



STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Wertz Pit M2022-024 Adequacy Review Response Email #1

Jodi Schreiber <jodi@arycorp.com>

Mon, Aug 1, 2022 at 10:34 AM

To: "Gagnon - DNR, Nikie" <nikie.gagnon@state.co.us>

Good morning, Nikie.

Attached is the documentation for the Adequacy Review.

Please let me know if you need additional information on this permit application.

Thank you!



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts. "

-Winston Churchill

----- Forwarded message -----

From: Jodi Schreiber <jodi@arycorp.com>

To: "'Houssin Hourieh'" <hhourieh@lamarlp.com>

Cc:

Bcc:

Date: Wed, 30 Mar 2022 17:48:09 +0000

Subject: RE: Structure Agreement - Clayton Pit

Good afternoon, Houssin,

We can definitely do that, but that is usually a very "Last resort" option, i.e. abandoned buildings, etc. It is usually best to ensure you all are comfortable with our plans.

I'll move forward with the engineering analysis unless I hear from you otherwise.



July 28, 2022

Colorado Division of Reclamation, Mining and Safety
Attn: Nikie Gagnon
1313 Sherman Street, Room 215
Denver, CO 80216

RE: Adequacy Review, Wertz Pit, M2022-024

Ms. Gagnon,

Thank you for taking the time to visit the above-referenced site and sending the adequacy review. Attached and below is the documentation requested.

1. The Application has been updated and is attached for review.
2. The Existing Conditions and Mining Map have been updated and are attached for review.
5. The narrative has been added and is attached for review.
6. The dimension of the access road has been added and is attached for review.
7. The Mining Map has been updated to show the 25' offset.
8. The Mining Plan has been updated with the new owner and is attached for review.
9. The Water Information has been updated and is attached for review.
10. The Colorado Parks and Wildlife letter detailing the game and non-game resources is attached for review.
11. A description of vegetation and carrying capacity was added to Exhibit J.
13. The overburden is estimated to be approximately 8 feet in depth. The stockpiles are estimated to have 50,000 tons.
14. Attached is the deed showing the recent sale of the property.
15. Attached is the documentation from Houssin Hourieh from Lamar Light and Power stating that they would prefer to have an engineer establish the buffer. All Rite Paving and Redi Mix asked for their input on this buffer and did not receive any such guidance. As such, we would request that the 25' buffer remain, and we will continue to reach out to Lamar Light and Power to work with them on the sufficiency of the buffer for maintenance purposes.
16. The 25' buffer will be completely around the each side of each power pole.
- 17/18. Attached are the FedEx receipts showing that the Wertz's and Bent County Clerk and Recorder were mailed the documentation as requested.

If further information is needed, please feel free to contact me directly.

Thank you,


Jodi Schreiber
719-529-0916
jodi@arycorp.com

ARY CORPORATION

A&S Construction Co.
Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
All-Rite Paving & Redi-Mix, Inc.
Hard Rock Paving and Redi-Mix, Inc.

839 Mackenzie Ave.
Cañon City, CO 81212
719.275.3264

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☐ There is a File Number Already Assigned to this Operation

Permit # M - - - - (Please reference the file number currently assigned to this operation)

☒ New Application (Rule 1.4.5) ☐ Amendment Application (Rule 1.10)
☐ Conversion Application (Rule 1.11)

Permit # M - - - - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** All Rite Paving & Redi-mix
 - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Wertz Pit
3. **Permitted acreage (new or existing site):** 101.684 permitted acres
 - 3.1 Change in acreage (+) _____ acres
 - 3.2 Total acreage in Permit area 101.684 acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. **Primary commodity(ies) to be mined:** Gravel Aggregate
 - 5.1 Incidental commodity(ies) to be mined:
 1. - lbs/Tons/yr
 2. / lbs/Tons/yr
 3. / lbs/Tons/yr
 4. / lbs/Tons/yr
 5. / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Construction Aggregate
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: _____

6. **Name of owner of subsurface rights of affected land:** Nathan and Megan Wertz
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Nathan and Megan Wertz

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Bent

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 33

TOWNSHIP (write number and check direction): T 22 ☐ North ☒ South

RANGE (write number and check direction): R 50 ☐ East ☒ West

QUARTER SECTION (check one): ☒ NE ☐ NW ☐ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☒ NE ☐ NW ☐ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____

This mine is located approximately 3.25 miles west of Hasty, Colorado. It is approximately 3923 feet in elevation.

