

DMC



MONTROSE COUNTY

PUBLIC WORKS

949 North 2nd Street
Montrose, CO 81401
Phone: 970-252-7000
Fax: 970-252-7010

RECEIVED

✓ AUG 07 2015

**DIVISION OF RECLAMATION
MINING AND SAFETY**

August 5, 2015

Colorado Division of Reclamation, Mining and Safety
Attention: Dustin Czapla
1313 Sherman Street, Room 215
Denver, CO

Re: ✓ Additional Structure Agreements and Amendment #1
112 Construction Materials Reclamation Permit Amendment Application
Montrose County, Neal Pit, Permit No. M-1983-148-AM01

Dear Mr. Czapla,

In response to Wallace Erickson's inspection report and corresponding photos dated May 5, 2015, additional structure agreements have been executed and enclosed herewith for the following structure owners:

1. Delta Montrose Electric Association – overhead power lines and support poles (photo 5)
2. Tri-County Water – water main pipe and water meter (photo 8)
3. Uncompahgre Water Users Association – irrigation lateral and related structures (photo 9)
4. Neal Fruit Company – buildings, fences, and irrigation piping. (photos 3 through 8)

Also enclosed are pages 1 and 4 of the permit application and a map that reflects the revised areas due to the release of reclaimed area and the additional area for the access road realignment.

Please contact this office if you need any additional information.

Sincerely,

Dean L. Cooper, P.E.
County Engineer

cc: File

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

Structure Agreement

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

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

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

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

1. overhead power line and support poles *located at and near 6647 5750 Rd, Olathe, CO.*
(poles 92-JF3 to 92-JF7)
2. _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Montrose County (print applicant/company name),
by Dean Cooper (print representative's name), as County Engineer (print
representative's title), does hereby certify that Delta/Montrose Electric Assoc. (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 Neal Pit (operation name),
File Number M-1983-148.

*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 MONTROSE COUNTY Representative Name Dean Cooper
Date 8-4-15 Title COUNTY ENGINEER
STATE OF COLORADO)

) ss.
COUNTY OF MONTROSE)

The foregoing was acknowledged before me this 4 day of AUGUST, 2015, by

DEAN L COOPER as COUNTY ENGINEER of MONTROSE COUNTY

Lynda K Glover My Commission Expires: 1/25/2016
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner Delta/Montrose Electric Association

Signature

Kent E Davenport

Date

8/3/15

Title

Engineering Manager

STATE OF COLORADO

)

) ss.

COUNTY OF MONTROSE

)

The foregoing was acknowledged before me this 3rd day of August, 2015, by

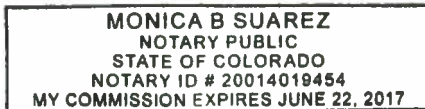
Kent E Davenport as Engineering Mgr of Delta/Montrose Electric Association

Notary Public

Monica B Suarez

My Commission Expires:

6/22/17



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

Structure Agreement

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

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

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

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

1. water main pipe _____
2. water meter _____
3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Montrose County (print applicant/company name),
by Dean Cooper (print representative's name), as County Engineer (print
representative's title), does hereby certify that Tri-County Water (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 Neal Pit (operation name),
File Number M-1983-148.

*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 MONTROSE COUNTY Representative Name Dean Cooper
Date 8-4-15 Title COUNTY ENGINEER
STATE OF COLORADO)

COUNTY OF MONTROSE) ss.

The foregoing was acknowledged before me this 4 day of AUGUST, 20 15, by

DEAN L. COOPER as COUNTY ENGINEER of MONTROSE COUNTY.

Lynda K. Glover My Commission Expires: 1/25/2016
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner Tri-County Water

Signature Ted Rottighaus

Date 8-3-15 Title Asst. Manager of Operations

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The foregoing was acknowledged before me this 3rd day of August, 2015, by
Ted Rottighaus as Asst Mgr of Operations of Tri-County Water

Kathleen LaDean Margetts My Commission Expires: 3/13/17
Notary Public



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

Structure Agreement

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

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

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

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

1. irrigation ditch (i.e. "Cp Lateral")

2. associated headgates, valves, culverts, wiers, flumes, bridges, etc.

3. _____
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Montrose County (print applicant/company name),
by Dean Cooper (print representative's name), as County Eningeer (print
representative's title), does hereby certify that U.V.W.U.A. (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 Neal Pit (operation name),
File Number M-1983- 148 .

