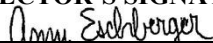




COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY
MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Midwestern Farms	MINE/PROSPECTING ID#: M-1993-059	MINERAL: Sand and gravel	COUNTY: Prowers
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger	INSP. DATE: January 21, 2015	INSP. TIME: 13:00
OPERATOR: Midwestern Farms Resource dba Eastern Colorado Aggregates	OPERATOR REPRESENTATIVE: Joe Baxter, Leonard Read	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$1,583,000.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: NA	JOINT INSP. AGENCY: Colorado Parks & Wildlife
WEATHER: Cloudy	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: February 17, 2015

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(SB) COMPLETE INSP---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	(ST) STIPULATIONS----- <u>N</u>

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

OBSERVATIONS

This inspection of the Midwestern Farms site (Permit No. M-1993-059) was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) as part of an arranged meeting with the Operator, the landowners of the affected area, and Colorado Parks and Wildlife (CPW). The meeting was held in the office on site (off of Co Rd 30.5), and included Joe Baxter and Leonard Read with Kirkland Construction, Mel DePra with Midwestern Farms, Eric and Ryan Jensen with Nova Somina, Travis Black, Rick Gardner, and Kevin Kaczmarek with CPW, and Mike Applegate and Carrie Herbolsheimer with Applegate Group. This site is located approximately 2.5 miles west of Holly, Colorado, and is situated between U.S. Hwy 50 and the Arkansas River.

This is a 112c operation permitted for 1,479.20 acres to mine sand and gravel via the floating suction dredge method to average depths of 60 feet. The maximum allowed disturbed acreage for this site is 141.80 acres. The approved post-mining land use is industrial for 49.2 acres located on the northern portion of the permit area, general agriculture (dryland farming) for 64.2 acres located on the northwestern portion of the disturbed area, and rangeland for the rest of the disturbed lands. The approved Mining Plan calls for mining in six major phases, each approximately 125 to 222 acres in size. Mining is to occur in a counter-clockwise fashion within each phase, with the mined area behind the moving pond reclaimed concurrently. The approved Reclamation Plan includes leaving two ponds per mined phase, each approximately 10-15 acres in size, with a 40 foot wide shallow shelf area (wetlands) created along the shoreline of each pond at 6H:1V slopes.

When this site was inspected on April 04, 2014, the Division found that the operation had disturbed approximately 387 acres, of which, approximately 94 acres was exposed groundwater (a 23-acre western pond and a 71-acre eastern pond). This amount of disturbance is 245.2 acres more than the approved maximum allowed disturbed acreage. In addition, the Operator indicated that the western pond was reclaimed and being managed by CPW for public fishing access. However, this portion of the permit area has not yet been released by the Division, and recreational use of the ponds is not part of the approved Reclamation Plan. The Operator has not created a wetland area along the shoreline as described in the approved plan, and the pond is much bigger in size than the approved 10-15 acres. Two Problems were cited in the April 04, 2014 Inspection Report for failure to maintain an adequate Financial Warranty and for failure to comply with the approved Mining Plan and Reclamation Plan.

One of the Corrective Actions required the Operator to submit additional bond in the amount of \$864,248.00 to account for demolishing the conveyor belt that runs over the railroad tracks, removing the large sand stockpile, grading the banks of the eastern pond to 3H:1V (currently, the eastern and southern banks have 1H:1V slopes, rising approximately 5 feet above the waterline; see Photos 1 and 2), ripping the plant area, replacing 1.5 feet of topsoil on 178 acres of disturbed land, revegetating 228.8 acres (total disturbed acreage minus the ponds and the 64.2 acre plot that had already been revegetated according to the Operator), and planting trees along the pond shorelines (as required by the approved Reclamation Plan). The Operator submitted the additional required bond in August 2014, which abated the Problem cited for inadequate Financial Warranty.

The other Corrective Action required the Operator to submit a Technical Revision to increase the maximum allowed disturbed acreage, add the post-mining land use of recreation for the ponds, and update the Mining Plan and Reclamation Plan maps. A Technical Revision (TR-03) was submitted by the Operator on August 08, 2014, which addressed the above issues and also proposed a few changes to the reclamation plan for the pond shorelines. These changes include grading the banks to 3H:1V slopes (rather than 6H:1V), and using the same seed mixture on the shorelines as that used in the rangeland mixture (rather than planting trees, shrubs, and wetland species). This revision is still in the review process, with a decision date of March 02, 2015.

At the time of the recent inspection it was cold and overcast, and the ground was covered by snow. Due to the snow cover, only the northern and eastern portions of the disturbed area were accessed by vehicle. The permit sign was posted at the entrance as required. The site was inactive; however, the dredge, processing equipment, and conveyors remain on site (Photo 3). According to Mr. DePra, the dredge has been inactive since the end of 2013. None of the large sand stockpile (approximately 325,000 CY according to the Operator) has been moved since the last inspection (Photo 4; also shown in Photo 3). However, the Operator has provided the Division with a letter of intent from a construction company to purchase all of the sand in the stockpile for a CDOT Prowers County road project on Hwy 50. During the on-site meeting, the Operator indicated that the stockpile should be gone by the end of the year. Afterward, the Operator intends to submit a Surety Reduction request to omit the costs associated with removing this large stockpile (currently \$382,181.84).

During the inspection, the Division observed the 64.2 acre area which the Operator intends to release from the permit area for use as dryland farmland (Photo 5). This area has been delineated with metal posts to separate it from the rest of the permit area. An Acreage Reduction request for this area was denied by the Division on August 25, 2014 because the post-mining land use had not yet been demonstrated. The Operator indicated that the area would be seeded with winter wheat during October 2014. This area was covered by snow during the inspection, making it difficult to measure any successful germination of the seed. The Division recommends the Operator wait until mid-spring before requesting an Acreage Reduction for this portion of the permit area.