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg 38 min 5 sec 58.50 (2 decimal places)

Longitude (W): deg 103 min 0 sec 49.28 (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude (W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting _____

Northing _____

6.4.1 Exhibit A

Legal Description

The Wertz Pit is currently located 38° 05'58.32"N 103° 00'49.28"W. The pit will be accessed through County Road JJ 3.25 miles west of Hasty in Bent County. The site is approximately 101.684 acres and is described by the following legal description:

Location: Bent County, CO NE SE33 T22S R50W 6th PM

Entrance: 38° 5'58.50"N -103° 0'49.28"W

Metes & Bounds:

Beginning at the NE Corner S33 T22S R50W 6PM ;

thence S 86°18'32" E a distance of 183.14'to the point of beginning;

thence S 88°05'47" W a distance of 2822.51';

thence S 01°53'53" E a distance of 1592.76';

thence N 87°32'13" E a distance of 2787.76';

thence N 00°37'17" W a distance of 1565.92'to the point of beginning;

having an area of 4429359.4 square feet, 101.684 acres

6.4.2 Exhibit B

Index Map

6.4.3 Exhibit C

Pre-Mining and Mining Plan Map of Affected Lands

Wertz Pit
Existing Conditions
Exhibit C
Bent County, CO
NE SE33 T22S R50W 6th PM

Surface and Mineral Owner: Nathan & Megan Wertz

All Rite Ready Mix



Notes & Bounds:
Beginning at the NE Corner S33 T22S R50W 6th PM ;
thence S 86°10'32" E a distance of 183.14 to the point of beginning;
thence S 88°10'47" W a distance of 2622.51;
thence S 01°53'55" E a distance of 1592.76;
thence N 67°32'13" E a distance of 2787.76;
thence N 00°37'17" W a distance of 1565.92 to the point of beginning;
having an area of 4429359.4 square feet, 101.684 acres

Notes:
1) All fences are owned by Nathan & Megan Wertz

250 0 250 500 750 1,000 ft



Scale 1:1,250

Legend

- KKKK Fence
- Quarry Extent
- Power Line
- Power Poles
- Site Boundary



Wertz Pit
Mine Plan Map
Exhibit C
Bent County, CO
NE SE33 T22S R50W 6th PM

Average quarry depth is 23 feet with an average elevation of 3900 ft.
Surface and Mineral Owner: Nathan & Megan Wertz

Overburden

Processing Plant

Topsoil Stockpiles

Mining Direction

All Rite Ready Mix



Metes & Bounds:
Beginning at the NE Corner S33 T22S R50W 6th PM ;
thence S 86°10'32" E a distance of 183.14 to the point of beginning;
thence S 88°10'47" W a distance of 2622.51;
thence S 01°53'55" E a distance of 1592.76;
thence N 87°32'13" E a distance of 2787.76;
thence N 00°37'17" W a distance of 1565.92 to the point of beginning;
having an area of 4429359.4 square feet, 101.584 acres

Notes:
1) All fences are owned by Nathan & Megan Wertz.
2) Depths include 8 ft for topsoil and 15 ft for extraction with a
total depth of 23 ft.
3) A 25' setback will be used around all power poles.
4) Overburden Piles will shift and relocate based on mining progress.

250 0 250 500 750 1,000 ft



Scale 1:1,250

Legend

- KKKK Fence
- Quarry Extent
- Power Line
- Power Poles
- Site Boundary



6.4.4 Exhibit D

Mining Plan

The Wertz Pit is a new site that will span 101.684 acres. The target gravel source is located beneath limited topsoil and overburden. The primary commodities are sand and gravel. Incidental materials not used for construction material will be used to reconstruct the pit floor and lessen the pit slopes. A portable asphalt or concrete batch plant may be onsite as projects warrant. The site is made up of Cascajo soils and gravelly land, as well as Kimera loam.

Cascajo soils and gravelly land are excessively drained alluvium. Depth to water table is more than 80 inches.

The Kimera series consists of very deep, well drained soils that formed in alluvium and eolian deposits derived from sedimentary rock. Kimera soils are on plains, interfluvies, ridges, fans, and hills. Slopes range from 0 to 9 percent.

The life of the proposed operation is speculative due to fragile economic conditions in the construction industry. If economic demands remain low and extraction is limited to 70,000 tons per year, approximately six acres per year would be mined. At this rate, the life of the mine would extend to approximately 8 years. The access road is currently 30' wide and will not need any improvements. All interior roads will be reclaimed after mining is complete.

Mining will proceed from the southeastern corner of the pit and will move north and west. Extracted material will be moved to the processing area that is anticipated to be located in the northeastern portion of the pit denoted on the map. Earthmoving will be accomplished using bulldozers, front end loaders and/or scrapers depending on the depth of plant growth material and overburden. All plant growth material and topsoil will be salvaged and stockpiled for reclamation use. Front end loaders will be used for mining at the site. These stockpiles will be located at the perimeter of the site and posted as reclamation topsoil. Waste rock and overburden will be stockpiled and used to rebuild the pit floor and slopes during reclamation. Overburden perimeter stormwater diversion berms will be constructed as excavation and reclamation progresses.

Mining will develop a gravel pit to a depth of approximately 23 feet. No groundwater is expected to be encountered during excavation and mining; therefore, no impact to the hydrologic balance is anticipated. No acid or toxic producing materials will be exposed during mining. No explosives will be used in conjunction with mining or reclamation. Mining will go to just outside the 25-foot guidance that was given in the engineer's report. Lamar Light and Power asked that an engineer give direction on how mining should occur around their structures in lieu of a Structure agreement. This report is attached for your review.

