

August 14, 2012

Travis Marshall Division of Reclamation, Mining and Safety Grand Junction Field Office 101 South Third Street, Room 301 Grand Junction, CO 81501

AUG 1 5 2012 GRAND JUNCTION FIELD OFFIGE DIVISION OF RECLAMATION MINING & SA

RECEIVED

RE: Garnet Mesa Investments, LLC, Warren Pit Application, File No. M-2012-024, Preliminary Adequacy Review and Request for an extension of the decision date.

Dear Mr. Marshall:

I will address the Adequacy Issues in the order that you presented them.

- 1. Maps with clear and labeled contour lines will be submitted with the Amendment we will be filing.
- 2. We will be submitting an amendment to include construction of a new haul road ¹/₄ mile north of the previously proposed haul road. This will be along the north boundary of the property. It is a better location with more room for the 90 degree turn without a chance of interfering with a concrete ditch.
- 3. The operator commits to no discharge of water from this mining operation until we receive the discharge permit that has been applied for.
- 4. Proof of publication is enclosed.
- 5. Damage agreements for Delta-Montrose Electric Association, Tri-County Water Conservancy District, Century Link Communications and Delta County are enclosed. The only damage agreement not yet obtained is with Jared Graff. Garnet Mesa Investments, LLC commits to staying at least 200 feet away from any concrete ditches of Mr. Graff until that agreement is obtained or an engineering evaluation satisfactory to DRMS is submitted.

We request an extension of the decision date for this application to allow for submittal of an amendment to this application to add acreage for construction of the relocated haul road. Thank you for your assistance in this matter.

Sincerely;

muchael Ryp Michael Ripp

Consultant

P.O. Box 54 • Delta, CO 81416 (970) 874-5127 • Fax: (970) 874-3161 • e-mail: mvripp@aol.com



401 Meeker St. P.O. Box 809 Delta, CO 81416

AFFIDAVIT OF PUBLICATION

ss.

STATE OF COLORADO

COUNTY OF DELTA

I, Randal Sunderland, do solemnly swear that I am publisher of the Delta County Independent; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterruptedly in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisment was published in the regular and entire issue four consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated May 23rd, A.D., 2012, and that the last publication of said notice was in the issue of said newspaper dated June 13th, A.D., 2012.

In witness whereof I have hereunto set my hand this 13th day of June, A.D., 2012.

Randal Junderlan

General manager of said Delta County Independent

Subscribed and sworn before me. a Notary Public in and for the County of Delta, State of Colorado, this 13th day of June, A.D., 2012.

underland

Notary Public

My commission expires 12/24/2013 900 Cypress Wood Lane Delta, CO 81416



PUBLIC NOTICE

Garnet Mesa Investments, LLC, PO. Box 784, Delta, CO 81418, (970) 874-9986 has filed an application for a Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is located at or near NE1/4NW1/4, Section 9, Township 15 South, Range 95 West, 6th Prime Meridian, Delta County, Colorado.

The proposed date of commencement is August 1, 2012, and the proposed date of completion is October 30, 2032. The proposed future use of the land is Private Recreation.

Additional information and the tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado, 80203, (303) 868– 3567, or at the Delta County Clerk and Recorder's office; 501 Palmer Street, Delta, Colorado, 81416, or the above named application is available at the above named County Clerk and Recorder's office.

Comments Concerning the application and exhibits must be in writing and must be received by the Division of Minerals and Geology by 4:00 p.m. on July 3, 2012.

Please note that under the provisions of C.R.S. 34-32.5-101, <u>et.</u> seq., comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects are typically addressed by your local government, rather than the Division Reclamation, Mining and Safety or the Mined Land Reclamation Board.

Published in the Delta County Independent May 23, 30, June 6 and 13, 2012.



COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION A. Signature Complete items 1, 2, and 3. Also complete Agent item 4 if Restricted Delivery is desired. Class Print your name and address on the reverse Addressee so that we can return the card to you. B. Received by (Printed Name) C. Date of Delivery Attach this card to the back of the mailpiece, 5-24-12 SANA, Cross or on the front if space permits. □ Yes D. Is delivery address different from item 1? 1. Article Addressed to: If YES, enter delivery address below: Delta County Road + Bridge Dept. 501 Palmer Street 3. Service Type Delta, CO 8146 Certified Mail Express Mail Registered Return Receipt for Merchandlse Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) C Yes -----2. Article Number-7012 0470 0002 0392 0562 (Transfer from service label) PS Form 3811, February 2004 **Domestic Return Receipt** 102595-02-M-1540 COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION Signature Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery Is desired. Agent 4 Can х Print your name and address on the reverse Addressee so that we can return the card to you. Received by (Printed Name) C. Date of Delivery Attach this card to the back of the mailpiece, Hugh Carver or on the front if space permits. D. Is delivery address different from item 1? Yes 1. Article Addressed to: If YES, enter delivery address below: □ No Hugh Carver 7680 Burgess Rol. Colorado Springs, CO 80908 3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) C Yes 2. Article Number 7012 0470 0002 0392 0630 (Transfer from service label) PS Form 3811, February 2004 **Domestic Return Receipt** 102595-02-M-1540 COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete A. Signature item 4 if Restricted Delivery is desired. Agent Agent Print your name and address on the reverse Addressee so that we can return the card to you. aceived by (Printed Name) C. Date of Delivery Attach this card to the back of the mailpiece, omas J. Narner a e or on the front if space permits. D. Is delivery address different from item 1? Ves 1. Article Addressed to: If YES, enter delivery address below:. PI No Tom + Cindy WARTEN 18005 Homesterd Rd. Delt4, CO 81416 3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) □ Yes 2. Article Number (Transfer from service la 7012 0470 0002 0392 0654 PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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(Transfer from service label) 7012 0470 00012 0342 0566 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-11 SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. A Signature Attach this card to the back of the mailpiece, or on the front if space permits. C. Date of Delivery Article Addressed to: Ke i th W. Bawk RerocAbke Trust if YES, enter delivery address below: No Acticle Addressed to: Service Type If 3375 H Rd DeltA, CO S if 416 2. Article Number (Transfer from service label) 7012 7012 0002 0392 0512	120. Box 1784	Certified Mail Registered Insured Mail C.O.D.
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-11 SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. C. Date of Delivery address different from item 1? Attach this card to the back of the mailpiece, or on the front if space permits. D. Is delivery address different from item 1? Attach this card to space permits. D. Is delivery address below: Attach this card to space permits. D. Is delivery address below: Attach this card to: Keith W. Bawk RevocAble Trust If YES, enter delivery address below: D. Is delivery address below: B. Service Type Z. Article Number (Transfer from service label) 7012		70 0002 0392 0586
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Delta, CO 81416	3. Service Type Image: Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.
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Delta-Montrose Electric Association Supervisor 11925 6300 Road Montrose, CO 81401

Dear Sir or Madam:

As a part of the application for a Colorado Mined Land Reclamation Permit to extract gravel materials from the Warren Pit (NE1/4 of the NW1/4 of Section 9, T.15S., R.95W., 6th P.M., Delta County, Colorado), the Mined Land Reclamation Board requires the applicant to obtain an agreement to reimburse owners of permanent man-made structures within 200 feet of the operation for any damage done to their property or structures as a result of the permitted mining operation.

Since your power line and poles are within 200 feet of the affected area, Garnet Mesa Investments, LLC agrees to reimburse you for any damage done to your property or structures as a result of the permitted mining operation.

Your acknowledging signature in the space provided should satisfy the M.L.R.B. law requirement. A pre-addressed, stamped envelope is enclosed for your use. Thank you for your cooperation.

Sincerely,

Brian Mason, Manager

Garnet Mesa Investments, LLC

Brian Mason acknowledged the foregoing instrument before me this $\underline{Q^{\mu\eta}}$ day of May, 2012.

SHEILA GRETTNER Notary Public Notary Public State of Colorado My Commission Expires: 4-24-15

ACKOWLEDGED BY: Delta-Montrose Electric Association

Signature/Title



Notary Public My Commission Expires:

Tri-County Water P.O. Box 347 Montrose, CO 81402

Dear Sirs:

As a part of the application for a Colorado Mined Land Reclamation Permit to extract gravel materials from the Warren Pit (NE1/4 of the NW1/4 of Section 9, T.15S., R.95W., 6th P.M., Delta County, Colorado), the Mined Land Reclamation Board requires the applicant to obtain an agreement to reimburse owners of permanent man-made structures within 200 feet of the operation for any damage done to their property or structures as a result of the permitted mining operation.

