



STATE OF  
COLORADO

Cunningham - DNR, Michael <michaela.cunningham@state.co.us>

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## Response to letter and request to vacate

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JM <maldonadojuliet21@gmail.com>

Wed, Apr 15, 2020 at 8:22 AM

To: Michael Cunningham - DNR <michaela.cunningham@state.co.us>, Jeff FUGATE of Counsel AG DRMS  
<Jeff.Fugate@coag.gov>, Christy Sylvester <christy@virtuallydirt.com>

Please see attached

Please note that the request for the complete unredacted CORA remains unforthcoming. We are planning on resuming production immediately

Regards

Juliet Moores



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**2020 4 14 DRMS letter in regards Forfeiture Hrng 2.pdf**  
9859K

ELK CREEK Sand & Gravel LLC  
P.O. Box 416  
CONIFER CO 80433-0416

April 14, 2020

Department of Natural Resources  
Division of Reclamation Mining and Safety  
Michael Cunningham  
Sr Environmental Specialist  
1313 Sherman St, Ste 215  
Denver CO 80203

*Walter and Clark Postal Delivery*

**URGENT In re Enforcement Actions and Stipulated in Board Hearings COLLECTIVELY (Per Letter March 13, 2020), et al MLRB 1978-208. Actions are void and as such Unenforceable as a Matter of Law and should be set aside in the interests of Public Policy. Further relief should be made available to Operator**

Dear Mr Cunningham:

Thank you for your email yesterday, which provided a partial response to questions from this office regarding the hearing.

1. You notes that the hearing could be conducted using 'zoom'. Unfortunately the Operator is in a part of Colorado overlooked in upgrades to the broadband carrying system network throughout the state, and given that our lines are copper, and of the 1954 vintage, our baud rate is always less than 3.0 and typically less than 1.7, this does not support video conferencing. In fact it supports very little at all as we pointed out to you at great length in 2018 when we attempted to upload documents in 12/7/18 and earlier, as you may recall.  
We were penalized then for the internet being unsupportive of uploads.  
It is my hope that you won't continue to penalize us. Wave made numerous requests to state agencies to try to address the matter and in fact have two 600 pair Fiber lines going through the quarry property, but we are unable to access those either. Thus videoconferencing of any type is not possible for us
2. Given (1) we would note that our phone lines here are notoriously unreliable and as we speak they have not worked for almost five days, and our service interrupted; this is usually water in the lines at the hub across the street. We note that CenturyLink has attempted to address by pouting a plastic trash bag over the box to stop moisture from

getting in but since the box is in the way of water flowing from CDOT ditch (installed 2011 ES12854-108) this has become a lot worse. This since CDOT determined the utility in diverting flows that now travel under Elk Creek road and directly impact the phone box.

My point is we have no phone service at all. Sure we pay for it. A lot actually, more than folks in Denver pay, but we are in a rural location, despite our proximity to Denver, and are routinely ignored in our requests for basic services that those living in the Metro area take for granted. Wave contacted CenturyLink numerous times. They've told us they can't do anything about the problem, that significant investment and upgrades are required, that the lines are simply very old, carrying way too much given their condition, ND in disrepair. We have been told that given the action promulgated by Governor in 3//24/20 in re COVID-19 Stay Home Mandate, that there are increased traffics during peak periods on these already overworked lines, and this additionally contributes to the problem. They've indicated it is a State Utility Commission issue and until the State elects to act on it, their hands are tied. I apologize. Trust me, it's frustrating.

I'm including a picture of the phone light on all the time no indicating that its 'busy'.

3. We note that internet is slow in this area and our signal is sporadic. As part of the REDEX Expansion, something I am so sorry you've chose not to support, that we hoped to provide a broadband relay as part of the Expansion, paid for under a USDA Grant, to better serve the folks within this community. My cell phone cannot do what you are asking either.
4. We are still awaiting the States repose to critical questions necessary and fundamental to our being able to provide a reasonable defense in a very important Hearing, one that I am sure you will agree affects the people of the State of Colorado together with the future of construction and construction price costs. As a reminder these include
  - a. A decision in regards to the issue of mandating that the Operator pursue an unenforceable and illegal/invalid requirement
  - b. Copies of the PLS survey licenses for both State and Others as relates to the determinative of relative indices promulgating decision in June24, 2019
  - c. Clarification in regards to additional queries in regards to issues of conflicting direction by state again giving rise to questions of enforceability
  - d. The Full Complete and UNDATED CORA response to request 2020-1 21 by Operator relating to issues that are both a serious public policy concern, and one that strictly and directly impacts the OPERATOR
  - e. Policy questions and other relating to ubiquitous and questionable directives relating to this Operator relative to this issues to other Operators similarly situated which form the basis for prejudice, bias and discriminatory treatment
  - f. A number of cross-jurisdictional issues, directly impacting this Operator and specifically this Hearing, Board enforcement actions and related, for which there are clear causal connections and a nexus, becomes increasingly important given State introducing arbitrary 'Operators emails', without specificity. Where there exists a connection to these cross jurisdictional issues, including those at a local



