



ANDERSON NOTARIANNI
MCMAHON LLC

ATTORNEYS AT LAW
1331 17th STREET, SUITE 800
DENVER, COLORADO 80202
Telephone (303) 458-7117
www.anm-law.com

GEOFFREY P. ANDERSON
GREGORY J. NOTARIANNI
JOSHUA D. MCMAHON
KEVIN MCKAY

July 13, 2021

Sent by email to lucas.west@state.co.us

Mined Land Reclamation Board
c/o Lucas West
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Southway Construction Company, Inc.
File No. M-1987-013, MV-2021-001

Dear Board and Mr. West:

This firm represents Southway Construction Company, Inc. ("Southway"). This letter is in reference to File No. M-1987-013, MV-2021-001. On January 11, 2021, the Mined Land Reclamation Board signed a Board Order directing Southway to take certain corrective action within 180 days of the Order. The corrective action involves either obtaining a legal right of entry onto the subject property or beginning reclamation on lands (which requires an ability to enter the subject property). Southway respectfully requests a 90-day extension of its deadline under the Order. Southway to date has been unable to gain access to the subject property. However, Southway has been attempting to negotiate with the property owner (Burton Farms, LLLP) to obtain that access or perhaps find some other resolution to this matter. Southway is optimistic that it will be able to complete those negotiations within another 90 days.

Southway had previously emailed information about this request to Travis Marshall, and copies of those emails and the documents referenced within those emails are enclosed. If you

July 13, 2021

Page 2

would like more information or would like to discuss this matter further, please let me know.

Sincerely,

Joshua D. McMahon

jmcMahon@anm-law.com

Enclosures:

- 7/8/2021 email to Travis Marshall from Joshua McMahon re: Southway Construction Company, Inc.; File No. M-1987-013, MV-2021-001; Request for 90-day Extension
- 6/25/2021 email to Travis Marshall from Alonzo Salazar re: FW: File No. M-1987-013, MV-2021-001
- 6/25/2021 email to Travis Marshall from Alonzo Salazar re: FW: Southway access to the Burton Pit

cc:

Southway Construction Company, Inc. c/o Rocky Southway, by email
Travis Marshall, by email

From: [Alonzo Salazar](#)
To: [Josh McMahon](#)
Subject: FW: File No. M-1987-013, MV-2021-001
Date: Thursday, July 8, 2021 2:59:57 PM
Attachments: [SCC LTR MLRB.pdf](#)

From: Alonzo Salazar
Sent: Friday, June 25, 2021 9:09 AM
To: 'Travis Marshall' <travis.marshall@state.co.us>
Subject: FW: File No. M-1987-013, MV-2021-001

Travis,

I meant to copy you on this email that I sent out yesterday. I did receive from our attorney the email sent by

The Burton attorney yesterday and I will forward that in a separate email to you here shortly.

Thank you,

Alonzo Salazar
Rock Products, Inc.
Southwest Ready Mix, Inc.
Southway Construction Co., Inc.
Office: (719) 589-5103
Fax: (719) 589-5522
Email: alonzo@southwayco.com

From: Alonzo Salazar
Sent: Thursday, June 24, 2021 4:23 PM
To: Camille.mojar@state.co.us
Cc: Mitchell - DNR, Stephanie <stephanie.mitchell@state.co.us>; 'Means, Russ' <Russ.Means@state.co.us>; jeff.graves@state.co.us; tara.tafi@state.co.us
Subject: File No. M-1987-013, MV-2021-001

Camille Mojar,

Please see attached letter from Rock Southway, President of Southway Construction Co., Inc.

Thank you,

Alonzo Salazar
Rock Products, Inc.

Southwest Ready Mix, Inc.
Southway Construction Co., Inc.
Office: (719) 589-5103
Fax: (719) 589-5522
Email: alonzo@southwayco.com

From: [Alonzo Salazar](#)
To: [Josh McMahon](#)
Subject: FW: Southway access to the Burton Pit
Date: Thursday, July 8, 2021 2:59:47 PM
Attachments: [21.02.16 Letter to G. Bosa Re Burton Pit.pdf](#)

From: Alonzo Salazar
Sent: Friday, June 25, 2021 9:13 AM
To: 'Travis Marshall' <travis.marshall@state.co.us>
Subject: FW: Southway access to the Burton Pit

Travis,

Attached is the letter from Burton's attorney. I would like to discuss this with you and
Also expand on what we talked about in our phone conversation yesterday regarding the Board
Order
And reclamation of the Burton Pit.

Thank you for your time.

