



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

Response to Reclamation Permit Partial Acreage Release Request Consideration

DATE: September 4, 2014
TO: Amy Eschberger, Environmental Protection Specialist
CC: Division 2 Office; District 67 Water Commissioner
FROM: Caleb Foy, E.I.T. CRF
RE: Midwestern Farms, File No. M-1993-059
Operator: Eastern Colorado Aggregates
Contact: Leonard Read
Sec. 18, Twp. 23S, Rng. 42W, 6th P.M., Prowers County

RECEIVED
SEP 05 2014
DIVISION OF RECLAMATION
MINING AND SAFETY

CONDITIONS FOR APPROVAL

- ☒ If stormwater is contained on-site, it must infiltrate into the ground or be released to the natural stream system within 72 hours, or all work must cease until a substitute water supply plan, or augmentation plan approved by water court, is obtained. Reclamation plans must ensure water will not be retained onsite for more than 72 hours unless an augmentation plan approved by water court is obtained.
- ☒ The proposed operation will consume ground water by: ☒ evaporation, ☒ dust control, ☒ reclamation, ☒ water removed in the mined product, ☒ processing, ☐ other:.
All conditions of approval for well permit nos. 53050-F and 54629-F and terms and conditions of the decree entered by the Division 2 Water Court in case no. 02CW181 shall be followed.
- ☒ Should the combined exposed surface area of the two gravel pit ponds exceed 28.5 acres, as allowed by permit no. 53050-F, attached, the applicant shall make application to this office to repermit the gravel pit ponds for the expansion in use of permit no. 53050-F.

COMMENTS: The two gravel pit ponds are currently registered under permit no. 53050-F and operate under LAWMA's plan for augmentation decreed by the Division 2 Water Court in case no. 02CW181. Additionally, well permit no. 54629-F provides water to the site and also operates under LAWMA's plan for augmentation decreed by the Division 2 Water Court in case no. 02CW181. According to the 2014 Augmentation Plan Projection for LAWMA's case no. 02CW181, the two gravel pit ponds registered under permit no. 53050-F have an exposed surface area of 98.4 acres.

Form No.
GWS-25

**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

AUTH

APPLICANT

WELL PERMIT NUMBER

053050

F

DIV. 2

WD 67

DES. BASIN

MD

MIDWESTERN FARMS
BOX 246
WILEY, CO 81092

APPROVED WELL LOCATION

PROWERS COUNTY

NW 1/4 SW 1/4 Section 18

Township 23 S Range 42 W Sixth P.M.

DISTANCES FROM SECTION LINES

0 Ft. from Section Line

0 Ft. from Section Line

(719) 829-4350

PERMIT TO EXPOSE WATER IN A PIT

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

Page 1 of 2

CONDITIONS OF APPROVAL

- 1) These gravel pit ponds, hereinafter "well," shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137 (2) and (11) for an existing well (gravel pit) in accordance with the temporary substitute water supply plan approved by the State Engineer on November 17, 1999, for the Midwestern Farms Resources Gravel Pit, Division of Minerals & Geology Permit Number M-93-59. This well is comprised of 2 gravel pits, located in the area described above as the "Approved Well Location," and in the SE1/4 of the NE1/4, Sec. 13, Twp. 23 South, Rng. 43 West, 6th P.M. The well (pond) shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the Water Court. The water supply plan for this pit is currently valid through April 30, 2000, and if it is not extended or if a court decree is not entered for a plan for augmentation, this well permit is null and void and all use of the water must cease immediately.
- 4) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
- 5) The maximum annual amount of ground water to be appropriated shall not exceed 167.15 acre-feet with the total surface area of the proposed ground water pond limited to 28.5 acres.
- 6) The use of ground water, in addition to evaporation, is limited to dust suppression, concrete batching, and water retained in the mined material. No other use of water is allowed unless a permit therefor is approved.
- 7) A metering method must be established for pumping from this well pursuant to the Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin. (Contact the Water Division 2 Office for a list of approved well testers.)
- 8) The owner shall mark the well (ponds) in a conspicuous place with well permit number(s) and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 9) The provision of the Minimum Construction Standards in Rule 10 shall be waived for gravel pits except for Rules 10.1 and 10.2.1 regarding aquifer contaminants. The owner of the gravel pit shall take necessary means and precautions to prevent contaminants from entering the gravel pit well.
- 10) The owner shall submit, plan and cross section drawings on 8-1/2" x 11" paper showing the extent of excavation, the maximum depth of the pit; and the initial static water level.

APPROVED
KLS

State Engineer

He D. Simon

Kathleen Sullivan

Receipt No. 0444152

DATE ISSUED

DEC 21 1999

By

EXPIRATION DATE

DEC 21 2000

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 11) The boundaries of the gravel pit ponds shall be more than 600 feet from any existing well not owned by the applicant.
- 12) The use of this permit hereby cancels permit no. 43966-F.

12/16/99
DW