

# 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

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APR 28 2014

DIVISION OF RECLAMATION  
MINING AND SAFETY



## CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M 2012-013 (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 2012-013 (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; 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-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (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 requested below.

1. Applicant/operator or company name (name to be used on permit): JOHN AND BRENDA HIGGINS
  - 1.1 Type of organization (corporation, partnership, etc.): SMITHBURG FAMILY PARTNERSHIP, LLLP
2. Operation name (pit, mine or site name): HIGGINS PIT II
3. Permitted acreage (new or existing site):

	<u>47.66</u>	permitted acres
3.1 Change in acreage (+)	<u>5.00</u>	acres
3.2 Total acreage in Permit area	<u>52.66</u>	acres
4. Fees:

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. Primary commodity(s) to be mined: SAND GRAVEL
  - 5.1 Incidental commodity(s) to be mined:

1. <u>-</u>	lbs/Tons/yr	2. <u>/</u>	lbs/Tons/yr
3. <u>/</u>	lbs/Tons/yr	4. <u>/</u>	lbs/Tons/yr
5. <u>/</u>	lbs/Tons/yr		
  - 5.2 Anticipated end use of primary commodity(s) to be mined: ROAD BASE MATERIAL
  - 5.3 Anticipated end use of incidental commodity(s) to be mined: N/A

✓ AFE Report  
✓ NO Violations

6. **Name of owner of subsurface rights of affected land:** SMITHBURG FAMILY PARTNERSHIP, LLP  
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** SMITHBURG FAMILY PARTNERSHIP, LLP

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: LINCOLN

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

SECTION (write number):

S 9

TOWNSHIP (write number and check direction): T 9 ☐ North ☒ South

RANGE (write number and check direction): R 55 ☐ 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): \_\_\_\_\_

10. **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 \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

Longitude (W): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

OR

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

Latitude (N) 39 .0.27533 (5 decimal places)

Longitude(W) 103 .0.54778 (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) Nad 83 Zone 13

Easting \_\_\_\_\_

Northing \_\_\_\_\_

11. **Correspondence Information:**

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

Contact's Name: JOHN W HIGGINS Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: 27451 CR 3H P.O. Box: \_\_\_\_\_  
City: GENOA  
State: CO Zip Code: 80818  
Telephone Number: (719) - 763-2414  
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: JOHN W HIGGINS Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Street/P.O. Box: 27451 CR 3H P.O. Box: \_\_\_\_\_  
City: GENOA  
State: CO Zip Code: 80818  
Telephone Number: (719) - 763-2414  
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: ( ) -

12. **Primary future (Post-mining) 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"/> 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) |   |  |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): LOADER + TRUCK

15. **On Site Processing:** ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): LOADER + TRUCK <sup>BN</sup> N/A

List any designated chemicals or acid-producing materials to be used or stored within permit area: NONE

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

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

EXPAND PREVIOUSLY SURVEYED AREA OF THE PIT, EXPANDING TO  
THE WEST, APPROXIMATELY 5 ACRES.

**Maps and Exhibits:**

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum I, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM I - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum I, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

**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.

BN

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;

BH

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 misrepresent important material facts;

BH

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;

BH

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;

BH

5. It is your responsibility to notify the Office of any changes in your address or phone number;

BH

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.

BH

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.

BH

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 Construction Material Rules and Regulations in effect at the time the permit is issued.

BH

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.

BH

10. For joint venture/partnership operators: the signing representative is authorized to sign this 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's review and decision or appeals process, you may contact the Office at (303) 866-3567.

**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. 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.).
2. 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.);
3. As the applicant/operator, I do not have any extraction/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.) as determined through a Board finding.
4. 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.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, 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 25 day of April, 2014.

SMITHBURG FAMILY PARTNERSHIP, LLP  
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: Brenda Higgins

Signed: \_\_\_\_\_

Title: MANAGING PARTNER

Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado )  
 ) ss.  
County of Lincoln )

The foregoing instrument was acknowledged before me this 25 day of April, 2014, by Brenda Higgins as Managing Partner of Smithburg Family Partnership LLP

Renae E Witt  
Notary Public

My Commission expires: 2/29/2016



**SIGNATURES MUST BE IN BLUE INK**

You must post notices at the location of the proposed mine site to clearly identify the site as the location of a



proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

### NOTICE

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) JOHN + BRENDA HIGGINS whose address and phone number is (Address and Phone Number of the Applicant/Operator) 27451 CR 3H, GENOA, CO 80818 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) LINCOLN County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 103 3<sup>RD</sup> AVE, HUGO, CO, 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, BRENDA HIGGINS, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) HIGGINS A II, on (Date Posted) 04/24/2014.

