




## Response to Reclamation Permit Surety Release Request Consideration

DATE: October 19, 2020  
TO: Brock F. Bowles, Environmental Protection Specialist  
FROM: Sarah Brucker, P.E.   
RE: Headley, Permit No. M-1980-135, SL-1  
Applicant/Operator: Pinneo Feedlot, Ltd. Liability Company  
Phone Number: (970) 842-0701  
Sections 29, 30, and 31, Twp. 5 North, Rng. 55 West, 6th P.M., Morgan County

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**COMMENTS:** The applicant has submitted a request for full/final surety (bond) release request for the entire 59.3 permitted acres. The Headley site consists of four separate pit areas designated as Pit #1-4.

According to the Minerals Program Inspection Report from an inspection conducted on September 15, 2020, Headley Pit #1 and Pit #2, located in the SW¼ of the NE¼ of Section 29, have been completely backfilled and graded, with no standing water observed.

Based on correspondence in the DRMS file, Headley Pit #3 was reclaimed to Riverside Headley Recharge Pond 2. There are a total of three recharge ponds located in the west half of Section 29, known as Riverside Headley Recharge Pond 1 (WDID 0103344), Riverside Headley Recharge Pond 2 (WDID 0103345), and Riverside Headley Recharge Pond 3 (WDID 0103346). All three ponds are part of the Headley Recharge Project, which was decreed in Division 1 Water Court case no. 90CW189. The Headley Recharge Project is utilized as a source of augmentation water in the Riverside Reservoir and Land Company, Riverside Irrigation District, and Farmers State Bank of Brush augmentation plan decree in case no. 90CW0189 and in the Pinneo Feedlot, LLC augmentation plan decreed in case no. 03CW0407.

Pursuant to section 37-90-137(11)(b), C.R.S., and case no. 2009CW49, a gravel pit operator or property owner does not need to replace depletions that occur due to evaporation from groundwater exposed prior to January 1, 1981 as a result of open mining of sand and gravel ("pre-81 areas"), regardless of whether mining continued after December 31, 1980. This office has recognized the approximately 1 acre of groundwater in Headley Pit #4, located in the NW¼ of the NE¼ of Section 31, as being pre-81 exposure that does not require replacement for evaporation.

Based on the above, this office does not have any opposition to the surety release request. The Division of Reclamation, Mining and Safety and/or the applicant may contact the State Engineer's Office with any questions.

