



M-2017-049/Transit Mix Concrete Co. - Ingersoll's First Amended Witness List

Nani DeFelice <NDeFelice@mullikenlaw.com>

Wed, Apr 11, 2018 at 1:05 PM

To: "drms.temp@state.co.us" <drms.temp@state.co.us>

Cc: Steve Mulliken <Mulliken@mullikenlaw.com>, Adrian McCarthy <AMcCarthy@mullikenlaw.com>, Hilary Roland <hroland@mullikenlaw.com>

To Whom It May Concern:

Pursuant to the 3/19/2018 Order of Forrest Luke, attached for your filing and post on the division website, www.mining.state.co.us, please find the Barbara Ingersoll Marital Trust established by the Amended and Restated Trust Agreement of the Harold C. Ingersoll Revocable Trust dated August 11, 2008 ("Ingersoll")'s First Amended Witness List.

Thank you for your attention and cooperation. If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

Nani DeFelice, Paralegal

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COLORADO MINED LAND RECLAMATION BOARD Pre-Hearing Conference Officer 1313 Sherman Street, Room 215 Denver, CO 80203	
Applicant: TRANSIT MIX CONCRETE CO. DRMS File No. M-2017-049	
<u>Attorneys for Objector the Barbara Ingersoll Marital Trust established by the Amended and Restated Trust Agreement of the Harold C. Ingersoll Revocable Trust dated August 11, 2008:</u> Steven K. Mulliken, Bar No. 16709 Emory G. Allen, Bar No. 48167 MULLIKEN WEINER BERG & JOLIVET P.C. Alamo Corporate Center 102 South Tejon Street, Suite 900 Colorado Springs, CO 80903 Phone Number: (719) 635-8750 Fax Number: (719) 635-8706 E-Mail: mulliken@mullikenlaw.com callen@mullikenlaw.com	
INGERSOLL'S FIRST AMENDED WITNESS LIST	

The Barbara Ingersoll Marital Trust established by the Amended and Restated Trust Agreement of the Harold C. Ingersoll Revocable Trust dated August 11, 2008 ("Ingersoll"), by and through its attorneys, Mulliken Weiner Berg & Jolivet, PC, hereby submit its First Amended Witness List pursuant to CDRMS' Construction Material Rules 2.6 and 2.7, as follows:

I. LAY WITNESSES

Ingersoll "will call" the following witnesses:

NO.	WITNESS	SUBJECT	ANTICIPATED DURATION
1	Samuel K. Wells Co-Trustee of the Barbara Ingersoll Marital Trust 830 Tenderfoot Hill Rd., Suite 200 Colorado Springs, CO 80906 Tel: 719-576-9194	Ingersoll Ranch and planned preservation and impact of quarry.	TBD

2	Chris Burnell Turkey Canyon Ranch Estates 15575 Henry Ride Heights Colorado Springs, CO 80926 Tel: 719-321-5123	Homeowner concerns on behalf of Turkey Canon Ranch Estates.	TBD
3	Reece Eddy, Sr. Ridgeway Estates Homeowners Association 1285 Glenrock Drive Colorado Springs, CO 80926 Tel: 719-235-6414	Homeowner concerns on behalf of Ridgeway Estates HOA.	TBD
4	Weldon W. Flaharty 4190 Little Turkey Creek Road Colorado Springs, CO 80926 Tel: 719-527-1572	Elk & Mule Deer Migration.	TBD
5	Tom Fellows 11810 Valle Verde Drive Colorado Springs, CO 80926 Tel: 719-576-1923	Southwestern area comprehensive plan.	TBD
6	Paul G. Anderson, Esq. Red Rock Valley Estates Water District P.O. Box 50631 Colorado Springs, CO 80949-0631 Tel: 719 510-9420	Fragility of Red Rock Valley Water System; Water rights and impact on wells.	TBD
7	Cheryl Kimble c/o Alderman Bernstein LLC 101 University Boulevard, Suite 350 Denver, CO 80206 Tel: 720-460-4203	Road and easement issues.	TBD
8	Mark McClurg Highlands of Turkey Canon Ranch 15795 Phantom Canyon View Colorado Springs, CO 80926 Tel: 719-310-8627	Resident concerns on behalf of the Highlands of Turkey Canon Ranch.	TBD
9	Gary Kris McCowen Highway 115 Citizens Advisory Committee 3070 Little Turkey Creek Road Colorado Springs, CO 80926 Tel: 719-352-1519	Resident concerns on behalf of Highway 115 Citizens Advisory Committee.	TBD
10	Kathie Rawson Vice President, Red Rock Valley Estates 11795 Calle Corvo Colorado Springs, CO 80926 Tel: 719-576-3886	Resident concerns on behalf of Red Rock Valley Estates Residents.	TBD

11	Nancy Reed, PhD Eagle's Nest Homeowners Association 4848 Little Turkey Creek Road Colorado Springs, CO 80926 Tel: 719-445-2030	Resident concerns on behalf of the Eagle's Nest Association; concerns regarding roadway, safety and application deficiencies	TBD
12	Warren Dean 3131 Little Turkey Creek Road Colorado Springs, CO 80926 Tel: 719-440-1722	Neighbor concerns and granite supply alternatives	TBD
13	William J. Hybl President of El Pomar Foundation 10 Lake Circle Colorado Springs, CO 80906 Tel: 719-633-7733	El Pomar historic involvement with Aiken Canyon; Ingersoll gift and future plans for property; community concerns	TBD
14	Thayer R. Tutt 10 Lake Circle Colorado Springs, CO 80906 Tel: 719-633-7733	El Pomar historic involvement with Aiken Canyon; Ingersoll gift and future plans for property; community concerns	TBD
TOTAL TIME			

