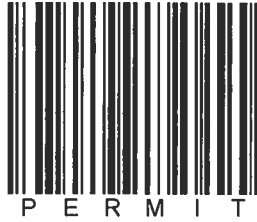


Revision



QATESTOCR

tak, err

AMØ1

40586 Co. Rd. 21
Haxtun, CO 80731

November 4
October 29, 2014

RECEIVED

Mr. Elliott Russell
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

NOV 06 2014
DIVISION OF RECLAMATION
MINING AND SAFETY

RE: An application to amend the 112 Moser Pit (M-2008-035)

Dear Mr. Russell:

I am forwarding an application on behalf of Yuma County to amend the existing 112 permit known as the Moser Pit. Copies of the application have been provided to the County Clerk, County Commissioners, and the local Conservation Board in their respective counties. The site has been posted. Notice to adjoining landowners and public notice for the newspapers will be sent after you deem the application as complete.

Please let me know what additional information is needed at this time. My mailing address is shown above. I can be reached during working hours at 970-854-3778. Thank you for your consideration.

Sincerely,



Randy Schafer
Consultant

Enclosure: ☒ Original amendment application and one copy for Moser Pit
☒ Check for application fee
☒ Proof of Notice to Commissioners, Clerk, and Conservation District
☒ Proof of posting the site

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

AMØ1

RECEIVED

NOV 06 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 # M2008 Q35 - (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 2008 Q35 - (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): Yuma County

1.1 Type of organization (corporation, partnership, etc.): County Government

2. Operation name (pit, mine or site name): Moser Pit

3. Permitted acreage (new or existing site): 38.57 permitted acres

3.1 Change in acreage (+) 7.03 acres

3.2 Total acreage in Permit area 45.6 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(ies) to be mined: Gravel Sand Borrow

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: Construction materials

5.3 Anticipated end use of incidental commodity(ies) to be mined: N/A

6. **Name of owner of subsurface rights of affected land:** James Moser, Conservator and Eldon Moser
If 2 or more owners, "refer to Exhibit O".
7. **Name of owner of surface of affected land:** James Moser, Conservator and Eldon Moser
and Gary and Virginia McCall
8. **Type of mining operation:** ☒ Surface ☐ Underground
9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Yuma

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

SECTION (write number):

S 9

TOWNSHIP (write number and check direction):

T 1 ☐ North ☒ South

RANGE (write number and check direction):

R 48 ☐ 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): _____
8 mi S of Yuma on Colo 59; then W. approx. 2 miles to CR 30; then S. 2 mi to CR 28; then W 1/2 mi to pit entrance. Approx. Elev. 4420.

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 39 min 58 sec 49 79 (2 decimal places)

Longitude (W): deg 102 min 45 sec 20 18 (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) WGS 84 Zone 13

Easting _____

Northing _____

11. **Correspondence Information:**

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

Contact's Name: Howard McGinnis Title: Truck & Mining Supervisor
Company Name: Yuma County
Street/P.O. Box: 1310 Blake Street P.O. Box: _____
City: Wray
State: CO Zip Code: 80758
Telephone Number: (970) - 332-5718
Fax Number: (970) - 332-3429

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Randy Schafer Title: _____
Company Name: _____
Street/P.O. Box: 40586 Co. Rd. 21 P.O. Box: _____
City: Haxtun
State: CO Zip Code: 80731
Telephone Number: (970) - 774-6264 (Home), 970-520-0502 (Cell), 970-854-3778 (Work)
Fax Number: (970) - 854-3811

INSPECTION CONTACT

Contact's Name: Howard McGinnis Title: Truck & Mining Supervisor
Company Name: Yuma County
Street/P.O. Box: 1310 Blake St. P.O. Box: _____
City: Wray
State: CO Zip Code: 80758
Telephone Number: (970-) - 332-5718
Fax Number: (970) - 332-3429

CC: STATE OR FEDERAL LANDOWNER (if any)

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

CC: STATE OR FEDERAL LANDOWNER (if any)

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

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) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____
This area is mined using loaders and dozers to move material from the embankment to the processing plant.

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

13.1 Briefly explain mining method (e.g. truck/shovel): _____

Processing Plant is moved to site until approx. 40,000 tons is stockpiled. The stockpiles are removed as needed. Plant moved in again as stockpile is depleted.

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____

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

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

The 112 permit is being amended by adding 7.03 acres. The acreage is being added because the county was outside the originally permitted acreage.

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 1, 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 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, 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.



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;

- gln
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;
- gln
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;
- gln
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;
- gln
5. It is your responsibility to notify the Office of any changes in your address or phone number;
- gln
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.
- gln
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.
- gln
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.
- gln
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.
- _____
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 28th day of October, 2014.

Yuma County
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: Howard McBannis

Signed: _____

Corporate Secretary or Equivalent

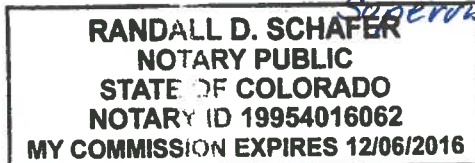
Title: Truck and Mining Supervisor

Town/City/County Clerk

State of Colorado)
) ss.

County of Yuma)

The foregoing instrument was acknowledged before me this 28th day of October, 2014, by Howard McBannis as Truck and Mining Supervisor of Yuma County



Randall D. Schaffer
Notary Public

My Commission expires: 12/6/2016

SIGNATURES MUST BE IN BLUE INK

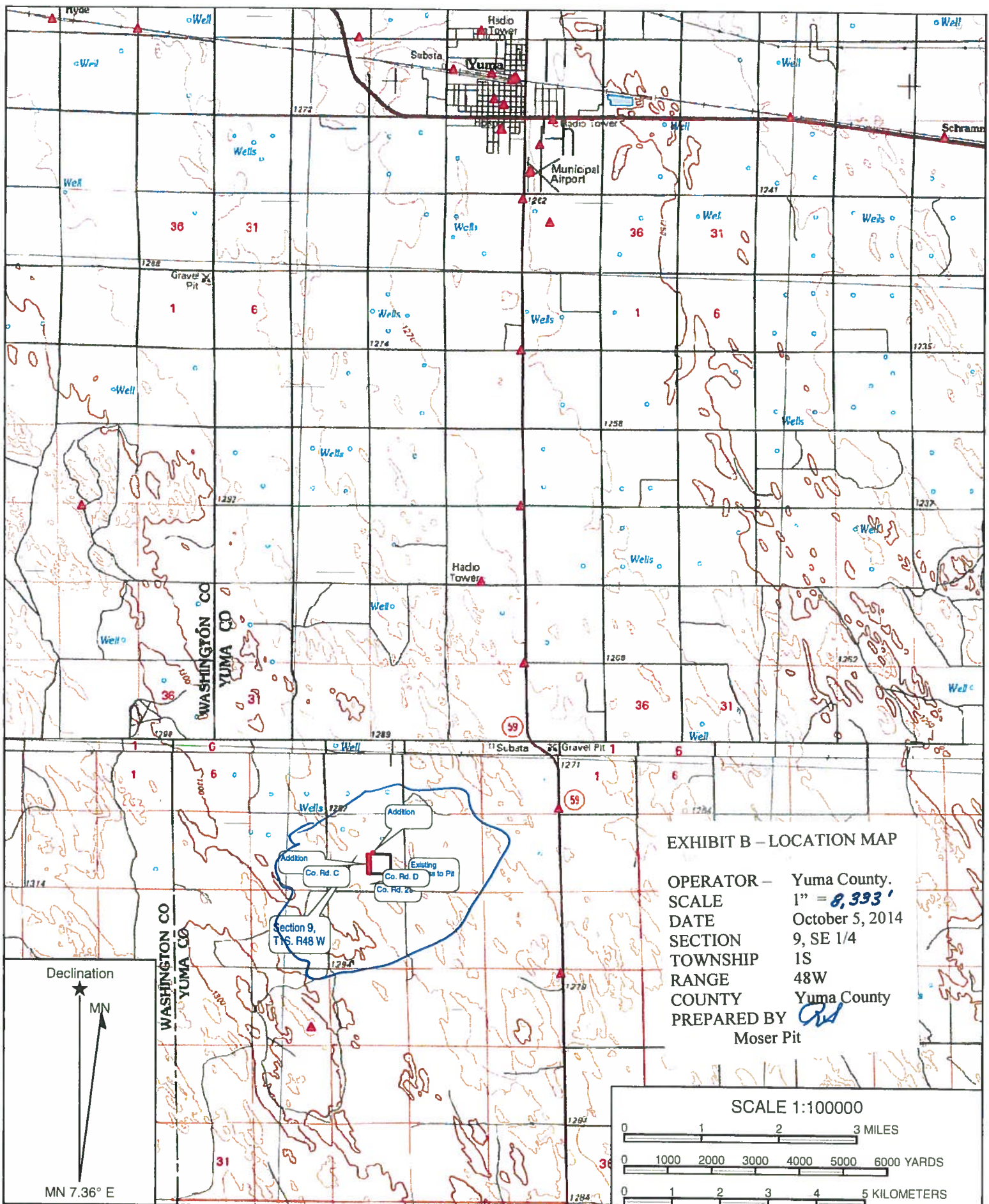
You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

EXHIBIT A – Legal Description

The pit will encompass approximately 45.6 acres in the NW 1/4 of the SE 1/4 of Section 9, T1S, R48W of the 6th P.M., Yuma County, Colorado.

EXHIBIT B – Index Map

Exhibit B shows a regional location map of the area and a notation of where the Moser Pit is located.



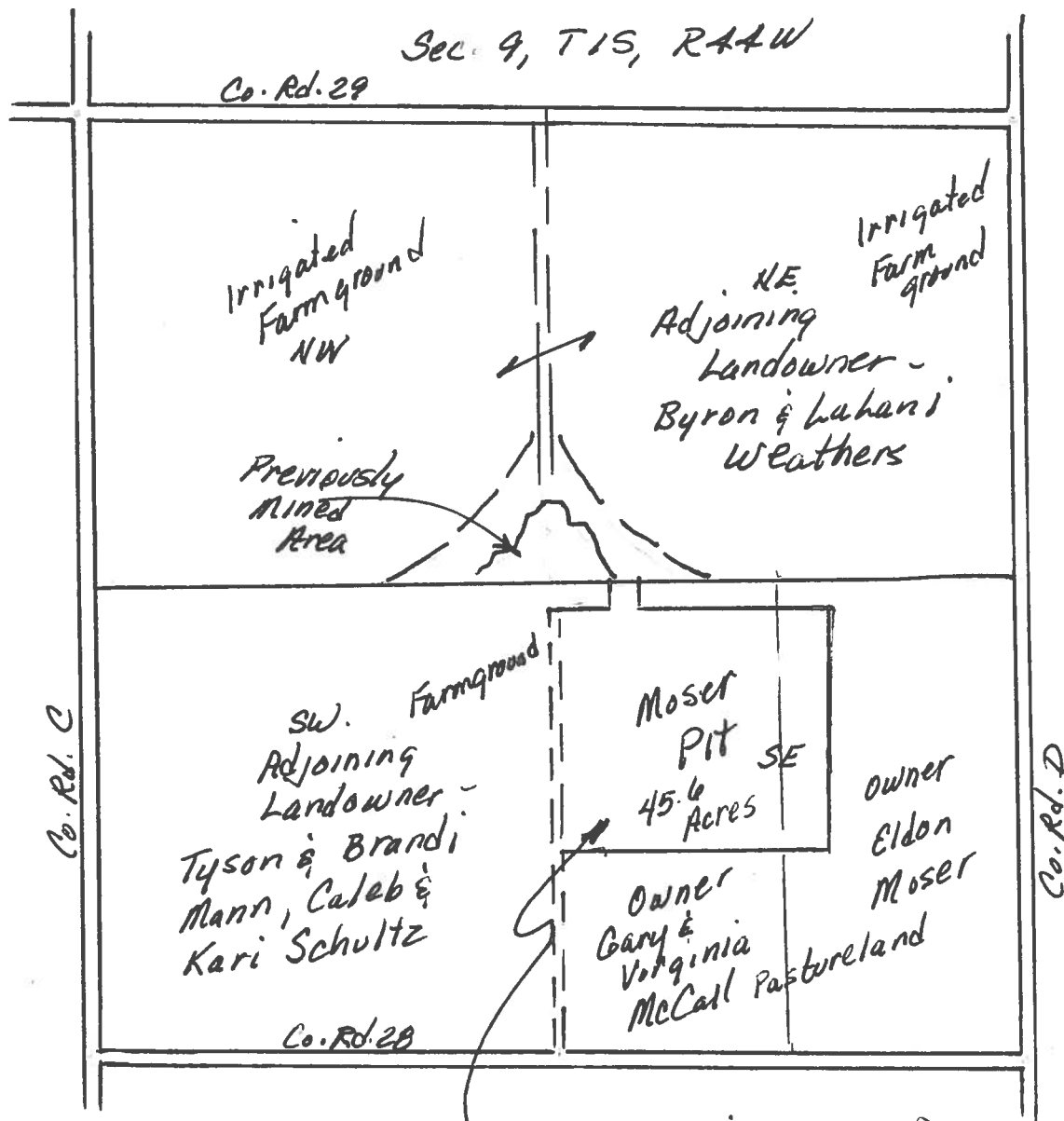
Name: WRAY
Date: 10/28/14
Scale: 1 inch = 8,333 ft.

