

November 9, 2021

Rob Zuber
Colorado Division of Reclamation, Mining, and Safety
1313 Sherman St, Rm 215
Denver, CO 80203
(303) 866-3567

Delivered Via Email

RE: Bennett Pit, Permit No. M-1979-166
Inspection Report Items - Response

Mr. Zuber

I am writing in response to your inspection report from August 17, 2021 on the Bennett Pit for Elam Construction, Inc.

1. Financial Warranty

The permittee has reviewed the CDRMS proposed financial warranty estimate and has no issues or revisions.

2. Groundwater

The Bennett Pit has a gravel well permit in place since 1998 with the Colorado Division of Water Resources. The Gunnison River became over-appropriated in 2002. As the gravel well permit was issued in 1998 when there was free flowing water in the Gunnison River, no augmentation plan or substitute water supply plan was required.

This gravel well permit states:

5) The average annual amount of ground water to be appropriated shall not exceed 48.75 acre-feet with a total surface area of the proposed ground water pond limited to 9.5 acres...

A copy of this gravel well permit is attached.

Currently, the exposed groundwater area is less than 9.5 acres, meaning operations at the Bennett Pit are within the limits in its gravel well permit. By being in compliance with its approved gravel well permit, the Bennett Pit is in compliance with the Office of the State Engineer with regards to the exposure of groundwater onsite.

3. General Mine Plan Compliance

The mine boundary was re-staked onsite and confirmed that the car parts and associated solid waste were not within the affected area. Figure 1 shows the stake (right side) and the car parts in question.



Figure 1. Permit Stake and Car Parts

4. Roads

A technical revision is being prepared to show the updated mining plan as requested by the inspection report.

5. Weeds

The permittee is working to implement weed control onsite. Mechanical removal of weeds is scheduled to take place in the late fall 2021.

6. Signs & Markers

The permit and affected area boundary is marked in the field with stakes such as shown in Figure 1.

7. Topsoil Stockpiles

Topsoil stockpiles are scheduled to be seeded in the fall of 2021. Seed mix has been purchased from Mesa Feed Mart for this purpose (see attached invoice).

Please contact my office with any questions.

Regards,



Ben Langenfeld, P.E.
Lewicki & Associates, PLLC
benl@lewicki.biz
(720) 842-531, ex. 1

Mesa Feed Mart
520 S. 9th Street
Grand Junction, CO 81501 US
970-242-7762
kathy@mesafeed.com
www.mesafeedmart.com



INVOICE

BILL TO

Elam Construction
Attn: Jon Mueller
556 Struthers Avenue
Grand Junction, CO 81501

SHIP TO

Elam Construction
Attn: Jon Mueller
556 Struthers Avenue
Grand Junction, CO 81501

INVOICE # 27028**DATE 11/05/2021****DUE DATE 12/05/2021****TERMS Net 30**

ACTIVITY	QTY	RATE	AMOUNT
Grass:Elam Mix #1 Elam Mix #1	1		
Grass:Elam Mix #2 Elam Mix #2	1		
SUBTOTAL			
TAX			0.00
TOTAL			
PAYMENT			
BALANCE DUE			

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

APPLICANT

WELL PERMIT NUMBER **049487** - **F** -
DIV. 4 CNTY. 15 WD 40 DES. BASIN MD

Lot: Block: Filing: Subdiv:

EARL BENNET
1470 HWY 50
DELTA CO 81416-

(970)874-4835

APPROVED WELL LOCATION
DELTA COUNTY

SW 1/4 SE 1/4 Section 11
Twp 15 S RANGE 96 W 6th P.M.

