

February 27, 2023

Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street
Room 215
Denver, CO 80203

RE: Two Rivers SO Application, M1998038 Response

Ms. Michels,

Thank you for reviewing the SO Application for this permit. The revisions requested for items 1 and 2 have been completed and are attached. The address listed for item 3 is correct. The Secretary of State's website had the wrong information submitted during the last Periodic Report. The mistake on the Periodic Report has been corrected to reflect the accurate address.

The permits for item 4 have been updated. All Rite Paving & Redi Mix, Inc. and Hard Rock Paving & Redi Mix, Inc. are both DBAs of Fremont and as such were included to show all of the permits that are under Fremont's control.

The revisions requested for items 5 and 6 have been completed and are attached. Just to clarify, Fremont is spelled with one "e" and not two.

Item 8 discusses parcel 1118000008 as a part of the permit boundary. It is not. It appears that this parcel has been mistaken for parcel 1117000017, which is owned by Fremont Paving & Redi Mix, Inc.

Item 9 discusses the easements on the property. The Orchard Park Easement is noted along Highway 50 where there is a 200' buffer area. The Mary Williams Easement is no longer valid, as the well that was used for this easement has been purchased by Fremont. Fremont has purchased all interior structures, except for the power line and the water line of Gary Fillmore's. Both structure agreements were attached to the original application.

The minor revisions requested for Items 12 and 13 have been completed and are attached.

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



APPLICATION FORM FOR TRANSFER OF MINERAL PERMIT AND SUCCESSION OF OPERATORS

ADMINISTRATIVE INFORMATION

Permit Information

Permit Number: M1998038

Operation Name: Two Rivers

Permittee Information

Contact Person: Mr. James H. Kirkland, General Partner

Company Name: Kirkland Construction, R.L.L.P.

Street Address: 2101 Main Street, PO Box 580

City: Rye

State: Colorado Zip: 81069

Phone: ()

Email (optional):

Prospective Successor Information

Contact Person: Jodi Schreiber

Company Name: Fremont Paving and Redi Mix, Inc.

Street Address: 839 Mackenzie Ave, PO Box 841

City: Canon City

State: CO Zip: 81215

Phone: ()

Email (optional): jodi@arycorp.com

Other Reclamation Permits held by Prospective Successor (if applicable):

M2016009, M1979103, M1990144, M1988093, M2000041, M2012045, M2018015
M2019005, M1980224, M2021044, M2000151, M1990112, M2007006, M2019021
M2020002, M2020006, M1987131 - - -

DESIGNATION OF REVIEW TIMELINE

As explained above, the Permittee and Prospective Successor may waive their right to receive a decision on an Application within 30 days in order to allow the Division to calculate the required Financial Warranty before issuing its decision. Permittee and Prospective Successor must initial one of the following two options to designate their choice. If Permittee and Prospective Successor cannot agree, the Division will render its decision within 30 days.



Permittee



Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to WAIVE MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

Permittee

Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to MAINTAIN MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

The Prospective Successor must provide an adequate Financial Warranty or *conditional* replacement Financial Warranty, consistent with the designation above. Hard Rock and Construction Materials Rule 4.3 describes the various acceptable types of Financial Warranties. Each Financial Warranty must be submitted on the Board's approved forms (available online at <http://mining.state.co.us/Mineral%20Forms.htm>).

**APPLICANTS' AGREEMENT TO REQUEST TRANSFER
OF MINERAL PERMIT AND SUCCESSION OF OPERATORS**

WHEREAS, on August 4, 1998 Permit Number M1988038 ("Permit") was granted to Kirtland Construction, RLLP RLLP ("Permittee"), pursuant to which Permit, Permittee has engaged in a mining operation located in Pueblo County, Colorado.

WHEREAS, The Permit includes and incorporates any and all subsequent Amendments, Technical Revisions and/or Conversions.

WHEREAS, Permittee wishes to assign the entire Permit, along with all associated rights and responsibilities to Fromont Paving and Redi Mix, Inc. ("Prospective Successor"), and Prospective Successor wishes to become Successor Permittee under the Permit.