The proposed mining operation will consist of an access road from the northeast of the site. Aggregate will be processed and sized using a crusher and screens. All interior haul roads will be temporary and will be reclaimed after the mining has been completed. It is estimated that the life of the pit is 8-10 years and is dependent upon demand.

Comments were solicited from the Colorado State Historic Preservation Office (SHPO). This is attached for your review.

6.4.5 Exhibit E

Reclamation Plan

Reclamation to rangeland will occur following mining at the site. As topsoil and waste rock and overburden are removed from the working face, they will be stockpiled for future reclamation use. Throughout mining, slopes will be maintained at a 3H:1V minimum. Waste rock and overburden will be placed on the pit floor as quantity allows. Four to six inches of topsoil will be replaced on affected surfaces. If necessary, surfaces will be roughened prior to seeding.

All Rite Paving and Redi Mix will use the below. The seed will be drilled at $\frac{1}{4}$ " to $\frac{1}{2}$ " in depth and straw mulch will be crimped in.

Table 1: NRCS Recommended Seed Mix

Species	PLS/Acre
Blue grama	0.6
Sideoats grama	2.3
Western wheatgrass	3.2
Sand dropseed	0.2
Yellow sweetclover	0.4

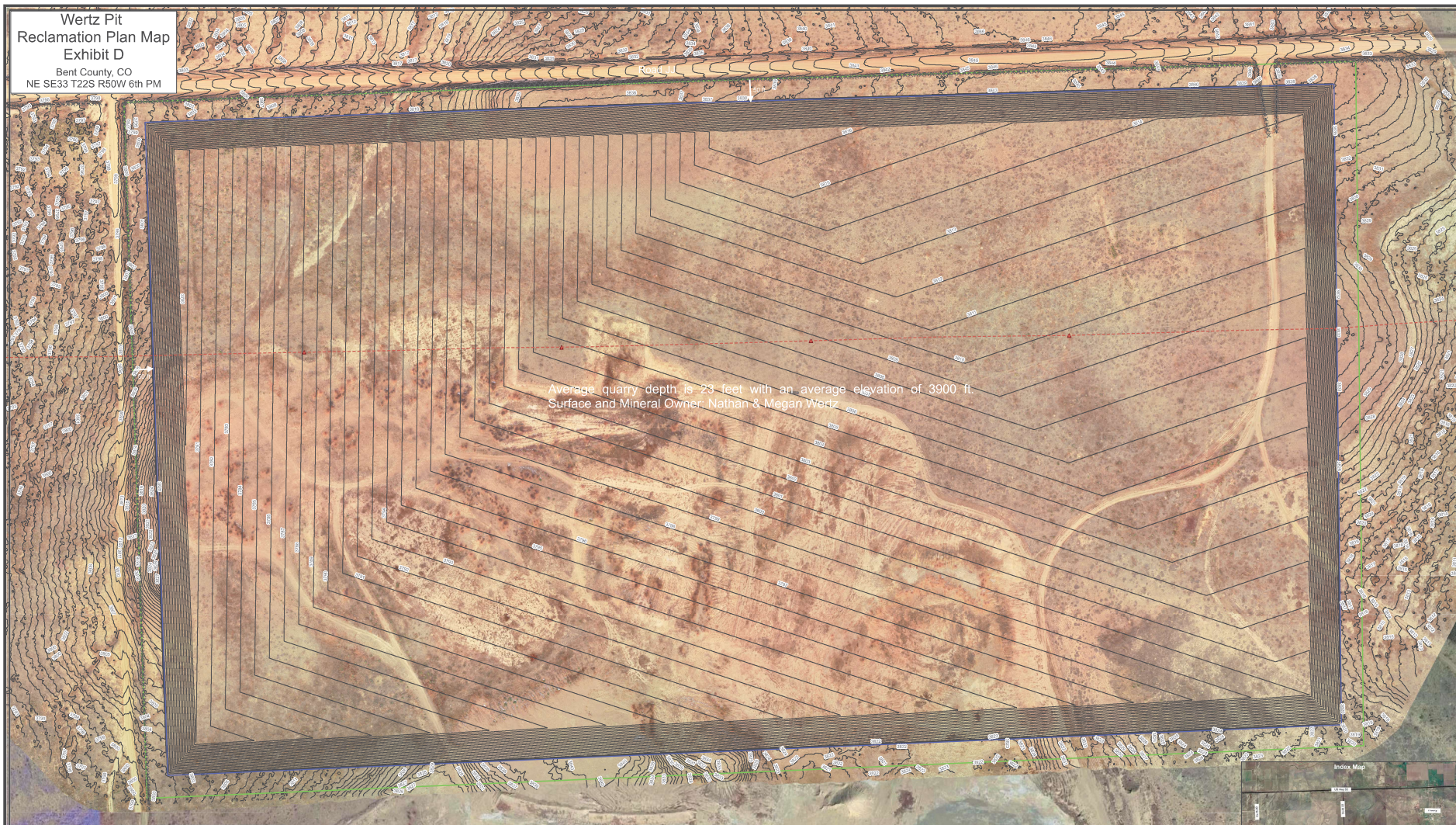
All mining structures, including interior haul roads and stormwater diversion structures, will be reclaimed following all mining operations. All buildings are portable control vans.

