



Response to Consideration of Construction Materials Reclamation Permit Surety Release Request Application

Date: June 26, 2025

To: Patrick Lennberg, Division of Reclamation, Mining & Safety (DRMS),
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Cc: Division 1 Office, District 5 Water Commissioner: shera.sumerford@state.co.us
Division 1 Office, District 6 Water Commissioner: graham.buggs@state.co.us

From: Mike Matz, State Engineer's Office (SEO), michael.matz@state.co.us

Re: Duckworth Pit, File No. M-2003-091-AM1

Operator: Martin Marietta Materials, Inc.

Location: Part of the NE ¼ of Sec. 16, Twp. 2N, Rng. 68W, 6th P.M., Weld County

Comments: The Applicant is seeking a full and final release of surety for DRMS Permit No. M-2003-091, known as the "Duckworth Pit". The Duckworth Pit contains two groundwater ponds designated as Phase #1 (East) Reservoir (WDID 0603373) and Phase #2 (West) Reservoir (WDID 0603374), which were lined with a compacted clay layer in May 2015 and subsequently approved by the State Engineer's Office on November 28, 2016 to be classified as lined reservoirs capable of water storage.

Sand and gravel mining operations for the Duckworth Pit were permitted under permit no. 76922-F and operated pursuant to a series of approved substitute water supply plans ("SWSPs") from November 1, 2012 through April 30, 2024. The final approved SWSP period from May 1, 2022 through April 30, 2024 did not include any new depletions from mining



operations since the two reservoirs mentioned above had been lined, and mining operations had ceased. According to the final SWSP, the only depletions being replaced for the period of May 1, 2022 through April 30, 2024 at the site were a total of 0.79 acre-feet of lagged depletions due to evaporation and production consumption from previous mining operations. According to the application documents for this final SWSP, no additional ground water would be exposed at the site, and Table 1 Column 13 from the application indicates that no remaining lagged depletions from previous mining operations would exist after April 30, 2024.

The final SWSP approval letter dated May 9, 2022 Condition #2 states that: ***“Well permit no. 76922-F was obtained for the current use and exposed pond surface area at the Duckworth Pit, in accordance with §37-90-137(2) and (11), C.R.S. The Applicant shall request that permit no. 76922-F be cancelled since the site has been lined and there are no more lagged depletions at the site after the expiration date of the SWSP.”*** A review of our records indicate that permit no. 76922-F is currently in a “well constructed” status and our office has no record that a request has been made by the Applicant to cancel the permit.

So long as the Applicant submits a request to cancel permit no. 76922-F, our office recommends approval of the requested release of surety for the Duckworth Pit.

Water shall not be impounded in the Duckworth East and West Reservoirs except pursuant to lawful diversions allowed by statute or decree. At all other times, all inflow of water into the reservoirs from any source, including precipitation and ground water inflows shall be removed to prevent illegal storage of water.

Please contact Mike Matz at michael.matz@state.co.us in the Denver office with any questions.