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WHE

Environment, Inc.

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November 18, 2015

RECEIVED

NOV 18 2015

DIVISION OF RECLAMATION
MINING AND SAFETY

Mr. Elliot Russell
Division of Reclamation, Mining & Safety
1313 Sherman St., #215
Denver, CO 80203

Dear Elliot;

RE: McAtee Construction Co.
Riverside Pit, Permit # M-1976-056
Technical Revision 04 - Adequacy Response

On behalf of my client McAtee Construction Co., I am responding to your first adequacy review letter received on August 18, 2014. The following answers to the adequacy questions are based on the consensus we reached during the October 1, 2015 site inspection. I have included your review points that need to be addressed in the same order as presented in the letter so the question and answer will be in the same document for easy reference.

1. The approved Reclamation Plan and post mining land-use for the area proposed to be revised through the submitted Technical Revision is for a lake known as Lake Robert. Revising this plan to develop the Lake Robert area as a channel, receiving constant flow from the Lowline Ditch return channel, rather than a lake is considered a major change to the Reclamation Plan and would need to be submitted as an Amendment to the permit rather than a Technical Revision. That being said the Division could handle a minor change such as a designed inlet and outlet of Lake Robert to handle flood-stage flows through the Technical Revision process.

If the Operator intends on the revising the Reclamation Plan to allow for flood-water flows to pass through the Lake Robert area, the Division will require a designed structure to adequately accommodate flows and to protect the shoreline at the inlet and outlet of the lake. Please submit designs for these structures for review and approval.

During the inspection it was observed that portions of the Lowline Ditch had become a western arm of the South Platte River from the ditches headgate to the old return channel and the flooding that occurs into Lake Robert is from this flow channel. We found that the ditch company had rebuilt the ditch north of the return channel to direct water into the ditch and as a result the highwater channels that were eroded thru 2 portions of the south side of Lake Robert would con-

✓ Complied

✓ ONE Violation: MV-1998-020

tinue to allow flood water to enter the mine. It appears that the ditch company made no attempt to cutoff the return flow channel or to return the river to its original channel so McAtee will continue to be impacted by highwater entering the mine in the future. Since it appears that these channels will continue to change depending on the amount of water carried by the Lowline Ditch overflow/South Platte River arm. Until they stabilize, placing armoring on the inlet side is not practical.

After the inspection McAtee has decided that they would continue to allow the water to enter Lake Robert for the near future, since the likelihood that the highwater channels could be permanently blocked on their property line is low at this time. The feeling is that water will continue to enter the mine in the future and the prudent actions would be to allow it to happen, monitor the continued filling of the lake area and control the location of the exiting waters by designing an outlet structure that allows the water to leave without damaging the northern bank.

Attached to the new Technical Revision map are a series of sketches for the conceptual plan we discussed. They are for reinforcing a section of the north bank to allow the water to leave Lake Robert during highwater events. The existing cut point is the low point along the north bank so at this point an armored spillway will be constructed to allow free passage of the overflow water that enters the mine. This involves filling the existing cut area with large pieces of broken concrete to within three (3) feet of the top of the existing bank and expand the lower outlet area to 60 feet wide. The armoring will be done on the inside and outside banks with the same material used to fill the cut. The armoring will be a minimum of 2 feet thick and on the south facing slope it will be placed approximately 3 feet below the existing water level.

2. Throughout the Technical Revision, the channel that has entered into the site is referred to as the South Platte River or the new river channel. Until the Operator can demonstrate that the channel entering the Lake Robert area is the South Platte River, please refer to this as the Lowline Ditch return channel. If the pit captured the South Platte River in September 2013, and the Operator has not yet returned the river to its natural channel, the Division may pursue enforcement actions involving a violation for failure to minimize the disturbance to the prevailing hydrologic balance in accordance with C.R.S. 34-32.5-116(4)(h).

I don't think referring to this as the Lowline Ditch Return channel is appropriate either. After seeing the changes to the down stream areas since September 2013, it is more appro-

priate to call it a highwater overflow channel since it is dry during normal water times and only has water in it if the South Platte River is higher then normal.

3. The Reclamation Plan Map submitted with the Technical Revision application did not display the signature of the registered land surveyor, professional engineer, or other qualified person who prepared the map; did not label the permit boundary; did not display a scale; and thereby failed to satisfy the requirements of Rules 6.2.1(2)(b), (d) and (e). The contour lines on the map were not legible and did not illustrate the physical appearance of the reclaimed lands, and thereby failed to satisfy the requirements of Rule 6.4.6(a).

Please submit a Reclamation Plan Map which not only satisfies the requirements of Rules 6.2.1 and 6.4.6, but also delineates and labels the following features:

- Lake Robert, with contour lines sufficient to illustrate the proposed banks, the new seasonal average water line, and the
- Lowline Ditch,
- Entire length of the Lowline Ditch return channel(s) (new, abandoned, and the second return channel located just north of Lake Robert), and the
- South Platte River

Your right. It was a sketch map I have revised the Technical Revision map to show current conditions so it meets the rules requirements. Note that much of the South Platte River is more then 200 feet from the permit area but I have added it as appropriate. I also revised the map to show the current filling conditions within Lake Robert and it may be necessary to revise this map from time to time until filling ends. We propose using the Annual Report Map to update and show the changes during the 5 year monitoring period.

