



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

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AUG 28 2019

DIVISION OF RECLAMATION  
MINING AND SAFETY

GJFO  
Via email

**Response to Notice of 112 Construction Materials Reclamation Permit Amendment Application  
Consideration**

To: Amy C. Yeldell, Environmental Protection Specialist  
From: Justina P. Mickelson, Physical Science Researcher/Scientist  
Date: August 28, 2019  
Re: Operator: Oldcastle SW Group, Inc. dba United Companies of Mesa County;  
Otter Creek Pit; Permit No. M-2012-050  
Section 14, Twp 1 S, Rng 1 E, Ute P.M.; Montrose County

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**CONDITIONS FOR APPROVAL**

The applicant is requesting an amendment to add 5.8 acres of permitted area, which is Phase/Pit 4. Per the applicant, the mine will encounter ground water in the mining operation.

Well Permit No. 81730-F was issued February 13, 2018 to expose water in the Otter Creek Pit. The average annual amount of ground water to be appropriated shall not exceed 238.67 acre-feet for the uses described on the well permit, excluding dewatering. The use of ground water, in addition to evaporation, is limited to dewatering (500 gpm), product moisture loss, aggregate washing, and dust control. The total surface area of the gravel pit pond(s) limited to 55 acres.

This gravel pit is located in an area where ground water is still available for appropriation and the well permit was issued on the basis that water is available for appropriation; however, this well may be subject to administration in the water rights priority system in the future.

If storm water is not diverted or captured in priority, Colorado Water Law requires it to be released, or replacement for evaporation will be required of the impounder/operator/owner of the gravel pit. The State Engineer's current policy requires that all impounded water be released to the stream system within a maximum of 72 hours after impoundment. Unless captured in priority, impounded water may not be used for any purpose except as approved under a water supply plan or decreed plan for augmentation.

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**COMMENTS**

This office has no objections to the Notice of 112 Construction Materials Reclamation Permit Amendment Application so long as the site operates under a valid well permit for any ground water exposure or use.

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

Cc: Division 5 Engineer  
District 72 Water Commissioner

