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COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

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✓ FEB 05 2015

DIVISION OF RECLAMATION
MINING AND SAFETY

February 3, 2015

TD Dale Trowbridge

The New Cache La Poudre Irrigating Co.

33040 Railroad Ave.

P.O. Box 104

Lucerne, CO 80646

Re: New Cache Agricultural Pond 1, File No. M-2015-003, Receipt of 112 Construction Materials Reclamation Permit Application Package – Incomplete

Mr. Trowbridge:

On January 28, 2015, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Reclamation Permit Application package for the New Cache Agricultural Pond 1. Preliminary review of the information received determined the following items must be received before the Division can consider the application as being submitted and technical review can begin:

Application Form

1. The Division requires the application list the exact company name registered with the Colorado Secretary of State office. The Applicant's name in the Applicant/Operator or Company Name and notary sections on Page 8 - Certification of the application form does not match the registered company name, "The New Cache La Poudre Irrigating Company". Please revise the Applicant/Operator and notary sections of the certification page to indicate "The New Cache La Poudre Irrigating Company". A copy of an edited certification page is attached for reference.
2. The Division requires the Applicant to provide documentation giving the signer, Dale D. Trowbridge, the authority to sign on behalf of the company. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement or a notarized statement on company letterhead.
3. Please provide the quarter/quarter section location information on Page 2, Item 9 of the application form.



4. Please provide completed pages 4 through 7 of the application form.

6.2.1(2) General Requirements of Maps and Exhibits

5. As required by Rule 6.2.1(2) all maps, except the index map, must show the name of Applicant, be prepared and signed by a registered land surveyor, professional engineer, or other qualified person, give date prepared, indentify and outline the area with corresponds with the application and with the exception of the index map be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included. Please update the Exhibit C maps accordingly.

6.4.1 Exhibit A - Legal Description

6. Rule 6.4.1(1) states the legal description shall be by, township, range and section, to at least the nearest quarter-quarter section. The Applicant provided a legal description to the nearest quarter section only. Please provide the legal description to the nearest quarter-quarter section.

6.4.3 Exhibit C - Pre-mining and Mining Plan Maps of Affected Lands

7. As required by Rule 1.1(3), affected lands include but shall not be limited to private ways, roads, except those roads which existed prior to the date on which notice was given or the permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. The Applicant states the Affected Area as 12.02 acres. The proposed affected area does not include acreage for access roads. Please include the access road acreage or adjust the permit boundary to include the access road and update the permit application and exhibit acreage amounts accordingly.

It appears the proposed 12.02 permitted acres does not account for any disturbance beyond the outside toe of the augmentation pond berm. The Division recommends the Applicant increase the permitted acreage to allow for access to conduct mining activity and construct the pond berm.

6.4.14 Exhibit N - Source of Legal Right to Enter

8. The Applicant submitted a signed statement from the landowner, Wagistics, LLC, as the Source of Legal Right to Enter. Rule 6.4.14 states a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is acceptable. Please provide a signed and notarized statement by Wagistics, LLC.

6.4.18 Exhibit R - Proof of Filing with County Clerk

9. Please provide an affidavit or receipt indicating the date on which the revised application documents were placed with the Weld County Clerk and Recorder in response to this letter.

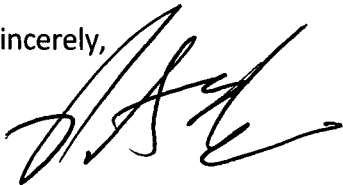
The application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all necessary documents the Office needs for the application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

The response due date is April 4, 2015.

This letter shall not be construed to mean there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Enclosure: edited application form certification page

Cc: Tom Kaldenbach, DRMS

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 8th day of January, 2015.

New Cache La Poudre Irrigating Co.
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: Dale D. Trowbridge

Signed: Kent B. Bunn

Title: General Manager

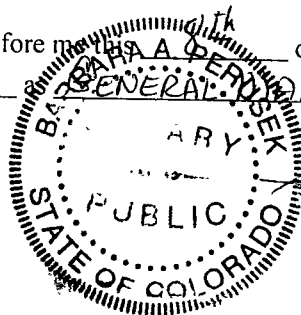
Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado

County of Weld) ss.

The foregoing instrument was acknowledged before me on 8th day of JANUARY, 2015, by DALE D. TROWBRIDGE GENERAL MANAGER OF NEW CACHE LA POUDE IRRIGATING CO.
Sarah A. C. Perence
Notary Public



My Commission expires: 03.13.2017

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