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## Sprague Red Lyons Quarry M-1981-057

1 message

**Shari Swenson** <shari@arkinsparkstone.com>

Thu, Nov 29, 2018 at 8:36 AM

To: "Eschberger - DNR, Amy" <amy.eschberger@state.co.us>

Request for Technical Revision of Reclamation Plan. The warranty deed is attached as "Right of Entry."

Thank you,

Shari Swenson

Chief Operating Officer

Arkins Park Stone

5975 North County Road 27

Loveland, CO 80538

Office: 970.663.1920

Cell: 636-497-2269



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### 2 attachments



**M19811057\_TR\_RPM\_2018-11-27.pdf**

861K



**Request for TR Sprague Red Lyons.pdf**

1224K



## COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

### REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- 1981-057 Site Name: Sprague Red Lyons

County Boulder TR# \_\_\_\_\_ (DRMS Use only)

Permittee: Arkins Park Stone

Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: Shari Swenson - Chief Operating Officer

Please provide a brief description of the proposed revision: Revise reclamation plan to allow Quarry 3 to remain as-is for residential use, including leaving a section of steep highwall as an amphitheater and not revegetating the quarry per Landowner's request.

As defined by the Minerals Rules, a Technical Revision (TR) is: "a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan." The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered "filed for review" until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, 112 construction materials, and 112 quarries	\$216	<input checked="" type="checkbox"/> <u>check # 034677</u>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>

November 27, 2018



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

RE: Sprague Red Lyons Quarry, M-1981-057  
Technical Revision – Reclamation Plan for Quarry 3

Dear Ms. Eschberger:

Coffey Engineering & Surveying (Coffey) is submitting this letter and attached Exhibit E for a Technical Revision (TR) for the Sprague Red Lyons Quarry (Permit No. M-1981-057).

The intent of this TR is to revise the reclamation plan to allow for Quarry 3 to remain “as-is” for residential use. This includes leaving a small section of steep highwall as an amphitheater and not revegetating the quarry.

A revised Mining Plan Map and Acreage Reduction request will be provided to DRMS upon approval of this Technical Revision.

If you have any questions or need additional information, please don't hesitate to contact our office at 970.622.2095.

Sincerely,

**Coffey Engineering & Surveying, LLC**

A handwritten signature in blue ink, appearing to read 'T. Campbell', with a stylized flourish at the end.

Troy Campbell, PE  
Project Manager



DRAWING FILENAME: R:\2100\2186.01 Lyons Quarry\SURVEY DEPARTMENT\TO CAD\REV\2186.01 Topo.dwg LAYOUT NAME: MP1 DATE: Nov 27, 2018 - 10:50am CAD OPERATOR: rroselles  
LIST OF XREFS: [2186.02-SS-EXH\_BNDY]



## LEGEND:

- QUARRY 3 BOUNDARY
- PARCEL LINE
- AREAS TO REMAIN AS-IS
- 3:1 APPROXIMATE TOPOGRAPHIC SLOPE
- WATER WELL

## NOTES

- ON THE QUARRY SITE THERE IS SPARSE EXISTING VEGETATION CONSISTING OF ANNUALS, SAGE AND A FEW HARDY GRASSES.
- THE ACCESS ROAD GOES THROUGH THE QUARRY (SAME OWNER) TO ACCESS THIS AREA AND CONNECTS TO THE EXISTING STEAMBOAT VALLEY ROAD. NO IMPROVEMENT OR WIDENING IS NECESSARY ON THE EXISTING ROAD BEDS. THIS ACCESS ROAD WILL REMAIN IN PLACE AFTER THE FINAL MINING AND RECLAMATION PROCESS IS COMPLETE.
- EXISTING SLOPES SHOWN ARE APPROXIMATE.