Location: 040° 01' 38.20" N, 102° 43' 30.42" W
Amendment to Moser Pit M-2008-035

EXHIBIT C - Pre-mining and Mining Plan Map(s) of the Affected Area

The Moser Pt mining plan maps show the following information:

- a) Adjoining surface owners of record as of the date of this application;
- b) The name and location of creeks, roads, building, oil and gas lines, and power and communication lines in the pit area and within 200 feet of the pit boundaries;
- c) The existing topography of the pit areas, including contour lines, which portray the direction and rate of slope of the affected land;
- d) The total area to be involved in the operation, including the area to be mined and the area of the affected lands;
- e) The type of existing vegetation covering the affected lands;
- f) Water information;
- g) The owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected lands and within 200 feet of the affected lands;
- h) Soils information at the site; and
- i) An aerial photo.

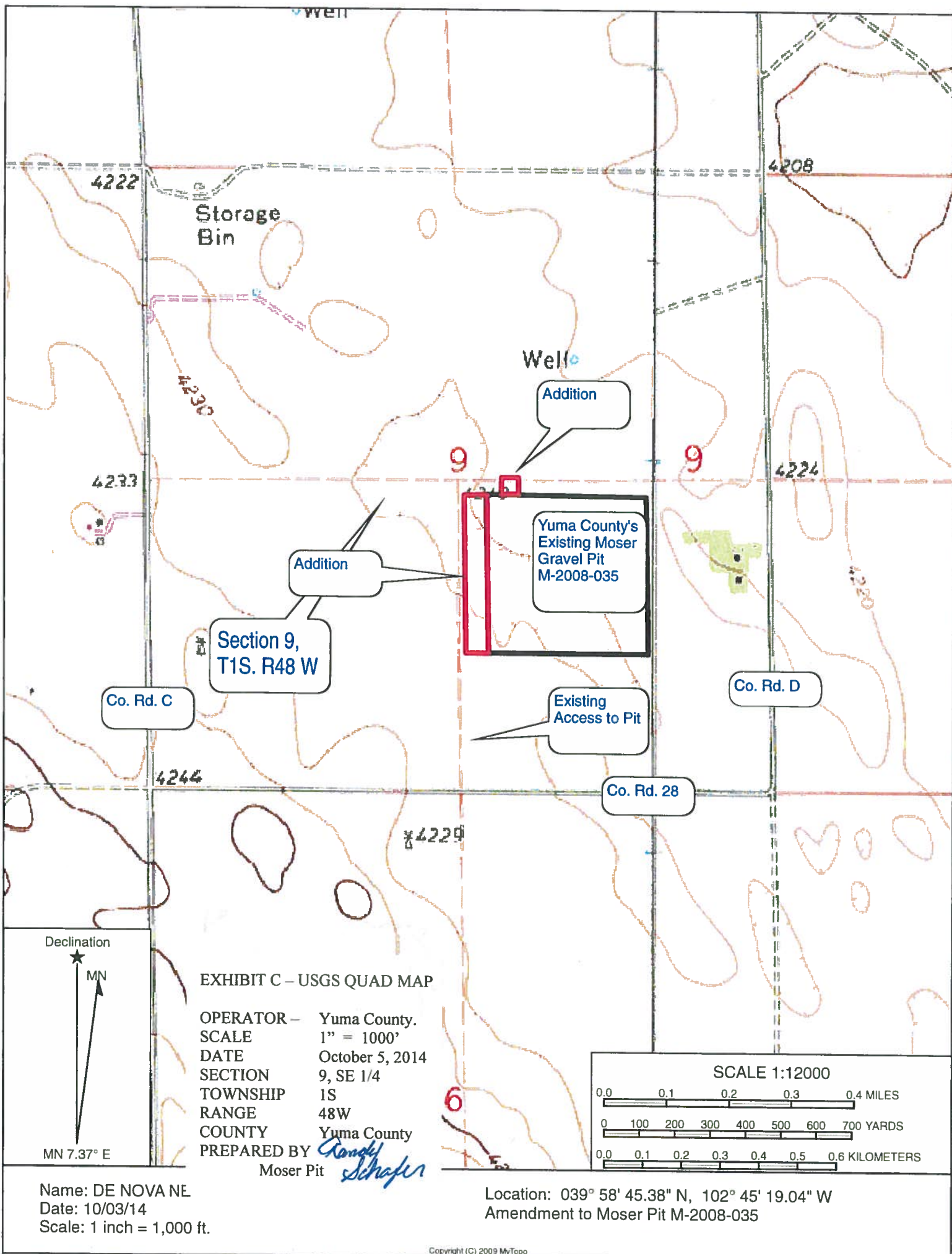


Moser Pit Parties (by lease)

- James & Steve Prescott
- June Brannon
- Eldon Moser

EXHIBIT C - SITE MAP

OPERATOR - Yuma County.
 SCALE 1" = 500'
 DATE October 5, 2014
 SECTION 9, SE 1/4
 TOWNSHIP 1S
 RANGE 48W
 COUNTY Yuma County
 PREPARED BY Randy Schofer
 Moser Pit



Addition

Addition

Yuma County's
Existing Moser
Gravel Pit
M-2008-035

Co. Rd. D

Existing
Access to Pit

Co. Rd. 28

Declination

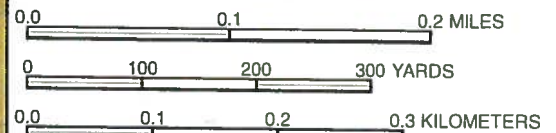
MN

MN 7.37° E

EXHIBIT C - AERIAL PHOTO

OPERATOR - Yuma County.
SCALE 1" = 500'
DATE October 5, 2014
SECTION 9, SE 1/4
TOWNSHIP 1S
RANGE 48W
COUNTY Yuma County
PREPARED BY *Randy Schepfer*
Moser Pit

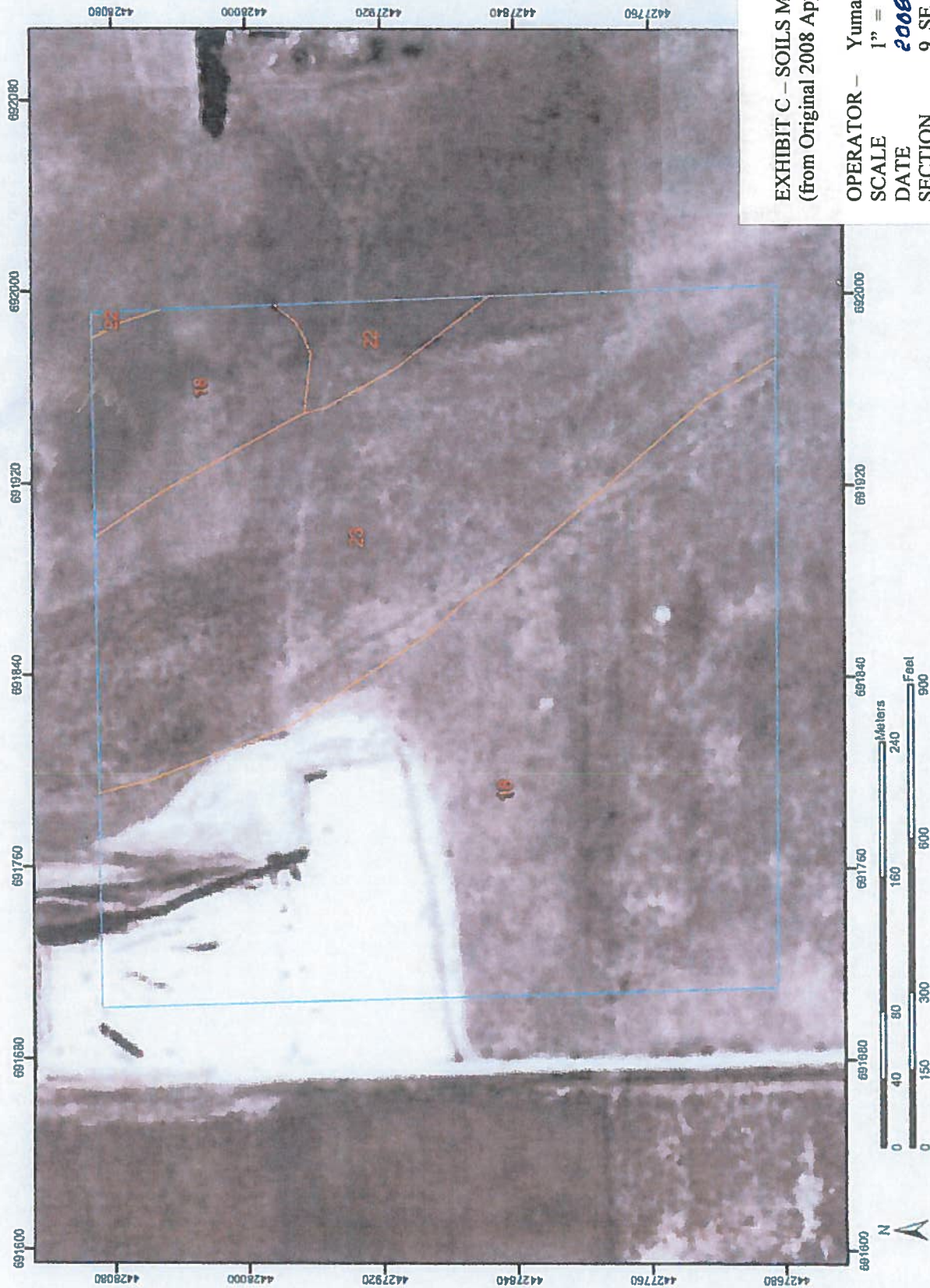
SCALE 1:6000



Name: DE NOVA NE NE, CO
Date: 10/03/14
Scale: 1 inch = 500 ft.

Location: 039° 58' 42.30" N, 102° 45' 07.23" W
Addition to Moser Pit M-2008-035

Custom Soil Resource Report
Soil Map (Yuma County - Moser Pit)



2008 Map

EXHIBIT C - SOILS MAP
(from Original 2008 Application)

OPERATOR - Yuma County.
SCALE 1" = 300'
DATE *2008 Appl.*
SECTION 9, SE 1/4
TOWNSHIP 1S
RANGE 48W
COUNTY Yuma County
PREPARED BY Environment, Inc.
Moser Pit

Custom Soil Resource Report Legend (Yuma County - Moser Pit)

MAP LEGEND

	Area of Interest (AOI)
	Area of Interest (AOI)
	Soils
	Soil Map Units
	Special Point Features
	Blowout
	Borrow Pit
	Clay Spot
	Closed Depression
	Gravel Pit
	Gravelly Spot
	Landfill
	Lava Flow
	Marsh
	Mine or Quarry
	Miscellaneous Water
	Perennial Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Severely Eroded Spot
	Sinkhole
	Slide or Slip
	Sodic Spot
	Spoil Area
	Stony Spot

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 13N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Yuma County, Colorado
Survey Area Data: Version 10, Jan 16, 2008

Date(s) aerial images were photographed: 1998

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

	Very Stony Spot
	Wet Spot
	Other
	Special Line Features
	Gully
	Short Steep Slope
	Other
	Political Features
	Municipalities
	Cities
	Urban Areas
	Water Features
	Oceans
	Streams and Canals
	Transportation
	Rails
	Roads
	Interstate Highways
	US Routes
	State Highways
	Local Roads
	Other Roads

Map Unit Legend (Yuma County - Moser Pit)

Yuma County, Colorado (CO125)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
18	Haxtun loamy sand	26.3	63.1%
22	Julesburg loamy sand, 0 to 3 percent slopes	1.1	2.6%
23	Julesburg loamy sand, 3 to 7 percent slopes	14.3	34.3%
Totals for Area of Interest (AOI)		41.7	100.0%

Map Unit Descriptions (Yuma County - Moser Pit)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

