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December 18, 2020

Megan Sullivan, Water Resource Engineer
Colorado Division of Water Resources
1313 Sherman Street, Room 821
Denver, CO 80203

Subj: SEO/DWR Comments on DRMS application - Peak Ranch Resource, Permit M2020-041

Dear Ms. Sullivan:

This letter is in response to your letter of October 22, 2020 documenting the SEO/DWR's comments on the 112c Construction Materials Reclamation Permit Amendment Application for the Peak Ranch Resource project in Summit County, submitted on August 19, 2020, Permit M2020-041. This letter contains the Applicant's responses to the DWR comments.

DWR Comment

From the information provided:

In Phase 1 the pit will be dry mined and the applicant does not anticipate exposing groundwater in the gravel pit(s). The applicant stated that if groundwater is encountered, the pit will be backfilled to two feet above the discovered water table.

According to the applicant, water for dust control during Phase 1 will be supplied by water pumped from the Blue River into a lined pond.

For Phase 2, the applicant anticipates the site will be wet mined and groundwater will be exposed in an open water pond. No dewatering of the site will take place. Once mining is complete, a 26-acre pond will be left.

Applicant has indicated that prior to exposing groundwater to evaporation in Phase 2, a Water Court approved plan for augmentation will be in place.

Mined materials will not be washed or processed on site. Instead, all mined materials will be hauled to the Maryland Creek Ranch gravel operation site.

Once mining is complete, as a part of the reclamation plan, the applicant may use an existing water right, the Hawk Hill Pump and Pipeline, for irrigation to re-establish vegetation.

Based on the above:

At this location, the Blue River is over-appropriated. Any out of priority depletions associated with the diversion of surface water and groundwater must be replaced either through a Water Court approved augmentation plan or a State Engineer approved temporary substitute water supply plan. Out of priority depletions may result from out of priority diversions of surface water, evaporation of groundwater and moisture loss in mined product. In addition, any out of priority depletions resulting from the processing of materials at the Maryland Creek Ranch site must also be included in a decreed plan for augmentation or State Engineer approved temporary substitute water supply plan.

Applicant Response

The Applicant agrees with this comment, and the permit application is consistent with the procedures/requirements described above by the DWR. All out-of-priority depletions resulting from the project (including all those resulting from surface diversions, evaporation of groundwater, and moisture lost in mined product) will be replaced either pursuant to a DWR approved Substitute Water Supply Plan, for Phase I of the mining operations, or a Water Court approved Plan for Augmentation, for Phase II of the mining operations when groundwater will first be exposed, and thereafter through

reclamation. The Applicant looks forward to continuing to work with DWR to address any remaining questions or concerns regarding the legal and physical water supply plans for the project.

DWR Comment


The use of any existing water rights must be in accordance with terms and conditions of the decree from the Water Court, including decreed uses, rates and place of use.

Applicant Response

The Applicant agrees with this comment and will fully comply with all terms and conditions of any applicable Water Court decrees.

Thank you for your consideration. If you have any questions or need any additional information, please let me know.

Sincerely,



Ben Langenfeld, P.E.
Greg Lewicki and Associates

Enclosures:

CC: Eric Scott, DRMS
Russ Larsen, Peak Materials
Angela Shenk, LRE Water
Christopher L. Thorne, Esq.

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