



## Response to Reclamation Permit Surety Release Request Consideration

DATE: November 21, 2023  
TO: Robert D. Zuber, P.E.  
FROM: Sarah Brucker, P.E. *SB*  
RE: Loloff Pit, Permit No. M-1985-112, SL-4  
Applicant/Operator: Loloff Construction, Inc.  
Phone Number: (970) 566-5090  
NW¼ Section 4, Twp 5 North, Rng 65 West, 6th P.M., Weld County

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**COMMENTS:** Loloff Construction, Inc. has submitted a request for release of the current bond for the Loloff Pit, which will release the entire property and close out the mining permit. The Loloff Pit consists of 55.17 permitted acres located approximately 1.5 miles northeast of Greeley. Gravel mining at the site concluded in August 2019, and dewatering at the site ceased after July 2019. The slurry wall liner for the Loloff Pit was approved by the State Engineer's Office in a letter dated April 26, 2019 as meeting the design standard for liners referenced in the August 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits and is now classified as a lined reservoir (Loloff Reservoir, WDID 0303483). The Loloff Reservoir is located adjacent to the Derr Pit, which is another lined gravel pit, and is situated between the Cache la Poudre River and numerous irrigated agricultural fields. Staff of the Division of Water Resources have observed groundwater problems that appear to be related to the lining of gravel pits located near streams, in particular when multiple liners are located adjacent to each other. Specifically, DWR has concerns about water mounding behind the slurry wall and injury due to irrigation return flows not being able to naturally accrue to the river. The DRMS should consider whether drainage structures are needed to allow water to flow back to the stream and to prevent water mounding behind the slurry wall.

There has been no consumptive use of groundwater at the site since the pit has been lined; however lagged depletions from past mining and dewatering operations at the site will continue to impact the river through March 31, 2031. Lagged depletions will be replaced under the Loloff Substitute Water Supply Plan (Plan ID 3270) approved on November 1, 2023, which covers all remaining lagged depletions associated with past mining and dewatering operations at the site and is valid through March 31, 2031. The substitute water supply plan was obtained by the Ogilvy Irrigating and Land Company and Ogilvy Augmentation Company (collectively, "Ogilvy"). Ogilvy is the owner of the Loloff Pit property and Loloff Reservoir. The primary source of replacement water under the Loloff Substitute Water Supply Plan is water currently stored in Loloff Reservoir. Pursuant to condition of approval no. 10 of the Loloff Substitute Water Supply Plan, the amount of water stored in Loloff Reservoir that is projected to be required to fully replace all remaining depletions associated with past mining and dewatering operations at the Loloff Pit site must be reserved for replacement of depletions under the substitute water supply plan and cannot be used for any other purpose, including evaporation, or sold or leased to any other entity unless an updated projection is provided showing a revised amount of water needed to fully replace all depletions and return flow obligations. A copy of the Loloff Substitute Water Supply Plan was recorded with the Weld County Clerk and Recorder to ensure that any future owner of the Loloff Reservoir



or the water stored in the reservoir is aware of this obligation. The State Engineer has the authority to issue an Order to Comply with a substitute water supply plan. The substitute water supply plan may be superseded if the site is included in a plan for augmentation decreed by the water court prior to the expiration date of the substitute water supply plan (March 31, 2031).

Based on the above, the Division of Water Resources has no opposition to the Surety Reduction and Release of DRMS Permit for the Loloff Pit (M-1985-112).

The Division of Reclamation, Mining and Safety and/or the applicant may contact me at this office with any questions.