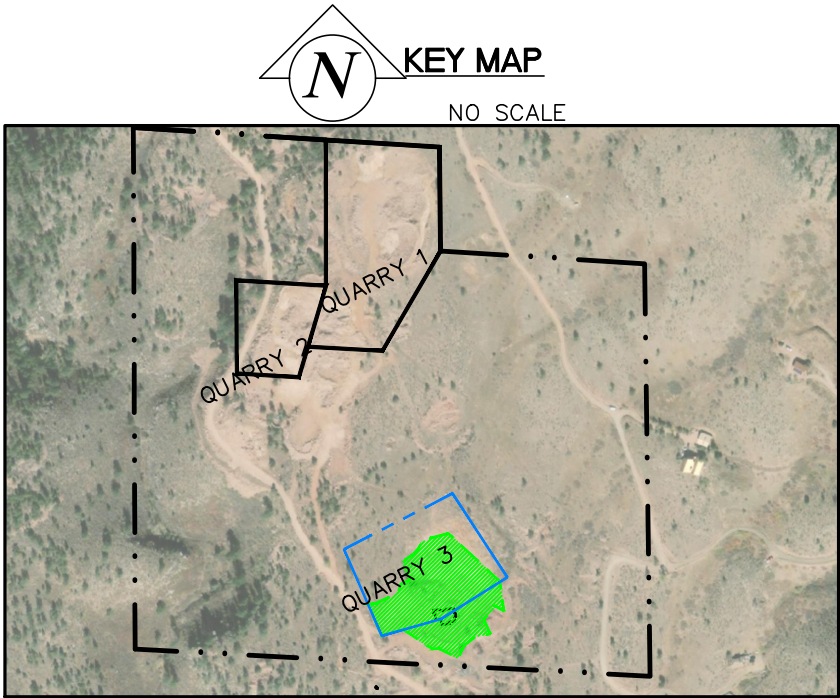


EXHIBIT PREPARED BY: TROY W. CAMPBELL, P.E. #41159

Project: 2186.01  
Drawing: TOPO  
Drafted By: RR  
Date Prep.: 11/06/18  
Checked By: TWC

RECLAMATION PLAN MAP  
SPRAGUE RED LYONS QUARRY M-1981-057  
APPLICANT: ARKINS PARK STONE, DEWEY CHANDLER  
LOCATED IN THE N 1/2 OF SECTION 7 TOWNSHIP 3 NORTH, RANGE 70 WEST  
OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

**COFFEY**  
ENGINEERING & SURVEYING  
4045 St. Cloud Drive, Suite 180  
Loveland, CO 80538 - 970-622-2095



EXHIBIT:

E

Sheet: 1 of 1



COPY



**Warranty Deed**  
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee  
Date: August 31, 2017  
\$ 35.00

THIS DEED, made on August 31, 2017 by J.A.M. QUARRIES, LLC Grantor(s), of the County of LARIMER and State of COLORADO for the consideration of (\$350,000.00) \*\*\* Three Hundred Fifty Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to CHAD THEIS AND LARRY THEIS Grantee(s), whose street address is 2848 JOSEPHINE STREET DENVER, CO 80205, CITY AND County of DENVER, and State of COLORADO, the following real property in the County of Boulder, and State of Colorado, to wit:

SEE ATTACHED "EXHIBIT A"

also known by street and number as: 0 STEAMBOAT VALLEY ROAD LYONS CO 80540

with all its appurtenances and warrants the title to the same, subject to general taxes for the year 2017 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; Any special assessment if the improvements were not installed as of the date of Buyer's signature on the Contract to Buy and Sell Real Estate, whether assessed prior to or after Closing; and other GRANTOR RESERVES TO ITSELF THE RIGHT TO MINE SAID PROPERTY FOR FIVE YEARS BEGINNING AT DATE OF DEED WITH, AT THE END OF THAT FIVE-YEAR PERIOD, THE OPTION TO EXTEND FOR AN ADDITIONAL FIVE YEARS. GRANTOR IS RESPONSIBLE FOR ANY RECLAMATION REQUIRED BY COLORADO MINING REQUIREMENTS. DURING THIS PERIOD, GRANTEE DOES NOT HAVE THE RIGHT TO USE OR SELL ANY MATERIAL ON SITE. ANY MATERIAL TO BE USED BY GRANTEE MUST BE THROUGH A PURCHASE AGREEMENT WITH MINING LEASEE.

