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PRINTED: 12/17/2002

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES AZMILS DATA

PRIMARY NAME: BURRIS MARBLE MINE

ALTERNATE NAMES:
HAMILL MARBLE MINE
DAVIDSON MARBLE QUARRY
GEORGIA MARBLE COMPANY
TUCSON CONSTRUCTION AGGREGATES

PIMA COUNTY MILS NUMBER: 349

LOCATION: TOWNSHIP 17 S RANGE 17 E SECTION 19 QUARTER SW
LATITUDE: N 31DEG 56MIN 36SEC LONGITUDE: W 110DEG 44MIN 46SEC
TOPO MAP NAME: MOUNT FAGAN - 7.5 MIN

CURRENT STATUS: PRODUCER 1996

COMMODITY:
CALCIUM MARBLE
STONE MARBLE CB
CALCIUM CACO3

BIBLIOGRAPHY:
ELEVATORSKI, E.A., ARIZ INDUSTRIAL MINERALS,
P. 51, 1978
ADMMR BURRIS MARBLE MINE FILE
GEO FILE - MIERITZ, RICHARD, 1970

11/19/96

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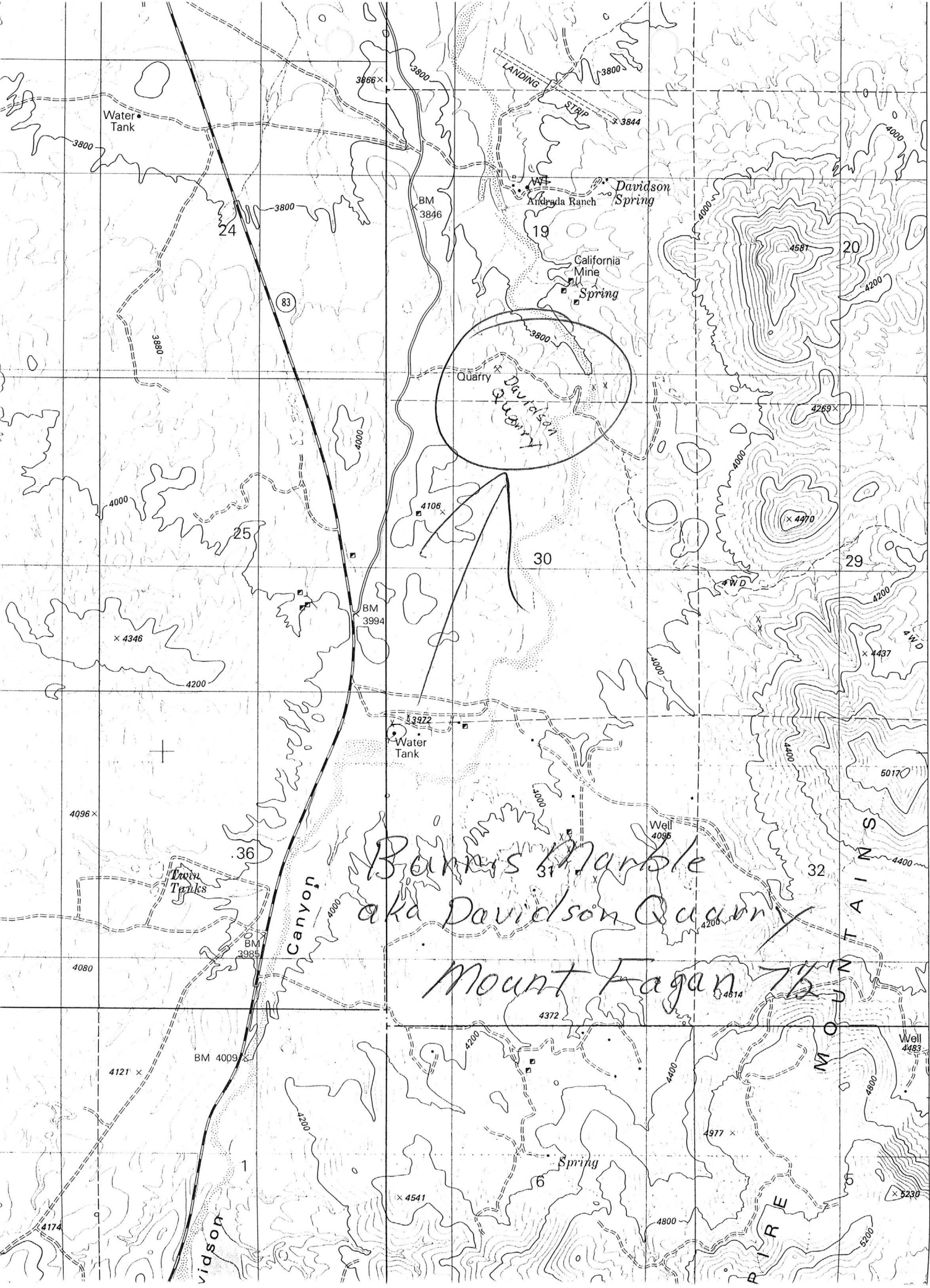
Burris Marble
aka Davidson Quarry
Mount Fagan 7½
Water Tank
LANDING STRIP
Davidson Spring
Andrada Ranch
California Mine
Spring
Quarry
Davidson Quarry
BM 3846
BM 3994
BM 3985
BM 4009
Twin Tanks
Canyon
Well 4095
Well 4483
Spring
(THE NARROWS) 3847 I NE
T 17 S
T 18 S
55′
4WD
83
24
19
20
25
30
29
36
31
32
1
6
5

