#29844
A25-0045
DESIGN@JOHNLITTLEHORN.COM
ZONED-MINING

PARK COUNTY APPLICATION FOR MINOR SUBDIVISION
NON-REFUNDABLE APPLICATION FEE: $1700

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff (7) seven to (10) ten working days prior to the application submittal deadline.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: John Littlehorn

Mailing Address: 12287 County Road 140

City: Salida State: CO Zip: 81201

Telephone (work) (719) 530-2077 (home) _____ (fax) _____

Owner's Name: Rock N Pine, LLC, C/O Mark Balderston JRS Mining, LLC C/O Todd Sullivan

Mailing Address: 503 Wise Street Hamlet, NE 69040 1631 Harbor Cay lane, Longboat Key, FL

Telephone: Littlehorn Engineering: (719) 836-7120

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Minor Subdivision Plat (attach additional page, if necessary):
See bottom of this page.

Street Address of Property: 49001 HWY 9, Fairplay, CO 80440
Property's Total Acreage: 40.24
Current Zone District of Property: M

For County Use Only
Planning Department Confirmation of Current Zone District:
District: M (MINING)
ROY THORSHEIM
Print Full Name

Legal description: T09 R77 S29 SE4 PART OF S2SE4 LYING SWLY OF HWY 9 AND NELY OF SOUTH PLATTE RIVER AND PART OF NE4NE4SE4SW4 LYING SWLY OF HWY 9 29-9-77 LESS PORTION KNOWN AS TRACT B PER PLAT R658879;PART OF NE4 LYING NORTH OF SOUTH PLATTE RIVER 32-9-77 PART OF W2NW4 LYING NLY OF SOUTH PLATTE RIVER AND SLY OF HWY 9 33-9-77

Requirements for a Minor Subdivision Plat
Article VI, Division 3, Section 6-301

For County Use Only: Initial Receipt of the Required Information

C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of $1700 ($2550 if combined with rezoning) must be paid at the time of submission of the application. Make the check or money order payable to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility. (1.) RT

2. Tax receipt showing payment of current taxes for the property proposed for subdivision. This can be obtained at the Park County Treasurer's office. (2.) RT

3. Evidence of ownership and Encumbrances as defined in Article IV of the Land Use Regulations. (3.)

GET TITLE WORK

4. A legal description of the property proposed for subdivision prepared by a licensed Colorado land surveyor (4.)

NEED LEGAL

5. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with C.R.S. § 24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B (attached). (5.) RT

6. A list of names and mailing addresses of all adjacent property owners to the property proposed for subdivision, this information is at the Park County Assessor's Office. (6.) RT

7. A Minor Subdivision Plat. The Minor Subdivision Plat shall be drafted at a commonly used engineering scale by the use of permanent ink on stable reproducible drafting medium with outer dimensions of twenty-four by thirty-six inches (24" x 36"). Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. The Minor Subdivision Plat must also be submitted in a digital format that will allow the Mapping Department to accurately reference it into the County's Geographic Information System. At a minimum, the Minor Subdivision Plat shall contain:
   a. A title that prominently identifies the proposed name of the subdivision together with the phrase "Minor Subdivision Plat"; (7a.) RT
   b. Date of preparation, map scale, and north arrow; (7b.) RT
   c. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor; (7c.) RT

For County Use Only: Initial Receipt of the Required Information

d. A general vicinity map illustrating the location of the property proposed for subdivision; (7d.) RT

e. Total acreage and surveyed legal description of the area; (7e.) RT

f. Primary boundary survey control points with monument descriptions; all parcel and right-of-way lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian. All required boundary monuments shall be placed in the field before the Minor Subdivision Plat is recorded; (7f.) RT

g. Tract boundary lines, road right-of-way lines, easements and other sites with accurate bearings and dimensions including chord lengths and bearings, central angles, arc lengths and radii of all curves; (7g.) RT

h. Name and right-of-way width of each road. Right-of-way widths are to be shown at each leg of an intersection, at points of curvature and tangency, at dead-ends, and at angle points; (7h.) RT

i. Location, dimensions, and purposes of all existing or proposed easements; (7i.) RT

j. Number or letter to identify each Lot and Outlot. Lots shall be numbered. Outlots shall be lettered. The Plat shall include sufficient information to designate and restrict the use of any outlot to the Outlot's intended purpose (7j.) RT

k. An identification of the easements, rights-of way, and any other public facilities shown on the plat to be dedicated to public use, subject to acceptance by the Board of County Commissioners. No areas within the Minor Subdivision Plat may be designated as areas of conditional, planned, or future public acquisition. Dedications of public property not made on the Minor Subdivision Plat shall be made only by General Warranty Deed recorded contemporaneously with the Minor Subdivision Plat unless otherwise approved by the Board of County Commissioners; (7k.) RT

NOT GONE l. Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such with the owner's names; (7l.) _____

m. Signature and seal of the licensed land surveyor; (7m.) RT

n. A delineation of the extent of the one hundred (100) year flood plain and any wetlands, if applicable according to the Planning Director or Designee; (7n.) _____

o. Approval certifications and plat language Forms A-1, A-2, A-3, A-4, A-5 and A-6 as identified in Appendix A of these Land Use Regulations. The Board of County Commissioners may modify the form of certification upon the advice of the County Attorney. (7o.) _____

8. A copy of any agreements, conveyances, restrictions, or covenants that currently govern or are proposed for recordation to govern the use and maintenance of the subdivision and any common open space or subdivision amenity. (8.) N/A

9. A report and descriptive plan identifying the means by which water and wastewater services will be provided to each proposed lot within the property proposed for minor

For County Use Only: Initial Receipt of the Required Information

subdivision. Such report or descriptive plan shall include evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed and shall meet the requirements of Article VII, Divisions 7 and 8 of these Land Use Regulations. All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional deemed qualified by the County to evaluate water delivery systems that compares the efficiency, cost effectiveness, and adverse impacts upon other wells of the proposed individual wells to the efficiency, cost effectiveness, and adverse impacts of a common or community water delivery system(s).

(9.) NA Mining

10. A drainage, erosion, and sedimentation plan as described in Article VII, Division 6 of these Land Use Regulations.

(10.) N/A

11. If deemed applicable by the Planning Director/County Designee, either a wildfire hazard mitigation plan approved by the local fire protection district or a letter from the local fire protection district saying that no such plan is necessary.

(11.) N/A

12. *Only where* Public Improvements are proposed to serve the subdivision, the Applicant shall also deliver:
    a. Preliminary engineering plans and specifications for all Public Improvements in a form sufficient to enable final engineering and construction plans to be prepared within thirty (30) days following the Minor Subdivision Plat approval. Substantive changes between the preliminary and final plans will require Board of County Commissioners approval and will be subject to the Standards for Approval in Section 6-303.
    b. A written description of arrangements and financial institution commitments for providing financial guarantees and sureties for the timely completion of all Public Improvements. For example, a letter of commitment from a financial institution to issue an irrevocable letter of credit upon approval of the Minor Subdivision Plat.
    c. A preliminary or draft Subdivision Improvements Agreement (SIA) in the general form provided by Appendix J of these Subdivision Regulations. In order to ensure timely processing of the application, Applicants are strongly encouraged to first submit a draft form of SIA to the County Attorney for review and revision prior to submitting the application for the Minor Subdivision. The Board of County Commissioners shall revise the SIA into a form capable of finalizing upon the conclusion of the public hearing and approval or conditional approval of the Minor Subdivision Plat.

(12a.) N/A

(12b.) N/A

(12c.) N/A

13. The Planning Director may require 1041 Permits if the development warrants any such permits.

(13.) N/A

For County Use Only: Initial Receipt of the Required Information

14. Applicants are strongly encouraged to submit with the application additional documentation and information to demonstrate that the proposed subdivision will satisfy the Standards for Approval contained in Section 6-303. (14.)_____

15. The Planning Director, Planning Commission and/or Board of County Commissioners may require the Applicant's submission of other studies and reports prepared by a qualified professional at the Applicant's cost to address issues such as, but not limited to: drainage, grading, traffic, soils and geology, utilities services, and radiation or environmental hazards. Any decision of the Planning Director pursuant to this paragraph may be appealed to the Board of County Commissioners in accordance with Article III, Division 2 of these Land Use Regulations. (15.)_____

MINING PERMIT

16. An $13.00 check made out to the Park County Clerk and Recorder to record the surveyors Mylar. (16.) TBD

The following is necessary if the proposed subdivision includes an application for rezoning:

17. One or more maps showing the following:
    a. The current zone district(s) of the property to be rezoned and the adjacent properties (17a.) NA
    b. A description of the existing uses on the property and on adjacent properties (17b.)_____
    c. Topography of the property shown in elevation contours of not greater than ten (10) foot increments, or any other increment deemed appropriate by the Planning Director, (17c.)_____
    d. Points of access to the property, internal roads and trails including widths and approximate grades, illustrating how such access is obtained, (17d.)_____
    e. Where any access to the property subject to rezoning is obtained from a private road, trail easement, driveway, or other private access, the applicant shall provide evidence of permanent legal right of access. (17e.)_____
    f. Natural features of the property, wetlands, floodplain, riparian areas, water bodies, rock outcroppings, significant vegetation and slopes greater than 25% (17f.)_____
    g. Utility systems including existing and proposed wells, septic and electric services. (17g.)_____

Note: Refer to Park County Land Use Regulations Article VI, Standards for Approval of a Minor Subdivision.

Note: A Mylar as described in #8 will be required after final approval for recording.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: John J. Littlehorn
Print name: John Littlehorn
If company, state Title/Position: Principal, Littlehorn Engineering & Surveying

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

_____ ____, 20____
Month Day Year

For County Use Only:
Verification of Date of Delivery and County Receipt of Application
Date: 6/24/2025
Print Name: Rose Thorsheim
EMAIL

Payment of the Applicant Fee was made by:

✓	Personal Check # 2063	Amount $ 1700.00
	Cash	Amount $
	Other	Amount $

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE

Mark Balderston

Statement Regarding Restrictions on Property

I, Mark Balderston, state the following regarding any covenants, agreements, or restrictions governing the use and maintenance of the property (*check which applies*):

1. X To my knowledge, there are no covenants, agreements, or restrictions governing the use and maintenance of the property.

2. ___ To my knowledge, there are covenants, agreements, and/or restrictions governing the use and maintenance of the property. Those are:

_____
_____
_____
_____
_____
_____
_____

Mark Balderston
Signature- Mark Balderston

2-27-25
Date

Mark Balderston

Statement Regarding Water/Wastewater Services

I, Mark Balderston, state the following regarding any Water/Wastewater Services (*check which applies*):

3. _ I do not have any documentation regarding water and wastewater service provisions for the property.

4. X I do have documentation regarding water and wastewater service provisions for the property. (*If this is the case, please attach and mail any and all documents and provide a brief description of those documents below*):

Under my Mining permits with DRMS

Mark Balderston
Signature- Mark Balderston

2-27-25
Date

Mark Balderston

Statement Regarding CDOT Access

I, Mark Balderston, state the following regarding any CDOT Access Permits (*check which applies*):

1. ___ I do not have any documentation regarding CDOT's Access Permits to the property.

2. X I do have documentation regarding CDOT Access Permits to the property. *(If this is the case, please attach and mail any and all documents and provide a brief description of those documents below)*:

Filed With CDOT

Mark Balderston
Signature- Mark Balderston

2-27-25
Date

APPENDIX B

APPLICANT CERTIFICATION REGARDING NOTICE TO MINERAL ESTATE OWNER

I, Mark Balderston, submitted an application for land use approval from Park County generally described as:

___ Conditional Use Permit

___ Determination of Location and Extent of Public Facilities Use

___ Planned Unit Development with Rezoning

___ Special Use Permit; (Telecommunications, Wetlands)

X Subdivision; (Major Preliminary Plan, Major Final Plat, Minor, Sketch, Combined)

I understand that state law, found at CRS 24-65.5-101 through 24-65.5-104, imposes specific legal requirements involving my providing written notice to the mineral estate owner of my application.

I HEREBY CERTIFY that I have complied with the notice requirements imposed upon me by CRS 24-65.5-101 through 24-65.5-104.

Mark Balderston

Signature of Applicant

Mark Balderston

Print Name

For County Use Only

Application Name/Case Number:_____

GENERAL NOTARY - State of Nebraska
JAKOB BURKE
My Comm. Exp. May 11, 2028

Littlehorn Engineering
A Holistic Approach to Site and Building Design
Fairplay
351 US Hwy 285, #201
Fairplay, CO 80440
(719) 836-7120
Silver Cliff
205 Fourth Street
Silver Cliff, CO 81252
(719) 783-3757

5 March, 2025

Park County Planning Department
P.O. Box 1598
Fairplay, CO 80440

Attn: Planning Staff

Subject: Minor Subdivision Application – Balderston & Sullivan

Dear Planning Staff,

On behalf of Mark Balderston and Todd Sullivan, Littlehorn Engineering is submitting this Minor Subdivision application for the property identified as Parcel Number 29844. This request seeks to formally subdivide the existing parcel into two separate tracts in accordance with Park County's subdivision regulations.

Purpose of Subdivision

This subdivision is being pursued as directed by court order to legally establish two separate parcels that reflect the agreed-upon division of ownership between Mr. Balderston and Mr. Sullivan. The property was historically referenced in discussions as an Exemption from Subdivision, but current Planning staff has confirmed that it falls under the Minor Subdivision process and must be reviewed accordingly.

Access & Easements

The proposed Tract A1 and Tract A2 must have legal access. This allows for all three tracts, Tract B, Tract A1, and Tract A2 legal access to use the U.S. Highway 285 access. While an

as-built record exists showing the roadway crossing the respective herein referenced Tracts, a formal easement is proposed and will be addressed as part of this process. This is to satisfy a court order. We believe this application ensures compliance with county requirements, access requirements, and is in harmony with the desires of all relevant parties to the access and easements.

Subdivision Compliance

This application meets the requirements outlined in Park County's Minor Subdivision regulations, and all required documentation, including the survey plat, tax receipts, ownership evidence, and legal descriptions, and to the best of our knowledge is submitted in accordance with County standards.

Additional Considerations

We have been working closely with Park County staff to ensure the proper process is followed, and we appreciate the County's guidance in confirming the appropriate subdivision classification. The property owners, Mr. Balderston and Mr. Sullivan, are providing individual statements explaining the purpose and intent behind this subdivision. If you require any additional information or have any questions regarding this application, please feel free to contact me at design@johnlittlehorn.com or (719) 530-2077. We appreciate your time and consideration in reviewing this request and look forward to working with Park County to complete this process.

Sincerely, John Littlehorn, P.E.

John J. Littlehorn

Mark Balderston

Statement Consenting to John Littlehorn of Littlehorn Engineering

I, Mark Balderston provide this consent and written approval that John Littlehorn of Littlehorn Engineering may represent me and my interests in the public hearing provided by Park County relating to my property. As part of Mr. Littlehorn's contract with me, I requested that he appear at the hearing on my behalf.

Mark Balderston
Signature- Mark Balderston

2-27-25
Date

STATE OF NEBRASKA)
)ss
COUNTY OF ~~HAYES~~ CHASE).

Subscribed and sworn to before me this 27th day of FEB., 2025 by MARK BALDERSTON.

Witness my hand and official seal.

My commission expires: 5/11/2028.

GENERAL NOTARY - State of Nebraska
JAKOB BURKE
My Comm. Exp. May 11, 2028

Notary Public

Statement Consenting to John Littlehorn of Littlehorn Engineering

I, Todd Sullivan provide this consent and written approval that John Littlehorn of Littlehorn Engineering may represent me and my interests in the public hearing provided by Park County relating to my property. As part of Mr. Littlehorn's contract with me, I requested that he appear at the hearing on my behalf.

Signature

4-28-25

Date

STATE OF ARIZONA)

)ss

COUNTY OF PINAL).

Subscribed and sworn to before me this 28th day of April, 2025 by Todd Sullivan.

Witness my hand and official seal.

ANNA MARIA VALDIVIA
Notary Public - Arizona
Pinal County
Commission # 610109
My Comm. Expires May 16, 2025

My commission expires, May 16 2025

Anna Maria Valdivia

Notary Public

Mark Balderston's Letter of Intent and Purpose of Subdivision

I, Mark Balderston, state the following regarding my intent to proceed with this property subdivision:

I am submitting this Minor Subdivision application for the property identified as Parcel Number 29844. This request seeks to formally subdivide the existing parcel into two separate tracts in accordance with Park County's subdivision regulations pursuant to a Court Order in Park County District Court Case: 17CV030087. In that civil action, the Parties had a trial to the Court wherein the Court made specific findings as to the partition of the property in question. For any questions regarding the purpose and scope of this partition, please see the two Court Orders attached to this letter.

Purpose of Subdivision
This subdivision is being pursued to legally establish two separate parcels that reflect the agreed-upon division of ownership between Mr. Balderston and Mr. Sullivan. The Parties participated in litigation wherein the Court Ordered partition of the land to include Mr. Sullivan building an access road to which I have an easement to use. The intent of this application to this County is to finalize the Court's Order and formally partition the property in question.

Access & Easements
The proposed Tract A must have legal access through both Tract A1 and Tract B. While an as-built record exists showing the roadway crossing Tract B, a formal easement is proposed and will be addressed as part of this process. We believe this application ensures compliance with all access requirements.

Subdivision Compliance
This application meets the requirements outlined in Park County's Minor Subdivision regulations, and all required documentation, including the survey plat, tax receipts, ownership evidence, and legal descriptions, will be submitted in accordance with County standards.

Additional Considerations
We have been working closely with Park County staff to ensure the proper process is followed, and we appreciate the County's guidance in confirming the appropriate subdivision classification..

Mark Balderston
Signature- Mark Balderston

2-27-25
Date

StatementOfTaxesDue

Account Number R0029844

Parcel 29844

Assessed To

ROCK N PINE LLC
C/O MARK BALDERSTON
503 WISE ST
HAMLET, NE 69040-4116

Legal Description

T09 R77 S29 SE4 PART OF S2SE4 LYING SWLY OF HWY 9 AND NELY OF SOUTH PLATTE RIVER AND PART OF NE4NE4SE4SW4 LYING SWLY OF HWY 9 29-9-77 LESS PORTION KNOWN AS TRACT B PER PLAT R658879;PART OF NE4 LYING NORTH OFSOUTH PLATTE RIVER 32-9-77 PART OF W2NW4 LYING NLY OF SOUTH PLATTE RIVER AND SLY OF HWY 9 33-9-77

Situs Address

49001 HWY 9 FAIRPLAY 80440

Year	Tax	Interest	Fees	Payments	Balance
Grand Total Due as of 08/18/2025					**$0.00**

AMOUNTS SHOWN ARE CORRECT AT THE TIME OF PRINTING.
ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER AUGUST 1.
TAX LIEN PAYMENTS:
1. MUST BE PAID BY CASH, CASHIERS CHECK, MONEY ORDER OR ONLINE AT WWW.PARKCO.US/TREASURER.
2. PLEASE PUT "ATTN:TAX LIEN" ON THE OUTSIDE OF THE ENVELOPE.
3. MUST BE RECEIVED IN THE OFFICE BY THE ABOVE DUE DATE. POSTMARKS NOT ACCEPTED.
4. PAYMENTS WILL ONLY BE ACCEPTED FROM THE OWNER, HIS AGENT OR ANY OTHER PERSON HAVING A LEGAL OR EQUITABLE CLAIM AGAINST THE PROPERTY PER STATUTE CRS 39-12-103

Park County Treasurer
P.O. Box 638, Fairplay CO 80440
(719)-836-4334

Park County Treasurer Tax Receipt

Account	Parcel Number	Receipt Date	Receipt Number
R0047300	47300	Jun 11, 2025	2025-06-11-Rebekah-190845

JRS MINING LLC
C/O TODD PEDDIE SULLIVAN
850 N DAVIDSON ST
ELROY, AZ 85131

Situs Address	Payor
49001 HWY 9 FAIRPLAY 80440	JRS MINING LLC C/O TODD PEDDIE SULLIVAN 850 N DAVIDSON ST ELROY, AZ 85131

Legal Description

T09 R77 S29 SW4 PART OF S2SE4 LYING SWLY OF HWY 9 AND NELY OF SOUTH PLATTE RIVER AND PART OF NE4NE4SE4SW4 LYING SWLY OF HWY 9 29-9-77 LESS PORTION KNOWN AS TRACT B PER PLAT R658879 M2013074

Property Code	Actual	Assessed	Year	Area	Mill Levy
NONPROD PATENTED - NAT RES - 5140	95,265	26,580	2024	0015	60.7857

Payments Received

Check — Multi-Account Payment

Check Number 3388

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2024	Interest	$32.31	$0.00	$32.31	$0.00
2024	Tax	$1,615.68	$0.00	$1,615.68	$0.00
				$1,647.99	$0.00
			Balance Due as of Jun 11, 2025		**$0.00**

Thank you for your payment.

Stewart Title Company
55 Madison Street, Suite 400
Denver, CO 80206
(303) 752-6470 main

Ownership and Encumbrance Report

Property Information

File No.: 2780972

Issued to: BurgSimpson

Owner: Rock'N Pine LLC, a Colorado limited liability company, by virtue of Warranty Deed recorded as Reception No. 508957 of the Deed Records of Park County, Colorado.

Property Address: 49001 Highway 9, Fairplay, CO 80440

County: Park

Parcel Number: R0029844

Effective Date: November 5, 2025 at 8:00AM

Legal Description

In Township 9 South, Range 77 West of the 6th P.M.:

Section 29: That portion of the NE1/4NE1/4SE1/4SW1/4, and of the S1/2SE1/4 lying South of Colorado State Highway No. 9 and Northerly of the North bank of the South Platte River.

