



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

---

## Bennett Pit, Permit No. M-2001-038-AM01

---

**Comaniciu - DNR, Ioana** <ioana.comaniciu@state.co.us>

Mon, Mar 18, 2019 at 5:26 PM

To: Jared Ebert - DNR <jared.ebert@state.co.us>

Cc: "Vander Horst, Keith" <keith.vanderhorst@state.co.us>, "Grimes, Chris" <chris.grimes@state.co.us>

Hi Jared,

Please see attached comment letter on the proposed amendment to Bennett Pit, Permit No. M-2001-038.

Sincerely,

Ioana Comaniciu, P.E.  
Water Resources Engineer



**COLORADO**

Division of Water Resources

Department of Natural Resources

P 303-866-3581 x 8246

1313 Sherman St., Suite 818, Denver, CO 80203

[ioana.comaniciu@state.co.us](mailto:ioana.comaniciu@state.co.us) | [www.water.state.co.us](http://www.water.state.co.us)



---

**M\_2001\_038 Bennett Pit.pdf**

92K

Response to Reclamation Permit Amendment Application Consideration

DATE: March 18, 2019

TO: Jared L. Ebert, Environmental Protection Specialist ([jared.ebert@state.co.us](mailto:jared.ebert@state.co.us))

CC: Keith Vander Horst, P.E., Chief of Water Supply - Inside Basins  
Chris Grimes Ground Water Commission Staff

FROM: Ioana Comaniciu, P.E.

RE: Bennett Pit, Permit No. M-2001-038-AM01  
Operator: Albert Frei and Sons, Inc.  
Contact: Steve O'Brian, Environment, Inc., (303) 423-7297  
Sec. 2, Twp. 3S, Rng. 63W, 6th P.M., Adams County  
North Kiowa Bijou Designated Ground Water Management District and Kiowa Bijou  
Designated Ground Water Basin

---

**CONDITIONS FOR APPROVAL**

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations. The Applicant must ensure that mining will stay at least 2 feet above the ground water table throughout the proposed mining operations.
- ☒ The applicant has indicated plans to use water for dust control, washing, screening and crushing material purposes at the permit site in the amount of 3.0 acre-feet/year. The water needs for these uses will be obtained for a source approved for that use. The applicant must identify the specific water rights that will provide the water for dust control, washing, screening and crushing material purposes at the permit site, and provide evidence that those rights may be used for the proposed uses.
- ☒ The applicant has indicated that once the area has been mined an evaluation will be done to determine if mining below the water is feasible. If it is determined that mining is feasible the applicant will then provide a technical revision and the area is proposed to be lined. We note that unless the area is lined within the State Engineer's allowable leakage rates as referenced in the August 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits (1999 SEO Guidelines), the Applicant will need approval of a replacement plan to make replacement from evaporation from the exposed ground water.
- ☒ If storm water runoff is intercepted by this operation and is not diverted or captured in priority, it must be released to the stream system within 72 hours. This may require a discharge permit from CDPHE-WQCD. Otherwise, the operator will need a Ground Water Commission approved replacement plan to replace evaporation losses.

---

**COMMENTS:** The purpose of this amendment is to add 60.13 acres to the existing 47.75 permitted acres. The amended permit boundary will encompass a total of 107.88 acres. The expanded area to be mined is currently used for agricultural purposes. The mining plan calls for dry mining operation. The Kiowa Creek, an ephemeral drainage, is the closest surface water drainage to the mine. The applicant indicated that mining will not take place in the primary erosion channels of the Kiowa Creek. The plan is to maintain a 100 foot setback from the north bank of the Kiowa Creek Channel.



The primary commodities to be mined at the site is sand and gravel material as the area to be mined consists of alluvial deposits that average 5 to 45 feet deep across the property. The applicant claims that, based its review of well drilling logs for the permitted area indicated that ground water table varies in depth from 9 feet near the east side to an average of 50 feet along the west side of the permitted area. As mentioned above under the "Conditions of Approval" section the Applicant must ensure that mining will stay at least 2 feet above the ground water table throughout the proposed mining operation.

The applicant may contact the State Engineer's Office with any questions.