

Iverson 2023 Supplemental information

2. The affected area boundary for the lake surface is where the water surface edge meets the bank. The access to the water surface is partially marked by fencing and the section from the gate to the water surface is not marked.

3. Reclamation of the upland has been completed and released from the mining permit. All that remains in the permit is the water surface and access to the water surface which will not be reclaimed.

17. This permit is no longer covered under a Martin Marietta Substitute Water Supply Plan. The State Engineer's Office determined in 2018, that the water obligation is the responsibility of the property owners, Tim and Jeanne Iverson. They filed their own Substitute Water Supply Plan and we removed this permit area from our Substitute Water Supply Plan for 2018-2019. They have since withdrawn their application. Martin Marietta has notified the property owners of breach of contract and filed a civil action in the United States District Court of the District of Colorado. Depositions have been completed and the hearing date is tentatively set for May 2024.

20. Our lease with the property owners expired September 30, 2019 and we had two additional years after the expiration to complete reclamation per Paragraph 19 of the lease. The reclamation was completed and the upland areas were released from the permit. Martin Marietta no longer has a valid right of entry.

21. Mining is complete, dewatering pumps have been removed, water has been allowed to fill back in, and annual groundwater monitoring has ceased.