



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

Interoffice Memorandum

Date: November 23, 2021
From: Rob Zuber **RDZ**
To: M-1979-166 File

**Subject: Bennett's Gravel Pit (Permit No. M-1979-166)
Information from DWR regarding the well permit for the site**

The following email (date of November 23, 2021) from Greg Powers, Division of Water Resources (DWR), indicates that the Bennett's Gravel Pit is in compliance with DWR rules and no augmentation plan or substitute water supply plan is needed for the site at this time.

Hello Rob.

Since the permit was applied for prior to that section of the Gunnison going over-appropriated, it was issued without requiring an augmentation plan or an SWSP. This is alluded to in condition 3 of the well permit where it states that the permit is approved at a point on the Gunnison where there is water available for appropriation. There is also a pinned comment in the Hydrobase Data Management Console that states "Gravel Mining Operation, Non-Overappropriated Area". As such, it appears that there is no augmentation plan/SWSP associated with Bennett's Gravel Pit.

Condition 4 of the well permit does state that the well is subject to administration, and it could be required to replace out of priority depletions, however there is a Colorado Supreme Court ruling that requires us to administer all wells that are causing depletions, not single out any one. Currently, Division 4 does not have well use rules, so we do not administer wells without augmentation plans/SWSPs, that are causing out of priority depletions.

As such, the Bennett's Gravel Pit is currently operating within our regulations. If Division 4 adopts well use rules, Bennett's Gravel Pit would be subject to those rules and would be required to comply with those rules and make up for out of priority depletions.

When that time comes, the easiest way for them to comply will likely be to purchase an augmentation contract from Blue Mesa Reservoir.

Regards,

--

Greg Powers
Well Commissioner
Division 4

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