Throughout the mining area, salvageable surface material will be removed and stockpiled for use in final reclamation. Upon commencement of reclamation, the area will be monitored for noxious weeds. All Rite Paving and Redi Mix will implement appropriate methods to manage weed growth and will work with Prowers County Weed Control Program for recommendations in the event noxious weeds develop.

6.4.6 Exhibit F

Reclamation Plan Map

Wertz Pit
Reclamation Plan Map
Exhibit D
Bent County, CO
NE SE33 T22S R50W 6th PM



All Rite Ready Mix

PRIME PEAK TECHNOLOGIES
Cartographer: Robert L. Dunaway
7 July, 2022

Beginning at the NE Corner S33 T22S R50W 6PM:
thence S 08°18'32" E a distance of 183.14 to the point of beginning;
thence S 08°50'47" E a distance of 2822.31;
thence S 01°53'03" E a distance of 1592.76;
thence N 87°32'13" E a distance of 2787.76;
thence N 00°39'17" W a distance of 1565.82 to the point of beginning;
having an area of 442939.4 square feet, 101.684 acres

Notes:
1) Reclaimed Slope is 3:1.
2) Quarry depth is approximately 23 feet (8 ft top soil & 15 feet material).
3) All fences are owned by Nathan & Megan Wertz.
4) The primary grass species is Blue gramma, in association with grama sandweed and sand bluestem. Please see the Ecological Site Description for more information.

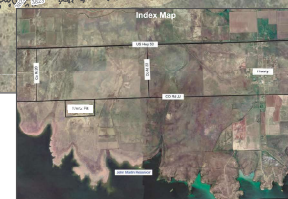
250 0 250 500 750 1,000 ft



Scale 1:1,250

Legend

- KKKK Fence
- Quarry Extent
- Power Line
- Power Poles
- Site Boundary



6.4.7 Exhibit G

Water Information

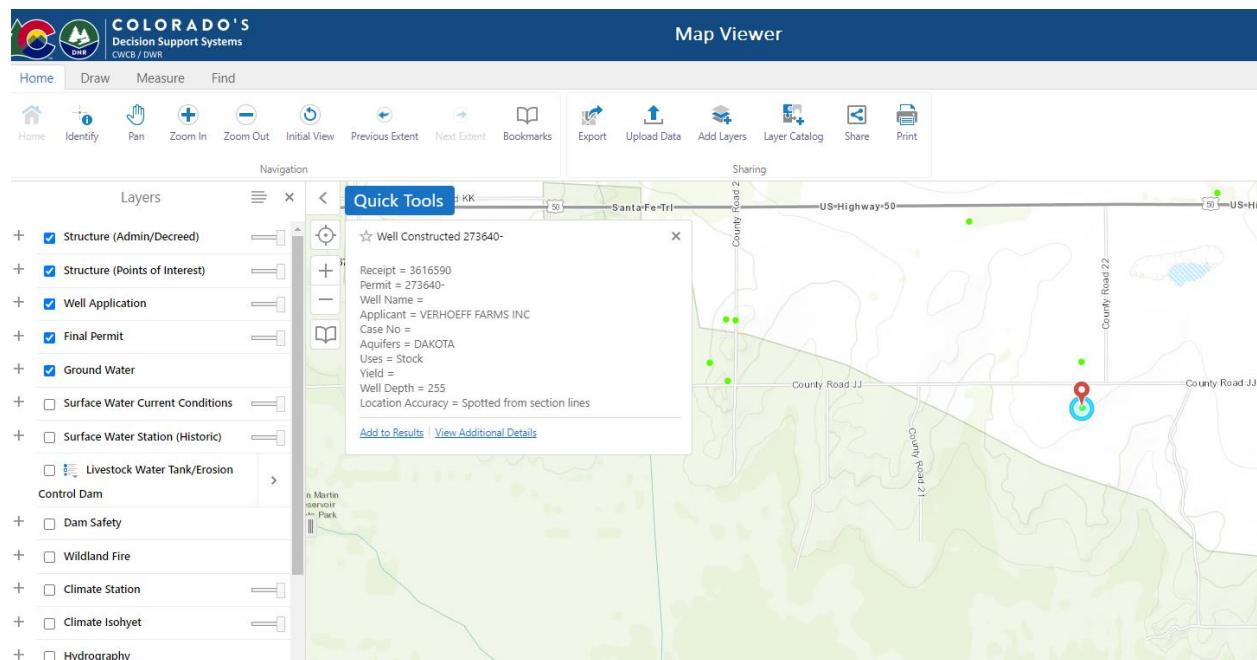
Mining is expected to have no impact on the prevailing hydrologic balance. Groundwater will not be exposed, and stormwater will not leave the site. The site will not discharge stormwater or process water drainage.

