



Response to Reclamation Permit Application Consideration

DATE: March 15, 2024

TO: Brock F. Bowles, P.E., Division of Reclamation, Mining & Safety (DRMS), Brock.bowles@state.co.us

CC: Division 1 Office, District 1 Water Commissioner

FROM: Ailis Thyne, P.E., State Engineer's Office (SEO), ailis.thyne@state.co.us

RE: **Ogilvy River Farm Gravel Pit, M-2024-006**

Applicant: Ogilvy River Farm, LLC, 1695 Colorado Parkway, Eaton, CO 80615
(970) 590-5551

Contact: J.C. York, J&T Consulting, Inc, 305 Denver Avenue, Suite D, Fort Lupton, CO 80621
(303) 857-6222

Location: Part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 5 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Twp. 5 North, Rng. 64 West, 6th P.M., Weld County

CONDITIONS FOR APPROVAL

The proposed operation will consume groundwater by: ☒ evaporation, ☒ dust control, ☒ dewatering, ☒ water removed in the mined product, ☒ washing, ☐ concrete production and ☐ reclamation.

- ☒ Prior to initiation of these uses of groundwater, the Applicant will need to obtain either a gravel pit or other type of well permit, as applicable.
- ☒ Prior to obtaining a well permit, an approved substitute water supply plan or decreed plan for augmentation is required.
- ☒ Prior to approving a well permit, the Applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The Applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or request a hearing before the State Engineer.

COMMENTS: The subject application is for a surface mining and processing operation on approximately 71.91 acres of which 45.06 acres will be mined, generally located in the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 5 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Twp. 5 North, Rng. 64 West, 6th P.M. in Weld County. The mining



operation consists of mining and processing sand and gravel for the production of construction materials. Processing of extracted materials include crushing, screening, washing, and the use of concrete and asphalt plants. Reclamation will include backfilling and regrading of the site, topsoiling, and revegetated. The area will be reclaimed as a lined groundwater storage reservoir with a anticipated surface area of 44.71 acres.

The mining plan calls for excavation of approximately 650,000 tons on average of material per year for an estimated 5.5 years, with an initial production of 300,000 tons per year and a maximum production of 1,000,000 tons per year. The primary materials to be mined at the site are sand and gravel. Mining will occur in the alluvium of the South Platte River. Mining will be accomplished in phases by dry-mining method after a slurry wall is installed prior to mining. It appears that water will be consumed by evaporation, dust control, dewatering, water removed in the mined product and washing.

Information regarding, stormwater runoff was not provided. After reclamation, stormwater runoff will be directed to the water reservoirs after mining. 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 and any water stored out of priority.

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. The site must continue to be operated under a SWSP until such time as the proposed reservoirs are lined (lining approved by this office, backfilling is completed, and replacement of lagged depletions shall continue until there is no longer an effect on stream).

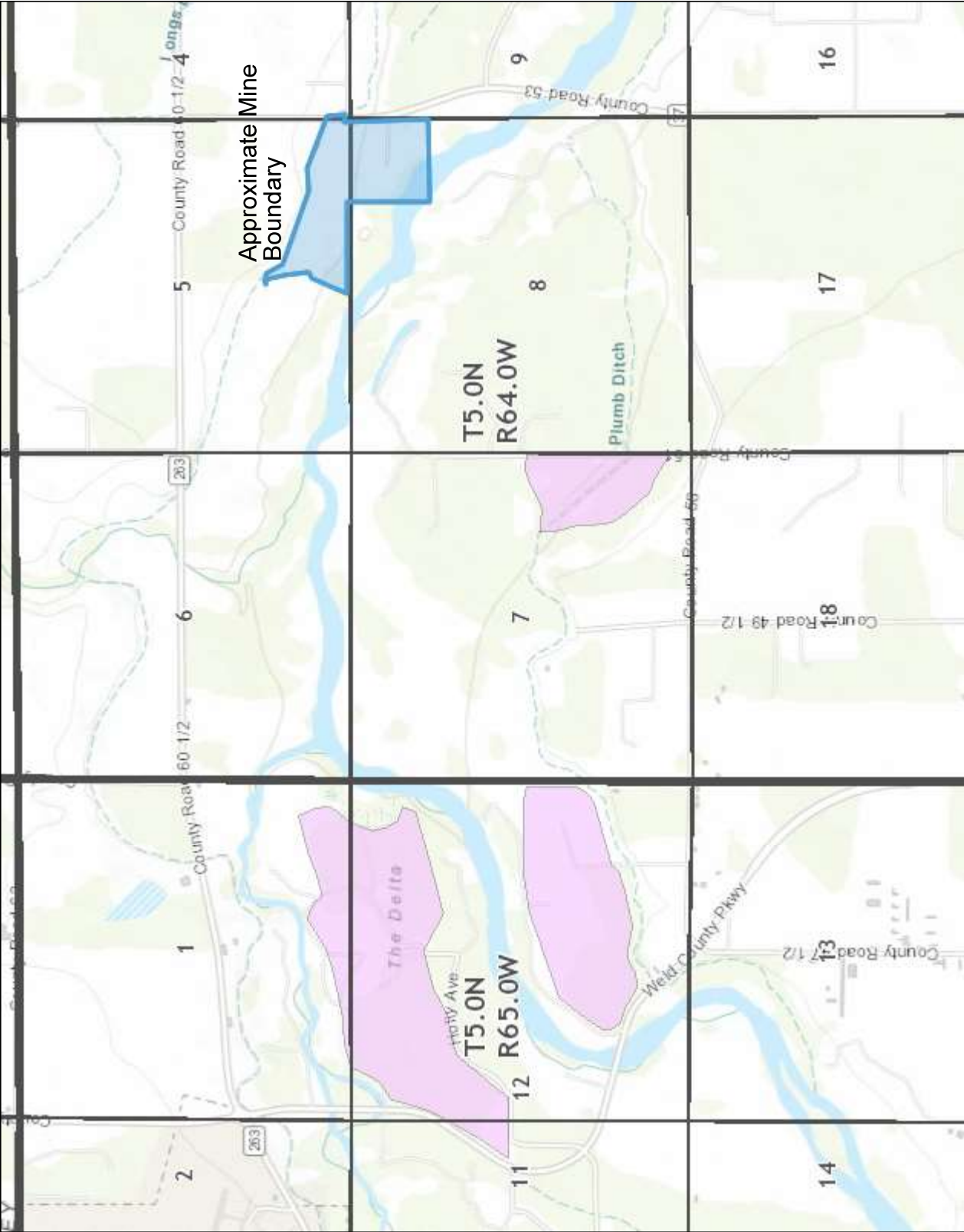
Additionally, according to the application and our records, there are several wells located on the subject property. Such wells must be operated in accordance with their permitted conditions and applicable statutes. Such wells cannot be used for the mining operation unless they are permitted for such use.

Additionally, 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. Attached is a map showing the location of this proposed mine and existing lined pits. DRMS should 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. In the design and construction of the liner, the Applicant and DRMS should consider whether drainage structures are needed to allow water to flow back to the stream and to prevent water mounding behind the liner.

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



Map Viewer



Legend

Township

Section

County

Pits - Lined

Location

Notes

Map



4,677 0 2,339 4,677 Feet

1: 28,064

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 3/15/2024 1:14:01 PM