

# Pride of America Mine

*June 21, 2022*

## Blast Plan

By:



Represented by:



## **Introduction**

The following represents pre-blast survey, blast plan, monitoring plan, and mitigation plan for complaints and outlines the procedures and methods that will be used for all blasting, monitoring, and mitigation work. Slight modifications to this plan may occur at the direction of the chosen third-party licensed blasting contractor. This same contractor will prepare and execute a monitoring plan in line with their standard BMPs and all state and federal requirements.

## **Pre-Blast Noticing**

The operator shall notify, in writing, all residents or owners of dwellings or other significant structures located within 1-mile of the permit of the intended blast schedule. The blasting schedule notice will contain, at a minimum: the name, address, and telephone number of operator; identification of the specific areas in which blasting will take place; dates and time periods when explosives are to be detonated; methods to be used to control access to the blasting area; and the type and patterns of audible warning and all-clear signals to be used before and after blasting.

Structures within the survey area will be identified using all available information including aerial photographs, county assessor data, State Engineer records, and maps. Landowner consultation/interviews may also be conducted to identify structure and well locations. Structures, that will be considered noticeable include houses or any other dwelling, garages, barns, outbuildings, cisterns, septic fields, and wells, etc.

The pre-blast notices are meant to protect both the neighbor and the operator. It does this by providing thorough documentation of the operators plans and provides opportunity for the structure owner to request consultation with the operator prior to blasting. Once blasting has begun, these discussions may be used to compare any suspected changes that are reported to the original condition of the property.

The operator will send notifications by certified mail to neighbors at least 10 days prior to any blasting being conducted on site. A copy of the pre-blast notification is included in Appendix 1; prior to sending notices, the certification date may be updated and blast schedule dates will be

populated. The pre-blast consultation will be complimentary to the neighbor and will be conducted by the operator or an independent third-party consulting firm. Included in the notification will be a description of the process that will take place on the day of blasting. Also included with the notification will be contact information for the neighbor to use to request a pre-blast consultation. A lack of response will be deemed to indicate their acceptance for the blasting plan and rejection of a pre-blast consultation.

If the neighbor requests a pre-blast consultation, a representative from the operator or third-party consulting firm will contact the neighbor to schedule a date and time to complete the consultation. Consultation may occur via a phone conversation, zoom call, or on-site visit to the neighbor's property.

Upon the completion of the pre-blast consultation, the operator or third-party consulting firm will compile the results of the consultation to provide a report and record of said consultation having occurred. A paper copy of the report can be requested by the neighboring landowner.

## **Blast Plan**

It is the goal of the site operator to complete all blasting activities safely and with minimal disturbance to the surrounding areas. The site operator plans to use a US Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE) licensed third-party blasting/explosives contractor to conduct all blasting activities on site to support the development and production of the quarry. Only qualified and licensed contractors will be allowed to interact with the explosives. This plan is prepared in accordance with Mine Safety and Health Administration (MSHA) Code of Federal Regulations (CFR) 30 Part 56 Subpart E – Explosives and the U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement (OSM) Blasting Performance Standards.

Included in the blasting plan are:

- Blast pattern design and drilling plan
- Explosive types to be used
- Storage of explosives
- Dates and times of blasting

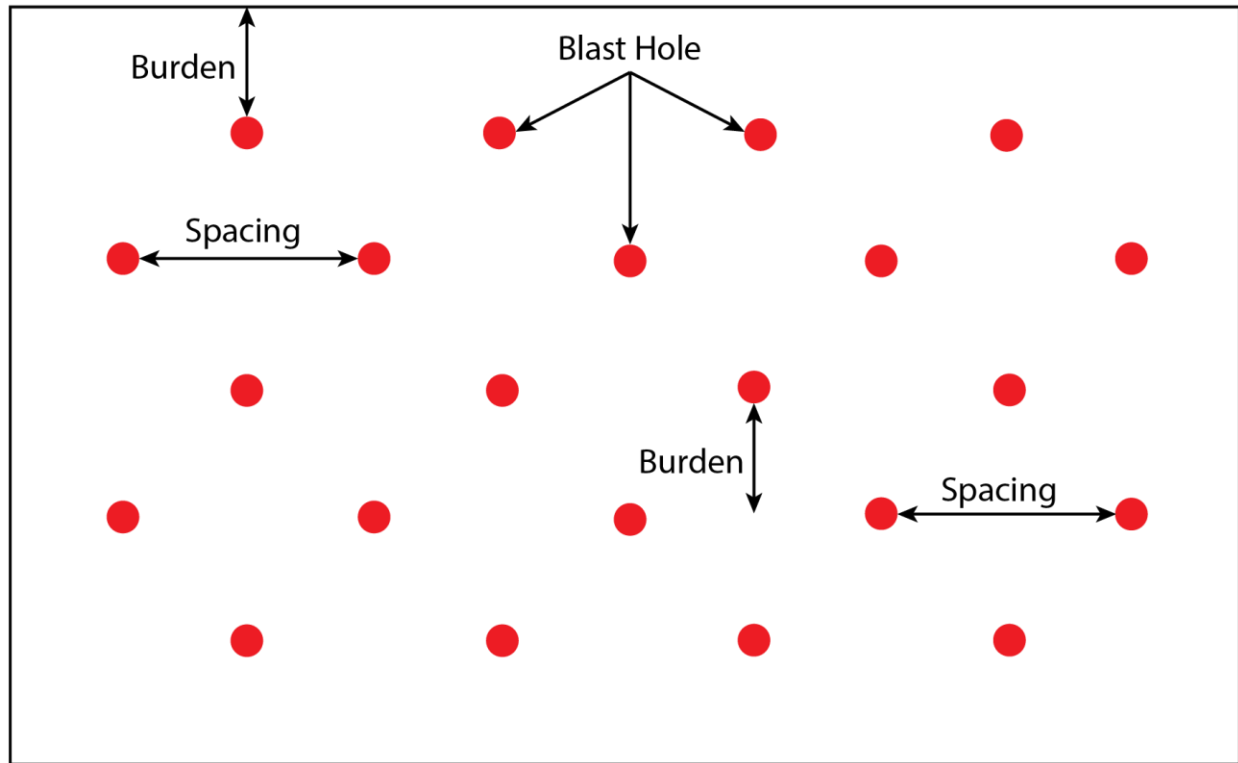
- Transportation of explosives
- Loading of explosives
- Signage
- Communications
- Blast area clearing and firing procedures
- Post blast inspection procedures
- Misfire procedures
- Blast monitoring procedures

Copies of the blasting plan will be kept on file in the following locations:

- Site office
- Blasting contractor's office

#### **1. Blast Pattern Design and Drilling**

Personnel at the quarry will clear and prepare each area to be drilled and blasted according to the established quarry development sequence. The Quarry Manager, in consultation with the qualified Blasting Contractor, will design an appropriate drill pattern to ensure safe and efficient production in each area of the quarry. This includes burden and spacing design, hole depth, number of holes, explosive densities, initiation sequencing pattern, stemming and other factors included in the general blasting practice as presented in Figure 1.



**Figure 1.** Blast pattern layout as described by burden and spacing.

Typical blast pattern designs anticipated are listed below:

- 5-inch diameter drill hole with burden and spacing of 11 ft by 13 ft.
- 4 ½ -inch diameter drill hole with burden and spacing of 10 ft by 13 ft.
- 4-inch diameter drill hole with burden and spacing of 10 ft by 10 ft.
- 3 ½ -inch diameter drill hole with burden and spacing of 8 ft by 8 ft.
- Hole depth ranges from 10 feet to 25 feet per bench/blast including 5 feet of sub drill depending on ground conditions and hole location.
- Typically, blast holes will be drilled in a vertical orientation for production. Holes will be angled as needed for specific design features such as the final wall configuration.
- The number of holes on each pattern will vary depending on the size of the area cleared and current needs of the operation.
- The initial powder factor for the shots will be 1.0 pounds of explosive per cubic yard of bank material. The powder factor will be varied to analyze the optimal energy input to achieve the desired fragmentation.

Drilling will be completed by a typical rotary/hammer blasthole drill or down-the-hole (DTH) hammer blasthole drill. Dust will be controlled via dust collection units and water mist sprays. Blast hole drilling will be undertaken by the third-party blasting contractor.

## **2. Types of Explosives Used**

The typical blasting products to be used at the site are bulk explosives and blasting accessories. Bulk explosives will include the following agents:

- Straight emulsion: a slurry product consisting of liquid ammonium nitrate and diesel fuel;
- Ammonium Nitrate and Fuel Oil (ANFO): a typical bulk explosive used in blasting; and
- Blends of emulsion and ANFO.

Blasting accessories will include:

- Detonator: such as NONEL blasting caps which are small sensitive primary explosive devices used to denote a larger, more powerful, and less sensitive secondary explosive. NONEL type detonators will be used at the site due to their superior safety;
- Cast boosters: a sensitive explosive charge which acts as a bridge between the blasting cap and the bulk explosive and is appropriate to the hole size; and
- Any other products deemed necessary by the third-party blasting contractor.

## **3. Control of Ground Vibrations**

When an explosive charge is detonated within rock, the charge converts instantly to a hot gas at extreme pressure. A steep wave front travels into the rock, crushing it for 2–4-hole diameters. Radial cracks start to form as the cavity is expanded. The expanding gases continue to work on the rock, which extends the cracks and moves the rock upward and outward. Breaking and movement takes place within the intended area of the blast. This activity consumes most of the blast's energy, but a small left-over portion leaves the blast area as elastic ground vibrations and air waves. Elastic is used to define that the waves no longer permanently deform the rock mass.

Regulatory limits to control ground vibration are met through the control of the maximum charge weight per delay relative to the distance to the significant structure. The further a significant structure is to the blast the larger allowable charge weight per delay. Often this relationship is

expressed as the normalized distance or scaled distance defined as the true distance divided by the square root of the maximum charge weight per delay. Table 1 describes the OSM maximum particle velocity limits and scaled distance. For example, a blast located 2,000 feet from a significant structure would be allowed to have 1600 pounds of explosive per delay. If you assume a 4-inch diameter blast hole is loaded with a typical emulsion explosive, the loading factor would be 5.44 pounds per foot of hole. If 30 feet of a 45-foot-deep blast hole is loaded with explosive, each hole would have 163 pounds of explosive; therefore, 10 holes could be on a single delay for this blast.

**Table 1. OSM Maximum Particle Velocity Limits**

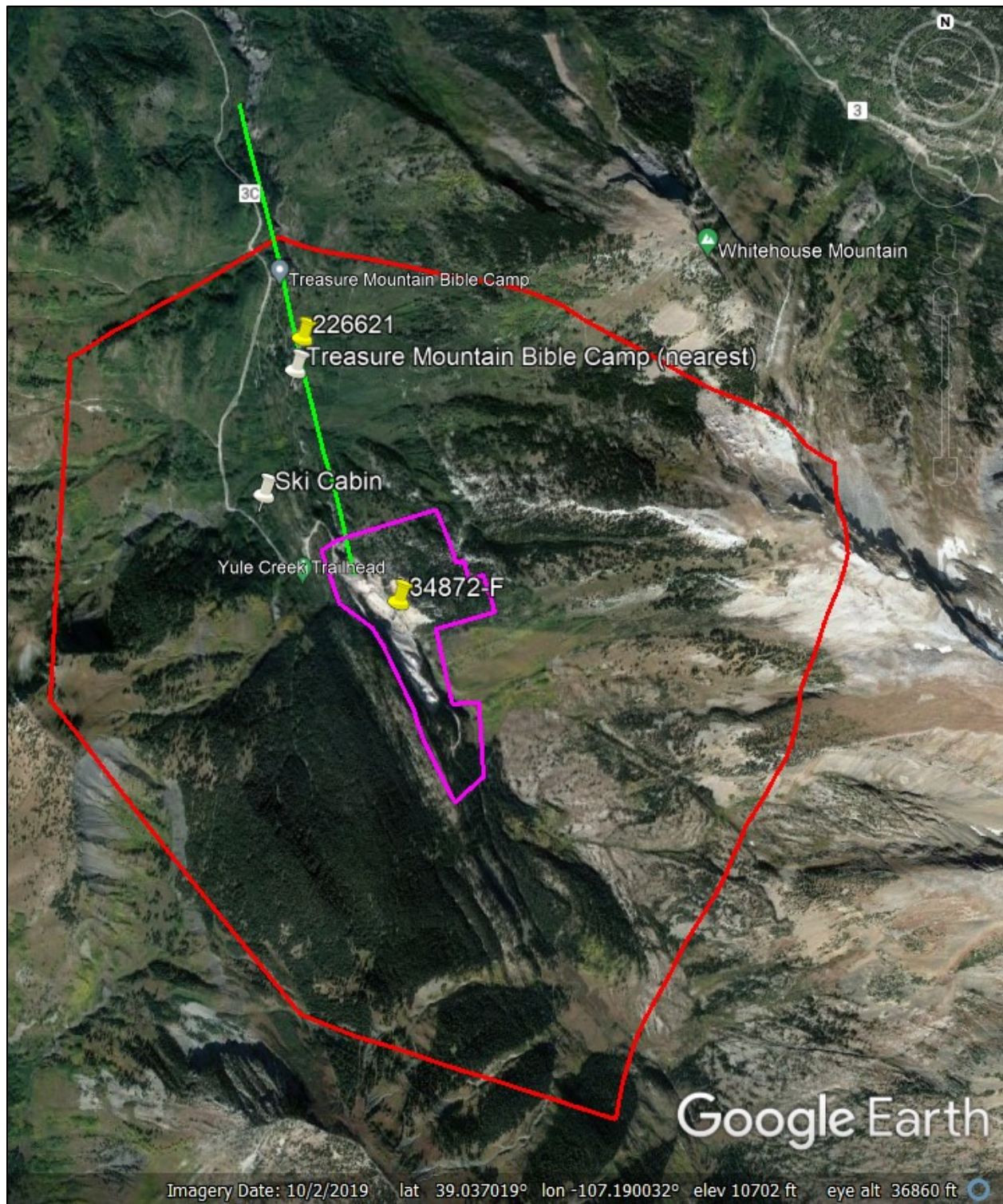
<b>Distance from the blasting site (feet)</b>	<b>Maximum allowable peak particle velocity for ground vibration (inches/second)</b>	<b>Scaled-distance factor to be applied without seismic monitoring</b>
0-300	1.25	50
301-5,000	1.00	55
5,001+	0.75	65

The operator and licensed third-party blasting contractor commit to complying with the maximum allowed peak particle velocity of 1.0 in./sec. The licensed blaster will maintain the appropriate charge weight per delay to ensure that the OSM maximum particle velocity limits are not exceeded at the significant structures. All known and recorded structures are detailed later in this plan.

Vibrational waves from blasting will not be felt at the structures surrounding the quarry (Figure 1). Blast generated vibrational waves travel radially outwards. A line drawn from the blast location to the structures north of the quarry (no structures exist to the west, south, and east), as shown on Figure 2, passes through the rock cliff just north of the quarry initially then through the air prior to reaching, but never connecting with, the area. Vibrational waves from blasting cannot be transmitted through a mixed medium; therefore, property owners north of the quarry may hear blasting, but they will not feel vibration because of blasting. The ski cabin to the northwest of the

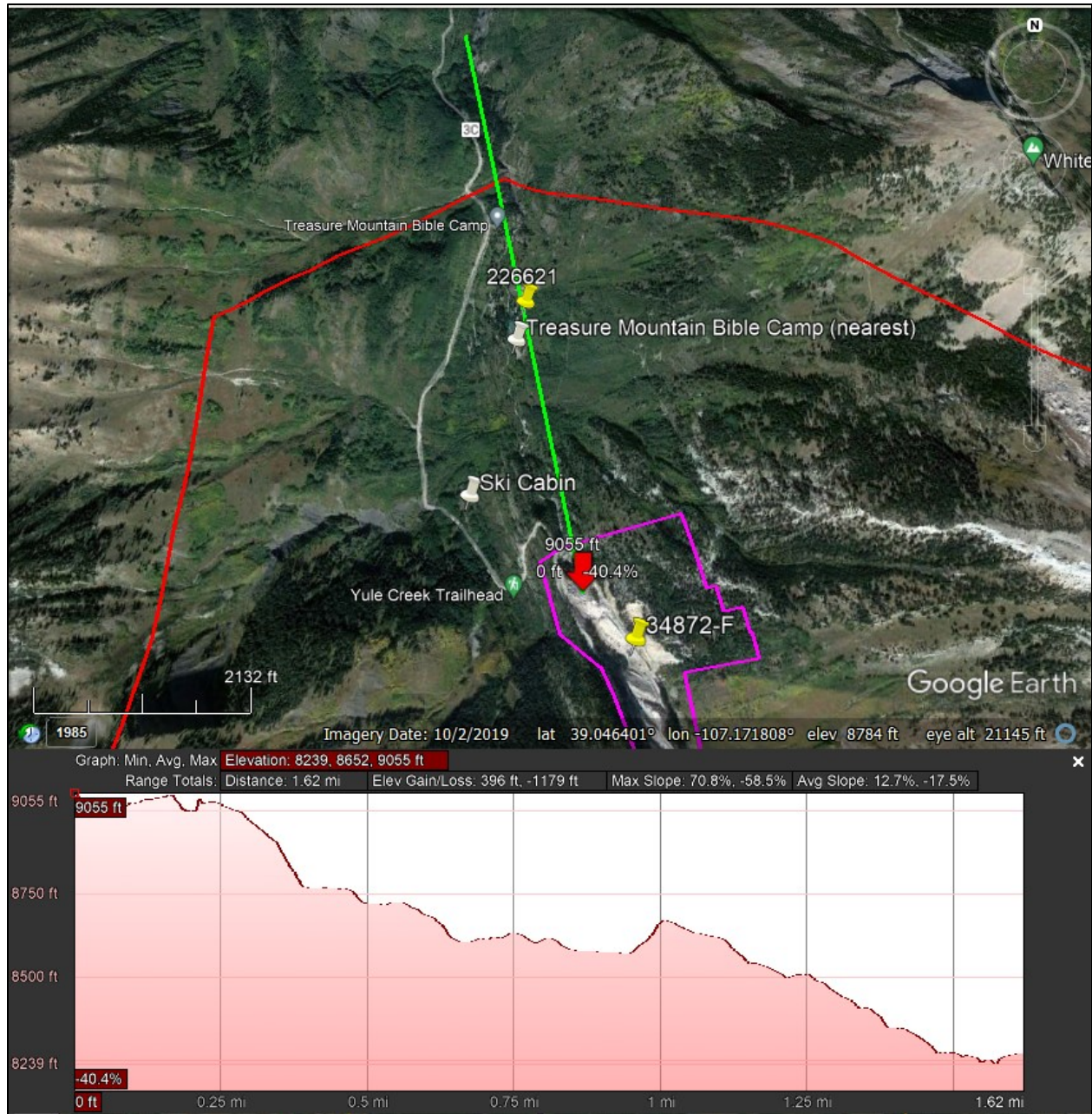
quarry was not considered for blasting impacts as it is obstructed by significant bedrock “windy point” knob west of the blasting area and will not feel any impact.





**Figure 1.** Approximate 1-mile or greater radius (red line) relative to the Pride of America Mine permit boundary (magenta line). Significant structures (buildings, white pins) and water wells (yellow pins) within the 1-mile blast radius are shown. The green line represents the cross section shown in Figure 2. Base image from GoogleEarth, imagery date 10/2/2019.





**Figure 2.** Impacts to surrounding structures from blasting at the Pride of America Mine. Note the blasting elevation of ~9055 feet (left extent of cross section) is >400 feet higher in elevation than the nearest Treasure Mountain Bible Camp Structure. Base image from GoogleEarth, imagery date 10/2/2019.

#### **4. Storage of Explosives**

At no time will explosives be stored on site. A licensed third-party blasting contractor will bring to the site all bulk explosives and explosives accessories on the day of the blast. Any unused quantities of bulk explosives and explosive accessories will be taken off site at the end of the blast by the same contractor that brought them to site. While on site, all explosives will be closely monitored and supervised by qualified personnel.

#### **5. Dates and Times of Blasting**

After a pattern is drilled, the volume of bulk explosives and blasting accessories will be determined by the third-party licensed blasting contractor. The Quarry Manager and the manager of the third-party blasting contractor will schedule the blast for an appropriate date and time. Blasting will occur between the hours of 8:00 AM and 4:00 PM, not to exceed a maximum of 5 blasts per week.

The Quarry Manager will make every effort to schedule all blasts Monday through Friday; however, a weekend blast may be necessary from time to time. If an unscheduled blast is required (exclusively due to public or operator health and safety), the operator shall notify residents within 1-mile of the blasting site using audible alarms and document the reason for the unscheduled blast.

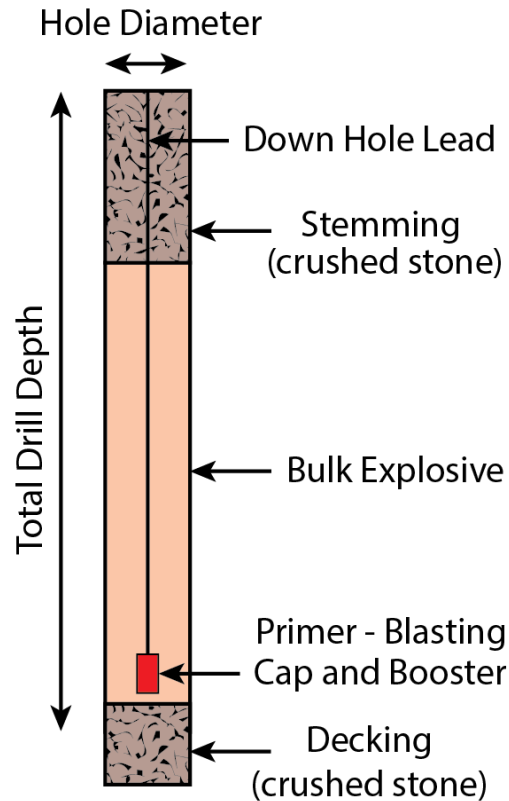
#### **6. Transportation of Explosives**

The transportation of explosives to and from the site will be handled by the same licensed third-party blasting contractor conducting blasting on site. On the day of the scheduled blast, the pre-determined amount of bulk explosives and blasting accessories will be transported to site in vehicles that are specifically designed and equipped to carry explosives from site to site. After a blast is loaded and shot, any product not consumed in the day's blast are inventoried, volumes of bulk explosives and accessories used and unused will be documented, and surplus materials are transported back to the secure location in the same vehicles used to transport the explosive materials to site.

## **7. Loading of Explosives**

On the day of a scheduled blast, the third-party blast crew and trucks will arrive at the site with bulk explosives and blasting accessories. The typical process for loading the explosives is:

- 1) A NONEL blasting cap and cast booster are placed into each hole with the down hole lead line secured at the collar or top of the hole.
- 2) With the cap and booster securely in the hole, the bulk explosives are loaded using the following techniques based on hole condition.
  - a) If the hole is wet, the end of a hose, approximately 100 feet long, is placed at the bottom of the hole and a 100% emulsion product is pumped in from the bottom displacing the water in the hole.
  - b) If the holes are not directly accessible by the bulk explosive blasting truck, the hose is moved from hole to hole. At this point, if the holes are dry, the 100% straight emulsion product is loaded from the top of the hole. If the holes are wet the same procedure is followed as noted above.
  - c) If the holes are dry and the truck can access them, an emulsion and ANFO blend will be used. The emulsion/ANFO blend is loaded into the top of the hole directly from the blasting truck.
- 3) By design, the bulk explosive will not fully fill the blast hole. The remaining open portion of each hole will be filled with stemming (crushed stone) to contain the explosive (Figure 3).
- 4) The final step to the loading procedure is to connect each of the down hole lead lines together according to the blast timing design to provide a sequential blast.



**Figure 3.** Typical drill hole loaded with explosives prior to blasting.

## 8. Signage

Blast notification signs will be placed at the site entrance and along County Road 3c to notify passersby of the blast schedule. Each sign will state whether there is a blast scheduled for the day or not. If there is a blast scheduled, the sign will also display the time the blast is scheduled for. These signs will also communicate the blasting audible alarm including length of audible alarm relating to the timeline before or after the blast.

## 9. Communication

On the day of the blast, the scheduled blast time will be communicated to all personnel on site. The primary notification regarding planned dates and times for blasting will be signs at each entrance to the property. Information on these signs will be posted 24 hours ahead of a planned blast and will be updated regarding time as necessary thereafter.

## **10. Blast Area Clearing and Firing Procedures**

Prior to a blast being initiated, all quarry personnel and any potential visitors will be removed from the mining, processing, and other active areas and stationed at the entrance to the permit area. The Safety Manager or lead blaster (from the third-party blasting contractor) will inspect the mining, processing, and other areas to confirm all personnel have cleared from the blast area. The Safety Manager or lead blaster will confirm either visually or through communication with Gunnison County that County Road 3c will be clear during the firing of the shot in locations within ¼-mile of the blast area.

Blast guards will be posted at all entrances to the permit boundary to make sure the access corridors through the active mining area are secure during the blast process. Blast guards will also be stationed at the location of the temporary County Road 3c closure. All blast guards will wear property PPE in accordance with MSHA standards and will be in contact with the lead blaster via CB radio on a channel to be determined at the time the operation begins construction. Blast guards will have the authority to stop the blast at any time, up to the time when the blast is initiated. In the case of an emergency, blast guards will notify the lead blaster and stop the blast until the emergency situation is resolved.

Access corridors will only be secured for the length of time needed to successfully complete the blast. The typical length for a blast is less than 30 minutes. Upon blast completion, access corridors will be released for normal use. The length of time the access corridors will be secured and guarded will be kept to a minimum and only done so to ensure the safety of all persons using them.

