

**OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES**

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

AUTH

WELL PERMIT NUMBER 68697 -F -
DIV. 1 WD 1 DES. BASIN MD

APPLICANT

MCATEE CONSTRUCTION COMPANY
C/O LEONARD RICE ENGINEERS
2000 CLAY STREET #300
DENVER, CO 80211-

(303) 455-9589

APPROVED WELL LOCATION

MORGAN COUNTY

1/4 SE 1/4 Section 33
Township 4 N Range 57 W Sixth P.M.

DISTANCES FROM SECTION LINES

Ft. from Section Line
Ft. from Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO EXPOSE WATER IN A PIT

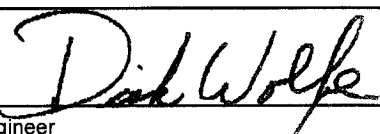
ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

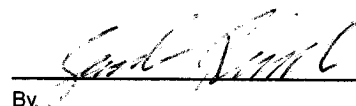
Page 1 of 2

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2) and (11) on the condition that this well (Green Bros. No. 2 gravel pit ground water pond, Division of Reclamation Mining & Safety Permit Number M-1995-030) is operated in accordance with the Green Brothers, Inc., Augmentation Plan approved by the Division 1 Water Court in case no. 2000CW185. If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
- 4) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
- 5) The average annual amount of ground water to be appropriated shall not exceed 6.7 acre-feet with the total surface area of the gravel pit ground water pond limited to 5.1 acres. No additional water surface shall be exposed unless a permit therefor is approved.
- 6) The use of ground water, in addition to evaporative loss from up to 5.1 acres of pond surface area, is limited to product moisture loss resulting from mining of up to 25,000 tons of aggregate per year or any combination of the above described uses that combined do not exceed the permitted limit of 6.7 acre-feet of water consumption per year. No other use of water is allowed unless a permit therefor is approved.
- 7) The owner shall mark the well in a conspicuous place with well permit number(s) and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 8) Pursuant to Policy 2000-4 (as amended October 1, 2002) of the State Board of Examiners of Water Well Construction and Pump Installation Contractors (Board), the minimum construction standards in Rule 10 of the Water Well Construction Rules shall be waived for gravel pit ground water ponds except compliance with Rule 10.1 and its subsections 10.1.2, 10.1.4, 10.1.6 and Rule 10.2 and its subsection 10.2.1 is required. The owner of the gravel pit shall take necessary means and precautions to prevent contaminants from entering the gravel pit ground water pond.
- 9) Pursuant to Policy 2000-4 (as amended October 1, 2002) of the Board, the disinfection standards of Rule 15 of the Water Well Construction Rules shall be waived and the water well construction report requirement of Rule 17 shall be waived, except compliance with Rules 17.1.4, 17.3 and 17.4 is required. The drawings required by Rule 17.1.4 shall include the date ground water was first exposed in the gravel pit.

APPROVED
SKR


State Engineer


By

Receipt No. 3638185

DATE ISSUED 10-19-2009

EXPIRATION DATE 10-19-2010

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 10) The boundaries of the gravel pit ground water pond shall be more than 600 feet from any existing well constructed in the same source, that is not owned by the applicant, excluding well permit no. 1265-RR, for which 600 foot spacing waiver was submitted on July 6, 2006.
- 11) Pursuant to Policy 2000-4 (as amended October 1, 2002) of the Board, no pumping equipment shall be installed in the gravel pit ground water pond to withdraw water for any beneficial use, unless a separate written request for a variance has been approved by the Board.

NOTE: Expired permit no. 64588-F was previously issued for this gravel pit.