From: Arizona Department of Mines and Mineral Resources *Directory of Active Mines 1997*

GEORGIA MARBLE COMPANY OF ARIZONA
16101 S. Wentworth Road, Vail, AZ 85641 - Phone (520) 762-9119, 1-800-952-2769, Fax (520) 762-5592 - Employees: 13.
Division Manager ..... J. Micheal Worley
Office Manager ..... Susan Jansen
Sales ..... Carl Cuthbertson
Andrada Marble Quarry T17S R16E Sec. 21
Davidson Quarry T17S R17E Sec. 19 [*ADMMR Burris Marble Mine file*]

Date Printed: 11/19/96

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

INFORMATION SUMMARY

Information from: **Larry Mattison**

Company: Georgia Marble Company

Address: 16101 S. Wentworth Road
City, State ZIP: Vail, Arizona 85641
Phone: 520-762-9119

MINE: **Davidson Quarry**

ADMMR Mine File: Burris Marble Mine
County: **Pima**
AzMILS Number: **349**

SUMMARY

As part of a discussion on other topics Larry Mattison also mentioned the status of the lease application before the Arizona Land Commissioner for development of additional production areas in SW, Sec 19, T.17S.,R17E. which they will call the Davidson Quarry. Itis the old Burris Marble property, Pima AZMILS 349. The decision is still before the arbitrator. Eight days of hearings were held before the arbitrator. Larry feels that the problem is simply "not in my back yard" and is fueled by the absentee owner of the Andrada Ranch that has the grazing lease from the State Land Department.

Ken A. Phillips, Chief Engineer Date: August 9, 1995

BURRIS MARBLE MINE PIMA COUNTY

MG WR 5/27/88: Visited the Burris Marble Mine, Pima County. It's location should be changed to the SW$\frac{1}{4}$, Sec 19. The property consists of several shallow quarries in coarsely crystalline, white to yellowish-white marble. There is no equipment on the property and there is no sign of recent mine actvity.

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CHICAGO, ILLINOIS 60606-1218

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(312) 782-5902

TELEFAX
(312) 782-7576

September 8, 1994

Mr. Michael Rice, Manager
Minerals Section
Arizona State Land Department
1616 West Adams
Phoenix, Arizona 85007

Dear Mike:

Re: Arizona Grazing Lease 08-84
Georgia Marble Company/Lease 11-34966
Proposed Quarry Site: Pima County; T 17 S, R 17 E, §19

This office and others represent The Andrada Ranch Limited Partnership, the Lessee under STATE LEASE 05-84.

On Thursday of last week you were kind enough to show us documents relating to Georgia Marble Company's Lease and its Plan of Operation for a quarrying facility (hereinafter, "the Plan").

