



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

Response to Reclamation Permit Release Request Consideration

DATE: November 14, 2012
TO: Wallace H. Erickson, Environmental Protection Specialist
CC: Division 7 Office; District 30 Water Commissioner
FROM: Caleb Foy, E.I.T. **CRF**
RE: Upper Animas Sand & Gravel, Pit No. 2, File No. M-2010-031
Operator: Jack Clark, Jr.
Contact: Charles R. Ponchak, (970) 249-2081
Sec. 31, Twp. 42N, Rng. 6W, N.M.P.M., San Juan County

CONDITIONS FOR APPROVAL

- ☒ According to the submittal, on April 22, 2011 the Division approved CN-01 for M-2005-065, whereby all affected lands for M-2010-031 were incorporated into M-2005-065. Therefore, this office has no objection to the above-referenced release so long as the Conditions for Approval set forth in this office's February 8, 2011 comments concerning M-2005-065 (a copy of which are attached) are followed.

COMMENTS: N/A

Office of the State Engineer

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

<http://water.state.co.us>



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Response to Reclamation Permit Conversion Application Consideration

DATE: February 8, 2011
TO: Dustin M. Czapla, Environmental Protection Specialist
CC: Division 7 Office; District 30 Water Commissioner
FROM: Caleb Foy, E.I.T. *CRF*
RE: Upper Animas Sand & Gravel Pits 1-4, File No. M-2005-065
Operator: Jack Clark, Jr.
Contact: Charles R. Ponchak, (970) 249-2081
Section 31, Twp 42N, Rng 6W, N.M.P.M., San Juan County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation will consume ground water by: ☒ evaporation, ☒ dust control, ☒ reclamation, ☒ water removed in the mined product, ☒ processing, ☒ other: asphalt or concrete batch plant.
Prior to initiation of the use of water in an asphalt or concrete batch plant, the applicant must obtain a new gravel pit permit which allows such. Permit No. 63417-F limits uses to evaporation off the gravel pit pond surface, crushing, screening and washing of mined product, water lost in the mining product, and dust suppression.
- ☒ The average annual amount of ground water to be appropriated (including evaporation off the gravel pit pond) shall not exceed 10.69 acre-feet during gravel mining operations, and 5.63 acre-feet when gravel mining operations are complete, under Permit No. 63417-F. Per review of the permit file, this amount of water was calculated based on a maximum mining rate of 15,000 tons/year. The applicant must obtain a new gravel pit permit should this amount of water not be enough for the proposed operation.
- ☒ Prior to approving a new 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 request a hearing before the State Engineer.

COMMENTS: The 10th Principal Meridian as designated in the application is actually the New Mexico Principle Meridian (N.M.P.M.). Pit 1 will be the only pit to expose ground water. Ground water is not expected to be encountered in Pits 2, 3, and 4 as mining will occur 2 feet above the ground water elevation. Permit No. 63417-F was issued on 10/13/2005 with an expiration date of 10/13/2006. The applicant has not yet submitted information regarding the completion of the gravel pit or installation of a pump in the pit. This office has initiated a process to confirm the validity of the permit, but will not know the final status of the permit for approximately one month.

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