



STATE OF
COLORADO

Armstrong - DNR, Ursula <ursula.armstrong@state.co.us>

SO-3 Incompleteness Letter - Ordway Pit / M-2006-054

Armstrong - DNR, Ursula <ursula.armstrong@state.co.us>

Mon, Sep 16, 2024 at 3:05 PM

To: candersen@bettiscompanies.com

Hello Cole,

Thank you for correcting your email address when we spoke. I am forwarding you the email I sent to the provided contacts at Arkansas Valley Ranch, LLC, which includes the Incompleteness Letter for the SO request.

Please let me know that this email is received.

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

From: **Armstrong - DNR, Ursula** <ursula.armstrong@state.co.us>

Date: Mon, Sep 16, 2024 at 2:13 PM

Subject: SO-3 Incompleteness Letter - Ordway Pit / M-2006-054

To: <canderson@bettiscompanies.com>, <peter@hwhwest.com>, <peter@arkansasvalleyranch.com>

Cc: Eschberger - DNR, Amy <amy.eschberger@state.co.us>, Sara Stevenson-Benn - DNR <sara.stevenson-benn@state.co.us>

[Quoted text hidden]



M-2006-054_Incompleteness-Notice_2024-09-16_.pdf
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COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

September 16, 2024

Hannah Haslam
Arkansas Valley Ranch, LLC
P.O. Box 435
Fowler, CO 81039

Cole Anderson
Mid-States Materials, LLC
1800 NW Brickyard Road
Topeka, KS 66618

RE: Ordway Pit; Permit No. M-2006-054; Notice of Incomplete Request for Transfer of Mineral Permit and Succession of Operators Application Packet (Revision No. SO-3)

Ms. Haslam and Mr. Anderson:

On September 9, 2024, the Division of Reclamation, Mining and Safety (Division) received your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-3) for the Ordway Pit, Permit No. M-2006-054. A review of the information received determined the following items must be received before the Division can consider the application as being complete:

Application Fee:

1. No fee was received with the submitted materials. This application is concerning a Construction Materials operation which requires a filing fee of \$144.00 to be submitted to the Division. See C.R.S. § 34-32.5-125(1)(a)(X). Make all checks payable to the "Colorado Division of Reclamation, Mining, and Safety".

Affidavit of Authority:

2. On page 5 of the application package, under Administrative Information, Permittee Information, the contact person is Hannah Haslam and the email is peter@hwhwest.com. This contact information provided does not match the contact information the Division has on file for this permit, which has Peter Hurt listed as the Permittee contact with an email address of peter@arkansasvalleyranch.com. Please ensure the contact information provided in the application matches the Permittee contact information on file or submit a notarized affidavit of authority confirming that Hannah Haslam is authorized to represent Arkansas Valley Ranch, LLC.
3. On page 5 of the application package, under Administrative Information, Prospective Successor Information, the company name is Mid-States Materials, LLC, and the contact person is Cole Anderson. According to the Colorado Secretary of State's (CSOS) website, the status of the company name "Mid-States Materials, LLC" is "Name Changed". It appears the company converted from a domestic limited liability company to a foreign limited liability company on August 30, 2024.



Additionally, the registered agent (Registered Agent Solutions, Inc.) is not Cole Anderson. Please correct the company name in the application to match the company name that is registered with the CSOS and be sure it is corrected throughout the application package. Additionally, please submit a notarized affidavit of authority confirming that Cole Anderson is authorized to represent the company name of the Prospective Successor, as the name is registered with the CSOS.

Application Form:

4. On page 5, under Administrative Information, Permittee Information, the company name is missing the LLC. Please correct the permittee company name to Arkansas Valley Ranch, LLC to reflect the full Permittee name for this permit.
5. On the Applicant's Agreement to Request Transfer of Mineral Permit and Succession of Operators (pages 8-10 of the application package):
 - a) The first sentence states "Whereas, on June 21, 2019, Permit Number M-2006-054 ("Permit") was granted to Arkansas Valley Ranch, LLC". Please change this date to December 17, 2019, as this date reflects the transfer from Ordway Feedyard LLC to Arkansas Valley Ranch, LLC (approved with SO-2).
 - b) The Notary for Permittee section does not have the title and company name written after Hannah Haslam's name (in the "as _____ of _____" portion). Please revise this section (with Notary acknowledgement) to ensure all fields are filled out correctly.

