




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: Amity Gravel Pit	MINE/PROSPECTING ID#: File No. M-2019-014	MINERAL: Sand and Gravel	COUNTY: Bent
INSPECTION TYPE: Illegal (Unpermitted Operation)	INSPECTOR(S): Amy Eschberger	INSP. DATE: April 25, 2019	INSP. TIME: 14:00
OPERATOR: Amity Mutual Irrigation Company	PRESENT DURING INSPECTION: BNFF: Lillian Norman, Brad Semmens AMIC: Terry Howland, Glen Wilson	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: March 28, 2019	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 27, 2019	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

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

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

OBSERVATIONS

This inspection was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) in response to an illegal mining complaint against Amity Mutual Irrigation Company (AMIC), submitted by Lillian Norman of Bent's New Fort Foundation (BNFF) on March 28, 2019 (complaint enclosed). The Division was accompanied during the inspection by Lillian Norman and Brad Semmens of BNFF and Terry Howland and Glen Wilson of AMIC. The site is located approximately 10.5 miles west of Lamar, CO in Bent County. The site is situated at the edge of a bluff adjacent to and north of the Amity Canal near the canal headgate on the Arkansas River. The site can be accessed by heading south on Co Rd 35 off Hwy 50 until it dead-ends on Co Rd JJ, then heading east on Co Rd JJ and following the road as it curves south to turn into Co Rd 35.25, which dead-ends at the site. **Photos 1-16** taken during the inspection are included with this report.

The complaint submitted by BNFF alleges that AMIC mined land adjacent to their southern property boundary, and encroached on a portion of their property in 2008/2009. BNFF states the encroachment was discovered during that time frame and AMIC was contacted with no resolution. The complaint included a Land Survey Plat of the area prepared by Brundage Land Surveying, Inc. on September 29, 2008. BNFF manages the historically significant Bent's New Fort on their property, which is open to the public. A small parking lot for visitors is located at the eastern edge of their property, east of Co Rd 35.25. The Division observed a few people visiting the site during the inspection. AMIC owns the land southeast of BNFF's property which encompasses the canal, at least in this area. The canal and headgate are owned and maintained by AMIC.

The complaint expresses concerns about the mine encroaching on BNFF property, erosion damage from the mine, the lack of reclamation over the years, safety of visitors to BNFF's property, and security of BNFF's property after AMIC's removal (in 2009) of BNFF's barbed wire fence that was present near the southern edge of BNFF's property (inset from the southern property boundary by approximately 12.5 feet to 72 feet). BNFF would like to construct a new fence at the southern edge of their property to protect visitors. However, it would be difficult to construct such a fence given the encroachment of the mine onto the southern edge of their property.

At the time of the inspection, the weather was clear and sunny, and the ground was dry. The Division observed a small excavated pit (approximately 2.2 acres in size; see enclosed Google Earth image of site) along the southern edge of the bluff overlooking the Amity Canal, where rock outcrops at the surface. No mining activity was occurring at the site during the inspection. However, a small dump truck with AMIC's logo was parked on site. The pit primarily daylights to the southeast. The highwall is approximately 10-15 feet in height, with near vertical slopes. The Division estimates the highwall to be approximately 650 feet in total length. Mined material was stockpiled in the western portion of the pit. A small stockpiling area (approximately 0.40 acre in size) was present southeast of the pit, on the east side of the access road. A waste rock berm was constructed along much of the southern pit boundary. The northeastern corner of the pit (approximately 0.12 acre) was backfilled with sand. The pit floor was dry with weedy vegetation (primarily Tamarisk trees).

The Division observed metal T-posts at the northeastern and southwestern edges of the pit, which BNFF indicated mark the location of the previous fence that was removed by AMIC in 2009. According to the Land Survey Plat provided with the complaint, a portion of the pit highwall does appear to be located on BNFF's property, estimated to consist of approximately 0.13 acre.