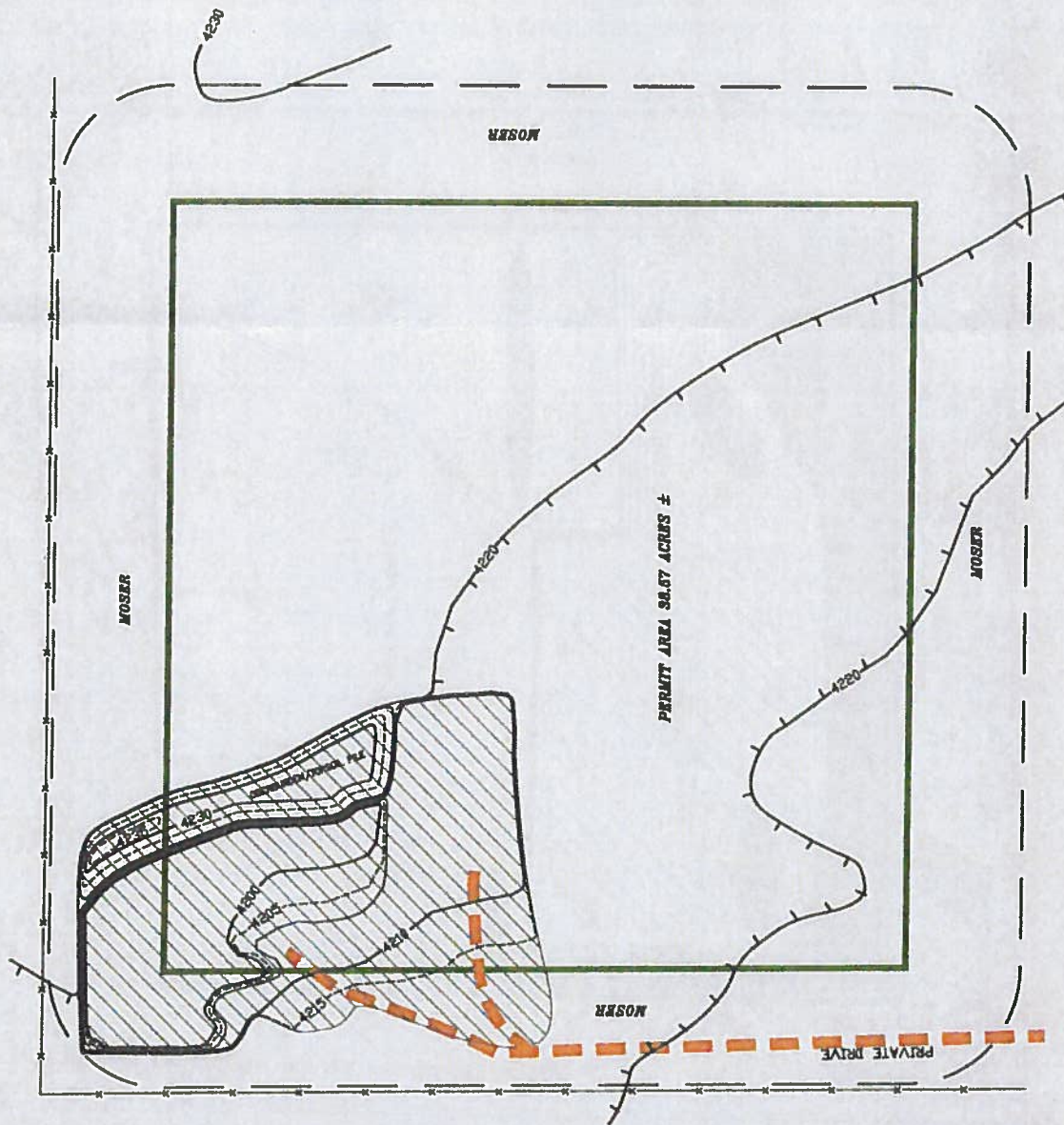
The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic

MOSER PIT

PART OF THE NW1/4SE1/4, SECTION 9,
T-1-S, R-49-W, 6th PM, YUMA COUNTY, COLORADO
CONTAINING 38.57 ACRES MORE OR LESS

LEGEND

- 1/2 PERMIT AREA /
AFFECTED LANDS
- 200 FOOT LINE
- ROAD
- FENCE
- OLD BORROW MINE
(3.88 ACRES ±)



STRUCT
NONE

EXHIBIT C - PRE-MINING MAP (Original 2008 application)

OPERATOR - Yuma County.
SCALE 1" = 200'
DATE April 28, 2008
SECTION 9, SE 1/4
TOWNSHIP 1S
RANGE 48W
COUNTY Yuma County
PREPARED BY Environment Inc.
Moser Pit

MAP EXHIBIT C - PRE-MINING MAP

YUMA COUNTY

1310 BLAKE ST. WYAT, CO 80758	(970) 332-5718
PREPARED BY: ENVIRONMENT, INC. 1400 E. 1ST AVE. DENVER, CO 80202 (303) 433-7387	
DATE: 28 - APRIL - 2008	SCALE: 1"=200'
DATE: REVISION	BY

APR 16, 2008 - 12:37:06

2008 Map

EXHIBIT D - Mining Plan

The original mining plan submitted in the original application (May 2008) remains intact. No changes are intended. That plan is in the attached information (Exhibit D - Pages 9-12). The additions to the pit on the west and north in this amendment are not intended to be mined. They were disturbed and as such, are now encompassed in the affected area.

EXHIBIT E – Reclamation Plan

The original plan for reclamation (May 2008) is still the reclamation plan after the amendment. That plan is in the attached information (Exhibit E - Pages 13-20). The small addition to the north has stockpiled material from a previous disturbance. Our intent would be to leave it as shown in the 2008 reclamation map. It will be seeded. Reclamation will still be inside newly mined areas and is not intended to include high walls on the west and north from a previous disturbance.

EXHIBIT F - Reclamation Plan Map

The reclamation map (dated April 2008) is the same map as in the original application dated May 2008. No changes are intended. The intended final use is rangeland.

MOSER PIT

PART OF THE NW1/4SE1/4, SECTION 9,
T-1-S, R-48-W, 6th P.M., YUMA COUNTY, COLORADO
CONTAINING 38.57 ACRES MORE OR LESS

LEGEND

- 1/2 PERMIT AREA / AFFECTED LANDS
- 200 FOOT LINE
- ROAD
- FENCE
- MINING DIRECTION
- OLD MOSER/ WINE CLAIM ACRES ±
- PARTIALLY RECLAIMED AREA
- GROWTH MEDIUM PILE APPROPRIATE LOCATION



CONTOUR INTERVAL 5 F.

EXHIBIT D - MINING PLAN

OPERATOR - Yuma County.
SCALE 1" = 200'
DATE April 28, 2008
SECTION 9, SE 1/4
TOWNSHIP 1S
RANGE 48W
COUNTY Yuma County
PREPARED BY *Environment, Inc.*
Moser Pit

ECLAMATION PLAN MAP

YUMA COUNTY

1310 BLAKE ST.

WYAND, CO 80758

(970) 333-5718

PREPARED BY: ENVIRONMENT, INC.

YUMA VANCE INC. & SON

ARVADA, CO 80003 (303) 433-7287

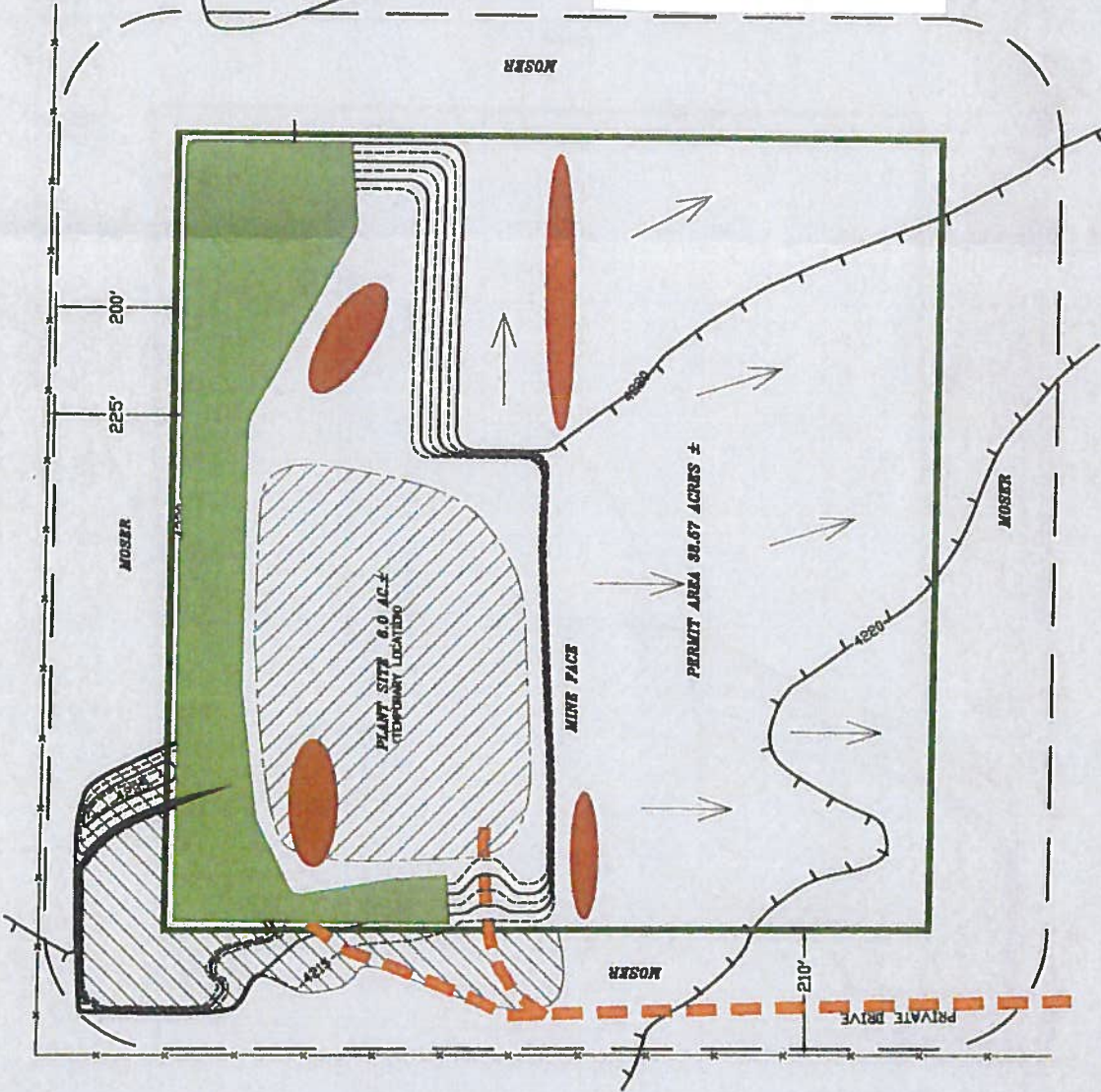
DATE: 28 - APRIL - 2008

DATE REVISION

BY

SCALE 1"=200'

APR 28, 2008 - 15:02:18



Mining / Reclamation

2008 Map

MOSER PIT

PART OF THE NW1/4SE1/4, SECTION 9,
T-1-S, R-48-W, 6th P.M., YUMA COUNTY, COLORADO
CONTAINING 38.57 ACRES MORE OR LESS

LEGEND

- UPPER PERMIT AREA /
AFFECTED LANDS
- 200 FOOT LINE
- ROAD
- FENCE
- OLD BURROW HOLE
(3.12 ACRES ±)
- RECLAIMED AREA
(36.78 ACRES ±)

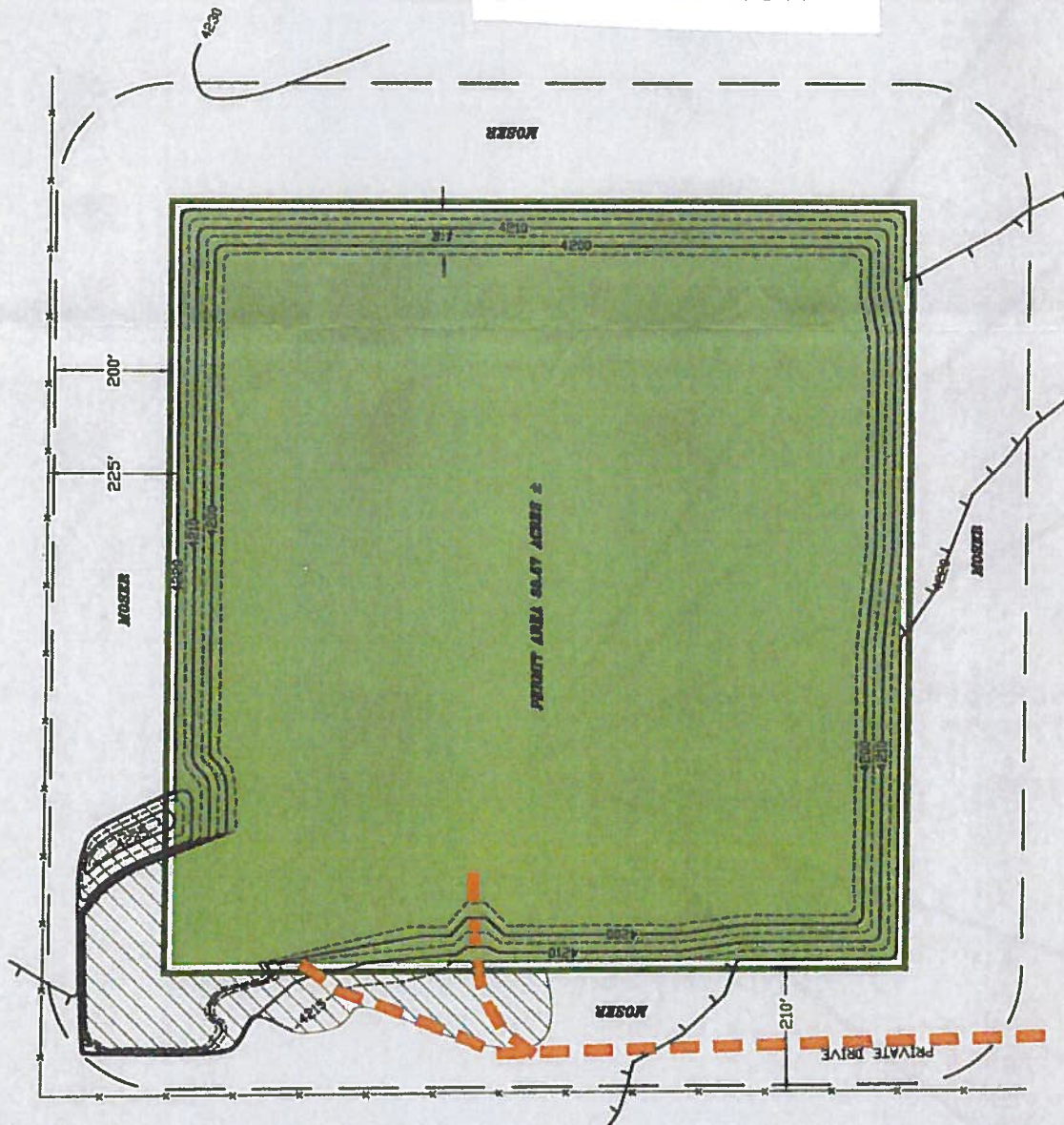


EXHIBIT E - RECLAMATION PLAN MAP (from Original 2008 Application)