Alonzo Salazar
Rock Products, Inc.
Southwest Ready Mix, Inc.
Southway Construction Co., Inc.
Office: (719) 589-5103
Fax: (719) 589-5522
Email: alonzo@southwayco.com

From: gordwa <gordwa@aol.com>
Sent: Thursday, June 24, 2021 10:17 PM
To: Alonzo Salazar <alonzo@southwayco.com>
Subject: Fwd: Southway access to the Burton Pit

Alonso,
I am in LA. I will be back in the office on Tuesday and will call to set up a meeting then. In the meantime,
here is the letter I received from Holsinger which I only saw just now.
Gordon

-----Original Message-----

From: Kent Holsinger <kholsinger@holsingerlaw.com>
To: gordwa@aol.com <gordwa@aol.com>
Cc: burtgelb@gojade.org <burtgelb@gojade.org>; Bob Burton email <robert.burton1012@yahoo.com>
Sent: Thu, Jun 24, 2021 10:34 am

Subject: Southway access to the Burton Pit

Gordon,

Given we have received not even the courtesy of a response to our February 16 correspondence relative to Southway (attached), please advise your client they will not be permitted to access the Burton pit and any attempt to do so will be dealt with appropriately.

Thank you.

Kent

Kent Holsinger

HOLSINGER LAW, LLC

lands, wildlife and water law

www.holsingerlaw.com

1800 Glenarm Place, Suite 500 | Denver, Colorado 80202

O: (303) 722-2828 | D: (720) 330-8243 | F: (303) 496-1025

E: kholsinger@holsingerlaw.com | [Vcard](#)

*People's Choice: Best Water Lawyer in Colorado, Law Week, 2020

*Denver Business Journal Who's Who in Energy, 2018-2019

*5280 Top Lawyers in Agricultural and Rural Law, 2016-2021

*Denver Business Journal and Colorado Farm Bureau Who's Who in Agriculture, 2019

*World Speed Record in Aviation: Leadville, Colo. to Death Valley, Calif., 2019

NOTICE: this communication (including attachments) is protected by the Electronic Communication Privacy Act (18 U.S.C. 2510-2522) contains confidential and privileged information, and may be protected as an attorney-client communication. If you are not the intended recipient, or if you believe that you received this communication in error, do not print, copy, retransmit, disseminate, or otherwise use this communication or any information contained herein. Please delete this communication and notify the sender that you received it in error. Thank you.

From: [Josh McMahon](#)
To: travis.marshall@state.co.us
Cc: patrick.lennberg@state.co.us; [Rock Southway](#); [Alonzo Salazar](#); [Kevin McKay](#)
Subject: Southway Construction Company, Inc.; File No. M-1987-013, MV-2021-001; Request for 90-day Extension
Date: Thursday, July 8, 2021 3:16:00 PM
Attachments: [FW File No. M-1987-013 MV-2021-001.msg](#)
[image001.png](#)
[FW Southway access to the Burton Pit.msg](#)

Mr. Marshall:

This email is a follow-up to a voicemail that I left for you this afternoon. This firm represents Southway Construction Company, Inc. I'm emailing in reference to File No. M-1987-013, MV-2021-001. On January 11, 2021, the MLRB signed a Board Order directing Southway to take certain corrective action within 180 days of the Order. The corrective action involves either obtaining a legal right of entry onto the subject property or beginning reclamation on lands (which requires an ability to enter the subject property). Southway respectfully requests a 90-day extension of its deadline under the Order. Southway to date has been unable to gain access to the subject property. However, Southway has been attempting to negotiate with the property owner (Burton Farms, LLLP) to obtain that access or perhaps find some other resolution to this matter. Southway is optimistic that it will be able to complete the negotiations within another 90 days. If you'd like more information or would like to discuss this matter further, please let me know. Also, Southway had emailed you information about this on June 25, 2021, and those emails are attached for your reference. I've copied Travis Marshall on this email because Southway had first contacted him about this matter and Mr. Marshall directed us to you as the appropriate person to contact for this request.

I'll be out of the office tomorrow and working at a mine where I won't have cell service. If you call or email my office and I'm not available, you can also contact Kevin McKay. Kevin is copied on this email and his phone number is the same as mine, 303-458-7117.

Southway and I appreciate your time and attention to this request.

Thank you,
Josh

Joshua D. McMahon
Anderson Notarianni McMahon LLC
1331 17th Street, Suite 800
Denver, CO 80202
(303) 458-7117
anm-law.com



----- Confidentiality Notice -----

This electronic message transmission contains information from the law firm of Anderson Notarianni McMahon LLC, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended

recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by email or by telephone (303-458-7117) and delete the original message.