Audible blast signals, originating from a vehicle alarm (e.g., car horn), will be utilized according to the following schedule:

- 2 minutes before the blast - 5 second audible alarm
- 30 seconds before blast - 15 second audible alarm

Once all personnel are accounted for, all blast guards are in place, and the blast area has been confirmed to be clear, the lead blaster will initiate the blast.

## **11. Post Blast Inspection Procedures**

After the blast is completed, the lead blaster will re-enter the blast area and inspect the entire blast to make sure all holes were detonated. No one will be allowed back into the mining, processing, or other active areas until the lead blaster has inspected the blast and confirmed that it is safe to resume work. At this time the 'All Clear' audible alarm will sound - 3 short audible alarm blasts and blast guards will release their blocks and corridors will be open again for travel. Personnel will then be allowed back to work while business returns to normal.

## **12. Misfire Procedures**

A misfire is the complete or partial failure of a blast hole to detonate as planned. With advancements in product quality and blast technology, misfires rarely happen; however, in the event of a misfire the lead blaster will not release the immediate blast area for return to work. The lead blaster will wait 30 minutes before completing a more thorough investigation of the cause of the misfire. Depending on the location of the blast, the lead blaster, at his discretion, can release areas not in the immediate area of the blast while waiting the required 30 minutes. This may include the access corridors and other facilities on the site.

If the investigation reveals the detonator can be re-used and re-shot, the blast area will be cleared again, blast guards reestablished, the blast warning procedure will be reinitiated, and the detonator blasted. If the detonator cannot be re-used and blasted, the area will be secured, and all mining personnel warned of the hazard. The area will be carefully excavated under the supervision of the lead blaster or Quarry Manager until the blasting cap and booster are located.

## **13. Flyrock and Air Blast Control Plan**

Flyrock is defined as dirt, mud, stone, or fragmented rock that is propelled from the blasting area by the force of the blast. Flyrock is never expected in a blast, but due to the nature of explosives, it can happen. Flyrock can be minimized and eliminated by following the basic blasting guidelines below. Typically, air blast issues are directly related to the same issues a fly rock. An air blast is the detonation of explosive where the explosive's energy is not directed into the rock mass but is allowed to escape. The operator will adhere to these guidelines for all blasting completed on site.



Proper blast pattern design will be used including proper burden and spacing based on hole size and efforts will be made to ensure there is adequate space in front of the pattern to allow fractured material to move horizontally. Proper blast hole loading and adequate hole quality will ensure explosive column height and stemming material heights meet calculated requirements for safety. Blast patterns will be set up so that the direction of the blast will be away from permanent manmade structures and away from adjacent permit boundaries. Appropriate blast pattern timing sequences will be used so the pattern is shot systematically and in proper order.

#### **14. Documentation**

The third-party blasting contractor will prepare a paper record of each blast completed at the quarry site. Copies of each blast report will be kept on file in the office and the third-party contractor's office. All records, including blast statistics and blast monitoring, will be kept on file for a minimum of 3 years. The following information will be recorded:

- The name of the operator conducting the blast
- Location, date, and time of the blast
- Name, signature, and certification number of the blaster
- Identification, direction, and distance, in feet, from the nearest blasthole to the nearest significant structure outside the permit area
- Weather conditions, including those which may cause possible adverse blasting effects
- Type of material blasted
- Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern
- Diameter and depth of holes
- Types of explosives used
- Total weight of explosives used per hole
- The maximum weight of explosives detonated in an 8-millisecond period
- Initiation system
- Type and length of stemming
- Mats or other protections used



- Seismographic and air blast records to include:
  - Type of instrument, sensitivity, and calibration signal or certification of annual calibration
  - Exact location of instrument and the date, time, and distance from the blast
  - Name of the person and firm taking the reading
  - Name of the person and firm analyzing the seismographic record
  - The vibration and air blast level recorded
- Reasons and conditions for each unscheduled blast

## **Blast Monitoring Procedure**

All blast monitoring will be completed by the contracted third-party blasting firm completing the blast. As part of site's blasting plan, all blasts will be monitored using several methods. Blasts will be video recorded, if weather conditions permit. Microphone(s) will be used to measure air over pressure (air blast) and noise. Measurements will be taken at the closest significant structure (home, building, road, well, etc.), as available. The site will utilize the OSM maximum peak particle velocity limits shown below in Table 2. All attempts will be made to keep peak particle velocities well below the proposed maximum allowable limits.

**Table 2.** OSM Peak Particle Velocity Limits

<b>Lower frequency limit of measuring system (Hz <math>\pm</math> 3 dB)</b>	<b>Maximum level (dB)</b>
2 Hz or lower—flat response	133 peak
6 Hz or lower—flat response	129 peak

The operator and licensed third-party blasting contractor commit to complying with the maximum allowed airblast (air overpressure) of 129 dBL. All attempts will be made to keep peak particle velocities well below the proposed maximum allowable limits.

## 15. Identified Structures within 1 Mile of the Permit Area

The following structures are within 1-mile of the DRMS permit area. Ownership and additional information follows each listed item.

- Wells (Appendix 2):
  - 226621 – Treasure Mountain Bible Camp
    - Drilled 1999, depth 53-feet
    - 500 E. Park St, Marble, CO 81623-9000
  - 034872-F – CSQ groundwater well/the Washington Gallery
    - Age: historical quarry ~1890
- Various metal culverts serving as stormwater drainage structures along County Road 3c – Gunnison County (Public Works Department)
  - Age: prior to 2002 major road improvements to 2022
  - 195 Basin Park Drive, Gunnison, CO 81230
- “Ski cabin” and outbuildings – Grandpas Cabin, LLC, Dawson Louis Welton II, and Dawson Lisa Spieler
  - Age: ~1980; mixed metal and wood structure
  - 195 S 3rd St, Carbondale, CO 81623-2005
- Treasure Mountain Bible Cabin structures - Treasure Mountain Bible Camp
  - Multiple mixed metal and wood housing type structures built in 1998 and 2009.
  - Historical mixed wood and metal structures in place prior to the last property sale in 1991 construction dates are unrecorded and unknown.

Structure agreements are signed by the operator and were either hand delivered to and signed by the recipient or delivered via certified mail for all structure listed above. Where the structure owner is the operator, no notice was sent.

Blasting will not occur within 50-feet of any buried utility lines, of which there are none within the 1-mile blast radius. Structures within the blast radius are serviced by parcel specific septic fields and individual electric power methods (generators and/or solar).

## **Appendix 1: Pre-Blast Notices**

June 16, 2022

Marlene Crosby  
Gunnison County Public Works  
195 Basin Park Drive  
Gunnison, CO 81230

Delivered Via USPS Certified Mail

**RE: Colorado Stone Quarries, Inc., Pride of America Mine, Notice of Surface Blasting**

Ms. Crosby:

On behalf of Colorado Stone Quarries, Inc. (CSQ) and the Pride of America Mine, please allow this letter to serve as notice of CSQ's intended summer 2022 blasting plans. Blasting will occur on the surface portions of the Franklin Quarry on XXX(Dates). Prior to blasting, multiple days of drilling will occur in preparation for the blast. While CSQ is confident that no unintended damages to neighboring properties will occur as a result of their onsite blasts, they are required by the Colorado Division of Reclamation, Mining and Safety (DRMS) and the U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement (OSM) to issue you as a property owner with structures within 1-mile of the DRMS permit area.

The following structures are located within 1-mile of the DRMS permit area:

1. Various metal culverts serving as stormwater drainage structures along County Road 3c, Marble, CO

The notarized agreement following this notice letter is a guarantee of protection for the structures for you as the owner.

Please do not hesitate to contact myself or Jean St-Onge, CSQ General Manager, [jean@csqmarble.com](mailto:jean@csqmarble.com) or Daniel Penfield, Safety Manager, [safety@csqmarble.com](mailto:safety@csqmarble.com) with questions. CSQ can be contacted by phone at their main line in Delta at (970) 874-6118.

Cheers,



Katie Todt  
Geologist and Senior Consultant  
Lewicki & Associates, PLLC  
(303) 346-5196  
[katie@lewicki.biz](mailto:katie@lewicki.biz)

Cc: Jean St-Onge, CSQ and Daniel Penfield, CSQ

CERTIFICATION

The Pride of America Mine, operated by Colorado Stone Quarries, Inc. and certified by Jean St-Onge as General Manager, does hereby certify that Gunnison County (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 1-mile of the DRMS Reclamation Permit area, File Number M-1999-058.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant COLORADO STONE QUARRIES Representative Name JEAN ST-ONGE

Date JUNE 17<sup>TH</sup> 2022 Title GENERAL MANAGER

STATE OF CO. )  
 ) ss.  
COUNTY OF DELTA. )

The foregoing was acknowledged before me this 17 day of June, 2022 by

Jean St-Onge as General Manager of Colorado Stone Quarries, Inc.

Kylie Jensen My Commission Expires: July 19, 2023  
Notary Public

KYLIE JENSEN  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20194027194  
MY COMMISSION EXPIRES JUL 19, 2023

June 16, 2022

Ray Bayman  
Treasure Mountain Bible Camp  
500 E. Park Street  
Marble, CO 81623-9000

Delivered Via USPS Certified Mail

**RE: Colorado Stone Quarries, Inc., Pride of America Mine, Notice of Surface Blasting**

Mr. Bayman:

On behalf of Colorado Stone Quarries, Inc. (CSQ) and the Pride of America Mine, please allow this letter to serve as notice of CSQ's intended summer 2022 blasting plans. Blasting will occur on the surface portions of the Franklin Quarry on XXX(Dates). Prior to blasting, multiple days of drilling will occur in preparation for the blast. While CSQ is confident that no unintended damages to neighboring properties will occur as a result of their onsite blasts, they are required by the Colorado Division of Reclamation, Mining and Safety (DRMS) and the U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement (OSM) to issue you as a property owner with structures within 1-mile of the DRMS permit area.

The following structures are located within 1-mile of the DRMS permit area:

1. Water well 226621
2. Fixed modern and historical mixed metal and wood buildings and structures

The notarized agreement following this notice letter is a guarantee of protection for the structures for you as the owner.

Please do not hesitate to contact myself or Jean St-Onge, CSQ General Manager, [jean@csqmarble.com](mailto:jean@csqmarble.com) or Daniel Penfield, Safety Manager, [safety@csqmarble.com](mailto:safety@csqmarble.com) with questions. CSQ can be contacted by phone at their main line in Delta at (970) 874-6118.

Cheers,



Katie Todt  
Geologist and Senior Consultant  
Lewicki & Associates, PLLC  
(303) 346-5196  
[katie@lewicki.biz](mailto:katie@lewicki.biz)

Cc: Jean St-Onge, CSQ and Daniel Penfield, CSQ

**CERTIFICATION**

The Pride of America Mine, operated by Colorado Stone Quarries, Inc. and certified by Jean St-Onge as General Manager, does hereby certify that the Treasure Mountain Bible Camp (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 1-mile of the DRMS Reclamation Permit area, File Number M-1999-058.

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant COLORADO STONE QUARRIES Representative Name JEAN ST-ONGE

Date 17 JUNE 2022 Title GENERAL MANAGER

STATE OF CO. )  
 ) ss.  
COUNTY OF DALTA )

The foregoing was acknowledged before me this 17 day of June, 2022 by

Jean St-Onge as General Manager of Colorado Stone Quarries, Inc.

Kylie Jensen My Commission Expires: July 19, 2023  
Notary Public

KYLIE JENSEN  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20194027194  
MY COMMISSION EXPIRES JUL 19, 2023

June 16, 2022

"Ski Cabin" owners  
195 S. 3<sup>rd</sup> Street  
Carbondale, CO 81623-2005

Delivered Via USPS Certified Mail

**RE: Colorado Stone Quarries, Inc., Pride of America Mine, Notice of Surface Blasting**

Owners of the Marble "Ski Cabin":

On behalf of Colorado Stone Quarries, Inc. (CSQ) and the Pride of America Mine, please allow this letter to serve as notice of CSQ's intended summer 2022 blasting plans. Blasting will occur on the surface portions of the Franklin Quarry on XXX(Dates). Prior to blasting, multiple days of drilling will occur in preparation for the blast. While CSQ is confident that no unintended damages to neighboring properties will occur as a result of their onsite blasts, they are required by the Colorado Division of Reclamation, Mining and Safety (DRMS) and the U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement (OSM) to issue you as a property owner with structures within 1-mile of the DRMS permit area. This notice and structure certification is issued to the joint owners of the Marble "Ski Cabin" as detailed on the Gunnison County Assessor's website as Grandpas Cabin, LLC, Dawson Louis Welton II, and Dawson Lisa Spieler that share a collective address.

The following structures are located within 1-mile of the DRMS permit area:

1. Fixed mixed metal and wood structure(s)

The notarized agreement following this notice letter is a guarantee of protection for the structures for you as the owner.

Please do not hesitate to contact myself or Jean St-Onge, CSQ General Manager, [jean@csqmarble.com](mailto:jean@csqmarble.com) or Daniel Penfield, Safety Manager, [safety@csqmarble.com](mailto:safety@csqmarble.com) with questions. CSQ can be contacted by phone at their main line in Delta at (970) 874-6118.

Cheers,



Katie Todt  
Geologist and Senior Consultant  
Lewicki & Associates, PLLC  
(303) 346-5196  
[katie@lewicki.biz](mailto:katie@lewicki.biz)

Cc: Jean St-Onge, CSQ and Daniel Penfield, CSQ



### CERTIFICATION

The Pride of America Mine, operated by Colorado Stone Quarries, Inc. and certified by Jean St-Onge as General Manager, does hereby certify that the Marble "Ski Cabin" (structure owner) collectively owned by Grandpas Cabin, LLC, Dawson Louis Welton II, and Dawson Lisa Spieler shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 1-mile of the DRMS Reclamation Permit area, File Number M-1999-058.

### NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant COLORADO STONE QUARRIES Representative Name JEAN ST-ONGE

Date JUNE 17<sup>TH</sup> 2022 Title GENERAL MANAGER

STATE OF CO. )  
 ) ss.  
COUNTY OF DELTA. )

The foregoing was acknowledged before me this 17 day of June, 2022, by

Jean St-Onge as General Manager of Colorado Stone Quarries, Inc.

Kylie Jensen My Commission Expires: July 19, 2023  
Notary Public

KYLIE JENSEN NOTARY PUBLIC - STATE OF COLORADO NOTARY ID 20194027194 MY COMMISSION EXPIRES JUL 19, 2023
--

## **Appendix 2: DWR Well Records**

FORM NO.  
GWS-11,  
07/83

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

For Office Use only

RECEIVED

APR 15 1999

WATER RESOURCES  
STATE ENGINEER  
COLO

PRIOR TO COMPLETING FORM, SEE INSTRUCTIONS ON REVERSE SIDE

## CHANGE IN OWNERSHIP/ADDRESS / LOCATION

WELL PERMIT, LIVESTOCK TANK OR EROSION CONTROL DAM

### 1. NEW OWNER

NAME(S) SIERRA MINERALS CORPORATION  
Mailing Address 6164 S. NEWPORT ST.  
City, St. Zip ENGLEWOOD, CO 80111  
Phone (303) 771-9610

### 2. THIS CHANGE IS FOR ONE OF THE FOLLOWING:

- ☒ WELL PERMIT NUMBER 034872-F  
☐ LIVESTOCK WATER TANK NUMBER \_\_\_\_\_  
☐ EROSION CONTROL DAM NUMBER \_\_\_\_\_

3. WELL LOCATION: COUNTY GUNNISON OWNER'S WELL DESIGNATION LOCATED ON  
PATENTED MINING CLAIM, LONDON LAKE NO. 4411, NEAR MARBLE, CO 80111  
(Address) (City) (State) (Zip)  
SE 1/4 of the SE 1/4, Sec. 1 Twp. 12 ☐ N. or ☒ S., Range 88 ☐ E. or ☒ W. 6<sup>th</sup> P.M.  
Distances from Section Lines 500 Ft. from ☐ N. or ☒ S. Line, 1250 Ft. from ☒ E. or ☐ W. Line.  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Filing (Unit) \_\_\_\_\_

4. LIVESTOCK TANK OR EROSION CONTROL DAM LOCATION: COUNTY \_\_\_\_\_  
1/4, Sec. \_\_\_\_\_ Twp. \_\_\_\_\_ ☐ N. or ☐ S., Range \_\_\_\_\_ ☐ E. or ☐ W. \_\_\_\_\_ P.M.

5. The above listed owner(s) say(s) that he (they) own the structure described herein.

The existing record is being amended for the following reason(s):

- ☒ Change in name of owner. ☐ Change in mailing address. ☐ Correction of location.

6. I (we) have read the statements made herein, know the contents thereof, and state that they are true to my (our) knowledge.  
[Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

Name/Title (New Owner) Please type or print

REX E. LOESBY

PRES. SIERRA MINERALS CORP.

Signature (New Owner)



Date

4/13/99

FOR OFFICE USE ONLY

ACCEPTED AS A CHANGE IN OWNERSHIP  
AND/OR MAILING ADDRESS.

State Engineer

By

Date

MAY 14 1999

Court Case No. \_\_\_\_\_ Div. \_\_\_\_\_ Co. \_\_\_\_\_ WD \_\_\_\_\_ Basin \_\_\_\_\_ MD \_\_\_\_\_ Use \_\_\_\_\_

## NO FEE IS REQUIRED

The form must be typewritten or printed in **BLACK INK**. Initial and date any changes you make on the form.

**THIS FORM MAY BE REPRODUCED BY PHOTOCOPYING OR WORD PROCESSING MEANS.**

**INCOMPLETE FORMS WILL BE RETURNED. ATTACH ADDITIONAL SHEETS IF MORE SPACE IS NEEDED.**

1. Print the **new owner's** name and include the mailing address and phone number.
2. Indicate if the change in ownership/address is for a well permit, livestock water tank or erosion control dam. Be sure to include the proper permit, tank or dam number.
3. Complete the well location information. If the address of the well location is different than the mailing address of the owner, include the address where the well is located. If the owner has more than one well, provide well name or number as designated by the owner; i.e. North Well. The actual well location must include 1/4, 1/4, Section, Township and Range. Check the appropriate boxes for North or South and East or West directions. Complete the Subdivision, Lot, Block and Filing information, if applicable.
4. ~~Complete the location information for the livestock water tank or erosion control dam. The actual location must include 1/4, Section, Township, Range and P.M. Check the appropriate boxes for North or South and East or West directions.~~
5. Check the reason(s) for submitting the form, whether it is a change in ownership/address and/or location correction.
6. The owner of the structure must sign. Print or type your name in the first block if it is different from Item No. 1. If **signing as a representative of a company** who owns the structure, then your title must also be included in the first block. Sign the second block and date the last block.

## USE THIS FORM TO CORRECT THE LOCATION OF YOUR WELL IF:

A. Your well was permitted, registered, or first used prior to May 8, 1972 for ordinary household purposes in up to three single-family dwellings, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches and the irrigation of not over one acre of home gardens and lawns.

B. Your well is not of the type described in A above, but was permitted or registered prior to May 17, 1965. Inside the Designated Ground Water Basins, other procedures and publication may be required.

C. Your well was decreed by the Water Court for the correct location.

## IN ALL OTHER CASES USE FORM GWS-42

All other types of changes concerning Livestock Water Tanks and Erosion Control Dams should be submitted on the standard Permit Application form and be accompanied by a \$15.00 filing fee.

If you have questions, contact the Denver or the Division Office where your well is located.

## DIVISION 1

800 8th Ave Rm 321  
Greeley CO 80631  
(303) 352-8712

## DIVISION 2 Box 5728

219 W 5th Rm 223  
Pueblo CO 81003  
(719) 542-3368

## DIVISION 3 Box 269

422 4th St  
Alamosa CO 81101  
(719) 589-6683

## DIVISION 4 Box 456

1540 E Niagara  
Montrose CO 81402  
(303) 249-6622

## DIVISION 5 Box 396

50633 US Hwy 618 24  
Glenwood Spgs CO 81601  
(303) 945-5665

## DIVISION 6 Box 773450

625 So. Lincoln Ave  
Strmbt Spgs CO 80477  
(303) 879-0272

## DIVISION 7 Box 1880

1474 Main St  
Durango CO 81302  
(303) 247-1845

## DENVER OFFICE

Rm 821  
1313 Sherman St  
Denver CO 80203  
(303) 866-3581

SPEC

## COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St.

Denver, Colorado 80203

TYPE OR  
PRINT IN BLACK INK.  
COPY OF ACCEPTED  
STATEMENT MAILED  
ON REQUEST.

RECEIVED

STATE OF COLORADO

COUNTY OF

Denver

SS.

05-25-90 AFFIDAVIT

033107 30.00

TTL 30.00

CHEQUE 30.00

CHG 0.00

ITM 1

CL-1 1A3673

MAY 25 '90

NOTARY PUBLIC  
STATE OF COLORADO  
COLO.

☒ STATEMENT OF BENEFICIAL USE OF GROUND WATER  
☐ AMENDMENT OF EXISTING RECORD  
☐ LATE REGISTRATION

PERMIT NUMBER

LOCATION OF WELL

THE AFFIANT(S)

whose mailing

address is

Colorado Yule Marble Company

1738 Wynkoop, Suite 100

City

Denver, CO 80202

County

GUNNISON

SE

1/4 of the

SE

1/4, Section

1

City

Denver, CO 80202

Twp.

12 S

(N OR S)

Rng

88 W

(E OR W)

6<sup>th</sup>

P.M.

being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon; the well is

located as described above, at distances of 300 feet from the SOUTH section line and 1200 feet from the

(NORTH OR SOUTH)

EAST

(EAST OR WEST)

section line; water from this well was first applied to a beneficial use for the purpose(s) described herein on the 3<sup>RD</sup>day of AUGUST, 1989; the maximum sustained pumping rate of the well is 120 gallons per minute, the pumpingrate claimed hereby is 30 gallons per minute; the total depth of the well is 130 feet; the average annual amountof water to be diverted is 40 acre-feet; for which claim is hereby made for non-consumptive industrial use

and discharge to Yule Creek purpose(s); the legal description of the land on which the water from this well is used is

SE<sup>4</sup>SE<sup>4</sup> Sec 1, T12S, R88W, 6<sup>th</sup> PM (area is protracted beyond surveyed sections; actual survey control is patented claims) of which

N/A acres are irrigated and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

(COMPLETE REVERSE SIDE OF THIS FORM)

Signature(s)

Richard O. Andrews

Subscribed and sworn

to before me on this 25 day of May, 1990

My Commission expires:

(SEAL)

NOTARY PUBLIC

ACCEPTED FOR FILING BY THE STATE ENGINEER OF COLORADO  
PURSUANT TO THE FOLLOWING CONDITIONS:

Accepted that those conditions of approval as  
stated on the permit are complied with.

JB 3/13/91

MAR 15 1991

DAFF

STATE ENGINEER

Jim A. Danielson

Bruce E. DeBune

BY

## FOR OFFICE USE ONLY

Court Case No. \_\_\_\_\_

Prior. \_\_\_\_\_ Mo. \_\_\_\_\_ Day \_\_\_\_\_ Yr. \_\_\_\_\_

Div. 4 City. 26

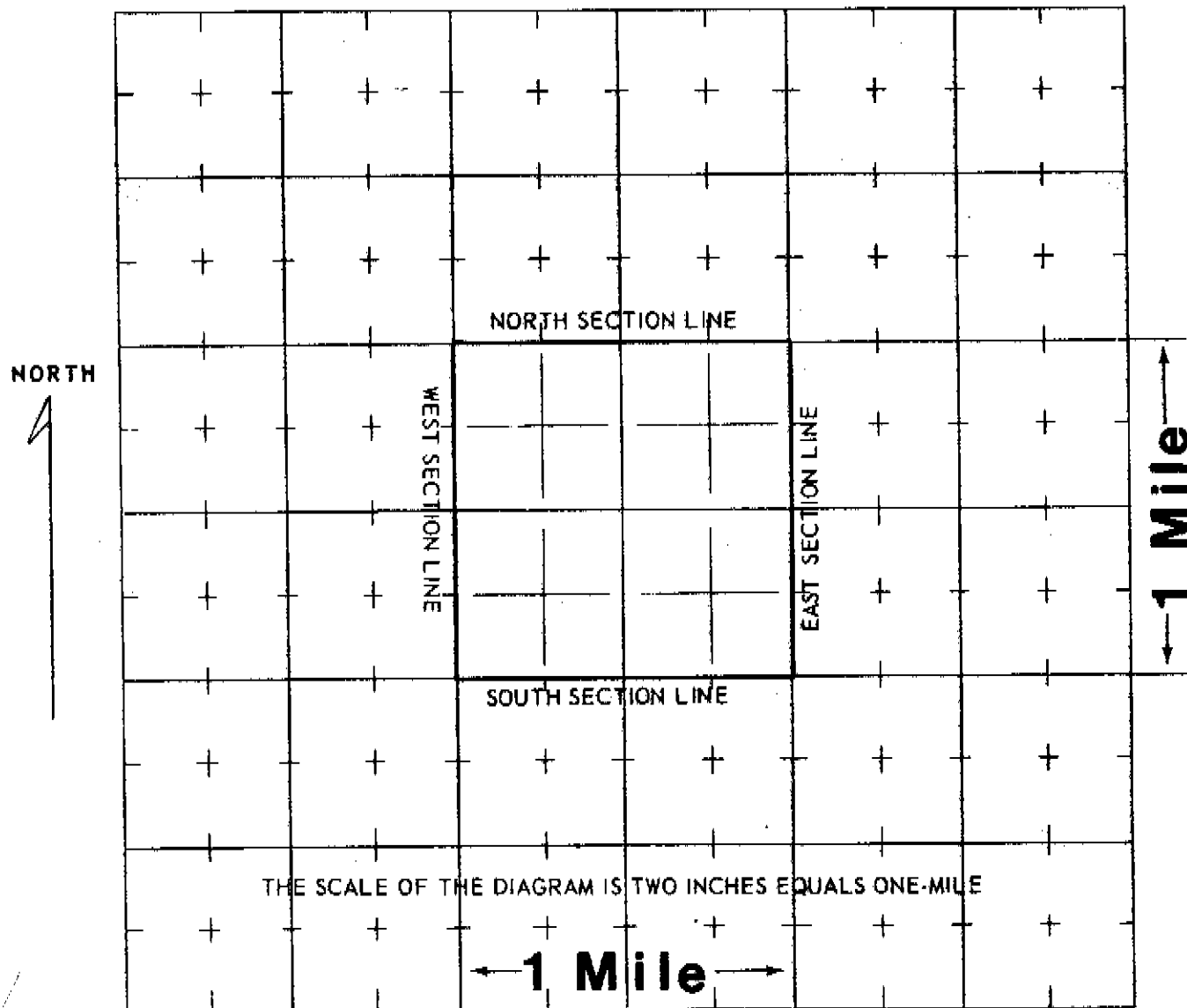
Sec. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4

Well Use 1Dist. 40 Basin \_\_\_\_\_ Mon. Dis. \_\_\_\_\_

Not applicable; existing  
 Well drilled by marble quarry Lic. No. \_\_\_\_\_  
 Permanent  
 Pump installed by Colorado Yule Marble Company Lic. No. \_\_\_\_\_  
 Meter Serial No. \_\_\_\_\_ ☐ Flow Meter Date Installed \_\_\_\_\_  
 Owner of land on which  
 water is being used \_\_\_\_\_

THE LOCATION OF THE WELL MUST BE SHOWN AND FOR LARGE CAPACITY IRRIGATION WELLS THE AREA ON WHICH THE WATER IS USED MUST BE SHADED OR CROSS-HATCHED ON THE DIAGRAM BELOW.

