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The Broken R Ranch LLC
201 Pahlou Lane
Laramie, Wyoming 82070

FILED

OCT 27 2006

Terri A. Lorenzon, Director
Environmental Quality Council

10/27/06

Wendy Hutchinson
Joe Girardin
Environmental Quality Council
122 W. 25th Street
Herschler Bldg. Room 1714
Cheyenne WY 82002

RE: Lafarge West #06-4805

Dear Ms. Hutchinson and Mr. Giardin,

Given the order of 17th day of October 2006...please be aware that I proposed in writing and faxed to Lafarge on 10 October 2006 (see included) a number of items to be included in an amcndment to our agreement. The items were faxed to Helen Migchelbrink as she requested at the time of our meeting on 9 October 2006. Thus far, I have not heard back from Lafarge other than a confirmation that Ms. Migchelbrink did receive the faxed items. Since we are up against your deadline of 2 Nov 2006 for settlement of our differences, since my schedule is not easily changed on a moments notice and since I have not heard back from Lafarge, my hands are tied in regards to settling our differences. I am not sure that, with less than a week until the 2 November deadline, the differences can be settled.

Sincerely,

Kenneth L. Robertson

FILED

OCT 17 2006

*Terri A. Lorenzon, Director
Environmental Quality Council*

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN THE MATTER OF THE OBJECTION)
TO THE PERMIT APPLICATION)
OF LAFARGE WEST, INC.,)
TFN 4 6/221)**

Docket No. 06-4805

ORDER

The Council has received the motion to continue the October 26, 2006 hearing date and all of the parties have agreed to the continuance. It is the Council's experience that given the opportunity, objections can be worked out without the Council's involvement. Therefore, the Council **ORDERS** the following:

1. The motion to continue the October 26, 2006 hearing date is granted. The hearing will be scheduled at a later date.
2. The parties shall hold a settlement conference on or before Thursday, November 2, 2006 and shall file a joint settlement progress report with the Environmental Quality Council's office by 12:00 p.m. on November 6, 2006.

The Council's office will be available to answer any procedural questions or to assist the parties by setting up conference calls. The parties shall have two days from the date of service to serve and deliver any objections to this order.

SO ORDERED this 17TH day of October.



Wendy Hutchinson, Hearing Examiner
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134

CERTIFICATE OF SERVICE

I, Joe F. Girardin, certify that at Cheyenne, Wyoming, on the 17th day of October, 2006, I served a copy of the foregoing **ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Dr. Kenneth L. Robertson
201 Pahlow Lane
Laramie, WY 82070

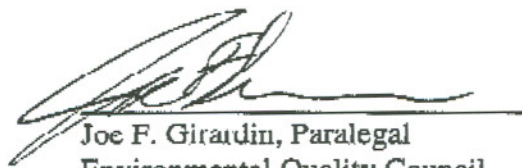
Mark A. Vigil
LaFarge North America
Western U.S. Region
10170 Church Ranch Way, Ste. 200
Westminster, CO 80021

and the following persons via interoffice mail:

John Burbridge
Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002

Richard Chancellor
Administrator
Land Quality Division
122 West 25th Street
Herschler Building
Cheyenne, WY 82002

John Corra
DEQ Administrator
122 West 25th Street
Herschler Building, 4th Fl.
Cheyenne, WY 82002



Joe F. Girardin, Paralegal
Environmental Quality Council
122 W. 25th Street,
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6134

10/10/06

Helen,

These are the items that should be included in the addendum...

- 1) Since it came up in the discussion yesterday, a definition of "mining activity" should be made. This would include removal of top soil, gravel extraction, gravel washing, stockpiling gravel on the surface, pumping water from gravel pit, recycling ponds or the pond on the west boundary(for any reason related to mining), hauling gravel from stockpiles or gravel pit, road building, crushing.
- 2) Mining activity limited to 8 months out of 12 consecutive months with the down time being December, January, February and March. This would coincide with the low water months.
- 3) Mining activity limited to 7 AM to 7PM on a day to day basis.
- 4) The east field well on our property (which was installed in March of 2006) will be the monitoring well for water measurements which will determine whether mitigation measures need to be undertaken. This well will be monitored on at least a monthly basis by Ken or Teeka Robertson and by a representative of Lafarge. If Lafarge requires additional water level measurements then access to the monitoring well will be granted with notification at least 24 hours prior to the measurement. Method of access will be determined by the time of year measurements are taken and determined by Ken or Teeka Robertson.
- 5) Depth to water measurements will be made to the top of the pipe. The distance from the top of the pipe to ground level will be subtracted from that number to get the actual depth of water below the surface. The measurement from the top of the pipe to ground will be the same with each measurement.
- 6) Since the only valid measurements we have on low water levels are from the east field well, the depth of water below the surface from which the 15% decrease will be calculated will be 3.7 feet which is the lowest water level taken just after the well was installed
- 7) At any time, if the water level in the east field well drops below 3.7 feet plus 15% of that value or more, Lafarge will be contacted by Ken or Teeka Robertson and confirmation of the water level will occur within 24 hours by Ken or Teeka Robertson and a Lafarge representative. Lafarge will cease pumping water from any water containment area (such as the gravel pit, recycling ponds or any other water containments) within 5 days of the date of the this second documented low water level. Lafarge will then have 30 days to put into effect a permanent solution to the draw down effect on Robertson's property.
- 8) The house well and the field well by the trees will not be used for decision making since water will be pumped for domestic use. These wells will continue to be monitored by us.
- 9) No water extraction will occur from the Talbott pond on the west boundary of the permit area for any mining activity nor will there be any diversion of water from the pond to be used for any mining activity until the mining project intersects the pond in a future phase of development.
- 10) Lafarge will submit the original agreement with Robertson plus this addendum to the Wyoming DEQ and EQC and formally request in writing that these agreements/addendums be made a part of the mining permit.
- 11) There will be a one time exemption for mining activity between December 1, 2006 and April 1, 2007 for road construction only.
- 12) Monitoring wells on the Talbott property will not be used to determine impacts on the Robertson property.

I would still recommend that a well be drilled north of the canal just east of the house well for monitoring purposes,

The above additions to our base agreement are not presented in a "legal" fashion but for your information and review. If you agree with the above, then either your attorney or mine can get the wording right in a formal addendum to our agreement and we can sign it.

Thank you for all your help Helen.

Ken Robertson