Structure Agreements:

6. The Division has the following items regarding the provided structure agreement with Arkansas Valley Ranch, LLC for the barbed wire fence along mine boundary on north, west, and south boundaries; the ranch gravel road south of mine area; the water well in the southeast corner of the permit area; and the center pivot irrigation structure to the southwest:
 - a) In reviewing the approved Exhibit C-2 - Existing and Amended Permit Boundary map (submitted in AM-1, issued on March 16, 2021; see enclosed), the fencing is located along the western, northern, and eastern boundaries of the permit area. Therefore, please update the structure description in the agreement to change "south" to "east".
 - b) The Notary for Structure Owner section of this agreement is not filled out correctly as the Structure Owner has the signature of Hannah Haslam instead of the company name Arkansas Valley Ranch, LLC, and the title and company name are not filled out in the "as _____ of _____" portion. Please revise this section of the agreement (with Notary acknowledgement) to ensure all fields are filled out correctly.
7. On the Exhibit C-2 - Existing and Amended Permit Boundary map mentioned above, there is an overhead electric line located at the southeastern edge of the permit area. Please provide a fully executed structure agreement between the Prospective Successor and the owner of this electric line. Note that per Rule 6.4.19(c), where the 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.

Financial Warranty:

8. On page 6 of the application package, Option 2 was chosen, to maintain your right to a decision on the application within 30 days. However, the Prospective Successor did not submit a replacement financial warranty for the current bond amount of \$68,827.77. Please submit the financial warranty using the applicable form from our website at: <https://drms.colorado.gov/forms/minerals-program-forms>.
9. If Cole Anderson will be the one signing the financial warranty documents on behalf of the Prospective Successor, please submit a Construction Materials Affidavit of Authority to Execute Financial Warranty Documents form for Cole Anderson (see enclosed form).

Source of Legal Right to Enter:

10. The application package did not include documentation of the Prospective Successor's legal right to enter to conduct mining and reclamation for the Owners of Record to the affected land. Please provide this documentation in accordance with Rule 6.4.14. This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a notary public stating that the Prospective Successor has the legal right to enter to conduct mining and reclamation.

You have sixty (60) days from the date of this letter, by **November 15, 2024**, to submit all necessary information for the application to be considered filed. If the completeness items identified above have not been addressed by the 60-day deadline, your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-3) may be denied.

If you have any questions, you may contact me by telephone at 720-793-3031, or by email at ursula.armstrong@state.co.us.

Sincerely,



Ursula Armstrong
Environmental Protection Specialist

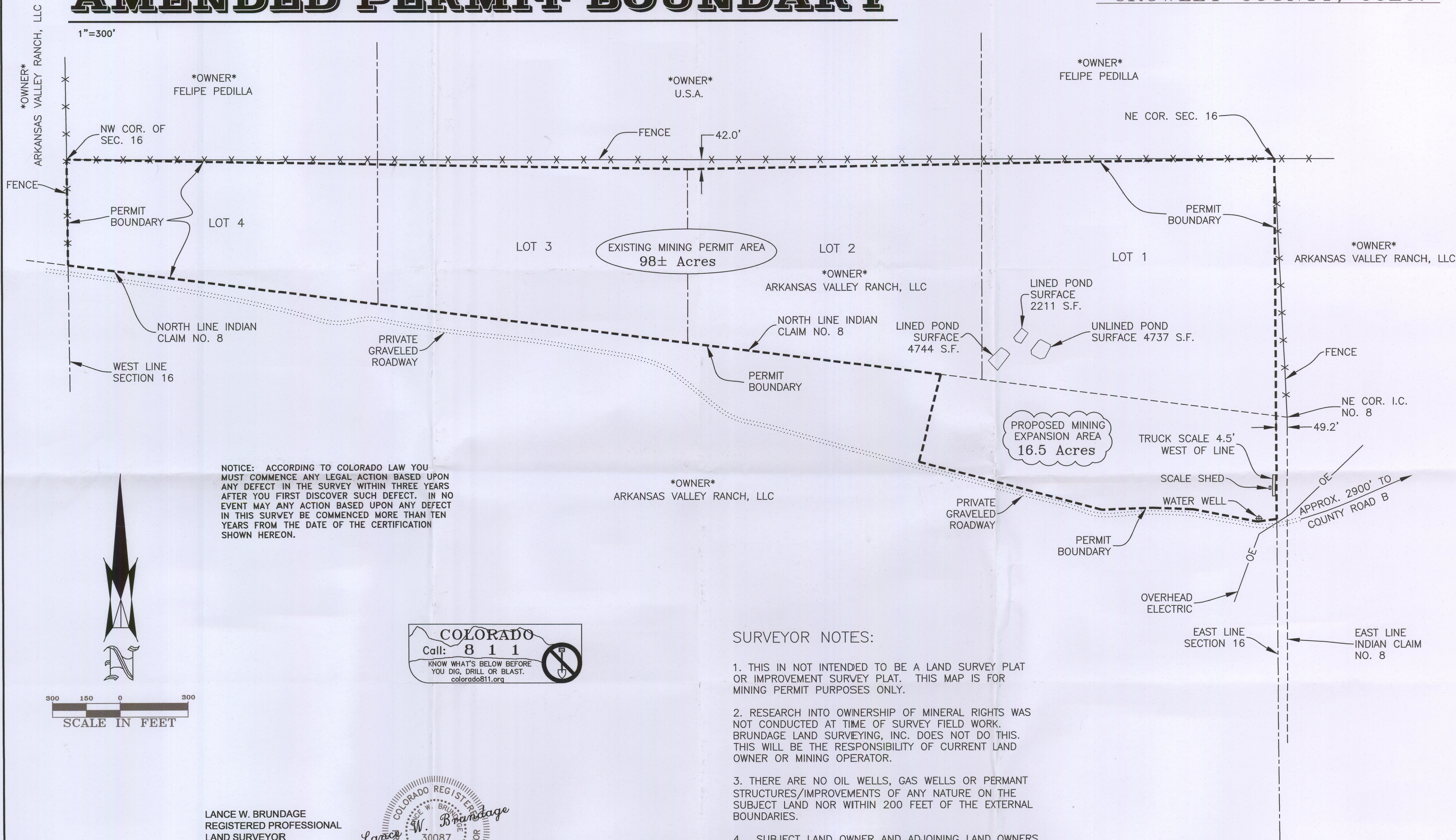
Encls: Exhibit C-2 - Existing and Amended Permit Boundary map
Construction Materials Affidavit of Authority