4. The Division believes there is an error following the Technical Revision heading on page 1. Please remove the statement "To include the minor use of explosives at the Riverside Pit" or demonstrate that this is correct and supply a description of the use of explosives.

This was my fault. I use the header from the Technical Revision of the blasting Technical Revision and did a poor job of editing it. The Blasting Technical Revision was approved on June 6, 2015. I have attached a revised page 1 for the file.

5. Within the first paragraph of the Technical Revision narrative the Operator states "It changes the approved Reclamation plan on the area east of the west bank of the new active river channel in the Lake Robert area only. No further reclamation is proposed on that area." Please understand that if areas within the permit boundary are not adequately reclaimed as per the approved Reclamation Plan (submitted and approved with the original permit application), further reclamation will need to be competed on those areas prior to the release of reclamation responsibility.

During the inspection we discussed leaving the Reclamation Plan for Lake Robert unchanged for a period of time to see what happens. We propose leaving the area within the old lake perimeter that were flooded as is for 5 years. This will give

us time to see what the long term affects are on the natural reclamation being done by the yearly flooding. At the end of that time McAtee would reevaluate the area and decide if a change to the reclamation plan is needed or find out what changes the flood events have had that may make it necessary to revise the permit.

We believe that in the future highwater from the river will continue to pass thru the mine and gradually backfill in most of the remaining lake area in Lake Robert. The upper banks around Lake Robert were not greatly affect by the flooding in the past 2 years and vegetation has taken hold on the areas above water that were scoured by the 2013 event. So at this time it appears the no additional work is needed to meet the approved reclamation plan. We also think that when the filling and armoring on the north bank are completed the lake elevation will return to a level closer to its historic level.

Once the backfilling and armoring is done we will be able to access the east side and do remedial grading and revegetation as needed. While the sand bar is not totally revegetated, cottonwood and shrubs are beginning invade the area and take hold on the areas above the active flow channels. They will serve to anchor the sand bar during future flood events and make it possible to revegetate the southern end of Lake Robert to match the surrounding areas. At the end of the 5 year monitoring period another assessment will be done.

6. Within the second paragraph of the Technical Revision narrative the Operator states "A nature event (Flood) reshaped and reclaimed the 2.50 acre ± east of the river channel and the area is inaccessible unless we cross the river this are will not be changed again" and "McAtee Construction Co. will not do any work in the 11.34 acres ± of the new river channel". Please revise these statements and understand that the area east of the Lowline Ditch return channel will need to be reclaimed per the standards set forth the approved Reclamation Plan as well as the Rules and Regulations of the Colorado Mined Land Reclamation Board. The requirements of the approved Reclamation Plan consist of sloping the sides of the lake to 3H:1V, replacement of six inches of topsoil, drill seeding the approved seed mixture, fertilizing with 90 lbs. of available nitrogen and 50 lbs. of available P_2O_5 per acre, and mulching with 2,500 lbs/acre of long-stem native prairie hay and crimping. The approved Reclamation Plan also consists of properly sloping with 3H:1V slopes from ten feet below the average seasonal waterline to five feet above the average seasonal waterline.

During the 10/1/15 site inspection we determined that little damage was done to the area along the east side of Lake Robert. That much of the southern end of Lake Robert has been filled to within 3 feet of the original surface little sloping is needed. It appears that the slopes in the remaining lake area are at least 3:1 and need no further grading. If needed remedial grading and revegetation will be done on the above

water areas around the filled area and along the east side of Lake Robert.

7. Within the third paragraph of the Technical Revision narrative the Operator states "property access roads, 0.68 acres \pm , will be kept to provide access around the west side of the river channel and to the power poles on the west." The Division understands the beneficial use of keeping the access roads to the power poles, but please explain the beneficial use of keeping the approximately 350 feet of road along the south side of Lake Robert as well as the 1000 feet of road north of the power poles that appear to go nowhere.

These roads provide access around the lake area for the land owners. They could be used after reclamation to allow access on the property. Since we now plan to repair and construct an armored crossing on the section of bank where the flood water exits the site, the existing road and the one on that side can be used by the power company to access their poles on the east side of Lake Robert.

8. Also within the third paragraph of the Technical Revision narrative the Operator states that they "intend to leave a graveled parking area, 1.75 acres \pm , the access bridge over the Lowline Ditch and the access road to the parking area." Again, the Division understands the beneficial use of keeping a parking area (for recreational purposes of the Lake Robert area), the bridge and access road, but please explain the beneficial use of having such a large parking lot area. A smaller designated parking area may be more appropriate for its intended use.

We proposed the larger parking area because the company plans to use that area as a temporary parking area for equipment used for mining and equipment used in their Ready-Mix and Asphalt batching businesses that will remain when mining ends.

9. A signed and notarized statement from the land owner will be required if they wish particular features to remain unreclaimed. This letter will need to include a request for the bridge, access road, and parking area to remain in place after reclamation is complete.

McAtee Construction Company is the land owner of the mine area.

10. Lastly, please demonstrate that the proposed plan is in compliance with applicable Colorado water laws and the governing body associated with the floodplain in the vicinity of the site. This also includes information regarding the augmentation plan with the Division of Water resources and how the proposed plan may alter that plan.

