

April 8, 2015

Bob Kalenak
Delta County
501 Palmer Street
Delta, CO 81416



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Whiting Pit, Permit No. M-2007-025, Comments Regarding 112c Amendment Application

Dear Mr. Kalenak:

On March 16, 2015 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the Colorado Division of Water Resources (DWR).

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the DWR.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,



Dustin Czapla

Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
101 South 3rd, Suite 301
Grand Junction, CO 81501
Phone: (970) 243-6299
Fax: (970) 241-1516

Enclosed: DWR Comments dated March 13, 2015



JMC



COLORADO
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

Response to Reclamation Permit Application Consideration

TO: Dustin M. Czapla, Environmental Protection Specialist
CC: Division 4 Office; District 40 Water Commissioner
FROM: Ivan Franco, Water Resources Engineer *HIF*
DATE: March 13, 2015
RE: Whiting Pit, File No. M-2007-025
Section 15, Twp 15 South, Rng 95 West, 6th P.M., Gunnison County
Operator: Gunnison Valley Properties, Inc.
Contact: Gunnison Valley Properties, Inc.
234 North Main St., Suite 3A
Gunnison, CO. 81230
(970) 641-4531

RECEIVED

MAR 16 2015

DIVISION OF RECLAMATION
MINING AND SAFETY

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☐ The proposed operation will consume ground water by: ☒ evaporation, ☒ dust control, ☐ reclamation, ☒ water removed in the mined product, ☐ processing, ☐ other: _____.
- ☐ Prior to approving a well permit, 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.
- ☐ The proposed operation may have potential impact on existing water rights near the project location. Please provide evidence that the proposed project will not alter or impact the historic operation of existing water rights.
- ☒ The applicant has indicated plans to use other water for: ☒ uses at the permit site, ☐ storage in the excavated area(s), ☐ other: _____. The applicant will need to provide evidence to this office that the water is permitted or decreed for such uses.
- ☒ Other: If storm water is not diverted or captured in priority, Colorado Water Law requires it to be released, or replacement for evaporation will be required of the impounder/operator/owner of the gravel pit. Any exposed ground water must be backfilled immediately until a well permit issued pursuant to CRS 37-90-137(2), allowing the exposure of ground water in a pit, is obtained from the State Engineer.

COMMENTS/NOTES: The SEO does not have a gravel pit permit on file for this pit. Any exposed ground water must be backfilled immediately until a well permit issued pursuant to CRS 37-90-137(2), allowing the exposure of ground water in a pit, is obtained from the State Engineer. So long as the application obtains all water from a source that legally available for their uses, this office has no objection to this application.

