




MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Iverson Mine	MINE/PROSPECTING ID#: M-2011-001	MINERAL: Borrow material for construction gravel and sand	COUNTY: Weld
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: June 10, 2025	INSP. TIME: 09:30
OPERATOR: Martin Marietta Materials, Inc.	OPERATOR REPRESENTATIVE: Julie Mikulas	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$4,940,900.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Patrick Lennberg	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 12, 2025	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION-- <u>N</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

OBSERVATIONS

The Iverson Mine (site) permit no. M-2011-001 was inspected by Patrick Lennberg with the Division of Reclamation, Mining, and Safety (Division/DRMS). The inspection was completed as part of the Division's routine monitoring program. The site was last inspected by the Division on August 5, 2020, as part of Acreage Release Request no. 3 (AR-3). Julie Mikulas representing the Operator, Martin Marietta Materials, Inc, accompanied me during the inspection. The weather was clear and mild.

The site is 112c Construction Materials permit for 28 acres. The permit area is in Weld County, along the northern perimeter of Greeley on the banks of the Cache la Poudre River. The site is accessed from the south off F Street adjacent to the Rove Run Dog Park. The post-mining land use for this site is wildlife habitat. The permit area and affected lands are owned by Jeanne and Tim Iverson. A mine sign was posted along the primary mine entrance as required by Rule 3.1.12.

The site was not active at the time of inspection and has been in final reclamation since 2017. In 2020 the Operator submitted and received approval of AR-3 which reduced the permitted area to 28 acres that included 26 acres of open water and 2 acres of access roads to the site. The site cannot be fully released until a final augmentation plan is approved for the exposed groundwater by Water Court. In February 2021 the Division denied the Full/Final Release Request (SL-2) for the site because the exposed groundwater at the site was not included in any valid substitute water supply plan or decreed augmentation plan. After the denial of SL-2 the Division issued Surety Increase no. 2 to bond for backfilling the pond. Since that time the Operator has gone to civil court with the landowner for breach of contract for the exposed groundwater. According to the Operator the landowner was to provide a Substitute Water Supply Plan for the exposed groundwater but failed to follow through with that obligation. In 2024 the landowner filed in Water Court a plan for permanent augmentation, see attached. The Operator stated they were aware of the filing and reached an agreement with landowner that included milestones that need to be met to continue to move the augmentation plan forward towards approval. If the augmentation plan cannot be completed and approved the Operator may assume responsibility for the pond and will decide on the next steps. Next steps may include lining or backfilling the pond.

The Division evaluated the financial warranty and determined the current bond amount held by the Division is insufficient at this time. A copy of the Division's estimate will be sent to the operator for review under a separate cover letter.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg by email at patrick.lennberg@state.co.us if you have any questions regarding this report.

Inspection Contact Address

Julie Mikulas
Martin Marietta Materials, Inc.
1800 N. Taft Hill Road
Fort Collins, CO 80521

Attachment: Iverson Water Court Application (2024CW010)

cc: Jared Ebert, DRMS

ec: Julie Mikulas, Martin Marietta, Julie.Mikulas@martinmarietta.com

PHOTOGRAPHS



Photo 1: Mine sign at primary mine entrance



Photo 2: Water surface looking to the west, south end of pond



Photo 3: Water surface looking to the north, from the south end of pond



Photo 4: Water surface looking along the eastern bank of pond, from the south end of pond



Image 1: Currently approved permit boundary

Attachment 1

District Court, Water Division 1, Colorado Court Address: <hr/> CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: TIM D. IVERSON, JEANNE IVERSON In the Poudre River or its Tributaries In WELD COUNTY	<div style="border: 1px solid black; padding: 5px; text-align: center;"> FILED IN COMBINED COURT DATE FILED: November 14, 2024 12:20 PM CASE NUMBER: 2024CW10 NOV 15 2024 WELD COUNTY, CO </div> <div style="text-align: center; margin-top: 20px;"> ▲ COURT USE ONLY ▲ </div>
Attorney or Party Without Attorney (Name and Address): Tim and Jeanne Iverson 5011 WF ST Greeley, CO 80631 Phone Number: 970 302 9051 E-mail: timmyD313@outlook.com FAX Number: Atty. Reg. #:	Case Number: 24CW10 Division: Courtroom:

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION

"Plan for augmentation" means a detailed program, which may be either temporary or perpetual in duration, to increase the supply of water available for beneficial use in a division or portion thereof by development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means. "Plan for augmentation" does not include the salvage of tributary waters by the eradication of phreatophytes, nor does it include the use of tributary water collected from land surfaces that have been made impermeable, thereby increasing the runoff but not adding to the existing supply of tributary water. § 37-92-103(9), C.R.S.

