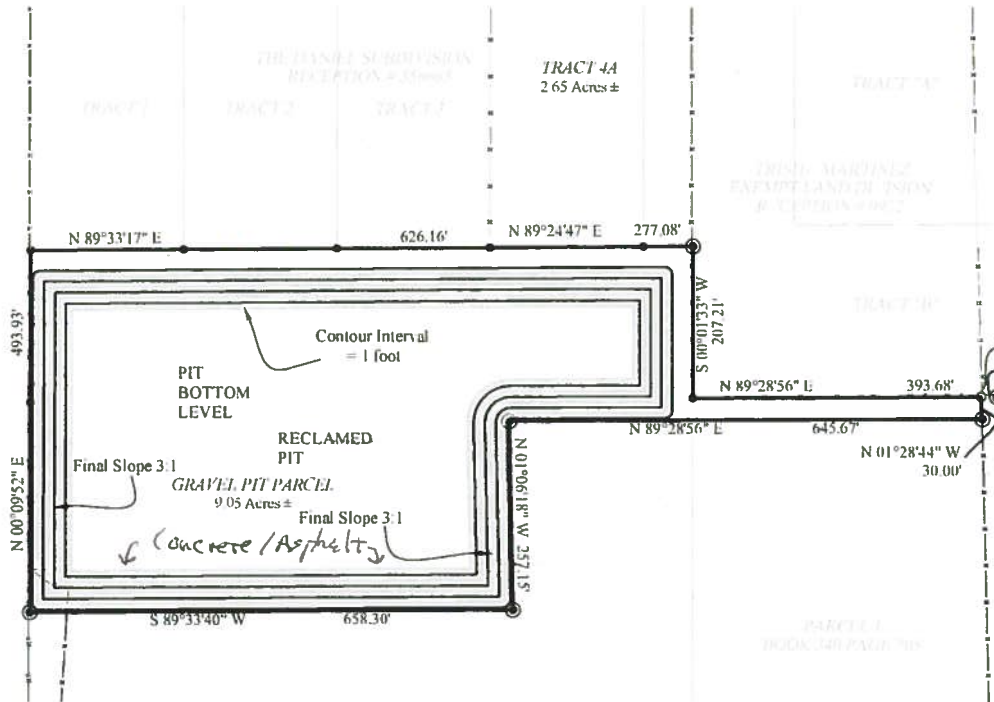
Estimated Cost of the reduction of highwall and grading to final slopes assumes not more than 900 linear feet of highwall at any given time and replacement of topsoil using 850 case dozer. Ripping the interior of the pit floor with the same dozer and placement of topsoil follows the same 900 linear feet assumption.

Maps, to include the location of any recorded easements



EXHIBIT E RECLAMATION PLAN THE O'ROURKE PIT No. 2

LOCATED IN THE SE 1/4 OF SECTION 27, T. 40 N., R. 4 E.,
N.M.P.M., RIO GRANDE COUNTY, COLORADO



APPLICANT
O'ROURKE EXCAVATING, INC.
2489 County Road 15
South Fork, CO 81154
719-580-9602

Signed *Thomas O'Rourke*
Print Thomas O'Rourke

1/13/14

EXHIBIT F

List of Other Permits and Licenses Required

This site lies within Rio Grande County. A conditional use permit has been obtained from Rio Grande County for an extractive industry.

Since on-site processing is anticipated, any additional permits needed from the state of Colorado such as the Air Pollution Control Division with regard to fugitive dust will be obtained. There will not be any water discharge from this site.

6.3.7 EXHIBIT G

Source of Legal Right-to-Enter

This property is owned by O'Rourke Excavating Inc. as per the attached deed recorded under reception number 413271 of the records of the Rio Grande County Clerk and Recorder. The operator of this pit/mine will be O'Rourke Excavating Inc.

EXHIBIT H

Municipalities within a Two-mile Radius

There are NO municipalities located within a two mile radius of the proposed gravel pit.

EXHIBIT I

Proof of Filing with County Clerk

Mr. Bob Oswald
691 County Road 233 Room A2
Durango, Co 81301
PH: 970-247-5193

_____, 2014

RE: O'Rourke Pit at South Fork

This letter is to verify that on _____, 2014 a copy of O'Rourke Excavating Inc.'s application for a 110 mining permit was delivered to the Rio Grande County Clerk and Records office by Thomas O'Rourke, agent for O'Rourke Excavating Inc.

Acknowledgement of the Receipt of Copy of Application:

Signed: _____ Title: _____
Date: _____

EXHIBIT J-1 and J-2

Proof of Mailing Notices of Permit Application

Exhibit J-1 shows proof of mailing notice of permit application to the Rio Grande County Commissioner.