Information was provided to the Division on March 29, 2011 in the form of a letter listing the Well Permit Number (66811F) issued by the SEO and explaining that the water used for replacement is provided by the Logan Water User Association - Augmentation Plan - Case# 2003CW195. A copy of the Well permit is attached. The flooding and filling in of Lake Robert actually helps by reducing the amount of post 1981 exposed ground water. This reduces McAtee's liability to

provide makeup water for the mine. Any water that flows thru the site is surface water that does not need to be covered by an augmentation plan, as far as I know, since it's part of the normal river flow during highwater times and is not retained on the site.

RECAP:

The Technical Revision is revised to include a 5 year monitoring plan for the Lake Robert area to observe what is going to happen with future flooding. The southern line will remain unchanged until the evaluation determines what can be done. During this time flood water will be allowed to enter the site and continue to fill Lake Robert with the idea that eventually it may fill in the majority of the pond area and can be reclaimed to match surrounding areas. An armored outlet is proposed for the north end to let future flood water out and protect the north bank from further erosion. The change to the Reclamation Plan is removed as we believe the area east of the lake area can be reclaimed as required in the existing permit. The roads and larger parking area will remain.

If you have any more questions or need more information please call me.

Sincerely,
Environment, Inc.



Stevan L. O'Brian
President

cc McAtee Construction Co.
file

enclosures

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

AUTH

WELL PERMIT NUMBER 66811 -F-
DIV. 1 WD 64 DES. BASIN MD

APPLICANT

MCATEE CONSTRUCTION CO
DARREN GEBHART
PO BOX 1908
STERLING, CO 80751-

(970) 552-3647

APPROVED WELL LOCATION

LOGAN COUNTY

1/4 1/4 Section 33
Township 8 N Range 52 W Sixth P.M.

DISTANCES FROM SECTION LINES

Ft. from Section Line
Ft. from Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO EXPOSE WATER IN A PIT

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This 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 the construction and operation of a well (gravel pit ground water pond) in accordance with the temporary substitute water supply plan approved by the State Engineer on November 28, 2007, for the Riverside Pit, Division of Reclamation Mining and Safety, Permit Number M76-056. 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 September 30, 2008 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 diversion of ground water from this well must
- 4) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
- 5) The average annual amount of ground water to be appropriated shall not exceed 67.56 acre-feet with the total surface area of the proposed ground water pond limited to 24.32 acres. No additional water surface shall be exposed unless a permit therefor is approved.
- 6) The use of ground water, in addition to dewatering is limited to 66.38 acre-feet of evaporative loss and 1.18 acre-feet of water lost with the mined product or any combination of the above-described uses that combined do not exceed the permitted limit of 67.56 acre-feet of water consumption per year. No other use of water is allowed unless a permit therefor is approved.
- 7) The owner shall mark the well (pond) 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.
- 8) Pursuant to Policy 2000-4 (as amended October 1, 2002) of the State Board of Examiners of Water Well Construction and Pump Installation Contractors (Board), the minimum construction standards in Rule 10 of the Water Well Construction Rules shall be waived for gravel pit wells except Rule 10.1 and its subsections 10.1.2, 10.1.4, 10.1.6 and Rule 10.2 and its subsection 10.2.1. The owner of the gravel pit shall take necessary means and precautions to prevent contaminants from entering the gravel pit ground water pond.
- 9) Pursuant to Policy 2000-4 (as amended October 1, 2002) of the Board, the disinfection standards of Rule 15 of the Water Well Construction Rules shall be waived and the water well construction report requirement of Rule 17 shall be waived, except compliance with Rules 17.1.4, 17.3 and 17.4 is required.
- 10) The boundaries of the gravel pit pond shall be more than 600 feet from any existing well constructed in the same source, that is not owned by the applicant, excluding well permit no. 151994 (spacing waiver submitted by the well owner) and excluding those wells whose owners were notified pursuant to CRS 37-92-137(2)(b)(II)(A). Notice was sent to the owners of permit nos. 184870-A, 10301-FR, 146674-A, 147647-A and 6475-R and no response was received.
- 11) Pursuant to Policy 2000-4 (as amended October 1, 2002) of the Board, no pumping equipment shall be installed in the gravel pit well to withdraw water for any beneficial use, unless a separate written request for a variance has been approved by the Board

02.05.2008
I.D.C.

APPROVED
IDC

State Engineer

DATE ISSUED 02-05-2008

By

EXPIRATION DATE 02-05-2009

Receipt No. 3621480

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO 9 th Street & 9 th Avenue P.O. Box 2038 Greeley, CO 80632	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: LOGAN WELL USERS, INC. IN LOGAN, MORGAN & WASHINGTON COUNTIES.	▲ COURT USE ONLY ▲
Kim R. Lawrence, #8366 Kelly J. Custer, #27247 Lind, Lawrence & Ottenhoff LLP 355 Eastman Park Drive, #200 Windsor, CO 80550 Phone: (970) 674-9888 E-mail: kim@llolaw.com kelly@llolaw.com	Case No. 07CW <u>300</u>

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION FOR WATER RIGHTS AND CHANGE OF WATER RIGHTS
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1. Name, Address and Telephone Number of Applicant. Logan Well Users, Inc., P.O. Box 1172, Sterling, Colorado, 80751, (970)580-3832.