The AMIC representatives present during the inspection stated the pit has been mined by AMIC for many years and the material used on their property (and right-of-way) to stabilize the slopes of their canal. This pit is used by AMIC as needed to maintain the canal from the nearby headgate to Lamar, a stretch of approximately 9 miles. The AMIC representatives explained the portion of the canal closest to the headgate requires more

maintenance since it typically has higher volumes of water which cause more erosion to occur along the banks of the canal. Therefore, the pit location close to the headgate is ideal for AMIC. AMIC backfills the highwall with sand dredged from the canal. However, this is done at a very slow pace due to AMIC's intermittent use of the pit. As mentioned above, only approximately 0.12 acre of the pit has been backfilled at this time. AMIC intends to continue using the pit for maintaining its canal, and may eventually expand the pit westward on its property, mining the bluff down to the approximate elevation of the land adjacent to the canal.

The Division inquired about the mine encroachment onto BNFF property. AMIC stated that according to a survey they conducted prior to mining, they believed their northern property boundary to be located further north. However, after the earlier property owners, the Semmens family, informed AMIC in 2008/2009 that the mine had encroached on their property, AMIC had another survey done which indicated their northern property boundary is located slightly south of where they initially thought it was located. AMIC does not deny having encroached on BNFF's property or having removed the old barbed wire fence that used to be present near the southern edge of BNFF's property. AMIC indicated they did not continue mining the highwall after 2008/2009. According to the limited aerial imagery available in Google Earth, the northern highwall was mined to its current position sometime between August 30, 2006 and October 23, 2011, which supports AMIC's claim. The entire pit disturbance appears to have covered the same area as it did since at least October 23, 2011. According to AMIC, they have primarily hauled off from the stockpiled material on site since that time.

During the inspection, there were discussions between AMIC and BNFF regarding an agreement that might be reached, potentially including a land swap of the portion of BNFF's land disturbed by the mine for a portion of AMIC's land located near the visitor parking lot, which would allow BNFF to expand their parking lot. AMIC indicated they would bring the matter up during their May board meeting. Besides proposing a land swap, AMIC indicated they would also propose paying for a new fence to be built at the southern edge of BNFF's property, but north of the existing highwall to satisfy BNFF's concerns about public safety on their property. The Division followed up with the involved parties after AMIC's May board meeting and learned there is an agreement in the works, but it had not been finalized.

After investigating the complaint received from BNFF on March 28, 2019, the Division has determined that AMIC will not be required to obtain a permit for the activities described in this report for the following reasons:

- 1) AMIC is using the material mined from their property only for maintaining their canal located on their property (and right-of-way). The material does not leave their property (or right-of-way), and is not sold or otherwise introduced into the market.
- 2) The complaint submitted by BNFF was related to mining activities that took place on their property in 2008/2009, and did not describe any mining activities conducted on BNFF's property since that time. Additionally, the Division observed no mining activities occurring on site during the inspection, including no mining activities occurring on BNFF property. The Division is limited in its ability to pursue this possible violation pursuant to the two-year statutory limitation set forth in section 13-80-102(1), CRS. In addition, pursuing a possible violation under these circumstances would not be a good faith exercise of the Division's prosecutorial discretion. In this case, the alleged illegal mining activities (AMIC's mining on BNFF property) occurred 10 years prior to the Division's knowledge of the activities (via the complaint submitted on March 28, 2019).

Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at amy.eschberger@state.co.us.

PHOTOGRAPHS



Photo 1. View looking southwest from top of highwall, standing on BNFF property. Note t-post which according to BNFF marks location of previous fence removed by AMIC.



Photo 2. View looking southwest across AMIC's pit. Note backfilled portion of highwall indicated with yellow dashed line.



Photo 3. View looking south across backfilled portion of highwall in northeastern corner of pit. AMIC uses sand dredged from their canal as pit backfill material.



Photo 4. View looking southwest across pit from top of highwall. Note stockpiles of mined material stored in western portion of pit.