Exhibit J-2 shows proof of mailing not of permit application to the Rio Grande Conservation District.

EXHIBIT J-1

Mr. Bob Oswald
691 County Road 233 Room A2
Durango, Co 81301
PH: 970-247-5193

_____, 2014

Thomas O'Rourke delivered a copy of O'Rourke Excavating Inc.'s application for a Division of Minerals and Geology mining permit 110 to the Rio Grande County Commissioner of the date listed below.

Acknowledgement of the Receipt of Copy of Application:

Signed: _____ Title: _____ Date: _____

EXHIBIT J-2

Thomas O'Rourke
O'Rourke Excavating, Inc.
2489 County Road 15
South Fork, CO 81154
719-580-1160

_____, 2014

Mr. Jason Benton, President
Rio Grande Conservation District
0881 N. Highway 285
Monte Vista, Co 81144

RE: O'Rourke Pit at South Fork

Dear Mr. Plane.

The enclosed application for a 110 limited Impact Operation Reclamation Permit is being provided to the Conservation District as per requirements of the Colorado Division of Reclamation Mining and Safety. Please review the information provided and address any concerns you may have by forwarding a letter stating your concerns to both the Division of Minerals and Geology and myself at the address shown on the first page of the application. Thank you for your time.

Sincerely,

Thomas O'Rourke
O'Rourke Excavating Inc.

EXHIBIT L

Permanent Man-Made Structures

There is only one (1) man-made structure on the site, identified below:

1. An existing domestic well (Permit No. 53807) is located approximately 400 feet east of the northwest corner of the property and 75 feet south of the northern property line.



STATE OF
COLORADO

Ramirez - DNR, Michelle <michelles.ramirez@state.co.us>

FYI - NEW 110 APPLICATION ON HOLD

1 message

Ramirez - DNR, Michelle <michelles.ramirez@state.co.us> Tue, Jan 14, 2014 at 1:42 PM
To: Kathy Alire - DNR <kathy.alire@state.co.us>

Thomas O'Rourke (O'Rourke Excavating, Inc.) is mailing a new check for \$1,258.00 for his 110 application that's in my Tickler.

He sent a check for \$2,085.00, I called Bob Oswald to find out any particulars, and Bob asked me to call him to resend a new check in the correct amount, and hold his application until the check is received.

Mr. O'Rourke asked us to destroy the old check when the new one is received.

Thanks.

Michelle S. Ramirez

Program Assistant

Department of Natural Resources

Division of Reclamation Mining & Safety

1313 Sherman Street - Room 215

Denver, CO 80203

303-866-3567 x 8114

michelles.ramirez@state.co.us

<http://dnr.state.co.us/Pages/DNRDefault.aspx>

U.S. POSTAGE
PAID
SOUTH FORK, CO
81154
JAN 11, 14
AMOUNT
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1007



EH650330791US

EH650330791US

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| | | |
|--|---|----------------------------------|
| PO ZIP Code | Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> 2nd <input type="checkbox"/> 3rd | Postage \$ 16.05 |
| Date Accepted Mo. Day Year 10 19 14 | Scheduled Date of Delivery Month Day 1 14 | Return Receipt Fee \$ |
| Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM | Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM | Insurance Fee \$ |
| Net Rate <input type="checkbox"/> or Weight lbs. ozs. 16.4 | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Total Postage & Fees \$ 16.05 |
| | Int'l Alpha Country Code | Acceptance Emp't Initials TJS |

FROM: (PLEASE PRINT) PHONE ()

Thomas O'Rourke
2489 CA 15
South Fork, CO
81154

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visit **www.usps.com**
Call 1-800-222-1811

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| Delivery Attempt | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Delivery Date 1/13/05 | Time 12 AM | Employee Signature DR |
| Mo. Day | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | |

CUSTOMER USE ONLY

☐ **NO DELIVERY** ☐ Weekend ☐ Holiday ☐ Mailer Signature

☐ **WAIVER OF SIGNATURE (Domestic Mail Only)**
Additional merchandise insurance is void if customer requests a return receipt without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

TO: (PLEASE PRINT) PHONE ()

Division of Rec. Mining & Safety
1313 Sherman St Rm 215
Denver CO

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

81154

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

PRESS HARD, YOU ARE MAKING 3 COPIES.

Division of Reclamation, Mining, and Safety

Fee Receipt for M2014005

test

000000000

Receipt #: 16714

Date: 01/21/2014

Permit: M2014005

| Payment Method | Revenue Code | Fee Description/Notes | Amount |
|----------------|--------------|--|------------|
| 2375 msr | 4300-02 | Minerals Application Fees M2014-005 paid by O'Rourke Excavating, Inc. | \$1,258.00 |
| Receipt Total: | | | \$1,258.00 |