Application for Augmentation Plan

2. Augmentation Plan. Applicant operates an augmentation plan decreed in Case No. 03CW195. ¶49.6 of the decree in Case No. 03CW195 (Decree) allows the addition of wells to the plan subject to notice and terms and conditions.
 - 2.1. Description of the Plan. The wells to be added to the plan, hereinafter "Wells" are set out in Table 1 below and are located on maps attached hereto. The Decree provides, "Any well added to the plan for augmentation shall be located in Logan County." Three of the Wells are located in Washington County, immediately adjacent to Logan County, and Applicant seeks a limited exception to said term and condition to add wells, 425, 426 and 427 in Table 1 due to their proximity to Logan County and because no injury to the water

rights of others will be caused by adding the three wells. The consumptive use factors set out in ¶52.3.4. and ¶52.3.5. of the Decree and the methods for determining depletions from past and future pumping set out in ¶52.2 and ¶52.3 will be used. Out of priority depletions from use of the Wells that have occurred prior to the date the court allows the Wells to be added to the plan will be replaced by Applicant. Out of priority depletions from use of the Wells that may occur after the court decree adding the Wells to the plan, whether or not the depletions result from pumping before or after the date the court allows the Wells to be added to the plan, will be replaced by the Applicant.

Table 1

Logan Well Users Member Wells to be Added to Plan

Well	Name	Permit	WDID	Case	Well Location				Aquifer Parameters		
					Qtr/Qtr	Sec	Twp	Rng	W	X	Harm T
221	Dan Klindt	R292	645506	W1574	NWSE	35	07N	53W	11,716	2,767	388,800
227	Dan Klindt	15263	645595	W815	SWNW	36	07N	53W	12,411	4,463	378,800
233	Datterri Brothers	R11751	645374	W1250	SESW	3	06N	53W	10,787	3,039	339,600
393	B. W. Weakley	15263	645595	W815	SWNW	36	07N	53W	12,411	4,463	378,800
422	Jill Brammer	8906F	645697	W6204	SWNW	21	8N	52W	13,430	67	392,700
423	Gary Ramey	Pending	-	-	NENE	4	7N	52W	5,148	2,120	154,000
424	Douglas Fritzler	-	-	-	SWSE	4	7N	53W	22,676	22,549	104,200
425	Flying Dishpan - East	8383	016684	W982	NENE	17	5N	54W	18,009	1,918	390,000
426	Flying Dishpan - West	6966	018659	W1470	SWNW	17	5N	54W	20,302	3,173	396,000
427	Keystone	6563	016675	W1097	NENW	16	5N	54W	17,493	3,295	390,000
428	Highland Park Water Co	5882-F	646469	W2440	NWNE	36	08N	53W	13,483	4,530	244,600
429	McAtee Construction Co	Pending	-	-	SESE	28	08N	52W	22,564	1,566	197,900
430	Robert Lingreen	Pending	-	-	NWSE	36	7N	53W	13,445	5,816	330,900

2.2. Water Rights to be used for Augmentation.

- 2.2.1. Those water rights that may be used for augmentation pursuant to the Decree.
- 2.2.2. The Recharge Well described in ¶4.
- 2.2.3. Eleven shares of Morgan Prewitt Reservoir Company to be changed pursuant to ¶6.

- 2.2.4. Augmentation Credits owned by Member Wells 425, 426 and 427 from the recharge projects of the Johnson & Edwards Ditch, Case No. 03CW423 and the Lower Platte & Beaver Canal Company, Case No. 03CW443.

Application for Water Rights

3. Applicant seeks to adjudicate the following water rights on behalf of and with the consent of the owners of the structures.

3.1. Name of Structure. Ramey Well.

- 3.1.1. Owner. Gary Ramey, 11874 Rd 370 Sterling, CO 80751.
- 3.1.2. Location. In the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado.
- 3.1.3. Appropriation date. December 11, 2007.
- 3.1.4. Amount claimed. 15 gpm, conditional.
- 3.1.5. Source. Groundwater tributary to the South Platte River.
- 3.1.6. Use. Irrigation of 1 acre located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado.

3.2. Name of Structure. Fritzler Well.

- 3.2.1. Owner. Douglas Fritzler, 18234 Rd 24 Sterling, CO 80751.
- 3.2.2. Location. In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado.
- 3.2.3. Appropriation date. December 11, 2007.
- 3.2.4. Amount claimed. 900 gpm, conditional.
- 3.2.5. Source. Groundwater tributary to the South Platte River.
- 3.2.6. Use. Irrigation of 160 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado.

Application to Add Recharge Well

4. Applicant seeks to add one recharge well for use with the plan for augmentation in Case No. 03CW195. The recharge well will be operated in accordance with the terms and conditions of ¶27 of the Decree.

- 4.1. Name of Structure. SIC B1 Well 19533-F (R-16). (This well was decreed as an augmentation well in the Decree)

4.1.1. Location. In the SE¼ SE¼ Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 1000 feet from the South section line and 1000 feet from the East section line, said Section 7.