WHEREAS, Prospective Successor has inspected the mining and reclamation operations and is fully aware of the conditions thereof.

WHEREAS, Prospective Successor understands that the Reclamation Plan (the "Plan") is an integral part of the Permit and is required by law. Prospective Successor has had an opportunity to thoroughly review the Plan, understands that the Plan has not been completed and that, if Prospective Successor becomes Successor, he/she/it will assume full responsibility for the completion of the Plan.

NOW THEREFORE, Permittee and Prospective Successor hereby agree, for their own benefit and for the benefit of the State, as follows:

Prospective Successor agrees to accept all of the conditions of the Permit, including the condition that the operation remains in compliance with all applicable laws and regulations, and to perform all of the obligations of the Permittee under the Permit.

Prospective Successor agrees to complete the Plan, and to assume all liability for the same, as to all areas presently disturbed, as well as to all areas hereafter disturbed.

Prospective Successor agrees to submit to the Division of Reclamation, Mining and Safety ("Division"), Performance and Financial Warranties, as required by applicable law and regulations, which will be substituted for the Performance and Financial Warranties previously filed by the Permittee, if and when the Division approves a Transfer of Mineral Permit and Succession of Operators ("SO") and releases the latter Warranties.

Prospective Successor represents to the State that, to the best of its knowledge, information and belief, it is not in violation of any of the provisions of the Mined Land Reclamation Act (C.R.S. § 34-32-101 *et. seq.*) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") or the Land Reclamation Act for the Extraction of

Construction Materials (C.R.S. § 34-32.5-101 *et. seq.*) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"), with respect to any other operation conducted by the Prospective Successor in the State of Colorado.

Permittee and Prospective Successor hereby request that the Mined Land Reclamation Board ("Board") approves their SO Application, recognizes the Prospective Successor as Successor Operator under the Permit, accepts the Prospective Successor's Performance and Financial Warranties, and releases the current Permittee's Performance and Financial Warranties.

SIGNED, SEALED AND DATED this 22nd day of November, 2022.

PERMITTEE R.L.L.P.

Kirkland Construction, R/LP

Name of Permittee

By

[Signature]
Signature of Officer

General Partner
Title of Officer

PROSPECTIVE SUCCESSOR

Fremont Paving and Redi Mix, Inc.

Name of Prospective Successor

By

[Signature]
Signature of Officer

President
Title of Officer

NOTARY FOR PERMITTEE

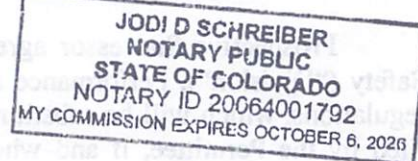
STATE OF Colorado)

COUNTY OF Pueblo) ss.:

The foregoing instrument was acknowledged before me this 22nd day of November, 2022
by James Kirkland as General Partner of Kirkland Construction R/LP

Notary Public [Signature]

My Commission Expires 10/10/2026



NOTARY FOR PROSPECTIVE SUCCESSOR

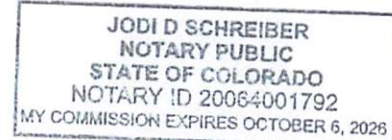
STATE OF Colorado)
COUNTY OF Pueblo) ss.:

The foregoing instrument was acknowledged before me this 22nd day of November, 2022,
by John P. Ary as President of Fremont Paving and Paving Mix Inc.

Notary Public Jodi D. Schreiber

My Commission Expires 10/16/2026

STATE APPROVAL
[for completion by Division]



- (a) The Board hereby approves the transfer of permit number _____ from _____ to _____.
- (b) The Board hereby recognizes _____ as Successor Operator under such Permit.
- (c) The Board hereby accepts the Performance and Financial Warranties submitted by Successor and hereby releases _____, as former Permittee from all obligations under its Performance and Financial Warranties. The Board further releases all affected financial warrantors from obligations under Financial Warranties associated with the former Permittee.