DISTANCES FROM SECTION LINES

Ft. from Section Line
Ft. from Section Line

PERMIT TO EXPOSE WATER IN A PIT

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137 (2) and (11) for the construction and operation of a well (gravel pit) exposing and diverting ground water tributary to the Gunnison River at a point where water is available for appropriation.
- 4) The approval of this permit does not grant a water right. This well (gravel pit) is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules and regulations.
- 5) The average annual amount of ground water to be appropriated shall not exceed 48.75 acre-feet with the total surface area of the proposed ground water pond limited to 9.5 acres. This pit is known as the **Bennett Pit**. CDMG #M-79-166.
- 6) The use of ground water is limited to evaporation (39.2 acre-feet/year), dust suppression (1.15 acre-feet/year), product moisture loss (1.5 acre-feet/year), and batch plant operation (6.9 acre-feet/year).
- 7) The owner shall mark the well (gravel pit) in a conspicuous place with well permit number(s) and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) The provision of the Minimum Construction Standards in Rule 10 shall be waived for gravel pits except for Rules 10.1 and 10.2.1 regarding aquifer contaminants. The owner of the gravel pit shall take necessary means and precautions to prevent contaminants from entering the gravel pit well.
- 9) The owner shall submit, after initiation of excavation, plan and cross section drawings on 8-1/2" x 11" paper showing the extent of excavation, the maximum depth of the pit, and the initial static water level.
- 10) The boundaries of the gravel pit pond shall be more than 600 feet from any existing well.
- 11) Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 12) This permit has been approved for a product moisture loss amount of 1.5 acre-feet/year (based on 4% moisture loss and approximately 50,000 tons of product excavated/year). You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.). *JD 2-12-98*

APPROVED
JD2

Hal D. Simpson
State Engineer

Receipt No. 0423245

DATE ISSUED **FEB 18 1998**

By *Randy M. Ho*

EXPIRATION DATE **FEB 18 1999**

FORM
NQ.
GWS-27
12/95

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 Sherman St., Rm 818, Denver, Colorado 80203
Phone: (303) 866-3581

For Office Use only

RECEIVE
No wells 600'
tabv 69-H
North Delta

JAN 4 1998

RECEIVED

NOV 03 1997

WATCHES
STATE ENGINEER
11/3/97

WATER RESOURCES
STATE ENGINEER
GOLD

TRW423245
11/3/97
CHECKS
DIV OF
WATER RESOURCES

REVIEW INSTRUCTIONS PRIOR TO COMPLETING FORM

GRAVEL PIT WELL PERMIT APPLICATION

1. TYPE OF PERMIT

- ☒ NEW PIT(S) (EXPANSION OF EXIST. PIT)
☐ PIT(S) EXIST, CONSTRUCTED AFTER DEC. 31, 1980

2. APPLICANT INFORMATION

NAME(S) EARL BENNETT

Mailing Address 1470 HIGHWAY 50

City, St. Zip DELTA, CO 81416

Phone (970) 874-4835

3. CONSULTANT/ATTORNEY/OPERATOR CONTACT (If different than #2)

NAME(S) ABOVE

Mailing Address _____

City, St. Zip _____

Phone (_____) _____

PIT NAME BENNETT

DMG NOM 79-166

4. GENERAL LOCATION OF PIT(S): COUNTY DELTA

SW 1/4 SE 1/4, Sec. 11 Twp. 15 ☐ N. ☒ S., Range 96 ☐ E. ☒ W. SIXTH P.M.

5. Estimated maximum water surface to be exposed: 9.5 Acres. Number of Pits one

6. Estimated depth of pit(s) 30 Ft. Estimated depth to groundwater 4 Ft.

7. Estimated date to expose groundwater 1997; to complete mining 2022

8. ATTACHMENTS: (Check which have been attached.)

- (a) ☒ Scaled map of pit area with range, township, & section clearly identified (REQUIRED).
(b) ☐ Copy of the reclamation permit, if applicable.
(c) ☐ Copy of pre 1/15/89 water conservancy dist. or water user assoc. augmentation agreement, if applicable.
(d) ☐ Copy of proposed substitute water plan or augmentation plan application, if applicable.
(e) ☐ Copy of court approved augmentation plan, if applicable. Case No. _____
(f) ☐ Other _____

9. Detailed description of any use, other than evaporation, and method of diversion, rate of diversion, and annual amount of diversion of any water withdrawn from the pond.
EVAPORATION MAX. WATER SURFACE OF 9.5 AC. (39.2 AF/YR.) DUST SUPPRESSION
(1.15 AF/YR.) MOISTURE LOSS IN AGGREGATE (0.50 AF/YR.)
BATCH PLANT (6.9 AF/YR.) TOTAL ALL DEPLETION = 45.85 AF/YR. 47.75 AF/YR.

10. I (we) have read the statements made herein and know the contents thereof, and that they are true to my (our) knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

Name/Title (Please type or print)
EARL BENNETT, OWNER

Signature

Earl Bennett

Date

9-22-97

For Office Use only

Court Case No. _____ Div. 4 Co. 15 WD 40 Basin _____ MD _____ Use _____