4.1.2. WDID. 64 5558.

4.1.3. Appropriation date. April 7, 1975.

4.1.4. Amount claimed. 2240 gpm, conditional.

4.1.5. Source. Groundwater tributary to the South Platte River.

4.1.6. Use. Augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge and replacement.

4.1.7. Glover Parameters. W = 28,660; X=487; Harmonic T = 271,200; S=0.2.

- 4.2. Description of Recharge. Water diverted at the point described in ¶4.1 is delivered to the Sterling Irrigation Company Recharge Project decreed in Case No. 03CW195 and is allowed to percolate into the underground aquifer for Applicant's stated beneficial uses.

Application for Change of Water Rights

5. Decreed Name of Structure. Lingreen Well 59332-F.

5.1. Decree. Logan Well Users, Inc. 03CW195 at ¶10.13, February 21, 2006.

5.2. Location. In the NW¼ SE¼ of Section 36, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2040 feet from the South section line and 1630 feet from the East section line.

- 5.3. Appropriation date. February 28, 2003.
 - 5.4. Amount claimed. 1500 gpm, conditional.
 - 5.5. Source. Groundwater tributary to the South Platte River.
 - 5.6. Use. Augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge and replacement.
 - 5.7. Proposed change. Add to the existing use, irrigation of 200 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 7 North, Range 53 West, Logan County, Colorado.
6. Decreed Name of Structure. Prewitt Inlet Canal. Morgan Prewitt Reservoir Company (11.0 shares).
- 6.1. Decrees. Prewitt Inlet Canal was decreed in Case No. 2142 on January 15, 1914, for 32,300 a.f. with an appropriation date of May 25, 1910 and in Case No. 16704 on October 18, 1965, for 34,960 a.f. with an appropriation date of December 31, 1929. The Prewitt Inlet Canal is located in Section 24, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, and the Prewitt Reservoir is located in Section 2, Township 5 North, Range 54 West of the 6th P.M., Washington and Logan Counties, Colorado.
 - 6.2. Ownership. Applicant's members own and have consented to change 11.0 shares of Morgan-Prewitt (Shares). Keystone Triple G Ranch owns 7.0 shares; Leola Lucille Gill owns 3.0 shares and Gary Ramey owns 1.0 share (Prewitt Owners). The ownership of Morgan-Prewitt Reservoir Company shares entitles the Prewitt Owners to delivery of water allocated to the Morgan Prewitt Reservoir Company in Prewitt Reservoir. The Prewitt Owners seek to change the use of the water which may be allocated to them by virtue of the ownership of their shares.
 - 6.3. Historical Use. The water associated with Prewitt Reservoir is allocated to the owners of the Prewitt Reservoir water rights. The Prewitt Owners have historically used their aliquot share of the Prewitt Reservoir water rights for irrigation or leased the water to other water users for irrigation.
 - 6.4. Proposed Change. Applicant seeks to change the use of the Shares to include augmentation, replacement, and recharge into the groundwater recharge ponds described in the Decree in Case No. 03CW195, wildlife and wildlife recovery, as well as the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Applicant will demonstrate dominion and control over the water for reuse and successive use through proper measurement and

accounting. Applicant also proposes to release the shares from Prewitt Reservoir and leave the water in the river to provide augmentation rather than divert them at downstream ditches for irrigation. The water from Prewitt Reservoir will be released from Prewitt Reservoir and if not diverted for irrigation purposes, will be diverted at the headgates of the ditches or at the Recharge Wells and delivered to recharge ponds, or allowed to remain in the South Platte River to replace out-of-priority depletions. Applicant proposes to adopt the terms and conditions decreed in Case No. 03CW195 for the changed use of the Shares.

7. Names and Addresses of Owners of the Structures: Ramey Well and One share of Morgan Prewitt are owned by Gary Ramey, 11874 Rd 370 Sterling, CO 80751. Fritzler Well is owned by Douglas Fritzler, 18234 Rd 24 Sterling, CO 80751. Lingreen Well 59332-F is owned by Robert Lingreen, 17401 Rd14 Atwood, CO 80722. The Prewitt Inlet Canal is owned and managed by the Prewitt Operating Committee, c/o James Yahn, P.O. Box 103, Sterling, Colorado 80751. SIC Well B1 is owned by the Sterling Irrigation Company, c/o Kathie Seetch, P.O. Box 1825, Sterling, CO 80751. Seven shares of Morgan Prewitt are owned by Keystone Triple G Ranch LLP, c/o Hilde Gill Kaiser, 11213 W. Asbury Ave. Lakewood, CO 80227. Flying Dishpan Ranch Co., 8395 Green Island Cir. Lone Tree, CO 80124. Three shares of Morgan Prewitt are owned by Leola Lucille Gill, 8395 Green Island Cir. Lone Tree, CO 80124.

DATED this 20th day of December, 2007.

LIND, LAWRENCE & OTTENHOFF LLP



Digitally signed by Kim Lawrence
Location: Windsor, Colorado
Date: 2007.12.20 10:42:47 -07'00'

Kim R. Lawrence, #8366

Kelly J. Custer, #27247

Attorneys for Logan Well Users Inc.

STATE OF COLORADO)
)ss.
COUNTY OF LOGAN)

Kevin Vollmer, being first duly sworn upon oath, deposes and states that he is the President of Logan Well Users Inc., that he has read the foregoing and that the contents contained therein are true and correct to the best of his information, knowledge and belief.

