

STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

Fw: Ogilvy Weld County Ag Dredging permit.

Tim Naylor <tnaylor@agpros.com>

Mon, Jul 21, 2025 at 11:14 AM

To: "Scott Schultz (He/Him)" <Scott.Schultz@coag.gov>, "Gibson - DNR, Amber" <amber.gibson@state.co.us>, "Ebert - DNR, Jared" <jared.ebert@state.co.us>

Cc: Dan Brown <danbrown@fischerbrownlaw.com>, Kelly Shaw <kshaw@kochlawpc.com>, Travis Koch <tkoch@kochlawpc.com>, Scott Cockroft <srcockroft@gmail.com>, Doug Seely <doug@nocoengineering.com>, Hannah Dutrow <hdutrow@agpros.com>, Tom Haren <tharen@agpros.com>

Ms. Gibson

On behalf of Ogilvy Land and Irrigation Company, AGPROfessionals is formally withdrawing Reclamation Permit Application M-2023-043. Attached is the Weld County AGLD25-0001 and the Intergovernmental Agreement between Weld County and the Colorado Division of Reclamation, Mining and Safety(DRMS) that allows Weld County to issue permits for the removal of materials during reservoir cleaning to enhance agricultural production. Ogilvy will operate in accordance with the Weld County permit.

Please provide confirmation that the application, M-2023-043 is considered withdrawn.

Thank you

Tim Naylor

AGPROfessionals

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

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WELD COUNTY AG LEVELING AND DREDGING PERMIT



DEPARTMENT OF PLANNING SERVICES
1402 NORTH 17TH AVE
GREELEY, CO 80631
PHONE: (970) 400-6100
FAX: (970) 304-6498

Permit Number: AGLD25-0001

Issuance of this Agricultural Land Leveling and Agricultural Dredging Permit binds Permit Holder and its contractors to all requirements, provisions, and ordinances of Weld County, Colorado. Intermittent inspections may occur without notification. The Permit Holder shall have this issued permit available onsite. Agricultural Land Leveling and Agricultural Dredging Permits are not transferable.

For the issuance of this Agricultural Land Leveling and Agricultural Dredging Permit, Permit Holder acknowledges that land leveling work is to enhance the efficiencies in cultivation and irrigation of crop land and dredging work is to remove sediment to restore storage capacity of irrigation reservoirs for agricultural purposes. Issuance of this Agricultural Land Leveling and Agricultural Dredging Permit in no way represents or implies that Weld County, its officers, employees, departments, or boards and commissions will approve, or favor approval of, any pending land use application made by Permit Holder.

As a condition of issuance of this Agricultural Land Leveling and Agricultural Dredging Permit, Permit Holder, its agents, employees, subcontractors, contractors and assigns hereby agree to hold Weld County, Colorado, the agencies thereof and their officers and employees harmless from any and all loss and damage or any claims which may arise out of, or be connected with, the construction within the disturbance area covered by this Permit; excluding any such loss and damage or any claims (including consequential damages) which may be caused solely by the negligence of Weld County, the agencies thereof or its officers and employees.

Project Address: 3940 AA ST

Status: Issued

Disturbed Acres:

Issued Date: 06/06/2025

Nearest Intersection: CR 35 & AA Street

Expiration Date: 06/01/2026

Project Name:

Job Description: Dredging irrigation reservoir to remove silt build up.

Parcel Number (s): 080523300030-R6779242, 080526100011-R8959135

Owner Name: OGILVY IRRIGATING & LAND CO

Owner Address: 822 7TH ST STE 760 GREELEY, CO 806313943

Contact Type	Business Name	First Name	Last Name	Mailing Addr1	Mailing Addr2	Phone	Email
Applicant	AGPROfession als	Tim	Naylor	3050 67th Avenue	Greeley, CO 80634	9705359318	tnaylor@agpros.com

Payment Summary:

<u>Receipt #</u>	<u>Payment Method</u>	<u>Payment Ref #</u>	<u>Payment Date</u>	<u>Payment Amount</u>
143214	Check	17374	06/24/2025	\$100.00
			Total:	\$100.00

**INTERGOVERNMENTAL AGREEMENT BETWEEN WELD COUNTY
AND THE STATE OF COLORADO DIVISION OF
RECLAMATION, MINING AND SAFETY**

THE INTERGOVERNMENTAL AGREEMENT (IGA) is made by and between County of Weld, Colorado, by and through the Board of County Commissioners of Weld County, whose address is P.O. Box 758, 1150 O Street, Greeley, CO 80632 (hereinafter referred to as "Weld County"), and the State of Colorado Division of Reclamation, Mining and Safety, whose address is 1313 Sherman Street, Suite 215, Denver, CO 80203 (hereinafter referred to as "DRMS"). Weld County and DRMS may be referred to herein individually as "Party" or collectively as "Parties."