In reviewing a proposed plan for augmentation and in considering terms and conditions that may be necessary to avoid injury, the referee or the water judge shall consider the depletions from an applicant's use or proposed use of water, in quantity and in time, the amount and timing of augmentation water that would be provided by the applicant, and the existence, if any, of injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. A plan for augmentation shall be sufficient to permit the continuation of diversions when curtailment would otherwise be required to meet a valid senior call for water, to the extent that the applicant shall provide replacement water necessary to meet the lawful requirements of a senior diverter at the time and location and to the extent the senior would be deprived of his or her lawful entitlement by the applicant's diversion. A proposed plan for augmentation that relies upon a supply of augmentation water which, by contract or otherwise, is limited in duration shall not be denied solely upon the ground that the supply of augmentation water is limited in duration, so long as the terms and conditions of the plan prevent injury to vested water rights. Said terms and conditions shall require replacement of out-of-priority depletions that occur after any groundwater diversions cease. Decrees approving plans for augmentation shall require that the state engineer curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. A plan for augmentation may provide procedures to allow additional or alternative sources of replacement water, including water leased on a yearly or less frequent basis, to be used in the plan after the initial decree is entered if the use of said additional or alternative sources is part of a substitute water supply plan approved pursuant to § 37-92-308, C.R.S., or if such sources are decreed for such use. § 37-92-305(8), C.R.S.

Generally, the statutes and case law require that injurious out-of-priority depletions must be replaced in time, location, quality and amount.

It is the applicant's responsibility to provide the location for each structure in this application. For structures that are already decreed, use, verbatim, the location from the most recent decree that adjudicated the location. For new structures, provide a PLSS location (quarter-quarter, section, township and range) and a single point location description using either UTM coordinates (for example from a GPS device) (preferred) or measured distances from known section lines.

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, provide additional sheets as needed:

Name of Applicant	Mailing Address	Email address	Telephone Number
Tim Iverson	5011 F Street Greeley, CO	timmyD313@outlook.com	9703029051
Jeanne Iverson	5011 F Street Greeley, Co	lverjt@msn.com	9703026179

2. Name(s) of structure(s) to be augmented. Iverson Pit, Well Permit 76674-F

Legal description of structure as described in most recent decree that adjudicated the location:

Provide a verbatim legal description of each structure from the most recent decree that adjudicated the location. Mark the location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map).

Pit is located in Section 34, Township 6 North Range 66 West of the 6th P.M. Surface area is 27.20 acres by Lamp Rynearson (TZA Water Engineers) report and map, included in this plan.

Appropriation date: 2012

Amount in gallons per minute (gpm), cubic feet per second (cfs), or acre-feet: Conditional 6.25 acre-feet
Absolute

Source of water (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to Platte River): GIC Number 3 Ditch

Decreed uses: Agriculture

Are there other water rights diverted from this structure(s)? ☐ Yes ☒ No. If Yes, identify the court case number(s) and court(s) for each such water right: _____

- A. If the structure is not decreed, provide the location of structure:

1. Public Land Survey System (PLSS) (Required):

Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source:

Legal Description: County of WELD	NE 1/4 of the	SW 1/4	Section 34	Township T6N N or S <input type="checkbox"/> <input type="checkbox"/>	Range R66W E or W <input type="checkbox"/> <input type="checkbox"/>	Principal Meridian 6
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2. Point of diversion (Required) (Complete either a or b below)

a. Location information in UTM format (Preferred):

UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device; GIS System such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure.

UTM coordinates		
Easting <u>104 45.708</u> Northing <u>40 26.580</u>		
<input type="checkbox"/> Zone 12 <input checked="" type="checkbox"/> Zone 13		
Street Address: <u>5011 F Street Greeley, CO</u>		
Subdivision:	Lot	Block
Source of UTM's (for example, hand-held Garmin GPS or located from aerial map, etc): <u>Garmin GPS</u>		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet): <u>26 feet</u>		

b. Distance from Section Lines (if not providing a UTM coordinate above):

Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure.

Distance from Section Lines (not from property lines)		
<u> </u> Feet from <input type="checkbox"/> N <input type="checkbox"/> S and <u> </u> Feet from <input type="checkbox"/> E <input type="checkbox"/> W		
Source of PLSS information:		
Street Address:		
Subdivision:	Lot	Block

3. Water right(s) to be used for augmentation:

A. Date of original and all relevant subsequent decrees: 10.31 ac-ft per share Case

No: 96CW658 Court: Division 1

B. Type of water right: ☐ surface ☐ underground ☐ storage ☒ agriculture

C. Legal description of each point or diversion storage structure:

Provide a verbatim legal description of each structure from the most recent decree that adjudicated the location. Mark the location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map.

Storage pool is 27.20 ac-ft in size, verified by Lamp Rynearson Water Engineers report (included). Well Permit 76674-F (included)

D. Source of water (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to Platte River): Poudre River- GIC No. # 3 Ditch Senior Rights

E. Appropriation Date: 2012

F. Amount decreed: Conditional _____ Absolute 6.25 Shares

Amount to be included in this plan for augmentation: 6.25 shares

G. Decreed uses: Agriculture

4. Does the Applicant intend to change a water right to provide a source of augmentation? ____ Yes X No (If the answer is "yes" Applicant must also request a change of water right. Refer to JDF300W to make this request.)

5. Complete statement of plan for augmentation. Mark the location of use on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. Include records or summaries of records of actual diversions of each right the applicant intends to rely on for augmentation to the extent such records exist. § 37-92-302(2)(a), C.R.S. In addition, the applicant may submit a report by an engineer that includes this information. Please be aware that early in the proceedings, the applicant will be required to supply detailed information, such as consumptive use, out-of-priority depletions, and amounts of replacement water on a monthly basis. The applicant is encouraged to provide such information with this application.

A. Plan intends to augment evaporative loss with 6.25 GIC shares (senior rights). Bishop-Brogen Associates water consultants 2014 SWSP is included. Estimated Evaporation Depletion and Replacement Supply in this report are based on an estimated storage pool 31 acres in size, actual 27.20 acres (verified by Lamp Rynearson report/survey (included). BBA evaporative depletion/replacement estimates should be reduced by 12.25% to reflect surface area differences and the adjusted values are used in this plan.

B. Does the plan for augmentation include an exchange that the Applicant desires to adjudicate? ____ Yes X No (If the answer is "yes", the Applicant should request a water right for the exchange. Refer to JDF 296W to make this request.).

6. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right and certify to the Court that the applicant has done so by no later than 14 days after filing this application. The certification form is on page 6 of this form.

Name of Owner	Mailing Address
Tim Iverson	
	5011 F Street Greeley, Colorado 80631
Jeanne Iverson	

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 13 day of NOVEMBER 24, at GARFIELD CO
(date) (month) (year) (city or other location, and state OR country)

Tim IURSON
Printed Name

[Signature]
Signature

The person signing this verification is: ☒ Applicant ☐ Engineer ☐ Other (describe) _____

Verifications of other persons having knowledge of the facts may be attached to this Application.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 13 day of November, at 2024
(date) (month) (year) (city or other location, and state OR country)

Jeanne Iverson
Printed Name

Jeanne Iverson
Signature

The person signing this verification is: ☒ Applicant ☐ Engineer ☐ Other (describe) _____

Verifications of other persons having knowledge of the facts may be attached to this Application.

District Court, Water Division _____, Colorado Court Address: _____ CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: In the _____ River or its Tributaries In _____ COUNTY		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Phone Number: _____ FAX Number: _____ </div> <div style="width: 45%;"> E-mail: _____ Atty. Reg. #: _____ </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Case Number: _____ Division: _____ </div> <div style="width: 45%;"> Courtroom: _____ </div> </div>		

Certificate of Notice

I, _____ (insert name) hereby certify that I have provided a copy of the application filed on _____ (date) with the Court to the following owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:

1. _____
2. _____
3. _____

The application was provided to the landowner(s) by ☐ Certified or ☐ Registered mail, return receipt requested, within 14 days after the application was filed with the Court.

Signature

Printed Name	Signature/Title	Date
Address	City	State Zip Code