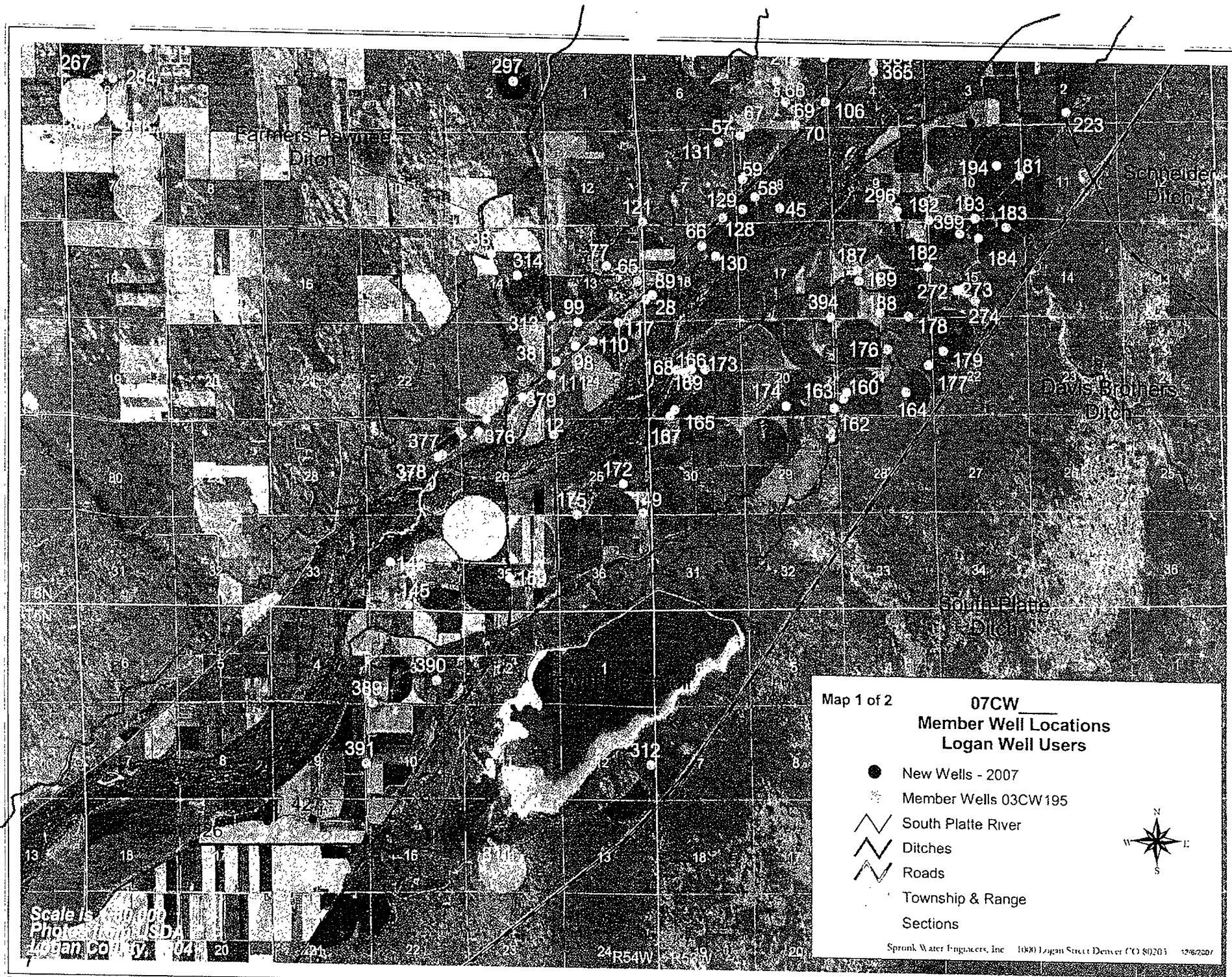
Kevin Vollmer

SUBSCRIBED AND SWORN TO before me this _____ day of December, 2007, by Kevin Vollmer.