OPERATOR - Yuma County.
SCALE 1" = 200'
DATE April 26, 2008
SECTION 9, SE 1/4
TOWNSHIP 1S
RANGE 48W
COUNTY Yuma County
PREPARED BY Environment, Inc.
Moser Pit

MAP EXHIBIT F - RECLAMATION PLAN MAP

YUMA COUNTY

1310 BLAKE ST. WYAT, CO 80738 (870) 332-5718	PREPARED BY: ENVIRONMENT, INC. 1000 W. 10TH AVE. ARVADA, CO 80003 (303) 423-7287	DATE: 28 - APRIL - 2008	SCALE: 1"=200'
BY: <i>[Signature]</i>		DATE: _____	REVISION: _____

2008 Map

EXHIBIT G - Water Information

The information provided in the original application dated May 2008 is still accurate. The water information is on Original Page 22 and is attached.

EXHIBIT H - Wildlife Information

The information provided in the original application dated May 2008 is still accurate. The wildlife information is on Original Page 23, which is attached.

EXHIBIT I - Soils Information and EXHIBIT J - Vegetation

A lengthy review of soils and vegetation at the site is provided in the original application dated May 2008. It covers pages 24 through 59. It has not been included in this amendment application but is available on the Division's imaged document data under the original application. It adequately covers any issues with the soils at the site.

EXHIBIT K - Climate

The original application covers climate of the area on Page 60. A copy is attached. No further information is provided.

EXHIBIT L - Reclamation Costs

The original application included a page on estimated costs for reclamation. Since this is a local government, no updated cost information is provided.

EXHIBIT M - Other Permits and Licenses

The original application (May 2008) included an Exhibit M on Page 62. It is attached and remains valid.

EXHIBIT N - Source of Legal Right to Enter

The source of legal right to enter is still intact. The original 2008 application contains an agreement between Yuma County and the Moser family was part of that record. The original lease runs through December 2015 and allows for a five-year extension to December of 2020. A copy is included.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

The surface owner of the property is:

Gary and Virginia McCall
918 S. Ash Street
Yuma, CO 80759

Eldon Moser
c/o LaRhonda Green
32825 E. 143rd Avenue
Brighton, O 80603

Severed mineral interests in the property:

James & Steve Prescott
13614 Co. Rd. 27.5
Eckley, CO 80827-9416

June Brannon
2917 Wakulia
Panama City, FL 32405-6921

Eldon Moser
c/o LaRhonda Green
32825 E. 143rd Avenue
Brighton, O 80603

Adjoining property owners

Byron and LaLani Weathers
1195 Co. Rd. 37
Yuma, CO 80759

Tyson and Brandi Mann, Caleb and Kari Schultz
15734 Co. Rd. 9
Kirk, CO 80824-9717

EXHIBIT P– Municipalities within a Two-Mile Radius

There are no municipalities within two miles of the site.

EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District

The application has been filed with the Yuma County Commissioners and the Yuma County Soil Conservation District. Proof of filing is attached.

EXHIBIT R - Proof of Filing with County Clerk and Recorder

The application has been filed with the Yuma County Clerk. Proof of filing is attached.

EXHIBIT S – Permanent Man-Made Structures

There is a fence bordering the west and north boundaries of the pit. A structure agreement on those fences is attached. There are no other permanent, man-made structures in the vicinity of the pit.

ADDENDUM 1

A notice has been posted at the site regarding the proposed 112-gravel pit amendment application. Certification of the posting is attached.

GEOTECHNICAL STABILITY EXHIBIT

The applicant is not aware of any geological hazards that might affect mining or reclamation at the site. We will be happy to provide information if the Division identifies a condition which we are not aware of.

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EXHIBIT D

MINING PLAN AND TIMETABLE

LOCATION

This is an open pit mine located 10.00 miles southwest of Yuma Colorado in Section 9, Township 1 South, Range 48 West, 6th P.M. near the intersection of Yuma County Roads E and 28. From Yuma take Colorado 59 south for 8.0 miles to County Road 30; then west on County Road 30, 2.0 miles to County Road E; then 2.0 miles south on County Road E to County Road 28; then west ½ mile on County Road 28 to the private access road then north ½ mile to mine entrance on the west side of the mine area. See the VICINITY MAP-EXHIBIT B-1 for the mine's location and surrounding features. See the LOCATION MAP-EXHIBIT B-2 for the mine's general location south of Yuma, Colorado and the mines' relation to surrounding roads.

CURRENT CONDITIONS

This permit area covers 38.57 acre ± parcel and the site elevation is approximately 4220 feet, sea level datum. Access is via a private dirt lane that runs along the west side of the Moser property. This is an existing road. The term "permit line" is used to denote the permit boundary/affected lands line for this permit and the term should be considered interchangeable for discussion purposes in this document.

MAP EXHIBIT C, shows the outline of the permit area, and the touching landowners within 200 feet of the facility. The current topography, hydrologic and surface features of the property are also shown. The site is part of a larger parcel of surrounding land owned by the Moser family. This land is presently used for agricultural purposes (rangeland) by the landowner. The land will continue to be used by the landowners for rangeland as mining progresses. Part of the pre-permit mining area will be used for the processing and stockpile area for the mine.

At one time, the northwest part of this area was used as a borrow pit area for material used on the landowners feedlot. The area within the old mine area has little or no vegetation or soil covering it due to past mining activities. There has been some invasion of native grasses and scrub trees into the disturbed area. We are not sure when the landowners began mining on the site but plant growth on the old mined area suggest that it could have been as much as 10 years ago. This area has little or no topsoil but there is a stockpile of growth medium immediately east of the highwall area that will provide suitable material for use on the area that will be redisturbed.

2008

MINING PLAN

EXHIBIT D

There is nothing in the Divisions records showing that a permit was ever applied for on this old mine area. The existing highwall along the north and west sides will be left undisturbed. We plan to leave the highwalls along the northern 155 feet of the east wall; all of the north wall and all of the west wall, out of the mine area. We will not be responsible for reclamation on these highwalls that are outside the permit area. The landowners have indicated that they may be willing to trade material for grading work on this highwall. If that is done, it will be under a separate agreement, and its reclamation will not be part of the reclamation plan described in this application. This would benefit all parties concerned, in that this old disturbance would be reclaimed, and the County material costs would be reduced.

The PRE-MINING MAP-EXHIBIT C shows the location of the old disturbed area as a cross hatched area. We estimate that the disturbed area covers approximately 8.95 acres \pm , of which we will re disturb approximately 5.82 acres \pm as part of this mine. Field measurements showed that the existing highwall on the north and west sides are approximately 25 feet high and 820 feet long. Our mine perimeter is setback 135 to 155 feet from these highwalls. The deepest part of the old mine area is approximately 20 feet.

Access to the site is via an existing graveled road running along the west side of the mine and north of Yuma County Road 28. According to our agreement this road will be maintained for use by the landowners to access their property that surrounds the mine. The road will be maintained as needed. Since it is an existing private road it will remain when reclamation ends and is not included as part of the permit area. It is currently 20 feet wide and the location is shown on the map exhibits supplied with this application.

The area to be mined was chosen because we know the quality of the material available and its low wildlife value. There are no trees or shrubs on the site except as noted above. It is a well-managed range site but limited grazing takes place on the area because vegetation is limited by soil types and lack of water. The closest structures to the site are two three-strand wire fences that parallel the west and north sides of the permit/affected lands line. They are 210 feet from permit line and 235 feet from the digline.

The thickness of the mineral deposit varies from zero to 30 feet and averages 25 feet deep. The material being mined is a

MINING PLAN**EXHIBIT D**

calcareous silty sand (caliche) commonly found in Yuma County. It is an alkaline material that provides a good roadbase material suitable for use on county roads to reduce deterioration along sandy sections of a road. The material will be used to supply road building and fill material on county roads. It is usually removed as pit run material and stockpiled on the site. The material tends to bind the sandy areas reducing the amount of maintenance where used.

SOILS AND OVERBURDEN

The **SOILS MAP** in **EXHIBIT I** shows the soil types as delineated in the National Resource Conservation Service (NRCS) report. The following soils information is reproduced from a report we generated using the NRCS Soils web page. The Soil units are described in **EXHIBIT I** starting on page 24.

This area has a shallow cover of topsoil underlain by a layer of overburden and then a gravelly sand and caliche that are typically found in the sandhill region of Yuma County. The soil on this site varies from zero to 11 inches thick, averaging 10 inches. The overburden, a layer of grayish calcareous sand can be up to 3 feet deep and this leaves 20 feet \pm of construction materials usable for road maintenance.

There are three soil types shown on the NRCS soils map. Unit 18, **Haxton loamy sand**, covers approximately 24.34 ac. \pm or 63.1% of the permit area. It overlays most of the material we plan to mine. This soil is described as a deep, well drained soil that formed in swales and sandhill valleys in the southern and north-central portions of the county. It is formed in eolian sand overlaying a buried soil. The description says that it averages 10 inches deep and is a grayish brown loamy sand. The usable depth averages 10 inches on this site.

Unit 22, **Julesburg loamy sand, 0 to 3% slopes** covers 1.00 acre \pm or 2.6% of the permitted area. This soil covers two small areas in the northeastern part of the permit area. It is described as a deep, well drained sandy soil that formed on smooth plains in the northern and south-central portions of the county. This soil formed in eolian sand averaging 11 inches of a grayish brown loamy sand.

Unit 23, **Julesburg loamy sand, 3 to 7% slopes** covers 13.23 acres \pm or 34.3% of the permitted area. It lies in a band running northwest to southeast across the central part of the mine area. It is described as a deep, gently undulating soil on

MINING PLAN**EXHIBIT D**

smooth plains in the northern and south-central portions of the county. This soil formed in eolian sand averages 11 inches of a grayish brown loamy sand underlain by 8 inches of a brown course sandy loam.

Calculations based on the soils report and on site observations suggest that sufficient quantities of soil will be available to reclaim the disturbed lands to their present condition. The soils in this area will be salvaged and when replaced should be capable of growing vegetation consistent with what is there now. Using 10 inches as an average, we calculate there should be 41,624 YD³ of topsoil available for resoiling the mined area. Be assured we will retain all available topsoil on the site so none has to be imported to assure reclamation is successful. The topsoil stockpiles will be located around the excavation to reduce the haul distances when reclamation starts. If the soil stockpiles remain undisturbed for more than one year 2#'s pls of Crested Wheatgrass will be planted per 100 sq-ft.

MINING PLAN

We anticipate the life of this mine to be between 10 and 15 years depending on our need for material in the area. The unmined portions of the site are currently used by the landowners as rangeland and a landowner mine lying in the northwest quadrant of the proposed permit area. The plan is to continue to mine the southern and eastern sides of the existing mine and leave the northern and western portions of the highwalls created by other parties out of the mine. We will incorporate a portion of the existing mine floor in this permit to have a place for our initial plant site and then blend the floor of the old mining area with the floor area to be created by this mining operation. Once the mine face extends from east to west across the property then mining will work south to the mine limits.