During the on-site meeting, the primary topic of discussion was CPW's plans to purchase 700 acres from the current property owners, of which, 387 acres have been disturbed by the mining operation (not including the 49.2-acre industrial area located on the northern portion of the permit area). A Google Earth image showing the 700 acres proposed for CPW purchase in relation to the mine permit area is enclosed with this report. This property purchase is part of a fee title proposal that was submitted by the current landowners to the Colorado Wildlife Habitat Protection Program. This proposal was approved for funding by the CPW Commission on November 14, 2014. According to CPW, the property purchase is currently in the due diligence phase which includes appraising the land, and could take a year or more to complete. In the mean time, CPW would like to see the site in final reclamation, or to have contractual assurances in place that final reclamation will be completed by a specified date.

There was also discussion during the meeting about the current Reclamation Plan which was approved by the Division on February 02, 1999 in the permit Amendment (AM-01). The Division informed the group that AM-01, and any other (non-confidential) permit documents, can be accessed from the Division's website. Instructions for accessing this imaged document data are enclosed with this report. CPW indicated during the meeting that the mined land may be more desirable for particular wildlife species if some changes were made to the Reclamation Plan, especially for the pond areas. The Division informed all parties present in the meeting that any significant changes to the Reclamation Plan would require the submittal of a permit Amendment. The Operator expressed some concern about updating the Mining Plan and Reclamation Plan maps now (as initially required as a Corrective Action for the Problem cited in the April 04, 2014 Inspection Report). The Operator is uncertain whether mining activities will continue at this site. Additionally, the Operator would like to incorporate any recommendations by CPW into the updated Reclamation Plan. However, as stated in the letter sent to the Operator on January 30, 2015, the Division will not require updated Reclamation Plan and Mining Plan maps at this time, only an updated site map showing the current disturbance and layout of the site.

The Technical Revision is a Corrective Action required in order to get the site back into compliance, and any changes other than increasing the maximum disturbed acreage and adding the post-mining land use of recreation will most likely be beyond the scope of this revision. The Division recommended the Operator work with the landowners and CPW in developing a Reclamation Plan that is suitable for the desired post-mining land use(s) of the disturbed lands, and submitting this revised plan in a permit Amendment (some time after the

current revision has been approved). It is up to the Operator to decide whether or not they wish to keep the revised slope grading and seed mixture for the pond shorelines in the current revision. However, all items required for the revision to be approved must be submitted to the Division by March 02, 2015.

Also discussed at the meeting was whether or not enough topsoil was available on site for the approved reclamation. According to the approved Reclamation Plan, an average of 1.5 feet of topsoil will be replaced on disturbed lands. After the last inspection, the Division estimated that approximately 178 acres of disturbed land would require topsoil replacement. This means that approximately 430,760 CY of topsoil would be required for the current amount of disturbance. After observing the topsoil stockpiles during the recent inspection and comparing those observations with recent aerial images of the site, the Division estimates that approximately 200,000 CY of topsoil is stockpiled on site (Photos 6 and 7). If this estimate is correct, then there is not enough topsoil available on site to reclaim the disturbed lands according to the approved Reclamation Plan. Because of this deficit, the Operator will need to either revise the topsoil replacement depth to a maximum of 8 inches (which is acceptable for the current post-mining land use of rangeland), or submit a request to import the additional topsoil required to replace the approved 18 inches. This issue should be addressed in the permit Amendment. CPW stated during the meeting that leaving some sandy areas may be more desirable for specific wildlife species, and therefore, topsoil may not be required on the full 178 acres. The Division would allow some disturbed areas to not be retopsoiled if it is consistent with the post-mining land use (which would need to be changed from rangeland to wildlife habitat in the permit Amendment).

CPW also indicated during the meeting that they may wish to connect the two ponds for better recreational use, which should add no more than an acre or so of exposed groundwater. As long as the total amount of exposed groundwater is covered by a water court-approved augmentation plan, the Division would only require that the updated Reclamation Plan and Reclamation Plan Map include the final configuration of the pond. Currently, the site is covered for 98.4 acres of exposed groundwater through the Lower Arkansas Water Management Association (LAWMA), decreed by Division 2 Water Court in Case No. 02CW181. However, according to a comment the Division received from the Division of Water Resources (DWR) on September 05, 2014 (see enclosed), the Operator may need to re-permit the ponds for having more than the 28.5 surface acres currently allowed by well permit no. 53050-F. The Division informed all involved parties of this issue during the meeting. Mr. DePra indicated they were under the impression that the site was in full compliance with the DWR with the amount of exposed groundwater since the water is augmented through LAWMA. However, he agreed to contact DWR to determine what needs to be done to get the site back into compliance with their requirements. The Division will need to be informed of how this issue is resolved with DWR.

After the meeting, it is now the Division's understanding that particular parcels within the permit area may have had a change in ownership since AM-01 was approved in 1998. If this is the case, then the Operator will need to obtain legal right of entry from the new landowner of each parcel within the permit area, and submit this documentation to the Division. Rule 6.3.7 requires the Operator to provide a description of the basis for legal right of entry to the site to conduct mining and reclamation for all Owners of Record. This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the landowner and acknowledged by a Notary Public stating that the Operator has legal right to enter and mine is also acceptable. The Division understands that the landowners would like to see the site in final reclamation at this point. However, even if mining is complete, the Division still requires the Operator to maintain legal right of entry for all permitted lands.

