

COLORADO OPERATIONS Henderson Mine P.O. Box 68 Empire, CO 80438 Phone (303) 569-3221 Fax (303) 569-2830

April 24, 2012

Via Email and UPS Tracking #: 1Z 804 847 13 7205 0159

Peter Hays State of Colorado Division of Reclamation, Mining and Safety Department of Natural Resources 1313 Sherman St., Room 215 Denver, CO 80203

#### RE: Form 2 Notice of Intent to Conduct Prospecting Operations for Hard Rock/Metal Mines, Climax Molybdenum Company - Henderson Operations, Permit No.M-1977-342, NOI File No. P-2011-014

Dear Mr. Hays:

Climax Molybdenum Company (Climax), Henderson Operations is submitting this Form 2 Notice of Intent (NOI) to Conduct Prospecting Operations for Hard Rock/Metal Mines as a modification to NOI P-2011-014. The existing NOI P-2011-014 included the construction of five (5) drill pads and corresponding access roads in the vicinity of Red Mountain in 2011 and 2012. The current modification includes the construction of three (3) additional drill pads (Sites 6-8) and corresponding road construction on the adjacent Harrison Mountain, and an extension for drilling activities at all drill pads (Sites 1-8) through October 31, 2013.

Attached is the signed Form 2 package in paper and electronic formats. Clear Creek County Board of Commissioners has been supplied a copy of the entire package and proof of submittal is attached.

Please note that the proposed activities will be located in Sections 25, 30, 31, 35 and 36. Only Section 25 is included on the NOI Form 2 due to limited space in the Section field on the form.

If you require additional information or have any questions regarding this application, please do not hesitate to call me at 303-569-3221, ext. 1233 or Bryce Romig at ext. 1204.

Sincerely,

Miguel Hamarat Chief Environmental Engineer Climax Molybdenum Company Henderson Operations

Attachments:

- 1. Form 2 NOI to Conduct Prospecting Operations for Hard Rock/Metal Mines
- 2. Attachments A-D to Form 2 NOI
- 3. Proposed Drill Site Locations Map
- 4. Proof of Submittal to Clear Creek County Board of Commissioners
- 5. Check #0000751041 in the amount of \$86.00

cc via hand delivery: Beth Luther (Clear Creek County Board of Commissioners)

# STATE OF COL

**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



(office use only)

#### FORM 2 (Public File) NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS FOR HARD ROCK/METAL MINES

CHECK ONE:	There is an NOI Number Already Assigned to this Operation
	N # P (Please reference the file number assigned to this operation)
•	New NOI
	Modification to an Existing NOI
	NOI# P-2011 - 014 (Provide for Modifications to an existing NOI)

#### GENERAL OPERATION INFORMATION Type or print clearly, in the space provided, ALL information described below.

#### I. GENERAL INFORMATION

DATE NOI RECEIVED BY THE DIVISION: 1.

PROJECT NAME: Red Mountain and Harrison Mountain Exploration Drilling 2.

DDOODDOTODD 8.

PROSPECTOR:	PERSON MLRB SHOULD CONTACT:
PROSPECTOR: Robert Callaghan <sub>Name:</sub>	Name: Miguel Hamarat
Title: Chief Geologist	Title: Chief Environmental Engineer
Company Name: Climax Molybdenum	Company Name: Climax Molybdenum
Street: 1746 Cnty. Rd. 202	Street: 1746 Cnty. Rd. 202
P.O. Box: 68	P.O. Box: 68
City: Empire	City: Empire
State: Colorado	State: Colorado
Zip Code: 80437'	Zip Code: 80438
Telephone Number: (303) 569-3221	Telephone Number: (303) 569-3221
Fax Number: (303) 569-2829	Fax Number (303) 569-2829

9. APPLICATION FEE: \$86. (NOIs and modifications require an \$86 fee which must accompany this notice or it cannot be processed by the Division).

