



Phillip Courtney  
Land Manager

August 7, 2023

Arkansas Groundwater and Reservoir Association  
Attn: Kent Ricken  
205 S. Main Street  
Fowler, CO 81039

*By Certified Mail*

**RE: Request for Structure Agreement – Thunderbird Sand and Gravel**

Dear Arkansas Groundwater and Reservoir Association:

Martin Marietta owns property known as Thunderbird Sand and Gravel in Pueblo County, Colorado. The property is located on the east side of Baxter Road, north of the Arkansas River approximately one (1) mile south of US Highway 50/State Highway 96. Attached is a vicinity map that shows the location of the property. Martin Marietta is applying to the Colorado Division of Reclamation, Mining and Safety ("DRMS") for a mining and reclamation permit on this property.

Consistent with DRMS Construction Materials Rule 6, Section 6.4.20, as a permit applicant, Martin Marietta must identify permanent man-made structures within 200 feet of the affected area of our mine site and request a notarized agreement with each structure owner, indicating that Martin Marietta will compensate the structure owner for any damage to the structure(s) caused by Martin Marietta. We have identified a/some structure(s) that we believe you own within 200 feet of the permit boundary. Martin Marietta has taken and will continue to take steps to prevent any impacts to neighboring properties, including your structure(s).

Attached to this letter you will find the Structure Agreement. The Agreement assures you that Martin Marietta will take responsibility for damage to your structure(s) if Martin Marietta's mining or reclamation activities unexpectedly affect your structure(s). The DRMS provides the language used in the Structure Agreement, so this language is consistent with agreements in place at other mining operations in Colorado.

Please sign and notarize the Agreement and return the Agreement in the enclosed addressed envelope. If you are having trouble finding a notary to notarize your signature, please contact Phillip Courtney at (720) 612-6232 and he will help you.

Once received, Martin Marietta will sign the agreement and then we will send you a fully executed copy for your records.

If you have any questions about this request, please contact Phillip Courtney at 720-612-6232 or [phillip.courtney@martinmarietta.com](mailto:phillip.courtney@martinmarietta.com).

West Division

1627 Cole Boulevard, Suite 200, Lakewood, CO 80401

t. (720) 612-6232 m. (303) 902-0964 e. [phillip.courtney@martinmarietta.com](mailto:phillip.courtney@martinmarietta.com)

[www.martinmarietta.com](http://www.martinmarietta.com)

Sincerely,

Phillip J. Courtney  
Land Manager

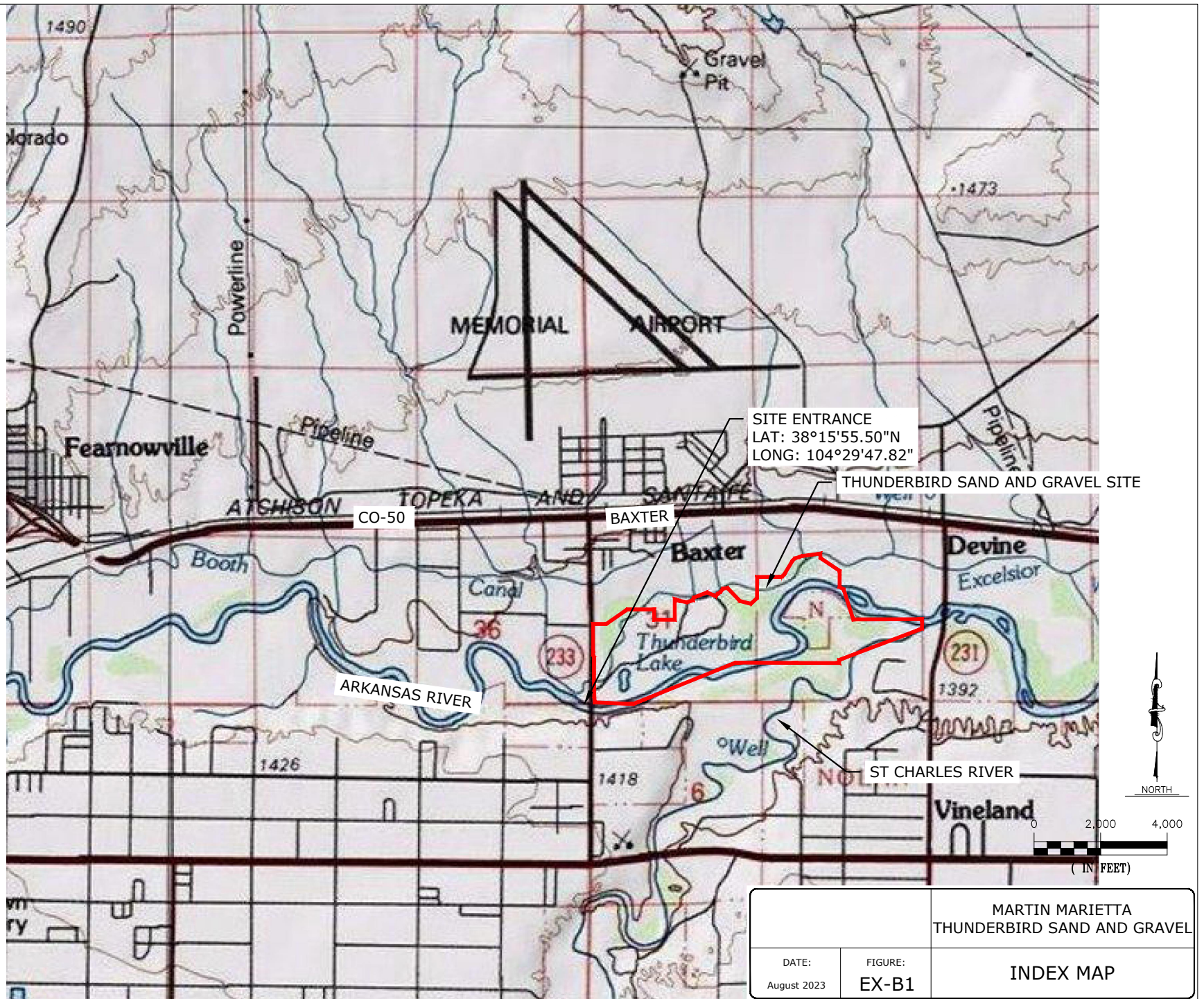
Enclosures:

