



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

November 4, 2024

Rudy Torres
J-Rude Inc.
1750 CR HH
Lamar, CO 81052

Mark Carrigan
Riverside Aggregates, LLC
30687 CR 19
Lamar, CO 81052

RE: J-Rude Site; Permit No. M-1989-009; Notice of Incomplete Request for Transfer of Mineral Permit and Succession of Operators Application Packet (Revision No. SO-1)

Mr. Torres and Mr. Carrigan:

On October 24, 2024, the Division of Reclamation, Mining and Safety (Division) received your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-1) for the J-Rude Site, Permit No. M-1989-009. A review of the information received determined the following items must be received before the Division can consider the application as being complete:

Application Form:

1. Under the Permit Information section, please change “J-Rude Pit” to “J-Rude Site”. This is the name the Division has on file.
2. On the Applicant's Agreement to Request Transfer of Mineral Permit and Succession of Operators (page 8 of the application package):
 - a) The first sentence states "Whereas, on March 1989, Permit Number M-1989-009 ("Permit") was granted to Rudy Torres (“Permittee”)". Please change this date March 17, 1989, as this date reflects the permit status date. Please change the Permittee to J-Rude Inc.
3. On page 9 under the Permittee section, please correct the Name of Permittee to “J-Rude Inc.”.
4. On page 9 under the Notary for Permittee section, only Rudy Torres needs to sign. Please provide a revised page 9 that states “Rudy Torres as owner of J-Rude Inc.”.

Structure Agreements:

5. On the provided boundary map, Prowers County Road FF lies within 200 feet of the site. Please provide a fully executed structure agreement between the Prospective Successor and Prowers County. Note that per Rule 6.3.12:



- a) Please provide a notarized agreement between the Prospective Successor and Prowers County that the Applicant is to provide compensation for any damage to the structure (Rule 6.3.12(a)).
- b) Where such an agreement cannot be reached, the Prospective Applicant shall provide an appropriate engineering evaluation that demonstrates the structure will not be damaged by activities occurring at the mining operation (Rule 6.3.12(b)).

Performance Warranty:

6. Under Operation, please correct this to include the entire name, "J-Rude Site".
7. In the second "WHEREAS" paragraph, please correct the mining operation name from "J-Rude Pit" to "J-Rude Site".
8. Under the Notarization of Operator's Acknowledgement section, please correct "Riverside Aggregates" to include the LLC. The Division requires the entire entity name.

Financial Warranty:

9. 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 required bond amount of \$12,288.00. Please submit the financial warranty using the applicable form from our website at: <https://drms.colorado.gov/forms/minerals-program-forms>.
 - a) The State accepts checks made out to DRMS, letters of credit, cds, and corporate sureties. Please contact sara.stevenson-benn@state.co.us for assistance with the correct form depending on bond payment type.
10. If Mark Carrigan 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 Mark Carrigan (see enclosed form).

You have sixty (60) days from the date of this letter, by **January 3, 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-1) 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: Construction Materials Affidavit of Authority

Cc: Sara Stevenson-Benn, DRMS
Amy Eschberger, DRMS



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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 _____