*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 MONTROSE COUNTY Representative Name Dean Cooper

Date 8-4-15 Title COUNTY ENGINEER

STATE OF MONTROSE)
COLORADO

) ss.
COUNTY OF MONTROSE)

The foregoing was acknowledged before me this 4 day of AUGUST, 20 15, by

DEAN L. COOPER as COUNTY ENGINEER of MONTROSE COUNTY

Lynda K. Glover My Commission Expires: 1/25/2016
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner **Uncompahgre Valley Water Users Association**

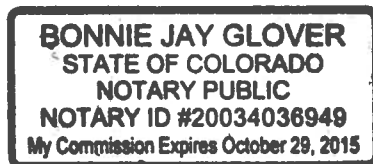
Signature Edward L Suppes

Date July 30 2015 Title Asst. Manager

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The foregoing was acknowledged before me this 30 day of July, 2015, by
Edward L Suppes Assissant of Uncompahgre Valley Water Users
Manager
Association

Bonnie Jay Glover My Commission Expires: 29 OCT 2015
Notary Public



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

Structure Agreement

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

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

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

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

1. Neal residence, shed and barn
2. Irrigation pipe (see "Neal Pit Lease Agreement", attachment A, item 2)
3. Perimeter & internal fences (see "Neal Pit Lease Agreement", attachment A, item 8)
4. _____
5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Montrose County (print applicant/company name),
by Dean Cooper (print representative's name), as County Engineer (print
representative's title), does hereby certify that Neal Fruit Company, LLLP (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 Neal Pit (operation name),
File Number M-1983-148.

*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:

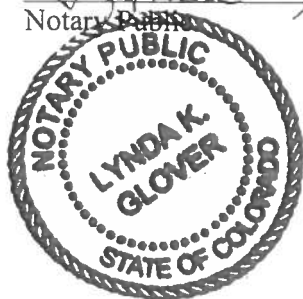
Applicant MONTROSE COUNTY Representative Name Dean Cooper
Date 1/6/2015 Title COUNTY ENGINEER
STATE OF COLORADO)

COUNTY OF MONTROSE) ss.

The foregoing was acknowledged before me this 6TH day of JANUARY, 2015, by
DEAN L COOPER as COUNTY ENGINEER of MONTROSE COUNTY.

Notary Public

My Commission Expires: 1/25/2016



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner Neal Fruit Company, LLP Name Shirley E Chase
Date 1/6/2015 Title Managing partner
STATE OF COLORADO)

COUNTY OF MONTROSE) ss.

The foregoing was acknowledged before me this 6TH day of JANUARY, 2015, by
SHIRLEY E CHASE as MANAGING PARTNER of NEAL FRUIT COMPANY LLP

Lynda K Glover My Commission Expires: 1/25/2016
Notary Public



STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M - 1983 148 (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 1983 148 - (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):** Montrose County
 - 1.1 Type of organization (corporation, partnership, etc.): county government
2. **Operation name (pit, mine or site name):** Neal Pit - AMENDMENT #1
3. **Permitted acreage (new or existing site):**

	<u>27.5</u>	permitted acres
3.1 Change in acreage (+)	<u>30.9</u>	acres
3.2 Total acreage in Permit area	<u>58.4</u>	acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. **Primary commodity(ies) to be mined:** 1442

5.1 Incidental commodity(ies) to be mined:	1. <u>-</u> lbs/Tons/yr	2. <u>/</u> lbs/Tons/yr
	3. <u>/</u> lbs/Tons/yr	4. <u>/</u> lbs/Tons/yr
	5. <u>/</u> lbs/Tons/yr	
5.2 Anticipated end use of primary commodity(ies) to be mined:	<u>County Road Construction</u>	
5.3 Anticipated end use of incidental commodity(ies) to be mined:	<u>N/A</u>	

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):
excavate sand and gravel with equipment, transport by truck to processing area

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

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

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

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

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

AMENDMENT #1 to this APPLICATION will add an additional 3.4 acres for the purpose of re-aligning the pit access road for safety reasons.

The requested net change in the Neal Pit permit area by this AMENDMENT #1 and the APPLICATION is an additional 30.9 acres.

The requested total permit area is 58.4 acres.