Vicinity Map

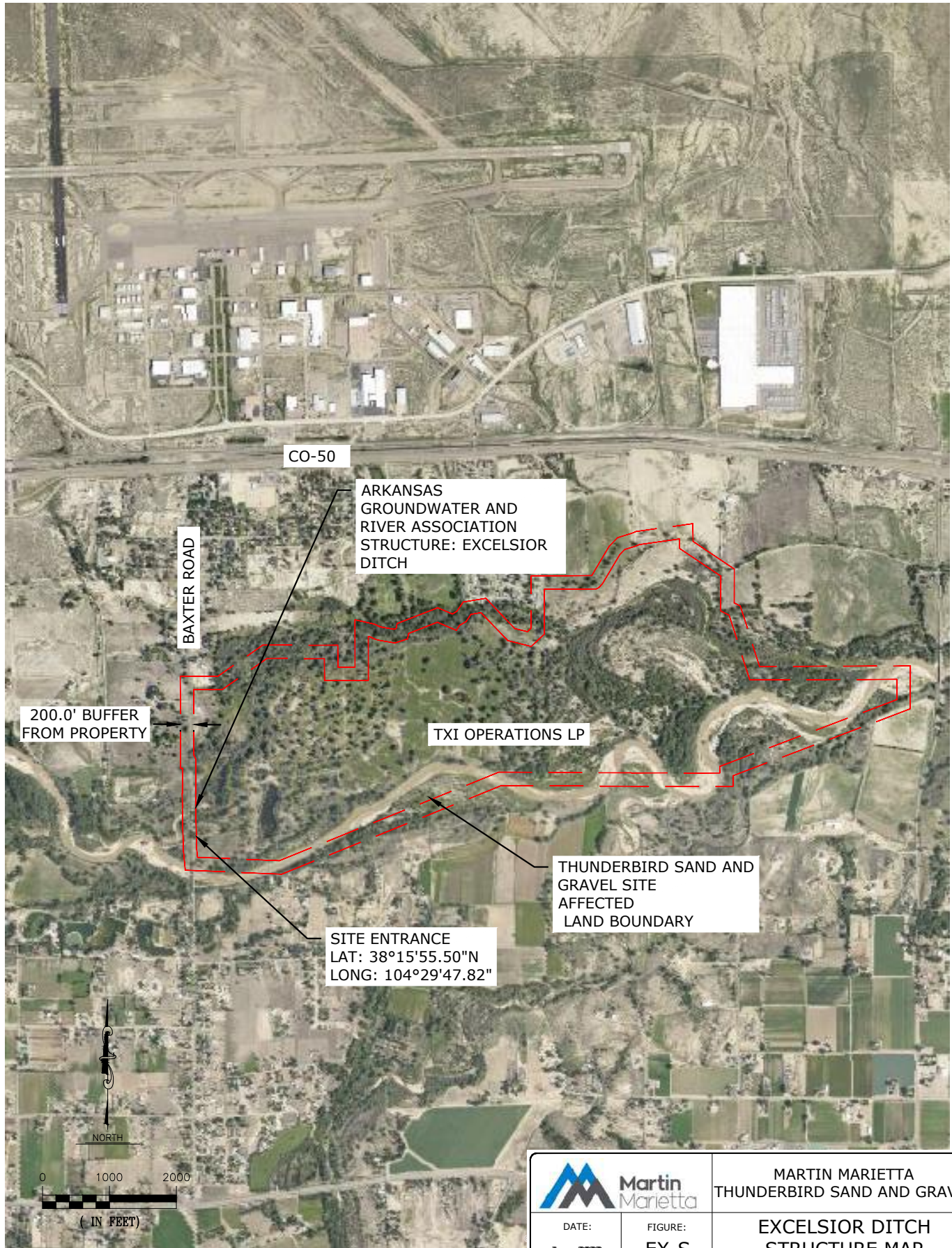
Structure Agreement

Addressed envelope to use to return the Structure Agreement

Cc: DRMS







DATE:  
June, 2023

FIGURE:  
EX-S

MARTIN MARIETTA  
THUNDERBIRD SAND AND GRAVEL

EXCELSIOR DITCH  
STRUCTURE MAP

## **Structure Agreement**

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

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

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

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

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Excelsior Ditch

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*(Please list additional structures on a separate page)*

### **CERTIFICATION**

The Applicant, Martin Marietta Materials, Inc. (print applicant/company name), by Abbott Lawrence (print representative's name), as West Division President (print representative's title), does hereby certify that Arkansas Groundwater and Reservoir Association (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Thunderbird Sand and Gravel (operation name), File Number **TBD**.

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

### **NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant: Martin Marietta Materials, Inc.

Representative Name: Abbott Lawrence

Date \_\_\_\_\_

Title: West Division President

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.  
\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Notary Public

### **NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.  
\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Notary Public