




MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Robinson Sons Gravel Pit No. 1	MINE/PROSPECTING ID#: M-2008-076	MINERAL: Sand and gravel; borrow material for construction	COUNTY: Las Animas
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger, Wally Erickson	INSP. DATE: November 23, 2016	INSP. TIME: 09:30
OPERATOR: Robinson Sons Inc	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: \$52,815.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 23, 2017	

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- PB	(FN) FINANCIAL WARRANTY----- N	(RD) ROADS----- Y
(HB) HYDROLOGIC BALANCE----- Y	(BG) BACKFILL & GRADING----- Y	(EX) EXPLOSIVES----- NA
(PW) PROCESSING WASTE/TAILING---- Y	(SF) PROCESSING FACILITIES----- Y	(TS) TOPSOIL----- Y
(MP) GENL MINE PLAN COMPLIANCE- Y	(FW) FISH & WILDLIFE----- N	(RV) REVEGETATION---- NA
(SM) SIGNS AND MARKERS----- Y	(SP) STORM WATER MGT PLAN---- N	(CI) COMPLETE INSP---- Y
(ES) OVERBURDEN/DEV. WASTE----- Y	(SC) EROSION/SEDIMENTATION--- Y	(RS) RECL PLAN/COMP-- Y
(AT) ACID OR TOXIC MATERIALS----- N	(OD) OFF-SITE DAMAGE----- PV	(ST) STIPULATIONS----- NA

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

INSPECTION TOPIC: Records

PROBLEM: The Operator has not provided an appropriate source of legal right to enter and initiate a mining operation on the southern portion of the affected lands, from the property fence line south to the section line. This is a problem pursuant to C.R.S. 34-32.5-112(1)(c)(IV) and Construction Materials Rules 6.4.14 and 6.3.7.

CORRECTIVE ACTIONS: Within 60 days of the signature date of this inspection report, due March 24, 2017, the Operator shall satisfy one of the following two options: 1) demonstrate a legal right to enter for the southern portions of the permit area described above, as required under Rules 6.4.14, 6.3.7 and C.R.S. 34-32.5-112(1)(c)(IV); Or 2) submit an acreage reduction request for these lands in accordance with Rule 4.17.

CORRECTIVE ACTION DUE DATE: March 24, 2017

INSPECTION TOPIC: Unpermitted Mining (Off-site Damage)

POSSIBLE VIOLATION: The Operator has affected approximately 6.74 acres outside of the approved affected land boundary. This is a possible violation of C.R.S. 34-32.5-109(1), for failure to first obtain a reclamation permit from the Mined Land Reclamation Board (MLRB) before engaging in a new mining operation.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the MLRB. The schedule and details for the MLRB hearing will be provided in a separate document to be sent via Certified Mail.

CORRECTIVE ACTION DUE DATE: February 22-23, 2017 (MLRB meeting)

Reason(s) for Inspection

This inspection of the Robinson Sons Gravel Pit No. 1, Permit No. M-2008-076, was conducted in response to information received via telephone on October 27, 2016, from Ms. Hanna Hurst of the Mine Safety and Health Administration (MSHA); and in response to a citizen complaint received August 9, 2016, from Mr. David Vigil. Mr. Vigil is one of three landowners adjacent to the south permit boundary. Mr. Vigil alleged the Operator had trespassed on his land. Ms. Hurst informed the Division of illegal mining activities occurring in a creek channel located nearby the permit area. Ms. Hurst had observed the Operator's equipment in the area of the illegal mining activity during an MSHA inspection. The Operator was informed of the Division's inspection but was not present during the inspection. This inspection report is accompanied by a copy of the original complaint from Mr. Vigil, follow up correspondence from the Division and Mr. Vigil, six Google Earth images of the site, copies of the approved mining plan and reclamation plan maps, and 45 photographs taken by the Division during the inspection.

Summary of the Approved Mining and Reclamation Plans

This is a 112c operation permitted for 78 acres of affected lands, to mine sand and gravel for use as road base and structural fill. The site is situated on an upland terrace located west of Wet Canyon and north of the Purgatoire River. The maximum allowed disturbed area at any time is 20 acres. This is a phased mine operation with a total of five mining phases. Highwalls will be mined at near vertical slopes, but will be graded to 3H:1V as the operation advances. The approved maximum mining depth is approximately 20 feet. Mined material is to be processed on site using portable equipment. Salvaged overburden and topsoil will be stored in separate stockpiles around the perimeter of the active pit and thereby reserved for reclamation purposes.

An active gas well pad is present inside of the permit area and is operated by Pioneer Natural Resources (Pioneer). Pioneer owns an easement on the main haul road for access to their three gas well pads in the area, including the one located inside the permit area. The approved permit file includes a structure agreement between the Operator and Pioneer for the gas well pad and associated pipelines. According to this agreement, no operations shall be conducted within 30 feet of the pipelines, or within 150 feet of any well or any other structure owned or operated by Pioneer within the area.

The approved reclamation plan map indicates the existing overhead power lines, present in the southern portion of the permit area, will be relocated to the southern permit boundary by San Isabel Electric Association, Inc., after the mineable resource has been removed from the first mining phase.

Affected lands will be reclaimed to support rangeland and residential post-mining land use. Slopes will be graded to 3H:1V and covered with 6-12 inches of overburden and 4-6 inches of topsoil. An appropriate vegetative cover will be established by applying a native grass seed mixture recommended by the local Soil Conservation District. The main access road from County Road 31.9 will not be reclaimed during final reclamation; all other haul roads constructed to support the operation will be reclaimed during final reclamation.

General Inspection Observations Not Related to the Possible Violation

The current pit appears to be located mainly in mining phase one and three. Pit slopes ranged from near vertical to 1.5H:1V (Photos 2-7). Evidence of instability of the highwalls was limited to erosion occurring as surface drainage enters the pit area. Pursuant to Rules 3.1.5(3) and 3.1.6(3), the Operator is obligated to control erosion for all affected lands. Therefore, the operator shall work to maintain stability of the pit walls, including repairing any erosion before it compromises the stability of the pit highwalls. If the pit highwalls will be inactive for extended periods of time the Division recommends they should be graded to a 3H:1V configuration.