Photo 5. View looking south across pit from top of highwall. Note waste rock berm constructed along southern edge of pit, and pit floor dry with weedy vegetation.



Photo 6. View looking east from top of highwall across northeastern portion of pit. Note backfilled portion of highwall at top left.



Photo 7. View looking south across small area west of pit where it appears topsoil has been stripped in preparation for expanding the pit westward (on AMIC property).



Photo 8. View looking east across western portion of pit, showing mined material stockpiled on pit floor.



Photo 9. View looking northeast, standing on BNFF property. Note t-post which according to BNFF marks location of previous fence removed by AMIC.



Photo 10. View looking southwest across undisturbed land west of pit, showing native conditions of rock outcropped at surface along edge of bluff.



Photo 11. View looking north across eastern portion of pit from its southern edge. Note 10-15 foot tall highwall with near vertical slopes, and edge of backfill (at right).



Photo 12. View looking southwest, showing waste rock berm constructed along southern edge of pit.



Photo 13. View looking east at stockpiling area located east of access road.



Photo 14. View looking northeast across pit from its southern edge.



Photo 15. View looking west across western edge of pit. Note ~10 foot tall highwall daylights to the east in this area.



Photo 16. View looking northeast across Amity Canal (adjacent to pit) for which AMIC uses material mined from their property to stabilize the slopes.

Inspection Contact Address

Lillian Norman
Bent's New Fort Foundation
P.O. Box 843
Lamar, CO 81052

Encl: Complaint from Bent's New Fort Foundation, received on March 28, 2019
Google Earth image of site

EC: Lillian Norman, Bent's New Fort Foundation at: lilnorm38@gmail.com
Terry Howland, Amity Mutual Irrigation Co. at: amitysuper@gmail.com
Michael Cunningham, DRMS at: michaela.cunningham@state.co.us

DRMS COMPLAINT INFORMATION

DATE: 03/26/2019

NAME: Lillian Norman,
Treasurer, Board of Directors
Bent's New Fort Foundation

ADDRESS: P.O. Box 843
Lamar, CO 81052

E-MAIL: lilnorm38@gmail.com

PHONE: 719-336-4079 (If no answer, please leave message of call cell)

ALTERNATE PHONE: 719-688-5291 (Cannot leave message, but will recognize number and return call)
(No texting capability)

CONNECTION TO INCIDENT: Land Owner; Observed incident; Other: Board of Directors,
Bent's New Fort Foundation

LOCATION OF CONCERN:

A tract of land lying in Indian Claim #22 same being a portion of Sec. 35 and 36, T.22S, R.48W., 6th P.M., being more particularly described as follows: (See attached Land Survey Plat for complete Description of Tract.)

Directions to Site: The site is located in eastern Bent County and is south of Hwy 50. (The site is much closer to Lamar than it is to Las Animas, and can be easily accessed by traveling either west from Lamar (westbound lane), or east from Las Animas (eastbound lane). Regardless of whether you are traveling in the westbound lane or the eastbound lane, you must watch carefully for the small brown historic marker sign that says "Bent's New Fort" on your right, and then immediately following you will see the RD 35 sign on the south side of the highway. A relatively short distance after turning south on RD 35, you will come to a "T" where RD35 intersects with RD JJ. Turn east (left) on RD JJ, which will end very soon. At that point turn south (right) on RD 35.25 and follow it as it angles southwest along a fence line. (If there is no sign on RD 35.25, don't worry – just consult a copy of the attached survey and you will get your bearings.) As the road angles, you will see the "Bent's New Fort" sign on your right. To find the property where the mining took place, watch for the "Keep Out" sign(s) that the mining company put up. – You will, however, still be on Bent's New Fort property, but just keep on the road that follows the fence line until you come to the point where Road 35.25 intersects (and ends) with Bent's New Fort property line (see survey). The point of encroachment and bank erosion can easily be seen by following the old fence line southwest.