It should be noted that the Jensens expressed concern during the meeting that their concrete-lined irrigation ditch that runs east and then south just east of the disturbed lands needs to be protected during reclamation. CPW acknowledged that during finalization of the land purchase, an easement agreement could be put in place for maintenance of the ditch. If the Jensens would like the mining operation to maintain a setback from this

ditch, they should include this in the updated right of entry agreement that is submitted to the Division. If the Operator intends to continue mining, the Mining Plan and Mining Plan Map will need to be updated, including any new setbacks and/or easements. The Operator would also need to backfill a portion of the pond to compensate for any additional acreage of exposed groundwater not covered under LAWMA's plan for augmentation. However, if the Operator decides to begin final reclamation of the site, only the Reclamation Plan and Reclamation Plan Map will need to be updated to reflect any changes from the approved plan.

Although no Problems are cited in this report, there are several issues outlined above which should be addressed by the Operator in a timely fashion. The Division will follow up on these issues within the coming months. The primary focus at this time is on getting the current revision (TR-03) approved in order to get this site back into compliance.

At CPW's request, the Division will meet with the Real Estate Specialist who has been assigned to the land proposal, Ms. Jackie Corday, to discuss the approved Reclamation Plan for this site. Currently, this meeting is scheduled for March 06, 2015.

This concludes the inspection.

PHOTOGRAPHS



Photo 1. View looking south from eastern edge of eastern pond, showing pond banks with slope gradients of near vertical to 1H:1V, rising approximately 5 feet from waterline.



Photo 2. View looking north from eastern edge of eastern pond, showing pond banks with slope gradients of near vertical to 1H:1V, rising approximately 5 feet from waterline.



Photo 3. View looking west from eastern edge of eastern pond, showing processing area, dredge sitting inactive (near center), and large sand stockpile (indicated).



Photo 4. View looking west from eastern edge of eastern pond, showing large sand stockpile to be removed by the end of the year.



Photo 5. View looking southeast from northern permit boundary across 64.2 acre area to be released as dryland farmland (general agriculture).



Photo 6. View looking east from northern permit boundary, showing portion of topsoil stockpile located northwest of mined area.



Photo 7. View looking southeast from northern permit boundary, showing portion of topsoil stockpile (indicated) located north/northeast of mined area.

Inspection Contact Address

Joe C. Baxter
Midwestern Farms Resource dba Eastern Colorado Aggregates
P.O. Box 580
Rye, CO 81069

Enclosure(s): Google Earth image of Midwestern Farms site showing 700 acre area to be purchased by CPW
Instructions for accessing permit files from the Division's website
DWR comment, received by the Division on September 05, 2014

CC: Leonard Read
Kirkland Construction
P.O. Box 580
Rye, CO 81069

Mel DePra
Midwestern Farms
P.O. Box 246
Wiley, CO 81092

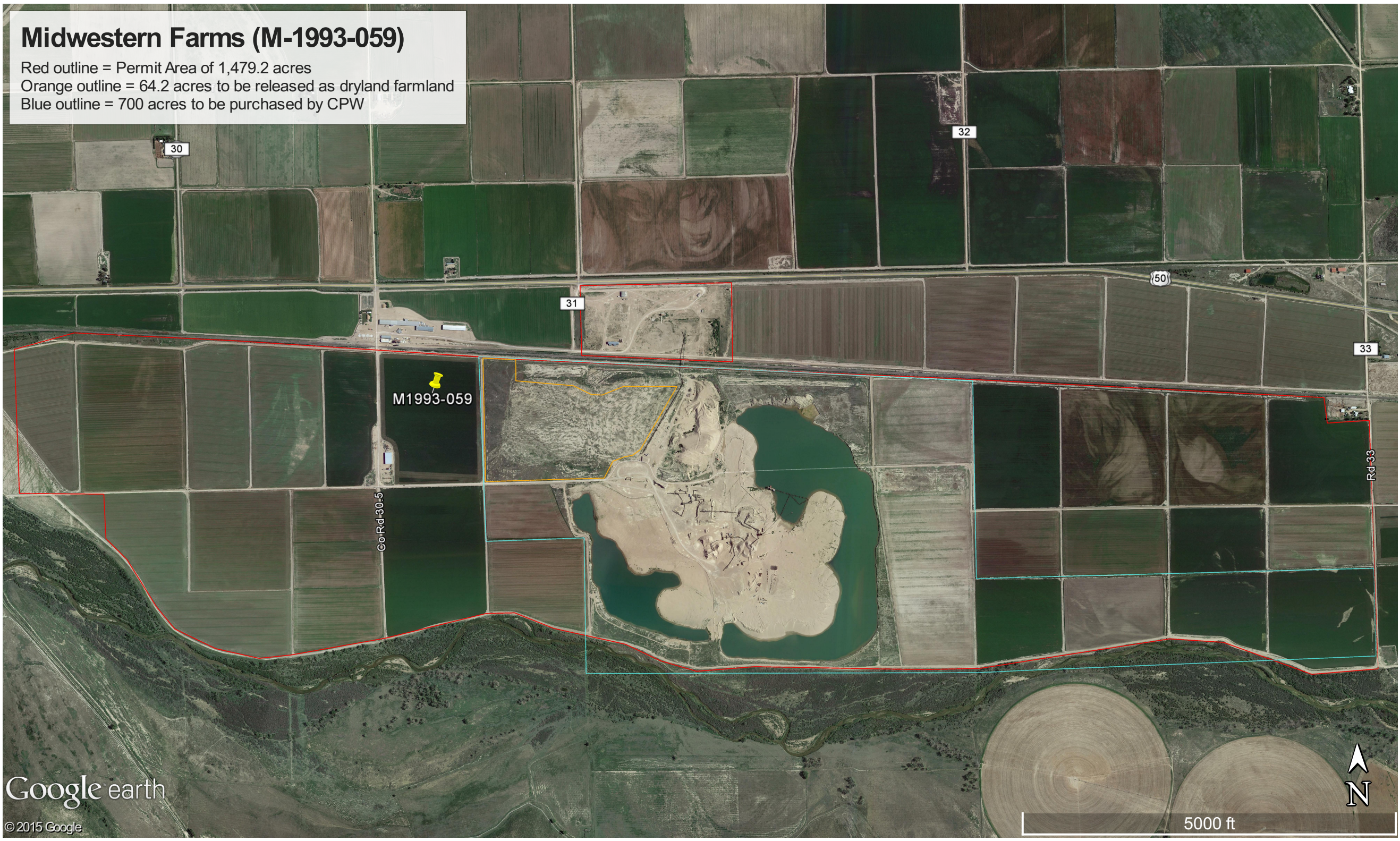
Travis Black
Colorado Parks and Wildlife
Via Email: travis.black@state.co.us