II. EXPERT WITNESSES

NO.	WITNESS	SUBJECT	ANTICIPATED DURATION
1	Hartmut Wright, Fire Chief Southwestern Highway 115 Fire Protection District 15580 Cala Rojo Drive Colorado Springs, CO 80926 Tel: 719-538-4787	Safety concerns and emergency access	TBD
2	Jerry P. Moore 15836 Spanish Peak View Colorado Springs, CO 80926 Tel: 832-875-7030	Hitch Rack Ranch geologic settings; adverse effect on ground water recharge and neighbors wells	TBD

3	Charles Norris, P.G. Hydrogeologist Geo-Hydro, Inc. 1928 E 14 th Avenue Denver, CO 80206 Tel: 303-322-3171	Geological impact on ground water sources	TBD
4	Jerald S. Fifield, Ph.D. Project Hydrologist Hydrodynamics, Inc. 13614 N. Winchester Way Parker, CO 80138 Tel: 303-841-0377	Hydrology, impact on surface water resources; hydrologic balance	TBD
5	Michael J. Ronayne, PhD Assistant Professor Dept. of Geosciences Colorado State University 1482 Campus Delivery Fort Collins, CO 80523-1482 Tel: 970-491-0666	Hydrogeology and hydrologic balance	TBD
6	William E. Sanford, PhD Hydrogeology Professor Dept. of Geosciences Colorado State University 1482 Campus Delivery Fort Collins, CO 80523-1482 Tel: 970-491-5929	Hydrogeology and hydrologic balance	TBD
7	Dennis McGrane 1669 Apple Valley Road Lyons, CO 80540 Tel: 303-823-5933	Hydrology and hydrologic balance	TBD
8	Brett Lewis, PE, PhD 11050 South Highway 115 Colorado Springs, CO 80926 Tel: 719-579-6995	Hydrology, Hydrologic balance and blasting impacts on fractures	TBD
9	John Sanderson, Ph.D. Director of Science The Nature Conservancy of Colorado 2424 Spruce Street Boulder, CO 80302 Tel: 303-324-2924	Scientific evaluation and significance of the environment and ecology and conservation value	TBD
10	Nancy Fishbein Director of Land Protection The Nature Conservancy of Colorado 2424 Spruce Street Boulder, CO 80302 Tel: 720-974-7007	Scientific evaluation and significance of the environment and ecology and wildlife value	TBD

11	Richard Alward, PhD ESA Certified Senior Ecologist ESA Certified UAS Remote Pilot Aridlands, LLC Natural Resource Consulting Grand Junction, CO 81507 Tel: 970-270-1973	Reclamation, restoration and ecology	TBD
12	Allyn Kratz President of Pikes Peak Chapter of Trout Unlimited P.O. Box 458 Colorado Springs, CO 80901 Tel: 719-641-4925	Wildlife	TBD
13	Renee Rondeau, Ecologist Colorado Natural Heritage Program Colorado State University 404 Adobe Dr. Hesperus, CO 81326 Tel: 970-217-9041	Colorado Heritage Program and Priorities, Reclamation & Wildlife Impact	TBD
14	Paul G. Anderson, Esq. Red Rock Valley Estates Water District P.O. Box 50631 Colorado Springs, CO 80949-0631 Tel: 719 510-9420	Water rights and impact on wells.	TBD
15	Harris D. Sherman Harris Sherman & Associates 370 17 th Street Denver, CO 80202 Tel: 303-378-7524	MLRB law and past practices; State Agency review of MLRB Permits; simultaneous judicial challenges and second application	TBD
16	Steven K. Mulliken Mulliken Weiner Berg & Jolivet P.C. 102 South Tejon Street, Suite 900 Colorado Springs, CO 80903 Tel: 719-635-8750	Ingersoll Estate Plan, Legal issues related to the Permit Application and approval standards.	TBD

Dated this 11th day of April, 2018.

MULLIKEN WEINER BERG & JOLIVET P.C.

(A duly signed original on file at office of undersigned.)

By:  /s/ Steven K. Mulliken

Steven K. Mulliken, #16709

Emory G. Allen, #48167

*Attorneys for Objector the Barbara Ingersoll Marital Trust
established by the Amended and Restated Trust Agreement
of the Harold C. Ingersoll Revocable Trust dated August
11, 2008*

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of April, 2018, a true and correct copy of the foregoing FIRST AMENDED WITNESS LIST was served on the members of the Board. Electronic copies of the above lists and exhibits were served and made available to all interested parties with email addresses via email, with a notice of the filing of the foregoing documents sent by U.S. mail to those parties without email addresses, in both cases referencing the Colorado Division of Reclamation Mining & Safety Reports and Data website www.mining.state.co.us.

(A duly signed original on file at office of undersigned.)

/s/ Nani DeFelice 

Nani DeFelice