

September 16, 2013

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Ms. Sitira Pope

Colorado Department of Reclamation, Mining and Safety

1313 Sherman St. Rm 215

Denver CO 80203

SEP 20 2013
Division of Reclamation,
Mining & Safety

Dear Ms. Pope,

We are writing to request Reconsideration in the matter of Permit Application M-2013-007 per rule 2.9.1, 2.9.2, 2.9.3.

The documents from the Division of Water Resources that Staff presented at the Denver Hearing on August 14th, 2013 are new information. It is our understanding that Mr. Erickson requested comment from The DNR Division of Water Resources when the application was received. However, DWR did not reply as required by June 23rd, but rather on July 30th and August 1st. The objectors did not have access to these documents until the middle of the actual hearing, and they now appear in the file. We feel that they contain information that requires further investigation in regard to water rights and change of use as well as Rainwater collection, which is illegal under State Law.

In addition we feel that errors in the application deemed "inconsequential" by Mr. Erickson are not at all inconsequential and in fact the Rules and Regs of DRMS 1.4.1(3) requires that all applications be accurate, as signed and notarized by the applicant. There are MANY errors which were itemized for the Board on August 14th and we are requesting Reconsideration of the grounds that their decision was arbitrary and capricious rather than considering the facts of the situation. The applicant did not meet the requirements of either adequacy letter written by Mr. Erickson on June 14 and July 12th.

As defined by the DRMS Rules and Regs definition section "Aggrieved means suffering actual loss or injury, or being exposed to potential loss or injury, to legitimate interests. Such interests include, but are not limited to, business, economic, aesthetic, governmental, recreational, or conservational interests". As parties we disagree with staff's definition and conclusion that we are not aggrieved by this permit application.

We look forward to your response and are requesting direction as to how this process proceeds.

Thank you as always for your time and consideration.

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Dennis Schultz 117 North Fourth St, Montrose CO 81401

Leaster and Kathleen Stigall 67751 Uintah Ct. Montrose CO 81403

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