

STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Objection to Schnabel Transit Mix Groundwater misrepresentation Permit M2017049

Cheri Kimble <g.kimble@pcisys.net>

Thu, Mar 29, 2018 at 1:20 PM

To: "Eschberger - DNR, Amy" <amy.eschberger@state.co.us>

Cc: Nancy Reed <ncr.turkeycreek@gmail.com>, Rich Larsen <rlarsensh@aol.com>, Eric.Scott@state.co.us, Amanda Bradley <aab@ablawcolorado.com>, Carrie Bernstein <csb@ablawcolorado.com>

Amy and Eric,

Below is my objection to the misrepresentation to the adequacy Groundwater review item 4 submitted to you by Jerry Schnabel.

In the 2018-03-09_Permit File - M2017049 (6) page 49, 50

Under DRMS COMMENTS – ERIC SCOTT – ADEQUACY REVIEW OF GROUNDWATER INFORMATION

4) The applicant should clarify whether any attempt has been made to measure/monitor water levels in the adjacent domestic wells.

Response: *Transit Mix has requested meetings with Eagles Nest landowners, and these requests have been denied. Therefore, no water levels have been measure from the nearby locations.*

I want to **complain about this above misrepresentation and excuse from Transit Mix**. It is true that Jerry Schnabel had contacted Nancy Reed the President of our informal Eagles Nest Association. She explained to him several time that the association is not a legal HOA and that while she has contact information for some owners, she does not and cannot speak for anyone but herself.

Nancy brought up in July of 2017 that Jerry Schnabel wanted to meet with Eagles Nest owners. We all voted to say we would meet, but **only** if Jerry would write down the proposals he wanted to discuss. Jerry failed to do so after repeated conversations with only Nancy Reed who repeated the request for written proposals. It was not until **Feb 27th, 2018** (see attached letter) that I/we received the attached communication dated Feb. 26th, 2018 to Eagles Nest owners.

Please note in the attached letter that there is NO MENTION OF MONITORING ANY WELLS IN EAGLES NEST!!!!!!

I also want to point out that Richard and Sue Larson have one of the wells that the application states will be affected. They were never contacted by Jerry Schnabel. His

3/30/2018

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answer to your adequacy review is entirely inadequate and false. We appreciate that Eric thought that monitoring would be a reasonable thing that Transit Mix should do but Transit Mix doesn't really want to protect us, just make a profit at our expense.

This misrepresentation is typical of previous encounters with Jerry Schnabel and is the reason that Eagles Nest Owners want things in writing as he has misrepresented things discussed with us in his previous application with CDRMS.

I have copied Nancy Reed and Richard Larsen as well as my attorney Amanda Bradley and her associate Carrie Bernstein for their information.

regards,

Cheryl L. Kimble [719-210-9932](tel:719-210-9932)



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STATE OF
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Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Objection to Schnabel Transit Mix Groundwater misrepresentation Permit M2017049

Richard Larsen <rlarsensh@aol.com>

Thu, Mar 29, 2018 at 5:04 PM

To: Cheri Kimble <g.kimble@pcisys.net>

Cc: "Eschberger - DNR, Amy" <amy.eschberger@state.co.us>, Nancy Reed <ncr.turkeycreek@gmail.com>, Eric.Scott@state.co.us, Amanda Bradley <aab@ablawcolorado.com>, Carrie Bernstein <csb@ablawcolorado.com>

This is Richard Larsen and I absolutely concur with Ms. Kimble's written objection. Neither Mrs. Larsen or myself have ever been contacted by Transit Mix, Mr. Jerry Schnabel, or any Transit Mix representative regarding our well. This statement by Transit Mix is not accurate.

Respectfully;

Richard Larsen

719-660-9852

Rlarsensh@aol.com

Sent from my iPhone

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STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Objection to Schnabel Transit Mix Groundwater misrepresentation Permit M2017049

Nancy Reed <ncr.turkeycreek@gmail.com>

Thu, Mar 29, 2018 at 8:30 PM

To: Kimble Cheri <g.kimble@pcisys.net>

Cc: Eschberger - DNR Amy <amy.eschberger@state.co.us>, Larsen Richard & Susan <rlarsensh@aol.com>, Eric.Scott@state.co.us, Bradley Amanda <aab@ablawcolorado.com>, Carrie Bernstein <csb@ablawcolorado.com>

I concur with Cheri Kimble's statements.

While the 2016 application was in the approval process, Jerry Schnabel verbally promised a variety of things to a number of owners, but what he was saying to these owners didn't match what was in the application. We know that verbal promises can be broken so we wanted to try to get Transit Mix proposals in writing. I was trying to coordinate communications between Transit Mix and Eagles Nest owners. The owners have NOT denied Transit Mix's request for a meeting, but indicated that they wanted to have in writing what Transit Mix was proposing so that they could review the proposal prior to the meeting.

From my initial phone conversation in June 2017, I asked Jerry Schnabel to put down in writing what Transit Mix was proposing to Eagles Nest owners. He indicated that Transit Mix was willing to do that. Other than a text message in November with a VERY short list of items, the only written response we got from Transit Mix was the Feb 27 letter. That letter didn't list what Transit Mix agreed to do for Eagles Nest owners, merely what they agreed to DISCUSS with Eagles Nest owners.

Nancy Reed

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