Cc: Peter Hurt, Arkansas Valley Ranch, LLC at: 8351 E Walker Springs Ln, Ste 302, Knoxville, TN 37923; peter@arkansasvalleyranch.com
Sara Stevenson-Benn, DRMS
Amy Eschberger, DRMS

EXHIBIT "C-2" - EXISTING AND AMENDED PERMIT BOUNDARY

PART OF SEC. 16,
T.22S., R.58W., 6th P.M.,
CROWLEY COUNTY, COLO.

1"=300'



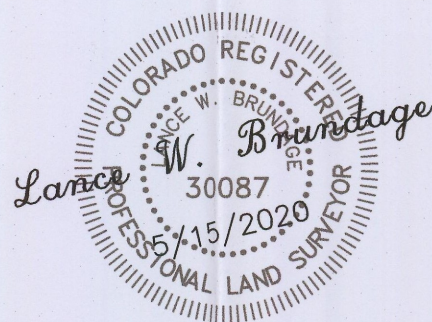
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THE SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

OWNER
ARKANSAS VALLEY RANCH, LLC

SURVEYOR NOTES:

1. THIS IS NOT INTENDED TO BE A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. THIS MAP IS FOR MINING PERMIT PURPOSES ONLY.
2. RESEARCH INTO OWNERSHIP OF MINERAL RIGHTS WAS NOT CONDUCTED AT TIME OF SURVEY FIELD WORK. BRUNDAGE LAND SURVEYING, INC. DOES NOT DO THIS. THIS WILL BE THE RESPONSIBILITY OF CURRENT LAND OWNER OR MINING OPERATOR.
3. THERE ARE NO OIL WELLS, GAS WELLS OR PERMANENT STRUCTURES/IMPROVEMENTS OF ANY NATURE ON THE SUBJECT LAND NOR WITHIN 200 FEET OF THE EXTERNAL BOUNDARIES.
4. SUBJECT LAND OWNER AND ADJOINING LAND OWNERS INFORMATION ARE BASED UPON CURRENT CROWLEY COUNTY, COLORADO ASSESSOR RECORDS.

LANCE W. BRUNDAGE
REGISTERED PROFESSIONAL
LAND SURVEYOR
COLORADO 30087



PREPARED BY

BRUNDAGE LAND SURVEYING, INC.
Arizona, Colorado, Kansas, Nebraska, North Dakota, South Dakota
P.O. BOX 441
LA JUNTA COLORADO 81050
PHONE: 719-383-4627
FAX: 719-383-4628

BLSI

DATE: MAY 15, 2020
PROJECT NO. 46AKVR20

DRAWING NO. EXHIBIT C-2
SHEET NO. 1 OF 1

MINING PLAN
EXHIBIT "C-2"

PROJECT LOCATION:
PART OF THE N1/2, SEC. 16, T.22S., R.58W.,
6th P.M., CROWLEY COUNTY, COLORADO

CLIENT:
ARKANSAS VALLEY RANCH
ORDWAY COLORADO

REVISED: MAY 15, 2020
REDUCE PROPOSED ACRES



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 _____ [name of authorized person], in his/her capacity as _____ [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 _____ [name of business organization], a(n) _____ [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 _____ (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.

Affiant's Name

Signature

STATE OF _____)
_____) ss.:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____,
by _____ as _____ of _____.

Notary Public _____

My Commission Expires _____