Section 32: That part of the NE1/4 lying Northerly of the North bank of the South Platte River

Section 33: That part of the W1/2NW1/4 lying Northerly of the North bank of the South Platte River and lying Southerly of Colorado State Highway No. 9, County of Park, State of Colorado.

Ownership

Rock'N Pine LLC, a Colorado limited liability company, by virtue of Warranty Deed recorded as Reception No. 508957 of the Deed Records of Park County, Colorado.

Encumbrances

1. Please be advised that our search did not disclose any open Deed of Trust of record. If you should have knowledge of any outstanding obligations, please contact the Title Department immediately for further review prior to closing.

Please see attached documents

This information is deemed reliable, but not guaranteed. No insurance product is associated with this information and Stewart Title Company does not certify the information contained in this report and assumes no liability as to loss, consequence or damage resulting from the use of this information.

BALDERSTON - SULLIVAN MINOR SUBDIVISION PLAT

A subdivision of Tract A of the Exemption Survey recorded at Reception No. 658879
being a part of Sections 29, 32, and 33, Township 9 South, Range 77 West of the 6th Principal Meridian
County of Park, State of Colorado

LEGAL DESCRIPTION:

Rock N Pine LLC being the owner(s) of the real property of 40.31 acres located in Park County, Colorado, descried as follows:

Tract A of the Exemption Survey recorded at Reception No. 658879, being a part of Sections 29, 32, and 33, Township 9 South, Range 77 West of the 6th Principal Meridian, County of Park, State of Colorado, more particularly described as follows:

Beginning at the Northeast corner of said Section 32, thence along the Southerly Right-of-Way line of Colorado State Highway No. 9 the following four (4) courses:
1. S89°58'39"E, a distance of 8.45 feet;
2. S67°34'45"E, a distance of 235.89 feet to a point of curve;
3. along the arc of said curve to the right 374.15 feet, having a radius of 875.00 feet, and a central angle of 24°30'00";
4. S43°04'45"E, a distance of 1,154.46 feet to the East line of Northwest Quarter of the Northwest Quarter of said Section 33;

thence along said line S00°00'36"W, a distance of 569.88 feet to the north bank of the Middle Fork of the South Platte River as described in the Exemption Plat recorded at reception no. 658879, thence along said bank the following twelve (12) courses:
1. N43°22'09"W, a distance of 292.18 feet;
2. N49°10'33"W, a distance of 348.86 feet;
3. S88°02'47"W, a distance of 202.45 feet;
4. N32°55'40"W, a distance of 193.25 feet;
5. N58°21'06"W, a distance of 244.48 feet;
6. N37°43'58"W, a distance of 284.86 feet;
7. N89°11'49"W, a distance of 240.35 feet;
8. N79°58'46"W, a distance of 253.08 feet;
9. N47°45'32"W, a distance of 342.20 feet;
10. S80°58'44"W, a distance of 324.03 feet;
11. N37°22'40"W, a distance of 220.77 feet;
12. N64°00'57"W, a distance of 120.51 feet to the West line of said Tract A;

thence along said line N22°32'16"E, a distance of 724.47 feet to said Southerly Right-of-Way line of Colorado State Highway No. 9; thence along said Right-of-Way line the following two (2) courses:
1. S67°34'45"E, a distance of 932.25 feet;
2. S00°50'13"W, a distance of 3.46 feet to the POINT OF BEGINNING.

Containing 1,755,926 square feet or 40.31 acres, more or less.

Basis of Bearings: Bearings are based on the Colorado State Plane Coordinate System, Central Zone, NAD 83. The North line of the Northwest Quarter of the Northwest Quarter of Section 33 having a grid bearing of N89°58'39"W being marked at the West 1/16 corner of Sections 28/33 with a No. 6 rebar with 1-1/2" aluminum cap stamped: BURNETT LS 11944 and at the Northwest Corner Section 33 with an iron pipe with a 3" brass cap stamped: BLM 1960.

In Witness Whereof, we do hereunto set our hands and seals this_____day of_____, 2025.

_____
Mark Balderston, Rock N Pine LLC

STATE OF COLORADO)
) SS.
COUNTY OF PARK)

Acknowledged before me this_____day of_____, 2025, by_____.
Notary Public Witness my hand and official seal.
My Commission Expires: _____.

MORTGAGE CONSENT TO DEDICATION:

The undersigned holders of mortgage interests and liens against the property offered for dedication and for transfer to the public and to Park County consents and approves of such dedication and transfer and subordinates and releases its interests to such dedicated and transferred property

In Witness Whereof, we do hereunto set our hands and seals this_____day of___, 2025

_____
Print Name:

TITLE CERTIFICATE:

_____ Title Insurance Company hereby certifies that title to the above-described property is vested in the Owner(s).

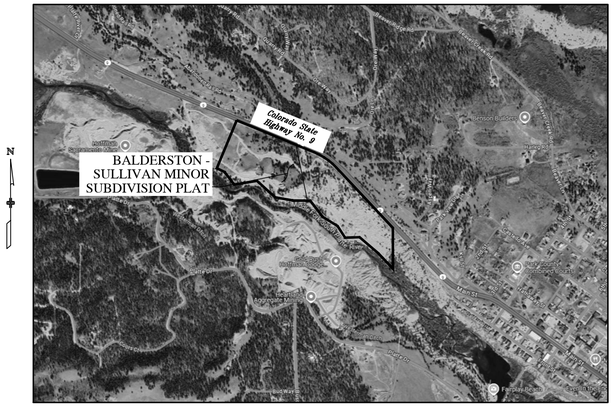
Date: _____
Signature of Authorized Agent

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS:

APPROVED as a Minor Subdivision by the Park County Board of County Commissioners, this____day of_____2025 subject to all applicable provisions of the 2009 Park county Land Use Regulations, as amended.

_____
BOCC Chair Person

Attest: _____
Park County Clerk and Recorder



VICINITY MAP
SCALE 1"=1000'

NOTES:

1. Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
2. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory, commits a class two (2) misdemeanor pursuant to state statute 18-4-508, C.R.S.
3. All dimensions shown hereon are expressed in feet and decimals thereof. A U.S. Survey foot is defined as exactly 1200/3937 meters. All bearings shown here on are degrees-minutes-seconds.
4. This survey does not constitute a title search by Clear Creek Surveying. To determine title or easements of record. Research for this survey was performed in accordance with C.R.S. 38-51-106 and the rules of procedure and board policy statements of the state board of licensure for architects, professional engineers and professional land surveyors. Title commitment number dated at .m. Prepared by was relied upon for all information regarding easements of record, rights of way, title of record and civil court actions of record.
5. Utilities are shown per visible and apparent surface evidence. If more accurate locations of underground utilities are required, the utility will have to be verified by either field potholing or contact the appropriate utility company. Clear Creek Surveying and the surveyor of record shall not be liable for the location of or the failure to note the location of non-visible utilities.
6. A portion of this site is within Zone AE as determined by the flood insurance rate map for Park County, Colorado, community panel number 0808139-0485-C, effective date of December 18, 2009.

SURVEYOR'S CERTIFICATION:

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that that the survey and plat of the real property shown and described hereon were made by me or under my direct responsibility, supervision, and checking, in strict compliance with Colorado statutes, and to the best of my professional knowledge, information and belief both survey and plat are true, accurate and complete. This is not a guaranty or warranty, either expressed or implied.

COLORADO LICENSED
WESTON D. SPEARS
06/25/2025
38056
PROFESSIONAL LAND SURVEYOR

_____
Weston D. Spears, Professional Land Surveyor
Colorado P.L.S. No. 38056
for and on behalf of Clear Creek Surveying

COUNTY RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the County Clerk and Recorder of Park County this day of _____, 20___, and duly filed at, reception number_____.

_____
Park County Clerk and Recorder

REVISIONS							
Date	By	Description		Field Date		Drawn by	
Date	By	Description		Party Chief		Checked By	
Date	By	Description		PLS	WDS		
Date	By	Description					

TITLE: *MINOR SUBDIVISION PLAT*
Tract A of the Exemption Survey recorded at Reception No. 658879
County of Park, State of Colorado

CLIENT

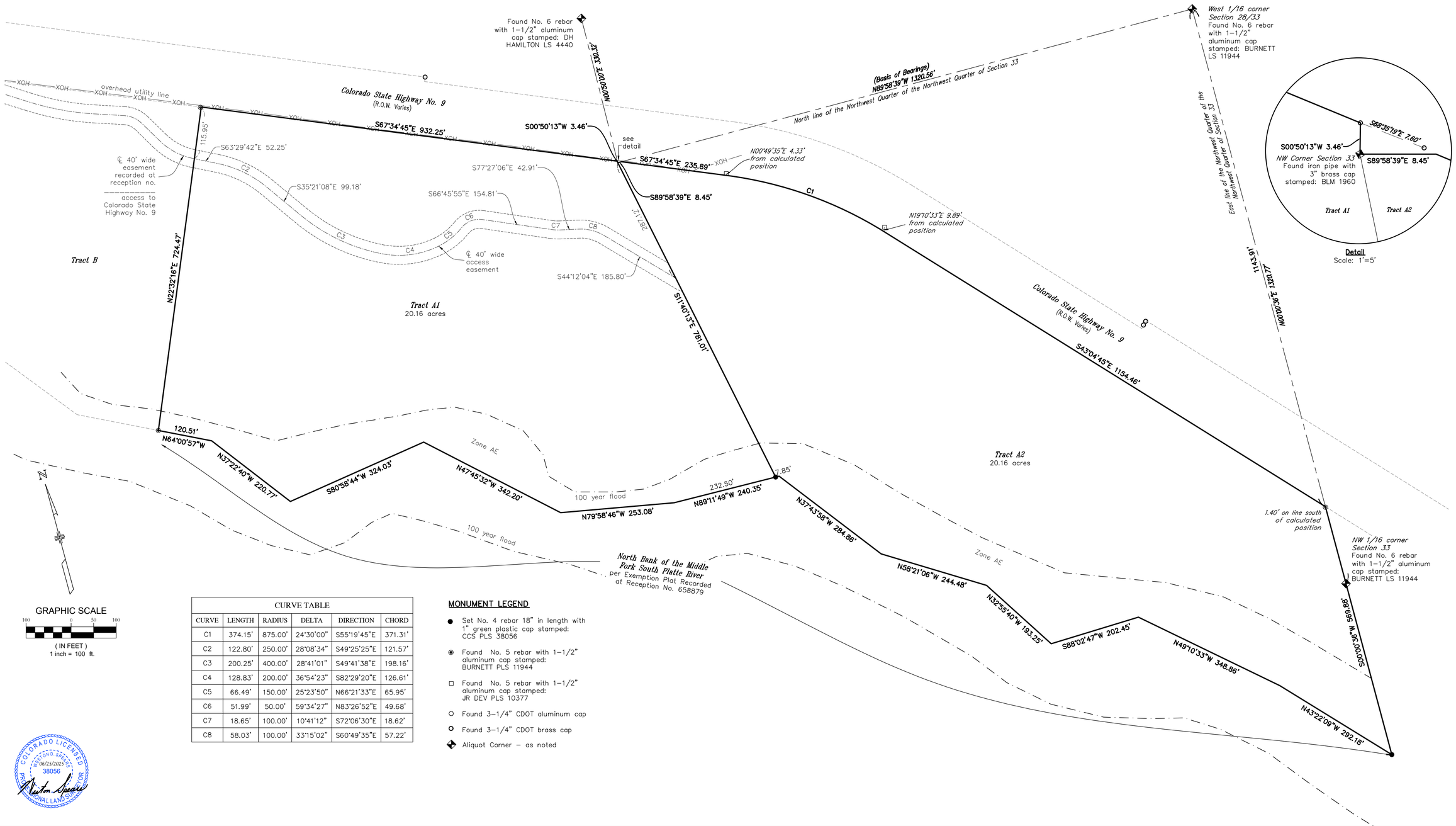
CLEAR CREEK SURVEYING
P.O. BOX 3184
IDAHO SPRINGS, CO 80452
(303) 681-1519

PROJECT NO.	SHEET NO.	NO. OF SHEETS
23-03	1	2

D:_Survey_Projects\2022\22GEN03 S32 S33 T9S R77W\Office\CAD\22GEN03 Plat.dwg June 25, 2025 - 7:11pm

BALDERSTON - SULLIVAN MINOR SUBDIVISION PLAT

A subdivision of Tract A of the Exemption Survey recorded at Reception No. 658879
being a part of Sections 29, 32, and 33, Township 9 South, Range 77 West of the 6th Principal Meridian
County of Park, State of Colorado



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	DIRECTION	CHORD
C1	374.15'	875.00'	24°30'00"	S55°19'45"E	371.31'
C2	122.80'	250.00'	28°08'34"	S49°25'25"E	121.57'
C3	200.25'	400.00'	28°41'01"	S49°41'38"E	198.16'
C4	128.83'	200.00'	36°54'23"	S82°29'20"E	126.61'
C5	66.49'	150.00'	25°23'50"	N66°21'33"E	65.95'
C6	51.99'	50.00'	59°34'27"	N83°26'52"E	49.68'
C7	18.65'	100.00'	10°41'12"	S72°06'30"E	18.62'
C8	58.03'	100.00'	33°15'02"	S60°49'35"E	57.22'

MONUMENT LEGEND

- ● Set No. 4 rebar 18" in length with 1" green plastic cap stamped: CCS PLS 38056
- ◉ Found No. 5 rebar with 1-1/2" aluminum cap stamped: BURNETT PLS 11944
- □ Found No. 5 rebar with 1-1/2" aluminum cap stamped: JR DEV PLS 10377
- ○ Found 3-1/4" CDOT aluminum cap
- ○ Found 3-1/4" CDOT brass cap
- ◆ Aliquot Corner – as noted

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR WESTON D. SPEARS 06/25/2025 38056

REVISIONS			
Date	By	Description	
Date	By	Description	
Date	By	Description	
Date	By	Description	

Field Date _____ Drawn by _____
Party Chief _____ Checked By _____
PLS WDS

TITLE: MINOR SUBDIVISION PLAT
Tract A of the Exemption Survey recorded at Reception No. 658879
County of Park, State of Colorado

CLIENT

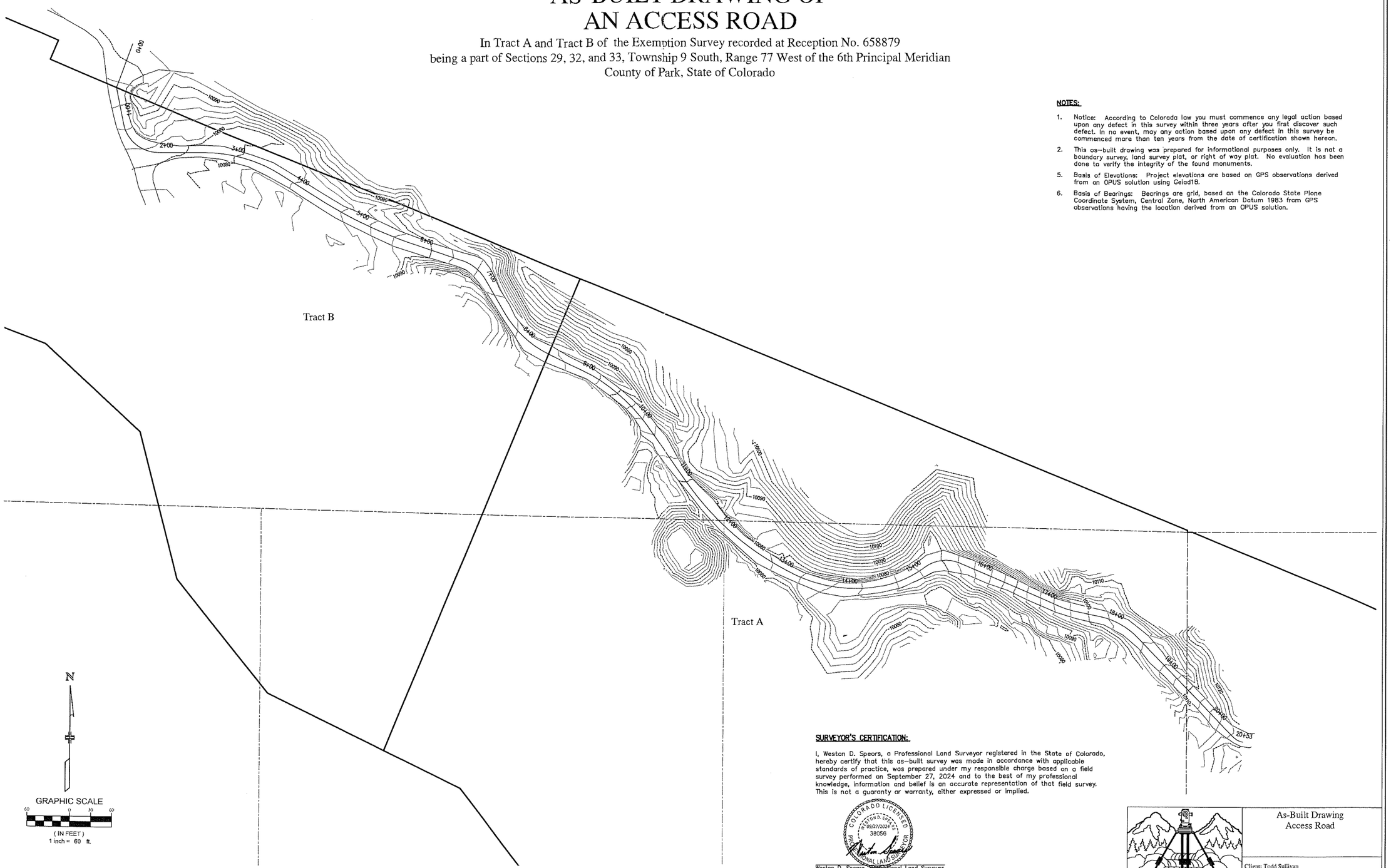
CLEAR CREEK SURVEYING
P.O. BOX 3184
IDAHO SPRINGS, CO 80452
(303) 681-1519

PROJECT NO. 23-03 | SHEET NO. 2 | NO. OF SHEETS 2

D:_Survey_Projects\2022\22GEN03 S32 S33 T9S R77W\Office\CAD\22GEN03 Plat.dwg June 25, 2025 – 7:11pm

AS-BUILT DRAWING OF AN ACCESS ROAD

In Tract A and Tract B of the Exemption Survey recorded at Reception No. 658879
being a part of Sections 29, 32, and 33, Township 9 South, Range 77 West of the 6th Principal Meridian
County of Park, State of Colorado



NOTES:

1. Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.
2. This as-built drawing was prepared for informational purposes only. It is not a boundary survey, land survey plat, or right of way plat. No evaluation has been done to verify the integrity of the found monuments.
5. Basis of Elevations: Project elevations are based on GPS observations derived from an OPUS solution using Geiod18.
6. Basis of Bearings: Bearings are grid, based on the Colorado State Plane Coordinate System, Central Zone, North American Datum 1983 from GPS observations having the location derived from an OPUS solution.

