

November 12, 2020

Scott Schultz, Esq.
Senior Assistant Attorney General
Colorado Dept. of Law
Natural Resources & Environment Section*
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 7th Floor
Denver, CO 80203

Via Electronic Mail: scott.schultz@coag.gov

Re: Hearing on Burton Pit M-1987-013

Dear Scott:

I am reaching out on behalf of our client Burton Farms, LLLP (Burton) relative to the Colorado Division of Reclamation, Mining and Safety (DRMS) Permit No. M-1987-013 (Burton Pit). The Burton Pit is a construction material mining operation consisting of 13.44 acres underlying both the Burton Property and certain real property owned by the Rio Grande Canal Water Users Association (Rio Grande).

Burton and Southway Construction, Inc. (Southway) entered into an "Agreement to Buy Material" dated May 22, 2012 where Southway agreed to purchase, process, produce, and remove any material located on the Burton Pit portion of the Burton Property, subject to certain terms and conditions including but not limited to payment of a royalty to Burton (Lease). The Lease expired on May 22, 2017. Burton and Southway have had a falling out. Burton will not grant Southway a legal right of entry.

However, Burton has an interest in re-permitting the Burton Pit either in its name or with another operator provided reclamation liability is adequately handled. The Burtons are concerned in particular with the safety risks from the existing high wall.

We respectfully request corrective actions include cooperation with the Burtons on an orderly re-permitting and release of that portion of the permit on the Burton's property in a timely manner. Further, we request that in the absence of a timely resolution, the operator be required to fully reclaim the Burton's land in accordance with the permit within 180 days of notification to the Division by the Burton's and failure to do so result in revocation and forfeiture so the Division can complete said reclamation.

Kent Holsinger, *Manager*
Alyson Meyer Gould, *Member*
Nicholas Rising

Jack Silver, *Of Counsel*
David L. Kueter, *Of Counsel*
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The Burtons plan to listen in to the hearing and will be happy to be available for questions at (719) 657-2892.

Thank you.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read 'K. Holsinger', with a stylized flourish at the end.

Kent Holsinger

CC: Burton Farms, LLLP

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