



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

May 9, 2019

Justin Fredrickson  
City of Fort Collins  
P.O. Box 580  
Fort Collins, CO 80522

**Re: East Rigden Pit, Permit No. M-1979-097, Status of Required Corrective Actions**

Mr. Fredrickson:

The Division of Reclamation, Mining and Safety (Division) is providing the following status update on the corrective actions required by the inspection report mailed on March 11, 2019:

**PROBLEM:** The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

**CORRECTIVE ACTIONS:** The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer (SEO), show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

**STATUS UPDATE:** *On May 8, 2019, the operator provided evidence of submitting a Substitute Water Supply Plan (SWSP) Renewal Request to the SEO to replace all out-of-priority depletions with Fort Collins' augmentation water sources. Therefore, the Division considers the problem to be abated at this time. A copy of the approved SWSP (and any renewals) shall be submitted to the Division until full release of the permit.*

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,

Amy Eschberger  
Environmental Protection Specialist

EC: Jeffrey Clark with BBA Water Consultants at: [jclark@bbawater.com](mailto:jclark@bbawater.com)  
John Stokes with City of Fort Collins at: [jstokes@fcgov.com](mailto:jstokes@fcgov.com)