level given State is home rule state, these become material and Operator should be allowed to mount a defense that addresses any and all issues raised by staff at Hearing

5. We have had a number of potential witnesses withdraw or express concern at the actions that staff are engaged in and have indicated that these delays are becoming increasingly unacceptable. Given that the actions by the State are forcing Operator to limit the scope of its defense, increasing, once again, significantly costs that Operator is being forced to bear as a direct result of failures by staff, together with the significant and serious public policy issues, we believe that these actions are infringing upon the rights of Operator to present a timely and complete defense. We are concerned that there exists a serious violation of Operators due Process at this juncture. Moreover as staff continue to refuse to provide clear and compelling , arising from actions by State and moreover, that the enforcement action is Void as a public policy matter, in that Board did not have Subject Matter Jurisdiction

In considering the issue of enforceability, the Board promulgates action that in broad and sweeping language states that 'all earlier enforcement actions shall be in effect going back to June 24 2019' ....'... until such time that the enforcement action satisfied through the Operator submitting a 112© ...' (var.) however, given that a) the sweeping broad language for which staff have declined to answer with specificity, questions relating to certain components of the assessment, to include the 2019 Annual Report, for which also acknowledge that the Operator had not only complied with the requirement to provide the 2019 Annual Report but had in fact, submitted it and had it paid for and approved no less than 2-3 times.

Given that the prohibitions (cease and desist and penalty associated) are just as sweeping and are on their face, based upon an 'indeterminate standard' (of reasonableness'). Lab MD Inc., V Federal Trade Commission, No. 16-6270 (11<sup>th</sup> Cir. June 6, 2018) (the Decision") at 15.

In Lab MD, the Court held that it declined to uphold an FTC Order because it sets the previously ,enstioned "indeterminate standard of reasonableness". In the enforcement action promulgated by Board on Dec 3 2019, the Board based actions off of a Hearing June 24, 2019, in whuich it stipulates that the highwall in question be laid back into the adjacent parcel in order to accommodate a flatter aspect to it, and to 'develop benches'.

Without getting into the technical aspect of the issue that immediately comes to mind, which is that the slope of the highwall falls well within the envelope stitulated in the 2005 Brierley Report, and further, ~~that~~ bench bevelopment is typically a fñction of the slope aspect and svolume within the envelope developed as a results of the geotechnical canalysis,, and not the other way around as supposed by comments from staff, the issue still becomes one of unenfoceability as neither staff nor the Board has the authority to enforce compliance by requiring Operator to engage in land disturbances that are on property nor under her control

She does not own the land adjacent to the quarry. As such the enforcement action, that the Operator has beentrying for a very long period of time to obtain clarification from staff for, becimes and open ended issue of uneforceability and as such is void, thereto, so also are all associated penalties and sanctions associated with this action



Moreover, Operator further expresses serious concerns having not yet received response regarding the issue relating to the issue of the 'CERTIFICATION' Section found on Page 5 of the application

Operator is extremely concerned since this part of the 112© conversion stipulates very clearly, should the Applicant/Operator submit an application in which they are aware that enforcement actions are in place on any portion of the property in question, then they are committing perjury.

In 2017 State sued Moores in a criminal action, alleging violations which on their face were spurious given that Moores was in fact a protected party engaged in protected conduct and was further eligible for whistleblower protections, something the State denied her and her family at enormous personal cost and sacrifice. Ultimately once the State had drained Moores of all her available resources financially and otherwise, it by and through its agents at Jefferson County, imposed probationary conditions upon her, serving to further encumber her, preclude her from working and mitigating the losses arising from the retaliatory actions by State, County and Abuser in the whistleblower case.