Mike Applegate
Applegate Group, Inc.
1490 W. 121st Ave., Suite 100
Denver, CO 80234

Jackie Corday
Colorado Parks and Wildlife
Via Email: jackie.corday@state.co.us

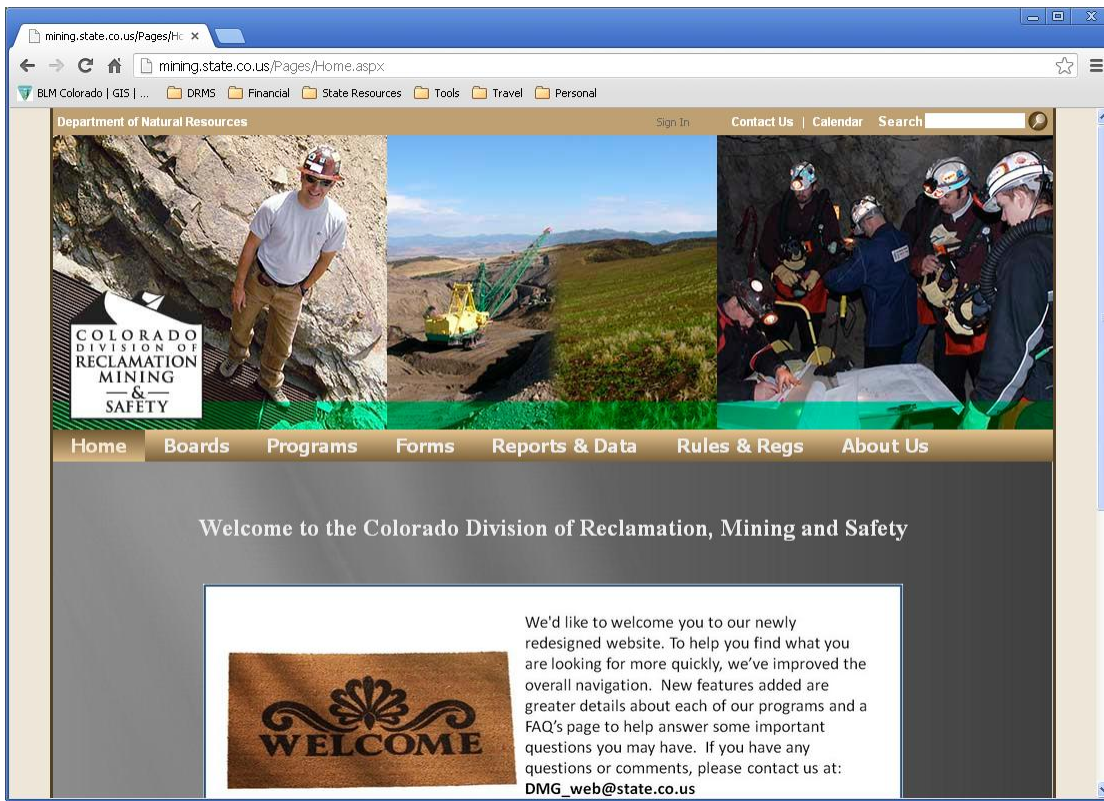
Tom Kaldenbach, DRMS

Midwestern Farms (M-1993-059)
Red outline = Permit Area of 1,479.2 acres
Orange outline = 64.2 acres to be released as dryland farmland
Blue outline = 700 acres to be purchased by CPW

