



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 31, 2017

Jonathan George
Bishop-Brogden Associates, Inc.
333 W Hampden Ave.
Englewood, CO 80110

**RE: Rothe Sand and Gravel Pit, Permit No. M-1995-017
Amendment No. 01 application, AM01, Adequacy Review No. 2**

Dear Mr. George:

The Colorado Division of Reclamation, Mining, and Safety (Division) has reviewed your response letter dated May 26, 2017 to the Division's adequacy review. All of the items identified in the Division's preliminary adequacy review letter have been addressed. However, the Division received the enclosed comment letter from the Colorado Division of Water Resources. Please address the following item:

1. The enclosed letter from the Colorado Division of Water Resources (DWR) indicates that the currently approved substitute water supply plan and well permit only cover deletions and use associated with evaporation but do not account for depletions or use due to water removed with the mined product. Given this, the DWR indicated a new substitute water supply plan and well permit will need to be obtained prior to conducting additional excavation at the site. Please commit to not conducting mining operations below the water table until all of the requirements of the DWR has been satisfied. Additionally, the Division will stipulate the approval of this application that additional excavation below the ground water table cannot occur until the City of Sterling has submitted documentation to the Division that they are in compliance with the DWR.

The Division is required to issue a decision on the application by June 7, 2017. If you need additional time to address the Division's concerns, please request an extension of the decision date in accordance with Rule 1.4.1(9). If the decision date arrives and there are outstanding adequacy review items, the Division may deny the application.



Jonathan George
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If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

Jared Ebert
Environmental Protection Specialist III

Enclosures: 1.) *DWR Comment Letter*

EC: Donald Saling, City of Sterling