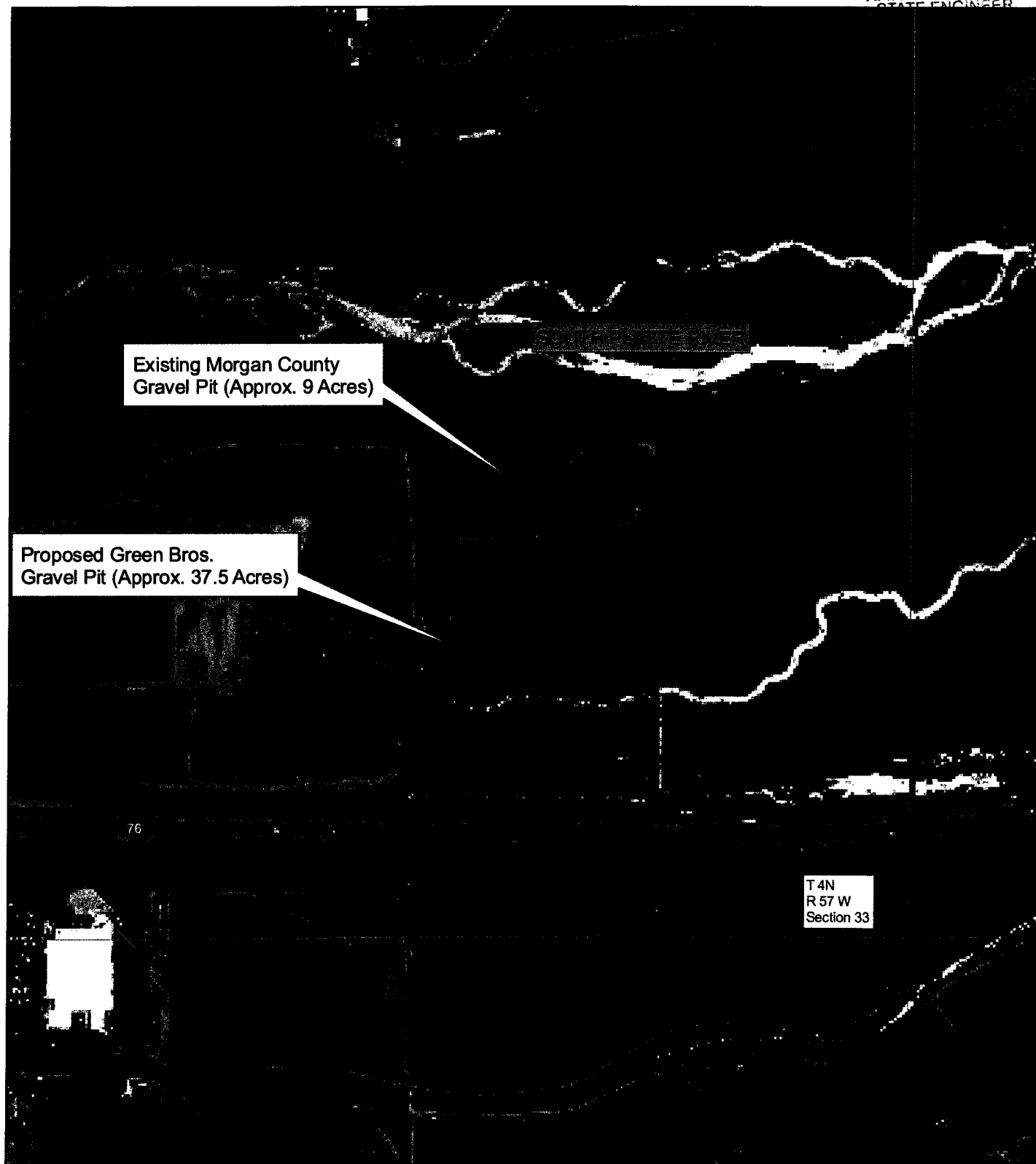
NOTICE: This permit has been approved for a change of the amount of material removed (tons) applied for to be consistent with the amount of material removed (tons) identified in the augmentation plan in case no. 2000CW185. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

