

July 5, 2012

Mr. Berhan Keffelew
Colorado Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203



**Re: Permit Number M-2004-031 – Hazeltine Mine Request for Extension,
Technical Revision Decision Date Extension**

Dear Mr. Keffelew:

In response to Aggregate Industries' waiver of the Division's 30-day decision provision in the above-referenced matter, the Division extended the decision date to July 6, 2012. The May 22, 2012 letter by which the Division advised AI of the extension also provided that, if AI is unable to provide to the Division the information it has requested by July 6, AI is to notify the Division so the decision date can be extended again.

The decision date was extended in order to provide AI an opportunity to obtain approvals and/or agreements with the various entities with whom AI must coordinate prior to implementing the technical revision as proposed. To date, AI has not acquired documentation to verify the necessary approvals, however diligent efforts continue towards that end. Evidence of some of these efforts are documented in the enclosed copies of communications dated July 3, 2012 from AI's general counsel, Tim Flanagan.

We appreciate your consideration in this matter. Please advise regarding the Division's extended decision date.

Very truly yours,

A handwritten signature in blue ink that reads "Connie N. Davis".

Connie N. Davis
Land Advisor

Enclosures

Aggregate Industries
West Central Region, Inc.
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Golden, CO 80401

Telephone: 303-985-1070

An Equal Opportunity Employer

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1 ALSO ADMITTED IN WYOMING
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July 3, 2012

Via Email:

Brice Steele, Esq.
Law Offices of Brice Steele, P.C.
25 South 4th Avenue
Brighton, CO 80601-2029

Re: Hazeltine Mine

Dear Brice:

I believe Mike Refer has in been in touch with you and some of the folks at the Fulton Ditch regarding the complaints of Fred Orr. We have now received a demand letter from his attorney and a copy is enclosed. Mr. Orr owns three acres in between the Bull Seep and the Fulton Ditch near AI's gravel operation at 104th.

AI is in the process of obtaining a technical revision to its mining permit to allow for the installation of a pump to be placed at the north end of its Hazeltine operation, which would be used to convey excess water that now backs up in the Bull Seep and then pump into First Creek. This will require a crossing permit and an easement from the Fulton Ditch and its my understanding that someone from the Board was going to visit the site.

I will be responding to Mr. Orr's attorney, but I wanted to keep you apprised of the situation.

Very truly yours,



Timothy J. Flanagan
t_flanagan@fsf-law.com

TJF/clm

Enclosures

cc: Mike Refer (via email)
Connie Davis (via email)

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July 3, 2012

Via Email:

Michael L. Walker, Esq.
Denver Water Board
1600 West 12th Avenue
Denver, CO 80204

Re: Hazeltine Mine

Dear Mike:

I believe Mike Refer and John Bambi have been in touch regarding the complaints from Fred Orr, who owns three acres that lies in between the Bull Seep and the Fulton Ditch near AI's Hazeltine or Cooley East Pit. This is south of your Howe-Haller Reservoir. Enclosed is a demand letter that AI recently received from Mr. Orr's attorney and I will be sending her a response shortly.

I think that Mike and John agreed that the appropriate fix for the water that is mounding at the north end of our property and near the south end of the Denver Water Board's property (Howe-Haller Pit) is to install a well and pump into First Creek. AI is processing a technical revision to its mining permit to accomplish this.

Besides the technical revision, we need to obtain permission and right-of-ways from the Fulton Ditch and Denver Water since the outfall on First Creek would be on your property acquired from Lafarge.

Thanks for your attention to this matter.

Very truly yours,



Timothy J. Flanagan
t_flanagan@fsf-law.com

TJF/clm

Enclosures

cc: Mike Refer (via email)
Connie Davis (via email)