



COLORADO

Division of Reclamation,
Mining and Safety

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

October 22, 2018

Rick Ensminger
3500 Highway 6
Haxtun, CO 80731

**Re: Follow-up Incompleteness Notice, 112c Construction Materials Amendment Application (AM-01)
Ensminger Pit #2, Permit No. M-2010-036**

Rick Ensminger:

On October 19, 2018, the Division of Reclamation, Mining and Safety (Division) received your response to our September 25, 2018 Incompleteness Notice for the 112c Construction Materials Amendment Application (AM-01) for the Ensminger Pit #2, Permit No. M-2010-036. Your corrected sheets and additional information were adequate with one exception that is listed below. The following item must be received before the Division can consider your application as being submitted/filed and technical review can begin. Please respond to this Follow-up Incompleteness Notice with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Follow-up Incompleteness Notice: M-2010-036, AM-01".

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

1. The Applicant has stated that Rick and Barbara Ensminger are the surface owners of the affected land and Marion Warren and Rick and Barbara Ensminger are the subsurface owner of the affected lands. Exhibit N only included the deed of ownership for Rick and Barbara for the source of legal right to enter. In accordance with Rule 6.3.7, please provide the source of legal right to enter for the other subsurface owner OR demonstrate that Rick and Barbara Ensminger are the sole owner of the commodity being mined and no legal right to enter documentation is needed for the other owner.

Your 112c AM-01 Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of the first Incompleteness Notice 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 application file.

The response to this Follow-up Incompleteness Notice is due on or before November 26, 2018.

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.



September 25, 2018

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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 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg". The signature is stylized with a large, looped "L" and a cursive "B".

Patrick Lennberg
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS
Randy Schafer, 40586 Co. Rd. 21, Haxtun, CO, 80731