RECEIVED

Form No. GWS-27 6/2006	COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 Sherman St., Rm 818, Denver, Colorado 80203 Phone: (303) 866-3581		For Office Use only OCT 09 2009 RECEIVED STATE ENGINEER COLO MAR 12 2009 WATER RESOURCES STATE ENGINEER COLO
REVIEW INSTRUCTIONS PRIOR TO COMPLETING FORM			
GRAVEL PIT WELL PERMIT APPLICATION			
1.	TYPE OF PERMIT <input checked="" type="checkbox"/> NEW PIT(S) <input type="checkbox"/> PIT(S) EXIST, CONSTRUCTED AFTER DEC. 31, 1980		
2.	APPLICANT INFORMATION NAME(S) <u>McAtee Construction Company</u> Mailing Address <u>220 Edwards Avenue, Box 1908</u> City, St. Zip <u>Sterling, CO 80751</u> Phone (970) <u>322-3647</u>		
3.	CONSULTANT/ATTORNEY/OPERATOR CONTACT (If different than #2) NAME(S) <u>Rick Parsons / Leonard Rice Engineers</u> Mailing Address <u>2000 Clay Street #300</u> City, St. Zip <u>Denver CO 80211</u> Phone (303) <u>455-9589</u>		PIT NAME <u>Green Bros. #2</u> DMG NO. <u>M-95-030</u>
4.	GENERAL LOCATION OF PIT(S): COUNTY <u>Morgan</u> <u>W 1/4 SE 1/4, Sec. 33 Twp. 4</u> <input checked="" type="checkbox"/> N. <input type="checkbox"/> S., Range <u>57</u> <input type="checkbox"/> E. <input checked="" type="checkbox"/> W. <u>6th</u> P.M.		
5.	Estimated maximum water surface to be exposed: <u>5.1</u> Acres. Number of Pits <u>1</u>		
6.	Estimated depth of pit(s) <u>50</u> Ft. Estimated depth to groundwater <u>1-2</u> Ft.		
7.	Estimated date to expose groundwater <u>April 2009</u> ; to complete mining <u>for 5.1 Acres by 2013</u>		
8.	ATTACHMENTS: (Check which have been attached.) (a) <input checked="" type="checkbox"/> Scaled map of pit area with range, township, & section clearly identified (REQUIRED). (b) <input type="checkbox"/> Copy of the reclamation permit, if applicable. (c) <input type="checkbox"/> Copy of pre 1/15/89 water conservancy dist. or water user assoc. augmentation agreement, if applicable. (d) <input type="checkbox"/> Copy of proposed substitute water plan or augmentation plan application, if applicable. (e) <input checked="" type="checkbox"/> Copy of court approved augmentation plan, if applicable. Case No. <u>01CW85</u> (f) <input type="checkbox"/> Other		
9.	Detailed description of any use, other than evaporation, and method of diversion, rate of diversion, and annual amount of diversion of any water withdrawn from the pond. <u>60,000 TMS Excavated material / Year x 4% water by weight =</u> <u>1.76 Acres-Ft / Yr.</u>		
10.	I (we) have read the statements made herein and know the contents thereof, and that they are true to my (our) knowledge. [Pursuant to Section 24-4-104 (13)(e) C.R.S., the making of false statements hereon constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]		
Name/Title (Please type or print)		Signature	Date Check Number: 014211 Check Amount: \$100.00 Total Trans Amt: \$100.00 CHECK 355-00 303-522-9725
Darren Gebhart / Regional Manager		Darren Gebhart	
For Office Use only			
Court Case No. _____ Div. <u>1</u> Co. <u>WD</u> <u>1</u> Basin <u>MD</u> Use _____			

MAR 12 2009

WATER RESOURCES
STATE ENGINEER



Project # 1291MCA02

Date: 3/05/08



Leonard Rice Engineers, Inc.

2000 Clay Street, Suite 300, Denver, Colorado 80211-5119
(303) 455-8889 * Fax: (303) 455-0115 * www.lre.com



0 250 500
Feet

McAtee Memo
Due Diligence

Figure 1: Location Map
Green Bros. Gravel Pit

Figure 1

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JUL 06 2006

C O N S E N T

WATER RESOURCES
STATE ENGINEER
COLORADO

Dorn Ready Mix Corp., being the owner of a parcel of ground in the $W\frac{1}{2}SW\frac{1}{4}$ of Section 33, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, upon which premises there is located a certain well, Permit No. 1265, which well is located on the west line of said $W\frac{1}{2}SW\frac{1}{4}$, and

That Dorn Ready Mix Corp. understands and acknowledges that Green Bros., Inc. has made application for a certain Land Use Permit whereby gravel and other substances may be removed from a portion of the $E\frac{1}{2}SW\frac{1}{4}$ of Section 33, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, from land owned by Green Bros., Inc., and

That Dorn Ready Mix Corp. does not anticipate that any injury will be incurred to its above stated well as a result of the permit being sought by Green Bros., Inc.

