

ROCKY MOUNTAIN  
AGGREGATE & CONSTRUCTION LLC

RECEIVED  
JUL 17 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

Lazy K Bar Land & Cattle Company  
70455 Buckhorn Road  
Montrose, CO 81403

RE: Uncompahgre Gravel Pit Damage Waiver

Jay,

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,



Zane Luttrell  
Owner  
Rocky Mountain Aggregate & Construction

Attachment:  
Structure agreement for DRMS

An example Structure Agreement which meets the requirements of the Statutes is shown below.  
\*\*\*\*\*

### Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

The following structures are located on or within 200 feet of the proposed affected area:

1. IRRIGATION STRUCTURES
2. FENCES
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Rocky Mountain Aggregate and Construction, LLC (print applicant/company name),  
by Zane Luttrell (print representative's name), as Manager (print  
representative's title), does hereby certify that LAZY K BAR LAND & CATTLE CO (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A. of the Reclamation  
Permit Application for Uncompahgre Pit (operation name),  
File Number M- 2013- -007

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

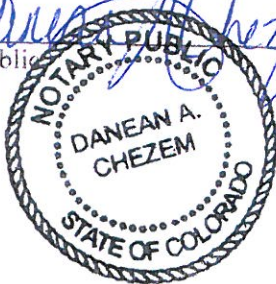
ACKNOWLEDGED BY:

Applicant Rocky Mountain Aggregate & Construction LLC Representative Name ZANE LUTTRELL  
Date 6/25/2013 Title MANAGER

STATE OF COLORADO  
COUNTY OF MONTROSE SS.

The foregoing was acknowledged before me this 25 day of JUNE, 20 13, by  
ZANE LUTTRELL as MANAGER of ROCKY MOUNTAIN AGGREGATE  
& CONSTRUCTION LLC

Notary Public



My Commission Expires: 1/4/2016



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner LAZY K Barland Name Jay W. Julten  
& Cattle

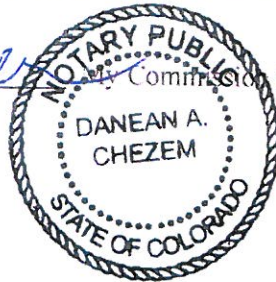
Date 7/17/13 Title President

STATE OF COLORADO

COUNTY OF MONTROSE SS.

The foregoing was acknowledged before me this 17 day of JULY, 2013, by  
JAY W. JULTEN as PRESIDENT of LAZY K BARLAND & CATTLE

Danean Chezem  
Notary Public



My Commission Expires: 1/4/2016

ROCKY MOUNTAIN  
AGGREGATE & CONSTRUCTION LLC

RECEIVED

JUL 17 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

Ouray Ditch Company

20965 Highway 550

Montrose, CO 81403

RE: Uncompahgre Gravel Pit Damage Waiver

To Whom It May Concern,

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,



Zane Luttrell  
Owner

Rocky Mountain Aggregate & Construction

Attachment:

Structure agreement for DRMS

An example Structure Agreement which meets the requirements of the Statutes is shown below.  
\*\*\*\*\*

### Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. ( Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

The following structures are located on or within 200 feet of the proposed affected area:

1. Curay Ditch
2. IRRIGATION STRUCTURES
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

(Please list additional structures on a separate page)



**CERTIFICATION**

The Applicant, Rocky Mountain Aggregate and Construction, LLC (print applicant/company name),  
by Zane Luttrell (print representative's name), as Manager (print  
representative's title), does hereby certify that OURAY DITCH CO (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Uncompahgre Pit (operation name),  
File Number M- 2013-007

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.*

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

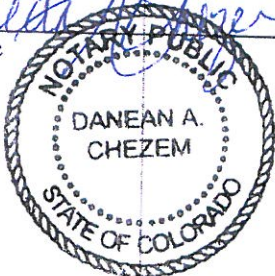
Applicant Rocky Mountain Aggregate & Construction LLC Representative Name ZANE LUTTRELL  
Date 6/25/2013 Title MANAGER

STATE OF COLORADO )  
 ) ss.  
COUNTY OF MONTROSE

The foregoing was acknowledged before me this 25 day of JUNE, 2013, by  
ZANE LUTTRELL as MANAGER of ROCKY MOUNTAIN AGGREGATE  
& CONSTRUCTION LLC

Danean A. Chezem  
Notary Public

My Commission Expires: 1/4/2016



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner Curray Ditch Co Name Doug Flowers

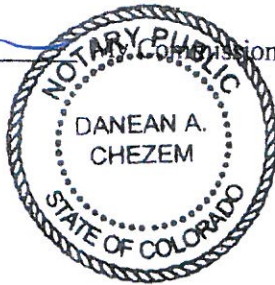
Date 7-17-13 Title President

STATE OF COLORADO )

COUNTY OF MONTROSE ) ss.