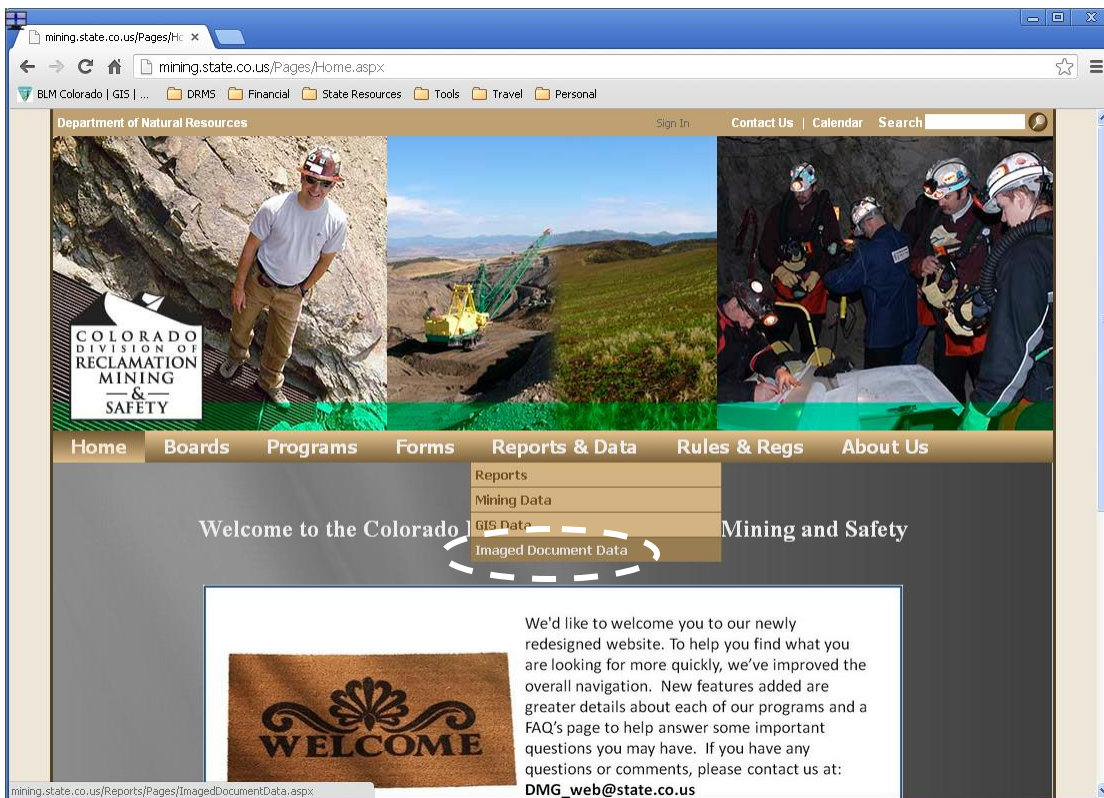


Step-by-step Instructions to Access Public Files Submitted to the Division of Reclamation, Mining and Safety (Minerals and Construction Materials – this does NOT include the Coal Mine Program).

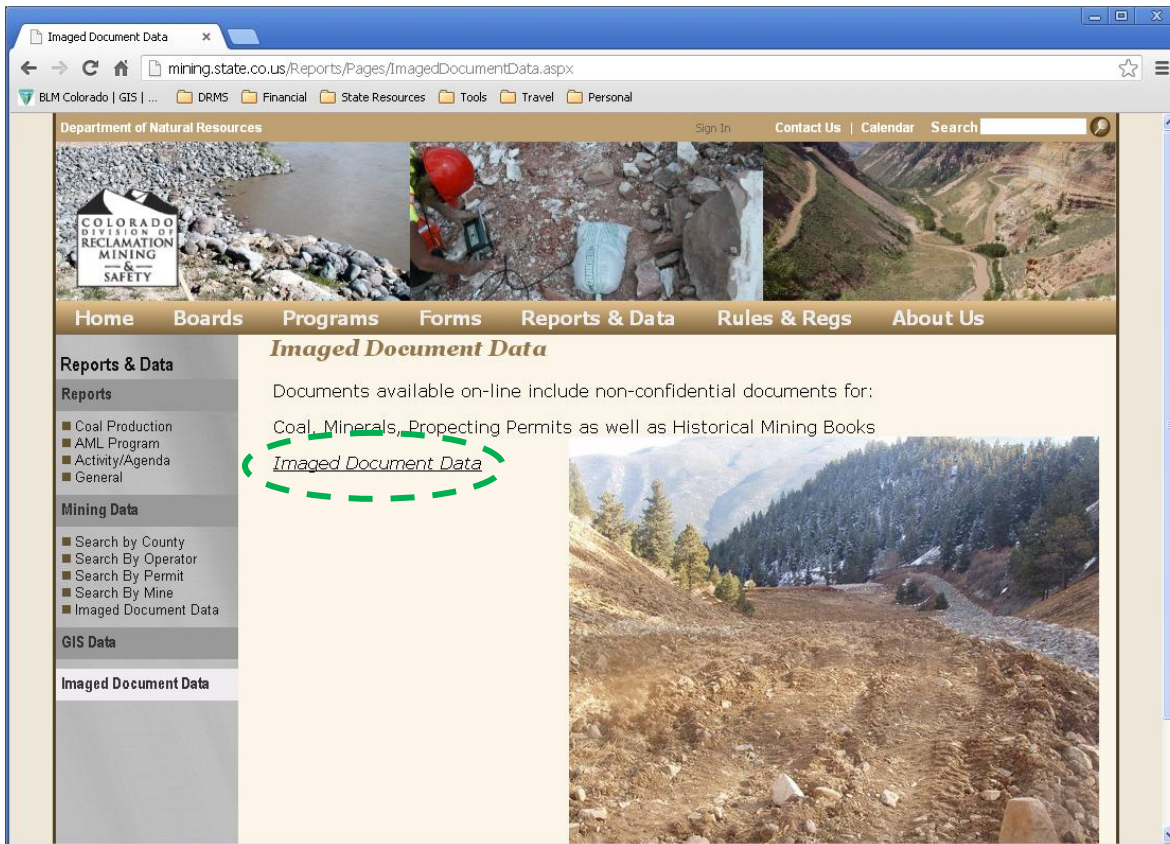
1. Access our website: <http://mining.state.co.us/>



