



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

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Kate Pickford  
Division of Reclamation, Mining and Safety  
691 CR 233, Suite A-2  
Durango, CO 81301

Dear Kate,

In reviewing the August 1, 2012 memo from Tim Cazier to you, I noticed item #3 Basin Creek in particular the statement "the pond must be de-watered in 72 hours". I assume the 72 hour restriction is to limit the evaporation from ponds which have no decreed water rights for evaporation. We do allow this 72 hour flexibility and enforce this on streams which are over-appropriated. In this case, Basin Creek a tributary to the Animas River is not over-appropriated; we would not impose the 72 hour limitation. If your reason for applying the 72 hour limitation is for our water administration concern; it should not apply in this specific case. In the future when the Animas River is over-appropriated, the 72 hour limitation would apply for water administration purposes.

I understand the 72 hour max holding time may not be adequate for turbidity control and this limitation may be detrimental to other water users as well as the aquatic habitat.

Pete Foster with Wright Water Engineers, who is consulting for Four Corners Materials, and I have been discussing this issue and he ask that I point this out to you. I would be glad to discuss this in more detail if it would be helpful.

Thank you,

Rege Leach  
Division Engineer

**Water Division 7 • Durango**

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