According to the Division of Water Resources HydroBase Data Viewer, groundwater near the site is anticipated to be approximately 255 feet in depth (see below). The mining operation will only mine to a depth of 23 feet.

Runoff occurs as overland flow to natural drainage ravines in the vicinity. Stormwater best management practices such as waddles, straw bales, and perimeter berms will be placed to effectively manage stormwater. Historic flow will be maintained during mining.

Consumptive use of water may occur as dust suppression on the haul road and affected areas. All Rite Paving and Redi Mix will purchase the necessary volume of water from an appropriate supplier. The amount required for this is undetermined at this time.

The permittee will complete a stormwater management plan. Diversionary berms and impoundments will be constructed as recommended by the Water Quality Division.



6.4.8 Exhibit H

Wildlife Information

The property is used for grazing. And will be returned to rangeland during reclamation. Colorado Parks and Wildlife was contacted for comment. The response letter is attached for review. It states that the site should have a pre-construction/pre-disturbance survey. All Rite Paving and Redi Mix will conduct the survey prior to any activities.



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 12, Southeast Region
2500 S. Main St
Lamar, CO 81052
P 719.336.6600

RECEIVED JUN 27 2022

June 21, 2022

Jodi Schreiber
All Rite Paving & Redi-mix
839 Mackenzie Ave
Canon City, CO 81212

RE: Clayton Gravel Pit west of Hasty, Colorado

Colorado Parks and Wildlife (CPW) is in receipt of the above referenced permit application and is familiar with the site. Based both on the location and type of action that has been taken CPW recognizes 2 species that may be affected. Least Terns and Piping Plovers

Least Tern and Piping Plover Production Areas:

Piping plovers are federally listed as endangered and least terns are recently delisted from the Endangered Species List but still managed under existing federal agreements CPW has with Bureau of Reclamation and US Army Corps of Engineers. CPW recommends a No Surface Occupancy / No Ground Disturbance (NSO/NGD) stipulation year-round if these parcels are within mapped production habitats and a timing limitation with no permitted or authorized human activities within 0.5-mile of a nest from April 1 to July 31. If there is suitable habitat outside of identified production areas, pre-construction or pre-disturbance surveys for nesting birds are recommended.

The north shore of John Martin reservoir is known to be a production area for these two species. There are not any known nesting sites in the area of the Clayton Gravel pit. Therefore we would recommend pre-construction/pre-disturbance surveys be done.

We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager, Logan Wilkins, should you have any questions or require additional information at 719-940-3585 or via email at logan.wilkins@state.co.us

Sincerely,

Logan Wilkins
District Wildlife Manager
Cc: Todd Marriott, Area 12 Wildlife Manager



6.4.9 Exhibit I

Soils Information

A Custom Soil Resource Report for Bent County, specific to this site, is attached for review. The site is made up of Cascajo soils and gravelly land, as well as Kimera loam.

Cascajo soils and gravelly land are excessively drained alluvium. Depth to water table is more than 80 inches.

The Kimera series consists of very deep, well drained soils that formed in alluvium and eolian deposits derived from sedimentary rock. Kimera soils are on plains, interfluvies, ridges, fans, and hills. Slopes range from 0 to 9 percent.

6.4.10 Exhibit J

Vegetation Information

The Wertz Pit is characterized by grazing land. Native vegetation includes blue grama, needleandthread, galleta, sand dropseed, winterfat, cactus, yucca, sagebrush and juniper. The site cover is at approximately 80% with an average height of 6-12". The carrying capacity of the property is approximately 15 acres per head of cattle for year-round grazing.

6.4.11 Exhibit K

Climate

Climate data was pulled from the Colorado State website for the Bent County area. The data is attached for review.

Bent County Monthly Averages

🏠 12 Month Weather Scroll 🏠 °F 

Month	January	February	March	April	May	June
Avg. Temperatures	Hi 45°F Lo 27°F	Hi 48°F Lo 28°F	Hi 60°F Lo 39°F	Hi 67°F Lo 45°F	Hi 77°F Lo 53°F	Hi 90°F Lo 66°F
Avg. Wind Speed	8 mph	9 mph	11 mph	12 mph	11 mph	11 mph
Avg. Precipitation	0.7 in	1 in	1.5 in	2.2 in	2.8 in	2.4 in
Average Humidity	57%	55%	43%	41%	43%	38%
Avg. Cloud Cover	22%	24%	22%	24%	21%	13%
Barometric Pressure	30.1 in	30.0 in	29.9 in	29.8 in	29.8 in	29.8 in
Average Dry Days	22	18	19	16	14	13
Avg. Precip. Days	4	6	8	10	14	14
Average Snow Days	7	7	3	2	0	0
Average Fog Days	1	1	0	0	0	0
Average UV Index	2	3	4	4	6	7
Avg. Hours of Sun	340	309	346	335	354	354