SURVEYOR'S CERTIFICATION:

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this as-built survey was made in accordance with applicable standards of practice, was prepared under my responsible charge based on a field survey performed on September 27, 2024 and to the best of my professional knowledge, information and belief is an accurate representation of that field survey. This is not a guaranty or warranty, either expressed or implied.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR WESTON D. SPEARS 09/27/2024 38056

Weston D. Spears, Professional Land Surveyor
Colorado P.L.S. No. 38056
for and on behalf of Clear Creek Surveying

Clear Creek Surveying
P.O. Box 3184, Idaho Springs, CO 80452
(303) 567-4755

As-Built Drawing
Access Road

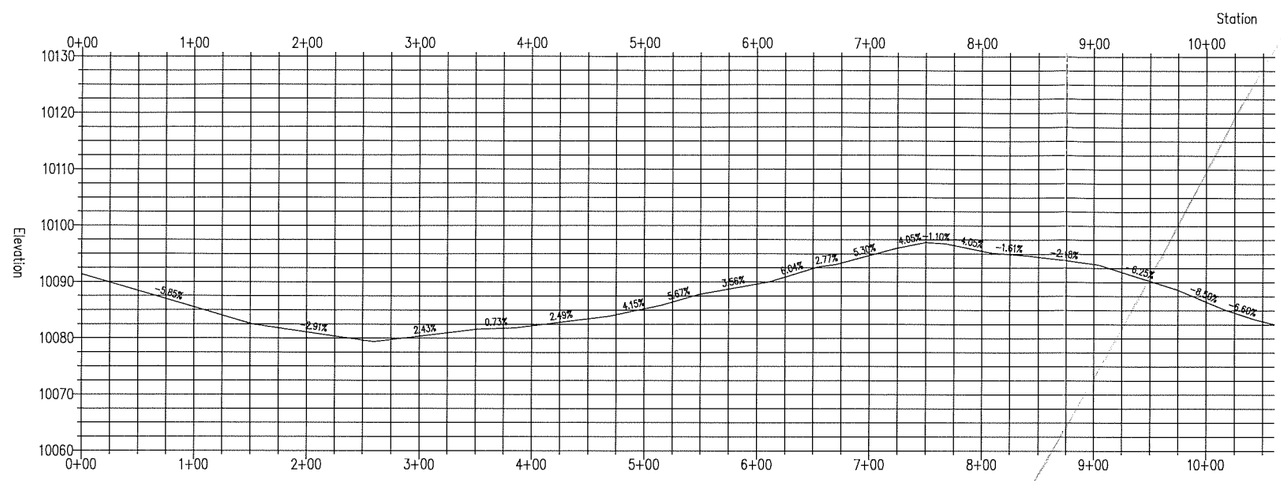
Client: Todd Sullivan

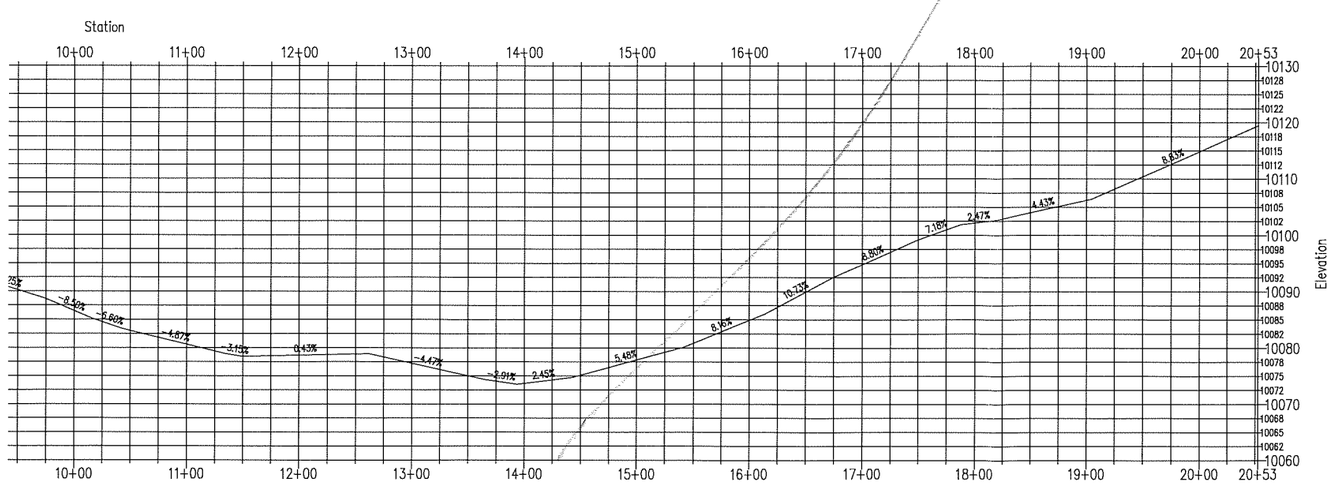
Project No. 22-03	Sheet No. 1	No. of Sheets 2

D:_Survey_Projects\2022\22GEN03 S32 S33 T9S R77W\Office\CAD\22-03 asbuilt-2.dwg September 27, 2024 - 4:27pm

AS-BUILT DRAWING OF AN ACCESS ROAD

In Tract A and Tract B of the Exemption Survey recorded at Reception No. 658879
being a part of Sections 29, 32, and 33, Township 9 South, Range 77 West of the 6th Principal Meridian
County of Park, State of Colorado





GRAPHIC SCALE

60 0 30 60

(IN FEET)
1 inch = 60 ft.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
WESTON D. SPEAR
09/27/2024
38056

Clear Creek Surveying
P.O. Box 3184, Idaho Springs, CO 80452
(303) 567-4755

As-Built Drawing
Access Road

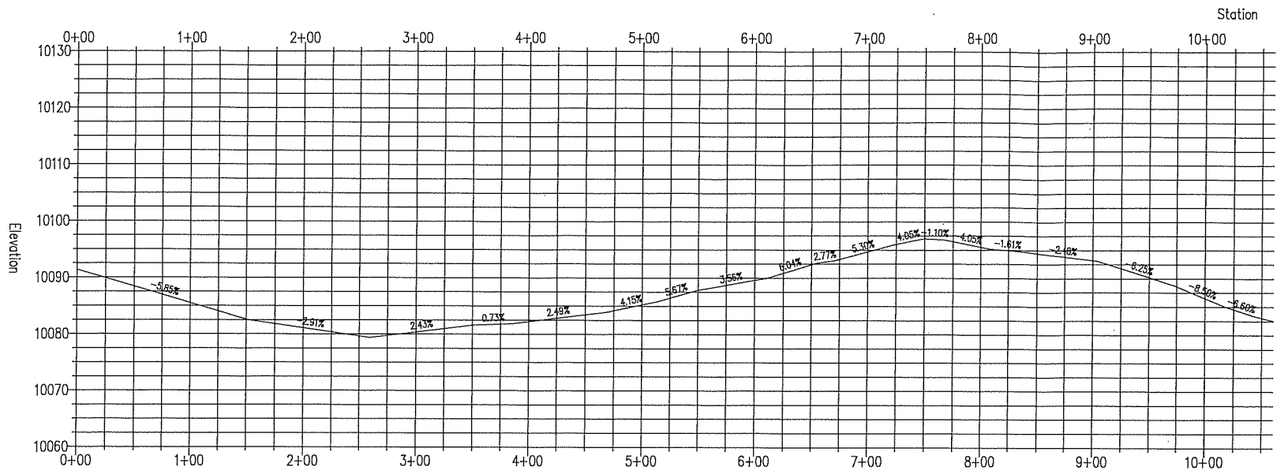
Client: Todd Sullivan

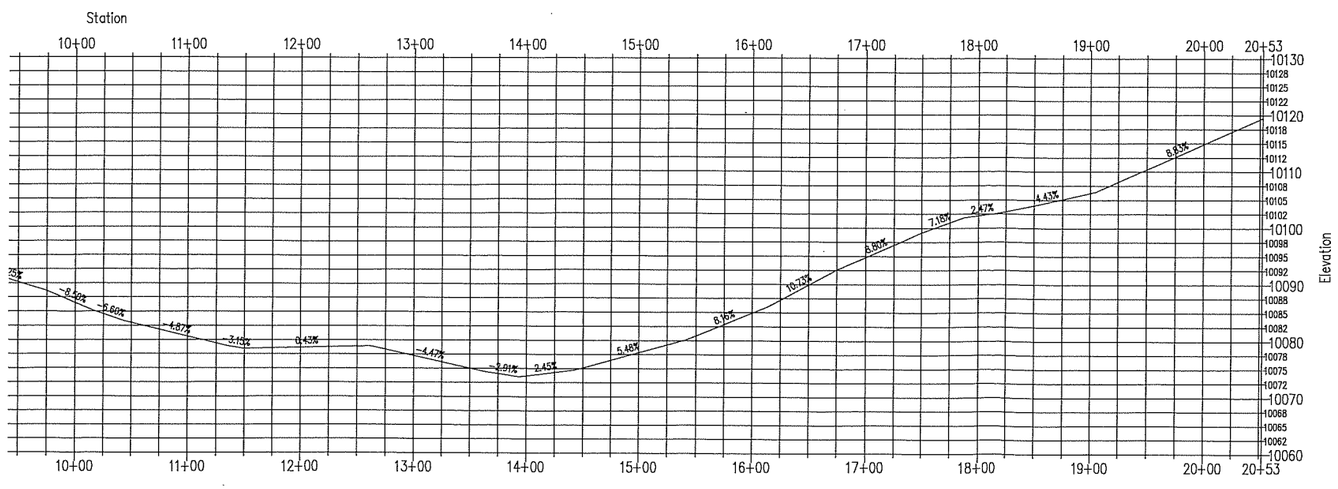
	Sheet No.	No. of Sheets
Project No. 22-03	2	2

D:_Survey_Projects\2022\220EN03 S32 S33 T9S R77W\Office\CAD\22-03 asbuilt-2.dwg September 27, 2024 - 4:27pm

AS-BUILT DRAWING OF AN ACCESS ROAD

In Tract A and Tract B of the Exemption Survey recorded at Reception No. 658879
being a part of Sections 29, 32, and 33, Township 9 South, Range 77 West of the 6th Principal Meridian
County of Park, State of Colorado





GRAPHIC SCALE

60 0 30 60

(IN FEET)
1 inch = 60 ft

COLORADO LICENSED
WESTON D. SPEARS
09/27/2024
38056
PROFESSIONAL LAND SURVEYOR

Clear Creek Surveying
P.O. Box 3184, Idaho Springs, CO 80452
(303) 567-4755

As-Built Drawing
Access Road

Client: Todd Sullivan

	Sheet No.	No. of Sheets
Project No. 22-03	2	2

D:_Survey_Projects\2022\22GEN03 S32 S33 T9S R77W\Office\CAD\22-03 asbuilt-2.dwg September 27, 2024 - 4:27pm

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, is made this __th day of , 2025, by and between Todd Sullivan & JRS Mining, LLC, 850 N. Davison, Eloy, AZ 85131 , jointly, ("Grantor") and Mark Balderson & Rock N Pine, LLC jointly, whose mailing address is 503 Wise St, Hamlet, NE 69040, ("Grantee").

I. RECITALS

1.1 Grantor is the owner of the tract of land described as: T9 R77 S29 SW4 Part of S2SE$ Lying SWly of SH9 and NEly of the South Plat River and Part of NE4NE4SE4SW4 Lying SWly of SH9 29-9-77 less portion known as Tract B per Plat R658879 M 2013074 according to the records Recorded in the Park County Clerk and Recorder's Office at Parcel 47300 Account R0047300.

(and which will hereinafter be referred to as the "Burden Property") upon which Grantor desires to convey a non-exclusive access and maintenance easement to Grantee.

1.2 Grantee is owner of the tract of land described as:

T09 R77 S29 SE4 PART OF S2SE4 LYING SWLY OF HWY 9 AND NELY OF SOUTH PLATTE RIVER AND PART OF NE4NE4SE4SW4 LYING SWLY OF HWY 9 29-9-77 LESS PORTION KNOWN AS TRACT B PER PLAT R658879;PART OF NE4 LYING NORTH OFSOUTH PLATTE RIVER 32-9-77 PART OF W2NW4 LYING NLY OF SOUTH PLATTE RIVER AND SLY OF HWY 9 33-9-77

According to the records Recorded in the Park County Clerk and Recorder's Office at Parcel 29844 Account R0029844.

(and which will hereinafter be referred to as the "Benefitted Property").

1.3 The consideration for the easement hereinafter granted consists of the mutual covenants and grants herein exchanged between the parties and compliance with the Orders of the District Court, the receipt and sufficiency of which are hereby confessed and acknowledged.

THEREFORE it is agreed to as follows:

II. ACCESS AND MAINTENANCE EASEMENT

2.1 Grantor hereby grants and conveys unto the Grantee, its successors and assigns, a non-exclusive easement over and across that strip of land described on Exhibit

A which included within the Burdened Property, for use by Grantee, its successors assigns, agents, employees, and those engaged by contractual relationship with Grantee, for their use for ingress and egress to the Benefitted Property for the purpose of mining operations, subject to the terms, conditions and provisions hereinafter set forth. Grantee's use of the easement includes the right to install, maintain, repair and replace the easement. The easement area which consists of a 20 (twenty) foot wide roadway and 10 (ten) feet either side of the roadway created by this Section II will be referred to as the Easement throughout this document.

2.2 The Easement entrance gate on Colorado State Highway 9 (SH9) will be maintained as a locked entrance to prohibit public access and provide security for both parties equipment and property. Grantor will provide a local security contact with keys or a lock box similar to those used by realtors. Grantee will maintain the Easement entrance gate in a locked condition. The time of use of the gate is limited to normal business hours.

2.3 In the event the roadway located on the Easement shall ever fail and need to be rebuilt, Grantor and Grantee agree that such can be rebuilt on the Burdened Property, and in that event is not timely rebuilt within two years of the date of failure this Easement shall be extinguished.

III. MAINTENANCE AND USE

3.1 Grantee shall use the Easement in compliance with Colorado Department of Mining & Safety or its successor as well in compliance with Colorado Department of Public Health and Environment or its successor and Federal Environmental Protection Agency or its successor.

3.2 Grantee shall maintain the Easement in good condition and repair and in no event shall grantor be responsible for any maintenance or repair of such Easement or related equipment. If Grantee shall fail to maintain the Easement in good condition, Grantor shall be entitled to make necessary and reasonable repairs only after giving written notice and allowing the Grantee 45 days to make such repairs. If Grantor incurs such expenses Grantor shall be entitled to place a lien on the Benefitted Property.

IV. ENFORCEMENT

4.1 Injunctive relief shall be available in the event of violation or threaten violations of this Agreement. Each party agrees to provide 21 days notice of violation before proceeding with litigation unless there is an immediate danger to public health, safety or welfare. Each party agrees that, upon request of the other party, it will certify from time to time to any person designated that there are no breaches of the Agreement. If, either party fails to respond to such a request within 20 days of the date of the request,

any existing breaches of this Agreement shall be deemed waived by the non-respond party.

4.2 The Agreement and the terms, conditions and provisions, hereof may be enforced by any of the parties hereto their successors, and assigns; and in the event legal or administrative suits proceedings are brought against any party (whether a party to this instrument or not) for purpose of such enforcement, the prevailing party or parties shall recover from the non-prevailing party or parties all costs associated therewith, including but not limited to reasonable attorney's fees.

V. SUBSEQUENT OWNERS

5.1 The easement granted herein is appurtenant to those lands of each of the parties hereto and such easement may not be transferred, assigned or conveyed apart or separately from such lands. The covenants of this agreement shall run with the land.

5.2 All provisions of this Agreement, including all benefits and burdens and the vacation of any prior easements affecting the Burdened Property and the Benefitted Property, shall run with the lands owned by the Parties hereto and shall be binding upon and shall inure to the benefit of the heirs, assigns, successors and personal representatives of the parties hereto subject to the provisions hereof.

VI. GENERAL

6.1 Both Parties agree that neither will make use of the easement created by this document in a manner inconsistent with the other's right of access to and use thereof. Without limiting the generality of the proceeding sentence, both parties agree not to store any equipment or materials other than those relating to repair, maintenance or replacement of the driveway, or place or construct any new structures or gate, whether temporary or permanent, on the Easement.

6.2 Liability/Indemnification. Grantee agrees to indemnify and hold Harmless Grantor from any liability incurred as a result of the use of the easement by Grantee, its agents, employees, tenants, guest or invitees.

6.3 Survey. Attached to this document as Exhibit B is a survey which generally shows the location of the Easement as described in Exhibit A. In the event of any discrepancy between the two exhibits, Exhibit A shall control.

6.4 Execution/Signatures. This document is authorized to be signed in counterpart and electronically.

IN WITNESS WHEREOF, the Parties hereto have executed this Easement

SIGN HERE

Agreement as of the day and year first above set forth.

GRANTOR: GRANTEE:

_____ Mark Balderston 2-27-25
Date Date

The foregoing Easement Agreement consisting of three foregoing pages was presented to the undersigned and notarized as follows

STATE OF ARIZONA)
)ss
COUNTY OF PINAL).

Subscribed and sworn to before me this ____ day of _____, 2025, by _____(Grantor)

Witness my hand and official seal.

My commission expires:_____.

_____
Notary Public

STATE OF NEBRASKA)
)ss
COUNTY OF ~~HAYES~~ Chase).

Subscribed and sworn to before me this 27th day of FEB, 2025 by Mark Balderston (Grantee)

Witness my hand and official seal.

My commission expires: 5/11/28.

GENERAL NOTARY - State of Nebraska
JAKOB BURKE
My Comm. Exp. May 11, 2028

_____
Notary Public

DISTRICT COURT, COUNTY OF PARK, STATE OF COLORADO PO BOX 190, 300 4TH ST. FAIRPLAY, CO 80440 (719)836-2940	DATE FILED: December 23, 2020 2:33 PM CASE NUMBER: 2017CV30087
PLAINTIFFS: **MARK BALDERSTON, ROCK 'N PINE, LLC**, a Colorado limited liability company, vs. **DEFENDANTS:** **TODD SULLIVAN**, Individually, **JRS MINING, LLC**, a Colorado limited liability company	Δ COURT USE ONLY Δ Case Number: 17 CV 30087

SUPPLEMENT TO FINDINGS, CONCLUSIONS, AND ORDERS OF 11-13-20

The Court entered its Findings, Conclusions and Orders in this case on 11-13-20. The Plaintiff filed a motion for reconsideration. After reviewing the motion, the response and reply, the Court felt it would be helpful to supplement the Findings, Conclusions and orders to clarify any misunderstanding.

First, Plaintiff contends that Balderston was under no contractual obligation to process the subdivision/partition application and new land survey with Park County. The Settlement Agreement does not specify which party was responsible for performing this task. The Court finds that the Settlement Agreement implies that it was Balderston's obligation. Once the Settlement Agreement was signed, Balderston became the sole owner of the property being partitioned. Sullivan no longer has any ownership interest. Park County looked to the owner of the property for processing the subdivision application.

In addition, Balderston, through his attorney Fred Sprouse, actively processed the application for a year and a half before abandoning their efforts. His actions in actively processing the application supports the conclusion that he had an obligation to do so. It is disingenuous to now contend that Balderston had no obligation to do what he did for a year and half.

Second, Plaintiff contends that Sullivan's construction of the new access road was a condition precedent to the partition of the property and that since Sullivan failed to complete the new access road, Balderston was relieved of any duty to continue to his efforts.

However, paragraph 2 of the Settlement Agreement makes it clear that completion of the new land survey [which meets Park County standards] as well as Sullivan's construction of the new access road **both** were conditions precedent to partition of the property. The second sentence of paragraph 2 states:

> Partition of the RNP Property shall take place after preparation of a new land survey and legal description, and after completion of obligations of Sullivan set forth in Paragraph 3, below

Finally, per this Court's Order, Sullivan is to complete the construction of the new access road. Per the agreement, this shall be done at his own expense. Any costs incurred by the land planner associated with consulting with Sullivan about the location of the connecting point with the Balderston existing access road shall be Sullivan's responsibility as well.

All other provisions of the Court's Findings, Conclusions, and Orders remain unchanged.

DISTRICT COURT, COUNTY OF PARK, STATE OF COLORADO PO BOX 190, 300 4TH ST. FAIRPLAY, CO 80440 (719)836-2940	DATE FILED: November 13, 2020 12:28 PM CASE NUMBER: 2017CV30087
PLAINTIFFS: **MARK BALDERSTON, ROCK 'N PINE, LLC**, a Colorado limited liability company, vs. **DEFENDANTS:** **TODD SULLIVAN**, Individually, **JRS MINING, LLC**, a Colorado limited liability company	Δ COURT USE ONLY Δ Case Number: 17 CV 30087

FINDINGS, CONCLUSIONS, AND ORDERS

This matter came before the Court for a trial to the Court on September 22 & 23, 2020. Plaintiff Mark Balderston appeared and was represented by David K. TeSelle and Kirsten N. Kube from Burg Simpson Eldredge Hersh & Jardine, P.C. Defendant Todd Sullivan appeared and was represented by Ronald W. Carlson and Steven Charles O'Connor of Carlson & Carlson. This case concerns competing claims of breach of a Settlement and Release Agreement ("Agreement" or "Settlement Agreement") entered into by the parties in January 2016.

The parties stipulated to the admission of Exhibits 1 – 42, inclusive. Exhibits 43 – 45 were admitted during trial. The Court took judicial notice of the previous findings and orders entered in this case, including the Findings, Conclusions and Orders entered on July 2, 2019. The parties' Stipulated Facts set forth the paragraph III of the Trial Management Order filed on August 25, 2020 are also incorporated herein by reference.

In addition, at the parties' request, after the trial concluded on September 23, 2019, the Court conducted a site visit. The site visit consisted of driving the length of the new 'access road' and walking the length of the existing access road. The Court found the site visit to be very helpful in visualizing the 'real world' impact of the Settlement Agreement, which was the central issue before the Court at trial.

Each party has submitted proposed findings, conclusions, and orders for consideration by the Court in ruling on this case. The Court hereby enters the following findings, conclusions, and orders.

FACTS

Plaintiff Mark Balderston ("Balderston") is an individual residing in Hayes County, Nebraska, and doing business in Park County, Colorado.

Plaintiff Rock 'N Pine, LLC ("RNP"), is a Colorado limited liability company with its principal place of business at 49001 HWY 9, Fairplay, Colorado, 80440. Balderston is the sole member and manager of RNP. RNP has historically utilized the RNP Property described below as a gold mine.

Defendant Todd Sullivan ("Sullivan") is an individual residing and/or doing business in Park County, Colorado.

Defendant JRS Mining, LLC ("JRS Mining") is a Colorado limited liability company with its principal place of business at 291 Ridge Road, Fairplay, Colorado, 80440. JRS Mining has historically used the JRS Mining Property described below as a gold mine.

Balderston, RNP, Sullivan, and JRS Mining are referred to collectively herein as the "Parties".

RNP is the record owner of real property located at 49001 HWY 9, "Tract A", in Fairplay, Colorado (the "RNP Property").

JRS Mining is the record owner of adjacent real property located at 49001 HWY 9, "Tract B", in Fairplay, Colorado (the "JRS Mining Property").

The Settlement Agreement

The principal terms of the Settlement Agreement were simple. The parties agreed to fully resolve their differences by splitting the existing RNP Property equally, with Sullivan taking the half closest to his existing and neighboring JRS Mining Property to the north, and Balderston taking the other half, closest to Town of Fairplay to the south.

The following are the important provisions of the Settlement Agreement:

> 2. Partition of RNP Property. Subject to the terms and conditions set forth in this Agreement, the RNP Property shall be partitioned and divided into substantially equal (50/50) parcels, with approximately 20.13 southerly acres becoming Balderston's property, and 20.13 northerly acres becoming JRS Mining's property. Partition of the RNP Property shall take place after preparation of a new land survey and legal description, and after completion of obligations of Sullivan set forth in Paragraph 3, below. The cost of preparing the new land survey and legal description shall be shared equally between Balderston and Sullivan.
>
> 4. Sullivan Shall Build New Access Road. Sullivan agrees to construct, at his sole cost and expense (including any liabilities that might arise during construction), a **new access road from the CDOT compliant access on JRS Mining Property, running in a southerly direction, closely parallel to Colorado HWY 9 and continuing on to the existing gated entrance of the RNP Property** ("New Access Road"). The location of the New Access Road is depicted on Exhibit A, attached hereto and incorporated herein. The New Access Road shall be constructed by Sullivan so as to easily accommodate mining semi-trucks, shall be smoothly grated with washed road base for vehicular traffic (without holes, rutting, or other obstacles), shall be no less than 20ft wide, shall be level from side-to-side, and shall match the grade of CO-9, adjoining the property. The New Access Road shall be compliant with all Federal MSHA regulations for haul vehicles, in all respects and as might be applicable, including but not limited to regulations related to road berm heights. Sullivan agrees to move the entrance gate/fence to his property south of where the new access road will be constructed,

to facilitate ease of access between the two properties. The new access road will join the CDOT compliant access north of the locked entrance to the J.R.S. property. The parties agree that all of the terms and provisions of this Agreement shall become an order of the District Court with jurisdiction over the Lawsuit. The provisions of this Agreement shall also be submitted to Colorado Division of Reclamation Mining and Safety for its approval on the construction of the New Access Road. (emphasis added).