MINING PLAN MAP - EXHIBIT C-1 shows the location of the pre-permit disturbed area as a cross hatched area. Mining will begin by mining into the gravel slope left in this area. This is a single stage operation. The amount of disturbance will be limited to 38.57 acres or less at any one time. Approximately six acres will be used as a processing plant/stockpile area and the remaining 32.57 acres will be actively mined, undisturbed or reclaimed as mining progresses.

Of the 38.57 acres ± in the permit area, 36.78 acres ± will be disturbed by the mining operation and 1.79 acres ± will be

MINING PLAN**EXHIBIT D**

setback area around the mine. As 20 to 25 feet of gravel and caliche is removed from over the bedrock, a fairly level depression will be created in the pasture. The green area shown on the Reclamation Plan Map is the area that will be disturbed over the life of the mine.

Growth medium was stripped from the existing mined area and stockpiled along the eastern side of the old mine area. As mining begins in the new area the salvaged topsoil will be stockpiled on the setbacks, or floor and/or will be replaced as mining progresses so it is not double handled. Processing will remain in the existing permit area on the northwest side of the mine until mining reaches the east side. From then on the processing plant will be setup near the working face to reduce the haul distance from the face to the processing plant. The Plant Site location shown on MAP EXHIBIT C-1 is not it's permanent location as it will move with the face.

We will maintain a 15-foot setback from the permit boundary so there is room to get around the tops of the slope for maintenance, grading and shaping. Being a dry operation, no ground water will be encountered because depth to water in this area is 195 feet or more. Reclamation will run concurrent with mining to reduce the amount of disturbance at any one time. Review of MAP EXHIBIT C-1 shows how we expect the site to look when mining is approximately 45% complete. Note, the floor of the excavated area is flat and the slopes into the mined area are 3h to 1v where mining is complete around the exterior. The eastern side of the mine face is temporarily sloped while the west side is being worked near vertical.

By using a portion of the existing mined area as the starting point we reduce the amount of time it will take to open the facility and the amount of area that will be disturbed initially. As mining begins on the new area, a portion will be striped of any topsoil/overburden. The topsoil will be stockpiled on the excavated area so it will be available for reclamation. The topsoil stockpiled will be used when reclamation begins for resoiling slopes and other areas where soil will be needed to establish vegetation.

As mining approaches the outer perimeter of the mine the first step will be to locate the 15-foot setback that defines the digline. From this line a second line will be staked 60 feet away to establish the toe of the 3:1 slope (20' x 3). This 60-foot wide area is where vertical mining would end so final slopes

MINING PLAN**EXHIBIT D**

can be created without backfilling. This method of creating slopes leaves a stable slope requiring no backfilling or other work once complete. This same slope management plan will prevent any offsite slides or other disruptions.

The amount of area to be stripped will be limited to the amount of area needed for mining during that mining cycle. By limiting the amount of area stripped at any one time we will lessen the visual effects of the mining operation on surrounding areas as much as possible. Please refer to the **MINING TIMETABLE** on page 12 for the estimated acreage of each area associated with the mining part of this operation.

This pit will be operated year-around by Yuma County on a lease from the Moser family, weather permitting. There may be periods of up to six months when no activity takes place on the mine site. Most of the time the stockpiles of material maintained on the site will be removed as the need arises so there will be some activities on the mine year around.

Mining equipment may include but is not limited to, front-end loaders, scrapers, bulldozers, dump trucks and a water truck. Processing equipment may include but is not limited to conveyors, crushers and screen plants.

As much as possible, the surface drainage will be maintained in the same direction as it now exists. Berms or isolation ditches will be maintained around the mine area and long the top of the slopes to keep offsite runoff from entering the mined area. The proposed sloping plan for the mine should eliminate any concerns of erosion occurring on the site.

We do not expect any unusual dust control problems on the site. Most of the water used for dust control will be used on haul roads. On a typical operation of this type we use 3 to 5 ac-ft of water per year. Please refer to **EXHIBIT G-WATER** for the discussion of how water will be used at the site.

There are no ditches crossing the site and no surface or subsurface water will be impacted by the mining operation. All interior pit slopes will be maintained with a pit-ward attitude so that historic drainage patterns can be maintained. No U.S. Army Corps of Engineers, 404 permit is necessary, as there are no water bodies on the site.

MINING TIMETABLE

Our need for road construction material is highly variable which precludes an accurate forecast of our demands for materials

MINING PLAN**EXHIBIT D**

during the life of the mine. We therefore, elect to estimate the mining timetable based on an average year and expect a specific year to vary widely from the average. If there are changes in the mining timetable we will discuss the reasons for the change in the annual report that follows the change and modify it then.

ESTIMATED MINING TIMETABLE

ACRES ±				
ESTIMATED YEARS	TOTAL AREA	TOTAL MINED	MINED 100%	MINED SLOPES
10-15	38.57	26.78	29.00	7.78

EXHIBIT E

RECLAMATION PLAN AND TIMETABLE

RECLAMATION PLAN

This is a dryland site with no special or unique characteristics other than it contains a deposit of material suitable for resurfacing county roads. Average annual forage production is approximately 1800 pounds per acre. Tall grasses make up approximately 65% of the vegetative cover and the plant community is mostly grasses.

The species of vegetation found on the site are Prairie Sandreed, Little Bluestem, Sideoats Gramma, Western Wheatgrass, Sand Bluestem, Sand Bluestem, needleandthread, Switchgrass, Sand sage and assorted weeds. These species makeup 90 to 95% of the grass species on the site.

The proposed future use of this site is to return it to its existing use of rangeland. The landowners agree that this final land use is probably best for this arid piece of ground. Mining will create a 20 to 25 foot depression in the pasture. The nature of the land is such that there is no water on the site and the land has little use for anything other than its current use. This makes the reclamation plan very simple in that, the county will shape, resoil and revegetate the area with grass seed once mining is complete. Review of **MAP EXHIBIT F - RECLAMATION PLAN MAP** shows how we believe the site will look once mining is complete.

The slopes along the outside perimeter of the mining area will be graded 3h to 1v as mining progresses. One of two methods will be used, either they will be mined at the 3h to 1v slope or the working face will be mined vertical and then a cut/fill operation will be done. An example of is shown on **MAP EXHIBIT C-1** in the northwest corner where the working face meets the side slope. Note that any slope area to be left when mining is complete, will be created as mining progresses. By preparing this outer perimeter of the site for reclamation we are reducing the amount of work necessary to reclaim the site when mining is done. If the cut/fill option is used, an adequate setback will be left around the perimeter of the site to do the grading. The simple formula to be used is; $((\text{depth of mine face} \times 3) + 2) + \text{setback}$, i.e., $((20 \times 3) + 2) + 15 = 45.0$ feet.

Whenever mining stops for a given year, the working face will be graded to a 3:1 slope so it is stable during period when there is no mining activity. This will eliminate a near vertical highwall in case livestock or wildlife use the mine during down

RECLAMATION PLAN**EXHIBIT E (CONT.)**

times. When mining resumes the highwall mining method will again be used.

Since the slopes around the perimeter of the mined area will be mined to their final rates, only minor amounts of slope work will be necessary when mining ends. This will also insure, that if mining ceases before the resource is exhausted, only a minor amount of work would have to be done to finish reclamation on the disturbed area.

The placement of the soil stockpiles around the perimeter of the mined area or direct placement on the final slopes as stripping takes place will also reduce the cost to reclaim the site if mining ended prematurely. By using this method the topsoil only has to be handled once and reclamation will run concurrent with mining. Placing the topsoil where it will be needed for reclamation will reduce the distance it has to be moved.

There are sufficient amounts of topsoil so the mined area can be resoiled to an average depth of 10 inches. Remember that this will only be done IF the material is available. We will use the available topsoil salvaged from the stripping process and will not haul additional soils onto the site for revegetation. This is especially true on the floor of the old mining area where no topsoil exists at this time. Some growth medium was stored on the east side of the old mine area and that will be used for the old mine area. Existing soils in place have been capable of producing a good cover of native grasses suitable for grazing purposes when not abused. EXHIBIT I/J describes the current cover in the terms of yearly production typically found on the soils found on the site. Our site specific investigations suggest it is close to the NRCS report numbers which will be used as background information as reclamation progresses. One sure way of determining reclamation success is to compare the reclaimed areas with surrounding undisturbed rangeland areas. If they match, the revegetation is successful.

As outlined in the MINING PLAN, 36.78 acres ± of the permitted area will be disturbed as a result of mining. Of this area 5.82 acres is in the pre-mined area and the remaining 30.96 acres is in the new area. Since there are no stages in the permit, reclamation will run concurrent with mining. As mining progresses across the property some parts of the property will remain undisturbed while other areas will be stripped, mined, and either partially reclaimed or totally reclaimed. The MINING PLAN MAP -EXHIBIT C-1 shows how the pit will look when approximately 45% is

RECLAMATION PLAN**EXHIBIT E (CONT.)**

mined and partially reclaimed. The RECLAMATION PLAN MAP - EXHIBIT F show how the area will look when reclamation is complete. The area will be returned to at least it's present vegetative condition when reclamation is complete. All slopes will be left at the 3:1 rate as described in the MINING PLAN.

Careful analysis of the salvageable soil will permit the operator to carry out a soil additive program and to monitor the prescribed seeding plan and to determine if the plan requires revision. Under normal weather conditions, an adequate moisture reserve will be present for establishment of the proposed seed mixture. No irrigation is planned for this site because we will be attempting to create a diverse dryland site that is non-water dependent.

REVEGETATION PROGRAM

The revegetation program to be implemented by Yuma County is detailed below. The topsoiling plan presented above and this revegetation program is devised after careful review of the existing soil conditions and present vegetation, both on the site and in the NRCS report. *"Revegetation will be carried out in such a way so as to establish a diverse, effective and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizers."* The plan is designed to create a vegetative cover that is at least equal in extent to the cover of the natural vegetation before mining. The use of species native to the area is included. Since the intended use of the reclaimed land as rangeland, any slopes created will be commensurate with this final land use.

Seed will be drilled wherever possible, when drilling is not possible, the seed will be broadcast. The revegetation plan provides for the greatest probability of success in plant establishment and vegetative development by considering environmental factors such as seasonal patterns of precipitation, temperatures and wind. Other considerations, such as soil texture, fertility, slope stability and the direction in which slopes face, have been considered. A weed control plan is included in this plan.

An access road will remain on the site to provide access for planting crews and for the supervision and inspection of the reclamation plan. This road will provide the owner's with access to the area when reclamation is complete. Final grading on the road will be done before the pit is closed.

2008

RECLAMATION PLAN

EXHIBIT E (CONT.)

FERTILIZER

Either manure or chemical fertilizer will be used on the seedbed just before seeding. The soils will be tested if chemical fertilizers are used to determine the application rates for this site. If manure is used 10 tons per acres of aged manure will be spread on the seedbed and tilled in during seedbed preparation. The manure is readily available in the area and has wide spread use in the farming practices used in this area.

SEEDBED PREPARATION

When mining on an area is complete, reclamation will begin. Prior to spreading the topsoil the base shale will be ripped and scarified to created a deeper root zone under the resoiled areas. During this ripping the manure may be spread and mixed with the shale if it is used instead of chemical fertilizers. The addition of this organic material to the root zone should aid in breaking down or slowing the compaction of the shale. We feel this will improve the success rate of the revegetation. Once this is complete, the stockpiled soils will be spread, smoothed of large clods and worked until moderately fine. On the areas where seed is broadcast the surface will be left fairly rough to trap the seed and keep it from being affected by wind. We have used this technique in the past and it works very well as reclamation has been successful in all cases.

SEEDING TIME

The grass seed mixture will be planted from early fall thru mid-spring (November 1 to April 30). The time of planting will be controlled by when the resoiled areas are ready for planting. If fall planting is convenient, the seeding will be done before the first freeze (about the time Winterwheat is planted). If spring planting is called for, it will be done in March or April weather permitting after the last frost. Both periods assure there will be adequate residual ground moisture available for the newly planted seeds.

GRASSES

This seed mixture is a mix designed for use on our other mines and roadway embankments throughout the county. It will place $62.7 \pm$ seeds/sqft/pls and exceed the recommended 40 seeds/sqft/pls in the SCD Planting Guide for disturbed areas.

RECLAMATION PLAN**EXHIBIT E (CONT.)*****Non-Irrigated grass seed mix***

<u>Seed</u>	<u>Rate PLS/acre</u>
Yellow Sweetclover	2.00
Smooth Brome	14.00
Blue Gramma	<u>1.50</u>
	17.50

If the seed is broadcast, the amount will be increased by 75% and spread on a rough surface. The seeded areas will then be dragged or raked thoroughly to set the seed. It is important to keep cattle off the revegetated areas until the grasses have been established for at least three growing seasons. If this is not done, the grasses will not be established adequately and may require reseeding. The cattle tend to utilize the new grass growth heavier than surrounding areas thus damaging the seeded area.

It has been our experience on other operations that the seeded area will have a heavy cover of weeds after the first year. The second year there are fewer weeds as the grasses start to take hold. By the third year the weeds are mostly gone and the grass has established itself so it will grow in future years. These weeds also shade the seedbed, retain snow in the winter and act as a wind break for the newly emerging grasses.