J.A.M. QUARRIES, LLC A COLORADO LIMITED LIABILITY COMPANY

ARLIS M. SPRAGUE, MEMBER

READ AND APPROVED  
BY: Larry Theis  
DATE: 8-29-17

READ AND APPROVED

BY: Chad Theis  
DATE: 8-31-17

State of COLORADO )

County of BOULDER ) ss.

The foregoing instrument was acknowledged before me on this day of August 31, 2017  
by JUDY SPRAGUE AS MEMBER OF J.A.M. QUARRIES, LLC, A COLORADO LIMITED LIABILITY COMPANY  
Ardis M. Sprague

Notary Public

My commission expires \_\_\_\_\_

When Recorded Return to: CHAD THEIS AND LARRY THEIS  
2848 JOSEPHINE STREET DENVER, CO 80205



## EXHIBIT A

### PARCEL I:

THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, AND  
THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER  
OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M.,  
COUNTY OF BOULDER, STATE OF COLORADO.

### PARCEL II:

THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, AND  
THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, AND  
THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, AND  
THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, AND  
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OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M.,  
COUNTY OF BOULDER, STATE OF COLORADO.

### PARCEL III:

THOSE EASEMENTS FOR INGRESS AND EGRESS AS DESCRIBED IN INSTRUMENTS RECORDED MAY 20, 1970 UNDER RECEPTION NO. 943695, JULY 17, 1970 UNDER RECEPTION NO. 948896, AUGUST 13, 1970 UNDER RECEPTION NO. 951256 AND AUGUST 19, 1970 UNDER RECEPTION NO. 951896,  
COUNTY OF BOULDER, STATE OF COLORADO.





**Warranty Deed**  
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee  
Date: August 31, 2017  
\$ 35.00

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J.A.M. QUARRIES, LLC A COLORADO LIMITED LIABILITY COMPANY

Ardis M. Sprague  
ARDIS M. SPRAGUE, MEMBER

State of COLORADO )  
County of BOULDER ) ss.

The foregoing instrument was acknowledged before me on this day of August 31, 2017  
by JUDY SPRAGUE AS MEMBER OF J.A.M. QUARRIES, LLC, A COLORADO LIMITED LIABILITY COMPANY

Shari L Hall  
Notary Public  
My commission expires 7/27/2021

SHARI L HALL  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19954003888  
My Commission Expires July 27, 2021

When Recorded Return to: CHAD THEIS AND LARRY THEIS  
2848 JOSEPHINE STREET DENVER, CO 80205



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COUNTY OF BOULDER, STATE OF COLORADO.



I, Chad Theis grant to Arkins Park Stone Corp. and their agents acting on their behalf legal access to the quarry covered under permit M-1981-057 for a period until August 2022 to allow for mining and reclamation of the site. Arkins Park Stone Corp. will need to maintain Steamboat Valley Road and access driveway under the lease terms. Be it further known, that I request that the highwall located on the south side near my building site be left as is to allow for a natural amphitheater. In addition, I request that Arkin Park Stone not plant any tree, shrubs or grasses within 50 fee of the home site. I request that the Division of Reclamation adjust the required permit, releasing the south quarry near the building site.



Chad Theis  
768 Steamboat Valley Road  
Lyons, CO

State of Colorado County of Denver, I RICHARD S GROSS, do hearby confirm that on this date 10/4/18, Chad Theis appeared before me in person.



Notary Public in and for the State of Colorado.  
My commission expires 10/4/18

