



Response to Surface Mining and Reclamation Permit Application Consideration

Date: May 8, 2025

To: Dustin M. Czapla, DRMS (Dustin.czapla@state.co.us)

Cc: Division 4 Office, District 28 Water Commissioner (Jack.Brazinsky@state.co.us)

From: Justina Mickelson, DWR (Jusitna.Mickelson@state.co.us)

Re: The Quarry LLC, File No. M-2025-021

Applicant: John Councilman, The Quarry LLC

Location: Part SW ¼ NE ¼ of Section 4, Twp. 49 North, Rng. 3 East, New Mex P.M.,
Gunnison County

Conditions for Approval

The proposed operation will consume groundwater by: ☒ evaporation, ☒ dust control, and ☒ reclamation.

- ☒ The Applicant will need to obtain a gravel pit well permit if groundwater is exposed, 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.
 - ☒ The Applicant must have a legal source of water supply authorized for the proposed uses prior to operation.
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Comments:

The subject application is to conduct a surface mining of granite and reclamation operation on approximately 7.38 acres located in part of the SW ¼ of the NE ¼ of Section 4, Township 49 North, Range 3 East, New Mex. P.M., Gunnison County. The mining plan calls for 1,000 gallons a day of groundwater for dust control. The applicant proposes the source for this water from the existing well, permit no. 93272, or the irrigation ditch, each located on the property.

The proposed operation does not anticipate exposing groundwater during the surface mining process. Therefore, exposure of groundwater must not occur during or after mining operations. In the event any groundwater is exposed, the Applicant must **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.

According to our records, exempt well permit 93272 is located on the property and was issued on September 12, 1977 to construct a well on 40 acres. Under the conditions of approval for this permit, the use of the well is limited to livestock watering. The well was constructed on September 12, 1977. **The well must be re-permitted and operate pursuant to an approved augmentation plan or substitute water supply (SWSP) prior to being used for mining processes, including dust control.**

The ditch and the associated water right under which the applicant intends to divert was not identified. Unless the applicant can show that the water diverted from the ditch is diverted in-priority and is decreed or otherwise authorized for industrial use, including dust control, water cannot be diverted from the ditch. The applicant should contact the Water Commissioner prior to diverting. Out-of-priority diversions must be covered by a plan for augmentation approved by the Division 4 Water Court.

Please contact Justina Mickelson at Justina.Mickelson@state.co.us or (303) 866-3581 x8232 in the Denver office with any questions.

Ec: Well permit no. 93272