This diagram represents nine (9) sections. Use the **CENTER SQUARE** (one section) to indicate the location of the well, if possible.



WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep.  
 1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm).  
 1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.  
 1,000 gpm pumped continuously for one day produces 4.42 acre-feet.  
 100 gpm pumped continuously for one year produces 160 acre-feet.

(WHITE AND PINK COPY TO BE FILED WITH THE STATE ENGINEER  
 PINK COPY WILL BE RETURNED TO OWNER)

**COLORADO DIVISION OF WATER RESOURCES**

THIS FORM MUST BE SUBMITTED  
WITHIN 60 DAYS OF COMPLETION  
OF THE WORK DESCRIBED HERE-  
ON. TYPE OR PRINT IN BLACK  
INK

1313 Sherman Street - Room 818  
Denver, Colorado 80203

# WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 034872 - F

RECEIVED

GCT 25 1990

WATER RESOURCES  
SEATTLE-PORTLAND  
DIVISION

WELL OWNER Colonado Yale Marble Co

SE 1/4 of the SE 1/4 of Sec. 1

ADDRESS 1101 VILLAGE ROAD, #2A, CARSONVILLE CO

T. 12<sup>th</sup> S. R. for W 6<sup>th</sup> P.M.

DATE COMPLETED July, 1989

HOLE DIAMETER *1/4*

# WELL LOG

From	To	Type and Color of Material	Water Loc.

TOTAL DEPTH \_\_\_\_\_

Use additional pages necessary to complete log.

Use additional pages necessary to complete log.

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.

\_\_\_\_\_ in, from \_\_\_\_\_ to \_\_\_\_\_ ft.

DRILLING METHOD CONCRETE

**CASING RECORD:** Plain Casing

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size      & kind            from      to      ft.

### Perforated Casing

Size \_\_\_\_\_ &amp; kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

**GROUTING RECORD** *NONE*

Material \_\_\_\_\_

**Intervals** \_\_\_\_\_

Placement Method \_\_\_\_\_

**GRAVEL PACK:** Size \_\_\_\_\_

Interval \_\_\_\_\_

### TEST DATA

Date Tested \_\_\_\_\_ 19\_\_\_\_

Static Water Level Prior to Test \_\_\_\_\_ ft.

Type of Test Pump \_\_\_\_\_

Length of Test: \_\_\_\_\_

Sustained Yield (Metered) \_\_\_\_\_

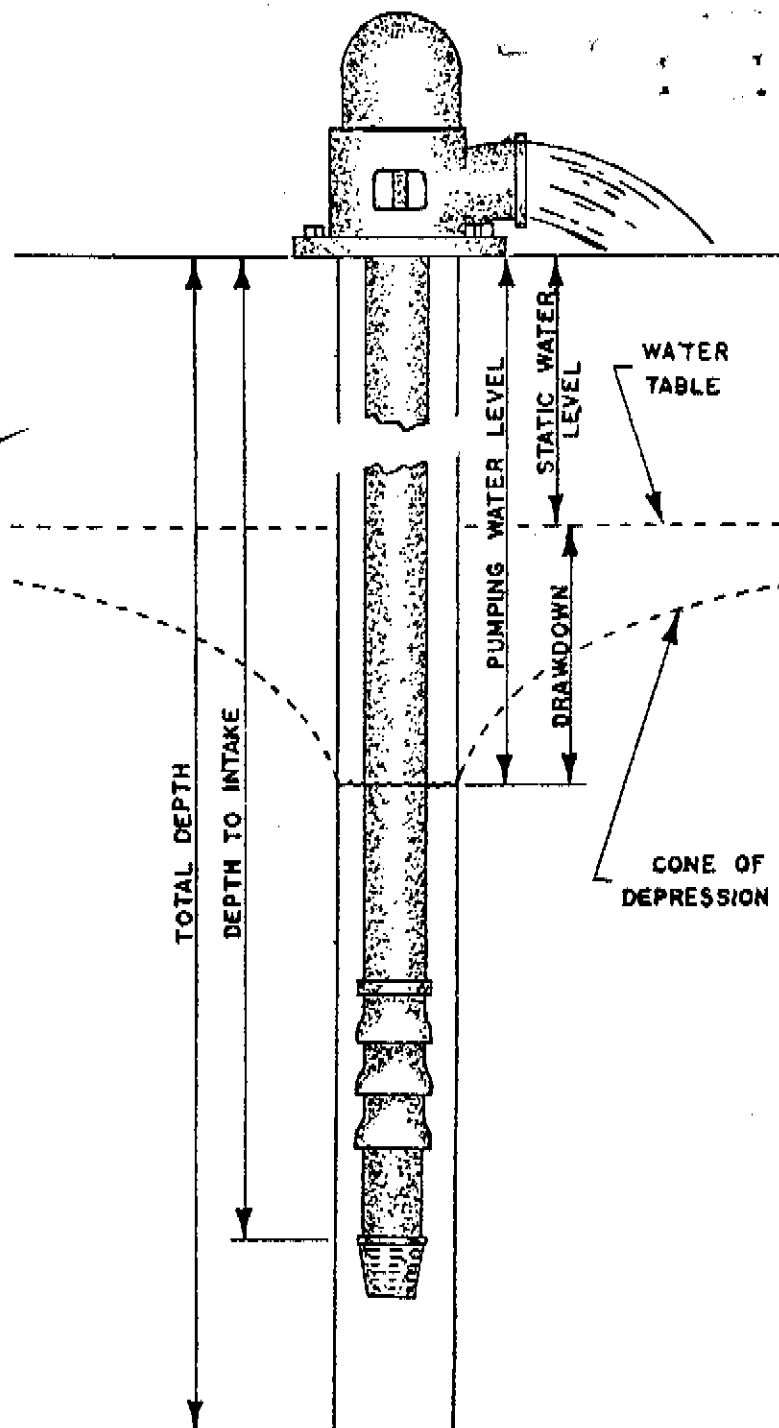
Final Pumping Water Level \_\_\_\_\_

# PUMP INSTALLATION REPORT

Pump Make WILDEN  
 Type TURBINE  
 Powered by ELECTRIC MOTOR HP 5  
 Pump Serial No. 140057  
 Motor Serial No. 97527  
 Date Installed 8/15/90 *Began siphoning on 8/3/1989*  
 Pump Intake Depth 6 ft.  
 Remarks USED IN QUARRY  
SUMP FOR REINFORCEMENT

## WELL TEST DATA WITH PERMANENT PUMP

Date Tested \_\_\_\_\_  
 Static Water Level Prior to Test \_\_\_\_\_  
 Length of Test \_\_\_\_\_ Hours  
 Sustained yield (Metered) \_\_\_\_\_ GPM  
 Pumping Water Level \_\_\_\_\_  
 Remarks \_\_\_\_\_



## CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature [Signature] License No. \_\_\_\_\_

State of Colorado, County of Garfield SS

Subscribed and sworn to before me this 19 day of October, 19 90.

My Commission expires: April 25, 19 91.

Notary Public [Signature]

FORM TO BE MADE OUT IN QUADRUPPLICATE. WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.



BED

WR-5-Rev. 76

**COLORADO DIVISION OF WATER RESOURCES**  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

**PERMIT APPLICATION FORM**

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

**RECEIVED**

DEC 01 1988

WATER RESOURCES  
STATE ENGINEER  
CDD

☒ A PERMIT TO USE GROUND WATER  
( ) A PERMIT TO CONSTRUCT A WELL  
( ) A PERMIT TO INSTALL A PUMP

( ) REPLACEMENT FOR NO. \_\_\_\_\_  
( ) OTHER \_\_\_\_\_

WATER COURT CASE NO. \_\_\_\_\_

12-01-88 3:31 P  
032472 60.00  
MAX002 P0011  
TTU 60.00

CHEQUE 60.00

**(1) APPLICANT - mailing address**

NAME Colorado Yule Marble Company  
STREET 600 17<sup>th</sup> Street, Suite 710N  
CITY Denver, CO 80202  
(State) (Zip)  
TELEPHONE NO. 303-623-0284

**(2) LOCATION OF PROPOSED WELL**

County Gunnison (Located on patented lode claim)  
SE 1/4 of the SE 1/4 Section 1  
Twp. 12 S, Rng. 88 W, 6<sup>th</sup> P.M.  
(N.S) (E.W)

**(3) WATER USE AND WELL DATA**

Proposed maximum pumping rate (gpm) 30  
Average annual amount of ground water to be appropriated (acre-feet): 30 RWD  
Number of acres to be irrigated: 10 RWD  
Proposed total depth (feet): approx. 150  
Aquifer ground water is to be obtained from: existing Yule Quarry, Leadville (Limestone) formation  
Owner's well designation Yule No. 1

**GROUND WATER TO BE USED FOR:**

( ) HOUSEHOLD USE ONLY - no irrigation (0)  
( ) DOMESTIC (1) ☒ INDUSTRIAL (5)  
( ) LIVESTOCK (2) ☒ IRRIGATION (6)  
( ) COMMERCIAL (4) ☒ MUNICIPAL (8)  
( ) OTHER (9) Note: Delete irrigation

DETAIL THE USE ON BACK IN (11)

**(4) DRILLER**

NOT APPLICABLE, EXISTING QUARRY

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_  
(State) (Zip)  
Telephone No. \_\_\_\_\_ Lic. No. \_\_\_\_\_

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 94794 / 1  
Basin \_\_\_\_\_ Dist. \_\_\_\_\_

**CONDITIONS OF APPROVAL**

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

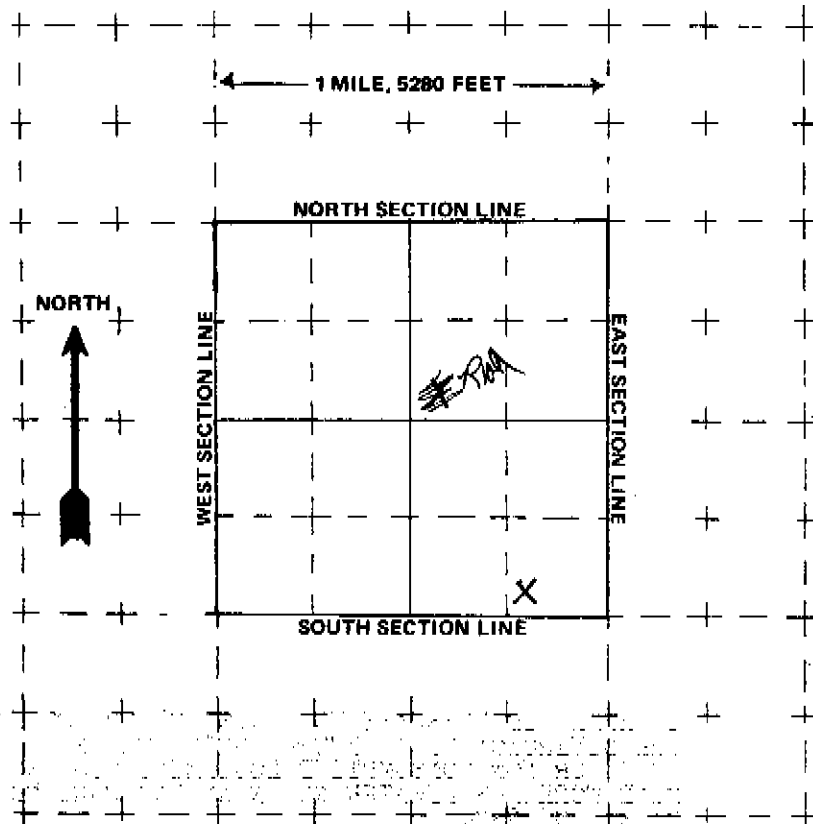
- 1) APPROVED PURSUANT TO C.R.S. 37-90-137(2) FOR THE DIVERSION OF TRIBUTARY GROUNDWATER TO BE USED FOR NON-CONSUMPTIVE EQUIPMENT COOLING AND MINE WORKINGS DEWATERING IN AN UNDERGROUND MARBLE QUARRY.
- 2) ALL GROUNDWATER PUMPED MUST BE DISCHARGED DIRECTLY INTO YULE CREEK.
- 3) THE OWNER MUST INSTALL MEASURING DEVICES AND SUBMIT DATA OF WATER USE TO SHOW THAT THE USE OF THE WATER IN THE MINE WORKINGS IS NON-CONSUMPTIVE.
- 4) ALL WATER DISCHARGED TO YULE CREEK MUST BE MEASURED AND PERMANENT RECORDS OF ALL DISCHARGES MUST BE MAINTAINED BY THE OWNER AND SUBMITTED TO THE DIVISION ENGINEER UPON REQUEST.
- 5) A PERMIT MUST BE OBTAINED FROM THE DIVISION OF WATER RESOURCES PRIOR TO USE OF THIS WATER FOR ANY OTHER PURPOSES.
- 6) THE OWNER SHALL MARK THE DISCHARGE LINE IN A CONSPICUOUS PLACE WITH THE APPROPRIATE WELL PERMIT NUMBER AND NAME OF THE WELL OWNER AND TAKE NECESSARY MEANS AND PRECAUTIONS TO PRESERVE THESE MARKINGS.

BED, 3-28-89

**APPLICATION APPROVED**

PERMIT NUMBER 034872 - F  
DATE ISSUED MAR 29 1989  
EXPIRATION DATE MAR 29 1990  
Jim A. Danielson  
(STATE ENGINEER)  
BY Steve Lautenschlager  
I.D. 4-40 COUNTY 26

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile  
Each small square represents 40 acres.

**WATER EQUIVALENTS TABLE (Rounded Figures)**

An acre-foot covers 1 acre of land 1 foot deep.  
1 cubic foot per second (cfs) = 449 gallons per minute (gpm)  
A family of 5 will require approximately 1 acre-foot of water per year.  
1 acre-foot = 43,560 cubic feet = 325,900 gallons.  
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

300 ft. from South sec. line  
(north or south)  
1200 ft. from East sec. line  
(east or west)

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ FILING # \_\_\_\_\_  
SUBDIVISION Within quarry on patented land claim, London Lode No. 4411

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: OYMA, Inc

No. of acres 10 (approx.) Will this be the only well on this tract? yes

(8) PROPOSED CASING PROGRAM

Plain Casing (not applicable)

\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Perforated casing  
\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): OYMA, Inc and Nicely and Kladder

No. of acres: approx. 54

Legal description: See attached description (notes & bounds)

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used. Equipment cooling, washing and other non-consumptive industrial uses in marble quarry;

short term irrigation for reclamation & revegetation activities; dust control on access road.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

STACY E. DUNN, PRESIDENT

Nov 11, 1988

COLORADO YULE MARBLE COMPANY

SIGNATURE OF APPLICANT(S)

# STATE OF COLORADO

## COLORADO DEPARTMENT OF HEALTH

4210 East 11th Avenue  
Denver, Colorado 80220  
Phone (303) 320-8333



Roy Romer  
Governor

Thomas M. Vernon, M.D.  
Executive Director

December 21, 1988

CERTIFIED MAIL NO: P 670 159 277

Mr. Stacy E. Dunn, President  
Colorado Yule Marble Company  
600 Seventeenth Street, Suite 710N  
Denver, CO 80202

RECEIVED

007 1 1 88

WATER  
QUALITY  
CONTROL  
DIVISION

RE: Final Permit, Colorado Wastewater Discharge Permit System  
Number: COG-500184 - Colorado Yule Marble Company

Gentlemen:

Enclosed please find a copy of the permit which was issued under the Colorado Water Quality Control Act.

Your discharge permit requires that specific actions be performed at designated times. You are legally obligated to comply with all terms and conditions of your permit.

Please read the permit and if you have any questions contact this office at 331-4590.

Sincerely,

Paul Ferraro  
Director  
WATER QUALITY CONTROL DIVISION

PF/caw

cc: Permits Section, Environmental Protection Agency  
Regional Council of Governments  
Local County Health Departments  
District Engineer, Field Support Section, WQCD, CDH  
Stan May, Field Support Section, WQCD, CDH  
Carol Wehrkamp, Permits and Enforcement Section, WQCD, CDH  
Ginny Torrez, DMR File, Permits and Enforcement Section, WQCD, CDH  
Sandy Marek, Industrial Enforcement, WQCD, CDH  
Permit Drafters, Permits and Enforcement Section, WQCD, CDH

Enclosure

COLORADO DEPARTMENT OF HEALTH  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220

CERTIFICATION

COLORADO YULE MARBLE COMPANY

COLORADO YULE QUARRY

COG-500184

GUNNISON COUNTY

FACILITY TYPE: Sand and Gravel - New

FEE CATEGORY: Category 07, Sub-category 1 - General Permits,  
Sand and Gravel - Current fee \$220/year per CRS  
25-8-502

SIC NO.: 1442

LOCATION: In the NE 1/4, T12S, R88W, southeast of Marble,  
Colorado.

LEGAL CONTACT: Mr. Stacy E. Dunn  
President  
Colorado Yule Marble Company  
600 Seventeenth Street Suite 710N  
Denver, Colorado 80202  
(303)+623-0284

LOCAL CONTACT: Mr. Richard D. Andrews  
Boulder Innovative Technologies  
2910 Juilliard Street  
Boulder, Colorado 80220  
(303)+441-3031

RECEIVING WATERS: Yule Creek

SUB-BASIN, SEGMENT: Roaring Fork River, Segment 8

CLASSIFICATION: Recreation, Class 1  
Aquatic Life, Class 1 (Cold)  
Agricultural Use  
Water Supply

Q710: Not applicable as effluent limitations in the  
permit are not flow based.

COLORADO DEPARTMENT OF HEALTH  
Water Quality Control Division  
Certification - Page 3  
Facility No.: COG-500184

FACILITY DESCRIPTION continued

A limited amount of quarry water will be used for reclamation and revegetation activities on the surface. Application rates will be low to avoid erosion of valuable topsoil and only at rates necessary to assist in plant establishment. Routine irrigation is not planned.

The quarry discharge will not contain any human wastes. Sanitary facilities for employees will consist of vaults, which will be periodically pumped, and/or portable toilets. A contract service will remove these wastes to an approved disposal site; all human wastes will be removed from the site. No change room shower facilities are planned, and potable water will be provided from bottled water.

Diesel fuel on the site will be contained in a steel tank with a capacity of approximately 2500 gallons. The above-ground tank will be set on concrete piers and bermed with sufficient containment to capture the entire contents should a catastrophic rupture occur. Explosives will not be stored on site, but instead will be brought to the site as needed. No tailings or landfill sites are located adjacent to the facility.

The permittee is encouraged to read the general rationale for an understanding of how this permit was developed and to read the permit to see what requirements exist. Within the body of the permit itself, effluent limitations and monitoring requirements are specified in Parts I.B and I.C, and special notification requirements for effluent violations are addressed in Part II.A.2.(B). Salinity (TDS) monitoring of the discharge will be required.

Based on the above information, the Colorado Yule Marble Company, Colorado Yule Quarry operation is certified to discharge under the general permit for sand and gravel operations, identified as permit number COG-500000. All correspondence relative to this facility should reference the specific facility number, COG-500184.

Kathleen Reilly  
December 9, 1988

APPENDIX A

SUPPLEMENTAL WATER QUALITY INFORMATION

The following data were obtained on the standing water in the quarry. The samples were collected on September 8, 1988 in accordance with approved EPA sampling and preservation procedures. Field measurements were made of pH and conductance. A portion of the collected sample was field filtered with a 0.45 micron filter and the filtrate acidified for dissolved metals. For total metals the unfiltered sample was acidified.

<u>PARAMETER</u>	<u>CONCENTRATION, mg/l</u>
General:	
TDS	7
TSS	1
pH	8.0 (field value)
Conductance, umho/cm	50 (field value)
Metals:	
Cd, tot	K0.003
Cu, tot	0.003
Pb, tot	K0.03
Hg, tot	K0.002
Ni, tot	K0.03
Ag, tot	K0.003
Zn, tot	0.017
Cr, tot	K0.04
Cr, hex	K0.02
Fe, tot	0.05
Fe, dis	K0.05
Mn, tot	K0.006
Mn, dis	K0.05
U, dis	0.0004

K = less than

Permit No.: COG-500000

Facility No.: COG-500184

CDPS GENERAL PERMIT  
FOR SAND AND GRAVEL MINING AND PROCESSING  
AUTHORIZATION TO DISCHARGE UNDER THE  
COLORADO DISCHARGE PERMIT SYSTEM

COG 11 190  
WATER QUALITY  
STATUTE  
COLO.

In compliance with the provisions of the Colorado Water Quality Control Act (25-8-101 et. seq., CRS, 1973 as amended), operations engaged in mining and processing of sand and gravel (including rock and stone used as aggregate), are authorized to discharge from approved locations throughout the State of Colorado to specified waters of the State. Such discharges shall be in accordance with conditions of this permit.

This permit specifically authorizes the Colorado Yule Marble Company to discharge from facilities identified as the Colorado Yule Quarry, located in the NE 1/4, T12S, R88W, Southeast of Marble, Colorado to Yule Creek

as of this date December 21, 1988.

This permit and the authorization to discharge shall expire at midnight, September 30, 1992.

Signed this 10 day of June, 1987

COLORADO DEPARTMENT OF HEALTH



Paul Ferraro, Director  
Water Quality Control Division

CERTIFIED LETTER NO. P670 159 277  
DATE SIGNED 12/21/88  
EFFECTIVE DATE OF  
PERMIT 12/21/88

This facility permit contains 22 pages.

## A. COVERAGE UNDER THIS PERMIT

- 1) Under this general permit, facilities engaged in the mining and processing of sand and gravel (including rock or stone used as aggregate) may be granted authorization to discharge treated process generated waste waters into waters of the state of Colorado with the exception of facilities in the Cherry Creek Basin and those tributary to Chatfield Reservoir downstream of the USGS gage at Waterton and on Plum Creek. For purposes of this permit, process generated waste waters includes:
  - a) wash waters;
  - b) transport waters;
  - c) scrubber waters (crushers or classifier);
  - d) mine dewatering (groundwater and/or runoff); and
  - e) other process water as determined by the permit issuing authority.
2. This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations.
3. In order to be considered eligible for authorization to discharge under the terms and conditions of this permit, the owner, operator, and/or authorized agent of any facility desiring to discharge must submit, by certified letter, the discharge application form, available from the Water Quality Control Division, which generally requires the following information:
  - a) Name, address, and descriptive location of the facility;
  - b) Name of principal in charge of operation of the facility;
  - c) Name of water receiving the discharge;
  - d) Description of the type of activity resulting in the discharge including the anticipated duration of activity and/or the discharge, anticipated volume, and rate of discharge, and the source of water which is to be discharged;
  - e) Description of any waste water treatment system and recycle/reuse utilized; and,
  - f) A map or schematic diagram showing the general area and/or routing of the activity.
  - g) Analysis of the water to be discharged.



A. COVERAGE UNDER THIS PERMIT (CONTINUED)

- h) At least thirty (30) days prior to the anticipated date of discharge, such information shall be submitted to:

Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220  
Attention: Permits and Enforcement

The permit issuing authority shall have up to thirty (30) days after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information the permit issuing authority shall have an additional 30 days to issue or deny authorization for any particular discharge.

If the person proposing the discharge does not receive a request for additional information or a notification of denial from the permit issuing authority within the specified time frame, authorization to discharge in accordance with the conditions of the permit shall be deemed granted.

If the permit issuing authority determines that the operation does not fall under the authority of the general permit, then the information received will be treated as an individual permit, discharge is not allowed until 180 days after the application has been received.

- i) Authorization to discharge under this general permit shall commence on October 1, 1987 and shall expire on September 30, 1992. The Division must evaluate this general permit once every five (5) years and must also recertify the applicant's authority to discharge under the general permit, at such time. Therefore, a permittee desiring continued coverage under the general permit must re-apply by April 1, 1992. The Division will determine if the applicant continues to operate under terms of the general permit.

