



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

October 25, 2024

Peter Hurt  
Arkansas Valley Ranch, LLC  
8351 E. Walker Springs Lane  
Knoxville, TN 37923

Michael Dee Schirmer  
Mid-States Materials, LLC  
1800 NW Brickyard Road  
Topeka, KS 66618

**RE: Ordway Pit; Permit No. M-2006-054; 2<sup>nd</sup> Notice of Incomplete Request for Transfer of Mineral Permit and Succession of Operators Application Packet (Revision No. SO-3)**

Mr. Hurt and Mr. Schirmer:

On October 16, 2024, the Division of Reclamation, Mining and Safety (Division) received your Incompleteness Letter Response for the 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:

**Affidavit of Authority:**

1. Please submit a notarized affidavit of authority confirming that Hannah Haslam is authorized to represent Arkansas Valley Ranch, LLC. Hannah Haslam signed on behalf of Arkansas Valley Ranch, LLC on page 9 of the application form.

**Application Form:**

2. On page 6, under "Other Reclamation Permits held by Prospective Successor (if applicable)", please add Permit No. M-2020-017, McCormick Pit 1. This is an active permit held by Mid-States Materials, LLC in Kit Carson County.
3. On page 9, Hannah Haslam has signed on behalf of Arkansas Valley Ranch, LLC, under the "Applicant's Agreement to Request Transfer of Mineral Permit and Succession of Operators". Either Arkansas Valley Ranch, LLC needs to provide the requested notarized affidavit of authority confirming that Hannah Haslam is authorized to represent Arkansas Valley Ranch, LLC or please provide a revised page 9 with Peter Hurt's signature.



**Source of Legal Right to Enter:**

4. 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.

The Division must receive all necessary information for the application to be considered filed by **November 15, 2024.** If the completeness items identified above have not been addressed by the 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](mailto: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



# 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