THIS LETTER IS TO FORMALLY NOTIFY YOUR OFFICE OF THE LESSEE'S OBJECTION TO THE PLAN AND TO ANY QUARRYING OPERATION UNDER LEASE 11-34966 OR OTHERWISE AT THE SITE IN QUESTION.

There will follow in due course a formal listing of the many items that support the objection. In the meantime, we note that any use of the quarry would entail operating over property within STATE LEASE 05-84.

An initial review of that Plan reflects these objectionable activities, among others:

1. the operator's intention to conduct blasting operations: THERE APPEARS TO BE A MATERIAL LIKELIHOOD THAT ANY BLASTING OR CHANGE IN THE ENVIRONMENT WOULD AFFECT THE LESSEE'S VESTED AND PERFECTED WATER RIGHTS. The Lessee is the beneficiary of those water rights: to the natural spring on its deeded land and water resources in the Davidson Canyon wash.

The Lessee's ability to live with and to use these water rights is crucial to the economic viability of the ranching operation and the value of the improvements on the contiguous land owned by the Lessee.

2. the operator's intention to blast, use trucks and air drilling equipment: this will cause noise making the Lessee's headquarters area substantially unusable as a residential area.

[Continued on next page.]

The value of the Lessee's deeded property and its residential improvements will be materially and negatively impacted.

Persons working for the ranch as well as tourists and other visitors to the area would be endangered from flying rock and debris as would hunters and others who normally use this area for recreation.

3. the operator's intention to use existing roads: This usage will materially endanger persons using the existing public roads: Old Sonoita Highway, Route 83 and Sahuarita Road. These are heavily travelled roads: by tourists, residents and visitors riding horseback. These are school bus routes. Substantial residential development has occurred to the south of the quarry site and to the north of Sahuarita Road (between Davidson and Wentworth). Traffic would be materially impeded on a major traffic route (designated as a "SCENIC HIGHWAY").

It would be expected that the governmental entities and the Lessee would be entitled to benefit from substantial cash bonds to offset injury claims from third persons (not to mention reclamation expenses) and to compensate for loss of value of property owned by the Lessee and for interruptions to its ranching operations.

The proposed activity is a nuisance to all persons living in and using the public and private lands in the area.

While generally unfamiliar with Arizona law, it is our understanding that the subject lease is void under the authority of the Kadish case, there having been no indication in the material you provided that the minerals were offered at public auction and the lease providing for only a flat rate.

Other, more formal documentation will be produced as soon as practicable, should the proposed plan move ahead procedurally in your office in any way after notice to us.

We ask that your office immediately notify the operator that no action occur which in any way would justify commencement of the proposed quarrying operation.

[Continued on next page.]

LAW OFFICES OF
EDWARD U. NOTZ, P.C.

The Lessee has operated a high quality, environmentally supportive ranching operation to the benefit of the State Trust for more than 7 years. This area has become a part of the Tucson/Vail residential development to a degree that justifies no mining operations of the kind proposed by Georgia Marble. We look forward to hearing of the State's vacating its approval of the Georgia Marble plan.

Respectfully,

Edward U. Notz

EUN:mdg
cc: Munger and Munger, P.L.C. (John D. Munger, Esq.)
Snell & Wilmer (Carlos D. Ronstadt, Esq.)
Arizona Attorney General Grant Wood
and Asst. Attorney General Diane Hienton
azlr3,a,b

P.S. Please share this letter with the Commissioner, with Range Section Manager Steve Williams, Range Resources Area Manager Wally Alexander and all State Land Department Divisions.

...E MINE INSPECTOR
SEP 20 1994

LAW OFFICES OF
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September 16, 1994

Ms. Deborah Marshbanks,
Pima County Subdivision Coordinator
Public Works Building
201 North Stone Avenue
Tucson, AZ 85701

FEDERAL EXPRESS

Dear Ms. Marshbanks:

Re: Arizona Grazing Lease 05-84
Georgia Marble Company/Lease 11-34966
Georgia Marble Company Federal Lease (No. Unk.)
Proposed Quarry Site: Pima County; T 17 S, R 17 E, §19
Existing Quarry Site: Pima County; T 17 S, R 16 E, §21
Possible Mining/Quarry Site: Pima County; T 17 S, R 16 E, §25

This office and others represent The Andrada Ranch Limited Partnership, the Lessee under STATE LEASE 05-84. The undersigned is also the Manager of the ranch's operations. The Notz family's interests are the lessees under State Lease 05-84. We are homeowners in Section 19.