The eastern portion of the pit was impounding water (Photo 8; also shown in Photo 4), which the Division believes to be a temporary retention of stormwater due to the absence of wetlands vegetation. The Operator is advised the Division of Water Resources (DWR) requires all stormwater impounded on site must infiltrate into the ground or be released to the natural stream system within 72 hours. Otherwise, all work must cease until a substitute water supply plan or augmentation plan approved by water court is obtained.

During the inspection, a front end loader was observed excavating overburden from the northwestern corner of the pit area (Photo 9) and hauling the material to a stockpile located west of the gas well pad (Photo 10). No other activities were observed. Overburden stockpiles were located along the edges of the active pit floor (Photos 11-13). Salvaged topsoil was stockpiled around the pit perimeter (Photo 14). Topsoil stockpiles exhibited vegetative cover sufficient to control erosion. Various stockpiles of processed material were located on the pit floor (Photos 15 and 16). Several trucks, various mining equipment, and a shed were also located on the pit floor (Photos 17-19). The Operator has stripped a small area just west of the active pit in preparation for advancing the pit westward. The topsoil salvaged from this area was stockpiled along the southern edge. Three small test pits have been excavated to the east of the active pit (Photos 20 and 21). The Division estimates the Operator has disturbed approximately 19.22 acres within the approved permit area (see enclosed Google Earth image 1).

As previously noted, on August 9, 2016, the Division received a complaint via email from Mr. David Vigil, who owns land south of the mine site. The Division immediately forwarded the complaint to the Operator on August 10, 2016. In summary, Mr. Vigil's complaint included the following points: 1) a Stipulated Agreed Judgement was entered by the Court on July 11, 2016, establishing that the property located south of the original fence line, as shown on the Subdivision Plat for Wet Canyon Ranch prepared by Terry Surveying, dated August 5, 2003, is the legal boundary between the Vigil property and the Robinson Sons, Inc. property; 2) the Operator falsely claimed in the permit application to be the landowner of the lands located south of the historic fence line and extending to the section line; 3) the Operator has no legal right to enter the Vigil property; and 4) the Operator buried approximately 400 feet of the southern fence with stockpiled material, constituting trespass on Vigil's property. In the complaint, Mr. Vigil stated his desire for the Operator to remove the material from the fence, restore the fence at its original position, and keep off Vigil property.

The approved permit maps delineate the southern permit boundary at the section line separating Sections 26 and

35 (see enclosed mining plan map). The existing ranch fence is identified on the maps as being located north of the section line and inside the permit area. Three property owners are identified to the south of the permit area, including Duran, Evans, and Vigil. However, it is not clear on the maps whether their properties begin at the fence line or at the section line (permit boundary). Therefore, on September 14, 2016, the Division sent an inquiry to Mr. Vigil, requesting a copy of the land survey referenced in his complaint. On September 22, 2016, the Division received copies of the requested survey (enclosed). Although the text on the copies is difficult to read, the survey appears to show that land between the historic fence and the section line is owned by Duran, Evans, and Vigil, and not the Operator. The Division estimates approximately 6.75 acres of land separates the fence from the section line. The Operator has not demonstrated a legal right to enter these 6.75 acres.

The Division inspected the fence referenced by Mr. Vigil. The fence is an old 4-string barbed wire fence with wooden posts (Photos 22 and 23). A few metal posts have been placed along the fence for added support. The fence runs roughly parallel to the section line (permit boundary) in the eastern portion of the site, but runs at an angle to the section line in the western portion of the site. Pit highwalls approach the fence to within 5-10 feet (Photo 24). On the enclosed Google Earth image 2, dated October 1, 2013, stockpiled material is clearly shown to be covering a portion of the southern fence line. On the enclosed Google Earth image 3, dated October 18, 2016, the stockpiled material appears to have been pushed north of the fence line. During the inspection, the Division confirmed the stockpiled material had been pushed north of the fence, the disturbed area graded, and the fence restored with new wire and metal posts (Photos 25 and 26). Observations made during the inspection and recorded in this report indicate the Operator has fulfilled Mr. Vigil's immediate concerns. However, the lands between the fence and section line, not owned by the Operator, are inappropriately included in the permit area due to the fact the Operator has not demonstrated a legal right to enter these lands. Therefore, the Division has found a problem with the permit records, pursuant to C.R.S. 34-32.5-112(1)(c)(IV) and Rules 6.4.14 and 6.3.7, and the Operator is required to either demonstrate his legal right to enter these lands, or submit an acreage reduction request to release these portions from the permit area. As clarified on page two of this report, the Division has imposed a 60-day deadline, due March 24, 2017, whereby the Operator must address the problem.

Inspection Observations Related to the Possible Violation

Off-Site Affected Lands at Ridge Area: At the top of the ridge located beyond the approved eastern boundary of affected lands, the Division observed approximately 0.9 acres of affected lands (Photos 30-33; Google Earth image 4).

Off-Site Affected Lands at Site Entrance, Nearby County Road 31.9: The Division inspected the creek area adjacent to County Road 31.9, where Ms. Hurst reported possible illegal mining activities. The lands affected by the illegal mining activity are located immediately upstream (north) and downstream (south) of the mine access road crossing of an unnamed creek associated with Wet Canyon.

The illegal mining activity located upstream (north) of the mine access road (Photos 34-41) has captured the creek flow, diverting and retaining the creek flow, and has exposed alluvial groundwater. The diverted surface flow and exposed groundwater are routed back to the natural channel through a pair of culverts installed beneath the access road (Photo 42). The affected lands located beyond the affected land boundary and upstream (north) of the mine access road were estimated at 3.95 acres (see enclosed Google Earth image 5).

The illegal mining activity located downstream (south) of the mine access road was nearby and/or within the floodplain of the same unnamed creek (Photos 43-45). The Division's preliminary investigation indicates the excavation activity has exposed alluvial groundwater, as evidenced by the pond resulting from material extraction from the floodplain. The Division observed a truck scale and associated scale house and scale access ramps nearby (Photo 1). The truck scales and associated structures are defined as affected lands under Rule 1.1(3), but were

located beyond the affected land boundary as delineated on the approved mining plan map. The affected lands located beyond the permit boundary and downstream (south) of the mine access road were estimated at 1.89 acres (see enclosed Google Earth image 5).

