



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

October 24, 2016

Jerry Ritchey  
Ritchey's Redi-Mix Concrete, Inc.  
509 S Idlewild St  
Yuma, CO 80759

**RE: Incompleteness Notice; 110c to 112c Construction Materials Conversion Application;  
Krehmeyer Pit; File No. M-2005-070; Revision No. CN-02**

Dear Mr. Ritchey,

On October 13, 2016, the Division of Reclamation, Mining and Safety (Division) received the 110c to 112c Conversion Application for the Krehmeyer Pit, File No. M-2005-070. Review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit replacement pages and/or exhibits and summarize each response in a cover letter titled "Incompleteness Response; CN-02; M-2005-070".

### **APPLICATION FORM**

1. On page 2 of the application, the Primary Mine Entrance Location listed in the question 10, appears to be incorrect. Based on a review of the site with Google Earth, the actual entrance is located approximately 930 feet southwest of the coordinates provided. Please revise this with the correct coordinates and re-submit page 2 of the application from.
2. The certification page (page 7 of the application) contains an error. Jerry Ritchey is listed as the president of the Applicant/Operator, Ritcheys' Redi-Mix Concrete, Inc., but the notary has identified Jerry Ritchey as the owner. Please correct this where both the titles are matching and resubmit a new certification page.

### **EXHIBIT N – Source of Legal Right to Enter (Rule 6.4.14):**

3. Exhibit N includes the 110c gravel purchase agreement executed between the former landowner and the Applicant. The Applicant states this original agreement is still in effect, however, his agreement is not in compliance with Rule 6.4.14 for the Conversion Application. The terms of this agreement state that it expired on September 16, 2015. Additionally, this agreement was intended for the 110c permit and needs to be updated and current for the proposed 112c permit. Furthermore, the Applicant has affirmatively stated that the individuals who executed this agreement are no longer the owners of property.

Please provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation on the affected lands. This may be a copy of access lease or a signed statement by the



landowner and acknowledged by a Notary Public stating the Operator/Applicant has legal right to enter and mine.

**EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18):**

4. Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which was placed with the local County Clerk and Recorder by the Applicant. Please submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

Your 110c to 112c Conversion Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published for four consecutive weeks, stating within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 20<sup>th</sup> day after the last publication or the next regular business day.

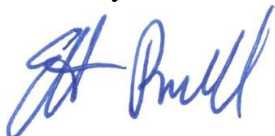
Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division shall deny the application and terminate the revision.

**The response to this Incompleteness Notice is due on or before December 23, 2016. However, since this application was required as a part of the corrective actions associated with Violation No. MV-2016-036, the response should be submitted as soon as possible.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Wally Erickson; Division of Reclamation, Mining & Safety  
Randy Schafer; 40586 Co.Rd 21, Haxtun, Co 80731