These probationary actions are still in place.

Since then State and County have engaged in no less than some 68 assorted enforcement actions, many of which are spurious, and baseless, and for the basis for malicious prosecution, against Moores, refusing to provide her with exculpatory evidence, etc., and causing her to spend some \$2,678,119.00 in legal fees, largely arising out of her actions as a whistle-blower, and being as such a protected party engaged in protective conduct

Which is why she finds herself today in front of the Board without counsel representing herself.

State is well aware of such facts, and more so that Moores had and continues to be unfairly harassed and targeted, and that state, by insisting that as a matter of enforcement actions upon which the Forfeiture Hearing is based, that should Operator sign the CERTIFICATION, that this would mean that she was in violation of her conditions of propagation

I further note that some County attorney who sued the Moores incorrectly in regards to the grading complaint, has alleged and is currently pursuing a new action on behalf of State, specifically with the intention of causing as much emotional torment to Operator as possible

In this case, given that Operator was complaining about actions by Hickenlooper as Governor, Chief of Staff Meyer, Bob Randall and private Foundation, El Pomar, Bill Hbyl etc. together with others at the Colorado Land Board, Board of DRMS etc., and transit Mix, Jim Gidowitz Principal, etc., and said she would 'come after' the people responsible for not paying her timely for state work, denying work and otherwise engaging in the campaign of harassment, and rather than pursuing the alleged offenders in the Operators complaint, Ms Klymkowsky, acting on behalf of the State once again, saw fit instead to pursue arbitrary and capricious actions again against Operator

This time she alleged acting this time on behalf of animal control, and on behalf of the State of Colorado, to level animal neglect and cruelty charges against the Operator, knowing that the Operator relied heavily up her horses to help shore her up as she dealt with after effects of rape by and assault by sheriff's deputies, and additional traumas from a slew of additional events, including the decapitation of DRMS employee Bruce Carlson, her husband, for whom the State now alleges it can 'no longer find this records'

She was forced instead in an immeasurably brutal situation, to have her horse, an old man who had been with her through literally Hell for over 32 years, euthanize him under conditions that are nothing less than barbaric in the wholesale lack of compassion and vulgar cruelty that the state leveled against her.

Remember she is out of money because the State and Jefferson County have been suing her repeatedly over and over and over for a period of in excess of three years, no less than 97 individual actions, such that her financial resources were depleted to nothing

As such ten 10) days ago, the State euthanized the second horse, Isabella, a 23 year old mare, who was Izzy's daughter, at the behest of the attorney acting on behalf of State, Klymkowsky

It should be noted that Operator requested multiple times exculpatory evidence from several of case from Klymkowsky including a grading complaint against Operator to support the supervening litigation, from which State benefitted as Operator and Husbands taxes went up significantly as a result of the illegal litigation, but Ms Klymkowsky, despite the fact that this action is still ongoing, denied the request, stating instead that Operator would be required to 'pay \$900 'for the research *delay tactic - there is no action & she knows it -*

Same thing with exculpatory evidence in regards to the case state leveled against Operator in 2017 through end of 2018, costing her literally millions. In this case, for which she was saddled with usurious and excessive punishment t, arising from a coerced plea, she was denied the exculpatory evidence including copies of all vest or other body camera evidence which would have exonerated her

Instead she finds herself today facing jail time due to demands by State forcing her to comply with an illegal and void for unenforceable condition constraint placed upon her. Further , state has taken the never been done before step of forth placing an ADDITIONAL restraining order upon Operator on behalf of animal control and the horse they euthanized, the healthy 23 year old mare, Isabella.

So technically, the State by and through the County has deliberately and without her consent, because she says no to the other restraining order in the strongest terms possible, deliberately forced her into an extraordinary, desperate situation, deliberately bankrupting her, forcing her to consider a sale of the asset rather than the 112© that she had planned on pursuing when she somewhat naively showed the original plans to staff in 2017/2018, have themselves benefitted financially from the illegal actions that they are heaping upon Operator, and has further denied her the compensation for which she was promised, nor have they compensated her for work



performed on behalf of state agency going back to 2017, nor have they responded to one single complaint she made through the intervening years, nor did they respond when she begged for relief, at least on behalf of her family, such that they be protracted from parties including Mr Ed Vecchairelli and Mr Bill Hybl, who have threatened as recently as this morning to “kill her and cut her throat and watch the blood drain out of her face”

Then on top of it all the State refuses to allow the Operator to file rape charges against the deputy who raped her, and to add insult to injury, AG Fugate says that the State has simply ‘lost ‘the fatality records of the only person they have killed at the department of Natural Resources, DRMS. It is appalling, words fail me. How dare you. It absolutely revolting, it shocks the conscience. It certainly violates the Cannons of Ethics.

