



## Response to Reclamation Permit Application Consideration

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Date: January 22, 2025

To: Todd Jesse, DRMS ([todd.jesse@state.co.us](mailto:todd.jesse@state.co.us))

Cc: Bill Blakeslee, District 45 Water Commissioner ([williame.west@state.co.us](mailto:williame.west@state.co.us))

From: Wenli Dickinson, P.E., DWR ([wenli.dickinson@state.co.us](mailto:wenli.dickinson@state.co.us))

Re: North Hangs Mine, File No. M-2024-059

Applicant: Western Slope Materials, LLC c/o Travis Stewart ([tjs@ws-materials.com](mailto:tjs@ws-materials.com))

Permitting Contact: Lwicky & Associates /o Ben Langenfield ([benl@lewicky.biz](mailto:benl@lewicky.biz))

Location: W ½ of Section 9, Township 6 South, Range 92 West, 6<sup>th</sup> P.M., Garfield County, Water Division 5, Water District 45

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### 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 the State Engineer must provide written notice to all well owners within 600 feet of the permit area, which may request a hearing before the State Engineer.

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**Comments:** The subject application is for an aggregate mining operation on approximately 72.8 acres located in the W ½ of Section 9, Township 6 South, Range 92 West, 6<sup>th</sup> P.M., Garfield County. The property is currently used for agricultural purposes. The mining plan calls for an average excavation of 100,000 tons of sand and gravel per year for an estimated 15 years (1.5 million tons of material total). Mining will occur in the alluvium of the Colorado River to a depth of up to 25 feet. Groundwater is expected to be encountered 4 feet below the ground surface. It appears that water will be consumed with mined product, washing mined product, dewatering, evaporation, dust control, and irrigation during reclamation.

Prior to the use or exposure of any groundwater, the Applicant must first **obtain a well permit**, subject to 600-foot spacing required by section 37-90-137(2)(b), C.R.S., 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 or backfilling is completed, and replacement of lagged depletions shall continue until there is no longer an effect on stream).

Additionally, as a result of the mining project, the Bernudy Ditch will be relocated. The project may **not** divert or store any water from the ditch except as allowed by the decree granted by the Division 5 Water Court in case no. W-2182. Additionally, water from the ditch **must continue to be diverted from its decreed points of diversion** and may not be diverted from new locations unless such changes are approved by the water court.



The area will be reclaimed as a groundwater lake. Long-term groundwater exposure and interception of surface flows must be covered by a **court-approved augmentation plan**. Any water used for irrigation of the revegetated area must be obtained from a **legal source authorized** for irrigation use.

Lastly, stormwater detention structures will be removed as a part of the project and stormwater may be detained as a result of the removal of the topsoil and overburden. The applicant should be aware that unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure **may be subject to administration by this office**. The applicant should review DWR’s [Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado](#) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. If the structure does not qualify as a stormwater detention structure, then any stormwater collected must be pumped to the river or be replaced under an SWSP.

Please contact Wenli Dickinson at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or (303) 866-3581 x8206 in the Denver office with any questions.