Observations made during the inspection and recorded in this report indicate the Operator has affected a total of 6.74 acres beyond the approved affected area boundary (see enclosed Google Earth image 6). The 6.74 acres are clarified as follows:

- 0.9 acres affected lands located at top of ridge and beyond the east boundary of affected lands
- 3.95 acres affected lands located nearby portions of an unnamed creek and upstream (north) of the mine access road, resulting in capture of creek flow and exposure of alluvial groundwater
- 1.89 acres affected lands located nearby portions of an unnamed creek and downstream (south) of the mine access road, resulting in exposure of alluvial groundwater

This constitutes a possible violation of C.R.S. 34-32.5-109(1), for failing to obtain a reclamation permit before engaging in a mining activity, and of C.R.S. 34-32.5-116(4)(h), for failing to conduct mining and reclamation activities in a manner which minimize disturbances to the prevailing hydrologic balance. The disturbance to the hydrologic balance is part of the larger violation for failure to obtain a reclamation permit prior to initiating a mining activity. If the Mined Land Reclamation Board (MLRB) finds a violation of C.R.S. 34-32.5-109(1), for failure to obtain a reclamation permit prior to initiating a mining activity, the MLRB's corrective action may require the amended mining and reclamation plans demonstrate compliance with C.R.S. 34-32.5-116(4)(g). As noted on page two of this report, the possible violation has been scheduled for consideration by the MLRB at the February 22-23, 2017 meeting. Official notice of the possible violation and associated MLRB hearing will follow under separate cover. The Operator is encouraged to attend the February 22-23, 2017 MLRB hearing.

Post-Inspection Follow-Up with Operator

The Division contacted the Operator, Mr. Daniel Robinson, via telephone on December 6, 2016, to discuss the inspection and possible violation. Mr. Robinson confirmed his operation had extracted material from the top of the ridge. Mr. Robinson also confirmed his operation had extracted material from the two areas located nearby the main site entrance, and this material was partially used to construct the truck scale facility. The Division explained to Mr. Robinson this activity is considered to be mining without a permit, as more than two acres were disturbed outside of the approved permit boundary, pursuant to C.R.S. 34-32.5-123(2).

Attachment: Certificate of Service

Enclosures: Complaint from David Vigil, received August 9, 2016
DRMS response to David Vigil, sent September 14, 2016
Response from David Vigil, received September 22, 2016
Approved mining plan map
Approved reclamation plan map
Google Earth images 1-6

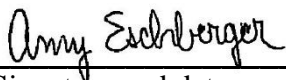
Certificate of Service

I, Amy Eschberger, hereby certify that on this 23rd day of January, 2017, I placed a true and complete copy of the foregoing inspection report generated from the November 23, 2016 inspection of the Robinson Sons Gravel Pit No. 1, Permit M-2008-076, signed January 23, 2017, with enclosures, in the US Mail with postage for first class mail affixed, addressed to the following:

Daniel Robinson
Robinson Sons Inc
1228 East 7th Street
Trinidad, CO 81082

And by E-mail I provided the same document, with enclosures, to the following:

David C. Vigil, Complainant and Landowner (davidevigil@msn.com)
Hanna Hurst, MSHA (hanna.hurst@dol.gov)
Wally Erickson, DRMS (wally.erickson@state.co.us)
Michael Cunningham, DRMS (michaela.cunningham@state.co.us)

 1/23/2017

Signature and date

PHOTOGRAPHS



Photo 1. View looking west, showing scale house and associated road constructed off main access road.



Photo 2. View of northern (south-facing) highwall in western portion of active pit. Slope gradients of approximately 0.5H:1V to 1.5H:1V.



Photo 3. View of northern (south-facing) highwall in eastern portion of active pit. Slope gradients of approximately 0.5H:1V to 1.5H:1V.



Photo 4. View of eastern (west-facing) highwall in eastern portion of active pit. Slope gradients of approximately 1H:1V. Note water retained in pit.



Photo 5. View of southern (north-facing) highwall in eastern portion of active pit. Slope gradients of approximately 0.5H:1V.



Photo 6. View of southern (north-facing) highwall in western portion of active pit. Slope gradients of approximately 0.5H:1V.



Photo 7. View of western (east-facing) highwall in western portion of active pit. Slope gradients of near vertical to approximately 0.5H:1V.



Photo 8. View looking west, showing water retained in eastern portion of active pit.



Photo 9. View of loader extracting overburden from northwestern portion of active pit.



Photo 10. View of large overburden stockpile located northwest of active pit, west of gas well pad.



Photo 11. Close-up view of large overburden stockpile located northwest of active pit, west of gas well pad.



Photo 12. View of large overburden stockpile stored on pit floor in eastern portion of active pit.



Photo 13. View of large overburden stockpile stored on pit floor adjacent to southern pit wall.



Photo 14. View of topsoil berm stored along top of northern pit wall.



Photo 15. View of mined rocks stockpiled on pit floor.



Photo 16. View of processed material stockpiled on pit floor.



Photo 17. View looking south into active pit, showing several trucks and pieces of equipment stored on pit floor.



Photo 18. View of trucks, equipment, and small wooden shed (at right) stored on pit floor.



Photo 19. View of trucks and equipment stored on pit floor.



Photo 20. View of one of three small test pits excavated east of active pit, in mining phase 3 area.



Photo 21. View of one of three small test pits excavated east of active pit, in mining phase 3 area. Located north of test pit shown in Photo 20.



Photo 22. View looking east down southern edge of active pit, showing historic fence present just south of pit.



Photo 23. View looking west down southern edge of active pit, showing historic fence present just south of pit.



Photo 24. View looking east down southern edge of active pit, showing edge of pit wall within 5 feet of fenceline at this location.



Photo 25. View looking west down southern edge of active pit, showing stockpile pushed back onto mine site, area graded, and fenceline rebuilt with new metal stakes and wire.



Photo 26. View looking east down southern edge of active pit, showing stockpile pushed back onto mine site, area graded, and fenceline rebuilt with new metal stakes and wire.



