



Response to Reclamation Permit Financial Warranty Reduction Request Consideration

DATE: October 13, 2017

TO: Amy Eschberger, Environmental Protection Specialist

CC: Division 2 Office; District 67 Water Commissioner

FROM: Caleb Foy, P.E.

RE: Midwestern Farms, File No. M-1993-059
 Operator: Prowers County
 Contact: George Tempel
 Sec. 18, Twp. 23S, Rng. 42W, 6th P.M., Prowers County

CONDITIONS FOR APPROVAL

- If storm water is contained on-site, the applicant should be aware that, unless the storm water detention structures can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* (available at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located online at: <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

- The proposed operation will consume ground water by: evaporation, dust control, reclamation, water removed in the mined product, processing, other:.

- All conditions of approval for well permit no. 53050-F terms and conditions of the decree entered by the Division 2 Water Court in case no. 02CW181 shall be followed.

- Should the combined exposed surface area of the two gravel pit ponds exceed 28.5 acres, as allowed by permit no. 53050-F, the applicant must make application to this office to repermit the gravel pit ponds for the expansion in use of permit no. 53050-F.

COMMENTS: The two gravel pit ponds are currently registered under permit no. 53050-F and operate under LAWMA’s plan for augmentation decreed by the Division 2 Water Court in case no. 02CW181. According to the 2017 Augmentation Plan Projection for LAWMA’s case no. 02CW181, the plan is currently augmenting evaporation from 102 acres of exposed surface area.



An application to expand the use of permit no. 53050-F was received by this office on March 4, 2015 under receipt no. 3668653; however, the application was returned to the applicant for additional information by letter dated November 18, 2015 (a copy is available online at: <http://dwrweblink.state.co.us/dwrweblink/0/doc/2889322/Page1.aspx?searchid=b5637bc4-5271-4f22-94c0-9debee56db18>). To date, the applicant has not responded to the request for additional information.