



COLORADO
Division of Water Resources
Department of Natural Resources

January 9, 2020

Janet H. Binns, Environmental Protection Specialist
Division of Reclamation, Mining and Safety
Janet.binns@state.co.us

Re: New Horizon Mine (Permit No. C-1981-008)
Modify Pond 009 to facilitate construction of stock pond SP2 on ERMR
property

Dear Ms. Binns:

The Division of Water Resources has reviewed the New Horizon Mine (Permit No. C-1981-008) proposal to modify Pond 009 to facilitate construction of stock pond SP2 on ERMR property. The surface coal mining operation is located approximately 1.7 miles Northwest of Nucla in Montrose County.

Please note that the site is located within an over appropriated stream basin. All surface and ground water diversions in over appropriated areas must be made in priority or must be fully augmented so as to not cause injury to senior water rights. Our records indicate that the site operates pursuant to water rights and a plan for augmentation decreed in Water Court Decree Case No. 10CW208. Stock pond SP2 must not expose ground water and must be filled in priority. Additionally, a well withdrawing ground water may not be used to fill this stock pond.

So long as the applicant adheres to the decree and plan for augmentation laid out in water court case no. 10CW208, this office has no objection to the application. Thank you for the opportunity to comment on this project. If you have any questions, please contact me at this office.

Sincerely,

Justina P. Mickelson
Physical Science Researcher/Scientist

Cc: Division 6 Engineer
District 43 Water Commissioner