Photo 27. View looking east toward ridge located partially inside of permit area, showing mining equipment visible on side of ridge (circled).



Photo 28. View of small stockpiling and processing area present on side of ridge. Note excavator, grizzly screen, and stockpiled material stored in area. This area is inside the approved permit boundary.



Photo 29. View of small stockpiling and processing area present on side of ridge. Note stockpiled material present in area. This area is inside the approved permit boundary.



Photo 30. View of excavation area at top of ridge. This area is outside of the approved permit boundary.



Photo 31. View of excavation area at top of ridge. This area is outside of the approved permit boundary.



Photo 32. View of excavation area at top of ridge. This area is outside of the approved permit boundary.



Photo 33. View of very top of ridge that has been mined and graded flat. This area is outside of the approved permit boundary.



Photo 34. View looking south at dirt road constructed through ridge to access excavation area located north of main access road. This area is outside of the approved permit boundary.



Photo 35. View of excavator present in excavation area located north of main access road. Note excavator lost track in mud while excavating. This area is outside of the approved permit boundary.



Photo 36. View of fresh loader tracks across floor of excavation area located north of main access road. Note water pooled up on excavated floor. This area is outside of the approved permit boundary.



Photo 37. View of excavation area located north of main access road. Note water pooled up on excavated floor. This area is outside of the approved permit boundary.



Photo 38. View of excavation area located north of main access road. Note material pushed to side of pit, and water pooled up on excavated floor. This area is outside of the approved permit boundary.



Photo 39. View of excavation area located north of main access road. Note material pushed to side of pit, and water pooled up on excavated floor. This area is outside of the approved permit boundary.



Photo 40. View of excavation area located north of main access road. Note water pooled up on excavated floor. This area is outside of the approved permit boundary.



Photo 41. View of excavation area located north of main access road. Note ridge wall recently excavated. This area is outside of the approved permit boundary.



Photo 42. View looking south, showing creek flowing south/southeast from excavation area located north of access road, toward culverts installed under road, and into excavation area located south of road.



Photo 43. View looking southwest across northern portion of excavation area located south of main access road, in creek floodplain. Note main access road shown at right. This area is outside of the approved permit boundary.



Photo 44. View looking south across excavation area located south of main access road, in creek floodplain. Note this area appears to be an older excavation than area to the north as grasses have volunteered into area. This area is outside of the approved permit boundary.



Photo 45. View looking southeast across excavation area located south of main access road, in creek floodplain. Note this area appears to be an older excavation than area to the north as grasses have volunteered into area. Also note water pooled up on excavated floor. This area is outside of the approved permit boundary.

AUG 09 2016

STATE OF
COLORADODIVISION OF RECLAMATION
Eschberger - DNR, AMY Eschberger@state.co.us>**Robinson Sons, Inc. gravel mining permit issues**

1 message

David Vigil <davidcvigil@msn.com>

Tue, Aug 9, 2016 at 4:03 PM

To: "amy.eschberger@state.co.us" <amy.eschberger@state.co.us>

Dear Ms. Eschberger:

By way of follow-up to our telephone conversation regarding issues relating to the Robinson Sons, Inc. permit to mine gravel in Las Animas County, Colorado near Weston Colorado, I attach photos in the OneDrive folder below and Purgatoire Valley Construction, Inc.'s estimate of April 2015, of the cost to remove the piled detritus from the fence and property owned by myself and my sister on our property located immediately South of the Robinson mining project on which they have piled the dirt, rock and waste detritus from their mine. I also attach the Stipulated Agreed Judgment entered by the Court on July 11, 2016, establishing that the property South of the original fence line as shown on the Subdivision Plat for Wet Canyon Ranch prepared by Terry surveying on August 5, 2003 is the legal boundary between the Vigil property and Tracts 4 and 5 of Wet Canyon Ranch owned by Robinson Sons, Inc.

As I told you in our telephone conversation, my sister and I were obliged to commence litigation against the Robinsons in order to defend our approximate sixty acres of land South of the historic fence line from adverse claim by Robinsons, or others, threatened by their having buried our fence so that our ranching tenant no longer had the exclusive right and use of our land because of Robinsons' having opened our land to grazing of other bovines from the unfenced, open range of their adjoining parcels. The Robinson family has been long-time residents of the Weston area, several of past generations having served in WWII and having lived near Weston prior to that time. They were well aware of Western ranching customs and practices of respecting long-established fence lines as property boundaries and that property owners fence their property with wire on the outside of their fence posts, so as to prevent large animals from outside the property from downing the wire and requiring frequent repair and restringing the wire. They were also aware that the cedar stake fence posts around our property were placed prior to the early 1950's when steel fence posts became more used. Therefore, they were aware that the land South of the fence belonged to us, not them, as they falsely claimed in their mining permit application. Moreover, their claim in the mining permit application that the fence South of their property was theirs was knowingly false, as they well knew that none of their property was fenced when they purchased it, while ours was entirely fenced on the outside of the cedar stake posts.

In sum, Robinsons had and have now, no right nor authority to use any of the land belonging to myself and my sister, which has been in our immediate family for at least fifty years. Their having trespassed over our fence and onto our land has caused us great damage to date, including the expenses of litigation of approximately \$35,000, lost ranch grazing rentals over the past four years and indefinitely into the future, the cost of removing the dirt, rock and detritus from our fence and land, rebuilding the fence line to it's original location and condition, the cost of having a surveyor locate the position of the original fence line and associated costs and further attorney fees and court costs to be incurred in finally rectifying their intentional and malicious trespass requiring our defense of our property.

I would hope that the performance bond that Robinsons were obligated to place in order to obtain a mining permit would be enforced to assure immediate clean-up and restoration of the detritus which they have spilled over our fence and onto our land to minimize the continuing trespass and ongoing damage to us caused by Robinsons' operations.

If you have any further questions or require any further documentation, please feel free to contact me by telephone, postal mail or e-mail.

Sincerely yours ,

David C. Vigil
7854 S. Algonquian Way
Aurora, CO 80016
(303) 523-4147 (Mobile/VM)
davidcvigil@msn.com

RECEIVED

AUG 09 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

David has a file to share with you on OneDrive. To view it, click the link below.

