



## Response to Reclamation Permit Application Consideration

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Date: January 27, 2026

To: Ursula E. Armstrong, Division of Reclamation, Mining & Safety (DRMS)  
[Ursula.Armstrong@state.co.us](mailto:Ursula.Armstrong@state.co.us)

Cc: Division 1 Office, District 4 Water Commissioner, [Tom.Aled@state.co.us](mailto:Tom.Aled@state.co.us)

From: Mike Matz, P.E., State Engineer's Office (SEO), [Michael.Matz@state.co.us](mailto:Michael.Matz@state.co.us)

Re: **Bernhardt Overburden Mine, File No. M-2026-014**

Applicant: Joel Bolduc, Burnco Colorado, 1120 W. 122<sup>nd</sup> Ave., Suite 301,  
Westminster, CO 80234, (303) 913-6583

Permitting Contact: Joel Bolduc, Burnco Colorado, 1120 W. 122<sup>nd</sup> Ave., Suite  
301, Westminster, CO 80234, (303) 913-6583

Location: Part of Sec. 1, Twp. 4N, Rng. 67W, 6<sup>th</sup> P.M., Weld County

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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.

☒ The proposed mining operation does not anticipate exposing any groundwater.  
Therefore, groundwater must not be exposed during or after the mining operation.



**COMMENTS:** The subject application is for an overburden mining operation on approximately 8.7 acres located in Sec. 1, Twp. 4N, Rng. 67W, 6<sup>th</sup> P.M., Weld County. The majority of the property is currently used for the mining of sand and gravel at a site known as the Bernhardt Pit operating under DRMS Permit No. M-2002-120. This mining plan calls for an average processing of 75,000 tons of overburden material at the Bernhardt Pit site per year for an estimated 12 years. The primary materials to be mined at the site is overburden currently stockpiled on the site that was placed above the pre-mining grade. Mining will occur in the alluvium of the South Platte River. Estimated depth to groundwater is unknown. Groundwater will be consumed by dust control.

According to the application, water for dust control is expected to be less than 2 acre-feet per year, and will be obtained through an existing source “via the existing 112 permit and associated SWSP”. Based on this information, it appears the water for dust control will be obtained through well permit no. 89761-F and replacements will be made under the BURNCO Colorado LLC - Milliken RMX Batch Plant and TLT Well No. 1 Substitute Water Supply Plan (“SWSP”) (WDID 0402561). Well permit no. 89761-F was issued on February 3, 2025 to use existing well permit no. 60729-F pursuant to CRS 37-90-137(2) on the condition that this well is operated in accordance with the BURNCO Colorado LLC - Milliken Rmx Batch Plant and TLT Well No. 1 substitute water supply plan approved by the State Engineer on January 21, 2025 for commercial and industrial uses, a pumping rate not to exceed 500 GPM, and an annual amount to be withdrawn not to exceed 27 acre-feet, or the quantity allowed under the SWSP or court-approved augmentation plan, whichever is less. Well permit no. 60729-F was cancelled upon the issuance of new well permit no. 89761-F. An application to renew the BURNCO Colorado LLC - Milliken RMX Batch Plant and TLT Well No. 1 SWSP was received by our office on October 1, 2025 and this SWSP is pending evaluation. Depletions from dust control under the SWSP renewal application are estimated to be 2.16 acre-feet per year for 2026.

The application claims no groundwater will be exposed at the site during mining operations. However, given the fact that the site is located in close proximity of the South Platte River, groundwater may be exposed at the site if mining occurs below the

overburden stockpiles, therefore in the event that groundwater is exposed at the site, 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 area will be reclaimed through topsoiling and planting of vegetation at the end of mining for use as rangeland.

Any stormwater runoff intercepted by this operation that is not diverted or captured in priority must infiltrate into the ground or be released to the stream system within 72 hours. Otherwise, the operator will be required to make replacements for evaporation.

Please contact Mike Matz at [Michael.Matz@state.co.us](mailto:Michael.Matz@state.co.us) in the Denver office with any questions.