## B. EFFLUENT LIMITATIONS AND CONDITIONS-

1. There shall be no discharge of sanitary waste waters from toilets or related facilities.
2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by the permit issuing authority. In granting the use of such chemicals, additional limitations and monitoring requirements may be imposed.
4. The concentration of Oil and Grease in any single sample shall not exceed 10 mg/l nor shall there be any visible sheen in the discharge.
5. The pH of discharged waters shall not be less than 6.5 nor more than 9.0 units.
6. Total Suspended Solids:

The concentration of Total Suspended Solids shall not exceed the following:

<u>30 day Average</u> <u>Limitation a/</u>	<u>7 day Average b/</u>	<u>Daily Maximum</u> <u>Limitation c/</u>
30 mg/l	45/mg/l	60 mg/l

a/ This limitation shall be determined by the arithmetic mean of three (3) consecutive samples (grab or composite) taken in separate weeks in a 30 consecutive day period. (Minimum of three (3) samples.)

b/ This limitation shall be determined by the arithmetic mean of three (3) consecutive samples (grab or composite) taken on separate days in a seven (7) consecutive day period. (Minimum of three (3) samples.)

c/ This limitation shall be determined by a single properly preserved grab sample. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

B. EFFLUENT LIMITATIONS AND CONDITIONS (cont'd.)

7. Bulk storage structures for petroleum products and other chemicals shall have adequate protection so as to prevent any reasonable loss of the material from entering discharged waters or waters of the State.

8. Monitoring Requirements

In order to obtain an indication of the probable compliance or noncompliance with the effluent limitations specified in Part I, the permittee shall monitor all effluent parameters at the following required frequencies.

<u>Effluent Parameter</u>	<u>Measurement Frequency d/ e/</u>	<u>Sample Type f/</u>
Flow (mgd)	Weekly	Instantaneous
Total Suspended Solids	Monthly	Grab
Oil and Grease g/	Weekly	Visual or Grab
pH	Monthly	Grab
Total Dissolved Solids (TDS) mg/l h/	Quarterly	Grab
Total Phosphorus (as P) mg/l i/	Quarterly	Grab

Self-monitoring samples taken in compliance with the monitoring requirements specified above shall be taken at the point of discharge prior to entering waters of the State.

d/ Monitoring is required only during periods of discharge. If "no discharge" occurs, this shall be reported at the specified frequency. (See Part C.)

e/ When the measurement frequency indicated is quarterly, the samples shall be collected during March, June, September, and December if a continual discharge occurs. If the discharge is intermittent, then samples shall be collected during the period that discharge occurs.

f/ See definitions, Part C.

g/ Should a visible sheen of oil be observed a sample shall be collected and analyzed plus immediate action shall be taken to correct the problem.

h/ TDS monitoring is only required for facilities discharging in the Colorado River Basin. TDS may be measured as electrical conductivity where a satisfactory correlation with TDS has been established based upon a minimum of five (5) samples.

i/ Total Phosphorus monitoring is only required for facilities discharging in the Dillon Reservoir drainage area (i.e. Ten Mile Creek, Snake River, Blue River, all tributaries to the Dillon Reservoir).

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting

Monitoring results for each one year period (October 1 - September 30) are due by the 28th of October of each year or upon termination of discharge. The results shall be summarized and reported on applicable discharge monitoring report forms (EPA Form 3320-1), postmarked no later than the due date. If no discharge occurs during the reporting period "No Discharge" shall be reported. The report submitted at termination of discharge shall be marked as a "final" report. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue Room 200  
Denver, Colorado 80220

Attention: Permits and Enforcement

U. S. Environmental Protection Agency  
One Denver Place  
Suite 1300  
999 18th Street  
Denver, Colorado 80202-2413  
Attention: Enforcement-Permit Program

Failure to submit the reports shall constitute a violation of the permit and may constitute grounds for revocation of the permittee's authority to discharge under the permit.

3. Definitions

- a) A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
- b) A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
- c) An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
- d) A "continuous" measurement, for flow monitoring requirements, is defined as using an automatic recording device to continually measure flow.

C. MONITORING AND REPORTING (cont'd.)

- e) A "visual" observation, for oil and grease monitoring requirements, is defined as observing the discharge to check for the presence of a visible sheen or floating oil. If either of these is present, a grab sample shall be taken and analyzed, and corrective measures taken immediately to correct the situation.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act, and Colorado State Effluent Limitations (10.1.5), under which such procedures may be required.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a) The exact place, date, and time of sampling;
- b) The dates the analyses were performed;
- c) The person(s) who performed the sampling;
- d) The person(s) who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of all required analyses.

6. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified.

7. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1), or other forms as required by the Division. Such increased frequency shall also be indicated.

PART I

Page 8

PERMIT NO.: COG-500000

8. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the State Water Quality Control Division.

## PART II

## A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

The permittee shall inform the Division (Permits and Enforcement Section) in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream.

The permittee shall submit this notice within two (2) weeks after making a determination to perform the type of activity referred to in the preceding paragraph. Process modifications include, but are not limited to, the introduction of any new pollutant not previously identified in the permit, or any other modifications which may result in a discharge of a quantity or quality different from that which was applied for. Following such notice, the permittee shall be required to submit a new CDPS application and the permit may be modified to specify and limit any pollutants not previously limited, if the new or altered discharge might be inconsistent with the conditions of the existing permit. In no case shall the permittee implement such change without first notifying the Division.

2. Special Notifications - Definitions

- a) Bypass: The intentional diversion of waste streams from any portion of a treatment facility.
- b) Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.
- c) Spill: An unintentional release of solid or liquid material which may cause pollution of state waters.
- d) Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

A. MANAGEMENT REQUIREMENTS (CONTINUED)

3. Noncompliance Notification

- a) If, for any reason, the permittee does not comply with or will be unable to comply with any maximum discharge limitations or standards specified in this permit, the permittee shall, at a minimum, submit in writing to the Water Quality Control Division and EPA within five days of becoming aware of such conditions, the following information:
  - (i) A description of the discharge and cause of noncompliance;
  - (ii) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
  - (iii) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- b) The permittee shall report the following instances of noncompliance orally within twenty-four (24) hours from the time the permittee becomes aware of the noncompliance, and shall mail to the Division a report within five (5) days after becoming aware of the noncompliance:
  - (i) Any instance of noncompliance which may endanger health or the environment;
  - (ii) Any unanticipated bypass;
  - (iii) Any upset which causes an exceedance of any effluent limitation in the permit;
  - (iv) Any spill which causes any effluent limitation to be violated;
  - (v) Daily maximum violations for any toxic pollutants or hazardous substances limited by PART I-A of this permit and specified as requiring 24 hour notification.
- c) The permittee shall report all other instances of non-compliance not reported under A.3(a) or A.3(b) at the time Discharge Monitoring Reports are submitted. The reports shall contain the same information listed in sub-paragraph (a) of this section.



A. MANAGEMENT REQUIREMENTS (CONTINUED)

4. Submission of Incorrect or Incomplete Information

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant application information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

5. Bypass

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but if and only if it is for essential maintenance to assure efficient operation.

Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- c) The permittee submitted notices as required in "Bypass Notification", Part II.A.6.

6. Bypass Notification

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten days before the date of the bypass, to the Division and the Environmental Protection Agency (EPA). The bypass shall be subject to Division approval and limitations imposed by the Division and EPA.

A. MANAGEMENT REQUIREMENTS (CONTINUED) -

7. Upsets

a) Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of paragraph (b) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b) Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Part II A.3 of this permit (24-hour notice).
- (iv) The permittee complied with any remedial measures required under Section 122.7(d) of the federal regulations.

c) Burden of proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

8. Removed Substances

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

A. MANAGEMENT REQUIREMENTS (CONTINUED)

9. Minimization of Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

10. Discharge Point

Any discharge to the waters of the State from a point source other than specifically authorized by this permit is prohibited.

11. Reduction, Loss, or Failure of Treatment Facility

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or all discharges, or both until the facility is restored or an alternative method of treatment is provided. This provision for example, applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

12. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

13. Discharge Effluent Sampling

Discharge points shall be so designed or modified that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters.

A. MANAGEMENT REQUIREMENTS (CONTINUED)

14. Signatory Requirement

All reports required for submittal shall be signed and certified for accuracy by the permittee in accord with the following criteria:

- a) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;
- b) In the case of a partnership, by a general partner;
- c) In the case of a sole proprietorship, by the proprietor;
- d) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Within sixty (60) days of certification the permittee shall file a statement with the Environmental Protection Agency and the Water Quality Control Division which shall contain the names of the person or persons who are designated to report conditions on discharge monitoring reports and as noted in "Noncompliance Notification", Part II A.3. The permittee shall continually update this list as changes occur at the facility.

B. RESPONSIBILITIES

1. Inspections and Right to Entry

The permittee shall allow the Director of the State Water Quality Control Division, the EPA Regional Administrator, and/or their authorized representative, upon the presentation of credentials:

- a) To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
- b) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and

## B. RESPONSIBILITIES (CONTINUED)

c) To enter upon the permittee's premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation.

d) The Division shall split a sample with the permittee if requested to do so by the permittee.

2. Duty to Provide Information

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

3. Transfer of Ownership or Control

A permit may be transferred to a new permittee if:

- a) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and
- b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
- c) The current permittee has met all fee requirements of the State Discharge Permit System Regulations, Section 6.16.0.

4. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Regulations for the State Discharge Permit System 6.6.4 (2), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Quality Control Division and the Regional Administrator.

## B. RESPONSIBILITIES (CONTINUED)

5. Modification, Suspension, or Revocation of Permits By the Division

All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the State Discharge Permit System Regulations, Sections 6.6.2, 6.6.3, 6.8.0 and 6.16.0, 5 C.C.R. 1002-2, except for minor modifications. Minor modifications may only correct typographical errors, require a change in the frequency of monitoring or reporting by the permittee, change an interim date in a schedule of compliance or allow for a change in ownership or operational control of a facility including addition, deactivation or relocation of discharge points where the Division determines that no other change in the permit is necessary.

- a) This permit may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including but not limited to, the following:
- (i) Violation of any terms or conditions of the permit;
  - (ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or
  - (iii) Materially false or inaccurate statements or information in the application for the permit; or
  - (iv) Promulgation of a toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307 of the Clean Water Act, where such a toxic pollutant is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.

B. RESPONSIBILITIES (CONTINUED)

5. Modification, Suspension, or Revocation of Permits By the Division  
(Continued)

- b) This permit may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:
  - (i) Promulgation of Water Quality Standards applicable to waters affected by the permitted discharge; or
  - (ii) Effluent limitations or other requirements applicable pursuant to the State Act or federal requirements; or
  - (iii) Control regulations promulgated; or
  - (iv) Data submitted pursuant to Part I.B indicates a potential for violation of adopted Water Quality Standards or stream classifications.
- c) The certification for the individual facility authorizing discharge under the general permit may be modified to allow for a change in ownership or operational control of a facility including addition, deactivation or relocation of discharge points where the Division determines no change in the general permit is necessary.
- d) At the request of the permittee, the Division may modify, or terminate this permit if the following conditions are met:
  - (i) In the case of termination, the permittee notifies the Division of its intent to terminate the permit 90 days prior to the desired date of termination;
  - (ii) In the case of termination, the permittee has ceased any and all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s) which may affect waters of the State.
  - (iii) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty (30) days of receipt of notification;

B. RESPONSIBILITIES (CONTINUED)

5. Modification, Suspension, or Revocation of Permits By the Division  
(Continued)

- (iv) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or termination;
- (v) Fee requirements of Section 6.16.0 of State Discharge Permit System Regulations have been met; and
- (vi) Requirements of public notice have been met.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act.

8. Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit.

9. Property Rights

The issuance of this permit does not convey any property or water rights in either real or personal property, or stream flows, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.



## B. RESPONSIBILITIES (CONTINUED)

10. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

11. Renewal Application

If the permittee desires to continue to discharge a permit renewal application shall be submitted at least one hundred eighty (180) days before this permit expires. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can terminate the permit in accordance with Part II.B.5.

12. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data, which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (2) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

13. Fees

The permittee is required to submit payment and annual fee as set forth in the 1983 amendments to the Water Quality Control Act. Section 25-8-502 (1) (b), and State Discharge Permit Regulations 5CCR 1002-2, Section 6.16.0 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.

B. RESPONSIBILITIES (CONTINUED)

14. Requiring an Individual CDPS Permit

The Director may require any owner or operator covered under this permit to apply for and obtain an individual CDPS permit if:

- a) The discharger is not in compliance with the conditions of this General Permit; or,
- b) Conditions or standards have changed so that the discharge no longer qualifies for a General Permit.
- c) Data becomes available which indicates water quality standards may be violated.

The owner or operator must be notified in writing that an application for an individual CDPS permit is required. When an individual CDPS permit is issued to an owner or operator otherwise covered under this General Permit, the applicability of the General Permit to that owner or operator is automatically terminated upon the effective date of the individual CDPS permit.

15. Requesting an Individual CDPS Permit

Any owner or operator covered by this General Permit may request to be excluded from the coverage by applying for an individual CDPS Permit.

16. Requesting Coverage Under the General Permit

The owner or operator of a facility excluded from coverage by this General Permit solely because that facility already has an individual permit may request that the individual permit be revoked and that the facility be covered by this General Permit. Such request shall be evaluated by the Division per criterion specified in Part I of this permit.

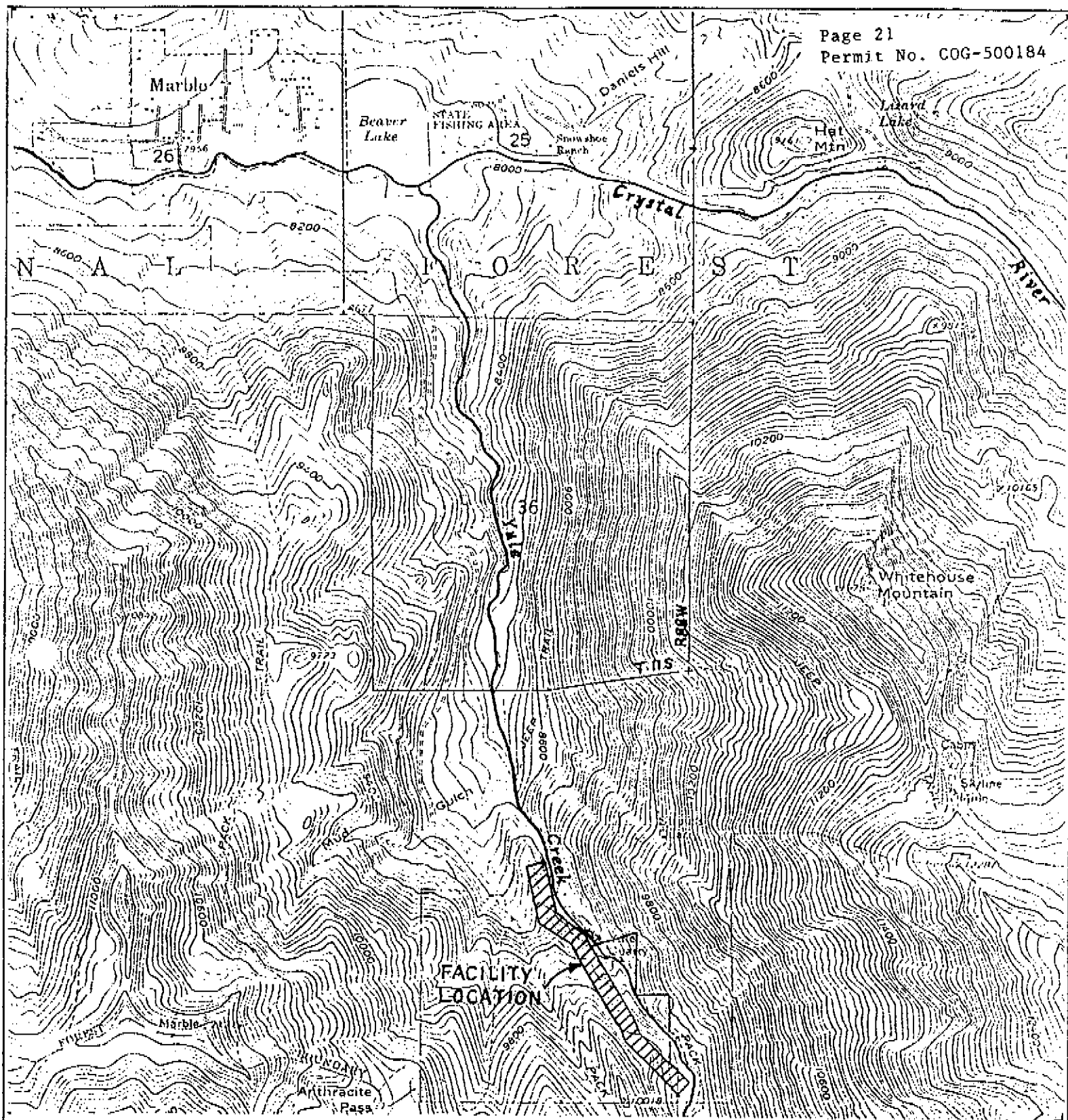


FIGURE 1 *COLORADO YULE MARBLE COMPANY*

FACILITY LOCATION  
YULE QUARRY

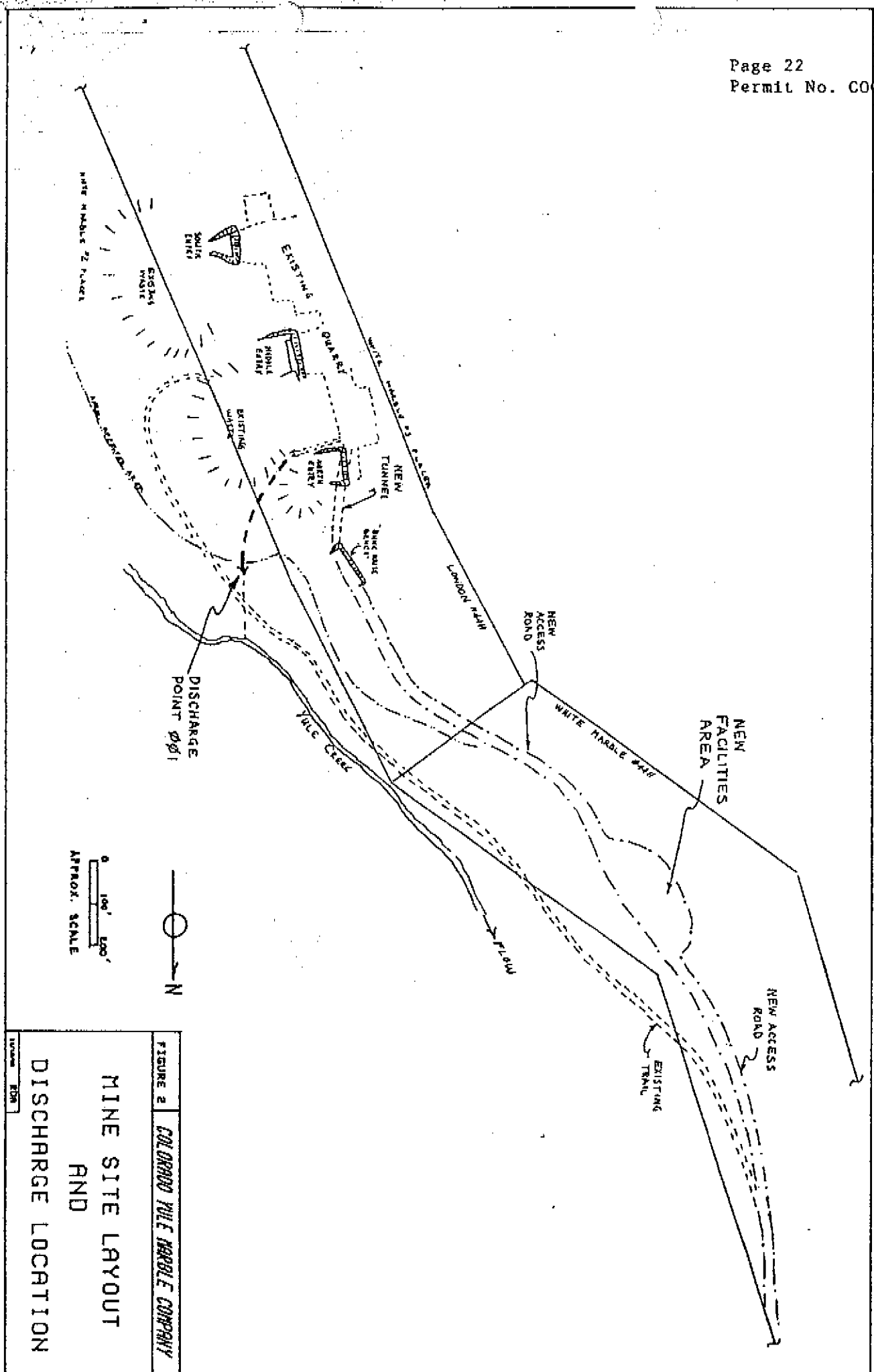


FIGURE 2 COLORADO PILE MARBLE COMPANY

MINE SITE LAYOUT  
AND  
DISCHARGE LOCATION

EDM

RECEIVED

OCT 11 '90

WILLIAM H. HARRIS  
STATE ENGINEER  
COLORADO

SAND AND GRAVEL

PRODUCTION OPERATIONS

(INCLUDING ROCK AND STONE USED AS AGGREGATE)

GENERAL PERMIT IN COLORADO

RATIONALE

COLORADO DISCHARGE PERMIT NUMBER: COG-500000

Update

This is for renewal of the general sand and gravel permit issued October 28, 1982.

The General Permit system for regulating sand and gravel production operations has worked well for the State of Colorado. However, there are a few changes which have been made in the permit that should be highlighted in this rationale. Most of the conditions of the previous rationale are still applicable, a copy is attached for reference.

A. Settling Agents

Any chemical added to the discharge must be granted prior approval by the permitting authority. This includes the use of lime or alum, which are no longer granted prior approval.

B. Part II: Management Requirements and Responsibilities

There have been numerous changes to Part II of the permit. These changes were made to consolidate the language of the permit, as well as reflect the 1983 and 1985 amendments to the Water Quality Control Act. We would suggest that each individual permittee read this section, and the entire permit carefully. Special attention should be paid to Part II.A.14, Signatory Requirements. The last paragraph of Part II.A.14 requires the permittee to file a statement within 60 days of certification indicating the name of the person or persons who are designated to report conditions of noncompliance (Part II.A.3).

Reporting

There have been several occasions where individual permittees have not properly followed the Noncompliance Notification Requirements listed under Part II. A. 3. The permittees should note that any exceedance of the maximum discharge limitations or standards specified in the permit requires the permittee to submit written notification to the State (WQCD) and EPA within 5 days of becoming aware of the exceedance.

Reporting (continued)

The permittees should also be aware of circumstances that would require 24 hour verbal reporting, followed by written reports.

Reauthorization

Part I.A.2(i) of the permit specifies that authorization to discharge under this general permit will expire on September 30, 1992. Any permittee desiring continued coverage must re-apply by April 1, 1992.

Maureen Dudley  
January 16, 1987

Phosphorus

Due to comments received during public notice, the Division has determined that any point source sand and gravel discharge into the Cherry Creek Basin or into stream segments impacting the Chatfield Reservoir, must obtain an individual discharge permit. This determination is based on controls established (or in the process of being established) to maintain the phosphorus standard in Cherry Creek Reservoir and Chatfield Reservoir. This restriction has been incorporated into the permit on page 2.

The management plan for maintaining the phosphorus standard in the Dillon Reservoir, recommends total phosphorus monitoring for minor industrial discharges which include gravel pits. Therefore, phosphorus monitoring has been added to the general permit for those facilities which discharge in the Dillon Reservoir drainage. The individual certifications shall note whether or not the site is governed by the monitoring requirement. If the monitoring shows a significant contribution the permittee may be required to obtain an individual permit. This requirement has been added to page 5 of the permit.

Maureen Dudley  
May 13, 1987

SAND AND GRAVEL  
PRODUCTION OPERATIONS  
(INCLUDING ROCK AND STONE USED AS AGGREGATE)

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OCT 11 '90

GENERAL PERMIT IN COLORADO

WATERS DIVISION  
STATE ENGINEER  
COLORADO

RATIONALE

COLORADO DISCHARGE PERMIT NUMBER: COG-500000

Sand and gravel production is the largest nonfuel mineral industry in the United States and is closely associated with the construction industry, which consumes over 90% of the sand and gravel output. Sand and gravel production operations are subject to the requirements of 25-8-101 et. seq., 1973 as amended. Regulations for the Colorado Discharge Permit System, 5 CCR 1002-2 and Title 40-Part 436 of the Code of Federal Regulations (40 CFR 436) specify the wastewater discharge requirements for this industry.

Section 6.10.2 of the Colorado Discharge Permit System regulations provides for the issuance of General Permits where covered facilities:

1. are within prescribed geographic boundaries;
2. involve substantially the same type of operating conditions;
3. discharge the same type of waste;
4. require the same effluent limitations or operating conditions;
5. require similar monitoring; and,
6. are more appropriately controlled under a General Permit than individual permits.

The issuance of a General Permit for sand and gravel production operations is intended to simplify the regulatory program to make it more manageable and effective and to promote a consistent permitting and enforcement posture with respect to these operations. However, it is also for applicability for the normal facility and is not intended to apply to an abnormal operation which will require an individual permit.

INDUSTRY DESCRIPTION

Typically, the extraction of the raw material, sand and gravel, is via front-end loader, power shovel, or scraper. The extraction process may involve removal of the overburden and/or pit dewatering operations. Mine water pumpout may occur during periods of rainfall or when the groundwater level reaches a predetermined height in a pit or low-area.

Once the raw material is extracted, the methods of processing are similar for all sand and gravel operations in Colorado. Generally, process operations include sand and gravel separation, screening, crushing, sizing, and stockpiling. Washing of the aggregate generates additional waste waters. In most cases, where practiced, mine pumpout wastewater contributes the largest volume of generated wastewater. Incidental water uses may include non-contact cooling water for crusher bearings and water for dust suppression. This latter water either remains with the product or evaporates.

