



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

July 1, 2020

Gabe Sevigny  
El Paso County, Planning and Community Development  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

Re: Ellicott Sand and Gravel LLC Special Use Review Permit  
Schubert Ranch Sand Resources  
Case no. EA1881  
Sec. 20, 29, and 32, Twp. 14S, Rng. 62W, 6th P.M., El Paso County  
Upper Black Squirrel Creek Ground Water Management District  
Water Division 2, Water District 10

Dear Mr. Sevigny:

We have received your June 14, 2020 request regarding the above-referenced proposal for a surface mining operation on approximately 733.7 permitted acres located in portions of Sections 20, 29, and 32, all in Township 14 South, Range 62 West of the 6<sup>th</sup> P.M. in El Paso County. According to the submitted information, the applicant is seeking a site specific development plan and use by special review permit for open mining and processing of minerals (topsoil, overburden, sand, gravel and stone).

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

Based on the information provided, the site has been permitted by the Division of Reclamation Mining and Safety (“DRMS”) under permit no. M2018-063. Of the 733.7 permitted acres a maximum of 561.7 acres will be disturbed by the mining operation over the life of the mine. The mining plan calls for dry mining operation within six mining stages. The primary commodities to be mined at the site is sand material as the area to be mined consists of deep sand deposits of approximately 70 feet that parallels both sides of Black Squirrel Creek. The applicant claims that, based on its review of well drilling logs for 24 wells located within 200 feet of the permitted site, the ground water table is in excess of 80 feet, except for Stage VI where a well depth in this area is 61 feet. The Applicant must ensure that mining will stay at least 2 feet above the ground water table throughout the proposed six stages.

The applicant has indicated plans to use water for plant processing and dust control purposes at the permit site in the amount of 12 acre-feet/year. The water needs for these uses will be purchased from Schubert Ranch, which according to the applicant has water permitted for



industrial use. The actual wells or water rights from which this water will be provided have not been identified, and the uses of the Schubert wells as identified in Exhibit G to the DRMS application do not allow such industrial use. The applicant should be required to identify the specific water rights that will provide the water purchased from Schubert Ranch, and provide evidence that those rights may be used for plant processing and dust control purposes at the site. The Black Squirrel Creek, an ephemeral drainage, bisects the property from north to south and Big Spring Creek, also an ephemeral drainage, enters the property from east where it merges with Black Squirrel Creek. The applicant indicated that mining will not take place in the primary erosion channels of the Black Squirrel Creek or Big Spring Creek. The plan is to maintain a 50 foot setback from the top of the bank along both drainages to the excavated line in areas to be mined.

Further, if storm water runoff is intercepted by this operation, it must be released to the stream system within 72 hours. This may require a discharge permit from CDPHE-WQCD. Otherwise, the operator will need a Ground Water Commission approved replacement plan to replace evaporation losses. In addition the applicant should be aware that unless any storm water detention structure proposed for this project, meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you or the applicant have any questions, please contact Ioana Comaniciu at 303-866-3581 x8246.

Sincerely,



Keith Vander Horst  
Chief of Water Supply, Designated Basins

Ec: Subdivision file 27198