



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

October 14, 2014

Charles Ponchak
Consulting Geologist
15292 6050 Road
Montrose, CO 81403

RE: Comments to SR-01, Upper Animas Sand and Gravel, Permit No. M-2005-065

Dear Mr. Ponchak:

On September 19, 2014, the Division received a comment to the surety reduction request (SR-01) from the Division of Water Resources. Please find enclosed a copy of the comment.

On August 6, 2014, the Division conducted its inspection for SR-01. A copy of the Division's inspection report and recommendation for SR-01 will follow shortly.

Sincerely,

Wallace H. Erickson

Environmental Protection Specialist

Enclosure: DWR comment to SR-01, dated September 19, 2014





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 Financial Warranty Reduction Request Consideration

DATE: September 19, 2014
TO: Wallace H. Erickson, Environmental Protection Specialist
CC: Division 7 Office; District 30 Water Commissioner
FROM: Caleb Foy, E.I.T. **CRF**
RE: Upper Animas Sand and Gravel Pit, File No. M-2005-065
Operator: Las Animas County
Contact: Phil Dorenkamp, (719) 846-2931
Sec. 3, Twp. 30S, Rng. 64W, 6th P.M., Las Animas County

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SEP 22 2014

**Division of Reclamation,
Mining & Safety**

CONDITIONS FOR APPROVAL

- ☒ The proposed operation will consume ground water at Clark Pond No. 1 by: ☒ evaporation, ☒ dust control, ☐ reclamation, ☒ water removed in the mined product, ☒ processing, ☐ other:

Clark Pond No. 1 shall be operated in accordance with the decree granted by the Division 7 Water Court in case no. 11CW69, **including the requirement that the applicant apply for a new well permit for the additional uses decreed in said case.** Additionally, Clark Pond No. 1 shall be operated in accordance with permit no. 63417-F and any new permit issued by this office.

- ☒ Prior to approving a well permit in accordance with Division 7 Water Court case no. 11CW69, the applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or request a hearing before the State Engineer.
- ☒ Applicant shall operate Clark Pond No. 1, Clark Pond No. 2, and the Maggie Ditch and Pipeline in accordance with the decree entered by the Division 7 Water Court in case no. 11CW69.

COMMENTS: The decree entered by the Division 7 Water Court in case no. 11CW69 adjudicated the following three structures associated with this operation:

Clark Pond No. 2 – A conditional water storage right in the amount of 51.7 acre-feet, with the right to refill and continuously fill, for irrigation of 7,500 square feet around ponds and structures in conjunction with Clark Pond No. 1, dust suppression, piscatorial, stock watering, recreation, incidental wildlife use, and incidental aesthetics, with an appropriation date of June 30, 2006. Clark Pond No. 2 will not encounter ground water.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

DIVISION OF WATER RESOURCES

Response to Financial Warranty Reduction Request Consideration
September 19, 2014
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Maggie Ditch and Pipeline – A conditional surface water right in the amount of 0.25 cfs to continuously fill and refill Clark Pond No. 2, as described above, for all purposes, including piscatorial, incidental aesthetic, dust suppression, incidental wildlife use, recreation, irrigation, and stock watering, with an appropriation date of June 30, 2006.

Clark Pond No. 1 – A conditional ground water right in the amount of 5.63 acre-feet for irrigation of 7,500 square feet in conjunction with Clark Pond No. 2, dust suppression, piscatorial, stock watering, recreation, incidental wildlife use, and incidental aesthetics, with a surface area of 4 acres and an appropriation date of June 30, 2006.

The decree entered by the Division 7 Water Court in case no. 11CW69 did **not** concern proposed pits 3 and 4 as implied in the applicant's August 12, 2014 request for bond reduction.