

# Phillips County Commissioners

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**Terry L. Hofmeister**  
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**Tom Timm**

Colorado State, Office of State Engineer

Ref; Biesemeier State Pit, ID# M-2021-029

Phillips County has received a Minerals Program Inspection Report from the Colorado State Reclamation Division, stating that Phillips County is in possible violation for standing water in the Biesemeier State Pit.

The County Road and Bridge Department is in the process of covering the portion of the pit that has standing water. We will cover this area with a minimum of two feet of packed fill.

We have taken note of the level of standing water and will not be mining as deep in the future.

We will also take pictures of the completed project and send them to you at that time.

Kevin Scott will be working with Joel Renfro with the Division of Reclamation to ensure the issue is resolved.

Garold Roberts, District 2 County Commissioner

CC: Joel Renfro [joel.renfro@state.co.us](mailto:joel.renfro@state.co.us)

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**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Biesemeier State Pit	<b>MINE/PROSPECTING ID#:</b> M-2021-029	<b>MINERAL:</b> Gravel and clay (general)	<b>COUNTY:</b> Phillips
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> December 17, 2024	<b>INSP. TIME:</b> 11:15
<b>OPERATOR:</b> Phillips County	<b>OPERATOR REPRESENTATIVE:</b> Kevin Scott, Ed Glennemeier, Dave Salyards	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b>	<b>BOND AMOUNT:</b> \$0.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Joel Renfro	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> January 16, 2025

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Hydrologic Balance

**PROBLEM/POSSIBLE VIOLATION:** Problem: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to C.R.S. 34-32.5-116(4)(h) of the Colorado Revised Statutes and Rule 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

**CORRECTIVE ACTIONS:** The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

**CORRECTIVE ACTION DUE DATE:** 3/17/25

### **OBSERVATIONS**

The Biesemeier State Pit was inspected by Joel Renfro with the Division of Reclamation, Mining and Safety (Division/DRMS) on December 17, 2024. Kevin Scott, Ed Glennemeier, and Dave Salyards with Phillips County were present during the inspection. This site is located about 7 miles southeast of Haxtun, CO in Phillips County, and can be accessed from the East of Co Rd 17. **Photos 1-12** are included in this report.

This is a 112c operation permitted for the extraction of gravel and clay that is used for county road maintenance. The permit encompasses 20 acres and is located on state land. The post-mine land use is pastureland. The site was not active at the time of inspection.

The permit boundary is marked by a fence that encompasses the site. Each corner is visibly marked with a yellow post. A dirt road runs from the entrance of the site to the eastern portion near where the pit begins.

This operation mined material from the creek bed located on the eastern edge of the permit boundary and has continued to mine westward. Overburden is scraped off and piled up to the north of the pit. Construction materials are excavated and hauled offsite as needed.

During the inspection, it was observed that groundwater had been exposed within the active mining pit. Based on observations during the inspection and Google Earth Imagery, it appears that about 1 acre of groundwater has been exposed during the operation, which can be seen in **Photos 6-12** and the attached Google Earth image taken on August 16, 2024. No permits are in place with the Office of the State Engineer (SEO) to allow groundwater exposure. This is a problem related to C.R.S. 34-32.5-116(4)(h) of the Colorado Revised Statutes and Rule 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights. **Because of this, the Division is citing it as a problem with a corrective action. By March 17, 2025, please either backfill the exposed groundwater at least 2 feet above the water table and provide photographic evidence of this to the Division or submit evidence to the Division that measures are being taken to be within compliance with SEO. If the operator wishes to continue exposing groundwater and does not want to backfill, then evidence of these measures being taken could be in the form of a copy of the application submittal or copies of email correspondence confirming the motion to work with SEO on obtaining the correct permits.**

This concludes the report.

*Any questions or comments regarding this inspection report should be forwarded to Joel Renfro at the Colorado Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at (720) 812-2002, or email at joel.renfro@state.co.us.*

### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <b><u>PB</u></b>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

#### Inspection Contact Address

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Holyoke, CO 80734

Enclosure:

Google Earth image of the site

CC:

Amy Eschberger, DRMS  
Andrew Nygaard, Phillips County