THEREFORE, Dorn Ready Mix Corp. does hereby waive any objection it may have as to the issuance of the permit sought by Green Bros., Inc. and does hereby consent to the issuance of the same, however, reserving unto Dorn Ready Mix Corp. any and all damages or claims which may result from actual injury should the same ever occur as a result of Green Bros., Inc. operation of said permit on the $E\frac{1}{2}SW\frac{1}{4}$ of Section 33, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado.

Dated this 21 day of April, 1993

Dorn Ready Mix Corp.


By 
Roy Parachini
President

EXHIBIT A

Deatherage, Jeff

From: Heath Kuntz [heath@nationengineering.com]
Sent: Tuesday, August 22, 2006 2:43 PM
To: Deatherage, Jeff
Subject: Green Bros., Inc.

Jeff,

Jim Green from Green Bros., Inc. has talked with me about a well permit you issued to him #64588-F. The permit is for exposure of water in a gravel pit. The recent court decreed plan for augmentation of 2000CW185 decrees the augmentation plan for the site to expose groundwater.

There is one condition which is incorrect in the permit, which is number 6. Mr. Green would like for me to have you correct this permit to reflect the augmentation plan decree. This condition states that the site is limited to 6.4 AF of evaporative losses. This limitation is not correct in that Mr. Green has 6.7 AF of supply; however in the Engineering report for the decree, year 2014 displayed as maximum build out only showed 6.4 for safety purposes incase more mined material would be needed.

Also within that condition, it states that mining will be limited to 8,332 tons of aggregate per year. This is very inadequate for the needs of the mining operation. The Engineering Report for the plan displays adequate supply to mine 25,000 tons of material annually from groundbreaking until the 5.1 acres of exposed groundwater is reached. The 8,332 tons of material came from the 2014 projected year which is the year of the greatest stream depletion but is not the year of the greatest mining. All years prior to 2014 displayed a projection of 25,000 tons of material being removed from the site without having un-replaced groundwater depletions.

Please let me know how we can correct the permit to reflect the decree.

Thanks,

Heath Kuntz
Nation Engineering Services, LLC

8/22/2006



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

April 21, 2009

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Dick Wolfe, P.E.
Director

Rick Parsons
Leonard Rice Engineers
2000 Clay Street #300
Denver, CO 80211

**Re: Water Well Permit Application for the McAtee Construction Company
Receipt No. 3638185**

Dear Mr. Parsons:

Preliminary review of the subject application indicates that the proposed well may be within 600 feet of one or more existing wells. The provisions of the Colorado Revised Statutes 37-90-137(2) prohibit the issuance of a permit for a well to be located within 600 feet of any existing well, unless the State Engineer finds that circumstances so warrant after a hearing held in accordance with the procedural rules in 2CCR 402-5. If there are existing wells within 600 feet, not owned by the applicant, you need to identify the wells (permit numbers, owner's name and mailing address) and confirm the distance between those wells and this proposed well. Once this information is submitted, the required notice and hearing process will be initiated. If there are wells located within 600 feet of the proposed well location (not owned by the applicant), the required notice and hearing process may be avoided if you are able to obtain a statement from the owners of all wells within 600 feet, verifying that they have no objections to this well being located within 600 feet of their well. These waivers statements should be submitted when the General Purpose application form is return to this office. A sample waiver form can be found at the URL <http://www.water.state.co.us/pubs/forms/gws-38.pdf> for your reference.

