

STATE OF  
COLORADO

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

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John and Kim Coleman &lt;jc4buffs@msn.com&gt;

Mon, Oct 13, 2025 at 8:56 PM

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To:

Mined Land Reclamation Board

c/o Division of Reclamation, Mining and Safety

1313 Sherman Street, Room 215

Denver, CO 80203

Subject: Objection to FRICO Petition to Correct Clerical Errors – File No. M-2024-057 (Farmers Sand Project)

Dear Members of the Mined Land Reclamation Board,

As a party of record to the July 16, 2025 hearing in the matter of Farmers Reservoir and Irrigation Company's Application for the Farmers Sand Project (File No. M-2024-057), I respectfully submit this formal objection to the Petition to Correct Clerical Errors filed by the Applicant on September 9, 2025.

Pursuant to Rule 2.9.1(1)-(2) of 2 CCR 407-4, the Board may only correct clerical mistakes—those typographical or ministerial in nature that do not alter factual findings, legal conclusions, or the substance of the Board's decision. The Applicant's petition requests three corrections, only one of which qualifies under that definition.

**1. Acceptable Clerical Correction**

FRICO's request to remove "LLC" from "The Farmers Reservoir and Irrigation Company, LLC" in the caption and introduction is a legitimate clerical fix.

It corrects a typographical error and does not alter any substantive fact or conclusion of law.

**2. Substantive Change Disguised as Clerical (Paragraph 15)**

FRICO requests that Paragraph 15 of the Board's September 3, 2025 Order be rewritten from:

“Applicant is a water company that sells water to municipalities and agricultural operations ...”

to:

“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 ...”

This is not a clerical correction.

It changes the legal and factual characterization of FRICO's operations under Colorado water law and the Mined Land Reclamation Act. The distinction between a “water company that sells water” and a “mutual ditch company serving shareholders” affects the scope of regulation, oversight, and the Board's own findings regarding the nature of FRICO's commercial activities.

Such a modification may only be made through a formal motion for reconsideration under C.R.S. § 24-4-105(14)(a) and § 24-4-106(7), not via a clerical petition.

### **3. Substantive Legal Revision (Paragraph 17)**

The petition also seeks to replace the Board's original finding that:

“Applicant presented evidence and testimony stating that the Beebe Draw Farms Authority was not established under the metropolitan district statute ...”

with:

“Applicant presented evidence and testimony stating that the Beebe Draw Farms Authority was not a municipality ...”

This change is entirely legal and jurisdictional in nature, not clerical.

It redefines which local entities are entitled to notice under Rule 1.6.1, thereby impacting procedural rights of the Beebe Draw Farms Authority and adjacent districts, including D1.

Under C.R.S. § 34-32.5-112(3)(b), the Applicant must notify any municipality or local government within two miles of the proposed mining operation.

By altering the finding from “metropolitan district” to “not a municipality,” FRICO effectively rewrites the record to imply full compliance with notice requirements and eliminates the basis for future local review or appeal.

That is a substantive change with direct consequences on standing and due process.

#### **4. Limitation on Board Authority**

The Board’s authority under Rule 2.9.1 is limited to clerical or ministerial corrections.

Factual or legal alterations of this magnitude fall outside that authority and must be handled through a motion for reconsideration with new notice to all parties.

See also C.R.S. § 24-4-106(7), which restricts agency corrections to non-substantive errors, and C.R.S. § 24-4-104(3) requiring procedural due process when substantive rights are affected.

#### **5. Request for Board Action**

Accordingly, I respectfully request that the Board:

1. Approve only the correction of FRICO’s name (removal of “LLC”); and
2. Deny all other requested changes to Paragraphs 15 and 17 as they exceed the limited authority to correct clerical errors and improperly alter findings of fact and law; and
3. Preserve the original September 3, 2025 Order to ensure the record accurately reflects the Board’s deliberations and provides a proper foundation for any subsequent review by Weld County or other agencies.

Respectfully submitted,

Kim Coleman

Kim Coleman

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**From:** Philip E. Lopez <PLopez@fwlaw.com>

**Sent:** Monday, October 13, 2025 12:27:40 PM

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