6. Easement on Existing Access Driveway. The New Access Road shall be constructed by Sullivan on or before July 1, 2016 and, until such time as it is constructed by Sullivan . . . Balderston shall (have) an unobstructed access easement on, over and across the Existing Access Driveway through JRS Property. . . .

9. Resignation from RNP. Sullivan hereby resigns as a member in, and manager of, RNP. . . Balderston shall hereafter hold a 100% membership interest in, and be the sole manager of RNP, a Colorado limited liability company.

13.
d. Performance to Continue. Each party is required to continue to perform his or her obligations under this Agreement pending final resolution of any dispute arising out of or relating to this Agreement.

A settlement agreement is to be interpreted as a contract. *Kovac v. Farmers Ins. Exh.* 401 P3d 112 (Colo. 2017) citing *Resolution Tr. Corp. v. Avon Ctr. Holdings Inc.*, 832 P.2d 1073 (Colo. App. 1992). A settlement agreement is a contract enforced like any other contract. *Neves v. Potter* 769 P.2d 1047 (Colo. 1989). Contracts are to be interpreted as a matter of law to effectuate the intent of the parties at the time signed. In determining the intent of the parties, contracts are to be viewed as a whole. *Radiology Professional Corp. v. Trinidad Area Health Assn.*, 577 P.2d 748 (Colo. 1978). *Kuta v. Jarmt. Dist.*, 799 P.2d 379 (Colo. 1990).

The New Access Road for Mining Purposes

In order to complete partition and ensure that neither post-partition parcel was landlocked for commercial mining purposes, it was agreed that Sullivan would build the New Access Road to provide commercial mining access to what was to be

Balderston's post-partition parcel.

Essential to this Agreement, however, and a condition precedent to competing the partition, was Sullivan's promise to build a new access road that met necessary criteria to accommodate mining trucks, semi-trucks, and heavy equipment. It was to connect to the existing access gate on what was to be Balderston's post-partition parcel, across Sullivan's half of the RNP Property, to the CDOT access gate to the north on the JRS Mining Property historically used for mining access and ingress/egress.

This new access road was necessary, in pertinent part, because the existing access gate on the RNP Property is not usable for mining trucks, semi-trucks, and heavy equipment due to its location, grade, limited size, and lack of adequate sightlines and turning radius onto HWY 9.

Defendant/Sullivan constructed a road from the CDOT-compliant access point on JRS Mining Property (Tract B) to the anticipated post-partition property line of the RNP Property (Tract A). It is undisputed that the new access road does <u>not</u> extend to the "existing gated entrance of the RNP Property."

Balderston contends that this fact constitutes a breach of the Settlement Agreement by Sullivan. Balderston also contends that Sullivan breached the Settlement Agreement arguing that the new access road was not constructed in compliance with MSHA regulations. These two (2) contentions will be addressed in that order.

It is clear that Sullivan's failure to connect the new access road to the 'existing gated entrance' constitutes a technical breach of the Agreement. However, the Court's site visit was very informative and made it apparent that the drafters of the Settlement Agreement had not been on site [probably due to weather related issues in December

2019]. Constructing the new access road to connect to the 'existing gated entrance' would be contrary to the clear purpose of the new access road (to connect to the existing road on the Balderston one half. In other words, rather than curving the new access road to the left to connect the (usable) gated entrance (creating a useless, dead end roadway), it would be more consistent with the purpose of the new access road to curve it slightly to the right to connect with the existing road on the Balderston one half. Common sense would dictate that the parties confer on the exact location of the new access road Sullivan has yet to complete under the Agreement. However, it is apparent that these parties are not capable of reasonably conferring for their mutual benefit. The Court will address a solution to this dilemma below.

The Agreement stated that Sullivan was to complete the new access road on or before July 1, 2016. Sullivan testified that he completed the construction of the (partial) new access road in September 2017. The Court does not find that the delay was a material breach and did not excuse Balderston from performing his part of the Agreement. See paragraph 13 d. of the Settlement Agreement. At no time did Balderston or his then attorney (Fred Sprouse) raise any bona fide objections about the deadline. There were various emails exchanged via their respective attorneys, but no indication that Balderston was declaring Sullivan in breach due his failure to meet the July 1, 2016 deadline. During this time, the evidence indicates that Mr. Sprouse was busy trying to process a subdivision application with Park County.

In addition, there is nothing in the Settlement Agreement to indicate that 'time was of the essence,' or that the time for completion was a material provision of the Contract. Paragraph 6 simply provides that Balderston shall have an access easement

across Sullivan's existing road until the new access road is completed.

Balderston also contends that Sullivan breached the Agreement by not building the new access road to MSHA standards. He presented expert testimony by a civil engineer to support his contention. The engineer acknowledged that he had never dealt with MSHA regulations before, was not MSHA certified, and was basing his opinion on his read of the regulations and his site visit. He did not conduct any grade or elevation measurements.

The Court did not find the engineer's testimony persuasive. The Settlement Agreement contained specifications that were not consistent with MSHA regulations. For instance, the Agreement called for the new access road to be no less than 20 feet wide, while MSHA requires a minimum of 24 feet. The engineer's report did show one location that was only 16 feet wide, but this could be easily 'cleaned up.' In addition, from the Court's site visit, the new access road appears to be well constructed (from a layperson's view) and runs approximately parallel to Hwy 9.

The Court found Sullivan's testimony about his construction of the new access road credible. He testified that he is MSHA certified and that his construction was consistent with MSHA regulations, except for the modified specifications set forth in the the Agreement.

The Court finds that the new access road was constructed in substantial compliance with MSHA regulations, that the Agreement specified less stringent requirements, and that any minor issues could be easily remedied by Sullivan.

Survey/Processing of County Application to Partition the Property

Sometime after the Settlement Agreement was signed, Park County officials were

contacted by Balderston's then attorney Fred Sprouse about obtaining County approval for the partition. Mr. Sprouse took the lead in processing the application as well as coordinating the required survey work. Both parties cooperated with the Park County application process. However, Balderston and Mr. Sprouse soon discovered that the County approval process was considerably more complex than they had anticipated. In addition to the detailed requirements for the survey, Balderston and Sprouse needed to complete a detailed application with supporting documentation, before the County would begin processing the application. After that, the completed application and survey would be subject to a public hearing review by the Planning Commission followed by a public hearing review by the Board of County Commissioners.

During this process, communications with the County Planner, John Deagan, resulted in confusion and delays. After a year and a half, on June 28, 2017, Mr. Deagan emailed to Mr. Sprouse a list of deficiencies that needed to be addressed prior to placing the application on the Planning Commission agenda. When he received no response to his communication, Mr. Deagan placed the application on hold. No evidence was presented to indicate that Balderston continued any efforts to obtain approval for the partition of the property. This litigation was filed soon thereafter.

It is apparent that Mr. Sprouse, Balderston's then attorney, was not a qualified land planner and had very little knowledge on how to effectively process a County land use application. As Mr. Deagan testified, he needed "to stay in his lane."

The Court finds that when Sullivan resigned any interest in RNP in January 2016, Balderston became the sole owner and manager of the entity which owned the subject property; that Balderston, through his legal representative, had a duty and in fact assumed

responsibility for processing the partition of the property; that Balderston failed to continue the process over a year and a one half later; and that this constituted a material breach of the Settlement Agreement.

In summary, the Court finds that both parties breached the Settlement Agreement and that neither party is entitled to an award of attorney fees and costs.

Remedies?

That leaves the parties with two (2) ways to proceed. (1) Either the RNP property has to be sold 'as is' and the net proceeds divided equally (which would require the cooperation of the parties for listing, pricing, etc., which is NOT likely to occur and probably will result in more expensive litigation.); or (2) proceed with completion of the provisions of the Settlement Agreement.

The Court orders that the parties shall complete the Settlement Agreement. The parties shall retain the services of an experienced land planner, who shall have complete decision-making authority to complete the partition process with the surveyor and the County Planner. Provided the land planner is acting in good faith in making any decisions, he/she/they shall not be liable to either party for carrying out these functions. If the parties cannot agree on a land planner, then each shall submit to the Court his proposal and the Court will make the final selection. The parties shall share equally in payment for the services. Each party shall promptly pay the amount of any retainer and other charges of the land planner.

Sullivan shall consult with the land planner regarding the location of the remaining portion of the new access road as it connects to the Balderston road. Sullivan shall also complete any 'clean up' of the constructed portion of new access road as

directed by the land planner. Sullivan shall promptly complete this construction, weather permitting.

Each party shall cooperate with the land planner in carrying out these duties.

The Court shall retain jurisdiction in this case until the partition is completed.

Entered this 13th day of November 2020.

BY THE COURT:

Stephen A. Groome
District Court Judge

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS CODE

NOTICE TO PROCEED

CDOT Permit No. 103020

SH/S/MP 9C/066.280/L

Local Jurisdiction Park County

Permittee(s):

Rock-N-Pine, LLC.
P.O. Box 1793
Breckenridge, CO 80424
719-836-9863

Applicant;

Mark Balderston
251 Foxtail Ct.
Fairplay, CO 80440
[redacted]

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

None

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By	Title	Date
(X)		

This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By	Title	Date
(X) Charles A. Bingham	Access Manager	6/17/03

Copy Distribution: Required 1. Region Permit files 2. Staff Access Section. As needed: Local Authority, MTCE Patrol, Inspector Form 1265 8/98

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS PERMIT

CDOT Permit No.	State Highway No/Mp/Side	Local Jurisdiction
103020	9C/066.280/L	Park County

Permit fee	Date of transmittal	Region/Section/Patrol
100.00	04/03/2003	01/05/31

The Permittee(s);

Rock-N-Pine, LLC.
P.O. Box 1793
Breckenridge, CO 80424
719-836-9863

Applicant;

Mark Balderston
251 Foxtail Ct.
Fairplay, CO 80440
[redacted]

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location:

This commercial access is located on the West side of State Highway 9 a distance of 1475 feet North of Mile Point 66 or Mile Point 66.279.

Access to Provide Service to:

Gravel Pit ..... **10 Acres** **100.00 %**

Other terms and conditions:

* See Attached Pages 2 and 3 and Other Enclosures for Additional Terms and Conditions.

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

By	Date	Title
(x)		

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Oueda Marshall with the Colorado Department of Transportation in Aurora, CO at 303-757-9122 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee	Date
(x) Mark Balderston	5-27-03

FEE PAID

This permit is not valid until signed by a duly authorized representative of the Department.
COLORADO DEPARTMENT OF TRANSPORTATION

By	Date (of issue)	Title
(x) Charles A. Binford	6/4/03	Access Manager

Copy Distribution:

Required:
1.Region
2.Applicant
3.Staff Access Section

Make copies as necessary for:
Local Authority
Inspector
MTCE Patrol
Traffic Engineer

Previous editions are obsolete and may not be used
CDOT Form #101 8/98

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

Instructions:
- contact the Department of Transportation or your local government to determine your issuing authority.
- contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- complete this form (some questions may not apply to you) and attach all necessary documents and submit it to the issuing authority. Submit an application for each access requested.
- if you have any questions contact the issuing authority.

Please print or type

1) Property owner (Permittee)	2) Applicant
Rock-N-Pine LLC.	Mark Balderston
street address, city: P.O. Box 1793 Breckenridge	street address, city: 251 Foxtail Ct.
state & zip: CO. 80424 — phone #: (719) 836-9863	state & zip: Fairplay Co 80440 — phone #: [redacted]

3) Address of propety to be served by permit (if known)

4) Legal description of property:

county	subdivision	block	lot	section	township	range
Park		See	Attached			

5) What state highway are you requesting access from? Hwy 9 North of Fairplay

6) What side of the highway ☐ N ☐ S ☐ E ☒ W

7) How many feet is the proposed access from the nearest mile post? 1,462 feet (circle: (N) S E W) from: Marker #66

How many feet is the proposed access from the nearest cross street? 3,696 feet (circle: N (S) E W) from: County Rd #14

8) Check here if you are requesting a
☒ new access ☐ temporary access ☐ improvement to existing access ☐ change in access use ☐ removal of access

9) What is the approximate date you intend to begin construction? May 1st 2003

10) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest.
☒ no ☐ yes, if yes - what are the permit number(s)?: and/or, permit date:

11) Does the property owner own or have any interests in any adjacent property?
☒ no ☐ yes, if yes - please describe:

12) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property?
☒ no ☐ yes, if yes - list them on your plans and indicate the proposed and existing access points.

13) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.

business	square footage	business	square footage
Gravel + Gold operation	9.9 Acres		

14) If you are requesting agricultural field access - how many acres will the access serve?

15) If you are requesting residential developement access, what is the type (single family, apartment, townhouse) and number of units?

type	number of units	type	number of units

16) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts. Indicate if your counts are
☒ peak hour volumes or ☐ average daily volumes.

# of passenger cars and light trucks: 5	# of multi unit trucks:	# of other vehicles: Tandam Dump 10
# of single unit vehicles in excess of 30 ft.: End Dumps 6	# of farm vehicles (field equipment):	Total count of all vehicles: 21

17) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.
(plans should be no larger than 24" x 36")

a) Highway and driveway plan profile.
b) Drainage plan showing impact to the highway right-of-way.
c) Map and letters detailing utility locations before and after development in and along the right-of-way.
d) Subdivision, zoning, or development plan.
e) Property map indicating other access, bordering roads and streets.
f) Proposed access design
g) Parcel and ownership maps including easements.
h) Signing and striping plans.
i) Traffic control plan.
j) Proof of liability insurance.

If an access permit is issued to you it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

Applicants signature: Mark Balderston — Date: 3-26-03

If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is authorized, the property owner will be listed as the permittee.

Property owner signature: Mark Balderston — Date: 3-26-03

REAL ESTATE PROPERTY

JANUARY 2, 2000

TAX NOTICE FOR 1999

23719

:IE L. ROBERTS
: COUNTY TREASURER
BOX 638
:PLAY, CO 80440

(719) 836-4334

ASE MAKE CHECKS PAYABLE TO THE ABOVE COUNTY TREASURER

29844 R 001

ROCK N PINE LLC
PO BOX 1793
BRECKENRIDGE CO 80424

TAX DIST	TAX ENTITY	DOLLARS PER K	TAX
015	SCHOOL DISTRICT RE-2	24.490	792.99
	PARK COUNTY	15.925*	515.65
	NORTHWEST FIRE	4.702	152.25
	UPPER S PLATTE WATER	.107*	3.46
	SOUTH PARK AMBULANCE	3.749	121.39
	CENTER OF COLO WTR C	1.000	32.38

LAND VALUE	PERS OR IMP VALUE	TOTAL VALUE	TOTAL $ PER K	TOTAL TAX
28850	3530	32380	49.973	1618.12
99482	12173	111655	- ACTUAL VALUE	

*REFLECT TEMPORARY CREDIT

52.36-TOTAL ACRES

'ERTY LOCATION

'L DESCRIPTION

R77 S29 SW4 52.36AC
9 AND NELY OF SOUTH
ER AND PART OF
NG SWLY OF HWY 9
T OF NE4 LYING NORTH OF
T OF W2NW4 LYING NLY OF

3957 CB99 29843

PART OF S2SE4 LYING SWLY OF
PLATTE
NE4NE4SE4SW4
29-9-77;
SOUTH PLATTE RIVER 32-9-77
SOUTH PLATTE RIVER AND SLY
HWY 9 33-9-77
29840

* * * * * A RECEIPT WILL NOT BE SENT UNLESS * * * * *
* * * A SELF-ADDRESSED-STAMPED ENVELOPE IS RECEIVED * * *

IOOL DISTRICT RE-2 GENERAL FUND IS 20.068 DOLLARS PER THOUSAND, WITHOUT STATE AID IT WOULD HAVE BEEN 21.338

Rock-N-Pine

AEI EXCAVATING, INC.
P.O. BOX 1793
BRECKENRIDGE, CO 80424
PH. 970-418-3156

4537

DATE 6-3-03

82-311-1021

PAY TO THE ORDER OF Colorado Dept of Transportation $ 100

One hundred no/100 DOLLARS

[redacted]

FOR Access Permits

Donna Nelson

[redacted]

Attachment to Permit No. 103020 - Additional Terms and Conditions

1. A Notice to Proceed, CDOT Form 1265, is required before beginning construction of the access or any activity in CDOT Right-of-Way. All submittals, documents, plans and other items that must be completed, shall be submitted and approved before a Notice to Proceed for construction will be issued. Contact the Department for the Notice to Proceed.

2. If there are any questions regarding this permit, please contact Chuck Binford, CDOT Access Manager, at 303-757-9123.

3. Incorporated as part of this permit will be the following:

   Application for Access Permit (CDOT Form No. 137)
   The Permit (CDOT Form 101) and its two page attachment (CDOT Form 101B)
   Notice to Proceed
   Drawings/Maps

4. If necessary, minor changes, corrections, and/or additions to this permit may be ordered by the Department inspector, other Department representives or local authority to meet unanticipated site conditions. Changes may not be in violation of the Code.

5. This access shall be used only for commercial purposes with the vehicular volume using the access during the Peak Hour not to exceed 21 vehicles per hour.

6. The Permittee is responsible for obtaining any necessary additional federal, state, and/or city/county permits or clearances required for construction of the access. Approval of this Access Permit does not constitute verification of this action by the Permittee.

7. All costs associated with the installation of this access are the responsibility of the Permittee. This includes the design, construction, utility relocations, testing of materials, and inspections.

8. No work within the roadway and the State Highway Right-of-Way is allowed at night, on Saturdays, Sundays, on holidays, during adverse weather conditions, or between November first and April fifteenth of each year without prior approval from the Department.

9. A FULLY EXECUTED COMPLETE COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR AT ALL TIMES DURING THE CONSTRUCTION. FAILURE TO COMPLY WITH THIS OR ANY OTHER CONSTRUCTION REQUIREMENTS MAY RESULT IN THE IMMEDIATE SUSPENSION OF WORK BY ORDER OF THE DEPARTMENT INSPECTOR OR THE ISSUING AUTHORITY.

10. Survey markers or monuments must be preserved in their original positions. Notify the Department at 303-757-9744 immediately upon damage to or discovery of any such markers or monuments at the work site. Any survey markers or monuments disturbed during execution of this permit shall be repaired and/or replaced immediately at the expense of the Permittee.

11. It shall be the responsibility of the Permitee to verify the location of the existing utilities and notify all utility owners or operators of any work that might involve utilities within the State Highway right-of-way. Any work necessary to protect existing permitted utilities, such as an encasement will be the responsibility of the Permittee. Any damage or disruption to any utilities during the construction shall be the Permittee's responsibility and shall be repaired or replaced at no cost to the Department, the issuing authority, or the local jurisdiction. Utilities cannot remain under asphalt or concrete without prior approval from CDOT.

Attachment to Permit No. 103020 - Additional Terms and Conditions

12. Any damage to any present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department or issuing authority and prior to continuing other work. Any mud or other material tracked or otherwise deposited on the roadway shall be removed daily or as ordered by the Department or issuing authority inspector.

13. Areas of roadway and right-of-way disturbed during this installation shall be restored to their original condition to insure proper strength, drainage and erosion control.

14. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut, to prevent slacking of the remaining fence

15. The use of appropriate advanced warning and construction traffic control signs, flashers, barricades and flagging is required at all times during construction. These devices shall be located within the State Highway 9 Right-Of-Way and be in conformance with the Manual on Uniform Traffic Control Devices, Part VI and other applicable standards.

16. Unnecessary Construction traffic control devices shall be removed or turned away from traffic during non-working hours.

17. The access width shall not exceed 40 feet at the right-of-way line and shall have a minimum 25 foot radius on each side or as per the approved construction plans.

18. The access shall be constructed perpendicular to the travel lanes of State Highway 9 for a minimum distance of 30 feet, and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.

19. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way. Any extension shall be approved by CDOT.

20. The surfacing of the access from the roadway to the right-of-way line shall be 10 inches of gravel, Class 6 ABC Base.

21. The access shall be constructed and maintained in a manner that will not cause water to enter onto the roadway, and will not interfere with the existing drainage system within the State Highway 9 right-of-way. Drainage to the State Highway right-of-way shall not exceed the historical rate of flow.

    Discharges to the CDOT highway drainage system from facilities authorized for construction through this Access Permit are only allowed under the following conditions:

    1) The discharge is authorized by a Colorado Discharge Permit System (CDPS) permit issued by the Colorado Department of Public Health and Environment (CDPHE); or,
    2) The discharge is an "allowable non-stormwater discharge"; or,
    3) The discharge has been specifically exempted from CDPS permitting by the CDPHE through a letter of permission or other type of written approval.

    Prohibited discharges include substances such as paint, automotive fluids, solvents, oils or soaps.

Attachment to Permit No. 103020 - Additional Terms and Conditions

22. All culvert extensions shall meet or exceed the minimum Department or issuing authority requirements for roadway clear zone, as outlined in the AASHTO Roadside Design Guide.