INCIDENT COUNTY: Bent County

Ongoing Issue?: YES, the residual effects of encroachment, erosion, and lack of reclamation definitely reduces the effectiveness of Bent's New Fort Foundation in providing continued and comprehensive stewardship to the land. It also makes it impossible to build a much needed, well anchored safety and security fence along the Fort's property line.

NATURE OF COMPLAINT:

Illegal Mining (?)

Mine Plan Compliance (?)

Off-Site Damage

Reclamation Compliance

Erosion

Other: Encroachment Preventing Needed Safety and Security Fence

DESCRIPTION OF THE ISSUES:

This complaint and request for a Division of Reclamation, Mining and Safety Investigation is being made on behalf of the Board of Directors of Bent's New Fort Foundation, which was formed in 2016, and the Semmens Family, including current property owners of the historic site, Brad Semmens and his cousin Gary McCall. Semmens Family members have conscientiously provided responsible stewardship of the land for 114 years.

It is the desire of the Board of Directors that this responsible stewardship continue and that our concern for the land and the environment become a visible tribute to the Native Americans for whom we have great respect. It is our hope and belief that the progress made thus far, to make Bent's New Fort accessible to all who want to visit and learn, will continue. We believe that an investigation by the DRMS may clarify the issue at hand that is hampering our progress - and lead to a solution that will allow us to proceed in a safe and respectful manner.

This complaint is based on the following:

1. The south property line of the Bent's New Fort (BNF) property has been encroached upon during the process of construction mining that was taking place during, but not limited to, the years of 2008-2009, a time frame during which the encroachment was discovered and witnessed by the Semmens Family. (This is substantiated by a photograph that was submitted to the National Park Service for the American Battlefield Protection Program grant in 2009. A copy of the photograph will be attached to this complaint.)
2. Erosion that has taken place, and is continuing to take place, appears to have been caused by the mining equipment being operated under the surface of the property line, where an old fence was, and still is, visible.
3. There is no visible evidence now, and Semmens Family members maintain that there was never any evidence, of reclamation having been undertaken by the company doing the mining.
4. The Board of Directors and the Semmens Family see no way that a badly needed fence can be built for the safety of visitors and security of the property – especially on land that has been eroded at the top of a very steep drop-off. (A fence that might be supported by concrete pillars extending over the drop-off could be cost prohibitive.)

Has the party conducting the operation been contacted? Yes, the irrigation company doing the mining was contacted in 2008 (estimated) by Semmens Family members and present owners Brad Semmens and Gary McCall. (This year was approximately eight years before the non-profit foundation status was acquired in 2016, and nine years before the community Board of Directors was appointed. Semmens and McCall are not able to remember the exact date they attended a board meeting of Amity Irrigation Company, but they estimated the year based upon the date the survey was completed – and the survey

substantiated their claims that encroachment was likely to happen, based on their assessment of the way the digging was being aggressively pursued. However, they do remember that they were not treated respectfully by either the Amity board or their attorney and believe that their efforts to reach some agreement, or slow down the process, failed. They remember the meeting as one where they sensed that private adjoining land owners were no match for companies that were accustomed to dominating a given situation. (Tri-State Generation was named on the copy of the attached photograph. That may have been because Tri-State reportedly owns 49% of Amity – but that has not been verified.) The Board of Directors has only been aware of the situation for less than two years, but is of one mind that the appropriate way to proceed is with an investigation.

Name of Operator: Amity Mutual Irrigation Company. (When researched on-line, no mining permit was located.)

Have Other Agencies Been Contacted About This Issue? NO.

ADDITIONAL INFORMATION:

Three attachments to this complaint:

1. Copy of photograph submitted to National Park Service American Battlefield Protection Project grant in 2009.
2. Copy of survey of Bent's New Fort property commissioned in 2008.
3. INFORMATION SHEET REGARDING THE HISTORY OF BENT'S NEW FORT

No contact preference; may contact by phone, e-mail – or US mail.