So, in conclusion, as in Lab MD, staff are effectively managing the Operators destruction and downfall, in much the same way that the court opines in LabMD that the “court is put in a position of managing (a company’s) business in accordance with (regulators) wishes...” so too have staff and Board by and through their actions, placed Operator in a commensurately miserable situation and they fail to offer clarification, and drag the process out, refusing to answer a reasonable set of question, and instead saddling Operator with cruel, non-dispositive and capricious actions, actions that are ‘indeterminate’. As in Lab MD instead staff simply passes the buck – as usual – to the Board, saying we want you to shut her down, and patently refusing to address the issues

How is the Operator supposed to comply with an unenforceable enforcement? Staff refuse to answer, and in refusing to take the bull by the horns, substantially increase the damages and delays to Operator, forcing her into bankruptcy, and enforcing a cease and desist for which the Board and staff, given the underlying Board enforcement is invalid and void as a matter of law, is also unenforceable.

Staff refuse to address the 800 lb. gorilla in the room preferring instead, to attempt to continue to contrive an exhaustive, demeaning and illegal pattern of action against the Operator, that are effectively punitive, and for which she has suffered enough

Staff does not pursue the same agenda with her male owned compatriots (See Miller HFI requesting an extension of time to prepare for hearing on or around 5/13/19 in re the Empire Mine, and at the same time Operator made similar request, also requesting sn fadministrative hearing.

Operator is consistently denied the opportunity to have a Hearing, instead rushed into the Board Hearing, and sanctioned immediately

Miller HFI is provided with relief over and over



Hence my need to have the remaining portion of the CORA without which Operator is unable to defend herself.

Board and staff have effectively constructively terminated Operator, the only woman in the industry, from her extremely lucrative rock quarry, employing underhand tactics to deliberately cause her significant financial harms. Staff and Board are well aware that fully expanded this quarry promises to be one of the largest ever seen in the United States and that its worth is on the order of billions and Operator believes such action by staff and Board are contrived, are an abuse of a person in a position of authority and are patently unenforceable.

Lastly, Operator notes that she is the single only aggregates producing facility in the State, that is not producing at this time, and as an essential business per Governor, this flies in the face of maintaining incritical and essential infrastructure.

In Conclusion, Operator requests that the underlying complaint, MV-0318, from which all actions here before the court today arise, be set aside and vacated the same way that the unenforceable cease and desist was handled in Lab MD. Vacated entirely and further, that the Operator be relieved of such burden, penalties and sanctions and immediately made whole such that she can attempt to pursue the 112© in the remaining time she has left. In order to do so Operator further requests relief in the form of loans that can be forgiven since, arising out of the illegal actions by State of Colorado and staff, Operator is not eligible for COVID -19 relief due to illegal arrests that the State/County engaged in which they refuse to turn over exculpatory Brady material that would have exonerated her

I want to be made whole

Operator demands sanctions in an amount that the Court see fit against parties and persons, including in their individual capacity, for failing to comply with Rule of Law, demanding an unenforceable provision and doing so at a time that they are commensurately engaged in frivolous litigation in violation of whistleblower protections, which Operator believes for the basis for such harassment and damaging attacks. Such sanctions to be not less than \$544 million as this is the minimum amount that Operator has been deprived of.

Operator demands that the Board and court comply with provisions under Colorado Rules of Discovery in criminal law and civil and provide the requested exculpatory evidence, and from same, further requests that the court reopen said cases and rule in vacatur, vacating the sentence, the burdensome provisions, and sanction Ms Klymkowsky who, acting on behalf of the State, has engaged in a pattern of retaliatory behavior that is tantamount to that of an attack dog.