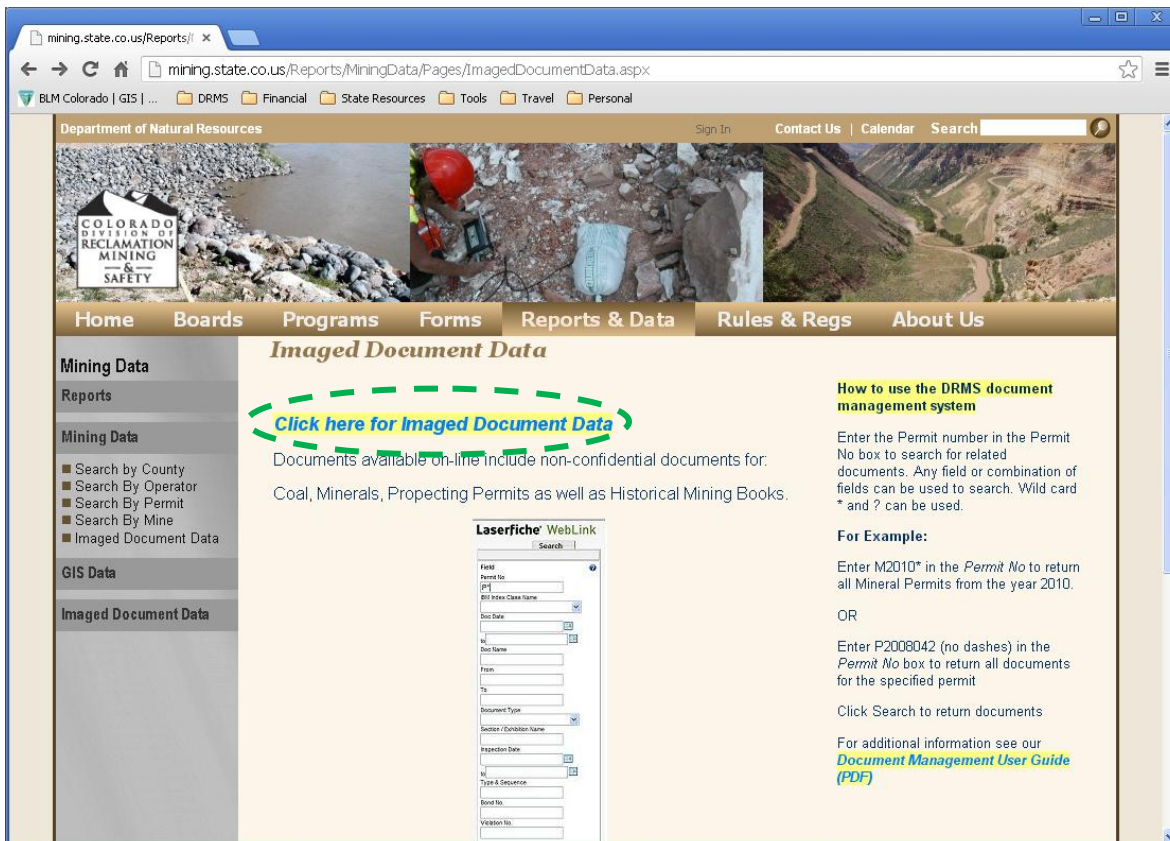
2. Select on “[Reports & Data](#)”.
3. Click on “[Imaged Document Data](#)”.



4. Click on "[*Imaged Document Data*](#)" to access the Laserfiche Weblink.



5. Click on "[*Click here to use the DRMS document Management System*](#)" to access the Laserfiche Weblink



6. Enter the DRMS Permit Number (do not include dashes) in the box below “Permit No”. For example, *M1973002*, and click the “Search” button:

The screenshot shows the Laserfiche WebLink search interface. The 'Permit No' field is highlighted with a red circle, and a red arrow points to the 'Search' button. The search criteria are as follows:

Field	Value
Template	DRMS Permit Index
Permit No	m1973002
IBM Index Class Name	

7. This will pull up all the documents for the particular mine permit you entered in Step 5:

The screenshot shows the search results for the permit M1973002. The results are displayed in a table with the following columns: Name, Hits, Page Count, Permit No, IBM Index Class Name, Doc Date, Doc Name, and From. The table contains 24 entries, with the first 10 shown in the screenshot. The search criteria are as follows:


Field	Value
Template	DRMS Permit Index
Permit No	m1973002
IBM Index Class Name	

Name	Hits	Page Count	Permit No	IBM Index Class Name	Doc Date	Doc Name	From
BOND50628	0	6	M1973002	Bonding	8/12/1996 12:00:00 AM	DEED OF TRUST TO SECURE FINANCIAL WARRANTY OR WARRANTIES FUTURE ADVANCES	
BOND51176	0	2	M1973002	Bonding	2/23/1999 12:00:00 AM	RELEASE OF DEED OF TRUST CAMAS COLO INC DBA COOLEY GRAVEL CO THORNTON PIT PN M-73-002 MORRISON	DMG
BOND51785	0	3	M1973002	Bonding	1/9/1996 12:00:00 AM	MORRISON QUARRY DEED OF TRUST PN M-73-021 AM4	DMG
BOND52148	0	21	M1973002	Bonding	8/19/1993 12:00:00 AM	APPRAISAL OF QUARRY AGGREGATE MORRISON QUARRY CONSTRUCTION AGGREGATES APPRAISAL	PAUL G GES
BOND52370	0	2	M1973002	Bonding	5/14/1996 12:00:00 AM	COOLEY GRAVEL CO DEED OF TRUST & CORPORATE SURETY THORNTON PIT ADAMS COUNTY PN M-73-002	DMG
BOND54249	0	8	M1973002	Bonding	2/12/1996 12:00:00 AM	FINANCIAL WARRANTY CORPORATE SURETY	
BOND56312	0	7	M1973002	Bonding	12/22/1998 12:00:00 AM	FINANCIAL WARRANTY CORPORATE SURETY	
BOND56391	0	5	M1973002	Bonding	8/18/1997 12:00:00 AM	DEED OF TRUST TO SECURE FINANCIAL WARRANTY OR WARRANTIES FUTURE ADVANCES	
BOND57734	0	3	M1973002	Bonding	12/22/1998 12:00:00 AM	PERFORMANCE WARRANTY	
BOND57849	0	1	M1973002	Bonding	6/5/2006 12:00:00 AM	Financial Warranty Decrease Acceptance	DMG sme
BOND58931	0	1	M1973002	Bonding	1/8/1999 12:00:00 AM	THORNTON PLANT SITE PN M73-002 RECLAMATION BOND	CAMAS COLC
BOND61923	0	2	M1973002	Bonding	11/25/1983 12:00:00 AM	FINANCIAL WARRANTY BOND FOR PN 73-2	MLRD
BOND61939	0	1	M1973002	Bonding	8/24/1998 12:00:00 AM	THORNTON PLANT SITE RECLAMATION COST & FINANCIAL WARRANTY PN M-73-002	DMG
BOND62764	0	5	M1973002	Bonding	8/12/1996 12:00:00 AM	FINANCIAL WARRANTY AND CONDITIONAL PROMISSORY NOTE FOR THE USE WITH DEED OF TRUST	
BOND65097	0	8	M1973002	Bonding	8/12/1996 12:00:00 AM	FINANCIAL WARRANTY CORPORATE SURETY	
BOND68149	0	5	M1973002	Bonding	8/20/1993 12:00:00 AM		HALEY & ALD
BOND71536	0	1	M1973002	Bonding	1/14/1985 12:00:00 AM	IRREVOCABLE LETTER OF CREDIT 18521 COOLEY GRAVEL CO	THE FIRST N
BOND71860	0	24	M1973002	Bonding	8/20/1993 12:00:00 AM	DEED OF TRUST & FINANCIAL WARRANTY FOR PN M-73-002 M-73-021 M-83-024 M-86-146 & M-89-066	ECC CONSTI
BOND72125	0	2	M1973002	Bonding	6/2/2006 12:00:00 AM	Surety Rider	Hartford Fire I
BOND72940	0	1	M1973002	Bonding	12/17/1996 12:00:00 AM	COOLEY GRAVEL CO REPLACEMENT BOND DEED OF TRUST & CORPORATE SURETY	DMG