Bent County Monthly Averages

🏠 12 Month Weather Scroll 🏠 °F  °C

Month	July	August	September	October	November	December
Avg. Temperatures	Hi 93°F Lo 71°F	Hi 91°F Lo 68°F	Hi 84°F Lo 62°F	Hi 69°F Lo 48°F	Hi 57°F Lo 37°F	Hi 44°F Lo 27°F
Avg. Wind Speed	10 mph	9 mph	10 mph	10 mph	9 mph	8 mph
Avg. Precipitation	3.7 in	3 in	1.9 in	1.3 in	0.7 in	0.8 in
Average Humidity	41%	42%	42%	42%	45%	55%
Avg. Cloud Cover	16%	14%	13%	15%	16%	22%
Barometric Pressure	29.9 in	29.9 in	29.9 in	30.0 in	30.0 in	30.1 in
Average Dry Days	9	12	18	22	24	23
Avg. Precip. Days	17	15	8	6	4	5
Average Snow Days	0	0	0	2	3	6
Average Fog Days	0	0	0	0	0	1
Average UV Index	7	7	5	3	3	2
Avg. Hours of Sun	367	369	350	355	343	343

6.4.12 Exhibit L

Reclamation Costs

Reclamation cost estimates were calculated on a per acre basis and applied to maximum active mining area of 101.684 acres.

Direct Tasks	Unit	Quantity	Cost	Total Cost
Placing Topsoil/Fines				
Bull Dozer	Hours	0.33	\$145.00	\$47.85
Loader	Hours	0.33	\$145.00	\$47.85
Seeding				
Broadcasting	Hours	0.33	\$300.00	\$99.00
Seed Mix	Acre	1	\$350.00	\$350.00
Mulch	Acre	1	\$187.50	\$187.50
Tracking seed/mulch				
Dozer	Hours	0.33	\$154.00	\$50.82
Area Reclaimed	Acre	102		\$35,235.90
Mobilization Fee	Hours	1	\$100	\$100
Indirect Tasks				
Liability Insurance			0.0155	\$660.61
Performance Bond			0.015	\$639.30
Profit			0.1	\$4,261.98
Job Superintendent	Hours	20	\$88.00	\$1,760.00
Miscellaneous Indirect			0.0925	\$7,321.89
Total Bond				\$49,020.30

6.4.13 Exhibit M

Other Permits and Licenses

- All Rite Paving and Redi Mix has applied for a Bent County Special Use Permit.
- Air Permit Emissions Notice (APEN) to the Colorado Department of Public Health and Environment's Air Pollution Control Division,
- Stormwater Discharge Permit – Colorado Department of Public Health and Environment's Water Quality Control Division

6.4.14 Exhibit N

Source of Legal Right to Enter

Attached is the lease agreement for this site.

6.4.15 Exhibit O

Owner of Record of Affected Land

Surface Area and Substance to be Mined

Attached is the deed for this property.

WARRANTY DEED

THIS DEED is dated the 25th day of May, 2022, and is made between

State Doc Fee: \$8.80
Recording Fee: \$13.00

Etta Pearl Clayton
(whether one, or more than one), the "Grantor" of the County of Bent
and State of Colorado and

Nathaniel Isaiah Wertz and Megan Rose Wertz
the "Grantees", whose legal address is 21390 Road JJ, McClave, CO
81057 of the County of Bent and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of (\$88,000.00) Eighty Eight Thousand Dollars and
No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and
confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy,
all the real property together with any improvements thereon, located in the County of Bent and State of Colorado
described as follows:

Township 22 South, Range 50 West of the 6th P.M.

Section 27: S1/2

Section 33: NE1/4

Section 34: NW1/4NW1/4, N1/2SW1/4NW1/4, SW1/4SW1/4NW1/4, N1/2N1/2SE1/4SW1/4NW1/4, N1/2SE1/4NW1/4,
SE1/4SE1/4NW1/4, E1/2SW1/4SE1/4NW1/4 and N1/2NW1/4SW1/4SE1/4NW1/4

County of Bent,
State of Colorado.