Brenda Higgins  
SIGNATURE

04/24/2014  
DATE

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS  
LINCOLN COUNTY

JOHN + BRENDA HIGGINS (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in LINCOLN 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 PASTURELAND 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 twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

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.

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 Regular (112) types of operations, this notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date the application is considered to be submitted to the Division. The final date for receiving comments is the 20th day after the fourth 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 Colorado Mined Land Reclamation 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. 34-32.5-112(10), 114 and 115.

\*\*\*\*\*  
\*\*\*\*\*

PUBLIC NOTICE

(Operator Name) JOHN + BRENDA HIGGINS (Address and Phone Number) 2745 CR 3H, GENOA, CO 80818 (719) 763-2414,  
has filed an application for a Regular (112) Construction Materials Operation 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) HIGGINS PIT II, and is located at or  
near Section 9, Township 9, Range 55, 6TH Prime Meridian.

The proposed date of commencement is APRIL 30, 2014, and the proposed date of completion  
is \_\_\_\_\_. The proposed future use of the land is (Future Landuse) PASTURELAND. 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) LINCOLN County Clerk and  
Recorder's office; (Clerk and Recorder's Address) 103 3RD AVE, HUGO, CO or the above-named applicant.

Comments 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.*

# 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 MATERIAL**

### **REGULAR (112) OPERATION**

### **RECLAMATION PERMIT APPLICATION PACKAGE**

#### **APPLICABILITY:**

This application package is for a construction materials operation which affects 10 acres or more.

If you plan to conduct a construction materials extraction operation which meets these criteria, please follow the instructions provided in this package, in the Rules and Regulations, and in the Colorado Land Reclamation Act for the Extraction of Construction Materials, as required.

#### **RECOMMENDATIONS PRIOR TO FILING:**

The Construction Material Rules and Regulations (the Colorado Land Reclamation Act for the Extraction of Construction Materials, Section 34-32.5-101, et seq., C.R.S., and 2 CCR 407-1) and the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational and reclamation requirements for all construction material extraction operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining, and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act and:

- Rule 1.1      Definitions;
- Rule 1.4.1    Application Review and Consideration Process;
- Rule 1.4.5    Specific Requirements for Regular 112 Operations;
- Rule 1.6      Public Notice Procedures;
- Rule 3.1      Reclamation Performance Standards;
- Rule 3.3.1    Operating without a Permit - Penalty;
- Rule 4        Performance Warranties and Financial Warranties;
- Rule 6        Permit Application Exhibit Requirements;
- Rule 6.2      General Requirements of Exhibits;
- Rule 6.4      Specific Permit Application Exhibit Requirements; and
- Rule 6.5      Geotechnical Stability Exhibit.

It is recommended that you contact the agencies listed in the application section titled "Compliance With Other Laws" prior to submitting the application to the Office .

### FILING REQUIREMENTS:

In order to apply for a Reclamation Permit for a Regular 112 Operation, please provide:

- ☒ ° One (1) signed and notarized completed **ORIGINAL** and one (1) copy of the completed original Regular 112 Operation Application Form. **ORIGINAL SIGNATURES MUST BE DONE IN BLUE INK.**
- ☐ ° Two (2) copies of Exhibits A-S (required sections described in Rule 6).
- ☒ ° Two (2) copies of Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b)). A sample of this notice is attached for your use.
- ☐ ° The Geotechnical Stability Exhibit when required by the Division.
- ☒ ° The application fee.

The ninety (90) day period for review of the application and exhibits will **NOT** begin until all required information and fee are submitted. The Office will then review the submitted information for adequacy.

