



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

March 9, 2020

William K. Havengar
Lazy H, Inc.
34449 County Road 10
Keenesburg, CO 80643

Re: Findings of Fact, Conclusions of Law, and Order, Lazy H, Inc.
File No. M-2015-022, MV-2019-021

On March 2, 2020, the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. Because this document is the final order of the Board, it is legally binding on and affects the above-captioned operation, and we strongly advise that you read this document carefully.

Sincerely,



Camille Mojar
Board Administrator

Enclosure(s)

Certified Mail

7017 2400 0000 9205 6106

cc:
Elliott Russell
Michael Cunningham
Jeff Fugate
Scott Schultz
Charles Kooyman



**BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO**

Notice of Violation No. MV-2019-021

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

**IN THE MATTER OF THE REQUEST OF LAZY H, INC.'S REQUEST FOR
PERMIT REINSTATEMENT, File No. M-2015-022**

THIS MATTER came before the Mined Land Reclamation Board ("Board") on January 22, 2020, in Denver, Colorado as a consent agenda item for Lazy H, Inc.'s ("Operator") request for reinstatement of permit number M-2015-022.

The Board, having considered the materials presented with this consent agenda item and being otherwise fully informed of the facts in the matter, enters the following:

FINDINGS OF FACT

1. Operator holds a 111c reclamation permit for a 13.5-acre sand and overburden operation located in Section 1, Township 1 South, Range 65 West, 6th P.M. in Adams County, known as the Bootleg Quarry.
2. The Board issued an order on December 6, 2019 revoking permit number M-2015-022 for failure to submit the annual report, map, and fee that were due June 15, 2019.
3. On December 23, 2019, Operator submitted the annual report, map, and fee.
4. Operator submitted the outstanding civil penalty and a written request to reinstate permit M-2015-022 to the Division on December 27, 2019.
5. The Division recommends that the Board reinstate the permit.

CONCLUSIONS OF LAW

4. The Board has jurisdiction over this matter pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. (2019) ("Act").
5. Under section 34-32.5-124(6)(b), C.R.S., after the Board revokes an operator's permit, the operator may continue mining operations to bring it into

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND BOARD ORDER upon all parties herein by depositing
copies of same in the United States mail, first-class postage prepaid, at Denver,
Colorado, this _____ day of _____ 2020 addressed as follows:

William K. Havengar
Lazy H, Inc.
34449 County Road 10
Keenesburg, CO 80643

By inter-office mail to:

Elliott Russell
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

By intra-office mail to:

Charles J. Kooyman
Senior Assistant Attorney General
Department of Law
Business and Licensing Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203

compliance with the permit and, once those operations are completed to the satisfaction of the Board, the Board shall reinstate such permit. The Operator brought the mining operation into satisfactory compliance with permit number M-2015-022.

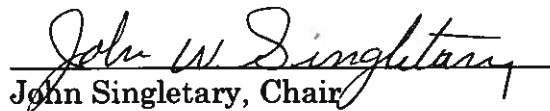
ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby enters the following order:

The Board ORDERS that permit number M-2015-022 is reinstated.

DONE AND ORDERED this 2nd day of March 2020.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD


John Singletary, Chair

NOTICE OF APPEAL RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2019) and the Colorado Rules of Civil Procedure. In the event a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND BOARD ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this _____ day of _____ 2020 addressed as follows:

By certified mail to:
7017 2400 0000 9205 6106

William K. Havengar
Lazy H, Inc.
34449 County Road 10
Keenesburg, CO 80643

By electronic mail to:

Elliott Russell
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Michael Cunningham
Division of Reclamation, Mining & Safety
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Camille Mojar, Board Administrator