

STATE OF
COLORADO

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M-2024-057 The Farmers Reservoir and Irrigation Company, LLC

Philip E. Lopez <PLopez@fwlaw.com>

Tue, Sep 9, 2025 at 3:39 PM

To: "Mojar - DNR, Camille" <camille.mojar@state.co.us>, "heather@erccolorado.net" <heather@erccolorado.net>, "Lshea@erccolorado.net" <Lshea@erccolorado.net>, "tyler@erccolorado.net" <tyler@erccolorado.net>, "jc4buffs@msn.com" <jc4buffs@msn.com>, "wcaldwell@wje.com" <wcaldwell@wje.com>

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Good afternoon,

Attached please find FRICO's petition to correct clerical errors contained in the Board's September 3 Order.

Thank you.



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From: Mojar - DNR, Camille <camille.mojar@state.co.us>

Sent: Thursday, September 4, 2025 3:09 PM

To: Philip E. Lopez <PLopez@fwlaw.com>; heather@erccolorado.net; Lshea@erccolorado.net; tyler@erccolorado.net; jc4buffs@msn.com; wcaldwell@wje.com

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Subject: M-2024-057 The Farmers Reservoir and Irrigation Company, LLC

Good afternoon,,

The attached board order will go out this afternoon, via certified mail.

Please let me know if you have any questions or concerns.

Thank you,

Camie

--

Camille Mojar
Executive Assistant/MLRB Administrator
Division of Reclamation, Mining and Safety

Department of Natl Resources



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Petition to Correct Clerical Errors in Order 5.pdf
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**BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO**

**IN THE MATTER OF THE FARMERS RESERVOIR AND IRRIGATION COMPANY'S
APPLICATION FOR THE FARMERS SAND PROJECT (FILE NO. M-2024-057)**

**APPLICANT'S PETITION TO CORRECT CLERICAL ERRORS IN THE BOARD'S
SEPTEMBER 3, 2025 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

The Farmers Reservoir and Irrigation Company ("FRICO" or "Applicant"), by and through its undersigned attorneys, files the following petition to correct clerical errors in the Board's September 3, 2025 Findings of Fact, Conclusions of Law, and Order ("Order"). In support of this motion, FRICO advises the Board as follows:

1. Pursuant to the Division of Reclamation, Mining and Safety's Construction Material Rules, 2 CCR, 407-4 ("Rules"), "any party to a hearing may petition the Board to reconsider its decision . . . such petition must set forth a clear and thorough explanation of the grounds justifying consideration . . ." Rule 2.9.1(1)-(2).
2. As set forth below, the Order contains various incorrect statements and clerical errors that should be corrected to conform to the evidence presented at the July 16, 2025 Hearing. To the extent any opposer appeals the Order, the Order should be factually correct for purposes of providing any reviewing court accurate findings.
3. In the caption and introduction, the Order lists FRICO as "The Farmers Reservoir and Irrigation Company, LLC." However, FRICO is not an LLC, but a mutual ditch company as set forth in § 7-42-101 et seq. The caption and introduction of the Order should replace "The Farmers Reservoir and Irrigation Company, LLC" with simply: "The Farmers Reservoir and Irrigation Company."
4. Paragraph 15 of the Order states "Applicant is a water company that sells water to municipalities and agricultural operations, with Milton Reservoir storing water moved from the South Platte River and then to customers through a canal system." This sentence should be revised to state: "Applicant is a mutual ditch company that provides water to its shareholders for agricultural irrigation, and at times leases water to non-shareholders for industrial purposes, with Milton Reservoir storing water moved from the South Platte River and then to shareholders or other parties through a canal system."

Additionally, paragraph 15 states "Because the decrease in capacity was affecting Applicant's ability to supply its customers with sufficient water, it began dredging sediment

from the lake in 2021.” This sentence should be revised to state: “Because the decrease in capacity was affecting Applicant’s ability to supply its shareholders with the full extent of the water they are entitled to, it began dredging sediment from the lake in 2021.”

5. Paragraph 17 states “Applicant presented evidence and testimony stating that the Beebe Draw Farms Authority was not established under the metropolitan district statute and that Applicant had therefore not provided it with separate notification.” However, FRICO provided evidence that Beebe Draw Farms Authority was not a *municipality*, and therefore FRICO did not provide notice to Beebe Draw Farms Authority as required by Rule 1.6.1 for “any municipality within two (2) miles of the proposed mining operation.” See Applicants Ex. 34. Thus, this sentence should be revised to state: “Applicant presented evidence and testimony stating that the Beebe Draw Farms Authority was not a municipality and that Applicant had therefore not provided it with separate notification as required for any municipality within two miles of the mining operation as required by Rule 1.6.1.”

Respectfully submitted this 9th day of September 2025.

FAIRFIELD AND WOODS, P.C.

/s/ Philip E. Lopez

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