



February 25, 2025

Jared Graff  
J Graff Enterprises, LLC  
6450 Graff Road  
Delta, CO 81416

Reed Seaton and Cole Scott  
Best Sand and Gravel LLC  
8701 Bee Cave Road, East Building, Suite 310  
Austin, TX 78746

**Re: Best Rock Sand & Gravel Pit 1, Permit M-2019-018; Notice of Incomplete Request for Transfer of Mineral Permit and Succession of Operators Application (Revision SO-01)**

Mr. Graff, Mr. Seaton and Ms. Scott:

On February 21, 2025, the Division of Reclamation, Mining and Safety (Division) received your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (Revision No. SO-01) for the Best Rock Sand & Gravel Pit 1, Permit No. M-2019-018. A review of the packet determined the following items must be received before the Division can consider the application as being complete. Regarding bonding documents and any signed documents, only originals (no photocopies) will be accepted.

Please mail documents to one of these addresses:

**Address for standard US Postal Service:**

DRMS c/o Sara Stevenson-Benn  
1313 Sherman St., Ste. 215  
Denver, CO 80203

**Address for FedEx, UPS, certified mail, or hand delivery:**

DRMS c/o Sara Stevenson-Benn  
1001 E 62nd Ave  
Denver, CO 80216

**Succession of Operators Application Form**

The submitted pages 9 and 10 were photocopies; please note only original documents are accepted. In addition, the notary on page 10 inserted her own name rather than the authorized signer for Best. This invalidates the signatures. Please submit revised pages 9 and 10.



**Affidavit of Authority**

Please submit an Affidavit signed by an authorized agent for Best Sand and Gravel LLC (“Best”) and notarized.

**Performance Warranty**

The submitted Performance Warranty was a photocopy; please note only original documents are accepted. In addition, the notary on page 13 inserted her own name rather than the authorized signer for Best. This invalidates the signature. Please submit a new Performance Warranty.

**Financial Warranty**

Please submit a Financial Warranty form along with bond payment of \$121,332.00. The State accepts checks made out to DRMS, letters of credit, cds, and corporate sureties. Please contact [sara.stevenson-benn@state.co.us](mailto:sara.stevenson-benn@state.co.us) for assistance with the correct form depending on bond payment type.

**W9**

In order to process the cash refund for J Graff Enterprises, LLC’s currently held bond, the State requires a W9 in the name of J Graff Enterprises, LLC.

**Demonstration of Legal Right to Enter**

All Permittees must provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation per Rule 6.4.14. To comply with this requirement, the Prospective Successor must demonstrate that he/she/it has obtained a legal right of entry from any and all surface and mineral rights owners in the affected lands, independent of the current Permittee. This may be a copy of an access lease, deed, abstract of title, current tax receipt, or a signed and notarized statement by the property owners stating that the Prospective Successor has a legal right to enter.

**Structure Agreements**

In many cases, operators must provide the Division copies of agreements to compensate the owners of any significant, valuable, and permanent man-made structures and utilities within 200 feet of the affected land. Please see Rule 6.4.19. If the Permittee was required to provide Structure Agreements, the Prospective Successor must obtain new Structure Agreements from each owner and provide copies of the same to the Division with the Application.

You have sixty (60) days from the date of this letter (by April 26, 2025) 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-01) may be denied.

If you have any questions, please contact me at [Rob.Zuber@state.co.us](mailto:Rob.Zuber@state.co.us) or by calling (720) 601-2276.

Thank you,

A handwritten signature in blue ink that reads "Robert D. Zuber". The signature is written in a cursive style with a large, stylized initial "R".

Robert D. Zuber, P.E.  
Environmental Protection Specialist

Cc: Amy Eschberger and Sara Stevenson-Benn, DRMS