WEED CONTROL

The revegetated areas will be monitored closely each spring for the first two years to determine if noxious weeds are invading the area. Weed control will be initiated if the problem becomes serious or if an excessive weed cover is still present at the end of the second year. In no way should this be taken to mean that we will try to eradicate all the weeds from the site. Some weeds are beneficial to the upland game species in the area, and they provide important protection from the elements during winter and nesting sites during the spring. Total eradication of weeds from the site is not necessarily desirable, so we will be using controls on the noxious weeds and letting the rest grow in select areas. It may be necessary to control weeds by mowing after the first year and the feasibility of chemical weed control methods will be studied should this method not work. Control of noxious weeds is important to the state so we will follow USDA Extension Service recommendations to control them.

RECLAMATION PLAN**EXHIBIT E (CONT.)****IRRIGATION**

No irrigation is planned for the revegetated area in the pit. It makes the vegetation dependent on water and does not promote a vegetation cover that is diverse and capable of self regeneration. No irrigation water is used on the site at this time so none is planned in the future.

RECLAMATION PERFORMANCE STANDARDS

The operator intends to mine the property in compliance with the Reclamation Performance Standards of Rule 3. Grading will be done to create a final topography that is compatible with the intended final land use. Maximum slopes will be within the limits set forth in the Rules and Regulations of the Board and will be capable of being traversed by machinery. A sign that conforms to the requirements in Rule 3.1.12 (1996) will be placed at the mine entrance prior to commencing mining. No blasting will take place on this site.

The material used to create the slopes will be native material found on the site. It consists of clayey sand, minor amounts of overburden and topsoil. The pit will be reclaimed so that a suitable grade for drainage exists. All surface runoff outside the mining area will be directed into the existing drainages around the site.

All grading will be done in a manner to control erosion and to protect areas outside the affected lands from slides or other damage. All backfilling and grading will be completed as soon as feasible after mining is completed in a given area. All refuse will be hauled away or disposed of in a manner that will control unsightliness and protect the drainage system from pollution.

There are no acid-forming or toxic materials involved in this operation. If petroleum products are stored at the site, it will be done as prescribed by applicable laws. Any storage tanks will be surrounded by a berm, adequate to retain any fluid spilled if a tank ruptures. In addition, there are adequate absorbent materials on site to contain any spills that would occur outside the berms. There are no drill or auger holes on the land.

The operator does not expect prevailing hydrologic conditions to be disturbed. Yuma County will comply with applicable Colorado water laws and regulations (as the operator understands them) governing injury to existing water rights to minimize any

RECLAMATION PLAN**EXHIBIT E (CONT.)**

disturbance, which might occur to the prevailing hydrologic balance of the affected land and surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation. The operator expects to comply with applicable Federal and Colorado water quality laws and regulations. Any water used in the operation of the processing plants and for dust control will come from water purchased by us as described in **WATER - EXHIBIT G**.

No dredging will take place at this facility, there will be no temporary siltation structures involved in this operation and no mining will be done in a river or waters of the United States. A U.S. Army Corps of Engineers Permit is not required for this operation because there are no wetlands on the site. There will be no earthen dams on the mined area.

The mining and reclamation plans consider existing wildlife habitat conditions in the area and final reclamation will not change the areas' suitability for wildlife use. The mining and reclamation plans allow for the safety and protection of wildlife remaining on the mine site, at the processing site and along all access roads to the site. In general, we find there is little long term disturbance to native wildlife species around gravel mining operations. The big game species tend to use mining sites and newly vegetated areas after operations have stopped for the day.

Topsoil in the area is of fair quality, so when it is removed to reach the mineral deposit, it will be segregated and stockpiled. If the topsoil piles remain undisturbed for more than a year, a vegetative cover of 2#'s/100 FT² Crested Wheatgrass or other means will be employed to prevent topsoil erosion from wind and water and keep it free of contaminants so that it remains useful for sustaining vegetation when reclamation begins. The stockpiles will be located in areas where disturbances by ongoing mining operations will be at a minimum, i.e., along setbacks on the pit perimeter. The topsoil will be handled as little as possible until it is replaced onto disturbed areas. The operator will take measures necessary to insure the stability of the replaced topsoil on graded slopes and spreading it as evenly as possible. Fertilizer and other soil amendments will be used as discussed in this plan.

RECLAMATION PLAN**EXHIBIT E (CONT.)*****RECLAMATION TIMETABLE***

Reclamation will begin once enough area has been opened so that any reclamation completed will not be disturbed as mining progresses. This may take five or more years depending on county needs in the area and the amount of material mined. The operator anticipates approximately 80% of the total mined land will be reclaimed by the time mining is completed. We expect reclamation to be complete on the north side slopes by the time the southern area is ready for resoiling. A portion of the floor area will also be complete, but the area under the plant/stockpile area will still need work. Shortly after mining ends, all resoiling and revegetation will be complete. The area will then be monitored until it is released by the Division or Board. The operator estimates that this will happen 3 to 5 years after mining ends.

If revegetation problems occur before release, an analysis of the site will be made and the area will be revegetated again as necessary. The seed mixture and rates may be revised as needed to complete reclamation, if a modification is required, the Division will be notified in the next annual report after the change was made. This gives us the most flexibility to complete reclamation successfully.

RECLAMATION TIMETABLE

Years	Acres ±			
	Total Area	Revegetation	Road	Setbacks
3-5	38.57	36.78	0.0	1.79

2008

Exhibit K

CLIMATE

This information was downloaded from the Climatology Database at Colorado State University. The average Daily temperature is 51.2 degrees and the average precipitations amount is 17.92 inches per year. WRAY is the closest data collection station to this property. Data is for Years 1918-2006

Station data Latitude - 40°02.4' Longitude - 102°8.4' Elevation - 3540 Feet

MONTHLY AVERAGE TEMP (F)													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANN
AVERAGE	28.81	32.97	39.62	49.72	59.80	69.81	76.08	73.96	64.55	52.57	38.52	30.07	51.21
MAXIMUM	39.32	42.64	47.45	55.48	68.03	76.13	81.73	79.56	70.37	58.76	45.43	37.58	52.82
YEAR	2006	1954	1972	1948	1934	1956	1934	1983	1998	1950	1999	1979	1934
MINIMUM	10.71	17.67	28.39	41.65	50.60	62.12	71.16	66.13	57.50	45.42	28.53	15.77	48.19
YEAR	1937	1936	1958	1920	1935	1945	1950	1949	1965	1949	1929	1924	1993
YEARS OF RECORD	81	79	78	80	80	81	79	75	77	75	75	74	56
MONTHLY AVERAGE MAXIMUM TEMP (F)													
AVERAGE	43.18	48.41	55.45	65.74	75.22	85.46	92.08	90.22	82.83	70.51	54.30	44.97	67.28
MAXIMUM.	60.16	66.25	69.35	73.20	86.39	93.63	101.26	98.10	91.23	80.26	64.97	55.00	71.20
YEAR	1981	1980	1982	1928	1935	1952	1934	1983	1983	1969	1999	1979	1977
MINIMUM	27.81	31.93	40.10	53.83	60.52	75.03	84.42	81.97	71.37	56.26	42.77	28.71	61.57
YEAR	1930	1960	1958	1920	1934	1945	1992	1992	1965	1969	1929	1924	1993
YEARS OF RECORD	81	81	78	80	80	81	80	77	78	76	76	77	61
MONTHLY AVERAGE MINIMUM TEMP (F)													
AVERAGE	13.15	17.55	23.79	33.73	44.47	54.13	60.08	57.75	47.32	34.70	22.83	15.44	35.45
MAXIMUM	24.55	26.68	30.55	39.77	49.90	59.57	66.84	63.81	54.60	42.71	29.43	21.26	38.52
YEAR	2006	1954	1973	1942	1958	1991	1976	1923	1963	1918	1998	1975	1941
MINIMUM	-694	-052	14.39	28.57	37.74	48.37	55.16	46.16	37.10	21.52	10.27	2.82	30.71
YEAR	1937	1936	1965	1939	1924	1937	1938	1949	1949	1976	1976	1924	1937
YEARS OF RECORD	82	79	78	82	83	82	80	76	78	78	78	77	60
MONTHLY PRECIPITATION (IN)													
AVERAGE	0.39	0.39	0.90	1.18	2.84	2.71	2.90	2.16	1.41	0.99	0.60	0.36	17.92
MAXIMUM	1.80	1.56	5.46	7.87	8.28	10.95	8.31	5.64	5.48	4.34	2.37	1.43	30.36
YEAR	1992	1934	1981	1947	1982	1962	1932	1984	1942	1942	1946	1982	1941
MINIMUM	0	0	0	0.05	0.21	0.28	0.12	0.29	0	0	0	0	7.92
YEAR				1954	1966	1985	1934	2001					1931
YEARS OF RECORD	82	82	79	81	83	84	82	77	79	80	79	80	65
MONTHLY SNOWFALL (IN)													
AVERAGE	4.88	4.02	6.24	2.71	0.09	0	0	0	0.10	1.19	3.69	3.66	26.70
MAXIMUM	21.50	19.00	30.50	31.00	3.50	0	0	0	3.20	14.50	20.0	15.30	70.00
YEAR	91-92	59-60	26-27	19-20	38-39				95-96	69-70	72-73	41-42	79-80
MINIMUM	0	0	0	0	0	0	0	0	0	0	0	0	6.00
YEAR													53-54
YEARS OF RECORD	82	80	79	80	77	78	79	81	76	81	83	84	64

LOADED FROM WRCC DATABASE - March 14, 2008 (<http://www.wrcc.dri.edu/cgi-bin/cliMONtavt.pl?cowray>)

EXHIBIT L

RECLAMATION COSTS

This reclamation cost estimate is based on the assumption that there will be no more than 34.97 acres \pm disturbed at any one time. The following information also depicts a worse case scenario. At that time we will have to respread 6,623 cubic yards of topsoil, do 800 cubic yards of cut/fill dozer work, and revegetate 34.97 ac. \pm . The table below outlines the various areas of disturbance at that time. The amount of topsoil that will be re-spread is based on an average of 4 inches. A D-8U Caterpillar dozer will be used to do all of the cut/fill work. A Caterpillar 140H blade to rip and shape the seed bed and a Caterpillar 627E to resoil the site. These figures are then used in the calculations for the bond amount. The revegetation cost figure includes fertilizer, grass seed, mulch and drilling costs.

STAGE	TOTAL	SOIL DEPTH
NEEDS RESOILING	34.97	1.5"
NEEDS SEEDING	34.97	
GRADING & SHAPING	34.97	
RIPPING SHALE	34.97	
SLOPE CUT/FILL	800 LINEAR FEET	
RESOIL @ 1.5"11	6,623 CUBIC YARDS	

ESTIMATED UNIT COSTS FOR RECLAMATION ITEMS:

	Unit Cost
1. Revegetation includes grass seed mix, fertilizer and labor to drill	\$500.00/AC.
2. Re-spreading soil with a, 627E scraper, haul distance less than 700	0.472/YD ³ ^{1/}
3. Sloping using cut/fill method D-8U cat, push distance less than 90	0.27/YD ³ ^{1/}
4. Ripping shale surface using 140G motor grader	\$56.80/AC. ^{1/}
5. Grading and shaping seedbed using a 140G motor grader	\$56.80/AC. ^{1/}

RECLAMATION COSTS

1. Revegetation, 34.97 ac @ \$500.00/ac	\$ 16,420.00
2. Resoiling, 6,623 yd ³ x \$0.472/yd ³	3,497.65
3. Sloping using cut/fill method 6664 yd ³ x \$0.26/yd ³	2,023.01
4. Ripping shale seed bed 6" deep 34.97 ac @ \$56.80/ac.	1,865.27
5. Grading and shaping 34.97 ac @ \$56.80/ac.	1,865.27
6. Secondary revegetation 34.97 ac x 30% x \$500.00	4,926.00
Net Total	\$30,597.20
7. Indirect costs	
Mobilization	4,584.37
Insurance, Bond, & Profit	4,136.74
8. Administration costs	1,736.70
TOTAL ESTIMATE	\$41,055.01

^{1/} Figured using Cat Handbook and rental costs from local sources for 83% efficiency, for eastern Colorado.