Furthermore, according to the State Engineer's guideline 2003-4 for well permit applications please be advised that the aforementioned criteria must be addressed and received by this office by June 21, 2009 to retain active status of the receipt no. 3638185. Information submitted after that date will require a new ground water well permit application and will be assessed the appropriate fee.

If you have any questions please call me at this office.

Sincerely,

Don West

Water Resource Engineer

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

www.water.state.co.us

Deatherage, Jeff

From: Deatherage, Jeff
Sent: Friday, August 21, 2009 9:47 AM
To: 'rick.parsons@lrcwe.com'
Subject: RE: Receipt No. 3638185

Rick,
Sorry for the delay in responding, however I couldn't locate your email from July 8. I checked the application file and it appears the only issue raised by Don West's letter dated April 20 was the 600 foot spacing. Since you have confirmed there are no other wells within 600 feet, the original application should be returned to this office to my attention for further processing. (note: Don West left DWR at the end of July)
Thank you for your assistance with this matter. If you have any questions, let me know.
Jeff

Jeff Deatherage, P.E.
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80203
303-866-3581
303-866-3589 fax

From: rick.parsons@lrcwe.com [mailto:rick.parsons@lrcwe.com]
Sent: Thursday, August 20, 2009 11:22 AM
To: Deatherage, Jeff
Subject: FW: Receipt No. 3638185

Jeff – We had an extended deadline of July 31 to respond to DWR comments on the recently-filed gravel pit well permit application.

I am trying to help my client move forward with water-related requirements for his operations, and was wondering if you or anyone in your office has reviewed my previous message and determined whether or not it adequately addresses DWR concerns.

Thanks in advance,
Rick

From: Rick Parsons [mailto:parsons@lrcwe.com]
Sent: Wednesday, July 08, 2009 3:26 PM
To: Jeff.Deatherage@state.co.us
Subject: Receipt No. 3638185

Jeff – This email is regarding the application by McAtee Paving Company for a gravel pit well permit for the Green Bros Pit near Fort Morgan.

The previous owner of the pit, Jim Green, had a well permit for this pit (No. 64588-F). He never started excavating the area and the permit expired last July.

McAtee is excavating the site. In response to the McAtee permit application, DWR sent a letter dated 4/20/09, that indicated well permit No. 64588-F had expired and that McAtee's application needs to address any wells permitted within 600 feet of the Green Bros. Pit.

I reviewed the permits within the area and identified one permit (No. 10197) that is within 600 feet of the site and is active. I contacted the owner listed for that well permit, Robert Kula. Mr. Kula indicated he did not know about that permit or that well. He owns land south of interstate 76, but that property has no wells and is more than 600 feet away from the Green Bros Pit.

Therefore, I have contacted the owners listed for active wells located within 600 feet of the gravel pit, and have determined that no wells are located within the area for which McAtee will need waivers. I wanted to send DWR notice of this, and see if that addresses the concerns raised in the DWR April 20, 2009 letter.

For your reference, I have:

- Attached a pdf of the Aqua Map information that was reviewed
- Attached a pdf of the Kula well permit information
- Summarized the status of the wells identified in Aqua Map (below)
 - There are 6 well permits that were identified within 600 feet of the Green Bros Pit (2 green circles; 3 blue squares; 1 pink ellipse)
 - Blue square in the middle of the pit is Jim Green's Permit No. 64588-F
 - Blue square and green circle to NW of Jim Green's permit – These are both permitted to Barlow, and are actually located in the SW SW Section 33. Therefore, they are more than 600 feet from the pit.
 - Blue square and green circle to SW of Jim Green's permit – The square is permitted to Dorn Ready Mix but the permit has been cancelled. The circle is permitted to Barlow and it is for a monitoring hole.
 - Pink ellipse directly south of Jim Green's permit – Robert Kula's Permit No. 10197

On another note – I do not believe McAtee sent in the required Rule 17.1.4 information with its original permit application. I will have them forward this information to DWR (site plan drawing, cross section drawing, extent of intended excavation, depth of pit, initial static water level, and date ground water first exposed).

