



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

January 7, 2021

Donna Hendren
Five Rivers Cattle Feeding, LLC
4848 Thompson Pkwy, Suite 410
Johnstown, CO 80534

RE: Wiley Pit, Permit No. M-1977-223, Incomplete Application for Transfer of Permit and Succession of Operators (SO-02)

Ms. Hendren:

On December 28, 2020, the Division of Reclamation, Mining and Safety (Division) received the Application Form for Transfer of Mineral Permit and Succession of Operators from Five Rivers Ranch Cattle Feeding, LLC to Five Rivers Cattle Feeding, LLC for the Wiley Pit, Permit No. M-1977-223.

The following items are incomplete for the application to be processed:

- 1) The application must include demonstration of the Prospective Successor's legal right to enter to conduct mining and reclamation, for all owners of record of the surface and mineral rights of the affected land. Please provide demonstration the Prospective Successor has the legal right to enter to conduct mining and reclamation for all owners of record of the surface rights of the affected lands. This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the landowner(s) and acknowledged by a Notary Public stating the Prospective Successor has the legal right to enter to conduct mining and reclamation.
- 2) The application must include structure agreements made between the Prospective Successor and the owner(s) of any significant, valuable, and permanent man-made structure (e.g., roads, buildings, fences, above or below ground utilities, irrigation ditches, bridges, railroad tracks, pipelines, water wells, water storage structures, discharge or conveyance structures) located on or within 200 feet of the affected lands. Please provide notarized agreements between the Prospective Successor and the owner(s) of any significant, valuable, and permanent man-made structure located on or within 200 feet of the affected lands (see enclosed sample structure agreement form). Where such a structure is a utility, you may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities will have "no negative effect" on their utility.

On Page 6 of the application, under Designation of Review Timeline, Option 2 was selected to maintain your right to a decision on the application within 30 days. This means the Division will not recalculate the required Financial Warranty as part of the application process and a decision will be made on the application within 30 days of the filing date.

This concludes the Division's completeness review of the SO-02 application. The application will not be considered complete/filed until all deficiencies identified above have been addressed. Please submit all required completeness items to our Office within 30 days of the date of this letter, by **February 6, 2021**. If after 30 days,



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Juan Cocoba
Five Rivers Ranch Cattle Feeding, LLC
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the required completeness items have not been received, and you have not requested an extension, the application will be denied.

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

For questions regarding the Financial Warranty or Performance Warranty documents, please contact our Financial Warranty Specialist, Sara Stevenson-Benn by telephone at (303) 866-3567, ext. 8148 or by email at sara.stevenson-benn@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Amy Eschberger". The signature is written in a cursive, flowing style.

Amy Eschberger
Environmental Protection Specialist

Encl: Structure agreement form

Cc: Juan Cocoba, Five Rivers Ranch Cattle Feeding, LLC
Sara Stevenson-Benn, DRMS
Michael Cunningham, DRMS

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

Structure Agreement

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

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

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

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, _____ (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for _____ (operation name),
File Number M-_____-_____.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant _____ Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by _____ as _____ of _____.

Notary Public

My Commission Expires: _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by _____ as _____ of _____.

Notary Public

My Commission Expires: _____