2008

500532 03/06/2002 10:00A LTRS Janice Cobb
1 of 1 R 5.00 D 0.00 Yuma County, CO

<input checked="" type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court Yuma _____ County, Colorado	
Court address: P. O. Box 347 Wray, CO 80758	
IN THE MATTER OF THE ESTATE OF <input type="checkbox"/> Deceased <input checked="" type="checkbox"/> Protected Person <input type="checkbox"/> Minor <input type="checkbox"/> Incapacitated Person MILDRED MOSER	
Attorney or Party Without Attorney (Name and Address): Robert B. Chapin Anderson and Chapin, P. C. P. O. Box 7 Brush, CO 80723 Phone Number: 970/842-5561 E-mail: andersonchapinpc@mi.net FAX Number: 970/842-5563 Atty. Reg. #: 3706	▲ COURT USE ONLY ▲ Case Number: 02 PR 03 Division: _____ Courtroom: _____
LETTERS	

(Name) James Moser
was appointed or qualified by this Court or its Registrar on (date) March 4, 2002 ss:

- ☐ Personal Representative.
 - ☐ These are Letters of Administration. (The decedent did not leave a will.)
 - ☐ These are Letters Testamentary. (The decedent left a will.)
- ☐ Special Administrator in ☐ an informal ☐ a formal proceeding. These are Letters of Special Administration.
- ☒ Conservator. These are Letters of Conservatorship.
 - ☐ The protected person is a minor whose date of birth is _____
- ☒ Guardian. These are Letters of Guardianship for
 - ☒ an incapacitated person. ☐ a minor whose date of birth is _____
- Appointment or qualification is by ☒ court order. ☐ will. ☐ written instrument.
- ☐ _____

These Letters evidence full authority, except for the following limitations or restrictions, if any: If the conservator must sell the Respondent's interest in real estate, he shall obtain prior authorization of the court. The guardian does not have the authority to obtain hospital or institutional care and treatment for mental illness, developmental disability or alcoholism against the will of the respondent. (§15-14-316(5), C.R.S.)

Date: March 4, 2002 Margaret Clemons Chapin
(Deputy) Clerk of Registrar of Court

CERTIFICATION

Certification Stamp or Certified to be a true copy of the original in my custody and to be in full force and effect as of: March 4, 2002 (Date)

Margaret Clemons Chapin
(Deputy) Clerk of Court

2008

LEASE

Lease made November 15, 2005, between James Moser, Conservator of the Estate of Mildred Moser, aka Mildred M. Moser, Protected Person, as to an undivided one-half (1/2) interest, and Eldon Moser, aka Eldon L. Moser, as to an undivided one-half (1/2) interest, of Yuma County, Colorado, here referred to as Lessor, whether one or more, and Yuma County, Colorado, a statutory county organized under the laws of Colorado, acting by and through its Board of County Commissioners, here referred to as Lessee.

Lessor, in consideration of the agreements set forth in this lease to be kept and performed by Lessee, and of the payment of royalties by Lessee as provided in this lease, and subject to the terms, conditions, and provisions contained in this lease, leases to Lessee a tract of land situated in Yuma County, Colorado, which is described in Exhibit A, attached and incorporated in this lease by reference, for the purpose of quarrying, mining, removing, and using for public purposes all sand, gravel, rock, and any other minerals in the quarry, all of which are referred to in this lease as materials.

SECTION ONE TERM OF LEASE

This lease shall be in effect for a period of ten (10) years, from January 1, 2006, to December 31, 2015.

Lessee shall have the right and option to renew this lease for one period of five (5) years, extending from January 1, 2016 to December 31, 2020.

If Lessee desires to exercise its option to renew this lease, Lessee shall give written notice of its intent to renew to Lessor no later than July 1, 2015; and, time being of the essence, if such notice of intent is not timely made, Lessor, in its sole discretion, may determine whether to accept such tardy notice.

SECTION TWO ROYALTIES

Subject to adjustment provided below, Lessee shall pay to Lessor, as royalty, [REDACTED] for each cubic yard of materials removed from the premises. The quantity shall be determined after the materials are loaded in trucks.

Lessee shall be obligated to pay the amount of royalty at least quarterly of each year that this lease is in effect, payable on the fifteenth (15th) day of the month following the end of each calendar quarter.

Lessee shall forward to Lessor reports for the time frame of each payment showing the quantity of materials removed during the preceding time frame, according to load tickets, with dates of loading. The report shall be forwarded to Lessor with the royalty payment by the fifteenth (15th) day of the month in which payment is made.

During certain months of the year, it may be impracticable to remove materials because of weather conditions. Nevertheless, a report shall be required for any month during which no materials have been removed.

Lessee shall keep a strict and accurate record of all materials removed from the leased premises.

Lessor shall have the privilege, at reasonable times, upon prior notice to Lessee, of examining the mining procedures and checking the books and records of Lessee for the purpose of verifying the amount of royalties paid or payable.

If during the term or any renewal term of this lease, Lessee pays a greater royalty to another landowner (or landowners) than the rate then paid under this lease, Lessee shall pay Lessor a royalty equal to the largest royalty paid another landowner from whom it purchases materials, effective as of the date such greater royalty is paid to the other landowner. Landowner includes the holder of only mineral interest without any surface interest.

SECTION THREE SURFACE RIGHTS OF LESSEE

Lessee may clear brush, undergrowth and other ground cover from the portions of the leased premises as may be reasonably necessary to explore for materials or to locate pits, quarries, and stockpile areas.

In order to obtain access to the leased premises, and to carry on its operations, Lessee shall have the right to make use of all roadways now existing on the leased premises, and shall have the right to build such additional roads as may be necessary for the production and removal of materials on the leased premises.

In building such roads on the leased premises, Lessee may use materials from the leased area. Lessee shall not be required to pay royalties to Lessor for materials so used, but must account for such materials in the monthly reports to Lessor.

Lessee may erect a plant or plants on the leased premises, if it should so desire, to process materials.

Lessee may erect such buildings and install such machinery and equipment as may be useful in connection with its operations.

Subject to the legal authority to do so, Lessee shall have the right to drill water wells on the leased premises for use in connection with mining operations. Upon Lessee's permanent cessation of the use of any well, or on termination of this lease, Lessee shall leave the well and the well casing for the use of Lessor, but Lessee may remove any pumps or motors it has installed or caused to be installed; and all water and water rights thus developed shall remain with the land and revert to Lessor at such time. Lessee shall be solely responsible for replacing all required depletions from a well that

must be replaced to the stream system or aquifer from which withdrawn.

SECTION FOUR DAMAGE TO LIVESTOCK, CROPS, AND IMPROVEMENTS

Lessee shall repair any damage to water wells, drinking troughs, storage tanks, and other similar improvements on the leased premises.

Lessee shall pay the reasonable value of any livestock and crops that may be killed, injured, destroyed or damaged by Lessee's agents or employees in the permitted use of the leased premises.

SECTION FIVE PROTECTION OF PREMISES

Lessee shall provide and install adequate gates and cattle guards at all entrances into areas of the leased premises being used or occupied by Lessee. The gates will be kept locked during the hours of darkness, and at all times when the areas are not occupied or used by Lessee's personnel.

SECTION SIX PERMITS, PROTECTION AND RESTORATION OF SURFACE

Lessee shall be solely responsible for obtaining all federal, state and local permits required for the removal or mining of materials under this lease, at its own expense, to include without limitation any performance warranty or financial warranty, bond or other form of undertaking for any such permit, and shall be solely responsible as the operator to fulfill all duties imposed under any such permits, and shall indemnify and hold harmless Lessor as provided in Section Nine of this lease.

In digging pits for the purpose of producing and removing materials, Lessee shall make separate stockpiles of topsoil and of waste substances.

Lessee shall properly control all distributed soils to prevent to the maximum extent possible the blowing of dust and soils, and the erosion of soils by wind, rain, and surface runoff.

On completion of operations for the removal of materials from pits that have been dug on the leased premises, Lessee will place any unused waste substances and materials used for roadways back into the pits from which the substances and materials were removed, with topsoil placed on top. Lessee will back-slope the pits to a slope no greater 3:1.

Before termination of the lease, Lessee shall plow, grade, and revegetate with native grasses all areas where roads, and stockpiles and pits have existed, or where the vegetative cover was damaged or removed.

The requirements of this section six are in addition to any reclamation

requirements of state and federal law, which latter requirements, if more stringent than these, shall control.

SECTION SEVEN PAYMENT OF TAXES

Lessor shall pay all real estate taxes levied against the leased premises before they become delinquent. If Lessor fails to pay the taxes, Lessee may, at its option, pay the taxes and assessments as may be levied against the premises, and deduct the amount of the payments, together with any penalties or interest required to be paid, from any amount subsequently due to Lessor.

SECTION EIGHT REMOVAL OF IMPROVEMENTS AND EQUIPMENT

All improvements and equipment placed on the leased premises by Lessee, except water well casing, fences, gates, and cattle guards, shall remain the property of Lessee. Lessee shall have the right to remove such nonexcepted property prior to the expiration of this lease.

On termination of this lease for any cause, Lessee shall have the right to remove all its improvements and equipment within a reasonable time, except water well casing, fences, gates, and cattle guards, but including any materials mined and produced, but not removed on the date of termination, all subject to payment of royalties provided in this lease.

SECTION NINE INDEMNIFICATION OF LESSOR

Lessee shall indemnify Lessor against liability on all claims for damages and injuries to persons or property that are claimed to have resulted from the activities or omissions of Lessee or its agents or employees during the term of this lease, including costs of litigation and arbitration and attorney fees. Lessee shall provide Lessor no less frequently than annually certificates of insurance showing general liability insurance coverage of Lessee for the leased premises.

SECTION TEN DEFAULT BY LESSEE

If any default occurs in the performance of any term or condition of this lease by Lessee, Lessor shall be required to give a 45-day notice in writing to Lessee, demanding the correction or removal of the default.

If Lessee fails to correct or remove the default within this period, Lessor may, at Lessor's option, terminate this lease.

Lessee shall have thirty (30) days after the termination within which to remove any nonexcepted plant, structures, and equipment placed on the leased premises by Lessee.

2008

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SECTION ELEVEN
RIGHTS TO ADDITIONAL MINERALS

If any minerals, as distinguished from sand, gravel, rock, and other minerals specifically included in lease, shall be found on the leased premises, they shall belong to Lessor, but Lessee shall have the first right and option to mine them under such terms and conditions as the parties may then agree.

SECTION TWELVE
EFFECT OF AGREEMENT

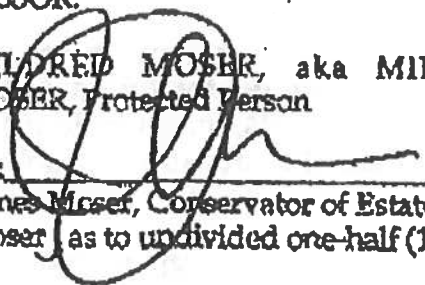
This lease shall inure to the benefit of and shall be binding on the heirs, legal representatives, successors and assigns of the parties.

Lessee shall have no right to assign this lease without the advance written consent of Lessor.

In witness, the parties have executed this agreement on the day and year first above written.

LESSOR:

MILDRED MOSER, aka MILDRED M. MOSER, Protected Person

By: 
James Moser, Conservator of Estate of Mildred Moser, as to undivided one-half (1/2) interest

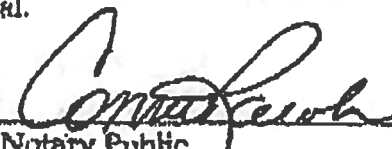
STATE OF OKLAHOMA }
COUNTY OF Pottawatomie } ss.

The foregoing instrument was acknowledged before me on October 26 2005, by James Moser, Conservator of the Estate of Mildred Moser, aka Mildred M. Moser, Protected Person.

WITNESS my hand and official seal.

My Commission Expires:
5-20-2008

(SEAL)


Notary Public

Eldon Moser, aka Eldon L. Moser,
as to undivided one-half (1/2) interest

2008

5 of 7

SECTION ELEVEN RIGHTS TO ADDITIONAL MINERALS

If any minerals, as distinguished from sand, gravel, rock, and other minerals specifically included in lease, shall be found on the leased premises, they shall belong to Lessor, but Lessee shall have the first right and option to mine them under such terms and conditions as the parties may then agree.

SECTION TWELVE EFFECT OF AGREEMENT

This lease shall inure to the benefit of and shall be binding on the heirs, legal representatives, successors and assigns of the parties.

Lessee shall have no right to assign this lease without the advance written consent of Lessor.

In witness, the parties have executed this agreement on the day and year first above written.

LESSOR:

MILDRED MOSER, aka MILDRED M. MOSER, Protected Person

By:

James Moser, Conservator of Estate of Mildred Moser as to undivided one-half (1/2) interest

STATE OF OKLAHOMA

COUNTY OF Pottawatomie ss.

The foregoing instrument was acknowledged before me on October 26 2005, by James Moser, Conservator of the Estate of Mildred Moser, aka Mildred M. Moser, Protected Person.

WITNESS my hand and official seal.

My Commission Expires:
5-20-2008

(SEAL)

Conrad Furb
Notary Public

Eldon L. Moser
Eldon Moser, aka Eldon L. Moser,
as to undivided one-half (1/2) interest

2008

6 of 7

STATE OF Colorado)
COUNTY OF Yuma) ss.

The foregoing instrument was acknowledged before me on Jan 5, 2006
~~2005~~, by Eldon Moser, aka Eldon L. Moser.

WITNESS my hand and official seal.