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
MINED LAND RECLAMATION BOARD
DIVISION OF RECLAMATION, MINING AND SAFETY

By: _____
Division Director

Date Executed: _____

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 888-3567
FAX: (303) 832-8108



PERFORMANCE WARRANTY

Operator: Fremont Paving and Redi Mix, Inc.
Operation: Two Rivers
Permit Number: M1998038

This form has been approved by the Mined Land Reclamation Board ("Board") pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"). Any alteration or modification of this form, without approval by the Board shall result in the performance warranty being invalid and result in the voiding of any permit issued in conjunction with such invalid performance warranty and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to sections 34-32-123, C.R.S. of the Hard Rock Act and 34-32.5-123, C.R.S. of Construction Materials Act.

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, the Colorado Mined Land Reclamation Act, C.R.S. § 34-32-101 et seq. (the "Hardrock Act"), as amended, and the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. § 34-32.5-101 et seq. (the "Construction Materials Act"), as amended (collectively the "Acts"), provide that no permit may be issued until the Mined Land Reclamation Board (the "Board") receives a performance warranty consisting of the Operator's written promise to comply with the requirements of the Hardrock or Construction Materials Act, whichever is applicable.

WHEREAS, Fremont Paving and Redi Mix, Inc. (the "Operator"), has applied for a permit to conduct a mining operation known as Two Rivers (the "Operation") on certain lands in Pueblo County, Colorado. These lands are described in the permit application, as amended and supplemented, and are referred to herein as the "Affected Lands."

WHEREAS, in its application for the permit, the Operator has agreed to be bound by all requirements of the Hardrock or Construction Materials Act and all applicable rules and regulations of the Board, as amended from time to time.

SIGNED, SEALED AND DATED this 23rd day of November, 2022.

Fremont Paring and Padi Mix, Inc.
Operator _____ (SEAL)
By: [Signature]
Title: President

NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT

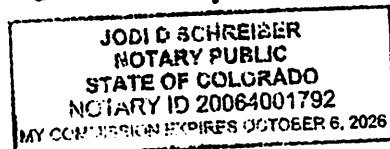
STATE OF Colorado)
COUNTY OF Pueblo) ss.:

The foregoing instrument was acknowledged before me this 23rd day of November, 2022
by John P. Any as President of Fremont Paring and Padi Mix, Inc.

Notary Public [Signature]

My Commission Expires 10/6/26

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
MINED LAND RECLAMATION BOARD
DIVISION OF RECLAMATION, MINING AND SAFETY



By: _____
Division Director

Date Executed: _____

Rev. 05/12



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

Documentation of Legal Authority to Execute Financial Warranty Documents

The Colorado Mined Land Reclamation Board ("Board") has adopted the attached Affidavit of Authority to Execute Financial Warranty Documents pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.). The Board and the Division of Reclamation Mining and Safety ("Division") have determined that, in order to carry out the financial warranty requirements set forth in C.R.S. §§ 34-32-117 and 34-32.5-117 with reasonable diligence, it is prudent to verify the legal authority of the individual signing all necessary documents.

Accordingly, you must provide confirmation of the legal authority of the individual signing all Financial Warranty Documents to the Division. You may do so either by submitting a resolution of the decision-making body of your company that authorizes an individual to sign the Financial Warranty Documents on the company's behalf, or by completing and notarizing the attached affidavit. The Division reserves the right to require the attached affidavit in all circumstances. Please note that if you are a sole proprietor who is executing documents on your own behalf, documentation of legal authority is unnecessary.



Affidavit of Authority to Execute Financial Warranty Documents

Before me this day, the undersigned John P. Ary [name of authorized person], in his/her capacity as President [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of Fremont Paving and Redi Mix, Inc. [name of business organization], a(n) corporation [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number M1998038 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

John P. Ary

Affiant's Name

Signature

STATE OF Colorado)
) ss.:
COUNTY OF Pueblo)

The foregoing instrument was acknowledged before me this 21st day of February, 2023,
by John P. Ary as President of Fremont Paving and Redi Mix, Inc.

Notary Public

My Commission Expires

10/6/26