Since your water line along Homestead Road is within 200 feet of the affected area, Garnet Mesa Investments, LLC agrees to reimburse you for any damage done to your property or structures as a result of the permitted mining operation.

Your acknowledging signature in the space provided should satisfy the M.L.R.B. law requirement. A pre-addressed, stamped envelope is enclosed for your use. Thank you for your cooperation.

Sincerely,

Brian Mason, Manager Garnet Mesa Investments, LLC PO Box 784 Delto, Co 81416-0784

Brian Mason acknowledged the foregoing instrument before me this $\int \frac{\int u}{day} day$ of May, 2012.

SHELLA GRETTNER Notary Public Notary Public My Commission Expires: 9-24-15 State of Colorado

ACKOWLEDGED BY: Tri-County Water

Asst Manager

, 2012 by led Rottinghams The foregoing instrument was acknowledged before me this $\frac{164}{16}$ day of $\frac{164}{16}$ for Tri-County Water. Notary Public

My Commission Expires:



Century Link Right of Way Manager 2524 Blichmann Ave. Grand Junction, CO 81505

Dear Sir or Madam:

As a part of the application for a Colorado Mined Land Reclamation Permit to extract gravel materials from the Warren Pit (NE1/4 of the NW1/4 of Section 9, T.15S., R.95W., 6th P.M., Delta County, Colorado), the Mined Land Reclamation Board requires the applicant to obtain an agreement to reimburse owners of permanent man-made structures within 200 feet of the operation for any damage done to their property or structures is a result of the permitted mining operation.

Since your telephone line along Homestead Road is within 200 feet of the affected area, Garnet Mesa Investments, LLC agrees to reimburse you for any damage done to your property or structures as a result of the permitted mining operation.

Your acknowledging signature in the space provided should satisfy the M.L.R.B. law requirement. A pre-addressed, stamped envelope is enclosed for your use. Thank you for your cooperation.

Sincerely Brian Mason, Manager

Garnet Mesa Investments, LLC

Brian Mason acknowledged the foregoing instrument before me this $\underline{\mathbb{Z}^{\underline{n}}}$ day of May, 2012.



Notary Public

ACKOWLEDGED BY: Century Link

ngiveer II - CenturyLink

Signature/Title

The foregoing instrument was acknowledged before me this <u>26</u> day of <u>July</u>, 2012 by ______

My Commission Expires:

PATRICIA A. HEARNE-POWEL
NOTARY PUBLIC
STATE OF COLORADO



Delta County Road and Bridge Department 501 Palmer Street Delta, CO 81416

Dear Supervisor:

As a part of the application for a Colorado Mined Land Reclamation Permit to extract gravel materials from the Warren Pit (NE1/4 of the NW1/4 of Section 9, T.15S., R.95W., 6th P.M., Delta County, Colorado), the Mined Land Reclamation Board requires the applicant to obtain an agreement to reimburse owners of permanent man-made structures within 200 feet of the operation for any damage done to their property or structures as a result of the permitted mining operation.

Since Homestead Road is within 200 feet of the affected area, Garnet Mesa Investments, LLC agrees to reimburse you for any damage done to your property or structures as a result of the permitted mining operation.

Your acknowledging signature in the space provided should satisfy the M.L.R.B. law requirement. A pre-addressed, stamped envelope is enclosed for your use. Thank you for your cooperation.

Sincerely,

Briafi Mason, Manager Garnet Mesa Investments, LLC

Brian Mason acknowledged the foregoing instrument before me this 9⁴¹ day of May, 2012. SHELA GRETINER Notary Public State of Colorado Wotary Public My Commission Expires: 9-24-15

ACKOWLEDGED BY: Delta County Foad and Bridge Department

Signature/Title

Record acknowledged the foregoing instrument before me this 14 day of May, 2012.

Notary Public My Commission Expires: