

**BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO**

**THE DIVISION OF RECLAMATION, MINING AND SAFETY'S RESPONSE TO
"MOTION TO DENY: (HITCH RACK RANCH QUARRY PERMIT APPLICATION)
PERMIT # M2016010"**

**IN THE MATTER OF THE APPLICATION OF TRANSIT MIX CONCRETE
COMPANY FOR A 112 CONSTRUCTION MATERIALS RECLAMATION
PERMIT, File No. M-2016-010**

The Division of Reclamation, Mining and Safety ("Division") submits its Response to "Motion to Deny: (Hitch Rack Ranch Quarry permit Application) Permit #M2016010" submitted by Sara Harper and Kathie Rawson on October 5, 2016. The Division states as follows:

- 1) Rule 2.8.1(1) of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials states,

Except as otherwise provided by statute, the proponent of an order shall have the burden of proof, and every party to the proceeding shall have the right to present its case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Subject to these rights and requirements where a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, a person conducting a hearing may receive all or part of the evidence in written form. Any party who does not attend the Board Hearing forfeits its party status and all associated rights and privileges.

- 2) The plain language of Rule 2.8.1(1) of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials supersedes any non-binding document provided to Sara Harper or Kathie Rawson which contradict Rule 2.8.1(1).

Respectfully submitted to the Colorado Mined Land Reclamation Board on
October 20th, 2016.

/s/ Scott Schultz
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CERTIFICATE OF SERVICE

I, Wallace H. Erickson, hereby certify that on this 20th day of October, 2016, I served **via electronic mail or regular mail** a true copy of the foregoing THE DIVISION OF RECLAMATION, MINING AND SAFETY'S RESPONSE TO "MOTION TO DENY: (HITCH RACK RANCH QUARRY PERMIT APPLICATION) PERMIT# M2016010" addressed to the following:

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