

May 16, 2025

Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

EMAIL: nikie.gagnon@state.co.us

*Re: Response to Notice of Application Filing for a Regular (112) Construction Materials
Reclamation Permit – Cogburn Sand, Gravel and Reservoir Project, DRMS # M-2025-016*

This firm represents the Last Chance Ditch Company ("Last Chance"). Last Chance acknowledges receipt of notice dated April 1, 2025, from Raptor Materials LLC ("Raptor"), regarding the above referenced matter. Last Chance appreciates the opportunity to provide the following information in response to Raptor's notice and to provide the Division of Reclamation, Mining, and Safety ("DRMS") context and clarification on Last Chance's interest in this matter.

Last Chance is a Colorado mutual ditch company which was formed in 1872. Last Chance's primary purpose is to deliver to its shareholders water rights decreed to the Last Chance Ditch.

While the diversion point and conveyance infrastructure for Last Chance's decreed water rights are located outside the proposed permit boundaries under DRMS # M-2025-016 as proposed in Raptor's notice, Last Chance's water rights are conveyed through the Last Chance Ditch, which diverts such water rights from St. Vrain Creek through the headgate, and then conveys them through the Last Chance Ditch (as shown on Exhibit B to Raptor's notice, just to the east of the permit area.

While Last Chance does not oppose Raptor's proposed current permit sought herein, Last Chance requests that DRMS condition any such permit amendment approval on terms and conditions to be negotiated by and between Raptor and Last Chance that would fully protect Last Chance's real property interests prior to commencement of the permitted mining operations in the area adjacent to the Ditch.

Additionally, Last Chance is aware that post-mining, Raptor intends to develop lined water storage reservoirs on one or more of the subject parcels. Again, Last Chance does not oppose such post-mining land use but requests that DRMS condition any such permit amendment approval on terms and conditions to be negotiated by and between Raptor and Last Chance that would fully protect Last Chance's real property interests from any approved post-mining operations in the area adjacent to the Ditch.

Last Chance does not submit any additional response at this time, but reserves its right to supplement its response as this application progresses through the DRMS permitting process

Please let us know if further documentation or a meeting would be beneficial to address this in greater detail.



LYONS GADDIS
ATTORNEYS & COUNSELORS

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For any additional information or clarification, please contact me a 303-588-2012 or sholwick@lyonsgaddis.com.

Sincerely,

Scott E. Holwick

SEH

cc: Garrett Varra, President, Last Chance Ditch Company, via email
Angie Swanson, Secretary, Last Chance Ditch Company, via email
Robert Haun, VP of Operations, Raptor Materials LLC, via email