The foregoing was acknowledged before me this 17 day of JULY, 2013, by  
DOUG FLOWERS as PRESIDENT of CURRAY DITCH CO

Danean Chezem  
Notary Public



Commission Expires: 1/4/2016



ROCKY MOUNTAIN  
AGGREGATE & CONSTRUCTION LLC

RECEIVED  
JUL 17 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

July 16, 2013

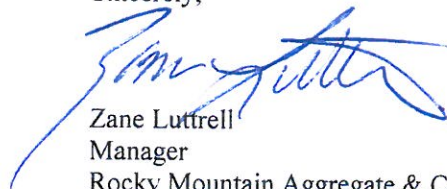
Century Link  
602 North 1<sup>st</sup> Street  
Montrose, CO 81401

RE: Uncompahgre Gravel Pit – State of Colorado Damage Waiver

Dear Century Link,

Enclosed is a structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety. We need to submit a copy of receipt of this agreement to the State of Colorado Division of Reclamation, Mining and Safety for the permit file.

Sincerely,

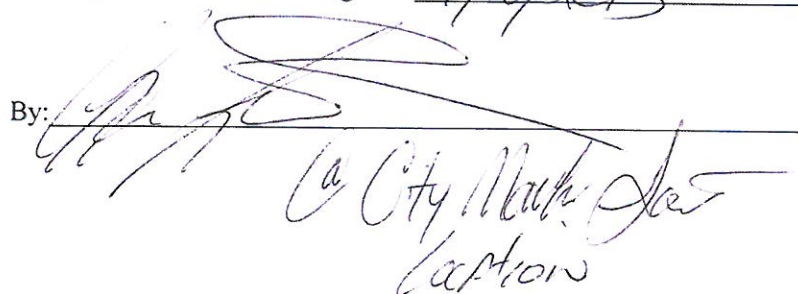


Zane Luttrell  
Manager  
Rocky Mountain Aggregate & Construction

This structure agreement was received on the following date:

7/16/2013

By:



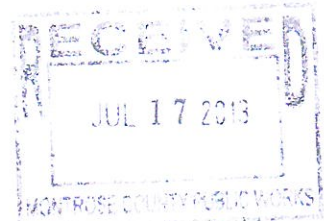
La City Mark  
Caption

RECEIVED

JUL 17 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

ROCKY MOUNTAIN  
AGGREGATE & CONSTRUCTION LLC



*Sent to County  
attorney for  
review 7-17-13  
Kathy Vee*

July 16, 2013

Montrose County  
161 South Townsend Avenue  
Montrose, CO 81401

RE: Uncompahgre Gravel Pit – State of Colorado Damage Waiver

Dear Montrose County – Dean Cooper,

Enclosed is a structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety. We need to submit a copy of receipt of this agreement to the State of Colorado Division of Reclamation, Mining and Safety for the permit file.

Sincerely,

A handwritten signature in dark ink, appearing to read "Zane Luttrell".

Zane Luttrell  
Manager  
Rocky Mountain Aggregate & Construction

This structure agreement was received on the following date: \_\_\_\_\_

By: \_\_\_\_\_

RECEIVED

JUL 17 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

Century link  
500 N. 2nd St  
Montrose CO  
81401

2. Article Number  
(Transfer from service label)

7012 2210 0000 7784 2933

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



RECEIVED

JUL 17 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Tri County Water  
647 N 7th St  
Montrose CO 81401

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

*[Signature]*

☐ Agent

☒ Addressee

B. Received by (Printed Name)

*[Signature]*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7012 2210 0000 7784 2926

Domestic Return Receipt

102595-02-M-1540