ADDITIONAL INFORMATION REGARDING THE HISTORY OF BENT'S NEW FORT

The Board of Directors of Bent's New Fort Foundation (BNF Board), along with the site's current property owners, has for the past year seriously considered its responsibilities to further investigate the archeology and history of Bent's New Fort (BNF), and to continue preparations for the full-scale opening of the site to the public. In the process the BNF Board has developed a keen awareness that the demands of stewardship can be very heavy. Heavy and difficult, yes, but 1) absolutely critical for the historical preservation of Bent's New Fort; 2) critically important for the protection of our environment; and 3) essential for the expanding knowledge and appreciation of those who follow.

The more recent history of Bent's New Fort includes the past 114 years of stewardship by the Semmens Family, who dedicated themselves to protecting the site until it could be developed and recognized for the historical importance it holds. The Fort's property, in eastern Bent County, was purchased in 1905 by John Squire Semmens, the great grandfather of current owners Brad Semmens and Gary McCall. The grandson of John Squire Semmens, Gideon Semmens, now 92 years old, and his wife Mary Lou, are, to this day, active supporters in the development of Bent's New Fort. Their presence, participation, and the recall of facts that Mr. and Mrs. Semmens offer, gives Board members enthusiasm and energy to carry on with their work.

The narrative that follows is selected and/or paraphrased to capture pertinent historical documentation that was transmitted to the National Park Service in 2009 for the purpose of obtaining Battlefield Protection Program grant funding. This documentation briefly explains how Bent's New Fort is integral not only to the stories and connections of William Bent (founder of both Old Fort and New Fort), but also and Creek Massacre National Historic Site as well.

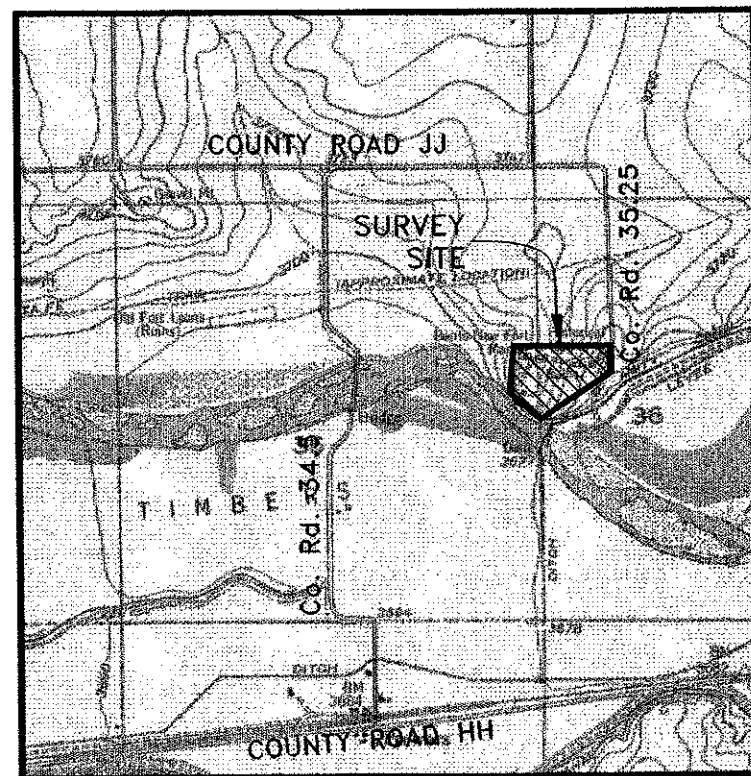
The battlefield significance of Bent's New Fort is important to consider:

- William Bent built Bent's New Fort on the Arkansas River in 1853. It became the Upper Arkansas Indian Agency, and was the site of the Fort Wise Treaty. Under the good faith of the Treaty, Indian Commissioner Greenwood gave Chief Black Kettle a U.S. flag (then 33 stars) that was flying on the day of the Sand Creek Massacre, November 29, 1864.
- The Cheyenne & Arapahoe Tribes received annual annuities at Bents New Fort, and the US Army used the Fort as a re-supply post until the construction of Fort Wise in 1860, which was located approximately 1/2 mi. from Bent's New Fort. The Army then leased Bent's New Fort to be used as a commissary for Fort Wise. In 1862, Fort Wise became Fort Lyon, (retaining its close proximity to BNF).
- Fort Lyon, August 1864: Maj. Wyncoop received a letter from Chief Black Kettle concerning a trade for captives. This letter led to the Camp Weld Council in Denver on September 28, 1864.
- Following their attendance at the Camp Weld Council, the Cheyenne & Arapahoe Peace Chiefs began their return to the Fort Lyon/Bent's New Fort area.
- Col. Chivington's Indian expedition later reached Fort Lyon, and marshaled at Bent's New Fort. There, on the evening of November 28, 1864, Chivington gave his troops their final orders to march 40 miles north overnight to Sand Creek.
- The earthworks around Bent's New Fort (still in existence today) were built in response to the aftermath of the Sand Creek Massacre.
- In 1865, a U.S. Army investigative commission and the Doolittle Commission, which included U.S. Vice President Lafayette Foster, held Sand Creek hearings at Bent's New Fort.

**PART OF INDIAN CLAIM #22
BENT COUNTY, COLORADO.**

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THE SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

NOTICE: THIS SURVEY MADE WITHOUT BENEFIT OF AN UPDATED ABSTRACT OR TITLE POLICY AND MAY BE SUBJECT TO OTHER EASEMENTS, CONDITIONS, RIGHTS ETC. WHICH MAY HAVE DEVELOPED SINCE THE DATA REFERENCED IN THE SURVEYOR'S STATEMENT.



VICINITY MAP
N.T.S.

LAND SURVEY PLAT

1"=100'

SURVEYOR'S STATEMENT **SEPTEMBER 29, 2008**

I, LANCE W. BRUNDAGE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE TO BRAD SEMMENS ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF AND TO THE NORMAL STANDARDS OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN COLORADO; THAT ON SEPTEMBER 22 & 23, 2008, AS RESULT OF A SURVEY MADE ON THE GROUND AND MONUMENTED BY ME; THAT THIS LAND SURVEY PLAT WAS PREPARED BY ME AND REPRESENTS THE SURVEY MADE; THAT THE SURVEY WAS BASED UPON INFORMATION AND INSTRUCTIONS SUPPLIED BY CLIENT WITH CLIENT DESIRING NO FURTHER RESEARCH INTO EASEMENTS OR RIGHTS-OF-WAY BY THE UNDERSIGNED.

LANCE W. BRUNDAGE
REGISTERED PROFESSIONAL
LAND SURVEYOR
COLORADO 30087



APPROVED
BENT COUNTY COMMISSIONERS

Bill Long
CHAIRPERSON

BRUNDAGE LAND SURVEYING, INC.
P.O. BOX 441
SWINK, COLORADO 81077-0441
PHONE: 719-383-4627
FAX: 719-383-4628

Arizona
Colorado
Kansas
Nebraska
N. Dakota
S. Dakota

DATE:
SEPTEMBER 29, 2008
PROJECT NO.
11308SMN

DRAWING NO.
11308.DWG
SHEET NO.
1 OF 1

**LAND SURVEY
PLAT**

PROJECT LOCATION:

PART OF SEC. 35 & 36, T.22S., R.48W.,
6th P.M., BENT COUNTY, COLORADO

CLIENT:

