

STATE OF  
COLORADO

Russell - DNR, Elliott &lt;elliott.russell@state.co.us&gt;

---

## Gravel Pit Question

---

**wkern63@gmail.com** <wkern63@gmail.com>  
To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Wed, Aug 9, 2017 at 8:31 AM

August 9, 2017

Dear Elliott, thank you so much for answering my question.

I have attached the letter from the State water resources, regarding Fremont Paving and Redi-mix misuse of Arkansas River water from the East Evans Pit to the State Pit. Would you please see that this letter is entered into the file for both pits.

I also confirmed that they were caught in 2013 2014 in Fremont county for misuse of Arkansas river water regarding there batch plant at 839 Makinze Ave. Canon City. You can contact Brian Sutton water Commissioner for that District or Kevin Rien state engineer I have spoken to both and they are aware of the situation and have more documents. My information is in an email from Mr. Sutton and I don't know how to attach it.

Thanks, wendi kern

Sent from [Mail](#) for Windows 10

---

**From:** Russell - DNR, Elliott  
**Sent:** Tuesday, August 8, 2017 3:12 PM  
**To:** Wendi Kern  
**Cc:** Wally Erickson - DNR  
**Subject:** Gravel Pit Question

Hello Wendi,

Responding to your voicemail regarding if two companies are allowed to mine, crush, sell out of one permit and if so what is required from the state:

- Once a permit has been issued, a permittee can choose to have different operators, contractors, subcontractor ect. on site to do various work. The Division does not require any submittals nor information regarding these other individuals working at the site. The permittee is still responsible for ensuring all activity occurring at the site is in compliance with the approved permit, Act, and Rules and Regulations of the Mined Land Reclamation Board. The permittee is also responsible for any non compliance issues as wells as the the reclamation liability at the site.

Please contact me if you have any questions.

Thank you

**Elliott Russell**

**Environmental Protection Specialist**

**Minerals Regulatory Program**



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

P [303.866.3567](tel:303.866.3567) x8132 | F [303.832.8106](tel:303.832.8106) | C [303.903.4456](tel:303.903.4456)

1313 Sherman Street, Room 215, Denver, CO 80203

[Elliott.Russell@state.co.us](mailto:Elliott.Russell@state.co.us) | <http://www.mining.state.co.us>



---

**Evans Pit Water state of Colo let Ary.pdf**  
175K



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

Water Division 2 - Colorado Springs  
4255 Sinton Road  
Colorado Springs, CO 80907

July 7, 2017

Jodi Schreiber  
Chief of Operations Fremont Paving  
839 MacKenzie Ave  
Canon City, CO 81212

**SUBJECT:** Complaint: Hauling water from Evans #2 Pit to State Pit

Jodi, in response to a complaint received regarding Fremont Paving and Ready Mix hauling water for dust suppression from the Evans #2 Pit to the State Pit, DWR conducted investigations into the situation and we have the following requirements.

The Evans Pit is also known as the Pueblo East Pit at Evans #2 and is covered under DRMS file No. M-2000-041 with a Substitute Water Supply Plan (SWSP) under ID 5732 most recently approved April 21<sup>th</sup>, 2017. The SWSP is approved under Section 37-90-137(11), C.R.S for a sand and gravel pit and issued well permit no. 54064-F, WDID 1406561. This Evans #2 Pit SWSP approval limits the uses under the SWSP to the location of the DRMS permit. Additionally, the State pit does not fit the criteria of Section 37-90-137(11), C.R.S. in that the State pit is not a (1) sand and gravel operation that is (2) permitted by DRMS with (3) exposed ground water and would not qualify for its own SWSP under Section 37-90-137(11), C.R.S. Therefore, hauling water to the State pit from the structures approved in the Evans #2 Pit SWSP is not allowed.

In our phone conversation July 6<sup>th</sup>, 2017, it was stated that Fremont Paving has discontinued hauling water from Evans #2 Pit to the State Pit. Fremont Paving still has a need for dust suppression at the State Pit, and it was also stated that Fremont Paving has contracted with St. Charles Mesa WD for bulk water purchase from their municipal water system. This bulk water purchase is hauled to the State pit for the dust suppression uses.

Based on the facts that water is no longer being hauled from Evans #2 pit and that water is purchased from a municipal provider for use at the State Pit; the issues identified by hauling water from Evans #2 outside the SWSP approval have been discontinued. Therefore, there are no further issues from this complaint that need a remedy at this time.



If you would like to discuss this in more detail or if you have additional questions regarding this summary, I can be reached via phone at 719-227-5291 or via email at [doug.hollister@state.co.us](mailto:doug.hollister@state.co.us) Thank you for your quick attention and resolution to this matter.

Sincerely,



Doug Hollister  
District 10 Water Commissioner  
North Regional Team Leader  
Districts 10, 14, and 15

ec: John Van Oort, River Operations Coordinator  
Steve Stratman WD14/15 WC  
Laserfiche 1407820, 1406561

