

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

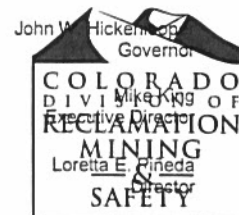
Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



March 15, 2012

Miller Family Investments, LLC
10614 Hwy 66
Platteville, CO 80651

**Re: Findings of Fact, Conclusions of Law and Order, Miller Family Investments,
File No. M-2010-047,**

On March 15, 2012 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. We strongly advise that you read this document carefully since it may contain provisions which must be satisfied by specific dates to avoid future Board actions.

Sincerely,

Sitira Pope
Secretary to the Board

Enclosure(s)

CERTIFIED MAIL NO.
7009 2820 0003 5701 3166

Cc's
Michael Cunningham
John Roberts

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

IN THE MATTER OF THE APPLICATION OF MILLER FAMILY INVESTMENTS,
LLC FOR A 112 CONSTRUCTION MATERIALS RECLAMATION PERMIT,
File No. M-2010-047

THIS MATTER came before the Mined Land Reclamation Board ("Board") on February 8, 2012 in Denver, Colorado as a consent agenda item to consider the application of Miller Family Investments, LLC ("Applicant") for a 112 Construction Materials Reclamation Permit, file number M-2010-047.

The Board, being fully informed of the facts in the matter, enters the following:

FINDINGS OF FACT

1. On June 24, 2010, the Division of Reclamation, Mining and Safety's ("Division") received a Construction Materials Regular 112 Operation Reclamation Permit Application for the Lone Tree Pit ("Application"). The Lone Tree Pit is located in Section 12, Township 8 North, Range 66 West, 6th Principal Meridian, Weld County, Colorado. The site is a 40.02-acre sand and gravel operation.

2. September 17, 2010, the Division approved the Application. The Division set the financial warranty for the Lone Tree Pit at \$50,100.00.

3. On May 31, 2011, the Division sent the Applicant a notice that the financial and performance warranties have not been received and would need to be submitted by September 17, 2011.

4. On September 27, 2011, the Division sent the Applicant written notice that financial and performance warranties have not been posted for the site. The September 27, 2011 letter also notified the Applicant that if financial and performance warranties are not submitted within one calendar year of approval of a new permit application, the Board shall hold a hearing to reconsider the previous approval and required the Applicant to initiate the public notice procedures outlined in Rule 1.6.

5. On December 2, 2011, the Division received proof that the Applicant initiated the public notice procedures outlined in Rule 1.6.1(2) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials ("Rules").

6. On December 23, 2011, the Division notified the Applicant, through Greg Lewicki and Associates, PLLC, that the Division has received proof that the Applicant initiated the public notice procedures in Rule 1.6.1 and notified the Applicant that this matter will be considered at the February 2012 Board meeting.

7. On December 28, 2011, pursuant to Rule 1.6.1(2), the Division mailed required notices to the Applicant and Weld County.

8. By letter dated January 18, 2012, the Applicant, through Greg Lewicki and Associates, PLLC, requested an extension of the deadline to post the financial warranties to May 1, 2012.

9. On January 23, 2012, the Operator agreed to the Division's recommendations.

CONCLUSIONS OF LAW

10. The Board has jurisdiction over this matter pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. (2011) ("Act").

11. Under Rule 4.1(2), if financial and performance warranties are not submitted within one calendar year of approval of a new permit application, the Board shall hold a hearing to reconsider the previous approval.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby AFFIRMS the Division's approval of the Applicant's Construction Material Regular 112 Operation Reclamation Permit Application for the Lone Tree Pit, file number M-2010-047.

The Board orders the Applicant to, on or before May 1, 2012, submit to the Division the appropriate financial and performance warranties in an approvable form.

DONE AND ORDERED this 15th day of March 2012.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD


Barbara Green, Chair

NOTICE OF APPEAL RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a notice of appeal with the district court within thirty (30) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2011). In the event that an appeal is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Sitira Pope.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies
of same in the United States mail, first-class postage prepaid, at Denver, Colorado,
this 15th day of March 2012 addressed as follows:

Miller Family Investments, LLC
10614 Hwy 66
Platteville, CO 80651

By inter-office or electronic mail to:

Michael Cunningham
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

By intra-office or electronic mail to:

John Roberts
Senior Assistant Attorney General
Office of the Attorney General
1525 Sherman Street, 7th Floor
Denver, CO 80203