Earlier this month, Mr. Michael Rice of the State's Mineral Section, State Land Department, was kind enough to show us documents relating to Georgia Marble Company's Lease and its Plan of Operation for a quarrying facility (hereinafter, "the Plan") in Section 19. We understand that other mining and quarry operations may occur in Section 25. Georgia Marble's main site is in Section 25 and may involve claim(s) under Federal statute.

THIS LETTER IS TO FORMALLY NOTIFY YOUR OFFICE OF THE LESSEE'S AND OWNER'S OBJECTION TO THE PLAN AND TO ANY MINING OR QUARRYING OPERATION UNDER LEASE 11-34966 OR OTHERWISE AT THE SITE IN QUESTION OR IN SIMILAR RESIDENTIAL, PRIVATE LAND OR GRAZING AREAS IN PIMA COUNTY.

Any mining and quarrying as contemplated in the Plan or within the Sections indicated would entail operating over property within STATE LEASE 05-84 and areas within the jurisdiction of Pima County authorities.

An initial review of that Plan reflects these objectionable activities, among others:

1. the operator's intention to conduct blasting operations; THERE APPEARS TO BE A MATERIAL LIKELIHOOD THAT ANY BLASTING OR CHANGE IN THE ENVIRONMENT WOULD AFFECT THE LESSEE'S VESTED AND PERFECTED WATER RIGHTS. The Lessee is the beneficiary of those water rights: to the natural spring on its deeded land and water resources in the Davidson Canyon wash. [They may also affect water rights in the pending Adjudication Proceeding.]

[Continued on next page.]

The Lessee's ability to live with and to use these water rights is crucial to the economic viability of the ranching operation and the value of the improvements on the contiguous land owned by the Lessee.

2. The operator's intention to blast, use trucks and air drilling equipment: this will cause noise making the Lessee's headquarters area substantially unusable as a residential area.

The value of the Lessee's deeded property and its residential improvements will be materially and negatively impacted.

Persons working for the ranch as well as tourists and other visitors to the area would be endangered from flying rock and debris as would hunters and others who normally use this area for recreation.

3. The operator's intention to use existing roads: This usage will materially endanger persons using the existing public roads: Old Sonoita Highway, Route 83 and Sahuarita Road. These are heavily travelled roads: by tourists, residents and visitors riding horseback. These are school bus routes. Substantial residential development has occurred to the south of the quarry site and to the north of Sahuarita Road (between Davidson and Wentworth). Traffic would be materially impeded on a major traffic route (designated as a "SCENIC HIGHWAY").

It would be expected that the governmental entities and the Lessee and local home and property owners would be entitled to benefit from SUBSTANTIAL CASH BONDS to offset injury claims from third persons (not to mention reclamation expenses) and to compensate for loss of value of property owned by the Lessee and for interruptions to its ranching operations.

A COPY OF THE FORM OF BOND USED BY THE STATE LAND DEPARTMENT IS ENCLOSED. It would be expected that Pima County would need to be protected (as well as the State and our family's interests) from Georgia Marble's possible failure to "provide for the safety and protection of human life" incident to its "mine workings". [We suggest that your office review the insurance considerations incident to the depaving of Old Sonoita Highway several years ago in deciding whether the quarry and related operations will materially increase damage claims and insurance costs to the county. And, was the very recent resurfacing of Wentworth Road caused by the substantial increase of heavy duty truck traffic servicing the expanded quarry site south of the Sahuarita/Wentworth Roads junction?]

[Continued on next page.]

LAW OFFICES OF
EDWARD U. NOTZ, P.C.

Parenthetically, we have no notice of the filing, hearings on and approval by Pima County of any Georgia Marble development plan affecting the hundred or more families living in the Tucson/Vail area impacted by the quarrying projects. We also believe that access roads from the quarry to main roads would materially impair our ranch operations; and we will object to any roads being created, expanded or dedicated.

The proposed activity is a nuisance to all persons living in and using the public and private lands and highways in the area.