Notary Public

My commission expires: _____

E-FILED PURSUANT TO RULE 121. DULY SIGNED COPY ON FILE AT THE LAW OFFICES OF
LIND, LAWRENCE & OTTENHOFF LLP



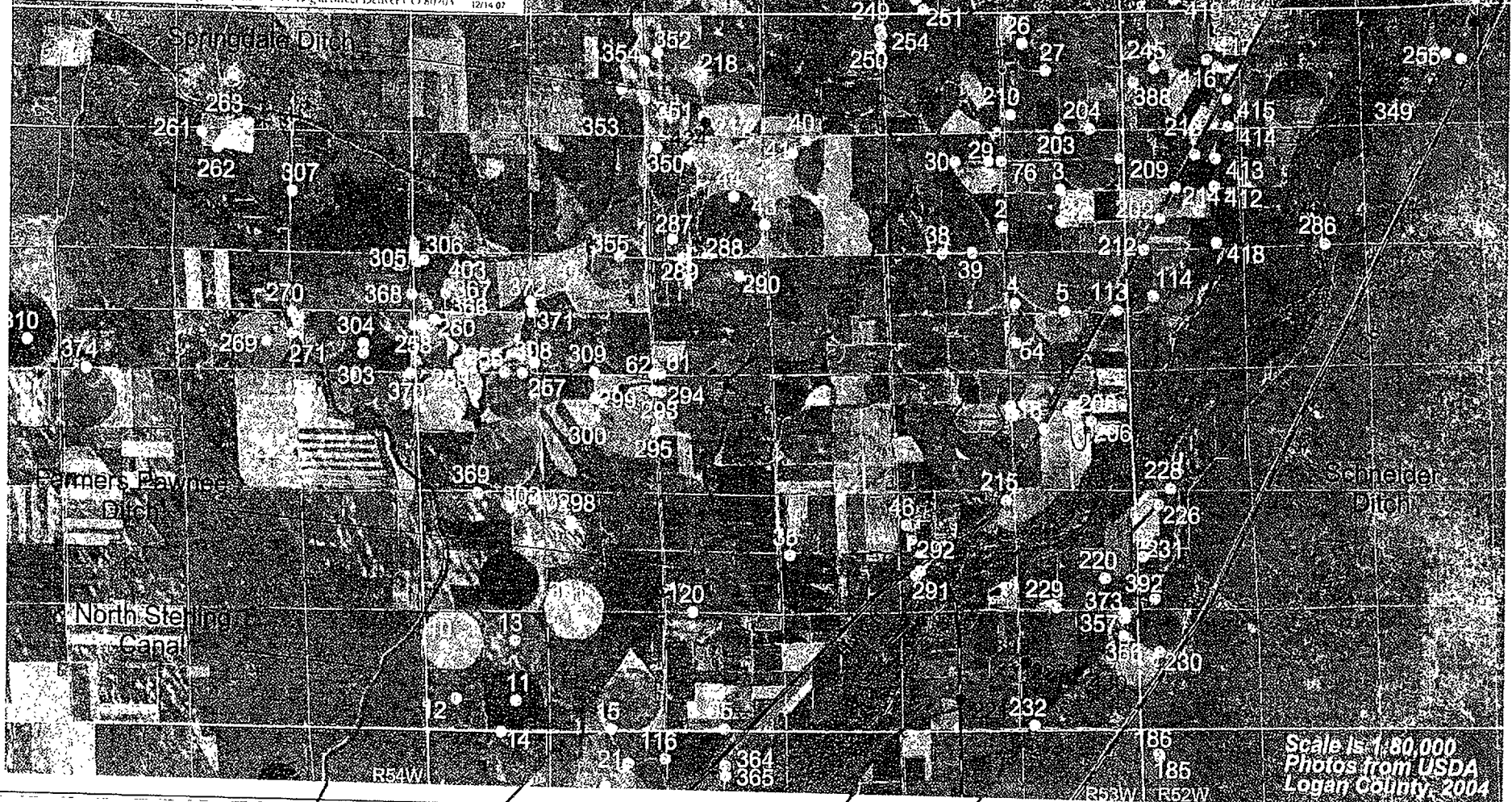
Map 2 of 2

07CW
Member Well Locations
Logan Well Users

- New Wells - 2007
- Member Wells 03CW195
- South Platte River
- Ditches
- Roads
- Township & Range
- Sections