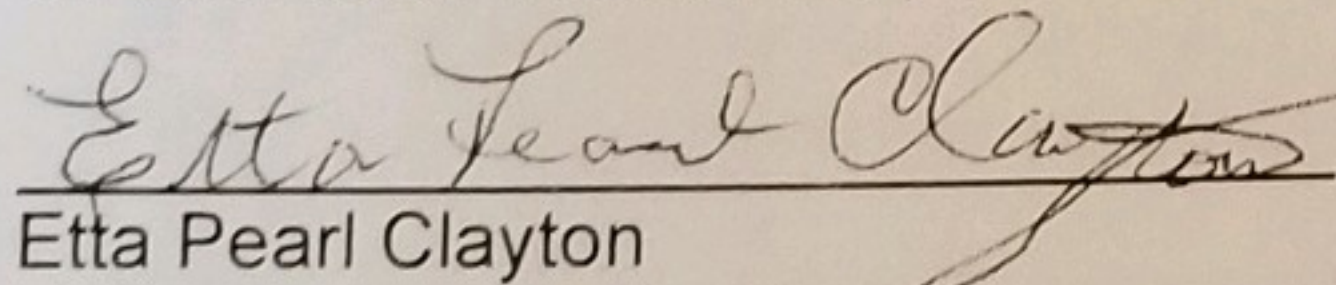
also known by street and number as: 21390 Road JJ, McClave, CO 81057

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining,
the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand
whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments
and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the
Grantees, and the Grantees' heirs and assigns forever.
The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with
the Grantees, and the Grantees' heirs and assigns: that at the time of the ensealing and delivery of these presents, the
Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of
inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and
convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other
grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever,
except and subject to:

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and
peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or
persons lawfully claiming the whole or any part thereof.

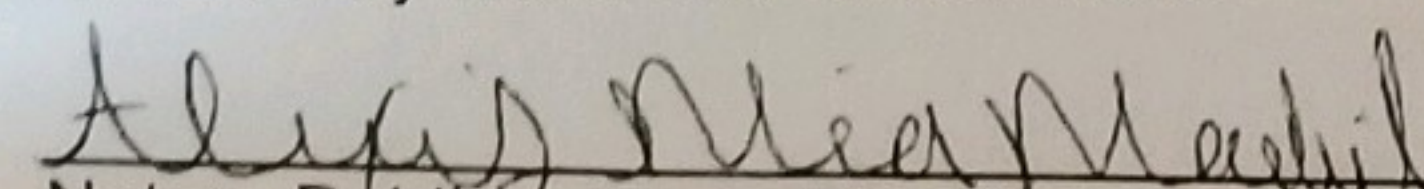
IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

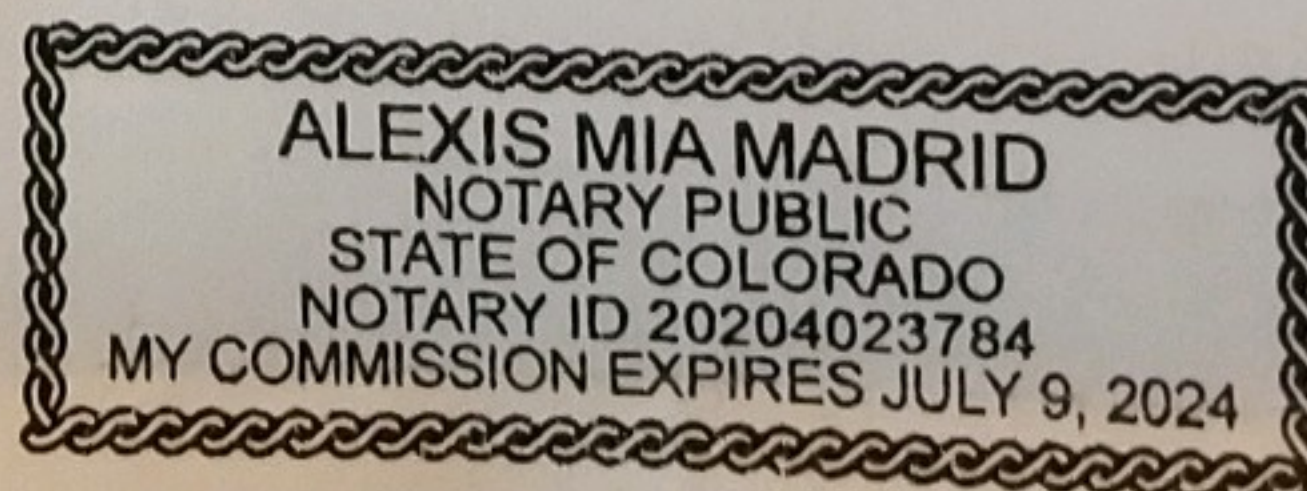

Etta Pearl Clayton

State of Colorado
County of Prowers

The foregoing instrument was acknowledged before me this 25th day of May, 2022 by Etta Pearl Clayton.

Witness my hand and official seal.


Notary Public: Alexis Mia Madrid
My commission expires: July 09, 2024



6.4.16 Exhibit P

Municipalities Within Two Miles

There are no towns within two miles of the proposed mining operation.