10. LOCATION INFORMATION:	
County: Clear Creek	
PRINCIPAL MERIDAN (check one)	$6^{\text{th}}$ (Colorado)10^{\text{th}} (New Mexico) (Ute)
SECTION (write number):	s <u>25</u>
TOWNSHIP (write number and check	direction) T $3$ North South $\checkmark$

RANGE (write number and check direction)	 <sub>R</sub> 76	East		
QUARTER SECTION (check one):NE	NW	SE	$\checkmark$	sw
QUARTER/QUARTER SECTION (check one):	NE	NW		SE <mark>✓</mark> SW

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation): 9 miles West of Empire, Colorado at 12,00 feet elevation.

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

See Attached Map - Proposed Harrison Mountain Drill Site Locations	
See Attachment A - Proposed Drill Site Coordinates	

#### 11. LAND OWNERSHIP



# If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings

#### 12. <u>PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS)</u> LAND

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

#### G. <u>CLAIMANT</u>:

Name:	 	
Address:		
Telephone:	 	 
Fax Number:	 	 

#### H. SITE/CLAIM INFORMATION:

List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME SERIAL NUMBER LEGAL DESCRIPTION

- I. <u>LOCATION MAP</u>: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).
- J. Are prospect sites (e.g., drill holes, trench locations, etc...) staked on the ground? Yes No
- K. Specify the Land Management Agency, Address and Telephone Number:

L. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:



Evidence of notification is attached to this NOI for BLM Land

Evidence of notification is attached to this NOI for USFS Land.

Other proof of notice is attached to this NOI

#### II. MAPS & DRAWINGS

Accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

- 3. identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and
- 4. includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

#### III PROJECT DESCRIPTION

7.	Mineral(s) and/or Resource(s) being Investigated:	Molybdenum

8. Estimated dates of commencement and completion:

Commencement:	06/01/2011		
Completion:	10/31/2013		

- 9. Amount of material to be extracted, moved or proposed to be moved:\_\_\_\_\_
- 10. Identify the type or method of prospecting proposed and quantity (place an "X")



<u></u>	achment B - Surface Excavation and Other Land Disturbance
-	<b>1 Disturbance</b> (approximate) Describe the proposed drilling to be conducted, including anticipated number of h
	depth, location, etc Submit additional pages if necessary: Drill Pads: Quantity 3.00 Average Width 50.00 (ft) Average Length 100.00 (ft)
A.	Drill Holes: Quantity $3.00$ Depth $5,000.00$ (ft) Diameter $3.00$ (in)
В. С.	Mud Pits: Quantity 3.00 Average Width 10.00 (ft) Average Length 10.00 (ft)
C,	Average Depth $3.00$ (ft)
	Described proposed underground work, including reopening of old workings, advancement of adits or shafts,
	trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions
	N/A
F	Other Disturbances (please describe):
F. N/	Other Disturbances (please describe):
F. <u>N/</u>	
_	
_	
<u>N/</u>	Α
<u>N/</u>  G.	A Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.
<u>N/</u> G.	A Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.
<u>N/</u>  G. Dr	A Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.
<u>N/</u>  G. Dr	A Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.
<u>N/</u>  G. Dr	A Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.
<u>N/</u>  G.  Ge  F.	A   Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.   Iling supplies and additives contained in MSHA approved containment to include: Quality, EZ- Mud, EZ- Mud Gold, Soda Ash, Quicktrol Gold, NXS Lube, and Rod Grease.   New Road(s): Length <u>3,645.00</u> (ft) Width <u>12.00</u> (ft)
N/ G. Dr Ge F. Sig	A Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store. Iling supplies and additives contained in MSHA approved containment to include: Qual, EZ- Mud, EZ- Mud Gold, Soda Ash, Quicktrol Gold, NXS Lube, and Rod Grease.

G. Total project area to be disturbed 4.30 (acres)

K. Describe the equipment to be used for the prospecting operations:

Drilling will be accomplished by using a truck mounted drilling rig using standard diamond core drilling techniques. Drilling will be supported with a water truck, pickup trucks and support trailer. Roads will be rehabilitated and constructed to access the drilling site using a D6 track dozer, backhoe or similar equipment.

L. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments): N/A

**M.** Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

All of the drill sites are 1,000 feet or more from West Fork of Clear Creek or Woods Creek. There are no known aquifers in this area that will be penetrated.

### IV. OPERATION AND RECLAMATION MEASURES:

- 1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.
- 2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

#### See Attachment C - Native Vegetation

8. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

Due to the steep slopes of the proposed disturbed areas, little top soil is expected. Any appreciable topsoil encountered will be stockpiled at the drill pads and redistributed upon completion.

9. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

All drill holes will be plugged according to Rule 5.4. It is thought that the drill holes will penetrate unsaturated unconsolidated materials and will continue deeper that ten feet into bedrock and will not encounter an aquifer. These holes shall be securely plugged with cement at the surface. If any aquifers are encountered, the rules as stated in 5.4.2 will be followed.

10. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

\_\_\_\_

11. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

N/A

Roads will be graded and filled as necessary to blend with the adjacent terrain and to meetnatural drainage patterns. Following rough grading, available topsoil will be applied and seed will be spread. The seed mixture used will be appropriate to the elevation of the road. Vehicular access to reclaimed roads will be restricted.

- 7 (FORM 2 *Public filing*)
- 12. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.
  - A. Provide plant name and seeding rate

Plant Name	Seeding Rate (PLS/acre)
See Attachment C	

B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

Salvaged topsoil will be applied to areas that do not have an existing adequate growth medium. Hydro seeding and hydro composting will be used where accessible and seeds will be spread by hand in other areas.

#### V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

- 3. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.
- 4. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:
  - A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the preprospecting condition;
  - B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

- C. Proper and timely abandonment of drill holes upon completion of drilling;
- D. Reclamation of affected lands upon completion of operations or phases of an operation;,
- E. Backfilling and revegetating any pits to blend in with the surrounding land surface;
- F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;
- G. Disposal of any trash, scrap metal, wood, machinery, and buildings;
- H. Control of noxious weeds within the area affected by the prospector
- 3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.
- 4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.
- 5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.
- 6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

## VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

- 4. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
- 5. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.
- 6. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

### VII. FINANCIAL WARRANTY

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.

An One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the Statewide bond at any time in order to cover additional or expanded prospecting activities.)

### VIII. SIGNATURE REQUIREMENT

Please place you initials on the line provided:



I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

I have enclosed the required permit fee.

I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

I herby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the Counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

SIGNATURES MUST BE IN BLUE INK

24 2012 April Signed and dated this day of

Signature of NOI holder or person authorized to sign:

Bizyou R. Romi Name (typed or print) \_ Mad Title/Position: Environance tal



## Attachment A Proposed Harrison Mountain Drill Site Coordinates

	HM Easting	HM Northing	SP Easting	SP Northing	Elevation
Site 6	1137	2406	1901137	152406	12050
Site 7	1562	3362	1901562	153362	12100
Site 8	2422	4182	1902422	154182	12250

HM – Henderson Mine coordinate system SP – Colorado State Plane coordinate system

## Attachment B Surface Excavation and Other Land Disturbance

Roads will be constructed to access the drilling site using a D6 track dozer or similar equipment. Existing roads will be rehabilitated by constructing a 2  $\frac{1}{2}$  ft berm and 10ft wide workable road surface. New roads will be constructed by cut and fill to achieve a 10ft wide workable surface and have a 2  $\frac{1}{2}$  ft safety berm as shown in Figure B-1. Culverts will be used to control erosion and drainage as needed.

The drill site will be constructed to an approximate dimension of 100ft by 50ft to accommodate drilling operations using a the same equipment used to construct the roads. The drill site will have sumps constructed that are approximately 10ft by 10ft and 3ft deep at the deepest point. The sumps will be lined with heavy plastic sheeting to contain drilling water that can be recycled for use in the drilling operations. The volume of the sumps will be approximately 1,100 gallons. A generalized layout of a drill site is included in Figure B-2.