Sprouk Water Engineers, Inc. 1000 Logan Street Denver CO 80203 12/14/07

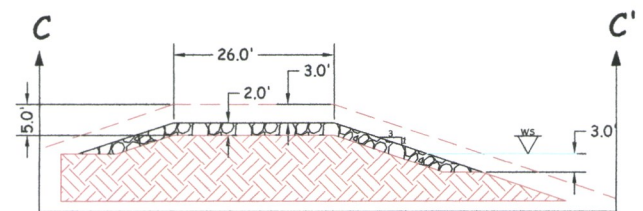
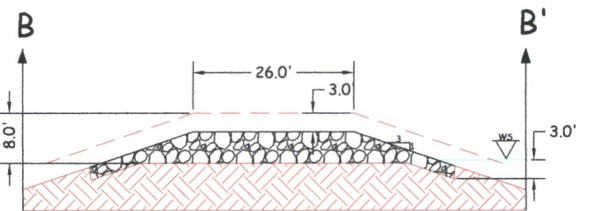
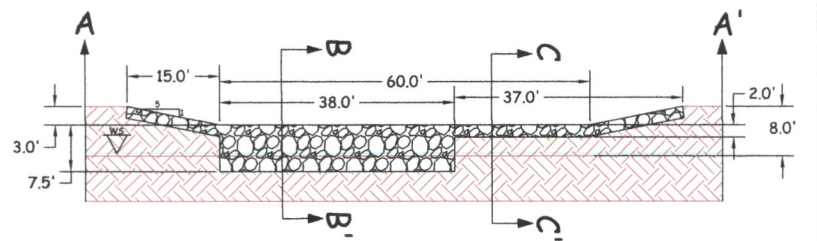
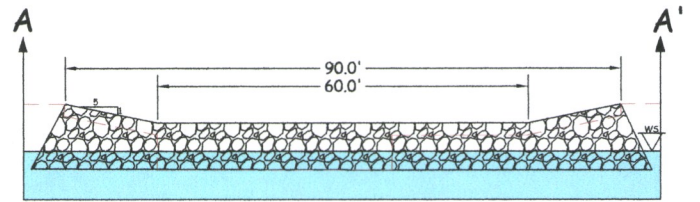
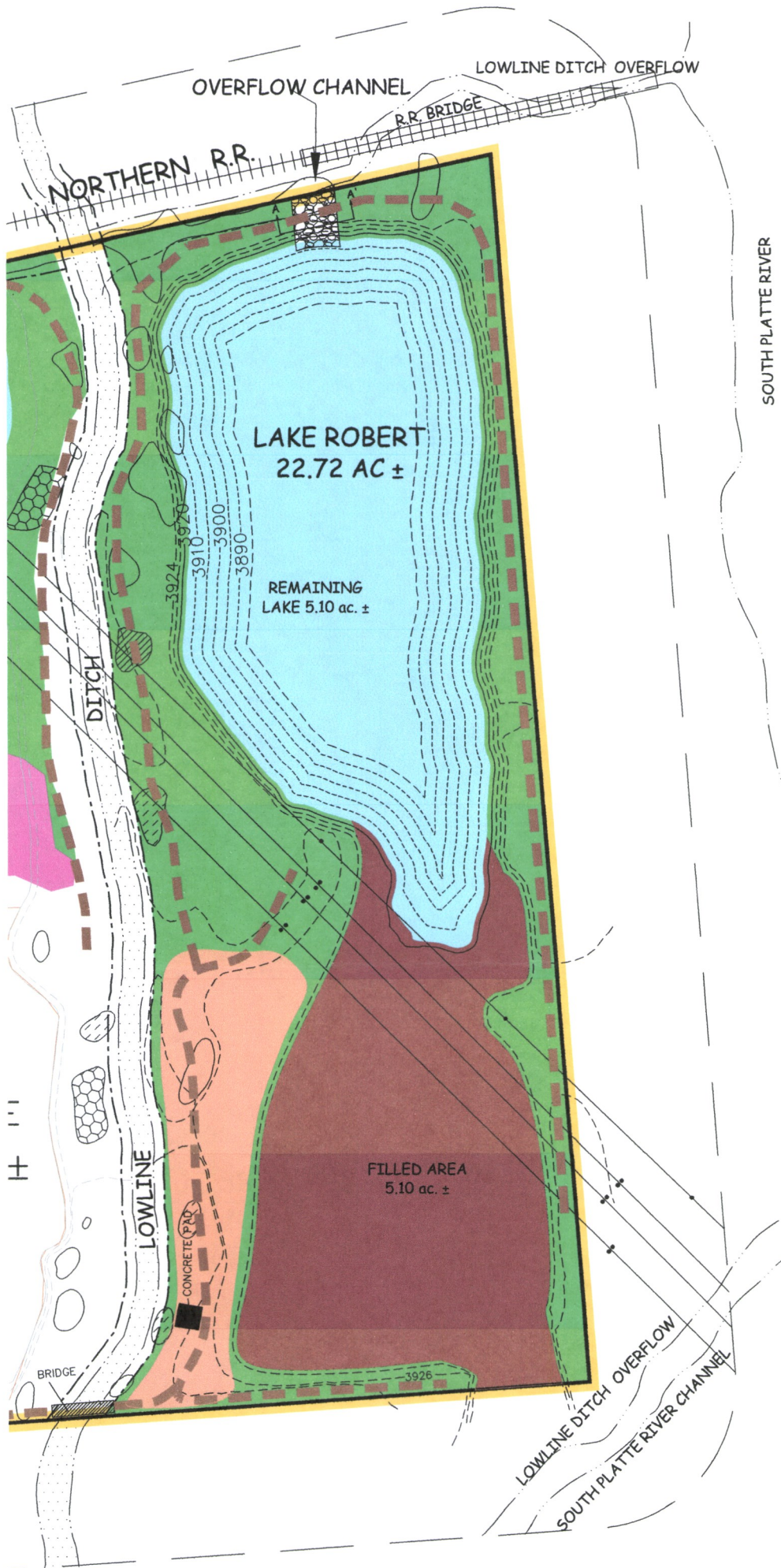


Scale is 1:80,000
Photos from USDA
Logan County, 2004

McATEE CONSTRUCTION COMPANY

RIVERSIDE PIT

RECLAMATION PLAN MAP - TECHNICAL REVISION MAP 5-15A



ARMORED CROSSING - SCALE 1'=30'

- CONCRETE ARMORING
- NATURAL GROUND

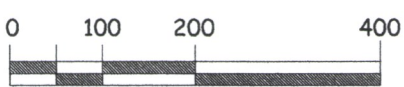
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NOV 18 2015

DIVISION OF RECLAMATION
MINING AND SAFETY



NOV 17, 2015 - 15:07:59



SCALE 1"=200'

LEGEND

- AFFECTED LANDS / PERMIT LINE
- DIKE
- ROADS
- FENCE
- POWER LINES
- RAILROAD
- DITCH
- AREA FILLING SINCE SEPTEMBER 2013 FLOOD - 5.10 AC. ±
- PARKING AREA - 1.75 AC ±
- TO BE REVEGETATED - 10.86 AC ±
- REMAINING LAKE AREA - 5.0 AC ±

PREPARED BY: *ENVIRONMENT, INC.*
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(303) 423-7297