My Commission Expires:

April 26, 2006

(SEAL)



Paula S. Weaver
Notary Public

LESSEE:

YUMA COUNTY, COLORADO, acting
by and through its BOARD OF COUNTY
COMMISSIONERS

Dean Wingfield
Dean Wingfield, Chairman

Dave Thomas
Dave Thomas

Robin Wiley
Robin Wiley

ATTEST:

Deborah A. Dwyer
County Clerk
(SEAL)

STATE OF COLORADO)
COUNTY OF YUMA) ss.

The foregoing instrument was acknowledged before me on 11-28-2005
2005, by Dean Wingfield, as Chairman, and Dave Thomas, Robin Wiley, and
_____ as Clerk of the Board of County Commissioners of the
County of Yuma, Colorado.

WITNESS my hand and official seal. 11-02-06

My Commission Expires:

(SEAL)

Linda L. Briggs
Notary Public

2008

6 of 7

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me on _____
2005, by Eldon Moser, aka Eldon L. Moser.

WITNESS my hand and official seal.

My Commission Expires:

(SEAL)

Notary Public

LESSEE:

YUMA COUNTY, COLORADO, acting
by and through its BOARD OF COUNTY
COMMISSIONERS

Dean Wingfield
Dean Wingfield, Chairman

Dave Thomas
Dave Thomas

Robin Wiley
Robin Wiley

ATTEST:

Barbara H. Anderson
County Clerk
(SEAL)

STATE OF COLORADO)
COUNTY OF YUMA) ss.

The foregoing instrument was acknowledged before me on 11-28-2005
2005, by Dean Wingfield, as Chairman, and Dave Thomas, Robin Wiley, and
_____, as Clerk of the Board of County Commissioners of the
County of Yuma, Colorado.

WITNESS my hand and official seal. 11-02-06

My Commission Expires:

(SEAL)

Linda L. Briggs
Notary Public

2008

7 of 7

EXHIBIT A

Legal Description

Township 1 South, Range 48 West of the 6th P.M.

The Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 9,
Suma County, Colorado.

EXHIBIT G

WATER INFORMATION

There are no water structures on or adjacent to the site. There are no streams or creeks within 15 miles of the mine. Mining will not reach the ground water table. The closest well is located approximately 800 feet east of the mined area. Records reviewed in the Office of the State Engineers show that this well is 200 feet deep. Further investigations indicate the ground water table averages 210 feet below the surface of the site, so no ground water will be exposed. Surface or subsurface water will not be impacted and the site will be graded so all surface runoff within the mine is directed into the mined area.

A Substitute Supply Plan and/or Augmentation Plan will not be needed for this facility since no ground water will be exposed. We will not affect the hydrologic balance of the surface or subsurface water in the area. The water used at this site will be purchased from the landowner for use on the project area.

There are no ditches or laterals crossing the site. The soils on the site tend to absorb the minor amounts of moisture that fall in the area. No wetland areas will be disturbed on the site and a Storm Water Management Plan will be prepared for the facility if needed. The pit will be graded such that all surface water runoff is retained on the site and all offsite runoff is diverted around the mining area.

We estimate dust control for the various parts of the operation, i.e., roads, crushing, etc. will use five ac-ft per year. Water used for this operation is purchased and hauled to the site from a commercial well owned by the City of Yuma. No water will be used for reclamation, nor will the revegetated area be irrigated.

The operator's intent is to minimize the disturbances to the prevailing hydrologic balance of the affected land, of the surrounding area and to the quality and quantity of the surface and ground water system, both during and after mining and reclamation. We believe we will be in compliance with all state and federal laws and regulations governing water and water rights.

EXHIBIT H**WILDLIFE STATEMENT.**

We requested a Wildlife Statement from Mr. Dave Webber in the NE Regional Office of the Division of Wildlife (DOW) on September 07, 2007 and have received no response from the Division at the time of this submittal. The following information is included in lieu of their cooperation.

Wildlife Information

Wildlife resources on the affected land are limited to the existing ground cover of seasonal grasses and forbs. There are no trees or large shrubs on the affected area. Ground cover in this area is approximately 50%, at best.

Use of the area by wildlife is minimal. Some of the area has been used for construction materials extraction in the past and the rest as rangeland for many more. Properties surrounding the proposed permit area have been used continuously for the past several years as rangeland or irrigated crop land.

Wildlife expected to be found on the property may include upland birds, small rodents and mammals. There are no known threatened or endangered species on the property. As there are no trees on the site, there is no habitat for song birds. Larger mammals would not be found on this site due to the lack of cover from predators and the distance from a suitable habitat.

Existing wildlife in the area is not expected to be significantly impacted by this proposed expansion of the existing permit. This will be a continuation of the activities currently on-site. Human activities and noise levels will not increase above what has occurred in the past. Temporary and permanent losses to food and habitat is not expected to be significant as the area currently has limited potential for wildlife food and habitat.

2008

EXHIBIT I and J

SOILS AND VEGETATION

The following site specific report was generated using the NRCS Web Soil Survey found at websoilsurvey.nrcs.usda.gov/app. There are 36 pages in the report.

Not included
but available
in DRMS-electronic
file for original
2008 application

2008

EXHIBIT M

OTHER PERMITS AND LICENSES REQUIRED

1. If more than 70,000 tons per year will be processed an Air Pollution permit will be applied for prior to commencement of operations on the new area.
2. We are working with Yuma County Planning Department on a new permit that will be issued in the near future for the expanded area.
3. This is an open pit operation and groundwater will be not exposed so a well permit and temporary supply plan is unnecessary.
4. A dredge fill permit (404) is not required because waters of the U.S. will not be impacted.
5. A Storm Water Management Plan (SWMP) will not be necessary for this pit as there will be no discharge from the mined area.
6. A NPDES permit to cover stormwater runoff is not required, all stormwater will be retained on site.

SOURCE OF LEGAL RIGHT TO ENTER

2008

EXHIBIT N

Law Offices
Anderson and Chapin, P.C.

308 Clayton Street
P.O. Box 7
Brush, Colorado 80723

C.H. Anderson (1911-1987)

Robert B. Chapin

E-mail: andersonchapinpc@rmi.net

Telephone: (970) 842-5581

Fax: (970) 842-5563

Nicholas M. Wray January 10, 2006

Linda Briggs, County Administrator
Yuma County Government
310 Ash Street, Suite A
Wray, CO 80758-1800

JAN 12 2006

Re: Sand and Gravel Lease/Moser

Dear Ms. Briggs:

I am returning to you a fully signed copy of the sand and gravel Lease with the Mosers.

As the attorney for James Moser, Conservator of the Estate of Mildred Moser, I am writing to inform you that when payment is made under the terms of the Lease, one-half of the payments should be made to each of the following owners:

James Moser, Conservator
Route 1, Box 27
Sparks, OK 74869

and

Eldon Moser
403-1/2 East Hoag Avenue
Yuma, CO 80759.

I am also enclosing a photocopy of the recorded Letters of Guardianship and Conservatorship that James Moser holds on behalf of Mildred Moser.

If you have any questions or concerns about this information, please do not hesitate to contact me.

Sincerely yours,



Robert B. Chapin

sk

enc.

xc: James Moser (with enclosure)
Eldon Moser (with enclosure)
Robert Dee, County Attorney (with enclosure)

EXHIBIT S

PERMANENT AND MAN-MADE STRUCTURES

There are no man-made structures within 200 feet of the affected lands. The 3 closest structures are barbed wire fences located on the west and north sides of the permit/affected lands line owned by The Moser's and their neighbors. These structures are over 210 feet from the permit line

There are no above or below ground power or communication lines, bridges, wells, water storage impoundments, railroad tracks, cemeteries or communication antennas within 200 feet of the affected lands. Mining will be well within the permit boundary so there will be no chance for offsite disturbance due to slope failures.

40586 Co. Rd. 21
Haxtun, CO 80731

October 28, 2014

Yuma County Clerk and Recorder
Yuma County Courthouse
310 Ash
Wray, CO 80758

RE: Construction Materials Gravel Pit
Moser Pit

Dear Bev,

Yuma County Road and Bridge is submitting an application to amend an existing Construction Materials Reclamation Pit to the Colorado Mined Land Reclamation Board, requesting permission to mine gravel from property located in Yuma County known as the Moser Pit (part of the SE 1/4 of Section 9, T1S, R48W of the 6th P.M.). This new application will encompass approximately 45.6 acres. The application is provided at this location to be available for public inspection prior to public hearings held by the Colorado Mined Land Reclamation Board concerning this permit request. Please make this copy available until the permit is finalized.

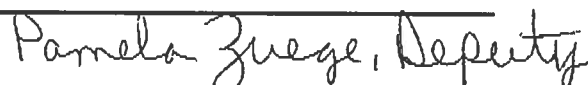
Thank you.

Sincerely,


Randy Schafer

Received by the Yuma County Clerk this 28 day of October, 2014.

Representative of the Yuma County Clerk's Office



Notice to the Board of Supervisors
Of the Yuma County Conservation District
Yuma County, Colorado

Yuma County Road and Bridge is applying to amend an existing Construction Materials Regular 112 Operation Reclamation Permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Yuma County at the Moser Pit. This is an application to expand. 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 Minerals and Geology (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected lands for rangeland. Pursuant to Section 34-32.5-116(4) (m), C.R.S., the Board may confer with the local Board of the local Conservation District before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operations. Please note that, in order to preserve your right to a hearing before the Board on these applications, you must submit written comments on the applications within twenty (20) days after the applicant's newspaper publication.

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

Enclosure: Copy of application

Received by the Yuma County Conservation District this 28 day of Oct 2014,
2014.

Gary Campfield for Barb Daylong
Representative of the Yuma County Conservation District

Notice to the Board of County Commissioners
Yuma County, Colorado

Yuma County Road and Bridge is applying to amend an existing Construction Materials Regular 112 Operation Reclamation Permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Yuma County at the Moser Pit. This is an application to expand. 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 Minerals and Geology (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected lands for rangeland. 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 operations. 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 applications within twenty (20) days after the applicant's newspaper publications.

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Enclosure: Copy of the application

Received by the Yuma County Commissioners this 28 day of October, 2014.

Kara Hoover, County Administrator
Representative of the Yuma County Commissioners' Office

NOTICE

This site is the location of a proposed construction materials operation known as the Moser Pit. Yuma County Road and Bridge, whose address is 1310 South Blake St., Wray, CO 80758 (phone number 970-332-5718), has applied to amend an existing Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the Yuma County Clerk or Recorder's office, 310 Ash, Wray, CO 80758, and should send comments prior to the end of the public comment period to the Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, CO 80203.

Certification:

I, Howard McGinnis, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the Moser Pit on OCT. 27, 2014.

Howard McGinnis

Signature

OCT, 27-2014

Date

NOTICE

This site is the location of a proposed construction materials operation known as the Moser Pit. Yuma County Road and Bridge, whose address is 1310 S. Blake St., Wray, CO 80758 (phone number is 970-332-5718), has applied to amend an existing Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the Yuma County Clerk or Recorder's office, 150 Ash, Wray, CO 80758, and should send comments prior to the end of the public comment period to the Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, CO 80203.

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CERTIFICATION

The Applicant, YUMA COUNTY ROAD BRIDGE (print applicant/company name),
by HOWARD MCGINNIS (print representative's name), as TRUCK AND MINING FOREMAN (print
representative's title), does hereby certify that BYRON J. & LALANI R. WEATHERS (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 MOSEY PIT (operation name),
File Number M-2088 - 035.

*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 Howard McGinnis Representative Name HOWARD MCGINNIS
Date 8-13-14 Title TRUCK AND MINING FOREMAN

STATE OF Colorado)
) ss.
COUNTY OF Yuma)

The foregoing was acknowledged before me this 13th day of August, 2014, by
Howard McGinnis as representative of Yuma County Road and Bridge.

Beverly A. Wenger
Notary Public

My Commission Expires: 6-3-2016



NOTARY FOR STRUCTURE OWNER

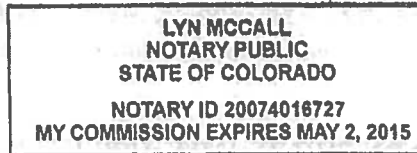
ACKNOWLEDGED BY:

Structure Owner Byron Weathers Name Byron Weathers
Date 8-27-14 Title Owner

STATE OF Colorado)
) ss.
COUNTY OF Yuma)

The foregoing was acknowledged before me this 29 day of August, 2014, by
Byron Weathers as Owner of Weathers mine #1.

Lyn McCall My Commission Expires: 5/2/2015
Notary Public



RECEIVED

NOV 06 2014

DIVISION OF RECLAMATION
MINING AND SAFETY

Division of Reclamation, Mining, and Safety

Fee Receipt for M2008035

Yuma County

000000000

Receipt #: 18513

Date: 11/06/2014

Permit: M2008035

Payment Method	Revenue Code	Fee Description/Notes	Amount
057873 jwd	4300-MAMD	Minerals Amendment Fees M-2008-035	\$2,229.00
Receipt Total:			\$2,229.00