Figure B-1



Figure B-2

## Attachment C Native vegetation

The native vegetation of the areas to be disturbed consists of a subalpine ecosystem. The most common vegetation community is coniferous forest, but aspen forests and subalpine meadows are also widespread thought the ecosystem. The subalpine coniferous forests are generally dominated by Engelmann Spruce (Picea engelmannii) and subalpine fir (Abies lasiocarpa). Bristlecone pine, limber pine and lodgepole pine are also common. The understory of the coniferous forests is generally sparse, but common understory species include: heartleaf arnica (Arnica cordifolia), woodland strawberry (Fragaria vesca), Jacob's-ladder (Polemonium pulcherrimum), gooseberry (Ribes montigenum), American red raspberry (Rubus idaeus), dwarf bilberry (Vaccinium cespitosum).

Subalpine Aspen Forest: Stands of quaking aspen (Populus tremuloides) are interspersed among the coniferous. The understory of the aspen forest is more densely vegetated than that of the coniferous forests and includes: common juniper (Juniperus communis), gooseberry, dwarf bilberry, big sagebrush (Artemisia tridentata), tufted hairgrass, and other grasses. Subalpine meadows are interspersed between stands of coniferous and aspen forest. Subalpine meadows reside in various topographic positions and are found on slopes as steep as

2H:1V to completely flat. The slope subalpine meadow areas are dominated by common juniper, big sagebrush, shrubby cinquefoil (Dasiphora fruticosa), gooseberry, and dwarf bilberry. Dominant grasses include tufted hairgrass and slender wheatgrass and dominant forbs include Whipple's penstemon (Penstemon whippleanus) and tall blacktip ragwort (Senecio atratus).

## Attachment D Upland Seed Mixture

Species	Common Name	Seeding Rate (PLS/acre)	
Graminoids			
Bromus marginatus	Mountain brome	1.70	
Deschampsia caespitosa	Tufted hairgrass	0.17	
Festuca arizonica	Arizona fescue	0.45	
Elymus trachycaulus	Slender wheatgrass	0.68	
Festuca saximontana	Rocky Mountain fescue	0.17	
Phleum alpinum	Alpine timothy	0.25	
Poa alpine	Alpine bluegrass	0.11	
Trisetum spicatum	Spike trisetum	0.09	
Graminoid Subtotal		3.70	
Forbs			
Achillea millefolium	Common yarrow	0.05	
Linum lewisii	Blue flax	0.45	
Lupinus argenteus	Silvery lupine	1.74	
Penstemon strictus	Rocky Mountain penstemon	0.27	
Vicia Americana	American vetch	1.33	
Forb Subtotal		3.83	
Shrubs			
Dasiphora fruticosa	Shrubby cinquefoil	0.04	
Ribes cereum	Wax currant	0.16	
Shrub Stbtotal	· · · · · · · · · · · · · · · · · · ·	0.31	
Combined Totals		8.73	





COLORADO OPERATIONS Henderson Mine P.O. Box 68 Empire, CO 80438 Phone (303) 569-3221 Fax (303) 569-2830

April 24, 2012

Via Email and UPS Tracking #: 1Z 804 847 13 7205 0159

Peter Hays State of Colorado Division of Reclamation, Mining and Safety Department of Natural Resources 1313 Sherman St., Room 215 Denver, CO 80203

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Sincerely,

Miguel Hamarat Chief Environmental Engineer Climax Molybdenum Company Henderson Operations

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cc via hand delivery: Beth Luther (Clear Creek County Board of Commissioners)

For Inquiries Contact us via: E-Mail: PHX-FSS\_AP@FMI.com/ Phone: 602-366-8200 / Self service website: http://partners.fmi.com





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#### CO DIV OF RECLAMATI/MINING/SAFTY 1313 SHERMAN ST RM 215 DENVER CO 80203

#### Page 1 0F 1

INVOICE NUMBER	INVO DAT		PURCHASE ORDER		COMPANY		GROSS AMOUNT	DISCOU	NT	NET AMOUNT
041112 NOI # 9-2011-014	04/11/	12		-	FREEPORT-M CORPC	ICMORAN RAT	86.00		0.00	86.00
Check Number		Date Ve		Ve	ndor Number	Name		1	Total Amount	
0000751041		04/13/12		C	0000108419	CO DIV OF RECLAMATI/MINING/SAFTY			\$86.00	

CH249 v 0.02 01-12-2012



#### #0000751041# #061112788# 3299998445#