



Response to Reclamation Permit Amendment Application Consideration

DATE: June 28, 2023

TO: Peter S. Hays, Division of Reclamation, Mining & Safety (DRMS), peter.hays@state.co.us

CC: Division 1 Office, District 2 Water Commissioner, alec.hernandez@state.co.us

FROM: Wenli Dickinson, P.E., Division of Water Resources, wenli.dickinson@state.co.us

RE: **Wattenberg Lakes, DRMS File No. M-2004-051, AM-1**

Operator: Kevin Peart, Senior Vice President of Holcim - WCR, Inc.
1687 Cole Blvd, Suite 300, Golden, CO 80401

Location: Sections 25 & 36, Township 1 North, Range 67 West, 6th P.M. and
Section 30, Township 1 North, Range 66 West, 6th P.M., Weld County

COMMENTS: The State Engineer's Office ("SEO") has reviewed the subject application for an amendment to permit no. M-2004-051 for the Wattenberg Lakes surface mining operation generally located in Sections 25 and 36, Township 1 North, Range 67 West, 6th P.M. and Section 30, Township 1 North, Range 66 West, 6th P.M., Weld County. The amendment seeks to increase the affected land boundary from 245 acres to 251.2 acres. The purpose of this amendment is to allow mining of approximately 221,000 tons on the remaining 6.2 acres of Pond 1/Struck Pond. Mining will be limited to the area of Pond 1/Struck Pond. Groundwater will be consumed by evaporation, dust control, water lost with mined product, and dewatering. Groundwater levels are estimated between 1 and 2 feet below the ground surface depending on the season.

Prior to the use or exposure of any groundwater, the Applicant must first obtain a well permit and a substitute water supply plan ("SWSP") or decreed plan for augmentation to replace depletions caused by groundwater consumption. Currently, depletions to the South Platte River at the site are covered by the Holcim South Platte Combined SWSP (WDID 0202565), valid through December 31, 2023 and well permit no. 78627-F. If the proposed water uses or depletions will exceed those allowed by the current SWSP approval and/or well permit no. 78627-F, the Applicant must file an application for an amended SWSP and/or new well permit as applicable. The site must continue to be operated under a SWSP until such time as the site is reclaimed. Replacement of lagged depletions must continue until there is no longer an effect on stream.

In certain areas of the South Platte River Basin, SEO staff have observed groundwater problems that appear to be related to the lining of gravel pits located near streams, and in particular, these problems occur when multiple liners are located adjacent to each other. This office requests that DRMS consider the siting and design of lined gravel pits to ensure that they will not individually or cumulatively result in impacts to the timing and quantity of groundwater flow from upgradient locations back to the stream system. In addition to impacts to property, such as flooding upgradient and reduced water levels downgradient of the liner, there are decrees of the court that specify the timing, quantity, and amount of water depleted from the streams by wells and accreted to the stream through recharge operations. The installation of a gravel pit liner should not result in changes to the timing, location, and amount of such groundwater flow. According



to the application, the Applicant proposes a perimeter drain around the slurry wall of Pond 1/Struck Pond in order to reduce the effects of mounding behind the walls.

Any stormwater runoff intercepted by this operation that is not diverted or captured in priority must infiltrate into the ground or be released to the stream system within 72 hours. Otherwise, the operator will be required to make replacements for evaporation of stormwater. According to the application, stormwater will be removed during dewatering of the site.

Once mining is complete, Pond 1/Struck Pond will be lined and reclaimed as reservoirs for use by the City of Westminster. Pond 2 is planned for wetland mitigation. Pond 3 has already been reclaimed. During reclamation, Pond 1 will store Bright Ditch water for the west side of the site. Such ditch water must be decreed for storage purposes or released within 72 hours of storage. Reclamation will also include revegetation.

Concerning the wetland mitigation changed areas, there is no statutory requirement for the Applicant to obtain input from the SEO. However, the Applicant should consider if their changed areas could result in an order from the State or Division Engineers due to injury to vested water rights. The types of orders that may be relevant to stream and/or wetland mitigation or restoration projects include:

- (1) discontinue a diversion that is causing material injury (e.g. any water diverted for vegetation must be decreed for irrigation use and be diverted in priority);
- (2) release any water that has been illegally or improperly stored;
- (3) clear streams of unnecessary dams and obstructions that restrict or impede the flow of water (refer to sections 37-92-501 and 502, Colorado Revised Statutes, for information about DWR's authority to administer water and issue orders).

Additional information about DWR's position on restoration/mitigation projects is available on our website at: dwr.colorado.gov/services/water-administration/pond-management-restoration-projects.

The Applicant may contact the SEO at (303) 866-3581 with any questions.