### NOTICE REQUIREMENTS:

- ☒ 1. You **MUST** send a notice, on a form approved by the Board, to the local board of county commissioners. A copy of this "Notice of Filing Application" form is attached for your use.
- ☒ 2. If the mining operation is within the boundaries of a conservation district, send a notice to the board of supervisors of the conservation district, **PRIOR** to filing the application. A copy of this "Notice of Filing Application" form is attached for your use.
- ☒ 3. You **MUST** include proof of notice #1 and #2 above with the application at the time the application is submitted to the Office for filing (Rule 1.6.2(1)(g)).
- ☒ 4. **PRIOR** to filing the application, place for public review a copy of the application, less confidential items, with the clerk or recorder of the county or counties in which the affected land is located.
- ☒ 5. You **MUST** include an affidavit or receipt demonstrating that the application was filed with the county clerk or recorder at the time the application is submitted to the Office for filing.
- ☒ 6. Any changes or additions made to an application submittal **MUST** be filed with the county clerk or recorder. You **MUST** also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2)).
- ☒ 7. Within ten (10) days after your application is considered filed, you must publish four times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(d).
- ☒ 8. In addition, after the first publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e)). A copy of a form which includes all required information for the notice is attached for your use.

OK

9. Prior to the Office making a decision (consideration of the application), you MUST submit a copy of the proof of publication from the newspaper and proof of all required notices. Proof of the notices may be by submitting copies of return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c), 1.6.2(1)(a)(ii), and 1.6.2(1)(g)).

The copy of the application and any changes or additions placed at the office of the county clerk or recorder shall NOT be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

#### **APPLICATION REVIEW PROCEDURES:**

The Office shall approve or deny the application within ninety (90) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond ninety (90) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(10) for the definition of what constitutes a complex application.

#### **APPLICATION APPROVAL/DENIAL:**

If the requirements of the Act and Mineral Rules have been satisfied, the Office will approve the application. The Act also provides for automatic approval if no action is taken by the Office by the end of the review period.

If the Act and Regulation requirements have not been satisfied, the Office will deny the application. If the Office denies the application, you may appeal to the Board for a final determination by submitting a written request for administrative appeal to the Board within 60 days of the decision date (Rule 1.4.7).

#### **PERFORMANCE AND FINANCIAL WARRANTIES:**

A performance warranty, and a financial warranty dollar amount determined during the application review process, must be submitted and approved by the Office PRIOR to permit issuance. A financial warranty should NOT be submitted until a decision on the application has been made. If the applicant is a unit of state or county government, then ONLY a performance warranty is required.

Several different types of financial warranties are allowed by the law. Please review Rule 4.0 to determine which type of financial warranty you desire to use. You may obtain the appropriate warranty forms from the Office during the application review period.

Please note that an application approval DOES NOT convey a right to begin operations. You MUST submit, and have approval of your performance and financial warranties, and receive your copy of the signed permit document PRIOR to beginning on-site mining activity.

#### **AUTOMATIC PERMIT APPROVAL:**

An automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made ninety (90) calendar days from the date the application was determined to have been filed. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Section 34-32.5-109(1), C.R.S.).

### **COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board DOES NOT relieve you of your responsibility to comply with all other applicable state and federal laws. We recommend that you contact the following agencies to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the State waters;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located. Section 34-32.5-109(3), C.R.S, requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

### **COMPLETION OF MINING:**

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.

CRB 120-2

**Lincoln County Clerk & Recorder**  
 103 3rd Ave/PO Box 67  
 Hugo, CO 80821  
 719-743-2444

**CASH  
 RECEIPT**

Date 4-25-14

002404

Received From

Benda Higgins

Address

Reclamation Permit Application Form

Permit M2012-013

Higgins P.t II

Dollars \$

For

Smithburg Family Partnership LLP

**ACCOUNT**

**HOW PAID**

AMT OF ACCOUNT			CASH		
AMT PAID			CHECK		
BALANCE DUE			MONEY ORDER CREDIT CARD		

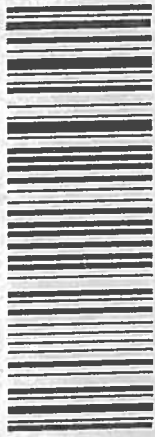
Suppl

By

Theresa Ryker



HIGGINS  
27451 CR 3H  
GENOA, CO 80818



7011 0470 0000 0530 9573

RETURN RECEIPT  
REQUESTED



AMY ESCHBERGER  
ENVIRONMENTAL PROTECTION SPECI  
1313 SHERMAN ST, ROOM 215  
DENVER, CO 80203

Division of Reclamation, Mining, and Safety

Fee Receipt for M2012013

Smithburg Family Partnership, LLLP

000000000

Receipt #: 17299

Date: 04/28/2014

Permit: M2012013

Payment Method	Revenue Code	Fee Description/Notes	Amount
1541 msr	4300-03	Minerals Amendment Fees M2012-013	\$2,229.00
Receipt Total:			\$2,229.00