23. Minimum cover for buried utilities shall be 48 inches.

State Highway Access Permit
Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4]

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway

property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan..

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

Littlehorn Engineering and Surveying

"Peace of mind through holistic design"

Fairplay, CO
(719) 836-7120

Silver Cliff, CO
(719) 783-3757

12287 CR 140
Salida, CO 81201

Water and Wastewater Plan for JRS Mining LLC – Balderston/Sullivan Minor Subdivision

JRS Mining LLC conducts small-scale, seasonal mining operations on the parcel. The operation does not include any buildings, permanent structures, or full-time occupancy. There are no employee facilities, and there is no intention to install permanent utility services or construct habitable structures.

Water for the operation is legally hauled to the site in accordance with the provisions of the Colorado Division of Reclamation, Mining, and Safety (DRMS) mining permit. No well exists on the property, and none is proposed at this time. Water is used strictly for mining purposes, such as dust control and limited equipment use, and not for domestic purposes.

Sanitation needs are met by placing a portable toilet onsite during periods of active mining. This solution is appropriate for the scale and type of operation and is consistent with standard DRMS compliance practices. No permanent wastewater infrastructure or septic system is proposed, nor is one needed, given the temporary and low-impact nature of the use.

This letter is provided in response to Park County's request for a Water and Wastewater Plan as part of the Balderston/Sullivan Minor Subdivision application. JRS Mining LLC understands that any future change in use—such as development of habitable structures—will require new permitting and a revised water and wastewater plan in accordance with applicable County and State regulations.

Thank you for the opportunity to assist with this phase of your project. Please contact us if you have any questions or require further engineering support.

Sincerely,
Littlehorn Engineering & Surveying

COLORADO LICENSED
JOHN J. LITTLEHORN
34184
PROFESSIONAL ENGINEER

July 17, 2025

John J. Littlehorn, P.E.
Principal

Littlehorn Engineering and Surveying

A Holistic Approach to Site and Building Design

Fairplay, CO 80440
(719) 836.7120

Silver Cliff, CO 81252
(719) 783.3757

Main Office
Call | Voicemail | Text
(719) 285.9940

Mailing:
12287 CR 140 Salida,
CO 81201

November 14, 2025

Park County Planning Department
Attn: Brandon Heacock, Director
856 Castello Ave.
P.O. Box 1598
Fairplay, CO 80440

Re: Drainage / Erosion & Sedimentation Narrative (LUR §7-602)
Project: Balderston–Sullivan Minor Subdivision (Tracts B, A1, A2)
Applicant's Representative: Littlehorn Engineering, LLC (John Littlehorn, P.E.)

Dear Mr. Heacock and Planning Staff,

Introduction (Purpose & Scope)
This narrative is submitted at staff's request to address drainage, erosion, and sedimentation control for the Balderston–Sullivan minor subdivision. It covers the limited land-disturbing activities associated with access to active mining claims regulated under Colorado DRMS Permit No. M-2015-017. Best management practices (BMPs) are identified at a level commensurate with the scope and will be implemented and maintained as described.

Key context:

- No habitable structures, utilities, or permanent facilities are currently proposed with this subdivision.
- Activities are intermittent/seasonal and limited to mining access and maintenance along an existing corridor; any surface disturbance will be stabilized as described herein.
- If future work expands beyond the scope or thresholds assumed here, the owner will coordinate with Park County and DRMS and obtain any additional approvals/permits before proceeding.

This narrative is intended to satisfy Park County LUR §7-602 in a text-only format appropriate to an active mining claim with no vertical construction.

1) **Site and Access Summary**

a) **Site Identification and Current Use**
The subdivision consists of Tracts B, A1, and A2 in Park County, Colorado. The property supports seasonal mining activities under Colorado DRMS Permit No. M-2015-017. No new buildings, permanent utilities, or full-time occupancy are proposed. This narrative addresses drainage, erosion, and sedimentation controls appropriate to an existing low-intensity access roadway and seasonal mining support uses.

b) **Access and Easement Configuration**
Primary access is from Colorado State Highway 9. The internal road enters Tract B, and then continues through Tract A1, and terminates just inside Tract A2. A forty-foot-wide access easement follows the alignment of this existing roadway as shown on the subdivision plat. This narrative pertains to maintenance and minor grading within that established easement corridor.

c) **Hydrologic Setting and Receiving Waters**
Surface runoff generally drains toward the Middle Fork of the South Platte River via existing swales and roadside ditches. No new channels or diversions are proposed. The measures in this narrative are intended to maintain non-erosive flow velocities, prevent sediment from leaving disturbed areas, and protect adjacent waters and wetlands.

d) **Limits of Disturbance and Activities Covered**
The limits of disturbance are confined to the existing road prism and the forty-foot easement. Anticipated activities include routine surface reshaping, localized ditch cleaning, culvert inlet/outlet maintenance, and placement or repair of surface stabilization where needed for safe access. No new structures, utility extensions, or earthwork outside the easement are included.

e) **Water/Wastewater**
No domestic water or wastewater infrastructure is proposed or needed for this access work. These topics were addressed separately in the Water/Wastewater letter, previously submitted to Park County.

f) **Spill prevention**
No bulk fuel storage is planned. Mobile equipment will carry spill kits, and materials handling will follow the practices outlined later in this narrative.

2) **Drainage, Erosion, and Sedimentation Control – Narrative (LUR §7-602)**

a) **Roadway prism and surface stabilization**
The existing access road within the 40-foot easement will be maintained as a crowned or cross-sloped gravel surface using well-graded road base. Any localized widening or reshaping will be limited to what is necessary for safe passage and maintenance.

b) **Runoff routing and non-erosive conveyance**
Where minor ditching is necessary to move water away from the traveled way, ditches will

be installed, shaped and maintained to convey flows at non-erosive velocities. Energy dissipation (e.g., rock checks, rip-rap pads) will be added at outlets where field conditions indicate scour potential, if required by Park County or DRMS.

c) **Sediment source control and temporary BMPs**
During grading or maintenance, temporary BMPs (e.g., fiber rolls, straw wattles, silt fence, stabilized construction entrances) will be placed downslope of active disturbance and removed once areas are re-stabilized. BMP selection and placement will be field-fit by the owner/contractor; implementation is the owner's responsibility.

d) **Stabilization of disturbed soils**
Exposed soils within the road prism will be promptly stabilized by compaction and gravel surfacing. Cut/fill slopes will be graded to stable inclinations where practical and protected with rock armor or surface roughening where raveling is observed. Permanent seeding or mulch will be used only where vegetative establishment is feasible and consistent with mining operations.

e) **Culvert/structure maintenance (as applicable)**
Any existing culverts encountered will be kept clear at inlets/outlets. New cross-drain culverts are not proposed by this narrative; if Park County or DRMS requires cross drainage at specific locations, minimum 15-inch diameter pipe (or other size if directed) with rock outlet protection will be installed and maintained by the owner.

f) **Materials handling and spill prevention**
No bulk fuel storage is proposed. Mobile equipment will carry spill kits. Fluids and chemicals (if any) will be stored in covered containers with secondary containment away from drainage paths. Spills will be contained and cleaned immediately per manufacturer guidance. Owner/contractor is responsible for spill response and disposal.

g) **High fills, steep edge conditions, and vehicular edge protection**
Where the road runs adjacent to steep downslope areas or elevated fills, the owner will maintain the traveled way to its intended width and keep edge ravel in check. If required by Park County or DRMS—or if site conditions warrant for basic safety—the owner may place rock berms, boulder rows, or other edge delineation/containment measures that do not reduce the required traveled width.

h) **Protection of adjacent waters and wetlands**
BMPs will be installed so that sediment-laden runoff is intercepted and treated before leaving the disturbed corridor. No direct discharge to the Middle Fork of the South Platte River or wetlands is permitted. If monitoring shows tracking or turbidity at the property boundary, additional BMPs will be added and maintained until conditions stabilize.

i) **Inspection and maintenance**
The owner/contractor will inspect the corridor before forecasted significant precipitation, after significant precipitation or snowmelt events, and at reasonable intervals during active work. Inspections will verify: surface integrity, BMP condition, ditch/culvert function, and

evidence of off-site sediment transport. Deficiencies will be corrected promptly; simple field notes/logs will be kept on file.

j) Activity thresholds and permitting

This narrative is intended for intermittent maintenance and limited disturbance within the existing road prism. If at any time total ground disturbance associated with this access exceeds one (1) acre—or if activities change such that a CDPS stormwater construction permit or a full DES Plan with drawings is triggered — the owner will obtain all required permits/approvals and submit any additional plans to Park County and DRMS before proceeding.

k) Responsibilities and limitations

Implementation, upkeep, and recordkeeping for all BMPs described herein are the responsibility of the owner/contractor. This narrative does not authorize new structures, utilities, or earthwork outside the easement and does not supersede DRMS permit conditions. If Park County or DRMS requests additional site-specific measures, the owner will implement them and notify the County when complete.

3) Best Management Practices (BMPs) and Controls

a) Surface Stability & Runoff Control (Existing Road Prism)

- Maintain the compacted road-base surface and crowned/tilted cross-slope (typically 1–3%) to shed water at non-erosive velocities.
- Where the road benches against cut or fill banks and water concentrates, place intermittent rock berms/windrows (3–18-inch angular rock) along the downgradient edge to break flow length, slow velocities, and intercept fines before they can migrate off-site.
- At localized low points or curve apexes, install rock check mounds (or short rock wattles) to deflect sheet flow back to the road surface and dissipate energy.
- If any outlet shows rilling, armor with 3–6-inch angular rock (or larger where needed) over non-woven filter fabric to prevent subgrade loss.

b) Steep Banks & Drop-Off Edges

- Where vertical or near-vertical cuts exist adjacent to the travelway, place setback rock windrows or boulder rows as edge protection (without reducing the required 20-foot clear width).
- If sloughing is observed, trim back to a stable face and re-establish the edge protection.
- Slope flattening, retaining, or fencing will be added only if required by Park County or DRMS after field review.

c) Sediment Containment Near Waters/Wetlands

- Between disturbed areas and the Middle Fork of the South Platte River, maintain continuous rock berms or equivalent inert barriers as a sediment fence.
- Where practical, create small, temporary sediment catch pockets behind berms for routine clean-out.
- Straw wattles/silt fence may be used only where they won't interfere with haul operations; rock measures are preferred for durability.

d) Cross-Drainage & Culvert Maintenance (As Needed)

- No new channels are proposed. If existing culvert inlets/outlets are encountered, keep them free of debris and maintain rock aprons/downstream armoring to non-erosive velocities.
- Any new cross-drain (if later required by Park County or DRMS) will be minimum 15-inch diameter with riprap inlet/outlet protection over fabric.

e) Materials Handling & Spill Prevention

- No bulk fuel storage on site. Mobile equipment will carry spill kits.
- Refueling/servicing will occur on stable, level ground; absorbents used immediately on drips/spills, contaminated material removed off-site to an approved facility.
- Stockpiles (if created) will be kept compact/low, outside flow paths, and ringed with rock berms.

f) Temporary Stabilization

- Vegetative mulching is generally impractical in active mining corridors. Where a disturbed spot will sit idle and is prone to erosion, stabilize with additional angular rock or road base; vegetation will be re-established only where compatible with ongoing mining access.

g) Winter & Freeze-Thaw Operations

- Prior to freeze, dress rutted areas and renew rock berms so snowmelt runs at non-erosive velocities.
- During thaw periods, restrict heavy traffic if surface failure is observed; repair with compacted road base and re-install edge protection.

h) Responsibilities & Triggers

- The owner's site superintendent is responsible for implementing/maintaining these BMPs and for post-storm checks after ≥0.5 inches of precipitation or significant snowmelt.
- Additional BMPs or modifications will be implemented promptly if requested by Park County staff or DRMS, or if field conditions indicate the current measures are not adequately controlling erosion or sediment transport.

4) Operations, Maintenance, and Inspection

a) Routine Roadway Maintenance

The owner/operator will maintain the existing road prism and forty-foot easement corridor in a safe, non-eroding condition. Tasks include: grading/rutting repair after storm events or heavy use; shoulder repair; spot rocking; and keeping inlets/outlets to any existing culverts free of debris. Where no ditches exist, maintenance shall focus on surface shaping to shed water at non-erosive velocities.

b) BMP Upkeep (If required and Installed)

All installed BMPs (e.g., check structures, straw wattles, rock berms, silt fence near the river margin, construction entrances) will be inspected and restored/replaced if damaged,

displaced, or filled with sediment. Rock berms used as edge protection must not reduce the usable travel width below 20 feet.

c) **Inspection Frequency**
- After any precipitation event producing visible runoff, and at least **monthly** during active haul seasons.
- **Pre-winter** and **pre-spring melt** checks to ensure conveyances are open and surfaces are stable.
  Findings and corrective actions will be logged by the owner/operator. If Park County requests, logs will be made available.

d) **Sediment Removal/Disposal**
Captured sediment will be removed from traps/berms before capacity is reduced by ~50% and disposed of on-site in a stable, non-eroding location outside of flood-prone areas.

e) **Vegetation Stabilization**
Where practical in this mining context, disturbed cut/fill faces that repeatedly slough will receive one or more of: surface roughening, erosion control blanket, or hydro-mulch/seed appropriate to elevation/soils. Vegetative measures are not proposed where they would conflict with active mining; they will be applied selectively to improve slope stability and reduce maintenance.

f) **Trigger for Additional Measures**
If recurring rilling/gullying, slope instability, or off-site sediment tracking is observed in the same location on two consecutive inspections, the owner/operator will implement additional BMPs (e.g., add a check berm, surface armor with angular rock, or adjust cross-slope). If issues persist, a Colorado-licensed engineer will be consulted to recommend a site-specific fix.

5) **Materials Handling and Spill Prevention**

a) **Fuel/Fluids**
No bulk fuel storage is planned within the easement. Mobile equipment will carry spill kits. Refueling and servicing will occur on stable ground away from surface waters and wetland margins.

b) **Concrete/Wash Water**
If any concrete is used for spot headwall/wingwall repair, wash water will not be discharged to state waters or drainageways. Collect and dispose of on-site in a contained area per manufacturer guidance.

c) **Spill Response**
Spills will be contained immediately with absorbents, contaminated soils removed, and waste disposed of per product SDS. Reportable quantities will be reported to the appropriate agencies by the owner/operator.

6) Roles, Permits, and Coordination

a) Owner/Operator Responsibility

The owner/operator is responsible for day-to-day implementation, inspection, and maintenance of the measures in this narrative and any measures required by **Park County LUR §7-602** and the **DRMS 112 permit**. Where this narrative references actions "if required," the owner/operator will confirm with Park County or DRMS and comply accordingly.

b) County/DRMS Interface

This narrative is intended to complement the existing DRMS permit; it does not substitute for DRMS obligations. If Park County staff determine a formal DES Plan is required or that additional BMPs are necessary to protect health/safety/welfare, the owner/operator will submit the requested materials and implement the measures.

c) Right-of-Way and Easement Limits

All maintenance and BMP work described herein will occur within the forty-foot access easement or existing disturbed road prism unless otherwise authorized by the landowner(s) and permitting authorities.

d) Survey & Plat Dependencies

Plat updates, access easement recording, and any required survey annotations are coordinated separately by the surveyor and counsel. This narrative assumes no change to the approved alignment or easement limits.

7) Limitations and Engineer's Involvement

a) Scope Limitation

This is a narrative tailored to an active mining-access setting with no habitable structures, utilities, or new stormwater infrastructure. No CAD grading sheets, hydrologic/hydraulic modeling, or plan/profile drawings are included or implied.

b) Standard of Care

Recommendations are provided consistent with the standard of care for similar services in similar locales at this time. Performance of BMPs can vary with storm intensity, freeze-thaw, and site operations; periodic adjustment is expected.

c) Engineer Services Going Forward

Littlehorn Engineering's role is limited to preparing this narrative. Construction observation, on-call inspection, detailed repair design, or response to extraordinary events will be provided **only upon written authorization** and may require additional submittals if requested by Park County or DRMS.

8) Conclusion and Owner Commitment

This narrative satisfies Park County LUR §7-602 for an active mining-access corridor with no habitable structures or new stormwater infrastructure. The owner/operator will implement

and maintain the BMPs described herein, conduct the inspections noted, and add or modify measures if requested by Park County staff or DRMS, or if field conditions indicate additional control is warranted.

a) **Permit Triggers.** If total disturbance associated with access activities exceeds one (1) acre, or if future work expands beyond the assumptions of this narrative, the owner will obtain all required permits/approvals prior to proceeding (e.g., CDPS stormwater permit and/or a formal DES Plan submittal), and will provide any supplemental materials the County requests.

b) **Use Limitation and Applicable Standards.** No habitable buildings, utility systems, fuel storage/dispensing, septic systems, or other permanent facilities are proposed as part of this access work and subdivision. Activities will remain limited to intermittent mining access/maintenance within the existing road prism and easement. Operations will continue to comply with applicable DRMS 112 permit conditions (including reclamation and water-quality obligations) and with MSHA haul-road safety practices as applicable to on-site mining traffic, together with Park County LUR §7-602 for erosion and sediment control.

Sincerely,
Littlehorn Engineering & Surveying

John J. Littlehorn, P.E.
Principal

Cc:
- Julie Esterl, Senior Planner (Baseline)
- Andrew Grand, Park County
- Sarah Larimore, Park County
- Raechelle (“Shelli”) Yarbrough, Park County
- Morgan L. Carroll, Esq. (Burg Simpson)
- David TeSelle, Esq. (Burg Simpson)
- Ron Carlson, Esq.
- Mark Balderston
- Todd Sullivan
- Weston D. Spears, P.L.S. (Clear Creek Surveying)

Colorado Division of Reclamation, Mining & Safety Report Sorted By Operator 8/17/2025

You requested a report sorted by Operator / Permit Number and based on:	
County:	All Counties
Operator:	All Operators
Permit Number:	M2003074
Mine Name:	All Mine Names
Permit Status:	Any Permit Status
Commodity:	All Commodities

Resort by County / Operator / Permit Number

Operator Site Name Permit No. Permit Type	Permit Issued Permit Status				Contact Address Line 1 Address Line 2 City State Zip Code		County Permit Acreage Mine Type Annual Fee
QT/QT/QT	Section	Township	Range	Prime Meridian	Telephone	Commodities Mined (USGS Codes)	Required Surety
Rock-N-Pine LLC Rock-N-Pine M2003074 110c //	2/5/2004 AC 29	9S	77W	06	Mark Balderston 503 Wise St. Hamlet NE 69040-0000 (719) 839-0946	SDG	Park 9.90 SR $323.00 $17,100.00

Colorado Division of Reclamation, Mining & Safety Report Sorted By Operator 8/17/2025

You requested a report sorted by Operator / Permit Number and based on:	
County:	All Counties
Operator:	All Operators
Permit Number:	M2015017
Mine Name:	All Mine Names
Permit Status:	Any Permit Status
Commodity:	All Commodities

Resort by County / Operator / Permit Number

Operator Site Name Permit No. Permit Type	Permit Issued Permit Status				Contact Address Line 1 Address Line 2 City State Zip Code							County Permit Acreage Mine Type Annual Fee
QT/QT/QT	Section	Township	Range	Prime Meridian	Telephone	Commodities Mined (USGS Codes)						Required Surety
JRS Mining LLC Sullivan Aggregate Pit M2015017 112 //	10/17/2016 AC 32	9S	77W	06	Todd Sullivan 850 N. Davidson Street Eloy AZ 85131-0000 (863) 660-0763	AU	AGGR					Park 42.68 SR $633.00 $77,166.00

M-2003-074

STATE OF COLORADO

DIVISION OF MINERALS AND GEOLOGY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

RECEIVED
SEP 04 2003
Division of Minerals and Geology

DIVISION OF MINERALS & GEOLOGY
RECLAMATION MINING·SAFETY

Bill Owens
Governor

Greg E. Walcher
Executive Director

Michael B. Long
Division Director

FILE COPY
FOR SCANNING

CONSTRUCTION MATERIALS
LIMITED IMPACT (110) OPERATION
RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: _____ **There is a File Number Already Assigned to this Operation**

Permit # M -____-____-___ (Please reference the file number currently assigned to this operation)

X **New** Application (Rule 1.4.5) _____ **Amendment** Application (Rule 1.10)

_____ **Conversion** Application (Rule 1.11)

Permit # M -_____-_____-____ (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized **IVORY ORIGINAL** and one (1) copy of the completed Ivory application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information described below.

