

# 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



July 31, 2013

Tony Connell  
Connell Resources, Inc.  
7785 Highland Meadows Parkway, Suite 100  
Fort Collins, CO  
80528

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

**RE: *Hayden Gravel Pit, Permit No. M-1987-164, Objection to 112c Amendment Application (AM-2)***

Dear Mr. Connell,

On July 31, 2013 the Division of Reclamation, Mining and Safety (Division) received an objection (attached) to the above referenced application from the State Land Board.

Please inform the Division of how you will respond to the issue presented by the State Land Board. This issue must be resolved in order to satisfy the requirements of Rule 6.4.14.

If you require additional information, or have questions or concerns, please contact me at the DRMS Grand Junction Field Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dustin Czaplak". The signature is fluid and stylized, with a long horizontal stroke extending to the right.

**Dustin Czaplak**  
Environmental Protection Specialist  
Department of Natural Resources  
Division of Reclamation, Mining and Safety  
101 South 3<sup>rd</sup>, Suite 301  
Grand Junction, CO 81501  
Phone: (970) 243-6299  
Fax: (970) 241-1516

Enc: State Land Board Letter of Objection dated July 31, 2013

# STATE OF COLORADO

Governor  
John Hickenlooper

Department of Natural Resources  
Mike King, Executive Director



Managing  
State Trust Lands  
Since 1876

STATE BOARD OF  
LAND COMMISSIONERS  
Bill Ryan, Director  
1127 Sherman Street, Suite 300  
Denver, CO 80203  
Phone: (303) 866-3454  
Fax: (303) 866-3152

July 31, 2013

Mr. Dustin Czapla  
Department of Natural Resources  
Division of Reclamation, Mining and Safety  
101 South 3<sup>rd</sup>, Suite 301  
Grand Junction, CO 81501

RECEIVED

JUL 31 2013  
GRAND JUNCTION FIELD OFFICE  
DIVISION OF  
RECLAMATION MINING & SAFETY

BY ELECTRONIC MAIL

RE: Notice of 112 Construction Materials Permit Amendment Application  
Connell Resources, Inc., Camilletti Pit, Permit No. M-1987-164  
State Land Board Objection

Dear Mr. Czapla,

Thank you for the notice provided by the Division of Reclamation, Mining and Safety regarding the referenced permit amendment application. The State Board of Land Commissioners (Land Board) has reviewed its mineral ownership records in the vicinity of the requested permit expansion and determined that the mineral estate under much of the proposed expansion, specifically the land listed below, is owned by the State of Colorado:

<u>ACRES</u>	<u>SUBDIVISION</u>	<u>SEC-TWP-RGE</u>	<u>PATENTS</u>	<u>COUNTY</u>
80	S2NW	12 - 6N - 88W	4577	Routt

The State of Colorado, by and through the State Board of Land Commissioners, was granted ownership, both surface and mineral estates, by the US Government through the Colorado Enabling Act, Section 7 wherein Congress granted sections numbered sixteen and thirty-six in every township for the support of common schools. This particular parcel was selected by the Board in the 1890's as an In Lieu Selection for lands lost to the state in Western Colorado, and was conveyed to the state by Clear List No. 6, Indemnity School Land, Glenwood District of the General Land Office.

The surface estate of the above described land was conveyed to Oliver Wolcott Hooker by Patent No. 4577 on February 10, 1927. This patent specifically reserves all minerals to the State of Colorado.

I have attached a copy of the patent along with a map outlining state mineral ownership in the vicinity of permit amendment application.

The Land Board allows access to minerals for development through mineral leases that must be approved by the Board of Land Commissioners. Current records show that no mineral lease is in effect on the lands that are included in the referenced permit amendment application. Until such time as a mineral lease has been fully executed to allow extraction of the sand & gravel resources owned by the State of Colorado, the Land Board objects to the mine plan proposed in the amendment application. The process for a mineral lease begins by submitting an application form that is available at <http://www.trustlands.state.co.us>.

If you have any questions, please do not hesitate to contact me at 303-866-3454 ext. 3313

Sincerely,



Phillip J. Courtney  
Solid Minerals Leasing Manager

Attachments: State of Colorado Patent No. 4577  
Map

Cc: Pete Milonas, Minerals Director – State Land Board



# State of Colorado

PATENT No. 4577

*Oliver Wolcott Hooker*

To all unto Whom these Presents shall Come: Greeting:

Whereas, *Oliver Wolcott Hooker* of the County of *T. Roitt* and State of Colorado, in accordance with the provisions of the acts of the General Assembly of the State of Colorado, approved and in force at the time of the purchase of the land herein designated and described, and at the time of the execution of this conveyance, has made full payment as appears from the records of the State Board of Land Commissioners, of and for the following described real estate, lying and situate in the County of *T. Roitt* and State of Colorado, to-wit:

*The South Half of the Northwest Quarter (S 1/2 NW 1/4) and the Southwest Quarter (SW 1/4) of Section Twelve (12), Township Six (6) North, Range Eighty-eight (88) West of the Fifth (5) Principal Meridian, containing Two Hundred Forty (240) acres, more or less, according to Surveyed State Survey.*

Reserving, however, to the State of Colorado, all rights to any and all minerals, oils and metals of every kind and character and all coal, asphaltum, oil and other like substances in or under said land and the right of ingress and egress for the purpose of running together with enough of the surface of same as may be necessary for the proper and convenient working of such minerals and substances.

Subject to any and all easements or rights of way heretofore legally obtained and now in full force and effect, if any, there be.

which said described tract of land has been purchased by the said *Oliver Wolcott Hooker* for the sum of *Three Thousand Eleven Hundred Fifty and 1/10 (3375.00)* Dollars

Now Know Ye, That the State of Colorado in consideration of the premises, and in conformity with the Act of the General Assembly, in such case provided, has sold and granted, and by these presents does sell and grant unto the said

*Oliver Wolcott Hooker* and to *his heirs* and assigns, the said tract above described: TO HAVE AND TO HOLD the same as above specified, together with all the rights, privileges, immunities and appurtenances of whatsoever nature hereunto belonging, unto the said *Oliver Wolcott Hooker* and to *his heirs and assigns forever.*

In Testimony Whereof, I, *Wm H. Adams* Governor of the State of Colorado, have caused these letters to be made Patent, and the Great Seal of the State of Colorado to be hereunto attached.

Given under my Hand at the City of Denver, the *10th* day of

*February* A. D. 1927 *Wm H. Adams* Governor.

Attest: *Chas. M. Armstrong* Secretary of State of the State of Colorado.  
*Carl Cooley* Registrar State Board of Land Commissioners.

Indemnity Bond.  
North County.  
Sold January 6, 1910.  
Certificate of Purchase No. 559, Book 14.

Filed for record this *16th* day of *February* A. D. 1927, at *4* o'clock *P. M.*  
*Carl Cooley* Registrar.





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✕ DRMS\_Permits\_062513

all\_inv\_surface

all\_inv\_minerals

County Boundary

## State Land Board

0.032865 0.13 0.195 0.28  
Miles

1:14,313

07/30/2013

2013 - State Land