WITNESSETH:

WHEREAS, governments may cooperate with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs, pursuant to C.R.S. §§ 29-1-201, et. seq., and

WHEREAS, through the issuance of 110 Limited Impact Operations Permits ("110 Permit") and 112 Regular Mining Operations ("112 Permit"), DRMS regulates mining operations in the state of Colorado by and through its duty to enforce the Colorado Mined Land Reclamation Act, and the Colorado Land Reclamation Act for the Extraction of Construction Materials, and

WHEREAS, Weld County is one of the top producing agricultural counties in the United States, and

WHEREAS, one reason for such production is the availability of water to be used for agriculture in Weld County and the reservoir storage to accommodate it, and

WHEREAS, the second reason is abundant prime farmland rich in nutrients and accessible because of Weld County's extensive county road system, and

WHEREAS, all irrigation water reservoirs in Weld County typically need to be cleaned of sediment on a regular schedule to maintain adequate water storage capacity, and

WHEREAS, many agricultural fields need to be levelled to maintain production levels, and

WHEREAS, during irrigation water reservoir cleaning and agricultural land levelling, silt, sand, dirt, sediment, and rocks ("Materials") may need to be removed from the site, and

WHEREAS, the removal of Materials during reservoir cleaning or agricultural land levelling operations may require the issuance by DRMS of a 110 Permit or a 112 Permit, and

WHEREAS, to determine whether the need for a 110 Permit or 112 Permit is necessary, DRMS reviews a form submitted by the operators (known as the "Is it Mining" form) to understand the scope of the operation, and

WHEREAS, DRMS makes an initial determination on the "Is it Mining" form, and if determined to constitute a mining operation requiring a 110 Permit or 112 Permit, that determination is subject to administrative appeal to the Colorado Mined Land Reclamation Board ("MLRB"), and

WHEREAS, County desires to begin a County permitting system wherein, if the primary purpose of the activity is for the removal of Materials during reservoir cleaning or agricultural land levelling operations to enhance crop production during the agricultural year, it would be pursuant to County permit and no 110 Permit or a 112 Permit issued by DRMS or MLRB would be necessary, and

WHEREAS, DRMS agrees that upon issuance of such a County permit, DRMS will consider the County permitted activity not to be a "mining operation" and therefore does not require the issuance of a 110 Permit or a 112 Permit by DRMS or MLRB, and

WHEREAS, Weld County will notify DRMS of every County permit it issues related to the removal of Materials during reservoir cleaning or agricultural land levelling operations to enhance crop production during the agricultural year.

NOW, THEREFORE, in consideration of covenants and agreements below appearing, the parties agree as follows:

1. Weld County Permits. Commencing April 1, 2025, Weld County shall commence issuing permits for the removal of Materials during reservoir cleaning or agricultural land levelling operations to enhance crop production during the agricultural year. Weld County will notify DRMS of every County permit it issues pursuant to this Section 1. Such notice shall be sent electronically to a representative designated by DRMS.

The Designated Representative for Weld County shall be:

Dawn R. Anderson
Development Review Manager
Weld County Planning Services
1402 N. 17th Avenue
Greeley, CO 80632
Email: dranderson@weld.gov
Office: (970) 400-3736

The Designated Representative for DRMS shall be:

Russ Means
Colorado Division of Reclamation, Mining and Safety, Room 215
1001 E 62nd Avenue
Denver, CO 80216
Email: drms_info@state.co.us
Office: (303) 866-3567

2. No 110 Permit or a 112 Permit Necessary. DRMS agrees that no 110 Permit or a 112 Permit shall be necessary for operations where Weld County issues a permit when the primary purpose of the activity is for the removal of Materials during reservoir cleaning or agricultural land levelling operations to enhance crop production during the agricultural year.
3. Term/Termination. This IGA shall run from the date first written about to and until it is terminated pursuant the terms of this Section 3. Either Party may terminate this IGA by delivering to the other Party a 30-day written notice sent by U.S Mail to the Party's address set forth above, with a copy delivered electronically to the Designated Representatives named by the Parties.
4. Entire Agreement. This IGA contains the entire understanding of the parties with respect to the subject matter hereof, and all other understandings or agreements shall be deemed merged into this agreement. Amendments of this IGA may be made only in writing and signed by both of the parties hereto.

5. Third-Party Beneficiaries. None of the terms or conditions in this IGA gives or allows any claim, benefit, or right of action by any third person not a party hereto. Any person other than the Weld County or the DRMS is only an incidental beneficiary. Nothing in this Intergovernmental Agreement shall be deemed as a waiver of immunity or liability limits granted to the County and the DRMS under the Colorado Governmental Immunity Act.

EXECUTED THIS 21st DAY OF April, 2025.

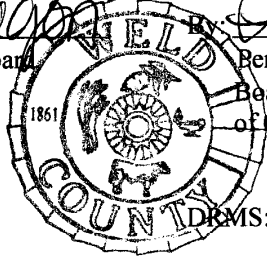
WELD COUNTY:

ATTEST: Easter G. Meoick
Weld County Clerk to the Board

COUNTY OF WELD, COLORADO

By: Houston Aragon Deputy Clerk to the Board
By: Perry L. Buck Chair
Board of County Commissioners
of County of Weld, Colorado

APR 21 2025



DRMS:

Michael A.
Cunningham

By:

Michael Cunningham
Director - DRMS

Digitally signed by Michael A. Cunningham
DN: cn=Michael A. Cunningham,
o=Colorado Department of Natural
Resources, ou=Division of Reclamation,
Mining and Safety,
email=michaela.cunningham@state.co.us,
c=US
Date: 2025.03.31 12:30:18 -0600