There is no provision in statute under which the restraining order that Klymkowski so blithely leveraged on behalf of the state's action as they killed my horses, and once again Ms Klymkowski and the state are charging full tilt into unenforceable territory

*Pattern of Abuse  
malicious and manipulative actions against*

I want my money back - \$545,000,000 If you make me wait too much longer I will charge you over a billion I want my horses back - both of them I want my husband back I want my dignity back and I want the last three years back

You cant do what you did to me

Regards

Juliet

Juliet Moore  
812-901-1888

~~We are still waiting for the state to pay the reimbursement indicated in the 2020 for the overpayments made to the 2019 Annual Report for which the state, at least in part, bases enforcement actions for which the forfeiture hearing is in front of OS pending. At this point these meet triple damages - thank you.~~

# EXHIBITS

## EXHIBIT (1)

- 8 -

### Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.);
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-6.5-303, C.R.S.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued pursuant to this form. The Board may subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.*

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_.

### WITNESS LIST

\_\_\_\_\_  
Applicant or Company Name

If Corporation Attest (Seal)

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Corporate Secretary or Equivalent

Title: \_\_\_\_\_

Town/City/County Clerk



## EXHIBITS (partial)

Awaiting documents from Staff incl CORA complete  
(email etc in re HitchRack)

November 30, 2018

- (1) Each 2018 Annual Report (email electronic)
- (1) Each 'Memorandum' (electronically submitted memorandum addressed the Slope Stability Report)
- (2) each color photographic copies of the ALTA survey (Nov 30 hand del)
- (1) each check for annual report 2018 (hand del)
- (1) each late fee associated with 2018 Annual Report (hand del)
- (1) each Technical Revision 4 – WEED CONTROL PLAN (previously submitted October 2018) (hand del)
- (1) each payment (check ) assiated with submittal of Technical Revision 4 addressing deficiency outlined in MV-0318 (3/13/18)

On Dec 7, 2018 the following was additionally attached  
ELECTRONICALLY in a DROPBOX format

Given that the files would not upload to the State by email and Operator was unable to provide those any other way

- (1) Each copy 2018 Annual Report (11/30/18)
- (1) Each copy 2018 Slope stability report (1-1/2 pages entitled 'Memorandum ' addressed to staff 11/30/18)
- (1) Each copy of DRAFT ONLY 32 page Geotechnical Evaluation and Slope Stability Analysis 2018 Shaffers Crossing Moores JA and Brockman Steve PE (Colorado) (review)
- (1) Copy of initial response to bench violation with Isometric with contours on 5-0 intervals and overlay indicating the bench location throughout (4/24/18) (electronically to staff)
- (1) Copy of request for additional time to complete response to MV-0318 by Operator (4/14/18)
- (1) Copy of response by staff allowing for an additional 30 days
- (1) Photograph of signage installed (could not install earlier due to frozen ground) (ca. 5/5/18)
- (1) copy of TR 4 WEED CONTROL PLAN (hand del 11/30/18)
- (1) copy of payment (Check) (endorsed) for TR 4 (weed control lplan ) (11/30/18)
- (1) copy of payment (check) (endorsed) for 2018 Annual DRMS Report (11/30/18)
- (1) copy of payment (endorsed) (check) for late fees associ te with annual reports as required per DRMS (11/30/18)

(1) Grading Complaint in re 2017CV0366 BOCC VS Moores Rodger Summons and Complaint (2/4/17)

(1) Amended Grading Complaint: Trail Date and Amended to Add Party: BOCC VS Moores R and Moores J 2017CV0366

(5) Grading Permit BEI ENGINEERING PE., CO, (7/3/18)

(1) Copy Violation JP & Z against MOORES RL 10/13/16 and 10/17/16 and 1/17/17

(1) Copy of CU Forest AG Plan Annual Report 9/17/16 indicating that State of Colorado Endorsed the Forest Ag Road

(1) Copy CORA to JCPZ (11/21/16) requesting documents in re all CU Forest Ag Planholders at JeffCo for whom a grading permit was required

(1) COPY response from JeffCo PZ denying CORA (12/3/17)

(1) COPY alleged Disclosures from JPZ in re BOCC VS MOORES RL (2017CV0366) in which CDOT HARELSON Steve asserts that illegal discharges from SH285 at MM 231 are discharging in accordance with State law across a natural easement, something that both he and Planning and Zoning at Jefferson County are fully aware is not the case, and that such dishonesty is contributing to significant damages to the properties of both MOORES RL and MOORES J and the Elk Creek Companies, for which he and CDOT have declined to accept responsibility and declined to provide critical documentation indicating such trespass is in fact contrary to rule of law (See attached Regulations per Jefferson County: Adverse Discharge Rule, and EPA Regs 2018 \_\_\_\_\_ federal )

