

J&T Consulting, Inc.

October 28, 2024

Mr. Brock Bowles
Environmental Protection Specialist
State of Colorado
Division of Reclamation, Mining, and Safety

Physical Address:

1313 Sherman Street, Room 215
Denver, CO 80203

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1001 East 62nd Avenue
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*RE: Petition to the Board for a Declaratory Order
Central Colorado Water Conservancy District, Sweet Valley Pit, File No. M-2024-015*

Dear Mr. Bowles,

On behalf of Central Colorado Water Conservancy District (CCWCD) we are submitting information for CCWCD to petition the Mined Land Reclamation Board for a declaratory order at the December 11, 2024 meeting.

Petitioner: Central Colorado Water Conservancy District (CCWCD), a quasi-municipal corporation and political subdivision of the State of Colorado and current permit applicant for the Sweet Valley Pit (File No. M-2024-015). CCWCD is a Water Conservancy District, formed and operating pursuant to the Colorado Water Conservancy Act, C.R.S. § 37-45-101 et.seq. CCWCD was formed in 1965. CCWCD's District boundaries encompass approximately 474,902 acres in Adams, Weld and Morgan Counties.

Statute Related to Petition: Rule 4.1.2(2) – No Financial Warranty shall be required where the Operator is a unit of municipal or county government or the State Department of Transportation and the Operator submits a written guarantee, in lieu of a financial warranty, stating that the affected lands will be reclaimed in accordance with the terms of the permit, these Rules, and Section 34-32.5-116, C.R.S.

Issue for Determination: The subject of the declaratory order relates to whether CCWCD is included under Rule 4.1.2(2) regarding the submittal of Financial Warranty for the Sweet Valley Pit (File No. M-2024-015).

The Sweet Valley Pit Regular 112 Operation Reclamation Permit application is currently under review with the Division of Reclamation, Mining, and Safety. CCWCD is working with objectors to address their concerns which we believe they have by making the access from the proposed pit on CR 40 where it will be a paved road and not on CR 25.5 where the objectors reside. This is a



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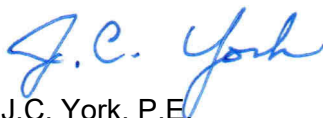
traffic issue and not something that the DRMS governs. Weld County and the Colorado Department of Transportation (CDOT) are the governing entities in regard to traffic for this location and CCWCD is in the process of obtaining approvals from Weld County and CDOT for the required improvements to CR 40 and Hwy 60.

We have provided information on bonding for the phases of the Sweet Valley Pit as required by the rules and regulations, however we believe CCWCD does meet the guidelines and status for a unit of municipal or county government being a quasi-municipal corporation and political subdivision of the State of Colorado governed by the Special District Act, Section 32-1-101, et seq., C.R.S.

The Petitioner intends to reclaim the site by converting it to a lined water storage facility. CCWCD began developing lined gravel storage in the late 1980's. Along with its two subdistricts, CCWCD has developed over 20,000-acre feet of storage utilizing the process of lining completed sand and gravel mines along the South Platte River and its tributaries. Development of water storage is one of CCWCD's primary purposes under the Water Conservancy Act. CCWCD has a water court application pending in Case No. 23CW3181 to adjudicate a water storage right for the Sweet Valley Reservoir Complex which will be developed by lining the Sweet Valley Pit and using it for water storage upon completion of mining activities consistent with its proposed reclamation plan.

Financial Capability of CCWCD: CCWCD is a financially responsible unit of local government and has substantial financial capability. CCWCD serves member customers in Morgan, Weld, and Adams counties since it was established in 1965. The 2024 CCWCD annual budget message reflects a mill levy certified to the County Commissioners (Adams, Weld & Morgan Counties) of 0.375 mills for general operating purposes, bonds, refund and abatement and for the Special Election Mill Levy. Based on an assessed valuation of \$8,727,751,156, the 2024 total property tax revenue anticipated to be collected by CCWCD in 2024 is \$7,776,426. In addition, approximately \$4,500,000 of General Obligation bond funds have been allocated by CCWCD to the development of water storage in connection with the mining and reclamation of the Sweet Valley Pit, to be mined under permit M-2024-015. CCWCD is more than financially capable of reclaiming the Sweet Valley Pit in accordance with the terms of the permit, the applicable Rules and Section 34-32.5-116, C.R.S.

Sincerely,



J.C. York, P.E.
J&T Consulting, Inc.