 Photos folder

2 attachments



Thumbnail image of a construction estimate document for Purgatoire Valley Construction. The document includes a header with the company name and logo, followed by a list of items and their corresponding costs. The total cost is listed as \$95,000.00.

Purgatoire Valley Construction estimate.tiff
95K

Stipulated Agreed Judgment.tiff
3625K

PURGATOIRE VALLEY
PVC
CONSTRUCTION INC.

117 Pine St.
Trinidad, CO 81082
Phone (719) 846-8449 - Fax (719) 846-2205

April 2, 2015

RECEIVED

AUG 09 2016

Gary Cowan, Attorney at Law
2665 Alder Point
Colorado Springs, CO 80904

**DIVISION OF RECLAMATION
MINING AND SAFETY**

RE: David Vigil/Robinson Boundary Fence Estimate

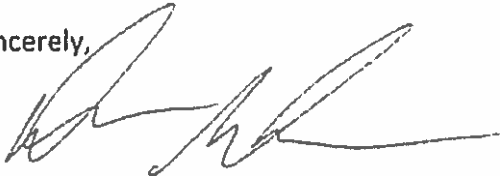
Gary,

Please see the estimate below to remove the dirt pile on David Vigil's boundary fence located in Weston, CO. The length of fence to be uncovered is approximately 400 feet.

Estimate Total: \$33,300.00

Thank you.

Sincerely,



Dean A. Moltrier

RECEIVED

AUG 09 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

DISTRICT COURT, LAS ANIMAS COUNTY, COLORADO Court Address: 200 E. 1 st Street Trinidad, CO 81082 Phone: (719) 846-3316	<p>▲ COURT USE ONLY ▲</p> <p>Case Number: 2014CV30003</p> <p>Division: D</p>
Plaintiffs: DAVID C. VIGIL and MARCIA K. VIGIL aka MARCIA VIGIL-KUNICH	
v. Defendants: ROBINSON SONS, INC., a Colorado Corporation and STEVE R. ROBINSON and DANIEL PHILIP LEE ROBINSON, individually	
STIPULATED AGREED JUDGMENT	

UPON the Stipulation between the parties to this action, that was approved by this Court, IT IS ORDERED, ADJUDGED AND DECREED that Judgment enter in favor of Plaintiffs David C. Vigil and Marcia K. Vigil aka Marcia Vigil-Kunich and against Defendants Robinson Sons, Inc. a Colorado corporation and Steve R. Robinson and Daniel Phillip Lee Robinson, individually as follows:

(1) Plaintiffs shall keep any and all payments actually made by Defendants prior to the default as liquidated damages.

(2) Defendants have forfeited any and all rights to the property claimed by Plaintiffs South of the fence line and that the fence line as shown on the Subdivision Plat for Wet Canyon Ranch prepared by Terry Surveying on August 5, 2003 is the legal boundary between the Vigil property and Tracts 4 and 5 of Wet Canyon Ranch owned by Defendants.

(3) By September 1, 2016, Defendants are Ordered to remove all soil and debris from the fence and restore the fence to its location and condition prior to Defendants actions in burying a portion of said fence. Plaintiffs are entitled to all costs of enforcing the terms of the Stipulation, including reasonable expenses of removing all soil and debris from the fence and to restore the fence to its location and condition prior to

Robinson actions in burying a portion of said fence if Defendants fail or refuse to comply with this Judgment, court costs and attorney's fees, all of which shall be awarded upon motion, which motion shall be resolved pursuant to C.R.C.P. 121 Section 1-22.

ORDERED this _____ day of June, 2016

BY THE COURT:

LESLIE JEAN GERBRACHT
District Court Judge

Attachment to Order - 2014CV30003

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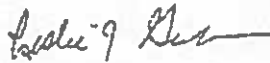
AUG 09 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

DISTRICT COURT, LAS ANIMAS COUNTY, COLORADO	
Court Address 200 East 1st Street, Room 304, Trinidad, CO, 81082	
Plaintiff(s) DAVID C VIGIL et al. v Defendant(s) ROBINSON SONS INC et al.	DATE FILED: July 11, 2016 9:27 AM CASE NUMBER: 2014CV30003
△ COURT USE ONLY △	
Case Number: 2014CV30003 Division: D Courtroom	
Order: STIPULATED AGREED JUDGMENT	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 7/11/2016



LESLIE JEAN GERBRACHT
District Court Judge



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

September 14, 2016

David C. Vigil
7854 S. Algonquian Way
Aurora, CO 80016

**Re: Robinson Sons Gravel Pit No. 1, DRMS Permit No. M-2008-076, Citizen Complaint,
Request for Additional Information**

Dear Mr. Vigil:

The Division of Reclamation, Mining and Safety (Division) has reviewed your complaint submitted on August 09, 2016 in regard to the above referenced permit. A copy of the complaint was forwarded to the permittee, Robinson Sons Inc. on August 10, 2016. In your complaint, you claim that the permit application includes false information. In particular, you claim that the fence located in the southern portion of the approved permit area and the property located south of that fenceline belongs to you and not to the permittee, as stated in the permit.

In order for the Division to investigate this matter further, additional information will be needed. In the complaint, there is reference to a survey prepared by Terry Surveying on August 05, 2003 (Subdivision Plat for Wet Canyon Ranch). This survey was not provided with the complaint. Please provide this survey information to the Division at your earliest convenience.

If you have any questions, please contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,

Amy Eschberger
Environmental Protection Specialist

CC: Daniel Robinson
Robinson Sons Inc.
13600 CR 31.9
Weston, CO 81091

Wally Erickson, DRMS



AME
WTE

✓
DAVID C. VIGIL
ATTORNEY AND COUNSELOR AT LAW

7854 S. ALGONQUIAN WAY
AURORA, COLORADO 80016

DAVID C. VIGIL

(303) 523-4147

September 18, 2016

RECEIVED

✓ SEP 22 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Amy Eschberger
Environmental Protection Specialist
Colorado Division of Reclamation,
Mining and Safety
1313 Sherman St, Room 215
Denver, CO 80203

Re: Robinson Sons Gravel Pit No. 1, DRMS Permit No. M-2008-076, Citizen
Complaint, Request for Additional Information ✓ ✓

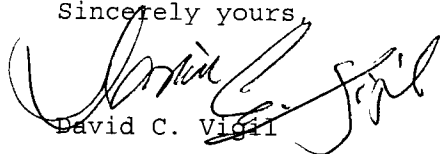
Dear Ms. Eschberger:

Enclosed are letter-sized copies of the survey prepared by Terry Surveying on August 5, 2003 (Subdivision Plat for Wet Canyon Ranch) together with a slightly larger detail drawing of the portion of the map showing the fence between the property belonging to Robinson Sons, Inc. and the land which my sister and I inherited from our father following his death in 1999.