8. It can be very helpful to click on the “Doc Date”. This will sort the documents by the date received. (Note older documents without a date will have blank dates and come up first. Clicking on “Doc Date” a second time will sort the documents in order to the most recently submitted document on the top of the list.

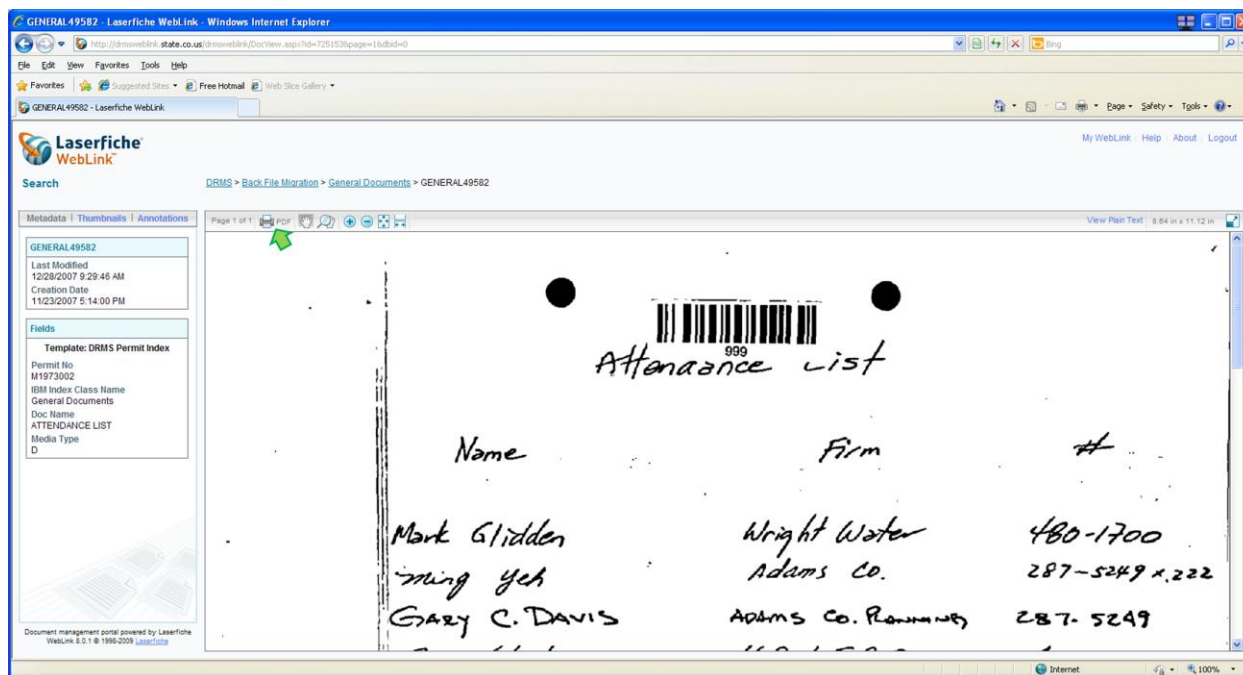
Name	Hits	Page Count	Permit No	IBM Index Class Name	Doc Date	Doc Name	From	To	Permit Index Doc Type	Section Exhibit Name
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GENERAL34436	0	1	M1973002	General Documents		Address Change				
GENERAL49582	0	1	M1973002	General Documents		ATTENDANCE LIST				
HYDRO21144	0	2	M1973002	Hydrology		AFFIDAVIT				
HYDRO24638	0	44	M1973002	Hydrology		SECTION XVIII BACKGROUND FOR GRAVEL MINING CRITERIA DEVELOPMENT				
HYDRO30777	0	20	M1973002	Hydrology		RIVERBANKS BERMS				
INSPEC01160	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC03130	0	16	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC03330	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		
INSPEC04234	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		
INSPEC10191	0	4	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC13254	0	2	M1973002	Inspection		NOTICE OF INSPECTION & INSPECTION REPORT				
INSPEC18705	0	4	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC18797	0	10	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC20770	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC28268	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		
INSPEC28642	0	7	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC28769	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC34185	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC34420	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		

9. There are several options you can use to narrow your search, if necessary. Please contact a Division of Reclamation, Mining and Safety Environmental Protection Specialist at 303-866-3567 if you need additional assistance.