#### Coverage Under This Permit

Under this general permit, owners and operators of sand and gravel (including rock and stone used as aggregate) excavation and processing operations may be granted authorization to discharge treated process generated wastewaters into waters of the State of Colorado. Process generated wastewaters include the following:

1. wash waters:
2. transport waters;
3. scrubber waters (crusher or classifiers);
4. mine dewatering (groundwater and/or runoff); and,
5. other process waters as determined by the Director;

This permit does not constitute authorization under the provisions of 33 U.S.C. 1344 (Section 404 of the Clean Water Act), of any stream dredging or filling operations.

Authorization under the permit shall require prior submittal of certain facility information. Upon receipt of all the required information, the permit issuing authority may allow or disallow coverage under the general permit.

The following list shows the criteria under which an individual permit may be required instead of a general permit.

1. Proximity of the operation to a landfill or mine and mill tailings;
2. Evidence of non-compliance under a previous permit for the operation;
3. Presence of downstream drinking water intakes;
4. Preservation of high quality water;
5. Production of effluent at the facility not covered under 1 through 5 above under process waters.
6. Addition of flocculants (settling agents or chemical additives) to water prior to discharge.
7. The use of land application as a means of discharge.



### Duration of This Permit

This general permit is issued for a period of approximately 5 years. The permittee's authority to discharge under this permit is approved until the expiration date of the general permit.

### Application For Renewal of Authority Under This Permit

180 days prior to the expiration of this general permit, the permittee must submit a renewal application for authority to continue the discharge. Prior to the expiration of this permit, each permittee under the permit must submit an application so that the Division can determine whether the discharge and operations still comply with the terms of the permit, or an individual permit should be written and issued. Regardless of when a permit applicant applied for and received certification under this general permit, he must re-apply for continued authority prior to the permit expiration date.

### Permit Rationale

The owner, operator and/or authorized agent for a facility shall submit an application as provided by the Water Quality Control Division. This application will be evaluated utilizing the criteria outlined previously. If the general permit is applicable to the applicant's operation, then a rationale will be developed and the applicant will be certified under the general permit. The rationale shall include the name and address of the contact person, a discussion of compliance under the previous permit, if applicable, the receiving water for the discharge, number of discharge points, a determination of the need for salinity monitoring and the expiration date of the general permit certification for the specific facility.

If after evaluation of the application, it is found that the general permit is not applicable to the operation, then the application will be processed as an individual permit. For an individual permit, 180 days will be required to process the application and issue the permit. In this case discharge cannot take place until the permit is issued and becomes effective.

The general permit itself will contain the effluent limitations and the monitoring requirements for the permitted discharge points. The following text details the rationale for the conditions of the general permit.

### Effluent Limitations

The following table presents a comparison of effluent limitations based upon Best Practicable Control Technology (BPT) 40 CFR 436 Subparts B and C, State Effluent Standards (SES) and Water Quality Standards (WQS):

	<u>BPT</u>	<u>SES</u>	<u>WQS</u>
Total Suspended Solids, mg/l	-	30/45	-
Oil and Grease, mg/l	-	10	-
pH, s.u.	6.0-9.0	6.0-9.0	6.5-9.0
Salinity	-	-	-

### Salinity

Regulation 3.10.0, Regulations for Implementation of the Colorado River Salinity Standards Through the Colorado Discharge Permit Program, addresses the discharge of salinity to the Colorado River Basin.

It is a requirement of the regulation that the salinity of each discharge in the Colorado River Basin be evaluated for impact on the system. Generally, the net impact on salinity to the basin from the sand and gravel production is negligible because the waters are typically shallow groundwaters which eventually reach the river. Nonetheless, the state reserves the right to refuse the applicability under the general discharge permit of any sand and gravel operation, if it appears that the discharge will not be consistent with regulations. Additionally, quarterly monitoring for salinity will be a permit requirement for all facilities located in the Colorado River Basin. Should the data identify a problem the state will have the right to require the facility to obtain an individual permit, whereby a study addressing the economic feasibility of salt removal can be required.

### Spill Prevention

As most facilities provide bulk storage of some volume of petroleum products or other chemicals, the permit will require adequate protection of such facilities so as to prevent loss of these materials into discharged waters. Such protection can take various forms, however diking in most cases will prove to be the most cost effective. This provision is required as the Division interprets proper operation, as properly addressing potential pollutant sources before problems occur.

### Settling Agents

Because of the wide variety of available chemical flocculants, the use of such settling aids must be subject to prior approval by the permitting authority. However, since lime and alum are the most frequently used aids for settling and typically their use results in no significant effect on other pollutant parameters, permission for such use will not be required. No specific limitations on the approved flocculant agents has historically been necessary to assure their proper use. If over application of a flocculant appears to be a problem, revocation of the general permit discharge authority may be warranted.

### Runoff

BPT as specified in 40 CFR 436 Subparts B and C provides that any overflow from facilities designed, constructed and maintained to contain or treat the volume of wastewater which would result from a 10 year 24-hour precipitation event shall not be subject to technology based effluent limitations. However, limitations imposed in this permit are not technology based effluent limitations and thus this provision does not apply. Additionally, 10.1.3 (1) exempts storm runoff waters from application of SES. These facts tend to create an enforcement problem and potentially allow degradation of water quality. Therefore, after consideration of the facts, the permit will contain the runoff provision as specified in 40 CFR 436, even though the permit effluent limitations are not technology based. This approach will be in general agreement with federal requirements and should present no special problems for facilities as most facilities will have sizeable retention areas within the pits.

### Reporting

Reports will be required both annually and in cases of noncompliance with permit conditions. The permittee will, however, be required to maintain its records for a period of three (3) years. Such records will be subject to inspection by the State of Colorado and/or EPA.

Marshall Fischer - EPA Region VIII  
Robert Shukle - Colorado Dept. of Health

**Colorado Yule Marble Company**

600 Seventeenth Street, Suite 710 N  
Denver, CO 80202  
(303) 623-0284

*Stacy*



April 19, 1989

RECEIVED

OCT 11 1989

U.S. Environmental Protection Agency  
One Denver Place  
Suite 1300  
999 18th Street  
Denver, CO 80202 - 2413  
Attention: Enforcement-Permit Program

Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, CO 80220  
Attention: Permits and Enforcement

Re: Permit No. COG-500000  
Facility No. COG-500184

**Statement:**

The following persons are designated to report conditions on discharge monitoring forms (DMF) and noncompliance notifications and other official correspondence:

1. Rex Loesby, Vice President
2. Stacy E. Dunn, President
3. Richard D. Andrews, Agent

*[Signature]*  
Yours truly,

*[Signature]*  
Stacy E. Dunn  
President

# Colorado Yule Marble Company

600 Seventeenth Street, Suite 710 N  
Denver, CO 80202  
(303) 623-0284

RECEIVED

OCT 11 '90

April 20, 1989

WATER QUALITY  
STATIONER  
COLO.

U.S. Environmental Protection Agency  
One Denver Place  
Suite 1300  
999 18th Street  
Denver, CO 80202 - 2413  
Attention: Enforcement-Permit Program

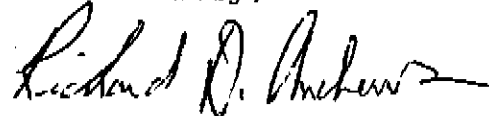
Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, CO 80220  
Attention: Permits and Enforcement

Re: Permit No. COG-500000  
Facility No. COG-500184

## Statement:

Colorado Yule Marble Company intends to commence discharging of water from its operation through authorized discharge point 001 as early as May 1989 under the terms of the above referenced permit and at the noted facility. It will commence the required discharge monitoring at the time of initiation of discharge and will provide the annual report by October 28th each year. If this interpretation of the permit requirements is in error I would appreciate notification from your office.

Yours truly,



Richard D. Andrews

cc: SEDunn  
RLoesby

RECEIVED

OCT 11 '98

WATER RESOURCES  
STATE ENGINEER  
BUREAU

# YULE QUARRY DE-WATERING

## Progress Log and Flow Data Report

August-September, 1989

8/3/89, 4:30 pm -- Began siphon with two 2" PVC pipes. Took water sample at discharge point, 1/2 half of sample came from each pipe. One pipe draws from the north area of the quarry and the other pipe draws from the south area of the quarry. Observations performed by Rex E. Loesby.

8/4/89, 11:00 am -- Water down about 8" in both areas of quarry. No visual signs of oil or grease in quarry or discharge. R. L.

8/6/89, 9:00 am -- Measured flow at 120 gallons per minute by timing flow into 30 gallon garbage can. Water down about 30" in both areas of quarry. No visual signs of oil or grease in discharge. Observations performed by Rex E. Loesby and Richard D. Andrews.

8/16/89 -- Water from south end stopped flowing due to broken pipe. Water down only about 36" in south end so break most likely occurred on 8/7/89. There is evidence of people throwing rocks over middle entry to break the pipe. Fixed pipe and restarted flow in south area. Water is down approximately 9 feet in north end. Water flow measured at 40 gpm. No visual sheen from oil or grease in discharge. R. L.

8/24/89 -- Water from north end stopped flowing, probably soon after 8/16/89 because water level has not changed since then. Tried to re-start siphon, but couldn't get it to run. Not important to get remaining water out because we now know the depth of the water in the north area. South end is down about 5 feet, exposing some new benches. Water flow is 40 gpm from south end. Took water sample and measured ph at 6.7 with temperature adjusted ph meter. R. L.

9/5/89 -- South end stopped flowing, probably about 8/31/89 based upon the depth of water observed. Water is down about 11 feet and all detail of benches in south area is pretty well exposed. We will not try to get the siphon going again until we see a significant rise in water level. R. L.

REC-10-75

087 1 1 '90

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DISTRICT  
OFFICE

Calculation of total flow from quarry:

South End: 60 gpm 8/3/89 to 8/7/89  
40 gpm 8/16/89 to 8/31/89

60 x 60 x 24 x 4	=	345,600 gallons
40 x 60 x 24 x 15	=	864,000 gallons

North End: 60 gpm 8/3/89 to 8/7/89  
40 gpm 8/8/89 to 8/16/89

60 x 60 x 24 x 4	=	345,600 gallons
40 x 60 x 24 x 8	=	460,800 gallons

Total quarry discharge	=	2,016,000 gallons
		=====

# Colorado Yule Marble Company

600 Seventeenth Street, Suite 710 N  
Denver, CO 80202  
(303) 623-0284

RECEIVED  
OCT 11 1989  
WATER QUALITY CONTROL  
DIVISION  
COLD.

October 12, 1989

Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, CO 80220

Attention : Permits and Enforcement

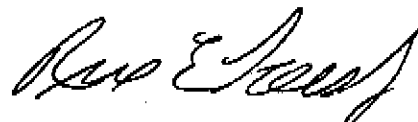
U.S. Environmental Protection Agency  
One Denver Place Suite 1300  
999 18th Street  
Denver, CO 80202 - 2413

Attention : Enforcement-Permit Program

Re: Permit No COG-500000  
Facility No. COG-500184

Enclosed is the Discharge Monitoring Form (DMF) for the referenced permit. No violations were measured or observed during the monitoring periods. Discharge occurred only for the 29 day period between August 3, 1989 and August 31, 1989. The column headed Co. Ex. should read all zeros, i.e. no exceedances of discharge limits. Discharge mass loading of total dissolved solids has been averaged over the period of actual discharge, not over the entire reporting period. The reported value is 211 pounds/day of TDS. The form was not clear as to the proper reporting averaging process. If averaged over the entire quarter, consisting of 92 days, the TDS loading would be approximately 67 pounds/day.

Yours truly,



Rex Loesby  
Vice President





Colorado Yule Marble Company

1738 Wynkoop Street, Suite 100

Denver, CO 80202

(303) 293-2204

RECEIVED

OCT 11 '90

W. J. TROTT  
COUNTY CLERK  
COLORADO

February 13, 1990

Ms. Jane Goreham  
Water Quality Division  
Colorado Department of Health  
4210 East 11th Avenue  
Denver, Colorado 80220-3716

Re: Correction in Permit  
Colorado Yule Marble Company  
CDPS No. COG-500184  
Gunnison County

Dear Ms. Goreham:

Thank you for correcting the attention line from Stacy Dunn, President to Rex Loesby, VP Operations on our permit. Unfortunately, another change is necessary as we have moved our offices to the following address:

Colorado Yule Marble Company, Inc.  
1738 Wynkoop Street, Suite 100  
Denver, Colorado 80202

Sincerely,



Rex E. Loesby  
VP Operations

# STATE OF COLORADO

## COLORADO DEPARTMENT OF HEALTH

4210 East 11th Avenue  
Denver, Colorado 80220-3716  
Phone (303) 320-8333

Telefax:  
(303) 322-9076 (Main Building/Denver)  
(303) 320-1529 (Plattman Place/Denver)  
(303) 248-7190 (Grand Junction Regional Office)



February 5, 1990

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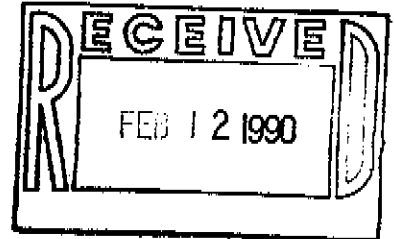
OCT 11 1990

Roy Romer  
Governor

Thomas M. Vernon, M.D.  
Executive Director

WATER QUALITY  
STAMPED PERMIT  
COLD

Mr. Rex Loesby, Vice President, Operations  
Colorado Yule Marble Company  
600 Seventeenth Street, Suite 710 N  
Denver, CO 80202



RE: Correction in Permit  
Colorado Yule Marble Company  
CDPS NO. COG-500184  
Gunnison County

Dear Mr. Loesby:

The following correction has been made in your permit.

On page 1 of the rationale we have corrected the attention line from Stacy Dunn, President to Rex Loesby, Vice President, Operations.

Enclosed is the corrected page of your permit. Please place the enclosed page in your permit and discard the original page.

If you have any questions regarding this matter please contact me at 331-4761.

Sincerely,

Jane Goreham  
Staff Assistant  
Permits and Enforcement Section  
WATER QUALITY CONTROL DIVISION

xc: Permit Section, Environmental Protection Agency  
Local Health Department  
Stan May, Field Support Section, WQCD  
Dick Bowman, D.E., Field Support Section, WQCD  
Sandy Marek, Permits and Enforcement Section, WQCD  
Sue Cummings, Data Services, WQCD

JG/dc

Enclosure

COLORADO DEPARTMENT OF HEALTH  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220

CERTIFICATION

COLORADO YULE MARBLE COMPANY

COLORADO YULE QUARRY

COG-500184

GUNNISON COUNTY

RECEIVED

OCT 11 1990

FACILITY TYPE: Sand and Gravel - New

FEE CATEGORY: Category 07, Sub-category 1 - General Permits,  
Sand and Gravel - Current fee \$220/year per CRS  
25-8-502

SIC NO.: 1442

LOCATION: In the NE 1/4, T12S, R88W, southeast of Marble,  
Colorado.

LEGAL CONTACT: Mr. Rex Loesby, Vice President, Operations  
Colorado Yule Marble Company  
600 Seventeenth Street, Suite 710 N  
Denver, Colorado 80202  
(303)+623-0284

LOCAL CONTACT: Mr. Richard D. Andrews  
Boulder Innovative Technologies  
2910 Juilliard Street  
Boulder, Colorado 80220  
(303)+441-3031

RECEIVING WATERS: Yule Creek

SUB-BASIN, SEGMENT: Roaring Fork River, Segment 8

CLASSIFICATION: Recreation, Class 1  
Aquatic Life, Class 1 (Cold)  
Agricultural Use  
Water Supply

Q710: Not applicable as effluent limitations in the  
permit are not flow based.

Corrected 02/05/90

# STATE OF COLORADO

## COLORADO DEPARTMENT OF HEALTH

4210 East 11th Avenue  
Denver, Colorado 80220-3716  
Phone (303) 320-8333

Telefax:  
(303) 322-9076 (Main Building/Denver)  
(303) 320-1529 (Plattman Place/Denver)  
(303) 248-7198 (Grand Junction Regional Office)



April 23, 1990

Roy Romer  
Governor

Thomas M. Vernon, M.D.  
Executive Director

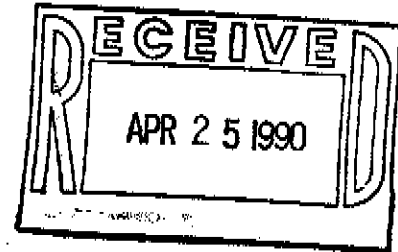
Mr. Rex E. Loesby, Vice President, Operations  
Colorado Yule Marble Company  
Colorado Yule Quarry  
1738 Wynkoop Street, Suite 100  
Denver, CO 80202

RE: Correction in Permit  
CDPS NO. COG-500184  
Gunnison County

RECEIVED

APR 11 1990

WATER QUALITY CONTROL DIVISION  
CITY OF DENVER  
CO.



Dear Mr. Loesby:

On page 1 of the rationale we have changed your address per your letter of February 13, 1990, as follows:

Mr. Rex E. Loesby, Vice President, Operations  
Colorado Yule Marble Company  
Colorado Yule Quarry  
1738 Wynkoop Street, Suite 100  
Denver, CO 80202  
Phone: (303) 293-2204

Enclosed is the corrected page of your permit. Please place the enclosed page in your permit and discard the original page.

If you have any questions regarding this matter please contact me at 331-4761.

Sincerely,

Louann Gaines  
Staff Assistant  
Permits and Enforcement Section  
WATER QUALITY CONTROL DIVISION

cc: Permit Section, Environmental Protection Agency  
Local Health Department  
Stan May, Field Support Section, WQCD  
Dick Bowman, D.E., Field Support Section, WQCD  
Ginny Torrez, Permits and Enforcement Section, WQCD  
Sandy Marek, Permits and Enforcement Section, WQCD  
Sue Cummings, Data Services, WQCD  
Connie Moreno, Administration, WQCD

LG/dc

Enclosure

COLORADO DEPARTMENT OF HEALTH  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220

RECEIVED

OCT 11 '90

WATER QUALITY CONTROL  
DIVISION  
OCT 11 1990

CERTIFICATION

COLORADO YULE MARBLE COMPANY

COLORADO YULE QUARRY

COG-500184

GUNNISON COUNTY

FACILITY TYPE: Sand and Gravel - New

FEE CATEGORY: Category 07, Sub-category 1 - General Permits,  
Sand and Gravel - Current fee \$220/year per CRS  
25-8-502

SIC NO.: 1442

LOCATION: In the NE 1/4, T12S, R88W, southeast of Marble,  
Colorado.

LEGAL CONTACT: Mr. Rex Loesby, Vice President, Operations  
Colorado Yule Marble Company  
1738 Wynkoop Street, Suite 100  
Denver, Colorado 80202  
(303)+293-2204

LOCAL CONTACT: Mr. Richard D. Andrews  
Boulder Innovative Technologies  
2910 Juilliard Street  
Boulder, Colorado 80220  
(303)+441-3031

RECEIVING WATERS: Yule Creek

SUB-BASIN, SEGMENT: Roaring Fork River, Segment 8

CLASSIFICATION: Recreation, Class 1  
Aquatic Life, Class 1 (Cold)  
Agricultural Use  
Water Supply

Q710: Not applicable as effluent limitations in the  
permit are not flow based.

Corrected 02/05/90

Corrected 04/23/90

# STATE OF COLORADO

## COLORADO DEPARTMENT OF HEALTH

4210 East 11th Avenue  
Denver, Colorado 80220-3716  
Phone (303) 320-8333

Telefax:  
(303) 322-9076 (Main Building/Denver)  
(303) 320-1529 (Piermigan Place/Denver)  
(303) 248-7198 (Grand Junction Regional Office)



May 17, 1990

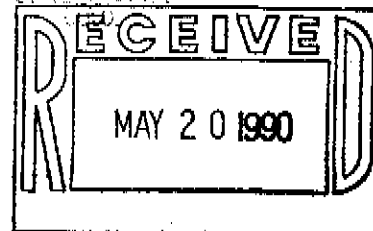
RECEIVED

MAY 11 1990

Roy Romer  
Governor

Thomas M. Vernon, M.D.  
Executive Director

Colorado Yule Marble Company  
Colorado Yule Quarry  
Attn: Rex E. Loesby, Vice President, Operations  
1738 Wynkoop Street, Suite 100  
Denver, CO 80202



RE: Delinquent Discharge Monitoring Report(s)  
Permit No. COG-500184  
Gunnison County

Dear Mr. Loesby:

The wastewater permit issued to your facility requires that the discharge from the facility be monitored at specified frequencies and the analytical results be reported to this Department and EPA. The data is to be submitted on Discharge Monitoring Report Form 3320-1. If no discharge occurred, you are required to report "no discharge". This requirement is further defined in the permit under Part I Monitoring and Reporting. Failure to submit the reports constitutes a violation of the permit.

A review of our records indicates that we have not received the quarterly report(s) for the period(s) of January 1 through March 31, 1990. If your records indicate otherwise, please bring this to our attention so that this matter may be resolved.

In the event that you have overlooked this submittal, please provide the report prior to May 30, 1990.

If you have any questions, please contact me at 331-4761

Sincerely,

Louann Gaines  
Staff Assistant  
Permits and Enforcement Section  
WATER QUALITY CONTROL DIVISION

xc: Local Health Department  
Dick Bowman, D.E., Field Support Section, WQCD  
MS-3 Files

LG/dc

Colorado Yule Marble Company

1738 Wynkoop Street, Suite 100

Denver, CO 80202

(303) 293-2204

RECEIVED

OCT 11 '90

WATER RESOURCES  
STATE ENGINEER  
COLO.

May 24, 1990

Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220

Attention: Permits and Enforcement  
Permit No. COG-500000  
Facility No. COG-500184

Dear Sir or Madam:

Colorado Yule Marble Company recently received a notice from your office that it had not filed the necessary quarterly discharge monitoring forms. It has been determined that the notice was incorrectly issued since the subject permit only requires annual reporting. Please refer to page 6, paragraph C.2. of the general permit. This was confirmed by a telephone conversation with Darlene Casey on May 24, 1990 with Richard Andrews of Boulder Innovative Technologies, our environmental and regulatory affairs consultant.

Should you have any questions or need additional information, please call Richard Andrews at 303-440-8722.

Yours truly,



Rex E. Loesby  
Vice President

cc:Boulder Innovative Technologies



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WATER RESOURCES  
STATE ENGINEER  
COLOR.

Boulder  
Innovative  
Technologies

2910 Juilliard Street Boulder, Colorado 80303 (303) 499-3031

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WATER RESOURCES  
STATE ENGINEER  
COLOR.

November 11, 1988

Colorado Division of Water Resources  
818 Centennial Bldg.  
1313 Sherman Street  
Denver, Colorado 80203

Enclosed is a permit application for use of ground water that accumulates in the underground marble quarry known as the Yule Quarry, located near Marble, Colorado. The old quarry, last operated in 1941, is planned to be reopened by a newly incorporated entity, Colorado Yule Marble Company. The quarry is flooded by an estimated 20 feet of water over the floor of the underground workings, an estimated 10 million gallons of water. *~ 3/ac ft.* No surface drainage enters the quarry and the accumulated water remains at the static elevation of the existing drainage tunnel. The inflow is believed to be derived from groundwater from the Leadville Formation, and given the geologic setting is not believed to be tributary water to the surface drainage in the area, Yule Creek.

We consider the quarry to be an existing groundwater well and are therefore filing for use of the water for industrial uses associated with the operation of the quarry. In addition, there will be a need to use some of the water for irrigation of reclamation of quarry related disturbed areas during vegetation establishment periods.

Your consideration and granting of this permit is requested. Should you have questions, please contact me at the address and phone on the letterhead. I am acting as agent for Colorado Yule Marble Company in the matter of this permit.

Yours truly,

*Richard D. Andrews*

Richard D. Andrews

cc S.E. Dunin

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Boulder  
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Technologies

2910 Juilliard Street Boulder, Colorado 80303 (303) 499-3031

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WATER RESOURCES  
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We consider the quarry to be an existing groundwater well and are therefore filing for use of the water for industrial uses associated with the operation of the quarry. In addition, there will be a need to use some of the water for irrigation of reclamation of quarry related disturbed areas during vegetation establishment periods.

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Yours truly,

*Richard D. Andrews*

Richard D. Andrews

cc S.E. Dunin

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**WATER REQUIREMENTS  
STATE OF COLORADO  
1988****LEGAL DESCRIPTION**

Attached are copies of the metes and bounds descriptions of the patented lode claims from which marble is to be mined and upon related mining activities will occur, specifically the White Marble Lode no. 4411, the London Lode No. 4411, and the New Discovery No. 4411. These claims are owned by OYMA, Inc. of Proctor, Vermont and leased to Colorado Yule Marble Company.

In addition, Colorado Yule Marble Company has reached agreement in principle with the owners of the Thompson Placer No 16952 and White Marble No. 2 Placer for development activities on these patented claims. The owner of these properties is Nicely and Kladder, of Grand Junction, Colorado. Attached is a copy of the metes and bounds description of the Thompson Placer No. 16592 and a copy of the Record of Patent, described in lot, section, township/range format for the White Marble Placer No. 2.

The above described properties make up the area for the mining and mine site activities. They also represent the area in which the water will be used from the quarry which is located on London Lode No 4411. Some water may also be utilized in dust control along the access road toward Marble, Colorado.

