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DIVISION OF RECLAMATION
MINING AND SAFETY

GARTH L. NIESCHBUG
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Lamar, Colorado 81052
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CITY ATTORNEY, CITY OF LAMAR

November 19, 2018

AME

Colorado Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St., Room 215
Denver, CO 80203

RE: Notice of 112 Construction Materials Reclamation Permit Amendment Application
Consideration, Prowers Aggregate Operators, LLC, West Farm Pit, Permit No. M-2008-078

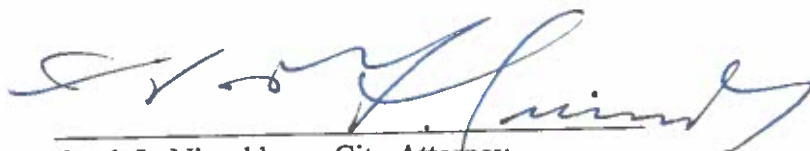
Please be advised that the City of Lamar, Colorado  **objects** to the proposed mining plan filed by application dated November 5, 2018 pursuant to the West Farm Pit, Permit No. M-2008-078.

The City of Lamar sewage lagoons and monitoring wells are located within 200 feet of the north line of the Prowers Aggregate Operators, LLC. The City of Lamar has concerns that the activities conducted and to be conducted by Prowers Aggregate Operators, LLC in or near Section 33 Township 22S, Range 46W, 6th P.M., Prowers County, could cause an environmental disaster in regard to said sewage lagoons for which the City cannot be insured.

On the last application for Permit Amendment, the City redrafted the Letter of Agreement from Prowers Aggregate Operators, LLC. Prowers Aggregate Operators, in return for the City's authorization for Prowers Aggregate Operators to conduct mining activities within 200 feet of our structures, would agree to hold the City harmless and indemnify the City for any environmental disasters caused by said mining activities. Prowers Aggregate Operators, LLC refused to sign said letter and the City did not and has not consented to the mining and reclamation activities on Prowers Aggregate Operators' land.

Please notify the City of Lamar of the time of the application hearing and/or decision scheduled for February 4, 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garth L. Nieschburg", written over a horizontal line.

Garth L. Nieschburg, City Attorney

Copy: Prowers Aggregate Operators, LLC
7991 Shaffer Parkway, Suite 200
Littleton, CO 80127

Garth L. Nieschburg, City Attorney
PO Box 654
Lamar, CO 81052

SCANNED

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Safety
Dept. of Natural Resources
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