(1) notes in re visit Jeffco P & Z (P O'Connell, H Gutherless, Other) to property owners at 12997 S Elk Creek and 31437 Evans View following testing of samples collected from highway discharge trespassing onto private property forcing Homeowners and Landowners to assume exorbitant costs in violation of Rules of Law (Adverse Discharge)

(1) Copy EPA Regulations Federal CFR in re burdensome rules on mining operations regarding flow on to their property

(17) assorted photographs indicating culvert discharges (K), (L), and flooding, damages etc. from SH285 onto adjacent properties in violation of law (Adverse Discharge, failure to enforce implement BMPs, failure to mitigate, etc.) Negative impact to downstream and adjacent properties, impact to National Navigable Waters in contravention of USACE 404 Permit and CDOT transfer of Ownership Chain of Command, CDPHE Storm water discharge, indicates high levels toxic oils, surfactants, contributed contaminants, reported as SPILL to CDPHE Stormwater Discharge Compliance officers approx 2/3/18, pursuant to CDPHE and Jefferson County Health Dept. Regs, as an hour later once the woman receiving the information was aware that the responsibility for the spill had shifted from CDOT to Jefferson County etc.) she then indicated she could be of no further assistance. This was approx 1 week post the JC P Z visit in which staff were provided with a tour of the areas damaged and impacted by the Adverse Discharge and trespass. At that time they initially acknowledged responsibility. This subsequently denied post CDPHE report called in Landowners. She was advised that the spill was contaminating and damaging the property was potentially depositing suspended load including a variety of suspect products appeared to be hydrocarbon based, no mitigation, the damages from Chris' fatality three years earlier are still not repaired. This is representative of the double standard employed arbitrarily and capriciously against MOORES et al while at the same time no less than threw State agencies disregard their own responsibilities and fail to comply with enforcement actions against their own internal agencies. Haralson still refuses to provide details as to precisely how the State and DOT plan to address road closures necessary since the Design Engineers (HK ?>???)



declined to provide the accommodation necessary and critical to ensuring maintenance operations can be maintained alongside the busy highway while still continuing to allow an unimpeded or minimally impacted flow of traffic

(4) Various Cores to engineers at H K Design Build and Others in re Design flaws in the drainage and ramp radii and other at the SH285 MM 231 CDOT transportation intersection project in which have seen a significant increase in the harms to downstream properties affected by negative discharge including Adverse Discharge trespass and damages, other

(1) Response to CORA from CU Forest Ag Program declines to provide the Landowners affected by frivolous litigation Grading Complaint BOCC VS MOORES et al, (2017CV0366)

(1) Letter from Harelson Steve CDOT R1 Program Engineer etc. in re response to CORA in re Adverse Discharge, succession of Ownership, documentation and records in re Storm water flow discharge and any waiver or regulations allowing the damages to the downstream property, requesting site visit (no response)

(1) REPORT by OPERATOR Attn STAFF approx Aug 2018, addressing the ISSUE of the Misperception by Staff and Providing detailed Discovery in Regards to Concerns addressed by Staff (E Scott) that OPERATOR is engaged in Grading OUTSIDE THE PERMIT LIMITS. (See Cross Ref Frivolous Litigation pursued by BOCC VS MOORES et al in re 2017CV0366) indicates that these activities are a) well outside of Permit; limits, contrary to Staff Assertions, that they are b) Legal (in compliance with and pursuant to the CU Forest Ag Plan – See Appeal Letter from Mr. Lawton Grintner, Forester and Consultant to Program min which Lawton Appeals to JCPZ, asserting that their actions in pursuing the MOORES are counterproductive and misguided (11/13/16)

(3) Topsoil Maps indicating Prevailing site conditions over a specific area – demonstrate Quolluvium and disparities, other

(4) DRAINAGE MAPS and REPORTS (2005, Katherine Krager-Rovey Consultant, WEST), HDR CDOT Interchange and other indicating collection basins and other rainfall event data collection etc., which collectively provide and correspond

#### WITNESS LIST

Pending