

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



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

✓ **AF & Report**
✓ **MV-2010-034 01/13/2011**

CHECK ONE: ☒ **There is a File Number Already Assigned to this Operation**

Permit # M 1990 134 - (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)**

AM03

Permit # M 1990 134 - (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):** James H Ross & Kathleen H Ross
 - 1.1 Type of organization (corporation, partnership, etc.): _____
2. **Operation name (pit, mine or site name):** Ross Pit
3. **Permitted acreage (new or existing site):** 6.92 permitted acres
 - 3.1 Change in acreage (+) 2.64 acres
 - 3.2 Total Acreage in Permit Area 9.56 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. 5000 / tons lbs/Tons/yr 2. 1000 / tons 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: construction materials
Anticipated end use of incidental commodity(ies) to be mined: construction materials

*Received at District Office
Hurst DM 4/10/2014*

*Received @ Baller
Sue Smith 4/10/2014*

RECEIVED

APR 15 2014

Division of Reclamation,
Mining & Safety

11. Correspondence Information:

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

Contact's Name: James H Ross & Kathleen H Ross Title: _____
Company Name: _____
Street/P.O. Box: 5529 Highway 394 P.O. Box: _____
City: Craig
State: Colorado Zip Code: 81625
Telephone Number: (970) - 824-3481
Fax Number: (970) - 824-3106

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Richard E Bower II Title: President
Company Name: Bower Brothers Const. Inc
Street/P.O. Box: 595 taylor P.O. Box: _____
City: Craig
State: Colorado Zip Code: 81625
Telephone Number: (970) - 326-8562
Fax Number: (970) - 824-9410

INSPECTION CONTACT

Contact's Name: Richard E Bower II Title: President
Company Name: Bower Brothers const. Inc
Street/P.O. Box: 595 taylor P.O. Box: _____
City: Craig
State: Colorado Zip Code: 81625
Telephone Number: (970) - 326-8562
Fax Number: (970) - 824-2793

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: None
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: None
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

7. **Name of owner of the subsurface rights of affected land:** Gladys murphy Estate, Van Tassel Estate James & Kathleen Ross

8. **Name of owner of the surface of affected land:** James H Ross & Kathleen Ross

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: Moffat

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

SECTION (write number): S 3

TOWNSHIP (write number and check direction): T 6.0 ☒ North ☐ South

RANGE (write number and check direction): R 90.0 ☐ 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): _____
5 Miles east of Craig on Co. 394 Elv. 6200 Feet

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 40 min 30 sec 30.003 (2 decimal places)

Longitude (W): deg 107 min 28 sec 38.3100 (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 type="checkbox"/> Rangeland(RL)	<input type="checkbox"/> Forestry(FR)	<input checked="" 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 checked="" type="checkbox"/> Pastureland(PL)	<input type="checkbox"/> General Agriculture(GA)
<input 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:

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

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

Amending the existing permit for future mining

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)

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.

EXHIBIT L

Refer to existing mining permit M-1990-134

Note: No new permanent man-made structures

EXHIBIT H

Refer to existing mining permit M-1990-134

EXHIBIT G

Refer to existing mining permit M-1990-134

EXHIBIT F

Refer to existing mining permit m-1990-134

EXHIBITE E

Refer to existing mining permit M-1990-134

Refer to attached map dates
by Peter Epp + Associates.



EXHIBIT D

Refer to existing mining permit M-1990-134

EXHIBIT C

Refer to existing mining permit M-1990-134

EXHIBIT B

Refer to existing mining permit M-1990-134

EXHIBT A

Refer to existing mining permit M-1990-134

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 4 day of Nov, 2013.

B. Bowen Bros. Const
Applicant/Operator

If Corporation Attest (Seal)

Signed: Richard Bower

Signed: _____

Title: Pres.

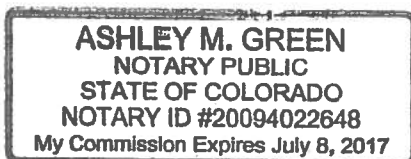
Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colo.

County of Moffat ss.

The foregoing instrument was acknowledged before me this 4 day of November,
by Richard Bower as President of Bower Brothers Const



Ashley M. Green
Notary Public

My Commission expires: 07/08/2017

SIGNATURES MUST BE IN BLUE INK

The following is an example that you may wish to use for the Notice required for Rule 1.6.2(1)(b).