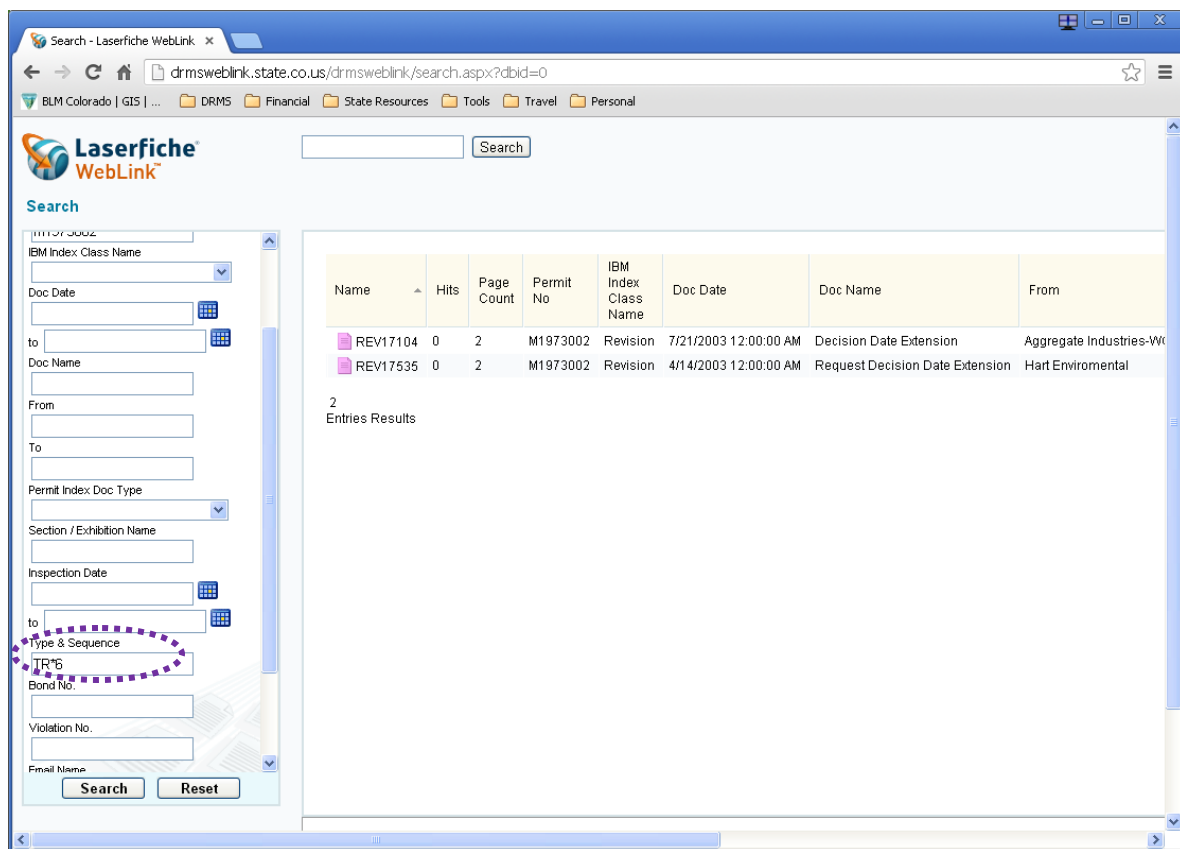
10. Click on the document title (under the “Name” column) or the “” icon to open the document and review it.

Name	Hits	Page Count	Permit No	IBM Index Class Name	Doc Date	Doc Name	From	To	Permit Index Doc Type	Section Exhibit Name
BOND86583	0	11	M1973002	Bonding		OWNERS POLICY AZ 758262				
GENERAL34436	0	1	M1973002	General Documents		Address Change				
GENERAL49582	0	1	M1973002	General Documents		ATTENDANCE LIST				
HYDRO21144	0	2	M1973002	Hydrology		AFFIDAVIT				
HYDRO24638	0	44	M1973002	Hydrology		SECTION XVIII BACKGROUND FOR GRAVEL MINING CRITERIA DEVELOPMENT				
HYDRO30777	0	20	M1973002	Hydrology		RIVERBANKS BERMS				
INSPEC01160	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC03130	0	16	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC03330	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		
INSPEC04234	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		
INSPEC10191	0	4	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
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INSPEC20770	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC28268	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		
INSPEC28642	0	7	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC28769	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC34185	0	2	M1973002	Inspection		DMG MINERALS PROGRAM INSPECTION REPORT				
INSPEC34420	0	2	M1973002	Inspection		Inspection Report	DMG	Aggregate Industries - WCR Inc.		

11. Review the document as displayed or click on the “ PDF” icon to download and save the file as a pdf document and/or print it to your printer.



Another helpful tool is to use “wildcards” (i.e., “*”) to narrow your search. For example, if you are interested in searching for all documents related to Technical Revision No. 6, go to the “Type & Sequence” (Type & Sequence) box and type “TR*6”. This will pull up all documents categorized as “TR6”, “TR06”, “TR-06”, and “TR006”:





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.

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>

Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
616 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

(719) 829-4360

PERMIT TO EXPOSE WATER IN A PIT

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

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

Receipt No. 0444152

DATE ISSUED

DEC 21 1999

By

EXPIRATION DATE

DEC 21 2000

Receipt No. 0444152

WELL PERMIT NUMBER 53050 - F.

Page 2

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.

5/12/10/99
DW