Thanks in advance,
Rick

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McAtee Construction Company

OCT 09 2009

WATER RESOURCES
STATE ENGINEER
COLO

dba McAtee Paving Company + Sterling Redi Mix Company + Green Bros. Ready Mix

P.O. Box 1908 + Sterling, Colorado 80751

Phone#: 970-522-3647 + Fax #: 970-522-9725

FAX COVER SHEET

ATTN:	<i>Jeff Deatherage</i>
COMPANY:	<i>DWR</i>
DATE:	<i>10-12-09</i>
FAX #:	<i>303-866-3589</i>
FROM:	<i>Darren Gebhardt</i>

NUMBER OF SHEETS INCLUDING COVER SHEET: *3*

PLEASE CALL 970-522-3647 IF THERE IS ANY PROBLEM WITH THIS TRANSMISSION.

RECEIVED

OCT 09 2009

WATER RESOURCES
STATE ENGINEER
COLO

McAtee Construction Company

dba McAtee Paving Company + Sterling Redi Mix Company + Green Bros Ready Mix

P.O. Box 1008 + Sterling Colorado 80751

Phone# 970-522-3647 + Fax# 970-522-9725

October 12, 2009

Jeff Deatherage
Division of Water Resources
1313 Sherman Street, Suite 818
Denver, CO 80203

Re: Well Permit Application
Green Bros. Pit

Dear Mr. Deatherage:

The above referenced permit application was submitted on March 12, 2009, but there were questions regarding the 600' spacing. You have been corresponding with Rick Parsons at LRCWE regarding this application.

Please contact me at the office if you have any questions.

Sincerely,

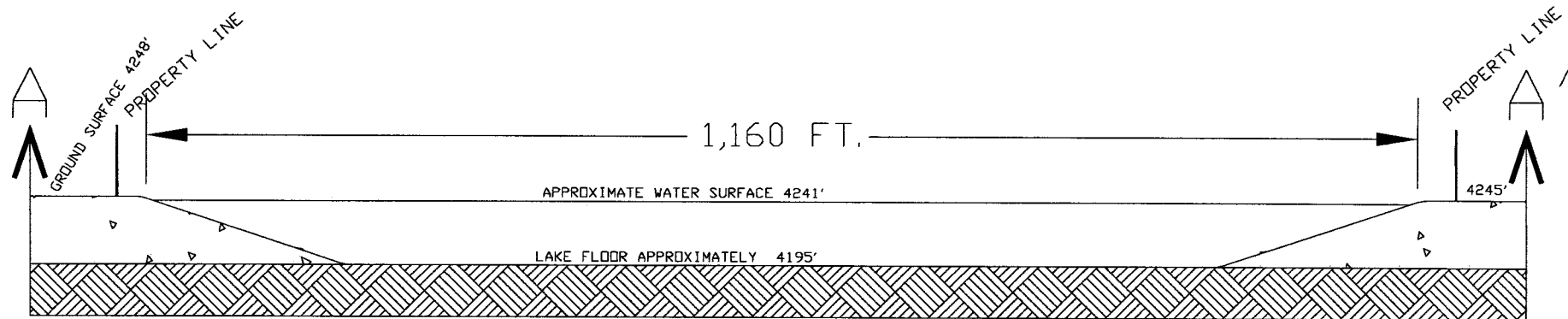


Darren Gebhart
Regional Manager

3638185

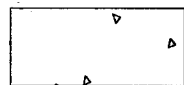
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MCATEE CONSTRUCTION COMPANY
GREEN BROTHERS PIT #2 M-1995-030
WELL PERMIT EXHIBIT