NOTICE

This site is the location of a proposed mining operation. (Name of the Applicant/Operator) _____, whose address and phone number is (Address and Phone Number of the Applicant/Operator) _____, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) _____ County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) _____, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203.

Certification:

I, Richard E. Row, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) _____, on (Date Posted) _____.

SIGNATURE

DATE

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR **CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Moffat COUNTY

James H ross & Kathleen H Ross (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Moffat County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Wildlife Habitat use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You **MUST** attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT
_____ DISTRICT

James H ross & Kathleen H Ross (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Moffat County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

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OF THE LOCAL CONSERVATION DISTRICT
_____ DISTRICT

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NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

An example Public Notice which meets the requirements of the Statutes is shown below. The blanks, which require dates, will need to be filled in according to the following instructions. **PLEASE READ CAREFULLY.**

Publication Instructions:

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Limited Impact (110) types of operations, this notice must be published once within ten (10) days of the date the application is considered submitted to the Division of Reclamation, Mining, and Safety (the "Division"). The final date for receiving comments is ten (10) days after the date of publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Construction Materials Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32.5-110(7)(c), 114 and 115.

PUBLIC NOTICE

(Operator Name) _____; (Address and Phone Number) _____, has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the (Name of the Mine) _____, and is located at or near Section 3 _____, Township 6.0 _____, Range 90.0 _____, _____ Prime Meridian.

The proposed date of commencement is _____, _____, and the proposed date of completion is _____, _____. The proposed future use of the land is (Future Landuse) _____.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the (County Name) _____ County Clerk and Recorder's office; (Clerk and Recorder's Address) _____, or the above-named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on (Final Date for Comments) _____, _____.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

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. _____
2. _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, James H. Ross (print applicant/company name),
by _____ (print representative's name), as BOWER BROTHERS (print
representative's title), does hereby certify that James H. Ross (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 Ross Pit (operation name),
File Number M- 1990 134

*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

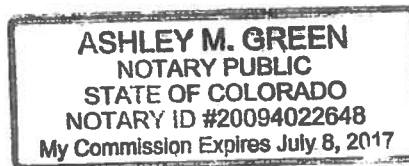
ACKNOWLEDGED BY:

Applicant James H. Ross Representative Name _____
Date 11-05-012 Title owner

STATE OF Colorado
COUNTY OF Moffat) ss.

The foregoing was acknowledged before me this 4 day of Nov., 2013, by
James H. Ross as owner of _____.

Ashley M. Green My Commission Expires: 07/08/2017
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

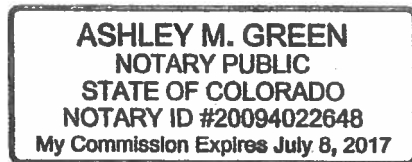
Structure Owner James H Ross Name James H Ross

Date 11-4-013 Title owner

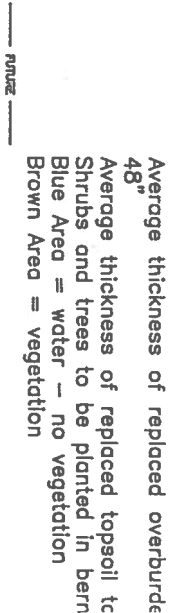
STATE OF Colorado
COUNTY OF Moffat) ss.

The foregoing was acknowledged before me this 4 day of Nov., 2013, by
James H Ross as Owner of _____.

Ashley M Green My Commission Expires: 07/08/2017
Notary Public



of Section 3, forwarding to Natchez, La.,
of the 6th U.S. Marshal County





PRESS FIRMLY TO SEAL

USPS TRACKING #



9114 9011 5981 5085 5061 07

Label 400 Jan 2013
7690-16-000-7948

★ MAIL ★



DATE OF DELIVERY SPECIFIED *



USPS TRACKING™ INCLUDED *



INSURANCE INCLUDED *



PICKUP AVAILABLE

* Domestic only

WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.



PS00001000014

EP14F July 2013
OD: 12.5 x 9.5

PRESS FIRMLY TO SEAL

FROM:

Bower Bros. Cons.
595 Taylor St
Craig CO 81625

TO:

Division of Mining
1313 Sherman St
Denver Co 80202



1006

80203



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ORDER FREE SUPPLIES ONLINE



This envelope is made from post-consumer waste. Please recycle - again.