

May 31, 2017

Virgil Richard King, Jr.  
5653 ½ HWY 394  
Craig, CO 81625



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

1313 Sherman Street, Room 215  
Denver, CO 80203

***RE: Wagner Rock Pit, Permit/File No. M-1999-018, Objection Response Forwarded***

Dear Mr. King:

On May 23, 2017 the Division of Reclamation, Mining and Safety (Division) received Mr. Wagner's objection response to the jurisdictional issues presented in opposition to the above referenced application. Please see the enclosed letter.

If at this time your concerns have been satisfied, please submit a "Party Status Withdrawal Form". If you remain a party, you will be notified in late July of the dates for both the Prehearing Conference and the Mined Land Reclamation Board Meeting that this item will appear at. Please note that you must appear in person to maintain your party status for a hearing. You may designate a representative to represent you at the Prehearing Conference only, but you must attend the formal Board hearing or lose your party status pursuant to Construction Materials Rule 2.8.1(1).

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

Cc:

Russ Means, Senior EPS, Grand Junction DRMS



# **WAGNER**

Construction, Inc.  
1850 E. 1<sup>st</sup>. Street, Craig, CO 81625  
Phone & Fax (970) 824-2709  
WagnerCorp@q.com

Wagner Rock Pit #M-1999-018c Conversion.  
Application Objections Response

**RECEIVED**

MAY 23 2017

DIVISION OF RECLAMATION  
MINING AND SAFETY

**CN01**

## Mining activity affecting Murphy Spring

The western side of the proposed permit boundary is about 275 feet from the Hall/Barns property line. The western extent of the affected lands is not being proposed to be expanded west any further. Currently the nearest affected lands to the adjacent property line is about 340 feet to the East and about 1200 feet from the Murphy Spring. No blasting will occur at this pit.

## Ground water within the excavation areas

No ground water has been encountered to date. Test hole was excavated to 60' experiencing an average moisture content of the in place material ranging between 7 and 10% which is consistent throughout the excavation.

If ground water is encountered, the area will be backfilled 2' above that level and the office of the State Engineer and the Division will be notified.

## Sediment from Surface Water affecting the Murphy Spring

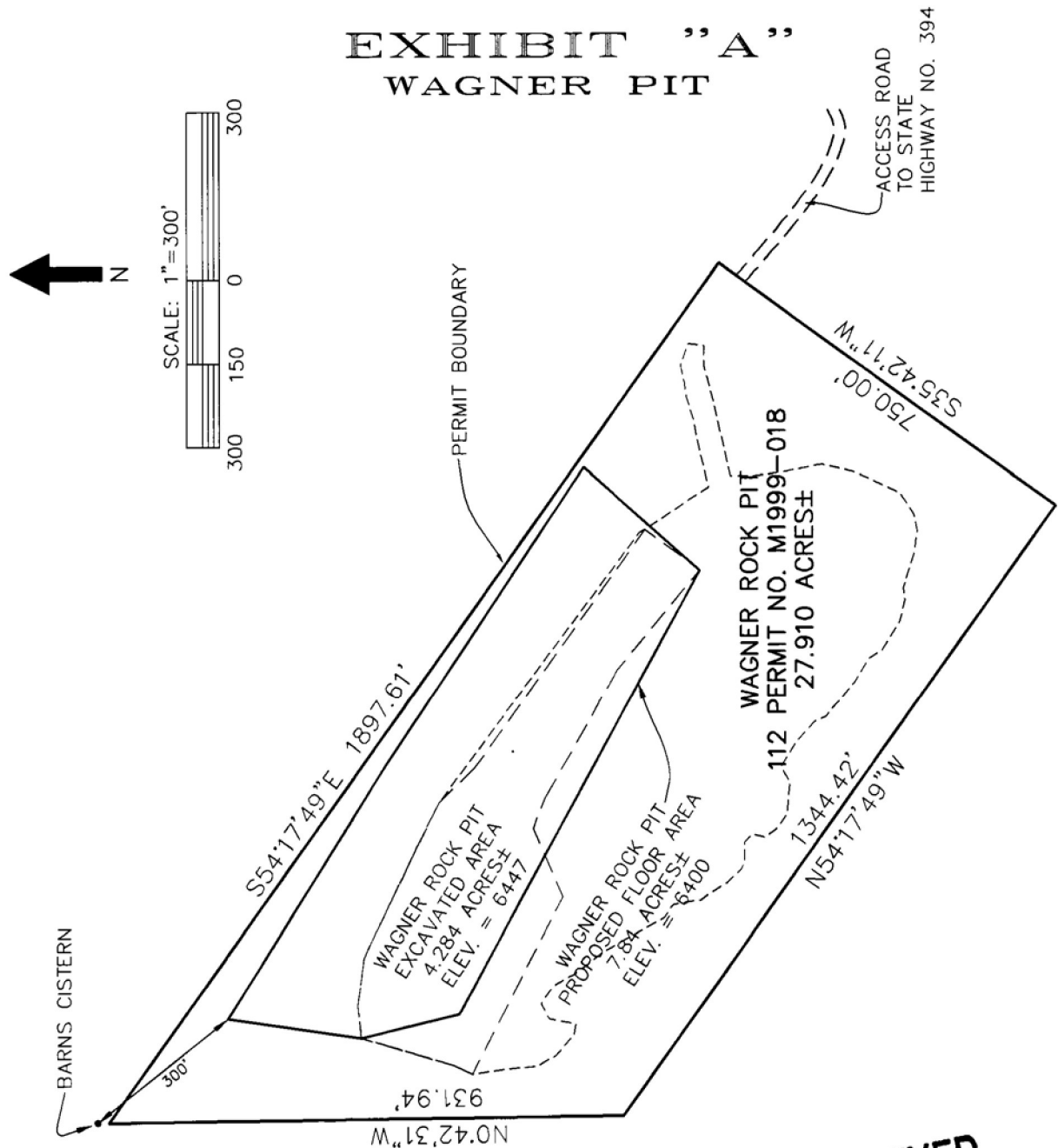
The Murphy Spring is 1200 feet from the West boundary and is located in a ravine. Surface water from the permit would have to travel 1200' to affect this spring. The ravine is heavily vegetated. There is currently a sediment pond located on the South side of the pit that collects run-off from the alfalfa fields south of the pit. The pit is on top of a ridge that self contains all storm water on site. The pit currently has ditching and catch basins in use to prevent any sediment or excessive erosion. No storm water flows or sediment from Wagner Rock Pit have ever affected the Murphy Spring or exited to disturbed area. Existing erosion control features will remain in place and maintained annually.

Attached is a drawing that illustrates the current disturbed area, the proposed finished floor elevation in relation to the North permit boundary, Murphy Spring and Barns Cistern.

Closest disturbance from the proposed pit floor to the Barns Cistern will be 300' and 1200' from the Murphy Spring.



# EXHIBIT "A" WAGNER PIT



WORKING SPRING  
 & WELL  
 (2167' EAST OF  
 WEST LINE  
 SECTION 10 &  
 1703' SOUTH OF  
 NORTH LINE OF  
 SECTION 10)

**RECEIVED**

MAY 23 2017

DIVISION OF RECLAMATION  
 MINING & SAFETY

M.1999.018  
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