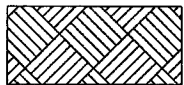


TYPICAL MINED AREA CROSS SECTION

NO SCALE



SAND & GRAVEL

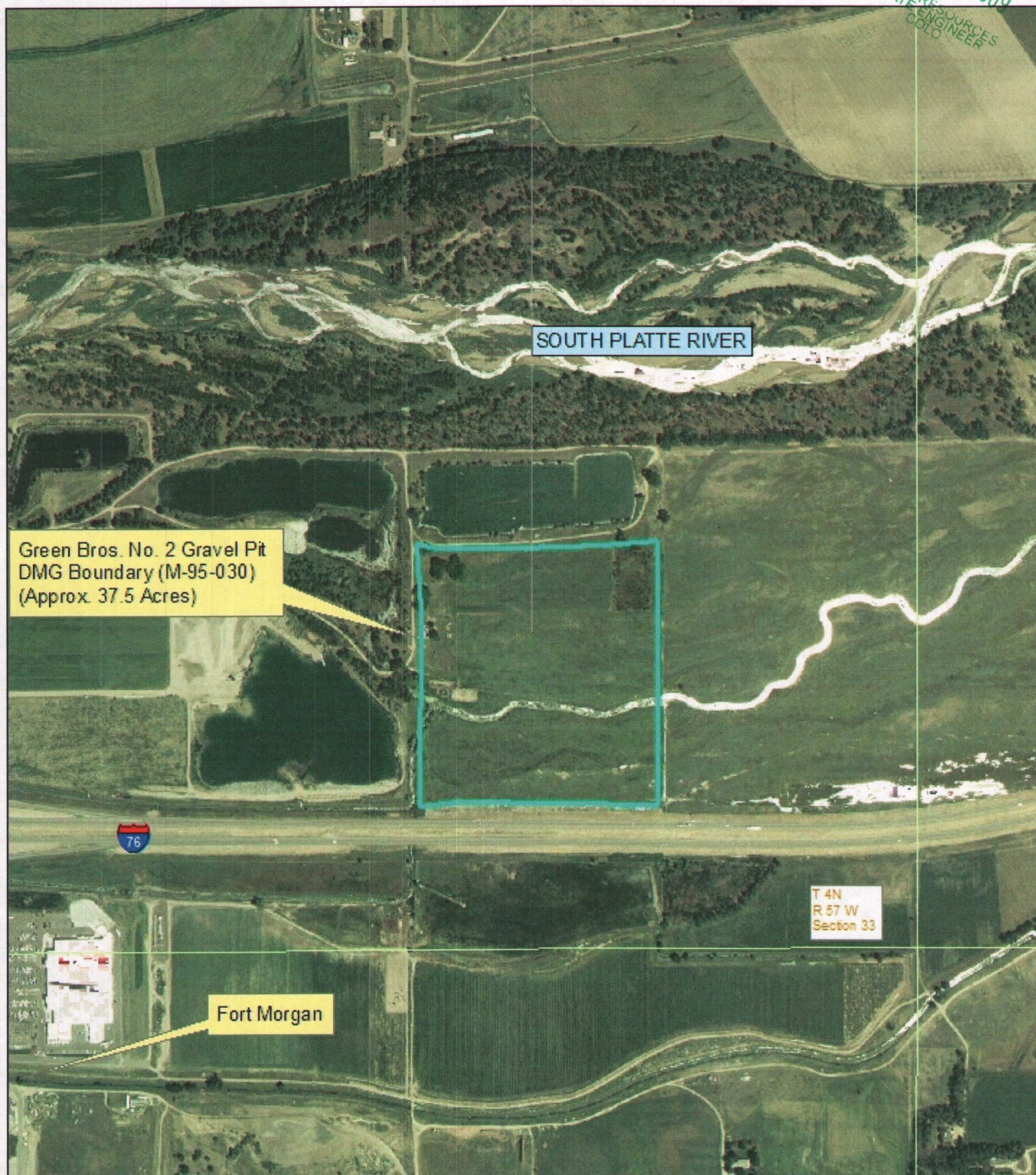


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OCT 26 2009
WATER RESOURCES
STATE ENGINEER
COLORADO

68697.F

3638185

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OCT 26 2009
WATER RESOURCES
STATE ENGINEER
COLORADO

Project # 1291MCA02

Date: 4/3/09



Leonard Rice Engineers, Inc.
300 Clay Street, Suite 200, Denver, Colorado 80202-1119
303.439.6666 Fax 303.439.6715 www.lre.com



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Feet

Case No. 01CW85
Amendment

Figure 2: Green Bros. No. 2
Gravel Pit Vicinity Map