6.4.17 Exhibit Q

Proof of Mailing Notices to Board of County
Commissioners and Soil Conservation District

6.4.18 Exhibit R

Proof of Filing with County Clerk and Recorder

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bent City Clerk: Recorder
725 Bent Ave.
Las Animas, CO 81054



9590 9402 5705 9346 2637 12

2. Article Number (Transfer from service label)

7020 2450 0002 1856 8406

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail Restricted Delivery | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nathan & Megan Wertz
21390 CR JJ
McClure, CO 81054



9590 9402 5705 9346 2637 29

2. Article Number (Transfer from service label)

7020 2450 0002 1856 8390

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail Restricted Delivery | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

6.4.14 Exhibit S

Permanent Man-made Structures

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Wertz Pit M2022-024 Adequacy Review Response Email #1

Jodi Schreiber <jodi@arycorp.com>

Mon, Aug 1, 2022 at 10:34 AM

To: "Gagnon - DNR, Nikie" <nikie.gagnon@state.co.us>

Good morning, Nikie.

Attached is the documentation for the Adequacy Review.

Please let me know if you need additional information on this permit application.

Thank you!



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts. "

-Winston Churchill

----- Forwarded message -----

From: Jodi Schreiber <jodi@arycorp.com>

To: "'Houssin Hourieh'" <hhourieh@lamarlp.com>

Cc:

Bcc:

Date: Wed, 30 Mar 2022 17:48:09 +0000

Subject: RE: Structure Agreement - Clayton Pit

Good afternoon, Houssin,

We can definitely do that, but that is usually a very "Last resort" option, i.e. abandoned buildings, etc. It is usually best to ensure you all are comfortable with our plans.

I'll move forward with the engineering analysis unless I hear from you otherwise.

Thanks,



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts. "

-Winston Churchill

From: Houssin Hourieh <hhourieh@lamarlp.com>

Sent: Wednesday, March 30, 2022 11:12 AM

To: Jodi Schreiber <jodi@arycorp.com>

Subject: RE: Structure Agreement - Clayton Pit

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jodi,

I checked with our attorney on the status. He asked what if we go with option B on your request, because that's what he recommended on another similar situation with Prowers Aggregates Mining near our lines east of Lamar.

Thanks,

Houssin



Houssin Hourieh, Superintendent
Lamar Utilities Board
100 N Second Street
Lamar, Colorado 81052
719-336-7456

From: Jodi Schreiber [mailto:jodi@arycorp.com]
Sent: Wednesday, March 30, 2022 7:13 AM
To: 'Houssin Hourieh' <hhourieh@lamarlp.com>
Subject: RE: Structure Agreement - Clayton Pit

Good morning, Houssin.

I thought I would send over a quick email an check on the status of this agreement. Is there anything I can provide to help with this request?

Thank you for your time and help on this!



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | **Mobile** (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts."

-Winston Churchill

From: Houssin Hourieh <hhourieh@lamarlp.com>
Sent: Wednesday, March 9, 2022 8:40 AM
To: Jodi Schreiber <jodi@arycorp.com>
Subject: RE: Structure Agreement - Clayton Pit

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Thank you, Jodi. I have forwarded your Agreement to our attorney for his review.

Houssin



Houssin Hourieh, Superintendent
Lamar Utilities Board
100 N Second Street
Lamar, Colorado 81052
719-336-7456

From: Jodi Schreiber [mailto:jodi@arycorp.com]
Sent: Wednesday, March 09, 2022 7:43 AM
To: 'Houssin Hourieh' <hhourieh@lamarlp.com>
Subject: RE: Structure Agreement - Clayton Pit

Good morning, Houssin.

Attached is the updated structure agreement. Please let me know if you need anything further.

Thank you!



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | **Mobile** (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts. "

-Winston Churchill

From: Houssin Hourieh <hhourieh@lamarlp.com>
Sent: Monday, March 7, 2022 3:08 PM
To: Jodi Schreiber <jodi@arycorp.com>
Subject: FW: Structure Agreement - Clayton Pit

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Hi Jodi,

I was waiting to get this agreement from you. For some reason I didn't get it till today. Looking at it, please add "Clayton Pit on Rd JJ between Rd 22 and 23, Bent County" under the Certification Section of the form, and have it notarized then I will take it to our board for approval.

Thanks,

Houssin



Houssin Hourieh, Superintendent
Lamar Utilities Board
100 N Second Street
Lamar, Colorado 81052
719-336-7456

From: Jodi Schreiber [mailto:jodi@arycorp.com]
Sent: Monday, March 07, 2022 1:56 PM
To: Houssin Hourieh <hhourieh@lamarlp.com>
Subject: Structure Agreement - Clayton Pit

Good afternoon, Houssin.

I just wanted to check in on the status of the agreement I sent over. Have you had a chance to review it? Are there any questions I can help answer?

Thank you for your time and let me know if I can help in any way.



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | **Mobile** (719) 529-0916

jodi@arycorp.com

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-Winston Churchill

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4 attachments



Existing Conditions Map 7.26.2022.pdf
7657K



Mine Plan Map 7.26.2022.pdf
10208K



Wertz Pit 112c Permit Application Updated Pages 7.6.22.pdf
105K



RE: Structure Agreement - Clayton Pit.eml
68K