

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



John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Pineda
Director

January 11, 2013

Mr. Fred Marvel P.E.
Brannan Sand and Gravel Company, L.L.C.
2500 Brannan Way
Denver, CO 80229

Re: MMRR Quarry, Permit No. M-2004-067, INCOMPLETE Pending Application For Transfer of Mineral Permit and Succession of Operator, Affidavit of Authority

Dear Mr. Marvel:

On January 2, 2013, the Division of Reclamation, Mining and Safety received your Application for Transfer of Mineral Permit and Succession of Operator. We are currently waiting for the executed Affidavit of Authority for J. C. Marvel, Jr. to complete your application.

This template form can be found at the Division's website, www.mining.state.co.us and a copy is enclosed for your convenience. Upon receipt of this form the permit transfer can be approved. You will then be contacted by an Environmental Protection Specialist regarding the site for an inspection and notified thereafter of the reclamation cost and amount of Financial Warranty to provide within 60 days. Please return the form to my attention by fax (303) 832-8106, email Barbara.Coria@state.co.us or mail to 1313 Sherman Street, Room 215, Denver, CO 80203.

If you have any questions regarding your Succession of Operator Application or Financial Warranty, please contact me at 303 866-3567, ext. 8148.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Coria".

Barbara Coria
Financial Assurance Specialist

Enclosure

cc: Tom Kaldenbach, Division Reclamation, Mining and Safety

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Documentation of Legal Authority to Execute Financial Warranty Documents

The Colorado Mined Land Reclamation Board ("Board") has adopted the attached Affidavit of Authority to Execute Financial Warranty Documents pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.). The Board and the Division of Reclamation Mining and Safety ("Division") have determined that, in order to carry out the financial warranty requirements set forth in C.R.S. §§ 34-32-117 and 34-32.5-117 with reasonable diligence, it is prudent to verify the legal authority of the individual signing all necessary documents.

Accordingly, you must provide confirmation of the legal authority of the individual signing all Financial Warranty Documents to the Division. You may do so either by submitting a resolution of the decision-making body of your company that authorizes an individual to sign the Financial Warranty Documents on the company's behalf, or by completing and notarizing the attached affidavit. The Division reserves the right to require the attached affidavit in all circumstances. Please note that if you are a sole proprietor who is executing documents on your own behalf, documentation of legal authority is unnecessary.

Affidavit of Authority to Execute Financial Warranty Documents

Before me this day, the undersigned _____ [name of authorized person], in his/her capacity as _____ [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of _____ [name of business organization], a(n) _____ [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number _____ (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

Affiant's Name

Signature

STATE OF _____)
COUNTY OF _____) ss.:

The foregoing instrument was acknowledged before me this _____ day of _____, _____,
by _____ as _____ of _____.

Notary Public _____

My Commission Expires _____