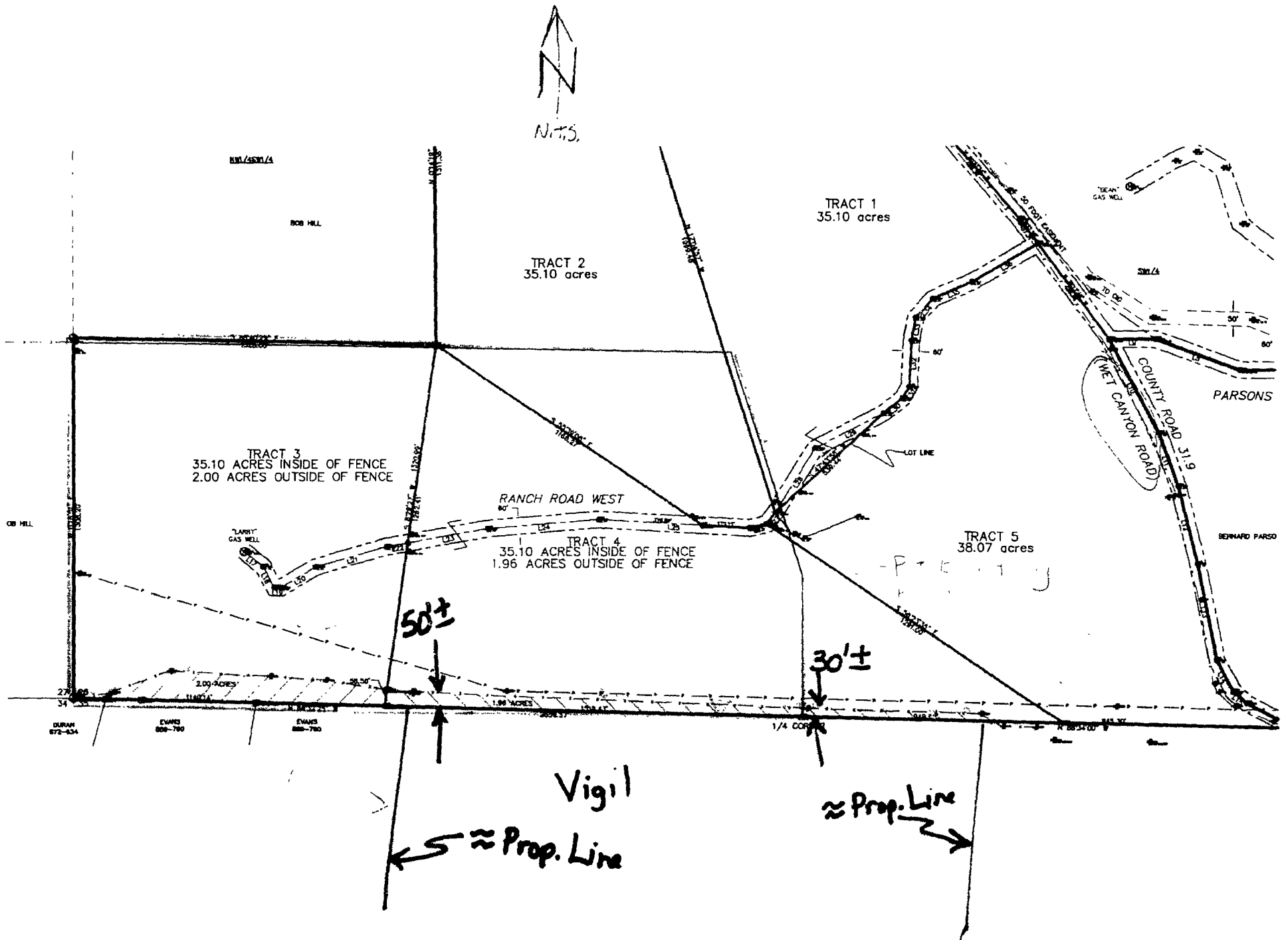
I believe that a much larger copy of the surveyor's map was filed with the original application for the mining permit which was filed by Robinson Sons, Inc., but I do not have such a copy available to me. I don't know whether the letter-size copy of the subdivision map that I have and enclose herewith was obtained from your file or otherwise. The subdivision map had never been provided to us prior to my investigation for commencement of litigation between ourselves and the Robinsons, about three years ago, when I first went to the Division of Reclamation, Mining and Safety to investigate and first saw the subdivision map that revealed to me the discrepancy between the surveyed line and the historic fenced property line that had established the boundary between our property and neighboring properties for at least 65 years previously.

Please feel free to contact me with any further questions or requests.

Sincerely yours


David C. Vigil

CC: Gary Cowan, Esq.
Marcia K. Vigil-Kunich



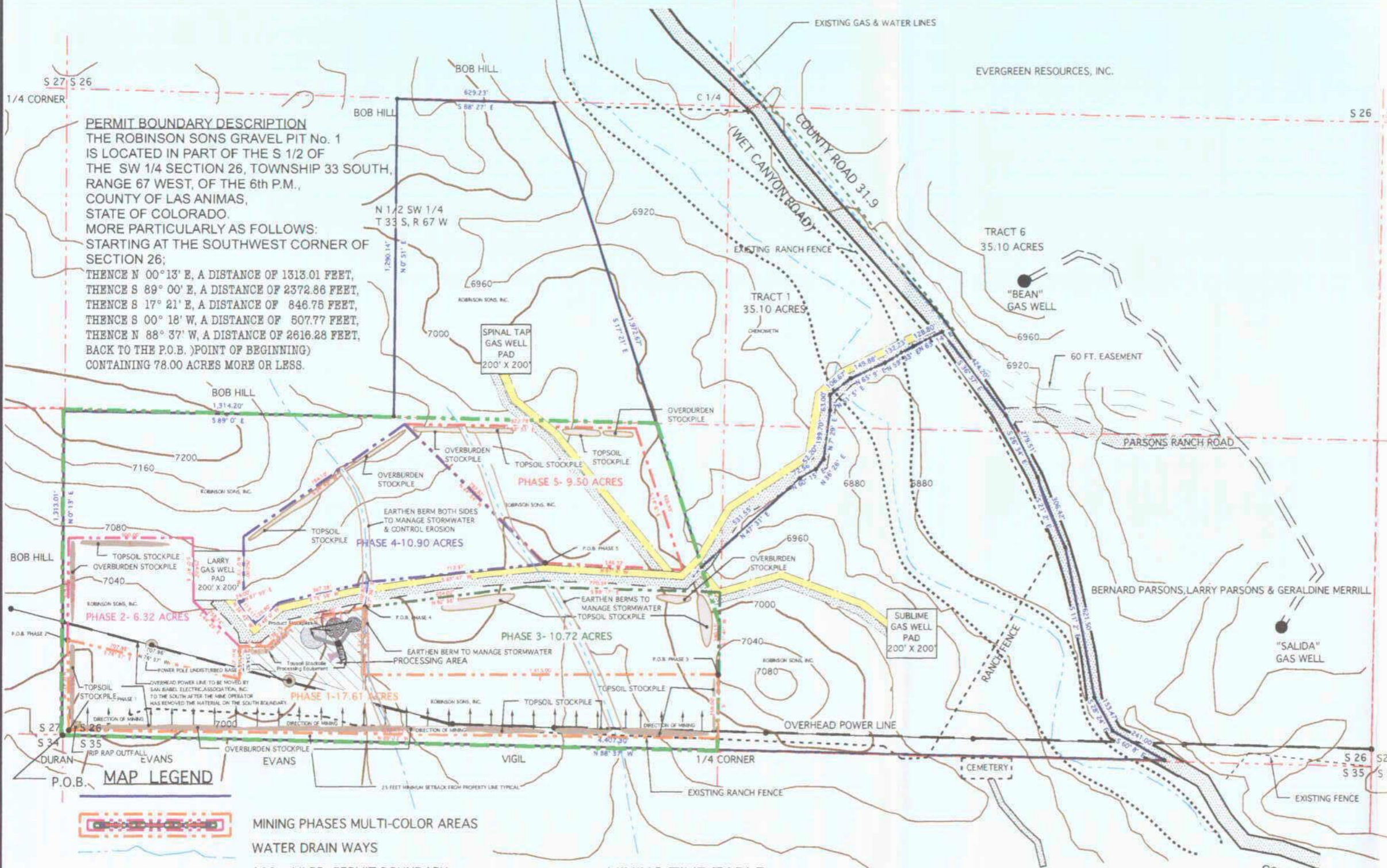
NORTH



CONTOUR INTERVAL 40 FEET
ENTRY GATE UTM COORDINATES: ZONE 13, 512720E, 4110120N, NAD 83, WGS 84 ELEVATION 6916 FEET.

ZONE A FEMA PANEL H & I - 08 SEPTEMBER 1977
100 - YEAR FLOOD AREA

PERMIT BOUNDARY DESCRIPTION
THE ROBINSON SONS GRAVEL PIT No. 1 IS LOCATED IN PART OF THE S 1/2 OF THE SW 1/4 SECTION 26, TOWNSHIP 33 SOUTH, RANGE 67 WEST, OF THE 6th P.M., COUNTY OF LAS ANIMAS, STATE OF COLORADO. MORE PARTICULARLY AS FOLLOWS:
STARTING AT THE SOUTHWEST CORNER OF SECTION 26;
THENCE N 00° 13' E, A DISTANCE OF 1313.01 FEET,
THENCE S 89° 00' E, A DISTANCE OF 2372.86 FEET,
THENCE S 17° 21' E, A DISTANCE OF 846.75 FEET,
THENCE S 00° 18' W, A DISTANCE OF 607.77 FEET,
THENCE N 88° 37' W, A DISTANCE OF 2616.28 FEET,
BACK TO THE P.O.B. (POINT OF BEGINNING) CONTAINING 78.00 ACRES MORE OR LESS.



PHASE ONE:
STARTING AT THE SOUTHWEST CORNER OF SECTION 26, THEN BEAR N 34°, 40' E, A DISTANCE OF 51.12 FT. TO PHASE ONE POINT OF BEGINNING (P.O.B.)
THENCE N 00° 47' W, A DISTANCE OF 365.53 FEET,
THENCE S 76° 57' E, A DISTANCE OF 707.98 FEET,
THENCE N 00° 26' W, A DISTANCE OF 137.0 FEET,
THENCE S 87° 41' E, A DISTANCE OF 111.09 FEET,
THENCE N 48° 49' E, A DISTANCE OF 138.19 FEET,
THENCE N 77° 35' E, A DISTANCE OF 290.80 FEET,
THENCE S 00° 13' E, A DISTANCE OF 273.00 FEET,
THENCE E 00° 00', A DISTANCE OF 1413.00 FEET,
THENCE S 00° 00', A DISTANCE OF 259.00 FEET,
THENCE N 89° 12' W, A DISTANCE OF 2594.94 FEET,
BACK TO THE PHASE 1 P.O.B., CONTAINING 17.61 ACRES ±

PHASE 2 AS FOLLOWS:
STARTING AT THE NORTHWEST CORNER OF PHASE 1
THENCE N 00° 22' E, A DISTANCE OF 414.06 FEET,
THENCE E 00° 00', A DISTANCE OF 500.00 FEET,
THENCE S 00° 41' E, A DISTANCE OF 254.02 FEET,
THENCE S 44° 23' E, A DISTANCE OF 258.74 FEET,
THENCE S 00° 26' E, A DISTANCE OF 137.00 FEET,
THENCE N 76° 57' W, A DISTANCE OF 707.98 FEET,
BACK TO PHASE 2 P.O.B., CONTAINING 6.32 ACRES ±

PHASE 3 AS FOLLOWS:
STARTING AT THE NE 1/4NW 1/4 CORNER OF SECTION 35
THEN BEAR N 00° 00' A DISTANCE OF 307.01 FEET,
THENCE W 00° 00', A DISTANCE OF 1413.00 FEET,
THENCE N 00° 13' W, A DISTANCE OF 273.00 FEET,
THENCE N 82° 38' E, A DISTANCE OF 654.02 FEET,
THENCE S 88° 17' E, A DISTANCE OF 770.34 FEET,
THENCE S 01° 41' W, A DISTANCE OF 340.15 FEET,
BACK TO PHASE 3 P.O.B., CONTAINING 10.72 ACRES ±

PHASE 4 AS FOLLOWS:
STARTING AT THE CENTER NORTH CORNER OF PHASE 1
THENCE N 07° 36' E, A DISTANCE OF 102.82 FEET,
THENCE S 76° 59' W, A DISTANCE OF 367.38 FEET,
THENCE S 48° 00' W, A DISTANCE OF 125.80 FEET,
THENCE N 36° 43' W, A DISTANCE OF 113.11 FEET,
THENCE N 67° 59' E, A DISTANCE OF 24.00 FEET,
THENCE N 00° 13' W, A DISTANCE OF 262.00 FEET,
THENCE N 54° 43' W, A DISTANCE OF 784.10 FEET,
THENCE S 44° 54' W, A DISTANCE OF 797.62 FEET,
THENCE S 83° 47' W, A DISTANCE OF 712.27 FEET,
THENCE S 07° 36' W, A DISTANCE OF 102.82 FEET,
BACK TO PHASE 4 P.O.B., CONTAINING 10.90 ACRES ±

PHASE 5 AS FOLLOWS:
STARTING AT THE MOST EASTERN CORNER OF PHASE 4
THENCE N 44° 54' W, A DISTANCE OF 797.62 FEET,
THENCE S 88° 53' W, A DISTANCE OF 922.79 FEET,
THENCE S 18° 06' E, A DISTANCE OF 826.95 FEET,
THENCE N 87° 04' W, A DISTANCE OF 546.72 FEET,
BACK TO PHASE 5 P.O.B., CONTAINING 9.50 ACRES ±

MINING TIME TABLE

PHASE 1 START SUMMER 2008 PROJECTED TO SUMMER 2012
PHASE 2 START SUMMER 2012 PROJECTED TO SUMMER 2014
PHASE 3 START SUMMER 2014 PROJECTED TO SUMMER 2017
PHASE 4 START SUMMER 2017 PROJECTED TO SUMMER 2020
PHASE 5 START SUMMER 2020 PROJECTED TO SUMMER 2023
THIS TIME TABLE WILL VARY DEPENDING UPON MARKET DEMAND.

REVISION	DATE	ROBINSON SONS GRAVEL PIT NO. 1 112c REGULAR OPERATIONS PERMIT APPLICATION	
TOPSOIL STOCKPILES & OVERBURDEN	JAN. 29, 2009	CLIENT: ROBINSON SONS INC	MLRB PERMIT FILE NUMBER M-
DRAINWAYS THAT CROSS PERMIT	JAN. 29, 2009	CONSULTANT: L J DEVELOPMENT, INC.	PREPARED BY: <i>[Signature]</i> 2/3/09
		EXHIBIT " C " MINING PLAN MAP	SHEET 1 OF 1 DATE: OCTOBER 18, 2008

MAP LEGEND

- MINING PHASES MULTI-COLOR AREAS
- WATER DRAIN WAYS
- 112 c MLRB PERMIT BOUNDARY
- PIONEER NATURAL RESOURCES, INC. EASEMENT
- HAUL ROAD ON SITE INCLUDING ROW WIDTH 60 FT.
- COUNTY ROAD 31.9 (COUNTY ROAD IS PAVED)
- PROCESSING AREA
- WET CANYON WATER DRAIN WAY

M2008-076 / Robinson Sons Gravel Pit No. 1 / Robinson Sons Inc

Red Outline = 78 acres = Approved Permit Area

Blue Outline = 19.22 acres = Disturbed Land Within Approved Permit Area

(Image Data from 10/18/2016)

Google Earth image 1



M2008-076 / Robinson Sons Gravel Pit No. 1 / Robinson Sons Inc

Close-Up of southern portion of site showing portion of fenceline that was covered by stockpile

Red Line = Southern Permit Boundary

(Image Data from 10/01/2013)

Google Earth image 2



M2008-076 / Robinson Sons Gravel Pit No. 1 / Robinson Sons Inc

Close-Up of southern portion of site showing portion of fenceline that was covered by stockpile

Red Line = Southern Permit Boundary

(Image Data from 10/18/2016)

Google Earth image 3

M2008-076 / Robinson Sons Gravel Pit No. 1 / Robinson Sons Inc

Close-up of ridge located at eastern edge of permit area

Red Outline = 78 acres = Approved Permit Area

Blue Outline = 1.22 acres = Disturbed Land Within Permit Area in Ridge Area

Green Outline = 0.9 acre = Disturbed Land Outside of Permit Area in Ridge Area

(Image Data from 10/18/2016)

Google Earth image 4

Google earth

300 ft



M2008-076 / Robinson Sons Gravel Pit No. 1 / Robinson Sons Inc

Close-up of disturbance near main site entrance

Green Outline = 5.84 acres = Disturbed Land Outside of Permit Area Near Main Site Entrance (3.95 acres north of rd + 1.89 acres south of rd)
(Image Data from 10/18/2016)

Google Earth image 5



M2008-076 / Robinson Sons Gravel Pit No. 1 / Robinson Sons Inc

Red Outline = 78 acres = Approved Permit Area

Blue Outline = 19.22 acres = Disturbed Land Within Approved Permit Area (18 acres active pit area + 1.22 acres on ridge)

Green Outline = 6.74 acres = Disturbed Land Outside of Approved Permit Area (0.9 acre on ridge + 5.84 acres near main site entrance)

(Image Data from 10/18/2016)

Google Earth image 6

