

June 6, 2016

Jon Muller
Elam Construction, Inc.
556 Struthers Ave
Grand Junction, CO 81501



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Gehrman Pit, Permit No. M-2009-078, Inspection Problem Abated-Well Permit

Dear Mr. Muller:

On September 9, 2015 the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the above referenced site. Availability of records was cited as problem. Corrective actions require the operator to demonstrate that the operation is in compliance with the Office of State Engineer (OSE). This could be achieved by providing the Division with a valid gravel pit well permit that meets the approved reclamation plan requirements. The initial corrective action due date was November 17, 2015.

Elam Construction, Inc. was made aware that their Division of Water Resources (DWR) permit was no longer valid and a new permit would need to be obtained. On June 3, 2016 the Division received a copy of the approved well permit from DWR. This satisfies the corrective action and it is considered abated.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell, at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell

Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511
Fax: (970) 241-1516

Ec:

Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS





June 3, 2016

Mrs. Amy Yeldell
Division of Reclamation, Mining and Safety
Attention: Amy Yeldell
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Gehrman Pit, Permit No. M-2009-078, – Colorado DWR Issued Well Permit

Amy,

Elam Construction (Elam) would like to present the division with the attached Well Permit for the mine identification M-2008-078 (Gehrman Pit). The Well Permit Number 79912-F which was received from the Office of the State Engineer – Colorado Division of Water Resources. This was noted problem for the inspection report dated September 9, 2015. Therefore, this letter along with the attachment, should serve as evidence in for the required corrective action. The Well Permit was received June 1, 2016.

Thank you for your time and cooperation in this matter. Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Jonathan Mueller
Environmental Compliance Coordinator
Elam Construction, Inc.
Phone: 970-242-5370
Email: jon.mueller@elamconstruction.com

Xc: Amy Yeldell

WELL PERMIT NUMBER 79912 -F -
DIV. 6 WD 44 DES. BASIN MD

APPLICANT

ELAM CONSTRUCTION INC
556 STRUTHERS AVE
GRAND JUNCTION, CO 81501-

(970) 242-5370

APPROVED WELL LOCATION

MOFFAT COUNTY

1/4 SE 1/4 Section 5
Township 6 N Range 90 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 USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

Page 1 of 2

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 ensure 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 pond) exposing and diverting ground water tributary to the Yampa River at a point where water is available for appropriation. This well is known as the Gehrman Pit, Division of Reclamation, Mining & Safety Permit Number M-2009-078.
- 4) The approval of this permit does not grant a water right. This well (gravel pit pond) 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 890.91 acre-feet with the total surface area of the proposed ground water pond limited to 23.0 acres.
- 6) The use of ground water, in addition to evaporation, is limited to pit dewatering, dust control and product moisture loss. No other use of water is allowed unless a permit therefor is approved.
- 7) The owner shall mark the well (gravel pit 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) A totalizing flow meter must be installed so as to measure any pumping from this gravel pit pond and maintained in good working order. Permanent records of all diversions from the gravel pit pond, tonage of mined product, and the surface area of ground water exposure shall be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 9) Pursuant to Policy 2014-1 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 ground water ponds, except, compliance with 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 is required. The owner of the ground water pond shall take necessary means and precautions to prevent contaminants from entering the ground water pond.
- 10) The boundaries of the gravel pit pond shall be more than 600 feet from any existing well, completed in the same aquifer, that is not owned by the applicant (waivers received from permit no. 37473-F and 67914-F well owners).

NOTE: This well may be subject to administration in the water rights priority system in the future. It is recommended that a water court decree be obtained to affirm the priority of the well.

APPROVED

JSG

Dick Wolfe by
State Engineer

John Behn
By

Receipt No. 3674172

DATE ISSUED 05-31-2016

EXPIRATION DATE

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

NOTE: Expired permit no. 69433-F was previously issued for this lot.