



February 10, 2025

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; 3<sup>rd</sup> 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 January 28, 2025, the Division of Reclamation, Mining and Safety (Division) sent a Second Notice of Incompleteness for 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. Upon further review of the items received on January 27 and 30, 2025 from Riverside Aggregates, LLC, additional incompleteness items have been identified. A review of the information received determined the following items must be addressed before the Division can consider the application as being complete:

**Application Form:**

1. Please resubmit the entire Applicant's Agreement to Request Transfer of Mineral Permit and Succession of Operators section (pages 8-10) with the following changes:
  - a) On Page 9, the "SIGNED, SEALED AND DATED..." section needs to be filled in.
  - b) Note that any notary pages with errors will require those pages to be re-signed and notarized.

**Structure Agreement:**

2. Please provide a new structure agreement for County Road FF that includes the following changes:
  - a) Under the structure list, please remove "J-Rude Pit" as this is not a structure the operator is seeking an agreement for.
  - b) Under the Notary for Permit Applicant section, the Applicant needs to reflect the company name. Please correct this to "Riverside Aggregates, LLC".



- c) Also, under the Notary for Applicant section, in the acknowledgement statement at the end, please add LLC to the company name so that it reads “Riverside Aggregates, LLC”, exactly as it is registered with the Colorado Secretary of State (CSOS).
- d) Note that any notary pages with errors will require those pages to be re-signed and notarized.

**Performance Warranty:**

- 3. Please resubmit the entire performance warranty form with the following changes:
  - a) Under the Notarization of Operator’s Acknowledgement section (on page 13), in the acknowledgement statement at the end, please add LLC to the company name so that it reads “Riverside Aggregates, LLC”, exactly as it is registered with the CSOS.
  - b) Note that any notary pages with errors will require those pages to be re-signed and notarized.

**Financial Warranty:**

- 4. On page 6 of the original 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>.

The State accepts checks made out to DRMS, letters of credit, certificate of deposits, and corporate sureties. Please contact [sara.stevenson-benn@state.co.us](mailto:sara.stevenson-benn@state.co.us) for assistance in choosing the correct form based on the type of financial warranty selected.

- 5. 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).

The completeness deadline for this application is **February 27, 2025**, by which, all necessary information must be submitted in order for the application to be considered filed. If the Division does not receive the required completeness items by this deadline, we will have to terminate your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-1), issue a Surety Increase to the current permittee (J-Rude Inc.), and require the current permittee to address all outstanding problems at the site.

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,

A handwritten signature in blue ink, appearing to read "Ursula Armstrong", with a stylized flourish at the end.

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 \_\_\_\_\_