



Response to Reclamation Permit Application Consideration

DATE: April 16, 2019

TO: Peter Hays, Environmental Protection Specialist ([peter.hays@state.co.us](mailto:peter.hays@state.co.us))

EC: Keith Vander Horst, P.E., Chief of Water Supply - Inside Basins  
Chris Grimes Ground Water Commission Staff  
Division 1 Office, District 1 Water Commissioner

FROM: Ioana Comaniciu, P.E.

RE: Lost Creek Pit, Permit No. M-2018-051  
Operator: Black Mountain Sand DJ, LLC  
Contact: Rick Steiskal, Black Mountain Sand DJ, LLC, (817) 698-9901  
Secs. 2, 3, 4, 9, 10, 11 and 14, Twp. 3N, Rng. 61W, 6th P.M., Morgan County  
The land in Secs. 2, 3, 10, and 11 is located in Division 1, District 1, the land in Sec. 4 and 9 is located in the Lost Creek Designated Ground Water Basin, and the land in Sec. 14 located in the North Kiowa Bijou Designated Ground Water Management District and Kiowa Bijou Designated Ground Water Basin

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**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 is currently evaluating the project water requirements. The operation will utilize water recovery methods associated with on-site processing plant to recycle and reuse as much water as possible. The applicant has indicated that approximately 6,700 acre-feet/year from 18 existing wells located on the property will be available for this project. The applicant must identify the specific well permits or water rights that will provide the water for this project and provide evidence that those well permits or water rights may be used for the proposed uses. The water needs for the industrial uses must be obtained for a source approved for that use.
- ☒ 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 plan for augmentation approved by the Division 1 Water Court and/or a Ground Water Commission approved replacement plan to replace depletions to the respective stream regimes.

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**COMMENTS:** The subject application is for a surface mining operation on approximately 3069.1 permitted acres located in the SW1/4 of Section 2, Section 3, 4, 9, the SW1/4 and the W1/2 of the SE1/4 of Section 10, Section 11, and a portion of the N1/2 of Section 14, all in Township 3 North, Range 61 West of the 6<sup>th</sup> P.M., Morgan County. The primary commodity to be mined at the site is sand deposits for primary use in the industrial hydraulic fracturing. The area to be mined is currently used for agricultural purposes. Mining will be conducted in 64 approximate yearly blocks. A processing plant is proposed for the mine site. No dewatering or other impoundments are anticipated for the mining operations.

The applicant indicates there is approximately 6,700 acre-feet/year associated with 18 existing wells located on the property that will be available for the project; however, according to our records there are only two permitted wells operating under permit nos. 47637 and 28682 on the property that is subject to this project



and those wells are currently permitted for livestock watering use only. As permitted, the wells with permit nos. 47637 and 28682 cannot be used for industrial use. Should the applicant want to use these wells for industrial use, the wells will need to be included in a Water Court approved plan for augmentation before being allowed to be used for industrial use. In addition, prior to the operation of the wells under the plan for augmentation the wells would need to be re-permitted as non-exempt wells.

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