1. **Applicant/operator or company name (name to be used on permit)**: Rock-N-Pine LLC
   - 1.1 Type of organization (corporation, partnership, etc.): Limited Liability Co
   - 1.2 I.R.S. Tax ID No. or Social Security Number: 2.: [redacted]
2. **Operation name (pit, mine or site name)**: Rock-N-Pine
3. **Permitted acreage (new or existing site)**: 9.9 permitted acres
   - 3.1 Change in acreage (+) _____ acres
   - Total Acreage in Permit Area 9.9 acres
4. **Fees**:
   - 4.1 New Application: $1,094.00 application fee
   - Amendment Fee (C.R.S. 34-32.5-125(II)): $719.00 application fee
   - 4.2 Conversion Fee (from 110d to 110 $875.00 conversion fee (Rule 1.11.2(2))
5. **Primary commoditie(s) to be mined**: Boulders 3/4 gravel Rd Base 1½ gravel riprap
   - 5.1 Incidental commoditie(s) to be mined: 1. 20,000 lbs/Tons/yr 2. 30,000 lbs/Tons/yr 3. 40,000 lbs/Tons/yr 4. 20,000 lbs/Tons/yr 5. / lbs/Tons/yr
   - 5.2 Anticipated end use of primary commoditie(s) to be mined: Residential, Commercial Construction
   - Anticipated end use of incidental commoditie(s) to be mined: Reclamation, Residential, Commercial Construction

6. **Name of owner of the subsurface rights of affected land**: Rock-N-Pine LLC

7. **Name of owner of the surface of affected land**: Rock-N-Pine LLC

   7.1 Names of the holders of any recorded easements on the affected land: Excel Energy

8. **Type of mining operation**: X Surface ____ Underground ____ In-situ

9. **Location information**: The center of the area where the majority of mining will occur:

   COUNTY: Park

   PRINCIPAL MERIDIAN (check one): ✓ 6th (Colorado) ____ 10th (New Mexico) ____ Ute

   SECTION (write number): S 29, 32 + 33

   TOWNSHIP (write number and check direction): T 9 ____ North ✓ South

   RANGE (write number and check direction): R 77 ____ East ✓ West

   QUARTER SECTION (check one): ____ NE ____ NW ____ SE ____ SW

   QUARTER/QUARTER SECTION (check one): ____ NE ____ NW ____ SE ____ SW

   GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): 4 mile N of Fairplay, Elevation 10,000

10. **Primary future (Post-mining) land use (check one)**:

___ Cropland(CR)	___ Pastureland(PL)	___ General Agriculture(GA)
___ Rangeland(RL)	___ Forestry(FR)	___ Wildlife Habitat(WL)
X Residential(RS)	X Recreation(RC)	X Industrial/Commercial(IC)
___ Developed Water Resources(WR)		___ Solid Waste Disposal(WD)

11. **Primary present land use (check one)**:

___ Cropland(CR)	___ Pastureland(PL)	___ General Agriculture(GA)
___ Rangeland(RL)	___ Forestry(FR)	___ Wildlife Habitat(WL)
___ Residential(RS)	___ Recreation(RC)	___ Industrial/Commercial(IC)
___ Developed Water Resources (WR)		X Mining (MN)

12. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

   No chemicals or acids

13. **Description of Amendment or Conversion**:

   If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s):

   N/A

14. **Correspondence Information**:

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Mark Balderston Title: President
Company Name: Rock N Pine LLC
Street: P.O. Box 1793
City: Breckenridge
State: CO Zip Code: 80424
Telephone Number: (719) - 836-9863
Fax Number: (719) - 836-9863

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Title:
Company Name:
Street:
City:
State: Zip Code:
Telephone Number: ( ) -
Fax Number: ( ) -

INSPECTION CONTACT

Contact's Name: Mark Balderston Title: President
Company Name: ASI Excavating, Inc
Street: PO Box 1793
City: Breckenridge
State: CO Zip Code: 80424
Telephone Number: (719) - 836-9863
Fax Number: (719) - 836-9863

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency:
Street:
City:
State: Zip Code:
Telephone Number: ( ) -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency:
Street:
City:
State: Zip Code:
Telephone Number: ( ) -

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

6.3.1	EXHIBIT A - Legal Description and Location Map
6.3.2	EXHIBIT B - Site Description
6.3.3	EXHIBIT C - Mining Plan
6.3.4	EXHIBIT D - Reclamation Plan
6.3.5	EXHIBIT E - Maps, to include the location of any recorded easements
6.3.6	EXHIBIT F - List of Other Permits and Licenses Required
6.3.7	EXHIBIT G - Source of Legal Right-to-Enter, to include holders of any recorded easements
6.3.8	EXHIBIT H - Municipalities Within a Two-mile Radius
6.3.9	EXHIBIT I - Proof of Filing with County Clerk
6.3.10	EXHIBIT J - Proof of Mailing Notices of Permit Application
6.3.12	EXHIBIT L - Permanent Man-Made Structures
1.6.2(1)(b)	ADDENDUM I - Notice Requirements (sample enclosed)
6.5	Geotechnical Stability Exhibit (as required)

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

MB 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

MB 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

MB 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

MB 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

MB 5. It is your responsibility to notify the Office of any changes in your address or phone number;

MB 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

a. the name of the operator;

b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

c. the permit number.

MB 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;

MB 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.

MB 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

MB 10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(viii).

2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)

3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).

4. As the applicant/operator, I do not have any mining/prospecting operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).

5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S 1984.

Signed and dated this 27th day of 27 August, 2003.

Rock-N-Pine LLC
Mark Baldwston
Applicant/Operator

If Corporation Attest (Seal)

Signed: Mark Baldwston

Siged: Donna Larsen
Corporate Secretary or Equivalent
Town/City/County Clerk

Title: President

State of Colorado)
) ss.
County of Summit)

The foregoing instrument was acknowledged before me this 27th day of August, 2003, by Mark Baldwston as President of Rock N Pine LLC.

Notary Public

My Commission expires: My Commission Expires 10/20/2004

SIGNATURES MUST BE IN BLUE INK

REAL ESTATE PROPERTY

JANUARY 2, 2003

TAX NOTICE FOR 2002

24545

MICHELLE A. MILLER
PARK COUNTY TREASURER
P.O. BOX 538
FAIRPLAY, CO 80440

(719) 836-4334

PLEASE MAKE CHECKS PAYABLE TO THE ABOVE COUNTY TREASURER

TAX DIST	TAX ENTITY	DOLLARS PER K	TAX
015	SCHOOL DISTRICT RE-2	20.847	987.94
	PARK COUNTY	17.260*	817.95
	NORTHWEST FIRE	4.434	210.13
	UPPER S PLATTE WATER	.113*	5.36
	SOUTH PARK AMBULANCE	3.749	177.67
	CENTER OF COLO WTR C	1.007	47.72
	SOUTH PARK REC DISTR	2.215	104.97

29844 R 001

ROCK N PINE LLC
PO BOX 1793
BRECKENRIDGE CO 80424

PROPERTY LOCATION

HWY 9 49001

LAND VALUE	PERS OR IMP VALUE	TOTAL VALUE	TOTAL $ PERK	TOTAL TAX
47390		47390	49.625	2351.74
163434		163434	- ACTUAL VALUE	

LEGAL DESCRIPTION

*REFLECT TEMPORARY CREDIT
52.36-TOTAL ACRES

T09 R77 S29 SW4 PART OF HWY 9 AND NELY OF SOUTH RT OF NE4NE4SE4SW4 LYING 77; PART OF NE4 LYING NORTH RIVER 32-9-77 PART OF OUTH PLATTE RIVER AND SLY R508957 CB99 29843 29840 S2SE4 LYING SWLY OF PLATTE RIVER AND PA SWLY OF HWY 9 29-9- OF SOUTH PLATTE W2NW4 LYING NLY OF S OF HWY 9 33-9-77

***** PLEASE USE YOUR CHECK AS YOUR RECEIPT *****

SCHOOL DISTRICT RE-2 GENERAL FUNDS 17.235 DOLLARS PER THOUSAND, WITHOUT STATE AID IT WOULD HAVE BEEN 36.530

PLEASE RETAIN THE TOP PORTION AND RETURN THE APPROPRIATE STUB WITH YOUR PAYMENT TO TREASURER'S OFFICE

NOTICE OF FILING APPLICATION

FOR COLORADO MINED LAND RECLAMATION PERMIT

FOR **CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS

OF THE LOCAL SOIL CONSERVATION DISTRICT

Teller Park Conservation DISTRICT

Rock-N-Pine LLC (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in PARK County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Minerals and Geology (the "Division") and the local county clerk or recorder.

The applicant/operator proposes to reclaim the affected land to Commercial/Residential use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Soil Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

received 9/4/03
Laura Craven, Soil Scientist

NOTICE OF FILING APPLICATION

FOR COLORADO MINED LAND RECLAMATION PERMIT

FOR **CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

PARK COUNTY

Rock-N-Pine LLC (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in PARK County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Minerals and Geology (the "Division") and the local county clerk or recorder.

The applicant/operator proposes to reclaim the affected land to Commercia/Residential use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You MUST attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

Rec'd by BOCC

SEP 04 2003

Mary Jean Wirth
BOCC Administrative Assist.

The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use. You must post the Notice at the proposed access to the site.

NOTICE

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) Rock-N-Pine LLC, whose address and phone number is (Address and Phone Number of the Applicant/Operator) Rock-N-Pine LLC, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) Park County Clerk or Recorder's Office, (Clerk or Recorder's Office Address) 501 Main Fairplay Colo. 80440, and should send comments prior to the end of the public comment period to the Division of Minerals and Geology, 1313 Sherman St, Room 215, Denver, Colorado 80203.

Certification:

I, (Name of the Applicant/Operator) Mark Baldwston Rock-N-Pine LLC, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Rock N Pine LLC, on (Date Posted) Sept. 4, 2003.

Mark Baldwston
SIGNATURE

9-4-03
DATE

Park County Assessor

Property Detail Information

Tax Information	Site Characteristics	Building Characteristics	Deed Information
Value Detail	Residential Building Detail	Sales Detail	New Search

Tax Area	Schedule Number	Property Type
0015	29844	Residential

Owner Name and Address

Zoned Mining

ROCK N PINE LLC
PO BOX 1793
BRECKENRIDGE, CO 80424

Legal Description

T09 R77 S29 SW4
PART OF S2SE4 LYING SWLY OF
HWY 9 AND NELY OF SOUTH PLATTE
RIVER AND PART OF NE4NE4SE4SW4
LYING SWLY OF HWY 9 29-9-77;
PART OF NE4 LYING NORTH OF
SOUTH PLATTE RIVER 32-9-77
PART OF W2NW4 LYING NLY OF
SOUTH PLATTE RIVER AND SLY OF
HWY 9 33-9-77
R508957 CB99 29843
29840

Physical Address

49001 HWY 9

Tax Information

2003 Tax Year

	Actual Value	Assessed Value
Land:	173,116	50,200
Improvements:	6,507	1,890
Total:	179,623	52,090
Estimated Mill Levy:		49.625
2003 Estimated Taxes:		2,585

2002 Tax Year

	Actual Value	Assessed Value
Land:	156,663	45,430
Improvements:	6,771	1,960
Total:	163,434	47,390
Mill Levy:		49.625
2002 Taxes:		2,352

Site Characteristics

Acres:	52.36
Property Access:	STATE HIGHWAY
Topography:	SEVERAL SITES
Cover:	MINIMAL
View:	AVERAGE
Solar Exposure:	GOOD
Live Water:	RIVER
Well:	WELL/CENTRAL
Sewer:	SEPTIC
Electricity:	Yes
Telephone:	Yes

S/B 60.24 acres

Building Characteristics

No Residential Building Records Found

Deed Information

Date:	6/28/1999	**Price:**	150,000
Book:		**Page:**	
Reception Number:	508957		
Verify:	RPTD by Buyer		
Qualified Sale:	N		
Previous Owner Name			
HAMILTON HARLEY G			

Return to Top of Page | Property Search | Assessor Home Page

The Park County Assessor's Office makes every effort to collect and maintain accurate data. However, Good Turns Software and the Park County Assessor's Office are unable to warrant any of the information herein contained.

Copyright © 1998 - 2003 Good Turns Software. All Rights Reserved.
Database & Web Design by Good Turns Software.

PO BOX 1793
BRECKENRIDGE CO
80424

ROCK N PINE, LLC

Mining and Reclamation Plan

Hwy 9 Fairplay CO

Site Description

EXHIBIT B

Site Description

Approximately 9.9 acres of 60.24 acre lot..

Approximately 24 acres of 60.24 acres is already disturbed from previous Hydro-mine operations. Previous operations have made the land un-useable. We would like to clean up and make land useable again..

The middle fork of South Platte runs through our south property

Highway 9 runs on our north property lines approximately one mile.

The east end adjoins Town of Fairplay property which exists the same conditions as our site, previously Hydro-mined for approximately 9 acres and ends at Museum property. This is the end of property we would like to start mining with this 110 permit.

Twenty-four un-useable acres.

Mining Plan

EXHIBIT C

Mining Plan

Boulders, Sand, Cobble will be extracted from site with use of heavy equipment

Boulders will be separated into various sizes and hauled out with trucks.

Cobble will be separated into size and hauled out with trucks.

Sand will be sluiced to recover the gold and then sold as masonry sand and mixed back in for road base.

Rock that does not meet size is then crushed for gravel.

Cuts up to 80' to be made for clean up.

No chemicals, acids, mercury etc. will be used in operation, just heavy equipment, diesel and gasoline for machines.

There will be two settling ponds for sluice operation. Water will be circulated and reused. First pond will get cleaned continuous, second pond will get cleaned periodically.

All erosion control gravel filters, silt fencing, berming, straw will be monitored at all times.

Our reclamation plan is our mining plan, our overall outcome is to make the land useable.

Reclamation Plan

EXHIBIT D

Mining Plan

As site gets cut down to useable grade, reclamation will begin.

All slopes will be cut at 3:1.

Any slope more than 3:1 to be retained with boulders, Six foot terraces.

There will be four inches minimum for replacement topsoil on slopes.

All topsoil will come from onsite supplied and some already imported.

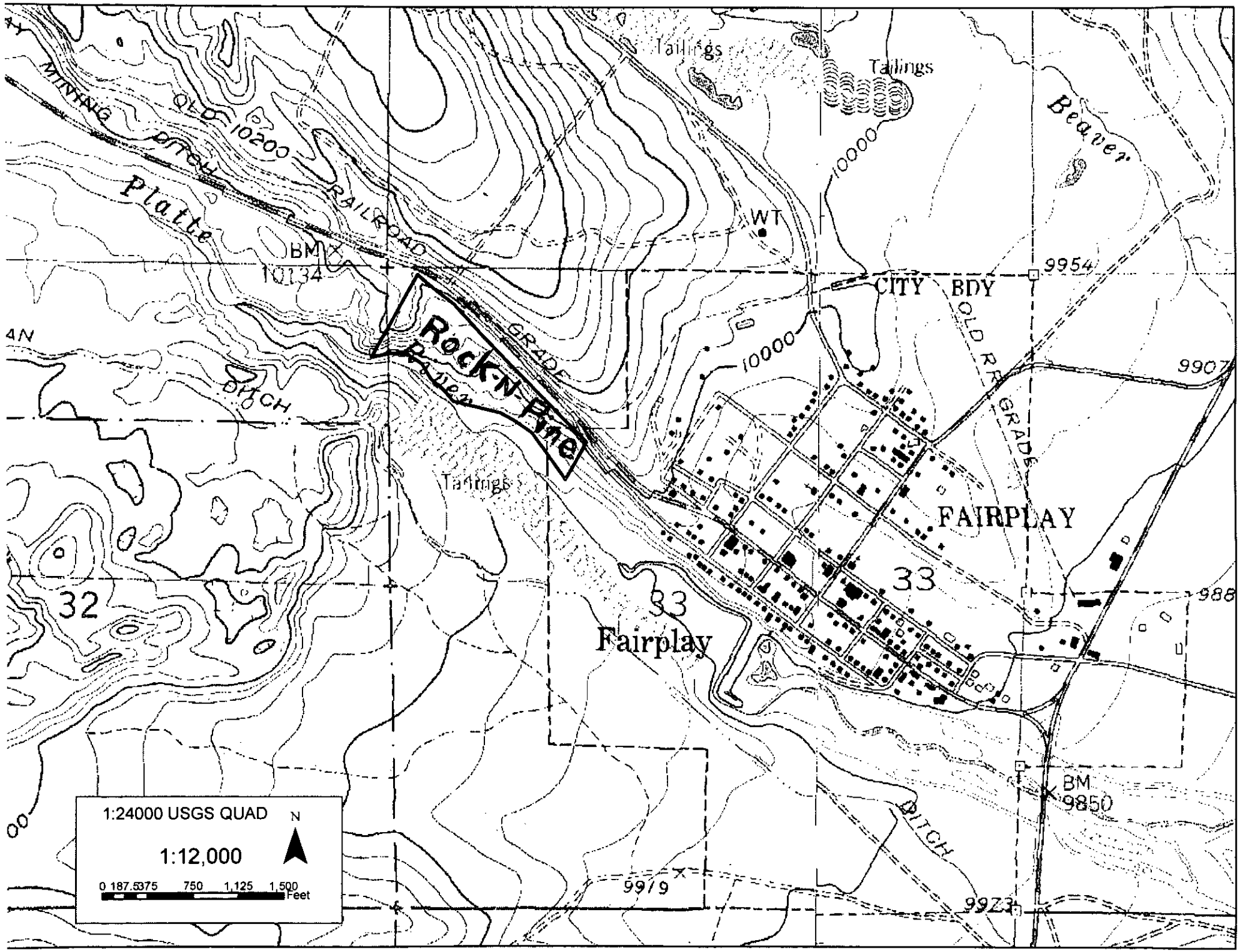
All trees possible to save will be saved.

Slopes will be re-seeded with native grass and wild flowers.

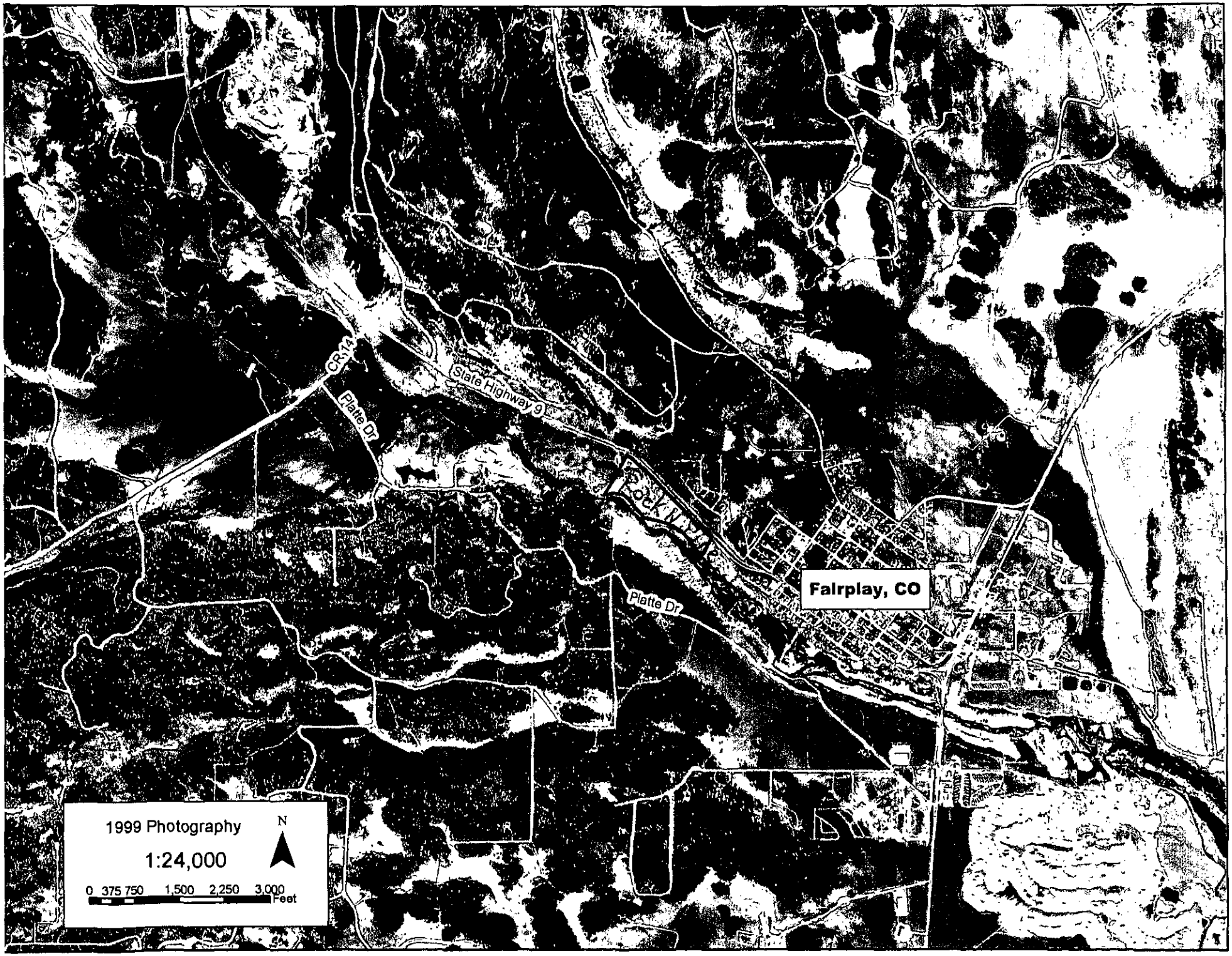
Onsite trees will be re-located to slopes.

Bottom flat area will be covered with road base not to exceed one inch minus.

During reclamation all erosion control will be regulated to its fullest by means of berms, silt fencing, and straw bales etc.



Tailings
Tailings
Beaver
MINING
DITCH
OLD 10200
RAILROAD
Platte
BM
10134
WT
10000
9954
CITY BDY
OLD RR GRADE
10000
9907
Rock-N-Pine
GRADE
DITCH
Tailings
FAIRPLAY
33
32
33
Fairplay
988
BM
9850
DITCH
9979
9973
1:24000 USGS QUAD
N
1:12,000
0 187.5 375 750 1,125 1,500
Feet


CR 14
Platte Dr
State Highway 9
Platte Dr
Fairplay, CO
1999 Photography
1:24,000
N
0 375 750 1,500 2,250 3,000
Feet

Other permits and licenses required

EXHIBIT F

Permits and Licenses

Highway access

Park County Excavation

County land use permit

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS CODE

NOTICE TO PROCEED

CDOT Permit No.	103020
SH/S/MP	9C/066.280/L
Local Jurisdiction	Park County

Permittee(s):

Rock-N-Pine, LLC.
P.O. Box 1793
Breckenridge, CO 80424
719-836-9863

Applicant:

Mark Balderston
251 Foxtail Ct.
Fairplay, CO 80440
[redacted]

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. [illegible]ss Permits expire one year from date of issue if not under construction, or completed. Access Permits m[illegible]e extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conf[illegible]ance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be fi[illegible]ed within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

None

Municipality or County Approval (When the appropriate local authority retains issuing author[illegible]

By	Title	Da[illegible]
(X)		

This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By	Title	Da[illegible]
(X) Charles Bunford	Access [illegible]nager	4/03

Copy Distribution: Required 1. Region Permit files 2. Staff Access Section. As needed: Lo[illegible]thority, MTCE Patrol, [illegible]ctor Form 1265 8/98

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS PERMIT

CDOT Permit No.
103020
State Highway No/Mp/Side
9/066.280/L

Permit fee	Date of transmittal	Region/Section/		Local	ction
100.00	04/03/2003	01	1		rk County

The Permittee(s);

Rock-N-Pine, LLC.
P.O. Box 1793
Breckenridge, CO 80424
719-836-9863

Applicant;

Mark Bulderston
231 Foxtail Ct.
Fairplay, CO 804
[redacted]

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be construc[illegible] maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the [illegible]ment and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained b[illegible]on of the exercise of the permit.