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WHITE MARBLE LODE NO. 4411

.102

Beginning at corner No. 5 at high point East of South end of first out South of Windy Point (original stake in place) whence summit of Yule Mt. bears North  $54^{\circ}04'$  West with a vertical angle of  $12^{\circ}30'$  and summit of Mt. Daily bears North  $15^{\circ}48'$  East with a vertical angle of  $08^{\circ}30'$ , U.S.L.M. Sterling on top of ridge nearly due West this point and about 350 feet South of Windy Point. X on line ledge marked BR-5-4411 bears South  $49^{\circ}30'$  West 6.5 feet. Corner No. 1 this survey bears South  $73^{\circ}39'$  West 362.3 feet, set 1-inch square steel stake in a mound of stone; Thence South  $16^{\circ}00'$  East 2.34 feet intersect line 4-1 this survey at South  $74^{\circ}00'$  West 1117.71 feet from corner No. 4, 800 feet intersect center line Electric Railroad line 900 feet to corner No. 6 corner Lot 20 on ledge near summit of Lime Cliff East of old Quarry Camp above Electric railroad, set 1-inch square steel stake in a mound of stone South  $17^{\circ}15'$  East 20 feet, located witness corner No. 13 Lode No. 4530 and corner to Lot 20 on bench across river to East, North  $74^{\circ}00'$  East 74 feet; 26 feet to true corner: Thence South  $16^{\circ}00'$  East 135 feet South corner of Lot 20. Corner 20 and 21 of Prince Arthur Survey No. 4530 and Yule Lodes in place on point above electric railroad line and North of boarding house, West of Loading Dock, North  $16^{\circ}00'$  West from corner 20, 184 feet intersect line 17-20 Prince Arthur Survey No. 4530 and line 6-7 White Marble Survey No. 4411, corner Lot 29, set 1-inch square steel stake in a mound of stone Northeast 4 feet from center line of Northeast rail of electric railroad: Thence  $52^{\circ}08'$  West 147 feet intersect line 15-16 Italian Survey No. 4530 and line 6-7 White Marble Survey No. 4411 at corner Lot 19: Thence from corner Lot 29 North  $16^{\circ}00'$  West 116 feet to corner No. 17 of Prince Arthur No. 4530 and corner lots 19 and 29, set 1-inch square steel stake in a mound of stone; from corner lot 29 South  $52^{\circ}08'$  East 86 feet to corner 7-11 White Marble No. 4411. X on Marble Cliff 4 feet from ground marked BR-7-11-4411 bears South  $11^{\circ}19'$  West 34 feet and X on Marble Cliff 3 feet above ground marked BR-7-11-4411 bears South  $74^{\circ}25'$  West 19 feet: Thence South  $55^{\circ}56'$  West 303.61 feet to corner No. 16 this survey, 315.55 feet to corner No. 8: Thence North  $52^{\circ}08'$  West 800 feet to corner No. 9: Thence North  $16^{\circ}00'$  West 900 feet to corner No. 10 X on ledge 20x6x2 feet; X on line ledge bears North  $59^{\circ}11'$  East 71 feet, marked BR-10-4411. Corner No. 1 this survey bears North  $56^{\circ}43'$  West 126.1 feet; U.S.L.M. Sterling bears North  $32^{\circ}26'$  East 185.0 feet: Thence North  $55^{\circ}56'$  East 308.02 feet intersect line 4-1 this survey at North  $74^{\circ}00'$  East 375.13 feet from corner No. 1, 315.55 feet to corner No. 5 the place of beginning.

## LONDON LODE NO. 4411

.102

Beginning at corner No. 11 common to corner No. 7 this survey and description under notes on White Marble Lode South  $26^{\circ}12'$  East 407.25 feet to corner No. 12, South  $74^{\circ}00'$  West 13 feet, then North  $20^{\circ}45'$  West 17 feet from a 1-inch square steel stake set just West of track between loading dock and quarry in rock slide along Marble Bluff or out cropping: Thence South  $20^{\circ}45'$  East 17 feet intersect line 23-24 Yule Survey No. 4530; 1092.34 feet to corner No. 13 found in place, set 1-inch square steel stake in a mound of stone; X on Marble ledge bears North  $25^{\circ}12'$  West 8.5 feet: Thence South  $55^{\circ}56'$  West 12.6 feet to corner No. 17 this survey. New Discovery Lode these corners found in place, set 1-inch square steel stake. They are situated about 50 or 60 feet East of base of Marble ledge on a zigzag trail which climbs along base of Marble ledge South of quarries: Thence 308.29 feet to corner No. 14 whence corner No. 22

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this survey New Discovery<sup>0000</sup> bears South 55°56' West 19.27 feet; Thence North 20°45' West 1151.66 feet to corner No. 15. X on lime ledge bears North 81°47' East 31.4 feet, marked BR-15-4411; Thence North 25°12' West 348.75 feet to corner No. 16; Thence 55°56' East 303.61 feet to corner No. 11 the place of beginning.

#### NEW DISCOVERY NO. 4411

- .102 Beginning at corner No. 17 from which corner No. 13 this survey bears North 55°56' East 12.6 feet, X on marble ledge bears South 02°03' West 22.4 feet, marked BR-13-17-4411; X on marble ledge marked Br-13-17-4411 bears North 24°49' East 16.3 feet;
- .106 Thence South 16°20' East 505.29 feet to corner No. 18 found in place set 1-inch square steel stake in same; X on marble ledge bears South 68°50' West 56.6 feet, same at summit of timber ridge about 1500 feet South of quarries, Discovery Cut bears South 68°50' West 150.53 feet; Thence South 26°00' East 996.06 feet to corner No. 19 on line 1-2 Thompson Placer 1-inch square steel stake placed about midway between top of marble ledge and river; X on marble ledge marked BR-19-4411 bears North 26°00' West 27.5 feet; Thence South 55°56' West 303 feet to corner No. 20 on line 1-2 Thompson Placer this survey; X on lime face marked 20-4411; X on lime ledge bears North 04°53' West 55 feet marked BR-20-4411; Thence North 28°00' West 1063.94 feet to corner No. 21, X marked 21-4411; Thence North 16°20' West 434.71 feet to corner No. 22; Thence North 55°56' East 19.27 feet to corner No. 14 this survey London Lode 314.96 feet to corner No. 17 the place of beginning.

#### THOMPSON PLACER NO. 16952

- .106 Beginning at corner No. 1 whence the Southeast corner Section 1, Township 12 South, Range 88 West bears North 27°21' 58" East 1334.1 feet; U.S.L.M. Sterling bears South 4452.21 feet to corner No. 1 found in place on North side portal of old tunnel about 100 feet above river at point where same turns away from steep hill to West and flows Northeast-ward to East side of valley. South 55°56' West 145 feet to corner No. 19 New Discovery No. 4411.
- .107 448 feet to corner No. 20 New Discovery No. 4411; 589 feet to corner No. 2 in place, set 1-inch square steel stake in a mound of stone, blazed trees located at point just West of base of ledge forming the summit of ridge overlying Marble Out Cropping.
- .106 South 24°24' East 1500 feet to corner No. 3 not found, set 1-inch square steel stake in a mound of stone, blazed two trees on brink of canyon rim West of Yule Creek; Thence North 55°56' East 689 feet to corner No. 4 in place at top of 4 foot ledge West of and paralleling trail to head of Yule Creek, trees blazed. Thence North 24°24' West to corner No. 1 the place of beginning.

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DEC 01 1907

WATER

General Land Office

No. 46218.

(RECORD OF PATENTS.)

4-4700-177.

# The United States of America.

To all to whom these presents shall come. Greeting:

Whereas, in pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there has been deposited in the General Land Office of the United States the Certificate, No. 290 U.S. of the Register of the Land Office at Gunnison, State of Colorado, accompanied by other evidence, whereby it appears that The Colorado-Yule Marble Company

On the twenty-sixth day of June, A. D. 1907, duly enter and pay for certain placer mining claims and portions known as the White Marble No. 2 and White Marble No. 3 placer mining claims, situate in the Rock Creek Mining District, Gunnison County, Colorado, and described as follows: the White Marble No. 2 claim comprising the Lots nineteen, twenty, twenty-one, twenty-seven, twenty-eight, twenty-nine, and thirty-four of Section one in Township twelve south of Range eight-eight west of the Sixth Principal Meridian, and Lots one, two, and three of Section twelve, said township and range; and the White Marble No. 3 claim comprising Lots thirty-five, twenty-three, twenty-four, twenty-five, thirty, thirty-one, thirty-two, and thirty-three, and the southwest quarter of the southwest quarter of the southeast quarter, and the southwest quarter of the southeast quarter of the southwest quarter of said Section one, and Lot four, and the northeast quarter of the northwest quarter of said Section twelve; said White Marble No. 2 and White Marble No. 3 placer claims containing, in the aggregate, one hundred ninety-one and forty-three-hundredths acres, more or less:



1870

1871

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WATER  
[illegible]

General Land Office  
No. 44312.

RECORDS OF PATENTS,

LANDS.

# The United States of America.

To all to whom these presents shall come, Greeting,

Whereas, in pursuance of the provisions of the Revised Statutes of the United States Chapter Six, Title Thirty-two, and legislation supplemental thereto, there has been deposited in the General Land Office of the United States the Certificate No. 200 U.S. of the Register of the Land Office at Gunnison in the State of Colorado, accompanied by other evidence, whereby it appears that The Colorado-Yule Marble Company

On the twenty-sixth day of June, A. D. 1907, duly enter and pay for said placer mining claims, and possess known as the White Marble No. 2 and White Marble No. 3 placer mining claims, situate in the Rock Creek Mining District, Gunnison County, Colorado, and described as follows: the White Marble No. 2 claim comprising the Lots nineteen, twenty, twenty-one, twenty-seven, twenty-eight, twenty-nine, and thirty-four of Section one, in Township twelve south of Range eight-eight west of the Sixth Principal Meridian, and Lots one, two, and three of Section twelve, said township and range; and the White Marble No. 3 claim comprising Lots thirty-five, twenty-three, twenty-four, twenty-five, thirty, thirty-one, thirty-two, and thirty-three, and the southwest quarter of the southwest quarter of the southeast quarter, and the southwest quarter of the southeast quarter of the southwest quarter of said Section one, and Lot four, and the northeast quarter of the northwest quarter of said Section twelve; said White Marble No. 2 and White Marble No. 3 placer claims containing, in the aggregate, one hundred ninety-one and forty-three-hundredths acres, more or less;

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WATER RESOURCES  
STATE ENGINEERING  
DIV.

(RECORDS OF PATENTS)

4-4000-171

NOW KNOW YE, That there is therefore hereby granted by the United States unto the said  
The Colorado-Tule Marble Company

and to its successors and assigns, the said placer mining  
premises heretofore described:

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and  
appurtenances of whatsoever nature, thereto belonging unto the said grantee, above named and to its  
successors and assigns forever, subject nevertheless to the following conditions  
and stipulations:

First. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises,  
and to any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable  
deposits, which may have been discovered within said limits subsequent to and which were not known to exist on the  
second day of April, A D one thousand nine hundred and seven.

Second. That should any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin,  
copper or other valuable deposits be claimed or known to exist within the above described premises at said last named  
date, the same is expressly excepted and excluded from these presents.

Third. That the premises hereby conveyed may be opened by the proprietor of any vein or lode of quartz or  
other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits for the purpose of extracting  
and removing the same from such vein or lode, should the same or any part thereof be found to penetrate, intersect, pass  
through, or dip into the mining ground or premises hereby granted.

Fourth. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for  
mining, agricultural, manufacturing, or other purposes and rights to ditches and reservoirs used in connection with such  
water rights as may be recognized and acknowledged by the local laws, customs and decisions of the courts. And there  
is reserved from the lands hereby granted a right of way, thereon, for ditches or canals constructed by the authority of the  
United States.

Fifth. That in the absence of necessary legislation by Congress, the legislature of Colorado  
may, with a view to working the mining claim or premises hereby granted, including improvements, drainage, and other  
necessary means to the complete development thereof.

IN TESTIMONY WHEREOF, I Theodore Roosevelt President of the  
United States of America, have caused these letters to be made Patent, and the seal of  
the General Land Office to be hereunto affixed.

(SEAL) GIVEN under my hand, at the City of Washington, the 16th  
day of February, in the year of our Lord one thousand nine hundred and  
eight and of the Independence of the United States the one  
hundred and thirty-second,

By the President:

Theodore Roosevelt

By

M. W. Young

Records of the

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DEC 01 1888

WATER RIGHTS  
STATE OF COLORADO  
1888

NOW KNOW YE, That there is therefore hereby granted by the United States unto the said  
The Colorado-Tule Marble Company

and to its successors

premises heretofore described:

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and  
appurtenances of whatsoever nature thereunto belonging unto the said grantee, heirs, assigns and to its  
successors and assigns forever, subject nevertheless to the following conditions  
and stipulations:

First. That the grant hereby made shall extend to its exterior limits to the boundaries of the said mining premises,  
and to any veins or lodes of quartz or other rock in place bearing gold, silver, platinum, lead, tin, copper, or other valuable  
deposits, which may have been discovered within said limits subsequent to and which were not known to exist on the  
second day of April, A.D. one thousand nine hundred and seven.

Second. That should any vein or lode of quartz or other rock in place bearing gold, silver, platinum, lead, tin,  
copper or other valuable deposits, be found or known to exist within the above-described premises at said last-mentioned  
date, the same is expressly excepted and excluded from the premises.

Third. That the premises hereby conveyed may be entered by the proprietor of any vein or lode of quartz or  
other rock in place bearing gold, silver, platinum, lead, tin, copper, or other valuable deposits, for the purpose of extracting  
and removing the ore from such vein or lode, should this vein or any part thereof be found to penetrate, intersect, pass  
through, or dip into the mining ground or premises hereby granted.

Fourth. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for  
mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such  
water rights as may be recognized and acknowledged by the local laws, customs and decisions of the country. And there  
is reserved from the lands hereby granted a right of way therein for ditches or canals constructed by the authority of the  
United States.

Fifth. That in the absence of necessary legislation by Congress, the legislation of Colorado  
shall provide rules for working the mining claims, provisions relating to the location, construction, maintenance and other  
business matters in connection therewith.

IN TESTIMONY WHEREOF, Theodore Roosevelt, President of the  
United States of America, have caused these Letters to be made Patent, and the seal of  
the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the tenth  
day of February, in the year of our Lord one thousand nine hundred and  
eight, and of the Independence of the United States the six  
hundred and thirty-second.

By the President

By

Theodore Roosevelt  
M. H. Quay  
H. H. H.

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JAN 13 '89

WATER RESOURCES  
STATE ENGINEER  
COLO

**Boulder  
Innovative  
Technologies**

2910 Juilliard Street Boulder, Colorado 80303 (303) 499-3031

January 13, 1989

Mr. Bruce DeBrine  
Colorado Division of Water Resources  
818 Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203

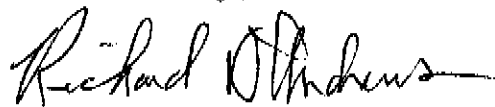
Dear Mr. DeBrine:

In accordance with our discussion the other day regarding the well permit for the Colorado Yule Marble Company, your record file No. 294794, I am enclosing the following supporting information regarding the proposed water uses:

1. A summary of the planned water discharge during initial dewatering operations.
2. A description of the routine non-consumptive water use inside the quarry for saw cooling and flushing of the saw cuts.
3. A description of the receiving stream estimated flows, Yule Creek and the quality of the quarry water.
4. A copy of the corporate resolution designating me and my firm, Boulder Innovative Technologies as an authorized agent for Colorado Yule Marble Company for permits such as this.

If you desire to contact the Colorado Department of Health, the issued NPDES number is COG-500184.

Yours truly,



Richard D. Andrews



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JAN 13 '89

WATER RESOURCES  
STATE ENGINEER  
COLO.

**Boulder  
Innovative  
Technologies**

2910 Julliard Street Boulder, Colorado 80303 (303) 499-3031

January 13, 1989

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Colorado Division of Water Resources  
818 Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203

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If you desire to contact the Colorado Department of Health, the issued NPDES number is COG-500184.

Yours truly,



Richard D. Andrews

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STATE - ENGINEER  
CDD.

SUPPLEMENTAL INFORMATION

Initial Quarry Dewatering

Upon initiation of activities at the quarry a discharge to Yule Creek will be the pumped discharge from the accumulation of water in the existing Yule Quarry. This water has built up to a static level equal in elevation to the existing drainage tunnel. This water has accumulated in the quarry since it was closed in 1941. The exact quantity of water in the quarry is unknown but is estimated to be approximately 10 million gallons (from the known dimensions of the quarry floor and estimated water depth). This discharge is planned to be done upon receiving the NPDES permit, perhaps in the spring or early summer 1989. Some of the water in the quarry is frozen at that time of year and therefore the discharge may extend over a period of several weeks. The receiving stream is Yule Creek, at tributary to the Crystal River. It has a drainage area of approximately 9.1 square miles above the discharge point. It should be running at its peak flow at the time of the dewatering discharge. No historical water quality data or flow records were located for this drainage in the USGS records. Based upon the drainage area, Yule Creek at discharge 001 is estimated to have a mean flow of 42 and 76 cfs during May and June, respectively. These estimates are extrapolated from USGS flow records on the Crystal River at Placita. At a maximum projected discharge rate from the quarry of 1000 gpm (2.2 cfs), no noticeable impact on the receiving stream should be evidenced. Care will be taken to decant the quarry water during the initial discharge to avoid release of any sediments from the quarry floor. It may be necessary to remove blocks of ice from the quarry as well. These will be placed on the surface and allowed to melt. No adverse water quality impacts are anticipated from the ice removal activity.

Normal Quarry Operations

During normal quarry operations discharge 001 will be used to release excess quarry water that enters the quarry from seepage. Virtually no surface runoff can enter the quarry due to the location of the quarry openings. Quarry water will be collected in sumps on the quarry floor. This water will be continuously reused as cooling and fines flushing water for the diamond saws used to cut the marble, with each saw requiring from 5 to 10 gallons per minute of circulating water. Three to four saws are planned to be used, therefore circulating water requirements are expected to be from 20 to 40 gpm. This water is not consumptively used. The only losses will be evaporative losses which are projected to be very low. The entire operation occurs underground with no exposure to the sun and the temperatures in the quarry remain very cool, estimated to be no



higher than 40 degrees at the warmest time of the year. Given these conditions, evaporation is minimal.

Excess water from seepage into the quarry is not expected to be large due to the tight nature of the marble formation and only limited evidence of significant flows from fractures in the stone. The seepage, however could approximate the circulating water rate due to the large exposed surface areas on the quarry walls, roof and floor. Any excess water that does accumulate in the quarry sumps will be periodically decanted on a manually activated system. In addition, these sumps will be periodically cleaned to remove sediments, which consist of the marble fines from the stone cutting saws. These sediments will be disposed of on the waste piles and sediment/runoff control measures will be employed to prevent the fines from entering Yule Creek. These controls will be constructed in accordance with the requirements of the permit from Colorado Mined Land Reclamation Division and the Water Quality Control Division of the Colorado Department of Health. Sorbents will be maintained on site in the quarry to remove any accidental spilled oils or greases from the quarry floor and from sump waters prior to being pumped to discharge point 001. Additional oil removal facilities will be installed if operational experience indicates the need for routine treatment. The use of a manually activated pump is planned to ensure a visual inspection is performed of the sump prior to initiating a discharge. To the extent that quarry seepage is found to originate from discrete points in the quarry and to the extent practicable given quarry operations, those seepage waters will be segregated in separate sumps from the saw recycle waters. To the extent practical, quarry cleanup of saw fines will be performed dry to minimize sediment loads on the sumps.

The discharge from the quarry will be routed through the primary access tunnel to a final sediment control facility on the surface prior to release to Yule Creek. This facility is planned to be constructed of coarse marble waste, forcing the discharge to filter through these inert materials prior to release. Other sediment control measures may also be employed, as necessary to ensure that discharge limitations are attained.

The quarry water quality is good based upon the water analysis and comparison to water quality standards for Yule Creek. Even during statistical low flows in the receiving stream the discharge should have no adverse effects on the stream. Given the nature of the marble formation, the added buffering from calcium carbonate (marble) could even be beneficial to the receiving water by complexing with metals that may be present from mineralized areas in the Crystal River drainage.

#### Other Water Use/Disposal on Site

Sanitary facilities are planned to consist of vaults from toilets, using non-potable water, but water brought to the site and purchased from local water owners down the Crystal valley. In certain areas portable toilets may be used. The vaults and portable toilets will be routinely emptied and/or transported to a permitted municipal treatment system. No change room shower facilities are planned. Potable water will be provided from bottled water brought to the site. No discharges from these systems will occur at the site.

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CDDA

SUPPLEMENTAL WATER QUALITY INFORMATION

The following data were obtained for the quarry water at the request of Kathy Dolan, Colorado Department of Health. The samples were collected on September 8, 1988 by R. D. Andrews in accordance with approved EPA sampling and preservation procedures. Field measurements were made of pH and conductance. A portion of the collected sample was field filtered with a 0.45 micron filter and the filtrate acidified for dissolved metals. For total metals the unfiltered sample was acidified. All samples were refrigerated and promptly delivered to the lab for analysis. The samples were analyzed by Hauser Laboratories of Boulder, a Colorado Department of Health certified lab.

<u>PARAMETER</u>	<u>CONCENTRATION, mg/l</u>
General:	
TDS	7
TSS	1
pH	8.0 (field value)
Conductance, umho/cm	50 (field value)
Metals:	
Cd, tot	<0.003
Cu, tot	0.003
Pb, tot	<0.03
Hg, tot	<0.002
Ni, tot	<0.03
Ag, tot	<0.003
Zn, tot	0.017
Cr, tot	<0.04
Cr, hex	<0.02
Fe, tot	0.05
Fe, dis	<0.05
Mn, tot	<0.006
Mn, dis	<0.05
U, dis	0.0004

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER**  
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818  
Denver, Colorado 80203  
(303) 866-3581

**WELL PERMIT FEE REQUEST FLYER**  
**FOR WELL PERMIT APPLICATION(S) AND EXTENSION REQUESTS**

During the 1987 session of the Legislature, Senate Bill 200 was passed, and became effective July 1, 1987. This law increased the fee for well permit applications and certain types of requests to extend permit expiration dates.

We are returning the attached application(s) and your remittance, if included, to you since the application(s) cannot be processed until the correct fee is received. Please submit the application(s) with the correct fee.

To avoid additional delays, please review the application(s) to assure completeness and correctness.

Your total fee is

\$60

Sincerely,

Richard A. Bell  
Water Resources Geologist  
Ground Water Section

Colorado Yule Marble Company

1738 Wynkoop Street, Suite 100

Denver, CO 80202

(303) 293-2204

RECEIVED

APR 17 '90

WATER RESOURCES  
STATE ENGINEER  
COLO.

April 16, 1990

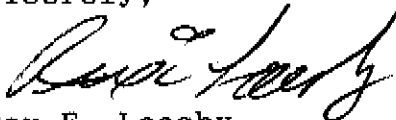
Colorado Division of Water Resources  
818 Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203

Re: Well Permit #034872-F

Gentlemen:

Colorado Yule Marble Company failed to file a "notice of beneficial use" on the above Well Permit before the expiration date of March 29, 1990. It is our understanding that you will send us notice of such failure within the next few weeks so that we can correct this error and begin to use the water this summer for our quarry operations. Thank you.

Sincerely,



Rex E. Loesby  
V. P. Operations

Colorado Yule Marble Company  
1738 Wynkoop Street, Suite 100  
Denver, CO 80202  
(303) 293-2204

RECEIVED

MAY 25 '90

STATE ENGINEER  
COLORADO

May 24, 1990

Office of the State Engineer  
823 Centennial Bldg.  
1313 Sherman Street  
Denver, CO 80203  
Attention: Permit No. 034872-F

Dear Sir:

Enclosed is the Statement of Beneficial Use of Ground Water for the subject permit. This is inadvertently being filed late. The actual beneficial use was timely. We also enclose a Statement of Petition and the required \$30 check for processing the petition due to the late filing.

If you need additional information, please call me (303-293-2204) or Richard Andrews, our permit agent (303-440-8722). Please note that any official correspondence on this matter should be addressed to me at the letterhead address. Mr. Dunn, the original signator, is deceased and we have relocated since the initial filing.

Yours truly,



Rex E. Loesby  
Vice-President

cc:RAndrews, Boulder Innovative Technologies

RECEIVED

MAY 25 '90

WATER CONTROL DISTRICT  
STATE ENGINEER  
COLORADOSTATEMENT AND PETITION

On Mar 29, 1989, the Colorado State Engineer  
issued permit No. 034872-F.

I (We) failed to submit evidence of beneficial use showing the ground water from the well was put to beneficial use prior to the expiration date of the well permit due to the following reasons:

Inadvertently missed the filing date.  
The actual beneficial use date was August 3, 1989  
We merely forgot to file the form.

I (We) hereby petition the State Engineer to find that the above reasons constitute excusable neglect, inadvertence or mistake and accept the evidence attached hereto in accordance with applicable Colorado Revised Statutes.

Further, I (we) say that I (we) have read the statements made herein and that the same are true of my (our) own knowledge.

Richard O. Andrews  
Signature

5/25/90  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

## DIVISION OF WATER RESOURCES

WATER DIVISION V  
ORLYN J. BELL  
DIVISION ENGINEER  
P.O. BOX 396  
1429 GRAND AVENUE  
GLENWOOD SPRINGS, COLORADO 81602  
945-5665

September 29, 1990

RECEIVED

SEP 11 1990

### MEMORANDUM

TO: Rich Bell, Ground Water Section

FROM: Dwight M. Whitehead, Water Commissioner (Wells) *D.M.W.*

RE: Application Receipt No. 94794, Colorado Yule Marble Company  
Permit No. 34872-F  
Database Correction

Upon review of the wells computer database system, Permit No. 34872-F was not found under Location, Name, and Permit No.

Please be aware of this for your records.

Feel free to contact me if you have any questions.

