

July 18, 2016

Derek Duran
Duran & Pearce Contractors
PO Box 1331
Craig, CO 81626



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

***RE: Martin Pit 1-A, Permit/File No. M-1990-140, Comments Regarding Construction
Material Regular (112) Operation Reclamation Conversion Application (CN-1)***

Dear Mr. Duran:

On July 12, 2016 the Division of Reclamation, Mining and Safety (Division) received an objection (copy enclosed) to the above referenced application from The State Land Board.

The Division cannot approve your application without the legal right to extract minerals. Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by The State Land Board. If this issue cannot be resolved, the Division must deny the application for failure to provide proof of right of legal access. Please provide the Division with a response by **Monday, August 08, 2016.**

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell
Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511
Fax: (970) 241-1516

Cc:
Russ Means, Senior EPS, Grand Junction DRMS
Phillip J. Courtney, State Land Board





COLORADO

State Land Board

Department of Natural Resources

July 11, 2016

Ms. Amy C. Yeldell
Department of Natural Resources
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

By Electronic Mail

**Re: Notice of 110(c) to 112(c) Construction Materials Permit Conversion
Duran & Pearce Contractors, Inc., Martin Pit 1-A
Permit No. M-1990-140 - State Land Board Objection**

Dear Ms. Yeldell:

Thank you for the notice provided by the Division of Reclamation, Mining and Safety regarding the referenced permit conversion application. The State Board of Land Commissioners (Land Board) has reviewed its mineral ownership records in the vicinity of the requested permit expansion and determined that the mineral estate under the the proposed permit located in the S2NW, Section 13, T6N, R91W is owned by the State of Colorado. I have attached a map illustrating state mineral ownership in the vicinity of permit conversion application.

The surface estate of the above described land was conveyed to F.J. Pry by Patent No. 4596 on March 23, 1927. This patent specifically reserves all minerals to the State of Colorado. A copy of the patent is attached to this letter.

The Land Board allows access to minerals for development through mineral leases that must be approved by the Board of Land Commissioners. Current records show that no mineral lease for sand & gravel is in effect on the lands that are included in the referenced permit conversion application. Until such time as a mineral lease has been fully executed to allow extraction of the sand & gravel resources owned by the State of Colorado, the Land Board objects to the permit boundary proposed in the conversion application. The process for a mineral lease begins by submitting an application form that is available at:

<https://www.colorado.gov/pacific/statelandboard/mining>

If you have any questions, please do not hesitate to contact me at 303-866-3454 ext. 3313.

Sincerely,

Phillip J. Courtney
Solid Minerals Leasing Manager

Attachments: State of Colorado Patent No. 4596
Map

Cc: Pete Milonas, Minerals Director - State Land Board
Derek Duran, Vice President - Duran & Pearce Contractors





State of Colorado

PATENT No. 4596

J. J. Pry

To all unto Whom these Presents shall Come: Greeting;

Whereas,

J. J. Pry

of the

County of Moffat and State of Colorado, in accordance with the provisions of the acts of the General Assembly of the State of Colorado, approved and in force at the time of the purchase of the land herein designated and described, and at the time of the execution of this conveyance, has made full payment as appears from the records of the State Board of Land Commissioners, of and for the following described real estate, lying and situate in the County of Moffat and State of Colorado, to-wit:

The Northwest Quarter (N.W. 1/4) of Section Thirteen (13), Township Six (6) North, Range Twenty-one (21) West of the Sixth (6th) Principal Meridian, containing One Thousand and Sixty (160) acres, more or less, according to United States survey.

Reserving, however, to the State of Colorado, all rights to any and all minerals, ore and metals of every kind and character and all coal, asphaltum, oil and other like substances, in or under said land and the right of ingress and egress for the purpose of mining, together with enough of the surface of same as may be necessary for the proper and convenient working of such minerals and substances.

Subject to any and all easements or rights of way heretofore legally obtained and now in full force and effect, if any there be.

which said described tract of land has been purchased by the said

for the sum of One Thousand Six Hundred and 00/100 (\$1600.00) Dollars

Now Know Ye, That the State of Colorado in consideration of the premises, and in conformity with the Act of the General Assembly, in such case provided, has sold and granted, and by these presents does sell and grant unto the said

and to his heirs and assigns, the said tract above described: TO HAVE AND TO HOLD the same as above specified, together with all the rights, privileges, immunities and appurtenances of whatsoever nature hereunto belonging, unto the said J. J. Pry

and to his heirs and assigns forever.

In Testimony Whereof, I,

Wm H Adams

Governor

of the State of Colorado, have caused these letters to be made Patent, and the Great Seal of the State of Colorado to be hereunto attached.

Given under my Hand at the City of Denver, the 23d day of

March

A. D. 1927

Wm H Adams

Governor.

Attest:

Chas M. Armstrong

Secretary of State of the State of Colorado.

Earl Cooley

Register State Board of Land Commissioners.

Internal Improvement Land
Rio Grande County
Sold September 1, 1915
C. of P. #3393, Book 14.

Filed for record this 26 day of March A. D. 1927, at 9 o'clock P. M.

Earl Cooley

Register.

{ Seal of State of Colorado }

{ Seal of State Board of Land Commissioners }

Duran & Pearce
Proposed Permit
Moffat County

- Legend**
- Duran & Pearce
 - DRMS Active Permits
 - SLB Surface Estate
 - SLB Mineral Estate
 - County
 - Section
 - RAIL_LINES_100K