BRAD SEMMENS
WILEY COLORADO

DESCRIPTION OF TRACT

A tract of land lying in Indian Claim #22 same being a portion of Sec. 35 and 36, T.22S., R.48W., of the 6th P.M., being more particularly described as follows:
Beginning at the Quarter Corner common to said Sec. 35 and 36 as monumented by a 3/4" rebar and 2-1/2" aluminum cap marked BRUNDAGE, PLS 30087; thence S.0°45'13"E., along the East line of said Sec. 35, a distance of 19.30 feet to the point of intersection with said section line and the Southerly boundary line of Indian Claim #22 and the TRUE POINT OF BEGINNING; thence N.52°25'58"W., along the Southerly boundary line of Indian Claim #22, a distance of 278.17 feet; thence N.48°17'31"W., along the Southerly boundary line of Indian Claim #22, a distance of 269.23 feet; thence N.7°52'59"E., 393.85 feet; thence N.89°50'41"E., 45.72 feet; thence S.0°10'04"E., 425.00 feet; thence N.89°49'56"E., 450.00 feet; thence N.0°10'04"W., 425.00 feet; thence N.89°09'32"E., 764.11 feet to a point on the East line of Indian Claim #22; thence S.1°11'53"E., along the East line of Indian Claim #22, a distance of 227.66 feet to the Northeast corner of a certain tract of land as found in Book 47, Page 489 of the Bent County Records; thence S.55°57'10"W., 1013.95 feet to the point of intersection with the Southerly boundary line of Indian Claim #22 (said point being the point of beginning of tract in Book 47, Page 489); thence N.52°25'58"W., 71.81 feet to the True Point of Beginning. In the County of Bent, State of Colorado.
The Tract contains 11.63 Acres.

THE LOCATION OF NEW BENT'S FORT BOUNDARY IS BEST FACILITATED BY THE EVIDENCE OF OLD FENCE CORNERS IN THE LOCATION OF THE NW AND SE CORNERS OF SAID SITE AND FENCE REMNANTS ALONG THE NORTH SIDE THEREOF.

REMNANTS OF OLD FENCE CORNER IN THIS AREA AS EVIDENCED BY ANCHOR WIRE STILL IN PLACE

SET 5/8" X 24" REBAR AND 1-1/2" ALUM. CAP, BRUNDAGE, PLS 30087 (TYPICAL)

SET 1-1/2" ALUM. CAP IN SOLID ROCK

NEW BENT'S FORT PER ABSTRACT OF TITLE PREPARED BY BENT COUNTY ABSTRACT CERTIFICATE NO. 9402

4.39 ACRES

APPROXIMATE FORT FOUNDATION

11.63 ACRES

REMNANTS OF OLD FENCE CORNER IN THIS AREA AS EVIDENCED BY ANCHOR WIRE STILL IN PLACE

EXISTING FENCE

OVERHEAD ELECTRIC LINE

AMITY
BOOK 47, PAGE 489

QUARTER CORNER COMMON TO SEC. 35 AND 36; SET 3/4" X 30" REBAR AND 2-1/2" ALUM. CAP, BRUNDAGE, PLS 30087; THIS POSITION ESTABLISHED BY BLM METHOD OF SINGLE PROPORTION. NO EVIDENCE OF ORIGINAL STONE MONUMENT OR EVIDENCE BASED UPON VARIOUS DEED CALLS IN THE AREA TO THIS POSITION COULD BE FOUND ON THE GROUND.

LOT 17, THE BROYLES RANCH AT PROWERS

ROCK BLUFF ON NORTH SIDE OF ARKANSAS RIVER

EXISTING BOLT WITH CROSS STAMPED IN TOP LOCATED IN ROCK BLUFF

ARKANSAS RIVER

AMITY
BOOK 39, PAGE 125

BEARINGS BASED UPON TRUE MERIDIAN AS DETERMINED BY G.P.S. OBSERVATIONS ON LINE BETWEEN SECTION CORNER MONUMENTS AS SHOWN.