DMW/nch



RECEIVED

001 1 1 '90

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES

BENEFICIAL USE FIELD INSPECTION

WELL PERMIT NO. 34872-F Colorado Yule Marble Company

1) Has water been put to beneficial use as claimed? YES  
(Yes or No)

2) Is the well located where claimed? YES  
(Yes or No)

3) Are the number and legal description of the acres irrigated accurate?  
N/A  
(Yes or No)

4) Is a totalizing flow meter installed on the well? NO; see Comments  
(Yes or No)

5) Comments: Due to other field inspections in the area, a field inspection did occur at the Colorado Yule Marble Company Quarry for SBU on Permit No. 34872-F (although a written request had not been received from the Denver office). Contact was made with Rex Loesby (Vice president-Operations) & Stewart Hurst (Quarry Manager). Mr. Loesby felt there had been some confusion regarding well permits and submission of beneficial use forms. The following is a basic review of beneficial use:

- A) Dewatering did occur before mining operations began.
- B) Diversion amounts and water quality had been submitted to the State Health Dept and will be submitted to Div Water Resources Division 5 Office.
- C) Two (2) existing sumps are used for mining operations; both sumps are approximately 70 ft long x 60 ft wide x 28 ft deep, in size. Water is diverted from Sump No 1 when marble is being cut and used to cool saws. Then the water is diverted into Sump No 2 to settle fines. The water is then recycled from Sump No 2 to Sump No 1 to begin the same process again.

The only consumptive use in the mining operation is evaporation.

I field inspected the site of the well permitted under the referenced well permit number on September 26, 1990, and the above is an accurate report of my findings.

Dwight M. Whitehead  
Signature Dwight M. Whitehead

10/9/90  
Date

Water Commissioner (Wells)  
Title

Division 5  
Division/DEPARTMENT



**RECEIVED**

**OCT 25 1990**

**WATER RESOURCES  
ENGINEER  
DIV.**

October 19, 1990

State of Colorado  
Office of the State Engineer  
Division of Water Resources  
1313 Sherman Street, Room 818  
Denver, CO 80203

Attention: Judy Sappington

Reference: Well Permit Number 034872-F  
Colorado Yule Marble Company

Enclosed is the Completed Well Completion and Pump Installation Report for the subject well permit issued to Colorado Yule Marble Company. Due to conflicting information received from the Office of the State Engineer, this form was not previously submitted. This situation arose due to the fact that this situation is not a well in the conventional sense. It is in fact a very large hole in a mountain, a stone quarry, which collects ground water in a sump at the bottom of the underground quarry. No well was drilled and no casing or downhole pump was ever installed.

Following are supplemental responses to the well completion form:

Well Log

No well log is given since a well was not drilled in the conventional sense. The water enters the underground quarry from seepage through the marble units of the Leadville Formation.

Hole Diameter

No hole was drilled. The quarry is a large underground working with four primary openings to the surface, one of which is used for both large equipment access and the discharge pipe to pump excess groundwater for release to Yule Creek.

Drilling Method

A well was not drilled, hence information regarding casing and perforated casing is not available.

Grouting Record

A well was not drilled and therefore no grouting was done.

- Denver Headquarters -

1738 Wynkoop Street Suite 100 Denver, Colorado 80202 USA (303) 293-2204 fax (303) 293-8485

- Quarry Office -

1101 Village Road Suite 2A Carbondale, Colorado 81621 USA (303) 963-9446 fax (303) 963-9290

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES**

1313 Sherman Street-Room 818  
Denver, Colorado 80203  
(303) 866-3581

1/17/91

Mr. Richard Andrews  
1930 Central Ave., Suite B1  
Boulder, Colorado 80301

RE: Well Permit No. 34872-F

Dear Mr. Andrews:

Please be advised that we have received your letter of May 25, 1990 and the Statement of Beneficial Use for the referenced well as filed in accordance with C.R.S. 37-90-137(3)(c).

The State Engineer has reviewed the documents submitted and has ordered a synopsis of the proof be published and further proceeding be held as provided by C.R.S. 37-90-137(3)(c). A copy of the Findings, Conclusions, and Order of the State Engineer for the referenced well permit is enclosed.

Upon completion of publication and the 30-day objection period, we will advise you if a hearing will be necessary. If there are no objections, we will process the Statement of Beneficial Use for acceptance.

If you have any questions, please contact Judy Sappington of this office.

Sincerely,

Bruce E. DeBrine  
Water Resources Engineer  
Ground Water Section

BED/JTS/jmg  
Enclosure

cc: Division 4

4926I/Form #1941

## FINDINGS, CONCLUSIONS AND ORDER OF THE STATE ENGINEER

---

IN THE MATTER OF THE EXPIRATION OF A WELL PERMIT LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 88 WEST, 6TH PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO

APPLICANT: COLORADO YULE MARBLE COMPANY

WELL  
PERMIT NO.: 034872-F

---

This matter having come before the State Engineer pursuant to notice under C.R.S. 37-90-137(3)(c) and the petition for continuance of well permit filed by Colorado Yule Marble Company, c/o Richard Andrews, 1930 Central Avenue, Suite B1, Boulder, Colorado 80301 (hereinafter "applicant"). The State Engineer having considered the matters submitted by the applicant, the documents on file in his records and investigation of his staff, finds as follows:

1. On March 29, 1989, a permit to construct a well, No. 034872-F, was issued to the applicant. The maximum pumping rate of the well was to be 30 gpm. The water produced by the well was to be used for nonconsumptive equipment cooling and mine workings, and dewatering in an underground marble quarry. The expiration date of the permit was March 29, 1990.
2. The Division of Water Resources (Division) did not receive any proof from the applicant prior to the expiration date of the well permit, that water from the well was applied to beneficial use prior to that date.
3. The Division did not receive a request for extension of the well permit prior to the expiration date and granted no extension for said well permit on or after March 29, 1990.
4. On May 25, 1990, the Division received from the applicant a Statement of Beneficial Use and a Statement and Petition.
5.
  - a. In the Statement of Beneficial Use, Mr. Richard Andrews claims that water from the well was first put to beneficial use on August 3, 1989, and that 40 acre-feet are diverted annually at a rate of 30 gpm for non-consumptive industrial use.
  - b. In his Statement and Petition, Mr. Richard Andrews claims that the reason he did not submit the evidence of use on time was that the Statement of Beneficial Use was inadvertently filed late.
6. On September 18, 1990 the Division sent a notice to the applicant advising that neither a well completion nor a pump installation report had been received for the well.
7. In response to that notice, Colorado Yule Marble Company provided the following document: a Well Completion and Pump Installation report for permit no. 034872.

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES**

1313 Sherman Street-Room 818  
Denver, Colorado 80203  
(303) 866-3581

1/17/91

Gunnison County Times  
Box 240  
Gunnison, Colorado 81230

RE: Well Permit No. 034872-F

Gentlemen:

Please publish the enclosed legal notice. Publication is to be made one time only at your earliest possible time. Please single-space all the enclosed material.

If the legal notice is to be typeset, a "proof copy" of the notice must be submitted to this office for approval prior to publication. This "proof copy" will be inspected by the Division staff and a reply as to its correctness will be made immediately by phone or in writing. This "proof copy" should be directed to the attention of Judy Sappington, Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, CO 80203. If the original of the notice is to be photo reduced for printing, no proof copy is required.

We have been advised by the State Controller and the State Purchasing Agent that we must request four (4) copies of the billing and four (4) copies of the proof of publication. Only one copy of the proof of publication must be notarized. Please submit four (4) copies of the billing and proof of publication to:

State Engineer  
Colorado Division of Water Resources  
1313 Sherman Street, Room 818  
Denver, CO 80203

Should you have any questions concerning publication of this notice, please call Judy Sappington of this office.

Sincerely,

Bruce E. DeBrine  
Water Resources Engineer  
Ground Water Section

BED/JTS/jmg  
Enclosure

49281/Form #0355

N O T I C E

IN THE MATTER OF WELL PERMIT NO. 034872-F, located in the SE1/4 of the SE1/4 of Section 1, Township 12 South, Range 88 West, 6th Principal Meridian.

Pursuant to C.R.S. 37-90-137(3)(c), you are hereby notified that Colorado Yule Marble Company has submitted proof to the State Engineer that water from well No. 034872-F was applied to beneficial use prior to the expiration of the well permit and due to mistake, inadvertence, or excusable neglect, failed to submit such proof prior to the expiration of the permit.

The proof submitted for well No. 034872-F is a Statement of Beneficial Use signed by Richard Andrews and received by the State Engineer on May 25, 1990, claiming that water from the well was first put to beneficial use on August 3, 1989 and that the well diverts 40 acre-feet annually at a rate of 30 gpm for nonconsumptive industrial use.

The State Engineer has determined he can give favorable consideration to the proof submitted by Colorado Yule Marble Company. Pursuant to C.R.S. 37-90-137(3)(c), any person who wishes to object to the continuance of well permit No. 034872-F, must file objections with the State Engineer, 1313 Sherman Street, Room 818, Denver, CO 80203, within thirty (30) days. Such objection must be accompanied by a non-refundable ten (\$10) filing fee.

Bruce

FEB 03 1991

# AFFIDAVIT OF PUBLICATION IN THE GUNNISON COUNTRY TIMES

STATE OF COLORADO, }  
County of Gunnison. } SS.

I, Th. L. Lumsden  
do solemnly swear that I am:  
Editor--Publisher--Business Manager--Or Other Officer--of  
**THE GUNNISON COUNTRY TIMES**

that the same is a weekly newspaper printed in whole or in part and published in the County of Gunnison, State of Colorado, and has a general circulation therein; that said newspaper has been published and uninterruptedly in said County of Gunnison for more than fifty-two consecutive weeks; that publication of the annexed legal notice or said newspaper has been admitted to the second-class matter under provisions of Act No. 9, and any amendments thereof, and that said weekly newspaper duly qualified for publication and advertisements within the meaning of the laws of Colorado.

## Notice

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Gunnison, State of Colorado, this 23rd day of January, 1991.

Published by Gunnison Communications, Inc.  
(The Gunnison Country Times)  
Gunnison, Colorado  
Publication date of January 23, 1991  
No. 1210 (DUE 2000)

The State Engineer has determined he can give favorable consideration to the proposed permit submitted by Colorado Yule Marble Company, pursuant to C.R.S. 37-90-13(3)(d), any person who wishes to object to the continuance of well permit No. 034872, shall file objections with the State Engineer, 1318 Sherman Street, Room 218, Denver, CO 80203, within thirty (30) days. Such objection must be accompanied by a non-refundable fee of \$100.00.

or advertisement of which the attached is a copy, was published in the regular and newspaper of said weekly newspaper for the \_\_\_\_\_ consecutive insertions; and that the notice was in the issue of said newspaper

23 A.D., 1991.

that the last publication of said notice was in the issue of said newspaper dated January 23 A.D., 1991.

In witness whereof I have hereunto set my hand this 28 day of January A.d., 1991.

By Th. L. Lumsden  
Editor--Publisher--Business Manager--Or Other Officer

Subscribed and sworn to before me, a notary public in and for the County of Gunnison, State of Colorado, this 28 day of

(SEAL)

January A.D., 1991.  
Sandra B. Ayers  
Notary Public.

My commission expires November 24, 1994

ORDER OF THE STATE ENGINEER

---

IN THE MATTER OF WELL PERMIT NO. 34872-F

LOCATION: SE1/4, SE1/4, SECTION 1, TOWNSHIP 12 SOUTH, RANGE 88 WEST, 6TH P.M.

APPLICANT: COLORADO YULE MARBLE CO.

---

THE STATE ENGINEER FINDS:

Pursuant to C.R.S. 37-90-137(3)(c), synopsis of the proof submitted by the applicant was published and no objections were received.

The proof submitted by the applicant is satisfactory and the well permit remains in force and effect.

Dated this 14<sup>th</sup> day of March, 19 91.



Jeris A. Danielson  
State Engineer

By: 

Bruce E. DeBrine  
Water Resource Engineer  
Ground Water Section

Prepared by: JTS

cc: Division 4  
Applicant

0680I/Form #0580(S)



ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

Best Copy Available

**OFFICE OF THE STATE ENGINEER**  
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 618  
Denver, Colorado 80203  
(303) 866-3581

September 18, 1990

CERTIFIED MAIL NO. P 427 347 911

Richard Andrews  
1930 Central Avenue, Suite B1  
Boulder, CO 80301

RE: Well Permit No. 34872-F  
SE1/4 of the SE1/4, Section 1,  
Township 12 South, Range 88 West  
Expiration Date: March 29, 1990

Dear Mr. Andrews:

The subject permit to construct a well was issued by this office pursuant to C.R.S. 37-90-137. A review of our records shows that neither a well completion report nor a pump installation report has been received for the well. This information should have been submitted by the well driller and pump installer. These reports will be needed prior to this office's acceptance of evidence of beneficial use. Please contact the driller and pump installer to ask them to complete the necessary forms or obtain copies from them to be submitted to this office.

If you have any questions regarding this matter, please contact this office.

Sincerely,

Judy T. Sappington  
Water Resource Engineer  
Ground Water Section

JTS/jmg

cc: Division 4

32431/Form #0580(D)

Permit No. 34872-F

PS Form 3800, June 1985

U.S.G.P.O. 1985-234-655

Best Copy Available

Sent to	Richard Andrews
Street and No.	Suite B1
	1930 Central Avenue
P.O. State and ZIP Code	Boulder, CO 80301
Postage	X
Certified Fee	X
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	X
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark or Date	

RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

P 427 347 911

Return to: Division of Water Resources, Rm. 818  
Attn: Judy Sappington

Permit No. 34872-F

<p><b>SENDER: Complete items 1 and 2 when additional services are desired and complete items 3 and 4.</b></p> <p>Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge)</p> <p>2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to:</p> <p>Richard Andrews 1930 Central Ave Suite B1 Boulder, CO 80301</p> <p>440-8722</p>	<p>4. Article Number</p> <p>P 427 347 911</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b>.</p>
<p>5. Signature - Addressee</p> <p>X <i>Richard Andrews</i></p> <p>6. Signature - Agent</p> <p>X</p> <p>7. Date of Delivery</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p> <p><i>[Circular Postmark: P 427 347 911, USA]</i></p>

PS Form 3811, Mar. 1985

U.S.G.P.O. 1985-212-665

DOMESTIC RETURN RECEIPT

Stopped in office 10/5 to pick up W.C. & P.I.R. form;  
also gave him F.I.R. for S.B.U. - he will try to get  
form completed & mailed to us.

JTB 10/5

Rich Bell says P.I.R. & measuring  
device are necessary.

## PUMP INSTALLATION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only

1. WELL PERMIT NUMBER 226621

RECEIVED

2. OWNER NAME(S) Treasure Mountain Bible Camp  
Mailing Address 500 E. Park St.  
City, St. Zip Marble, Colorado 81623  
Phone (970) 963-1798

NOV 12 1999

Receipt #  
0452061WATER RESOURCES  
STATE ENGINEER  
COLORADO3. WELL LOCATION AS DRILLED: 1/4 1/4, Sec. 36 Twp. 11 S, Range 88 W

DISTANCES FROM SEC. LINES:

500 ft. from South Sec. line. and 2700 ft. from East Sec. line.  
(north or south) (east or west)SUBDIVISION: N/A LOT      BLOCK      FILING(UNIT)     STREET ADDRESS AT WELL LOCATION: 1700 Yule Quarry Road4. PUMP DATA: Type Submersible Installation Completed 10-26-99  
Pump Manufacturer FRANKLON Pump Model No. 214.508900  
Design GPM 15 at RPM 3450, HP 1, Volts 230, Full Load Amps 9  
Pump Intake Depth 52' Feet, Drop/Column Pipe Size 1" inches, Kind PLASTIC

## ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM:

TURBINE DRIVER TYPE: ☐ Electric ☐ Engine ☐ Other N/ADesign Head      feet, Number of Stages     , Shaft size      inches.

## 5. OTHER EQUIPMENT:

Airline Installed ☐ Yes ☒ No, Orifice Depth ft.     , Monitor Tube Installed ☐ Yes ☒ No, Depth ft.     Flow Meter Mfg. N/A Meter Serial No.     Meter Readout ☐ Gallons, ☐ Thousand Gallons, ☐ Acre feet, ☐ Beginning Reading     6. TEST DATA: ☐ Check box if Test data is submitted on Supplemental Form.Date 10-27-99 10-27-99  
Total Well Depth 53' Time 11-12 PM 3:04:30 PM  
Static Level 14' Rate (GPM) 15 GPM 10 GPM  
Date Measured 10-26-99 Pumping Lvl. 14' 14'7. DISINFECTION: Type HYPochlorination, Bleach Amt. Used 2 GAL8. Water Quality analysis available. ☒ Yes ☐ No ATTACHED

## 9. Remarks

10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge.  
[Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]CONTRACTOR SELF Phone 970 963-1798 Lic. No.       
Mailing Address 500 E. Park St Marble, Co 81623

Name/Title (Please type or print)

Charles R. Bauman  
CAMP Director

Signature

Charles R. Bauman

Date

10-26-99

## INSTRUCTIONS FOR PUMP INSTALLATION REPORT

The report must be typed or printed in **BLACK INK**. All changes on the form must be initialed and dated. Attach additional sheets if more space is required. Each additional sheet must be identified at the top by the well owner's name, the permit number, form name/number and a sequential page number. Report depths in feet below ground surface.

This form may be reproduced by photocopy methods, or by computer generation with prior approval by the State Engineer. Photocopy reproductions must retain margins and print quality of the original form.

The original form must be submitted to the State Engineer's Office within 60 days after completing the well or 7 days after the permit expiration date, whichever is earlier.

A copy of the form must be provided to the well owner.

If this form is submitted in conjunction with the Well Completion and Test Report, form number GWS-31, **ONLY THE PERMIT NUMBER AND OWNER NAME NEED TO BE COMPLETED** in items 1 and 2.

1. Complete the **Permit Number** in full.
2. Fill in **Name and Mailing Address of Well Owner** where correspondence should be sent.
3. Complete the blocks for the **actual** location of the well. For wells located in subdivisions the lot, block and subdivision information must also be provided.
4. Indicate the type of pump installed and complete the requested information. When installing pumps greater than 50 gpm, complete the additional information in this area.
5. Provide the information on other equipment which may be installed in the well.
6. Report test data as required by Rule 13.9. Spaces are provided to report all measurements made during the test. The report should show that the test complied with the provisions of the rules. If a test was not performed explain when it will be done. If available, report clock time when measurements were taken.
7. Record the type and the amount of disinfection used, how placed and the length of time left in the hole.
8. Indicate if a water quality analysis was performed and submit a copy of the report if available.
9. ~~Use the remarks area to note any additional information including additional equipment installed, water supply construction problems.~~
10. Fill in **Company Name and Address of Contractor** who installed pumping equipment. The report must be signed by the licensed contractor responsible for the installation of pumping equipment.



ORIGINAL

**OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES**

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

1095

APPLICANT

**WELL PERMIT NUMBER** 226621  
DIV. 5      WD 38      DES. BASIN      MD

TREASURE MOUNTAIN BIBLE CAMP  
500 E PARK ST  
MARBLE, CO 81623-

APPROVED WELL LOCATION

GUNNISON COUNTY

SE 1/4 SW 1/4 Section 36

Township 11 S Range 88 W Sixth P.M.

DISTANCES FROM SECTION LINES

500 Ft. from South Section Line

2700 Ft. from East Section Line

(970) 963-1798

**PERMIT TO USE AN EXISTING WELL**

**ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT**

**CONDITIONS OF APPROVAL**

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(I) and the policy of the State Engineer for appropriation of ground water tributary to the Crystal River, a tributary of the Roaring Fork River, a tributary of the Colorado River system.
- 4) The use of ground water from this well is limited to drinking and sanitary facilities as described in CRS 37-92-602(1)(c), for a commercial business, a seasonal camp. Water from this well shall not be used for lawn or landscape irrigation or for any other purpose outside the business building structures.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The maximum annual amount of ground water to be diverted by this well shall not exceed 1/3 acre-foot (108,600 gallons).
- 7) Approved as the only well on a tract of land of approximately 47 acres described as the Banner Lode and that portion of the Eagle Lode, Islet Placer, Kline Placer, and Yule Placer, Gunnison County, reference attached exhibit "A".
- 8) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 9) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 10) This well shall be located not more than 200 feet from the location specified on this permit.
- 11) Approved for the installation of a pump in, and the use of, an existing well, constructed on October 25, 1999, under monitoring hole notice MH-37117.

*JD 6-20-2000*

APPROVED  
JD2

State Engineer

Receipt No. 0452061

DATE ISSUED **JUN 20 2000**

By *Jeff D. Smith*  
By

EXPIRATION DATE **JUN 20 2002**

**COLORADO DIVISION OF WATER RESOURCES**  
**DEPARTMENT OF NATURAL RESOURCES**  
**1313 SHERMAN ST., RM. 818, DENVER CO 80203**  
**phone - info: (303) 866-3587 main: (303)866-3581**

**GENERAL PURPOSE**

(Please note: other forms are available for *specific* uses including - residential, livestock, monitoring, gravel pits, registration of old wells)  
**Review instructions prior to completing form**  
**Must be completed in black ink or typed**

RECEIVED

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RECEIVED

OCT 12 1999

OCT 08 2000

Water Well Permit Application

<b>1. APPLICANT INFORMATION</b>		<b>6. USE OF WELL</b> (please attach <i>detailed</i> description)	
Name of applicant <i>Therapeutic Int'l. Bldg. Camp</i>		<input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> IRRIGATION <input type="checkbox"/> FEED LOT -- number of head :	
Mailing Address <i>500 E. 2nd St</i>		<b>7. WELL DATA</b>	
City <i>Marble, Co</i>	State <i>CO</i>	Zip Code <i>81633</i>	Maximum pumping rate <i>15</i> gpm    Annual amount <i>1/3</i> acre-feet Total depth <i>100</i> feet    Aquifer <i>Yule Cr. / Crystal River</i>
Telephone number (include area code) <i>970-963-1798</i>		<b>8. LAND ON WHICH GROUND WATER WILL BE USED</b>	
<b>2. TYPE OF APPLICATION</b> (check applicable box(es))		A. LEGAL DESCRIPTION (may be provided as an attachment):	
<input checked="" type="checkbox"/> Construct new well <input type="checkbox"/> Use existing well <input type="checkbox"/> Replace existing well <input type="checkbox"/> Change or Increase Use <input type="checkbox"/> Change (source) Aquifer <input type="checkbox"/> Reapplication (expired permit) <input type="checkbox"/> Other:		(If used for crop irrigation, attach scaled map that shows irrigated area.)	
<b>3. REFER TO</b> (if applicable):		B. # acres	
Water court case #	Permit #	C. Owner	
Emergency Verbal # <i>-VE-</i>	Monitoring hole acknowledgment # <i>MH-</i>	D. List any other wells or water rights used on this land:	
Well name or # <i>Jacob's Well</i>		<b>9. PROPOSED WELL DRILLER</b> (optional)	
<b>4. LOCATION OF WELL</b>		Name <i>Licensed</i>	
County <i>Larimer</i>	Quarter/quarter <i>SE 1/4</i>	Quarter <i>SW 1/4</i>	License number
Section <i>36</i>	Township N or S <i>11</i>	Range E or W <i>88</i>	Principal Meridian <i>6th</i>
Distance of well from section lines <i>N 41° 33' 10" 741</i> <i>500</i> ft from <input type="checkbox"/> N <input type="checkbox"/> S <i>2700</i> ft from <input checked="" type="checkbox"/> E <input type="checkbox"/> W			
Well location address, if different from applicant address (if applicable) <i>1700 Yule Quarry Rd</i>			
For replacement wells only - distance and direction from old well to new well feet    direction			
<b>5. TRACT ON WHICH WELL WILL BE LOCATED</b>			
A. LEGAL DESCRIPTION (may be provided as an attachment): <i>Attachment "A"</i>			
B. STATE PARCEL ID# (optional):			
C. # acres in tract <i>47</i>	D. Owner <i>Therapeutic Int'l. Bldg. Camp</i>		
E. Will this be the only well on this tract? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (if other wells are on this tract, see detailed inst.)			
USGS map name <i>Marble</i>		DWR map no. <i>46-0</i>	Surface elev.
Office Use Only MH- 37117 Act. 10-15-99 W-1914 Const 10-25-99 W-1915 W-1916 W-1918 AICW-215		DIV <i>5</i> CO <i>26</i> W-1918 W-1915 W-1916 W-1918 AICW-215 CHECKS TRN452061 101299 DIV OF WATER RESOURCES BA MD	



## GENERAL PURPOSE APPLICATION -- GENERAL INSTRUCTIONS

This form (GWS-45) should be used for the following well uses: commercial, industrial, agricultural irrigation, municipal, feed lots, central water supply systems, recreation, snow making, geothermal, recovery wells and any other uses not otherwise noted in the following list:

RESIDENTIAL use wells - Use application form GWS-44, GWS-49 or GWS-50  
LIVESTOCK watering on a farm, ranch, range, or pasture (not feedlots) - Use forms GWS-44 or GWS-50  
MONITORING/OBSERVATION wells - Use application form GWS-46  
GRAVEL PITS - Use application form GWS-27  
REGISTRATION of an existing well - Use form GWS-12 (must be in use since prior to May 8, 1972)

**FEES:** This application must be submitted with the required \$60 non-refundable filing fee.  
Checks should be payable to COLORADO DIVISION OF WATER RESOURCES.

Applications are evaluated in chronological order. Please allow approximately six weeks for processing.

**ALL ITEMS** in the application form must be completed. Incomplete applications may be returned to the applicant.

APPLICATIONS must be completed clearly, and legibly, in BLACK INK or typed. ALL ITEMS in the application must be completed. Incomplete applications may be returned to the applicant for more information.

THE LOCATION of the well in item 4 must be correctly and accurately described. The county, quarter/quarter, section, township, range, principal meridian, and distances from section lines must be provided.

For additional assistance in describing the location of your well, request the instruction sheet titled "How To Determine A Well Location" from any Colorado Division of Water Resources office.

Describe in item (5), or provide as an attachment, a complete LEGAL DESCRIPTION of the tract on which the well will be located. Indicate the total number of acres, and the owner of the tract.

Check the applicable box(es) in item (6) to indicate the USE of the well. a detailed description of the proposed use should be provided as an attachment to the application.