We have already pointed out to the State Land Department our understanding that the subject lease is void under the authority of the Kadish case, there having been no indication in the material provided that Federal law has been satisfied incident to the planned operation.

We ask that your office institute a review of this quarry operation (an that expanded operation of Georgia Marble at its main site at Sahuarita and Wentworth Roads) to the end of preventing any quarry operation as proposed in Section 19 or in any way interfering with State Route 83 and the existing usages in the residential areas south of Interstate 10 to the Mulberry Canyon area, from and East of the Wentworth Road area.

The Lessee and ranch owners have operated a high quality, environmentally supportive ranching operation to the benefit of the State Trust and the community for more than 7 years. This area has become a part of the Tucson/Vail residential development to a degree that justifies no mining or quarrying operations of the kind contemplated by Georgia Marble.

We hope that your office will be supportive of the Lessee's efforts to terminate these quarry operations.

Copies of this letter are being distributed, among others, to the entities and persons indicated below: in most cases updating prior correspondence to them.

Respectfully,

Edward U. Notz

EUN:mdg
Enclosure: Restoration and Damage Bond
azlr13,a,b,c/c1

cc: See list attached.

cc: Michael Rice, Manager, Minerals Section,
State Land Department
Office of the Arizona Attorney General
Att: Asst. A. G. Diane Hienton
Arizona Department of Environmental Quality
Arizona Department of Transportation
Arizona Department of Water Resources
Arizona Mine Inspector
Pima County Department of Transportation and Flood Control
Mineral Policy Center (Durango Office)
U.S. Department of the Interior
U.S. Environmental Protection Agency (Region 9)
Office of the Special Master
Munger and Munger, P.L.C. (John F. Munger, Esq.)
Snell & Wilmer (Carlos D. Ronstadt, Esq.)
Michael Williamson, President, Homeowners' Association
Michael Dinkel, President, New Tucson Homeowners' Association

STATE LAND DEPARTMENT

RESTORATION AND DAMAGE BOND

BOND NO. _____

KNOW ALL MEN BY THESE PRESENTS:

That we, _____

As Principal, and _____

a corporation organized under the laws of the State of _____, with its principal office in the City of _____, and duly authorized to transact surety business in the State of Arizona, as Surety, are held firmly bound unto the State of Arizona for the use and benefit (1) of the State of Arizona, and (2) of any lessee, under a lease issued or to be issued by the State of Arizona, covering the use of the surface of State Land hereinafter described, as Obligee, in the full penal sum of $_____ Dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this _____ day of _____, 19 _____.

WHEREAS, the above bounden Principal is about to obtain from the State of Arizona a (Permit) (Lease) Number _____, for a term of _____ years, covering the State land described as follows:

_____

_____ And

_____

WHEREAS, the Principal is required by law to file and maintain in force with the State Land Commissioner, a bond conditioned as hereinafter set forth.

NOW, THEREFORE, it is the condition and obligation of this bond that if the principal in conducting any mining exploration, development or operation fails to comply with the terms of the lease or permit, or otherwise by the end of the lease or permit, fails to provide for the safety and protection of human life and livestock by the adequate fencing and/or other closing or filling of all shafts, prospect holes, adits, tunnels and other dangerous mine workings, insofar as it is reasonable, as determined by the Commissioner, or fails to restore the surface of the subject property as nearly as possible to its condition immediately prior to the issuance of this lease or permit then the above bounden surety shall promptly pay to the State of Arizona and lessee of the surface of State land covered by the aforesaid lease or permit or across which the principal exercises the right of ingress or egress, for any loss to the State of Arizona and lessee for damage or destruction caused by the principal, his agents or employees, to land surface, grasses, forage, crops and improvements upon such State lands resulting from principal's use and occupancy of the land under the lease or permit.

PROVIDED, regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid, the Surety shall not be liable hereunder for a larger total amount, in the aggregate, than the penal sum of this bond.

PROVIDED FURTHER, the Surety named herein may cancel this bond and be relieved of any further liability hereunder by giving thirty (30) days notice, in writing, of its desire to do so to the Commissioner of the Land Department of the State of Arizona, Phoenix, Arizona.

_____ _____

_____ _____

_____ _____

SURETY PRINCIPAL