SE COR. OF SEC. 35

NE COR. OF INDIAN CLAIM #22; EXISTING 5/8" REBAR AND 1-1/2" ALUM. CAP, LS 12103 (TYPICAL)

COUNTY ROAD 35.25

EXISTING FENCE

EXISTING 1" ROD S.55°57'10"W., 0.75' FROM TRUE LOCATION

INDIAN CLAIM #23
SOUTH - 749.76' (DEED)



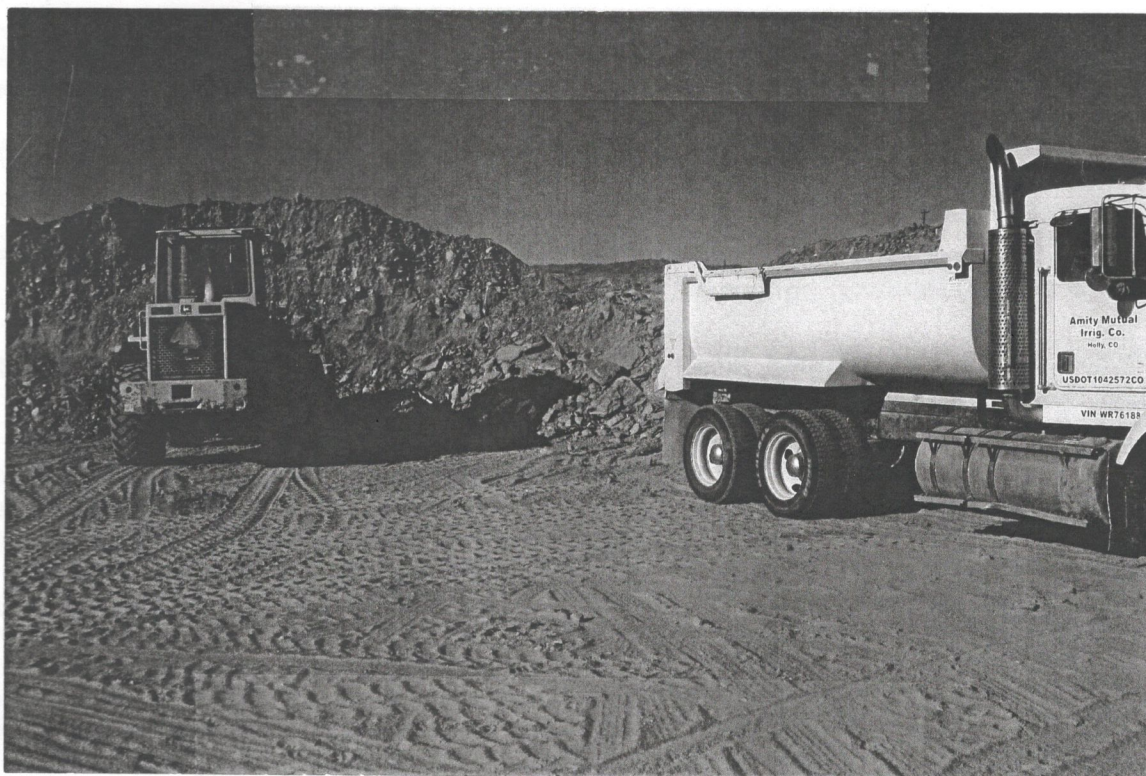
SCALE IN FEET
0 50 100



REVISED:



**FOUNDATIONS OF FORT WALLS LOOKING SOUTHEAST (NOTE:
CIRCLED AREA SHOWS TOP OF DIRT MOUND PICTURED BELOW)**



**ELECTRIC POWER GENERATION COMPANY'S EXCAVATIONS
ENCROACHING ON SOUTHEAST BOUNDARY OF BENT'S NEW FORT**

DRMS File No. M-2019-014 / Amity Gravel Pit

Illegal Mining Complaint Submitted by Bent's New Fort Foundation (BNFF) on March 28, 2019

Purple Outline = 16.02 acres = BNFF's property (approximate location based on Land Survey Plat submitted with complaint)

Blue Outline = 2.6 acres = Mining-related disturbance by Amity Mutual Irrigation Company (AMIC)

Red Outline = 0.13 acre = Mining-related disturbance by AMIC on BNFF property (occurred in 2008/2009)

Orange Outline = 0.12 acre = Backfilled portion of pit (as observed during 4/25/2019 inspection)

(Image data from 6/12/2017)