If the well is to withdraw water from the DAWSON, DENVER, ARAPAHOE or LARAMIE-FOX HILLS AQUIFERS, documentation showing "claimed ownership", or providing the consent of the landowner may be required. Please contact the Division of Water Resources for further information. A copy of the Statewide Nontributary Ground Water Rules are available upon request for \$3.

Describe in item (8), or provide as an attachment, a complete LEGAL DESCRIPTION of the land area on which water from the well will be used. Indicate the total number of acres and the owner of the tract. If agricultural irrigation is a proposed use, provide an accurate map of the land area that clearly identifies irrigated areas. Section numbers, section lines, and a map scale, must be provided on the map.

Completely describe all OTHER WATER RIGHTS, including wells and surface water rights, used on the described land area. Describe the total land areas irrigated by other wells or water rights. Applicable well permit, well registration or water court case numbers must be indicated. This information may be provided as an attachment to the application.

An ORIGINAL signature must be on each application. The applicant's authorized agent may sign the application, if a letter signed by the applicant is submitted with the application authorizing the individual signing the application to act as agent for the purpose of obtaining a well permit.

### DETAILED INSTRUCTIONS ARE AVAILABLE UPON REQUEST

IF YOU HAVE ANY QUESTIONS regarding any item on the application form, please call the Division of Water Resources Ground Water Information Desk (303-866-3587), or the nearest Division of Water Resource Field Office located in Greeley (970-352-8712), Pueblo (719-542-3368), Alamosa (719-589-6683), Montrose (970-249-6622), Glenwood Springs (970-945-5665), Steamboat Springs (970-879-0272), or Durango (970-247-1845).

COLORADO DIVISION OF WATER RESOURCES, 1313 SHERMAN STREET, ROOM 821, DENVER, CO 80203  
PHONE 303-866-3587 (Information), 303-866-3581 (Main), 303-866-3447 (Well & Water Rights Records), 303-866-3589 (Fax)

RECEIVED

LAND SPLIT APPROVAL

MAY 05 2000

WATER RESOURCES  
STATE ENGINEER

BOOK 692 PAGE 118

3rd July 91 12:05 P.M.  
Filed for record this day of July 1991 A.D. at the Office of the  
Recorder of Deeds  
Reception No. 427604 Joanna M. Reinger, RECORDER

NOV 18 1999

WATER RESOURCES  
STATE ENGINEER  
COLORADOBOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
Resolution No. 17 Series 1991A RESOLUTION APPROVING LAND USE CHANGE APPLICATION NO. 1990-44  
for C.E. Bauman

WHEREAS, C.E. Bauman has made application to subdivide three mining claims near the Town of Marble, which lie north of the south line of the SW 1/4 Sec. 36, T 11 S, R 88 W, 6th P.M.; and

WHEREAS, the Gunnison County Planning Commission, after a review of relevant facts, has recommended that LUC No. 1990-44 be approved with certain conditions; and

WHEREAS, the Board of County Commissioners has reviewed said recommendation and information submitted by the applicant subsequent to it;

NOW, THEREFORE, the Board finds that the applicant has submitted a legal description of the property indicating the unification of the portions of these three mining claims, with the exception of the one acre parcel owned by Bauman, and so has complied with the first condition of the recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change No. 1990-44 is hereby approved, creating the property described in the attached "Exhibit A", and with the following notation:

This approval in no way implies that, nor sets a precedent for, approval of any other land use change permit will be granted on this property.

THIS RESOLUTION and the approval granted hereby shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County at the expense of the applicant.

BOOK 692 PAGE 117

INTRODUCED by Commissioner Maria Petri  
by Commissioner Ruth S. S. S. S. and seconded  
day of May, 1991. , and passed on this 31st

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

By [Signature]

NOV 18 1999

STATE ENGINEER  
COLO.

ATTEST:

[Signature]  
Gunnison County Clerk and Recorder

Attachment "A"

Land "Legal Description"

Item 1.

Danner Lode Mining Claim, U.S. Mineral Survey No. 6339A; and that part of the Eagle Lode Mining Claim, U.S. Mineral Survey No. 6339A, the Islet Placer Mining Claim, U.S. Mineral Survey No. 8680 and the Kline Placer Mining Claim, U.S. Mineral Survey No. 8680 lying North of the South line of the SW1/4 of Section 36 in Township 11 South, Range 88 West, 6th P.M., AND that portion of the Yule Placer, U.S. Mineral Survey No. 9618 described as follows: commencing at corner #10 Yule Placer, U.S. Mineral Survey No. 9618, Section 36 Township 11 South, Range 88 West, 6th P.M. thence S 06°56' W along the line between corner #10 and corner #11 Yule Placer 410.62 feet; to the point of beginning; thence E 205 feet; thence N 110 feet; thence E 228.2 feet to the line between corner #1 and corner #2 Yule Placer; thence S 03°23' E 1001.70 #1 Yule Placer; thence S 87°58' W 300 feet to corner #13 Yule Placer; thence N. 02°08' E 55.5 feet to corner #12 Yule Placer; thence N 69°23' W 305.3 feet to corner #11 Yule Placer; thence N 06°56' E 742.98 feet along the line between corner #11 and corner #10 Yule Placer to the point of beginning.

Item 2.

~~Reserving therefrom~~ that parcel of land in Quit Claim Deed from Joseph G. Schretzmann and Beatrice L. Schretzmann to Frank Nisley, Jr.; Scott W. Heckman and Ivan P. Kladder recorded November 29, 1965 in Book 385 at page 60, described as Beginning at a point which bears N 41°33' W 759.7 feet from the S $\frac{1}{4}$  corner of Section 36, Township 11 South, Range 88 West, 6th P.M., thence N 84°36' W 208.7 feet, thence N 05°24' E 208.7 feet, thence S 84°36' E 208.7 feet, thence S 05°24' W 208.7 feet to the point of beginning,

Rock Creek Mining District,  
County of Gunnison,  
State of Colorado.

RECEIVED

OCT 08 '89

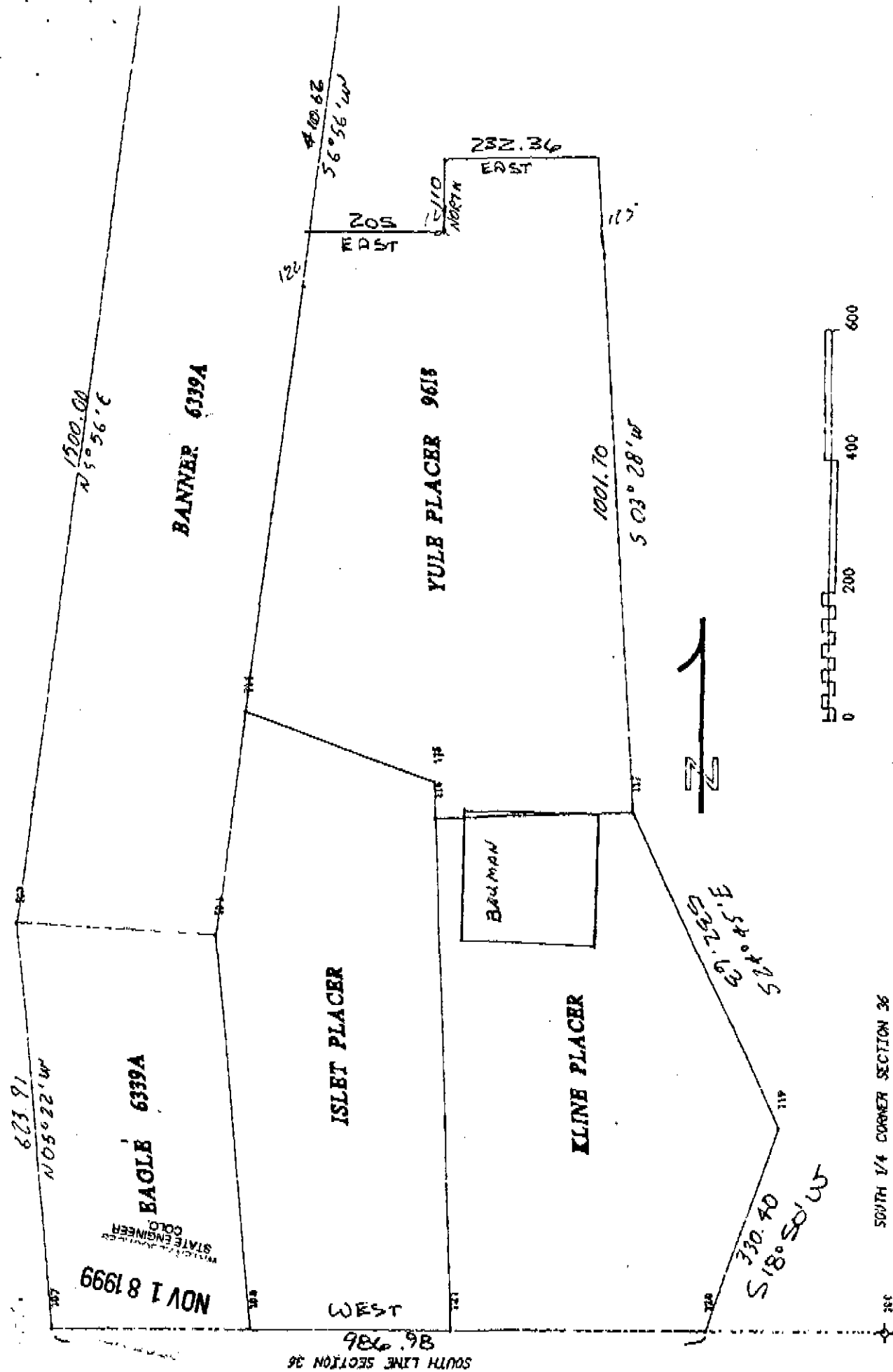
WATER RESOURCES  
STATE ENGINEER  
GLENWOOD

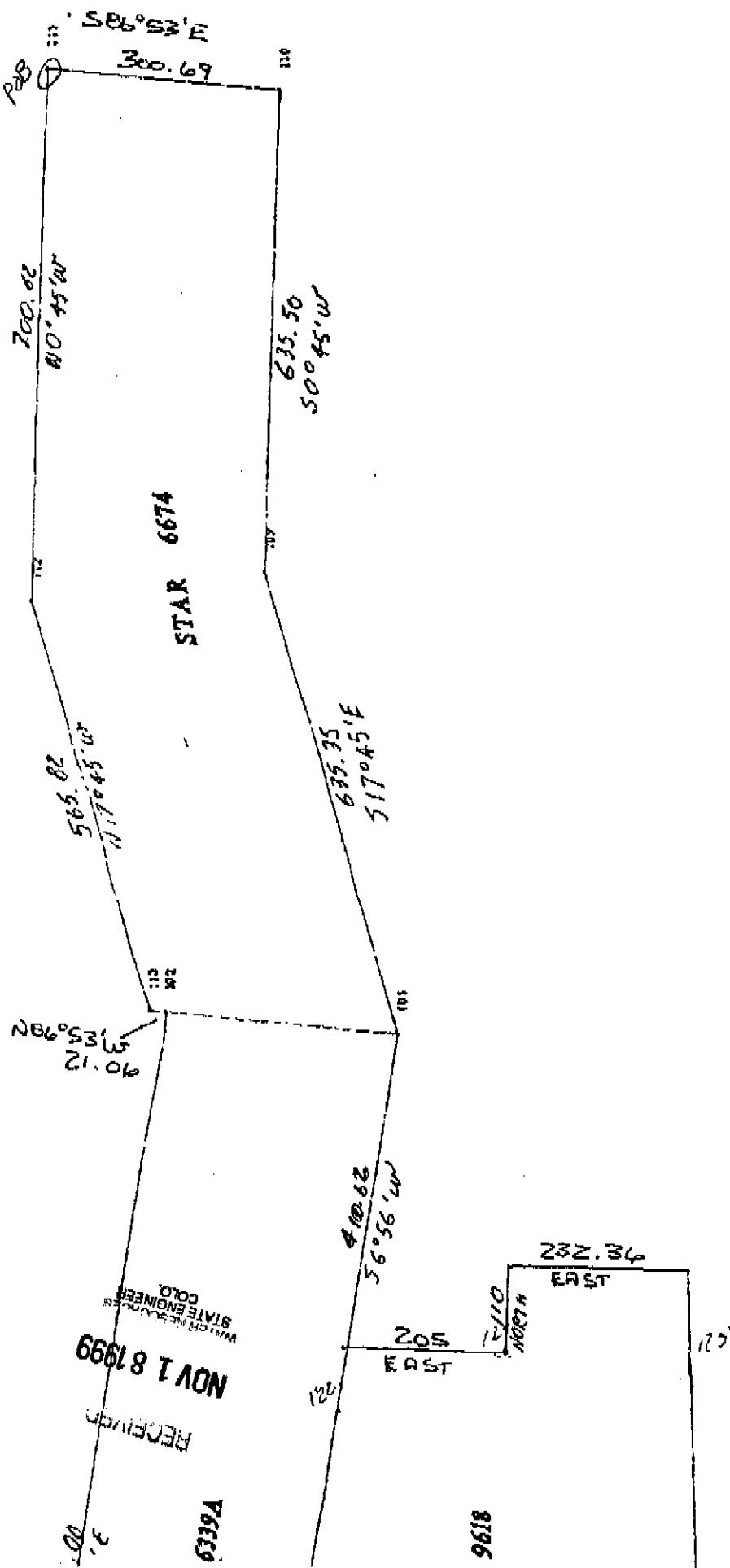
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WATER RESOURCES  
STATE ENGINEER  
COLO.

Exhibit "A", Rec. # 452661





Attachment #1

3  
orado 81623

PASTOR C. R. BAUMAN  
Director 963-1798

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STATE ENGINEER  
GLENWOOD

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STATE ENGINEER  
COLO.



ADJUTANT  
2917

WHITE RIVER NATIONAL FOREST  
N8AC

HOUSE  
w/ deck

Star  
Placer

JORDAN PLACER  
1012303

TREASURE MT  
MILLER PLACER  
1012303

Bible Camp

NATURAL  
WATERFALL

MAN-MADE  
DAM

Beaver  
Ponds

Yule  
Placer

BAUMAN 1 Acre

WELL  
LOCATION

COTLAND PLACER  
1012303

Scale

Feet

oads .  
akes, River, Creek  
NOWBOUND Subdivision  
(31 acres)  
ule Creek Property  
(63.1 acres total)  
isc. Private Prop.

SEE MAP 2991-010

6339A

NEAR PLACER  
8560

NEAR PLACER  
8400

Section 36

W/O star. placer ~ 47 acres

Attachment #1



# Gunnison County, Colorado

Departments of  
PLANNING, BUILDING & SANITATION

NOV 18 1999  
STATE ENGINEER  
COLO.  
200 E. VIRGINIA  
GUNNISON, COLORADO 81200

February 19, 1991

Mr. Joseph Schretzmann  
Rte. 3, Box 276  
Lake Butler, Florida 32054


RE: Approval of division of mining claims

Dear Mr. Schretzmann:

For your information, the Gunnison County Board of Commissioners today granted approval of the division of the mining claims which you are selling to the Crystal River Baptist Church, as defined by application to the Gunnison County Planning Department. A resolution of that approval will be signed by the Board and recorded with the Gunnison County Clerk and Recorder within the next two to three weeks. A copy can be forwarded to you if you so desire.

If you need any additional information, please give me a call.

Most sincerely,



Joanne M. Williams, A.I.C.P.  
Planning Director



**SUPPLEMENTAL QUIT CLAIM DEED  
CONVEYING WATER RIGHTS**

STATE DOCUMENTARY FEE  
DATE 8/20/93  
No. Fee

AT "H"

WHEREAS, CRYSTAL RIVER BAPTIST CHURCH OF CARBONDALE, COLORADO, a non profit corporation existing under the laws of the State of Colorado, whose mailing address is 2632 Highway 133, Carbondale, Colorado 81623, has previously sold and conveyed to TREASURE MOUNTAIN BIBLE CAMP, a non profit corporation existing under the laws of the State of Colorado, whose mailing address is 500 Morrison, Carbondale, Colorado 81623, all of that real property described in the attachment to a Quit Claim Deed recorded in Book 710 at Page 399 in the office of the recorder for Gunnison County, Colorado;

WHEREAS, it was the intention of the parties to that Quit Claim Deed that any and all water rights accruing to the benefit of the property conveyed be transferred therewith; and

WHEREAS, the CHURCH and the CAMP desire to eliminate any questions as to proper title to said water rights.

NOW, THEREFORE, CRYSTAL RIVER BAPTIST CHURCH OF CARBONDALE, COLORADO hereby SELLS AND QUIT CLAIMS to TREASURE MOUNTAIN BIBLE CAMP any interest of the Church in and to those water rights decreed to the Yule Spring No. 1 in Case No. W-1915, the Yule Spring No. 2 in Case No. W-1914, the Yule Spring No. 3 in Case No. W-1916, and the Yule Meadow Spring in Case No. W-1918, all in Water Division 5, State of Colorado, and any and all other water rights accruing to the benefit of the property including those referenced in Application No. 91 CW 215, District Court, Water Division 5.

Dated this 18 day of July, 1993.

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WATER RESOURCES  
STATE ENGINEER  
COLO.

CRYSTAL RIVER BAPTIST CHURCH  
OF CARBONDALE, COLORADO

By: Guy A. Kelly  
Guy Kelly, Pastor

**ACKNOWLEDGMENT**

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss.

OCT 08 '99

MA. J. HANES  
NOTARY PUBLIC

The foregoing instrument was acknowledged before me this 28 day of July, 1993, by Guy Kelly as Pastor of the Crystal River Baptist Church of Carbondale, Colorado, a non profit corporation.

My commission expires: 8/20/93

[Signature]  
Notary Public

BOOK 632 PAGE 118

## SCHEDULE A (CONT.)

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NOV 18 1999

WHICH BEING A  
STATE ENGINEER  
COLO.

Commitment No. P9004-3

4. The land referred to in this commitment is described as follows:

Banner Lode Mining Claim, U. S. Survey No. 6339A;  
and that part of the Eagle Lode Mining Claim, U. S. Survey No. 6339A, the  
Islet Placer Mining Claim, U. S. Survey No. 8680 and the Kline Placer Mining  
Claim, U. S. Survey No. 8680 lying North of the South line of the SW $\frac{1}{4}$  of  
Section 36 in Township 11 South, Range 88 West, 6th P.M.,  
AND that portion of the Yule Placer, U. S. Survey No. 9618, described as  
follows: commencing at corner #10 Yule Placer, U. S. Survey No. 9618, Section  
36, Township 11 South, Range 88 West, 6th P.M., thence S 06°56' W along the  
line between corner #10 and corner #11 Yule Placer 410.62 feet to the point of  
beginning; thence E 205 feet; thence N 110 feet; thence E 228.2 feet to the  
line between corner #1 and corner #2 Yule Placer; thence S 03°28' E 1001.70  
feet to Corner #1 Yule Placer; thence S 87°58' W 300 feet to corner #13 Yule  
Placer; thence N 02°08' E 55.5 feet to corner #12 Yule Placer; thence N 69°23'  
W 305.3 feet to corner #11 Yule Placer; thence N 06°56' E 742.98 feet along  
the line between corner #11 and corner #10 Yule Placer to the point of  
beginning,

EXCEPTING THEREFROM that parcel of land in Quit Claim Deed from Joseph G.  
Schretzmann and Beatrice L. Schretzmann to Frank Nisley, Jr., Scott W. Heckmar  
and Ivan P. Kladder recorded November 29, 1965 in Book 385 at page 60,  
described as Beginning at a point which bears N 41°33' W 759.7 feet from the  
SW $\frac{1}{4}$  corner of Section 36, Township 11 South, Range 88 West, 6th P.M., thence N  
84°36' W 208.7 feet, thence N 05°24' E 208.7 feet, thence S 84°36' E 208.7  
feet, thence S 05°24' W 208.7 feet to the point of beginning,

Rock Creek Mining District,  
County of Gunnison,  
State of Colorado.



## TREASURE MOUNTAIN BIBLE CAMP

500 E. Park Street  
Marble, Colorado 81623

Phone/ Fax 970-963-1798

RECEIVED

Bro. Ray Bauman, Director

OCT 08 '99  
WATER RESOURCES  
STATE ENGINEER  
GLENWOOD

October 8, 1999

Colorado Division of Water Resources #5

RECEIVED  
OCT 12 1999

WATER RESOURCES  
STATE ENGINEER  
COLO.

Dear Sirs:

Enclosed you will find our application for a Exempt Commercial Well. The reason for this application is that the regulations by the Colorado Health Dept. are too stringent on the use of our springs (ground water) so we have decided to drill a 100 foot deep well.

We are operating a Bible camp for young people and have been doing so since 1990 on this property. We have been using all of our water out of the "Springs of Living Water" up until this time. We will continue to use this spring for all of our external water needs, such as, watering the grass and etc.

We will be using the new well strictly for drinking, showering and washing pots and pans.

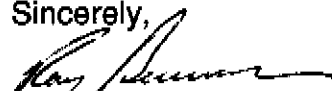
The following is a list of our usage:

1. We have no flush toilets
2. No external use outside of our shower houses and kitchen.
3. We are on the premises during all of the camps and monitor and limit all water usage.
4. We have metered our water in the passed and have found we use less than 700 gallons per day (maximum) for a 45 day season. = 31,500 gals
5. Seasonal use only.
6. We have no evaporative septic and leach field systems.

\* MAX capacity 65 people

Thank you.

Sincerely,

  
Ray Bauman, Director

# STATE OF COLORADO

## OFFICE OF THE STATE ENGINEER

Division of Water Resources  
Department of Natural Resources

1313 Sherman Street, Room 818  
Denver, Colorado 80203  
Phone: (303) 866-3581  
FAX: (303) 866-3589

<http://water.state.co.us/default.htm>

November 26, 1999



Bill Owens  
Governor

Greg E. Walcher  
Executive Director

Hal D. Simpson, P.E.  
State Engineer

TREASURE MOUNTAIN BIBLE CAMP  
RAY BAUMAN, DIRECTOR  
500 E PARK STREET  
MARBLE, CO 81623

RE: Application Receipt No. 452061

Dear Mr. Bauman:

Thank you for the additional information you submitted regarding your parcel in Gunnison County. Unfortunately, additional information is needed from Gunnison County regarding the process that split a portion of the Eagle, Islet, and Kline mining claims. The information you submitted indicated that Gunnison County granted a land use change (LUC no. 1990-44) and in the same process, also split three mining claims. Portions of the three mining claims split by LUC no. 1990-44 that are located north of the south line of Section 36 are included in your legal description for this well permit application. Pursuant to our policy (copy of January 3, 1985 policy attached) regarding the combination of smaller parcels into a parcel of 35 acres or more, parcels may qualify for well permits if split after 1972 if the split was exempted by the county from the definition of a subdivision. Please have Gunnison County confirm if the split of the three mining claims was a subdivision, or is exempted from the definition of a subdivision. Also, please provide some documentation to indicate when and how the Yule Lode was split into the portion identified on the legal description provided with this application.

Additionally, please verify the size of the parcel as described on the legal description submitted with this application and confirm if the Star Lode and the one acre outparcel are to be included in the land designated for this application. The parcel size as identified on the permit application is 47 acres, however my estimate of the parcel size is approximately 55 acres. (A copy of my estimate is enclosed for your reference).

I apologize for the delay in processing your application. As soon as the above information is received on my desk, I will merge it into the applications currently being reviewed. Thank you for your cooperation. If you have any questions, please contact this office and reference this letter and the above receipt number.

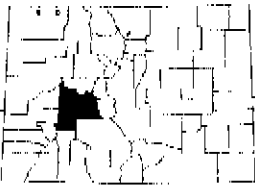
Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Deatherage".

Jeff Deatherage  
Water Resource Engineer

/JD

Enclosure(s)  
ausb35.doc



# GUNNISON COUNTY, COLORADO

## GUNNISON COUNTY PLANNING DEPARTMENT

OFFICES OF PLANNING, BUILDING AND ENVIRONMENTAL HEALTH

COURTHOUSE SQUARE

200 EAST VIRGINIA

GUNNISON, CO 81230

April 26, 2000

*Case 1*

Ray Bauman  
500 E. Park Street  
Marble, CO 81623

Dear Ray:

This is to clarify Gunnison County's resolution of approval of your land use change of Resolution No. 17, Series 1991.

That land use change permit allowed the severance of portions of three mining claims from the larger claims. The three portions were then combined into one single parcel. Combined were 2.1 acres of the 9.25 acre Eagle Placer; 6.3 acres of the 11.56 acre Islet Placer; and 8.2 acres of the 20 acre Kline Placer (the southern portion of the claims). This action created a single parcel of approximately 16.6 acres, and remainder parcels (to the north) of each of the three placers which were also combined. Those western portions were also combined into a separate, single parcel on which the Treasure Mountain Bible Camp is located.


In its recommendation of approval February 8, 1991, the Planning Commission noted that there were no substantial conflicts with County land use policies, and that, "While the subdivision of the Eagle, Kline, and Islet Placers will result in remainder tracts of less than 10 acres each, this is mitigated by the overall effect of this land use change to reduce the number of separate claims in the area due to Bauman's purchase of portions of Eagle, Kline and Islet Placers and the Banner and Yule Placers that are being consolidated into one parcel with a metes and bounds description."

The end result by this action, then, was that three parcels had been reduced to two. If the application were to be reviewed currently, it would be referred to as a boundary adjustment because the property lines were changed, but no new parcels of fewer than 35-acres were created. It would not be labeled as a "subdivision."

By the time the Board approved the permit in its Resolution No. 17, Series 1991, a metes and bounds description had been provided for the combined portions of the three claims.

If you or the Division of Water Resources need any additional help, please give me a call (970) 641-0360.

Most sincerely,

  
Joanne Williams  
Director of Planning

PLANNING: (970) 641-0360

ENVIRONMENTAL HEALTH: (970) 641-5105

BUILDING: (970) 641-1011

FAX: (970) 641-8585