Location:

This commercial access is located on the West side of State Highway 9 a distance of 1475 feet North of Mile Point 66 or Mile Point 66.279.

Access to Provide Service to:

Gravel Pit ..... **10 Acres** **100.00 %**

Other terms and conditions:

* See Attached Pages 2 and 3 and Other Enclosures for Additional Terms and Conditions.

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

By	Date	Title
(x)		

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Deede Marshall with the Colorado Department of Transportation in Aurora, CO at 303-757-9122 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee	Date
(x) Mark Bulderston	5-27-03

FEE PAID

This permit is not valid until signed by a duly authorized representative of the Department of Transportation
COLORADO DEPARTMENT OF TRANSPORTATION

By	Date (of issue)	Title
(x) Charles A. Brafford	6/4/03	Access Manager

Copy Distribution:

Required:
1. Region
2. Applicant
3. Staff Access Section

Make copies as necessary for:
Local Authority
MTCE Patrol
Inspector
Traffic Engineer

Previous editions are obsolete and may not be used
CDOT Form #101 8/98

Municipalities

EXHIBIT H

2 mile radius

Town of Fairplay
P O Box 267
Fairplay, CO 80440
719-836-2622

Man- made structures

EXHIBIT L

Permanent man made structures

N/A

Vacant land

HP Geotech
HEPWORTH - PAWLAK GEOTECHNICAL

Hepworth-Pawlak Geotechnical, Inc.
P. O. Drawer 1887
Silverthorne, Colorado 80498
Phone: 970-468-1989

Fax: 970-468-5891
email: hpgeo4@hpgeotech.com

June 27, 2003

Mark Balderston
P.O. Box 1793
Breckenridge, CO 80424

Job No. 403 193

Project: Geotechnical Study for Cut Slope Design, Proposed Sand and Gravel Mine at Rock & Pine, LLC, Park County, Colorado.

Dear Mr. Balderston:

As requested, Hepworth - Pawlak Geotechnical, Inc. conducted a site reconnaissance of the subject property to evaluate the subsurface conditions at the subject site where relatively deep excavations are planned and to develop geotechnical recommendations for design of slopes. The findings of our work and recommendations are presented in this report. The work was done in accordance with our agreement for geotechnical engineering services to you, dated June 17, 2003.

Site Conditions: We visited the site on June 17, 2003 to observe the topography and exposed hydraulic mined slopes. The proposed mining operation will encompass an area of about 10 acres and is located immediately west of Fairplay, Colorado. The site is bordered by the South Platte River to the south, Highway 9 to the north, Town of Fairplay to the east, and vacant land to the west. The site has been previously hydraulically mined and generally slopes down towards the south. The slopes are typically moderately to very steep below Highway 9 and become less steep near the river. Several bluffs up to about 25 feet in height exist on the steep slopes. The lower portion of the site is less steep and characterized by large piles of cobbles and boulders left over from the hydraulic mining and possible dredging operations. Several man-made channels, remnant from the mining operation exist through the piles. Vegetation consists of native grasses, sagebrush with scattered pine trees. No water seepage was observed on the steep slopes or in the less steep portions of the site.

Based on our review of regional geologic maps and field reconnaissance, it appears that the steep slopes are comprised of glacial drift. A gradation analysis (minus 4 inch fraction) performed on a bulk sample of the glacial drift is presented in Figure 1. The glacial drift appears to be a silty sand and gravel (SM-GM) with cobbles and boulders.

We understand that the existing steep slopes will not be mined but will be graded to knock down the bluffs and revegetated. The proposed cut slopes for the mining operation will be reclaimed to a 3 horizontal to 1 vertical (3H:1V) slope and revegetated.

Limit Equilibrium Stability Analysis: Based on our current understanding of the site geology we have evaluated two conceptual cut slope options: 1) a 1H:1V cut slope, and 2) a 2H:1V cut slope. It was assumed that the cut slopes at the base of the steep slopes would be up to about 70 feet and would not extend below the river level. The global stability of the conceptual cut slopes were evaluated by limit equilibrium stability analysis. The computer program XSTABL and the Janbu method was used for the safety factor calculations. Soil parameters used in the analysis assumed that the glacial drift materials have a unit weight of 130 pounds per cubic foot (pcf) and an internal friction angle of 32 degrees. It was assumed that the groundwater level was at the cut slope toe. The factor of safety (FS) for global cut slope stability was calculated to be less than 1.0 for a 1H:1V cut slope which is below the typical minimum specified value of 1.5. The FS for global cut slope stability was calculated to be 1.6 for a 2H:1V cut slope which is above the typical minimum specified value of 1.5.

Conclusions and Recommendations: Based on the results of the stability analyses, we recommend that mining operation cut slopes be sloped at 2H:1V or flatter. If seepage is encountered in the excavation, flatter cuts slopes may be necessary and the soil type should be re-evaluated. Both short and long term drainage measures should be implemented in project design and during the mining operation. Surface runoff can be controlled during mining by careful excavation practices. Typically, these include the construction of shallow upgrade perimeter drainage ditches or low earthen berms, and the use of temporary sumps to collect

seepage and prevent water from flowing over the excavation cut slopes. All collected water should be directed under control to a positive discharge system.

Limitations: This study was conducted according to generally accepted geotechnical engineering principles and practices in this area at this time. We make no warranty either express or implied. The conclusions and recommendations submitted in this report are based on our field observations of the soils exposed on the slopes and do not include subsurface exploration to evaluate the subsurface conditions. The risk of slope instability may be greater than indicated in this report because of possible variations in the subsurface conditions. In order to reveal the nature and extent of variations in the subsurface conditions drilling would be required. It is possible the data obtained by subsurface exploration could change the recommendations contained in this letter. We should be advised of any variations encountered in the excavation conditions for possible changes to recommendations contained in this letter.

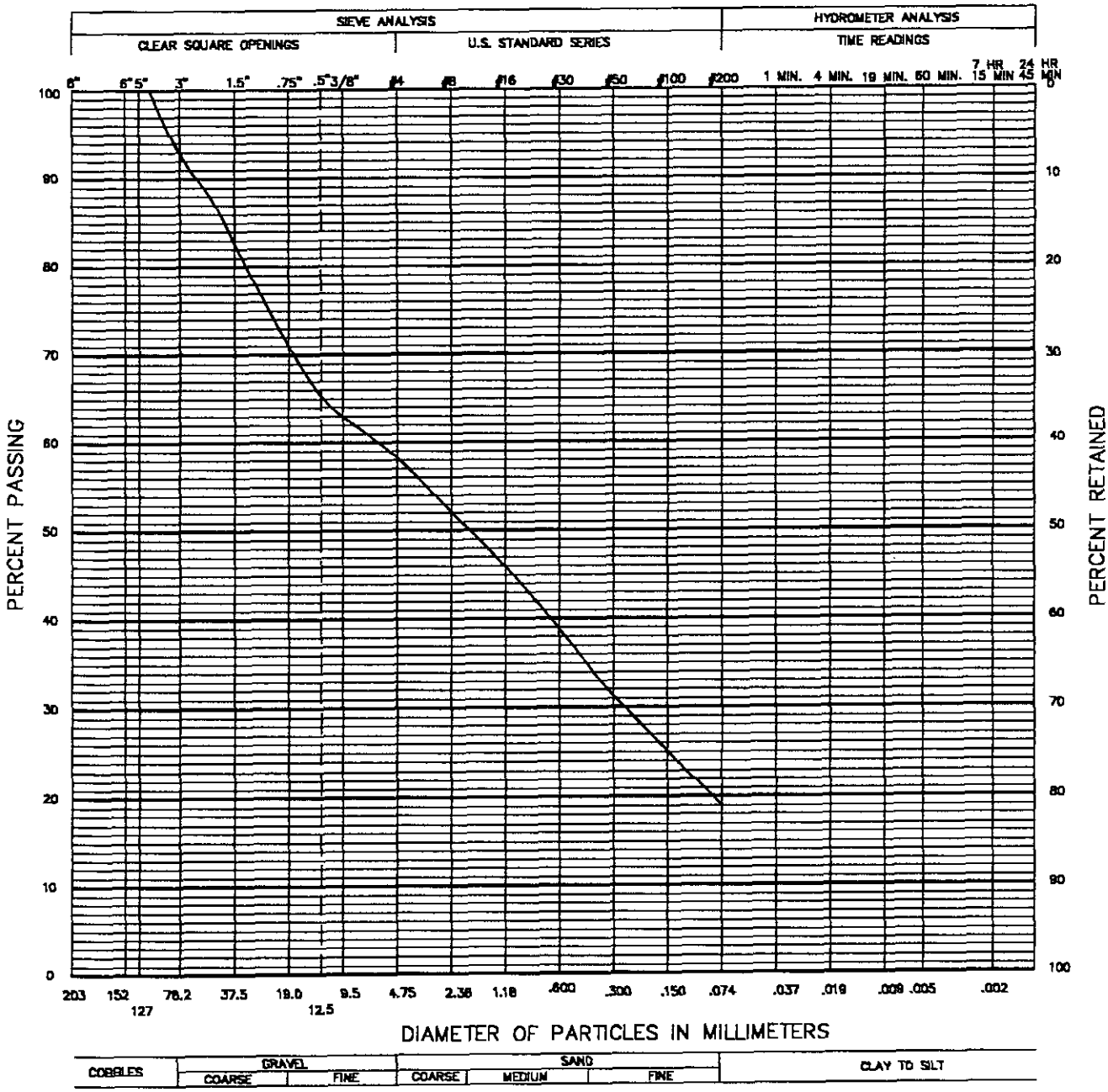
If there are any questions or if we may be of further assistance, please let us know.

Respectfully submitted,
HEPWORTH - PAWLAK GEOTECHNICAL, INC.

Ronald J. Uhle, P.E.
Associate
Reviewed By: GWB

Attachment: Figure 1
RJU:tl

COLORADO REGISTERED PROFESSIONAL ENGINEER
RONALD J. UHLE
28161
6-27-03



GRAVEL	41 %	SAND	40 %	SILT AND CLAY	19 %
LIQUID LIMIT	18 %			PLASTICITY INDEX	2 %

SAMPLE OF: Silty sand and gravel (SM–GM) FROM: Composite

403 193	HEPWORTH – PAWLAK GEOTECHNICAL, INC.	ROCK AND PILE, LLC GRADATION TEST RESULTS	FIGURE 1

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

June 24, 2003

Mr. Mark Balderston
PO Box 1793
Breckenridge, CO 80424

RE: Development Site, Wetland Determination, Area 1 and Area 2, Wetland Determination, Left Bank of the Middle Fork South Platte River
Corps File No. 200380080

Dear Mr. Bladerston:

Reference is made to your June 23, 2003 site visit with Mr. Terry McKee of this office concerning the above-mentioned activity located in the NW ¼ of Section 33, T9S, R77W, Park County, Colorado. This review was in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activities associated with a dredged and fill project, into waters of the United States. Waters of the United States include ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands and certain lakes, ponds, irrigation and drainage ditches that have a nexus to interstate commerce. Under the authority of the Clean Water Act, a preliminary Jurisdictional Determination has determined that Area 1 and Area 2 do not meet the parameters for wetlands. In that regard, areas 1 and 2 are not wetlands. A Department of the Army permit will not be required for your proposed activity at this site.

Although a Department of the Army permit will not be required for this activity, this does not eliminate the requirements that other applicable federal, state, tribal, and local permits are obtained if needed.

Please disregard the February 13, 2003 letter sent to you by Mr. Terry McKee of this office concerning this matter.

If you have any questions, please feel free to call **Mr. McKee** at (303) 979-4120 and **reference Corps File No. 200380080**.

Sincerely,

J. Scott Franklin

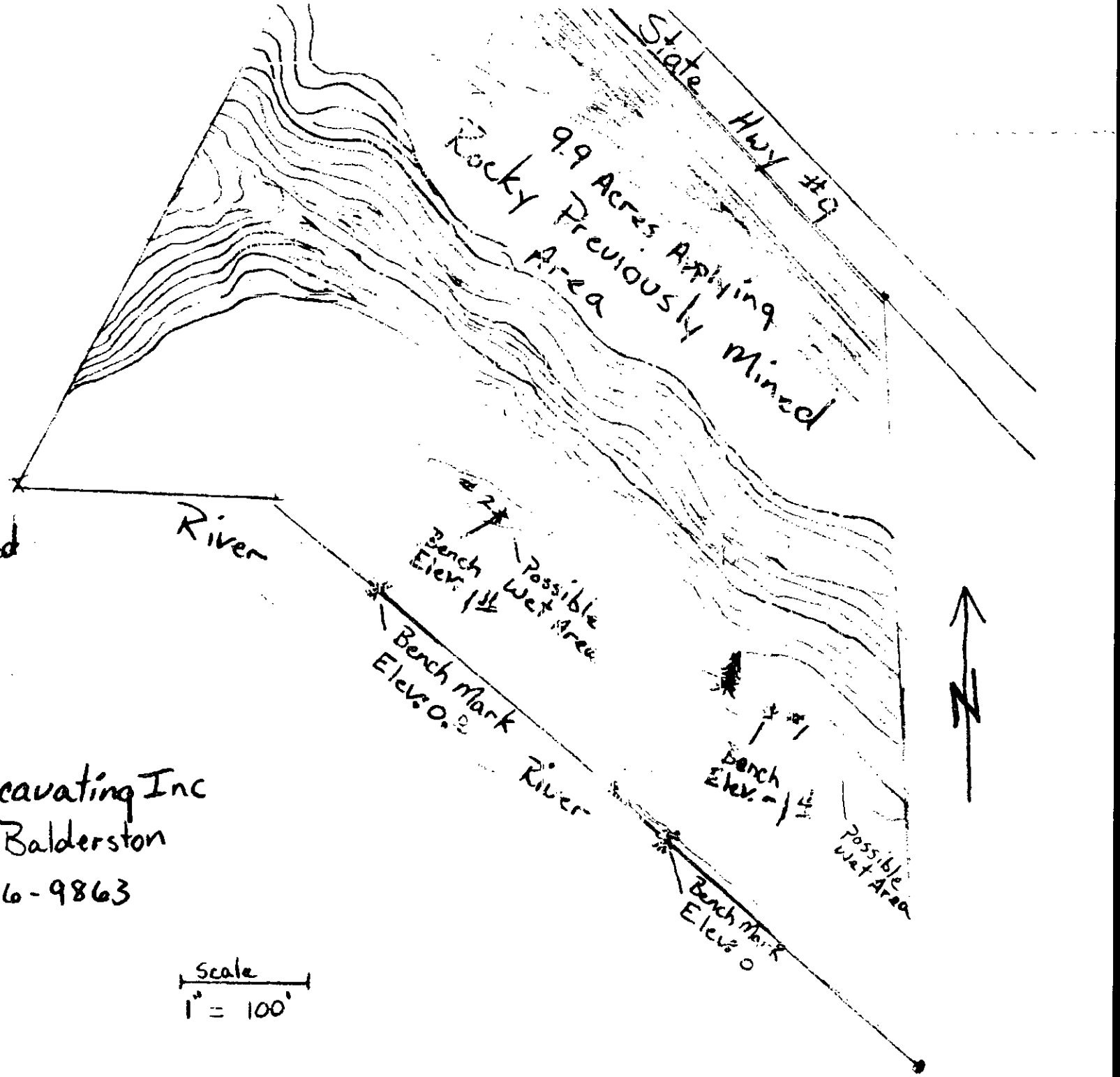
for Timothy T. Carey
Chief, Denver Regulatory Office

tm

Rock-N-Pine
LLC
airplay, Colo.

ttn: Terry McKee

ote: Contour lines,
cale, And Possible
Wet Areas are Approx.
ocations and Should
be known and referred
o as such.



Prepared By : AEI Excavating Inc
President: Mark Balderston
Phone #: 719-836-9863

RECEIPT

DATE 9-4-03 No. 885426

FROM Rock-on-Pine LLC $

DOLLARS

FOR RENT
FOR 110 Mining Permit Application

ACCT.		
PAID		
DUE		

CASH
CHECK
MONEY ORDER

FROM TO

Wanda S. Stevenson
Park County Clerk and Recorder
Deputy Clerk

2501

Colorado Division of Minerals & Geology

1313 Sherman Street, Room 215
Denver, CO 80203

Sales Receipt

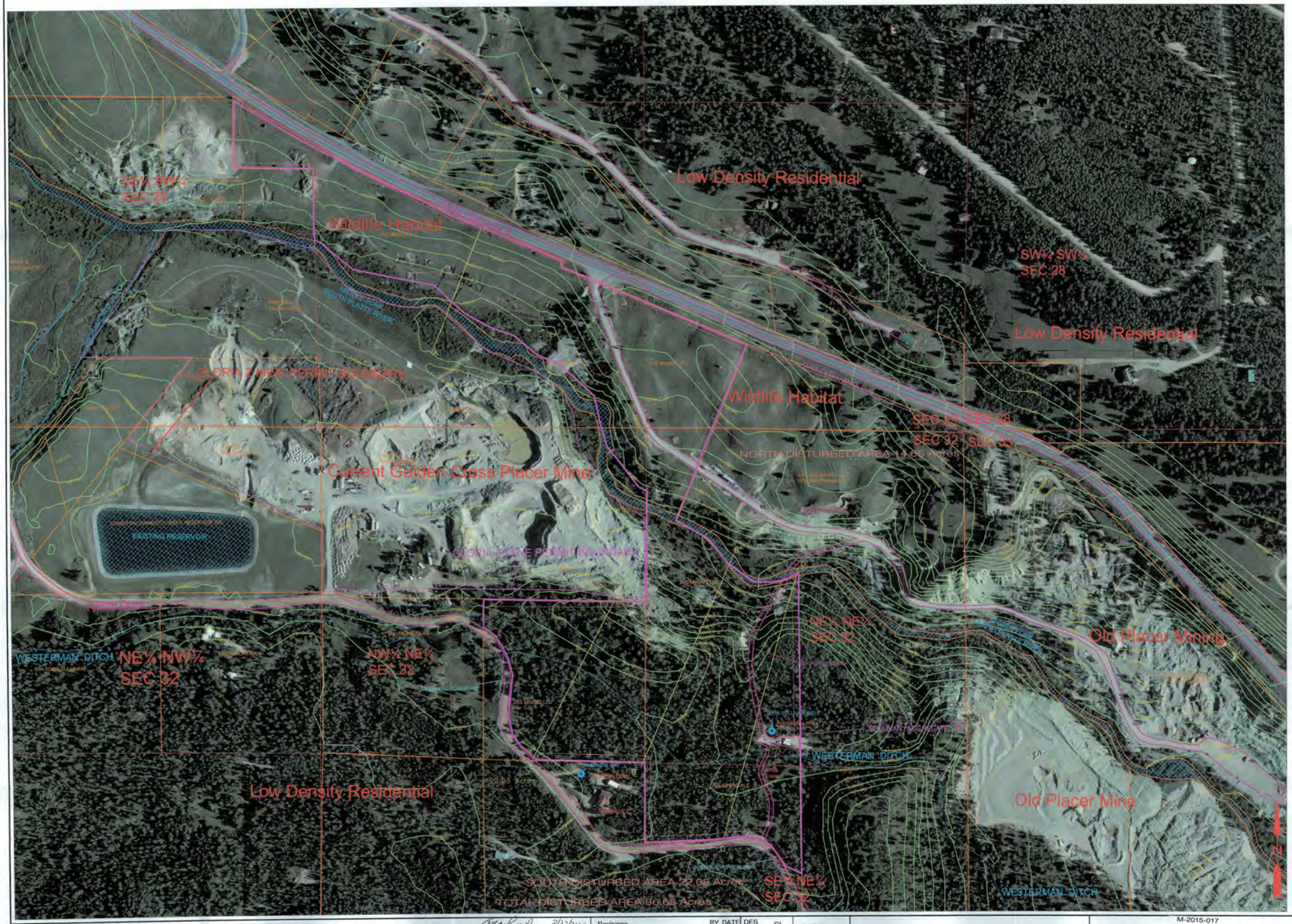
DATE	SALE NO.
09/04/2003	10589

SOLD TO
Rock-N-Pine AEI Excavating Inc

CHECK# / CASH
4650

DESCRIPTION	NOTE	AMOUNT
Min: New Application	M-2003-074	1,094.00

Total $1,094.00



Notes:
1) Exact original contours are unknown due to 1860's disturbance. Significant disturbance occured prior to initial permit in 2013.
2) Pre-Mine contours are estimated from nearby site survey and USGS contours.
3) Image is from Google 2013
4) All land owners are shown on Map B-2.

Greg Lewicki 3/27/2015

COLORADO REGISTERED GREGORY L. LEWICKI 20335 PROFESSIONAL ENGINEER

Revisions	BY	DATE

DES	GL
DRN	GL
CHK	GL
APPD	GL

DATE 3/25/15

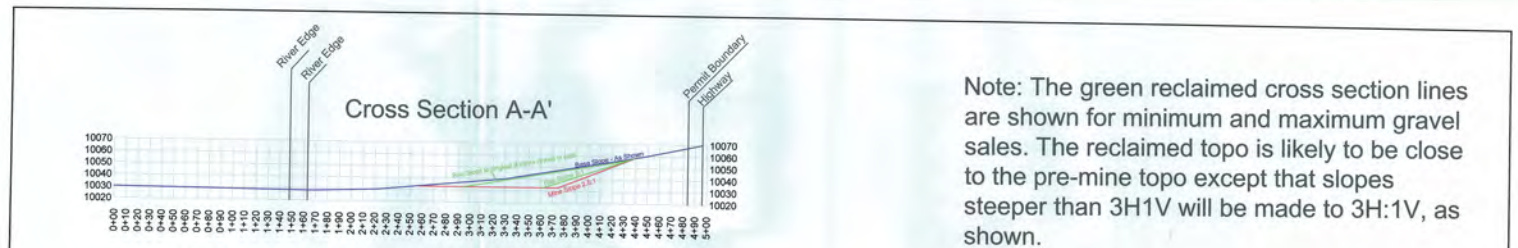
SCALE 1" = 150'

Greg Lewicki And Associates
11541 Warrington Court
Parker, CO USA 80138
Phone: (303) 349-5199
E-Mail - info@lewicki.biz

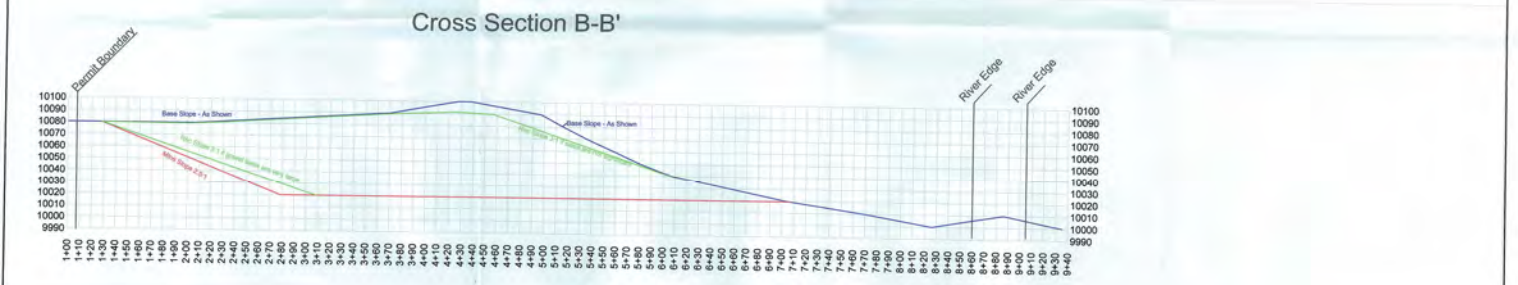
M-2015-017

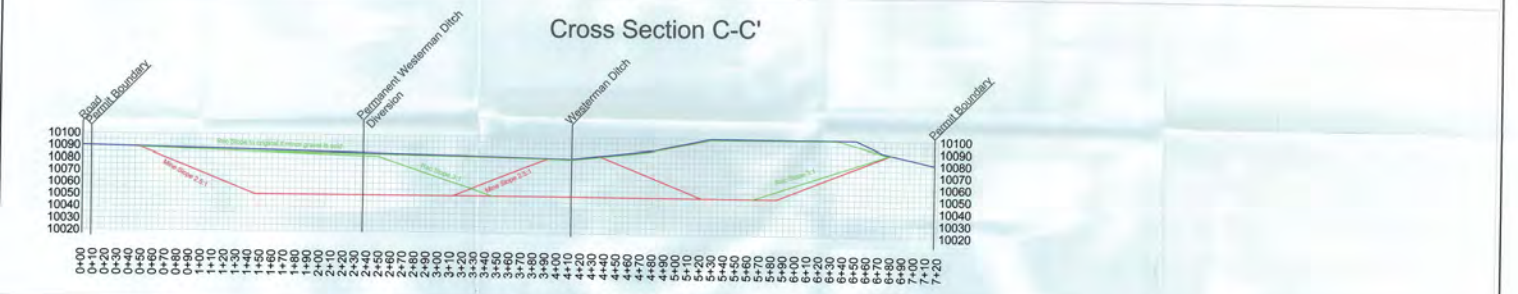
RECEIVED
APR 02 2015
DIVISION OF RECLAMATION MINING AND SAFETY

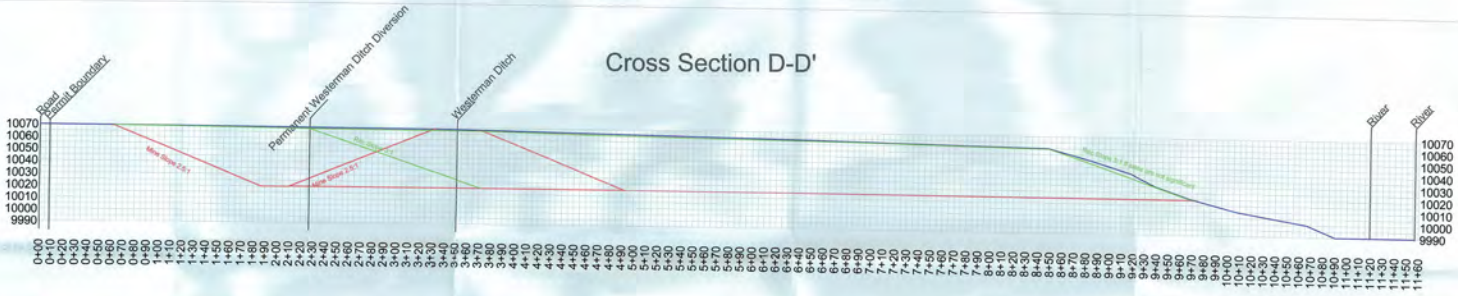
MAP C-1 PRE- MINE MAP
Sullivan Aggegate Pit
JRS Mining LLC

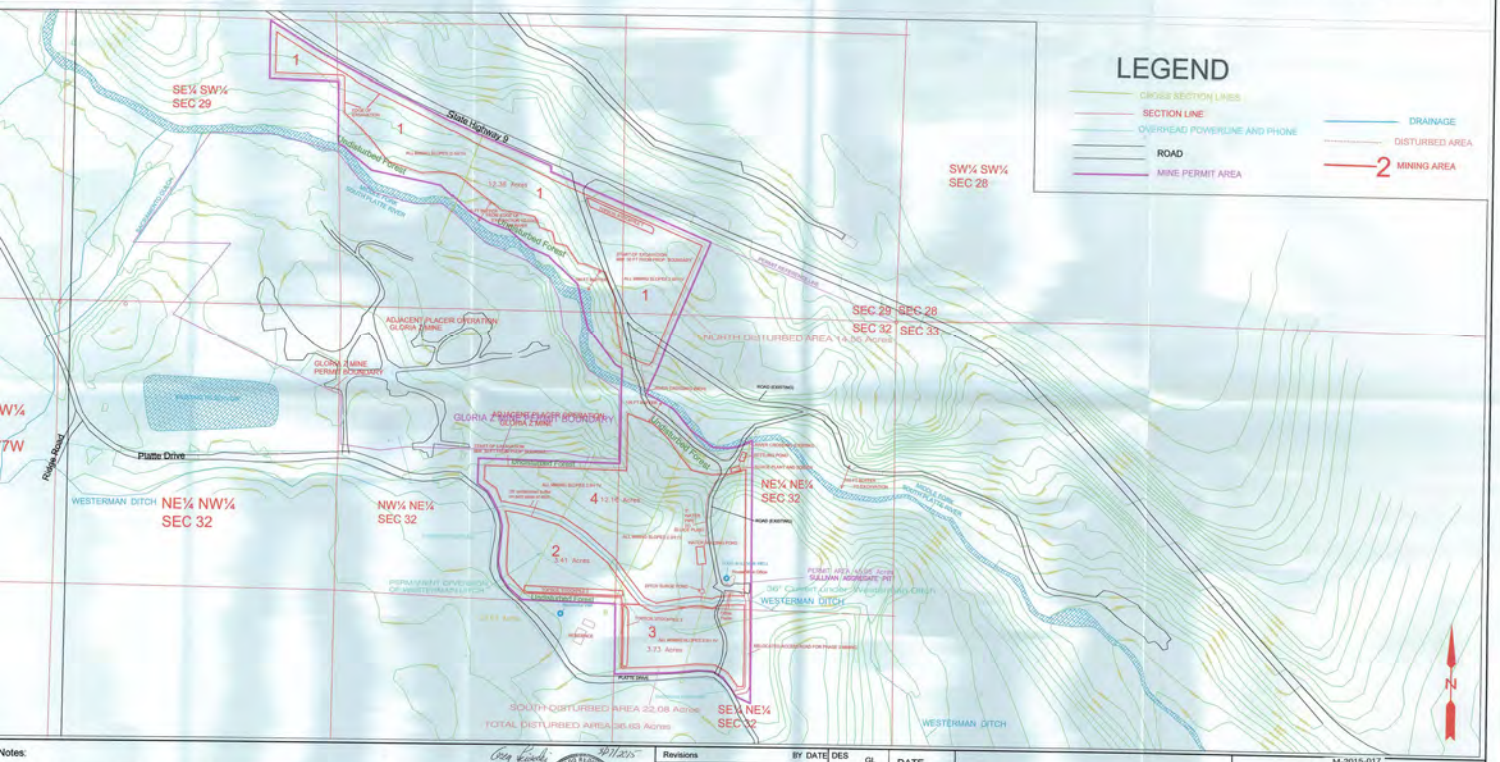


Note: The green reclaimed cross section lines are shown for minimum and maximum gravel sales. The reclaimed topo is likely to be close to the pre-mine topo except that slopes steeper than 3H1V will be made to 3H:1V, as shown.









Notes:

1) Contours from interpolation of USGS contours.

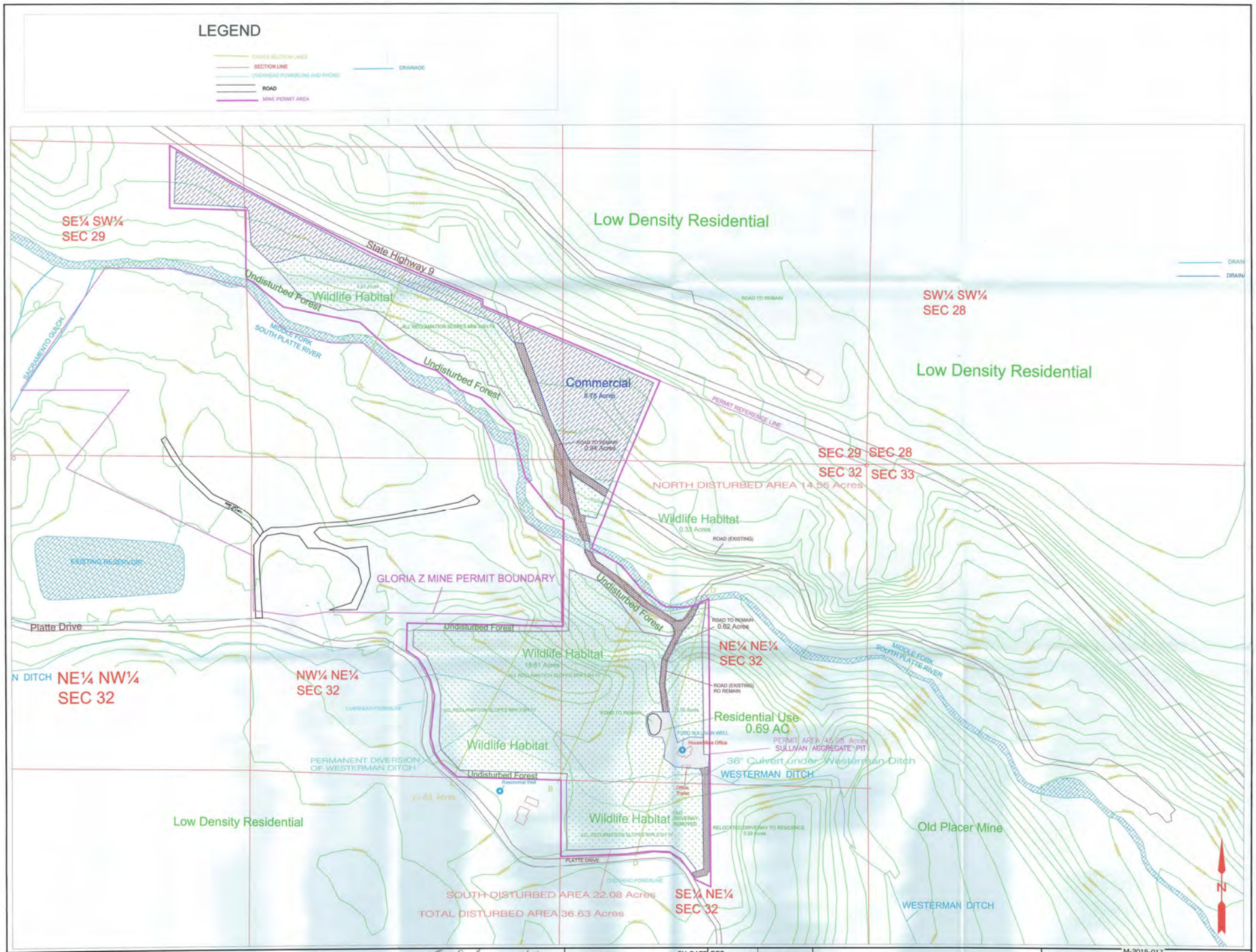
Greg Lewicki 3/17/2015

Revisions	BY	DATE	DES	GL	DATE 3/25/15
			DRN	NSN	
			CHK	GL	SCALE 1" = 200'
			APPD	GL	

Greg Lewicki And Associates
11541 Warrington Court
Parker, CO USA 80138
Phone (303) 349-5196
E-Mail - info@lewicki.biz

RECEIVED
APR 07 2015
DIVISION OF OPERATIONS
MINING AND SAFETY

M-2015-017
C-2 MINE PLAN
Sullivan Aggregate Pit
JRS MINING LLC



Notes:
1) Reclaimed Contours will approximate the estimated original contours of Map C-1 except where slopes exceed 3:1.
This assumes minor amounts of sand and gravel will be sold.

Greg Lewicki 3/31/2015

COLORADO REGISTERED PROFESSIONAL ENGINEER 20335

Revisions	BY	DATE

DES	GL	DATE 3/25/15
DRN	GL	
CHK	GL	SCALE 1" = 150'
APPD	GL	

Greg Lewicki And Associates
11541 Warrington Court
Parker, CO USA 80138
Phone (303)-348-5196
E-Mail - info@lewicki.biz

M-2015-017

MAP F-1 RECLAMATION PLAN
Sullivan Aggregate Pit
JRS Mining LLC

RECEIVED
APR 22 2015
DIVISION OF RECLAMATION MINING AND SAFETY

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

October 18, 2016

Mr. Todd Sullivan
JRS Mining LLC
850 N. Davidson Street
Eloy, AZ 85131

Re: Sullivan Aggregate Pit (Permit No. M-2015-017)
Permit Issuance Hard Rock Mining Operation

Dear Mr. Sullivan:

On October 17, 2016 the Division of Reclamation, Mining and Safety (Division) found JRS Mining LLC to have satisfied the applicable requirements of C.R.S. 34-32-101 et seq. for obtaining a mining and reclamation permit. Two signed originals of the permit have been executed. We have kept one copy for our files and are enclosing one copy for your use. It is your responsibility to comply with all of the terms of the permit.

1. All of the original application materials, as amended and supplemented, are an integral part of your permit and are incorporated into the permit by reference. We presume that you have a copy of all of these materials; therefore, none have been enclosed with this mailing. We suggest that you keep a copy of the permit and the permit application at the mining operation as a reference for operating personnel to help ensure compliance with the terms of the permit.

2. Changes in the mining and reclamation operations that differ from those described in the permit may require a modification to the permit. We suggest consulting the Hard Rock/Metal Mining Rules and Regulations and/or contacting us to determine if a revision to the permit is necessary. Rule 1.10 pertains to Amendments, Rule 1.9 to Technical Revisions, and Rule 1.11 to Conversions.

3. On your permit anniversary date each year, October 17, you must submit an annual fee and an annual report to the Division. The annual fee for this permit is $633.00. Please consult the Act, Rules and Regulations, and your permit for specific annual report requirements applicable to your mine.

If you have any questions, please contact the Division.

Sincerely,

Anthony Waldron for

Virginia Brannon
Division Director

Enclosure
Certified Mail No.7014 2120 0001 8040 0828, Return Receipt Requested

cc: Michael Cunningham, Division of Reclamation, Mining and Safety

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

MINING AND RECLAMATION PERMIT
HARD ROCK/METAL MINING OPERATIONS

Permit Number: M-2015-017
Type of Permit: 112

Permit Date: October 17, 2016
(Anniversary date for annual report and fees purposes)

THIS PERMIT is issued by the Mined Land Reclamation Board, Department of Natural Resources, State of Colorado.

RECITALS

A. The Permittee, JRS Mining LLC desires to conduct a mining operation known as Sullivan Aggregate Pit, for the purpose of extracting Gold. Unless the permit is modified or a separate permit is issued to cover the mining and/or recovery of other minerals or extractive products, the Permittee will not mine any other commodities at this site.

B. On October 28, 2015 the Mined Land Reclamation Board (Board) approved the Permittee's application for this permit, fixed the amount of the financial warranty and directed that this permit be issued upon the filing with the Division of Reclamation, Mining and Safety (Division) of performance warranty and financial warranty (or warranties) in the amount so fixed in form and substance approved by the Division. Said warranties have been filed with the Division.

C. If the Permittee desires to extract materials other than those listed in (A), a separate permit or a permit modification may be required.

D. On October 28, 2015 the Board made the following findings:

1. The application for this permit complies with the requirements of the Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 et seq., as amended, and with all applicable local, state and federal laws;

2. The operation will not adversely affect the stability of any significant, valuable, and permanent man-made structure located within two hundred feet of the Affected Land, except where there is an agreement between the Operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the Permittee or if such an agreement cannot be reached, an engineering analysis establishes no damage will occur to the structure to the satisfaction of the Division and;

3. The proposed mining and reclamation operations can be carried out in conformance with the requirements of the Act, and the Hard Rock/Metal Mining Rules and Regulations.

E. The Permittee has made a showing satisfactory to the Board that:

1. It will employ, during and after its underground mining and/or surface operations, procedures designed to minimize environmental disturbance from such operation;

2. It will provide for reclamation of the Affected Lands appropriate to the subsequent beneficial use of such lands; and

3. In the event of the failure of its proposed reclamation plan, it will take whatever measures may be necessary to assure the success of reclamation of the lands affected by such operations in accordance with the Act.

F. A copy of the Permittee's application, as amended and supplemented, has been approved by the Board and is, by this reference, incorporated herein.

G. The issuance of this permit does not relieve the Permittee from having to comply with all applicable Federal, State and County statutes, including State water law.

GRANTS, CONDITIONS AND AGREEMENTS

The Board, in reliance upon the representations and promises made in the permit application, as amended and supplemented, and the performance warranty, hereby issues a life of the mine permit to the Permittee, to engage in the operations described in the application on certain lands lying in the County of Park, State of Colorado. These lands are described in the permit application, as amended and supplemented, and are referred to herein as the "Affected Lands".

This permit is issued subject to the following conditions and agreements:

1) The Permittee will be bound by all applicable requirements of the Act, and all applicable rules and regulations of the Board, as amended from time to time, the terms of the permit application, the terms of the performance warranty, and the terms of the financial warranty filed with the Division.

2) The Permittee will file with the Division its annual report and fees on each anniversary date of this permit.

3) If analyses of the mining and reclamation operation and the data collected through monitoring and experimentation by the Permittee or monitoring by the Division indicate that the operation will not be able to comply with the requirements of the Act and applicable rules and regulations of the Board, the Permittee hereby agrees to exercise its best efforts, after consulting with the Division, to modify the plans to correct such deficiencies in the future. Such modifications may require technical revisions or amendments to the permit.

4) The Board or its authorized representative may enter upon the lands of the permitted operation at all reasonable times for the purpose of inspection to determine whether the provisions of the Act, Rules and Regulations, and permit have been complied with pursuant to C.R.S. 34-32-121.

5) This permit may be revoked or suspended for non-compliance with the Act or applicable rules or regulations promulgated by the Board, the permit, or by violation of a Board Order.

6) a) Pursuant to 34-32-118(5) of the Act, the Board has a right of entry to reclaim the lands affected by the operation or to respond to an emergency where the Division determines that any of the conditions of C.R.S. 34-32-124.5 exist

   b) The Board will enter the lands to perform reclamation only if the Board has determined that:

      i. Reclamation required by the permit, statute, or regulations to be performed upon such lands has not been performed, or

      ii. Financial warranty forfeiture proceedings described in the Act or similar provisions of subsequent laws, if any, have been initiated.

   c) The Division, acting for the Board, will enter lands to respond to an emergency only where the Division determines that any of the conditions of Construction Material Rule 8.4.2 exist.

7) The additional conditions set forth in the attached rider, if any, are incorporated herein by reference.

   /____/ a) Rider is attached.

   /_XX_/ b) No rider is attached.

MINED LAND RECLAMATION BOARD
COLORADO DEPARTMENT OF NATURAL RESOURCES

Anthony Waldron for

Virginia Brannon
Division Director

M-AP-32