




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Barnhart Pit	<b>MINE/PROSPECTING ID#:</b> M-1984-008	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Pueblo
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSP. DATE:</b> November 28, 2018	<b>INSP. TIME:</b> 11:30
<b>OPERATOR:</b> Continental Materials Corporation	<b>OPERATOR REPRESENTATIVE:</b> Brandon Heser, Bruce Humphries, and Bill Pope	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$69,470.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> December 11, 2018	

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

The Barnhart Pit site was inspected by Patrick Lennberg and Elliott Russell with the Division of Reclamation, Mine and Safety (Division/DRMS). The inspection was completed as part of the Division's routine mine inspection protocol. The site is currently in its first 5-year term of Temporary Cessation that began on August 4, 2014. The site was previously inspected by the Division on July 14, 2014. Mr. Brandon Heser, Mr. Bruce Humphries and Mr. Bill Pope with Transit Mix Concrete were present during the inspection.

The site is operates under a 112c Construction Materials permit for 67.8 acres with 55.5 acres affected for the mining of sand and gravel. A mine sign was observed as required by Rule 3.1.12. Currently only about 26 acres have been affected by mining and consists of two ponds, approximately 11 acres in size, and a few stockpiles from the original dredging operations. The Division currently holds a financial warranty in the amount of \$69,470.00, which appeared adequate to reclaim the current site disturbance.

The site was initially mined by Fountain Sand, owned by CF&I Steel in the 1970s. It was then sold to Valco in 1984. No mining has occurred since the sale to Valco. The permit for the site was originally a 110 but was converted to a 112 in 1984. A succession of operators occurred in 1997 when the site was passed from Valco to Transit Mix of Pueblo Inc. and again in 2003 when it was passed from Transit Mix to Continental Material Corporation. There are four monitoring wells at the site that the Operator measures monthly as part of the Pueblo East monitoring program. The ponds were determined to be in existence pre-1981 and are covered by well permit number 78077-F, a copy of the permit and associated documentation is provided with this report.

During the inspection in 2014 a problem was cited for weeds, specifically Russian olive and tamarisk trees, around the ponds and near the river. In October 2014 Technical Revision 1 (TR-01) was approved which was a weed control plan and implementation schedule to address the problem. In 2016 work began to mechanically remove Russian olive and tamarisk trees. The resulting slash was transported and stockpiled in an area north of the permit boundary on land owned by Valco who also owns the land covered by the permit. The plan was to burn the slash material as weather conditions allowed but as of this inspection the slash has not been burned. A few Russian olive and tamarisk trees were noted during the inspection but the area is acting as a sink compared to land outside the mitigated area. The Operator is encouraged to maintain the aggressive weed management schedule at the site that was agreed upon in TR-01. In December 2018 TR-04, a revision to the reclamation seed mix, was approved for use at the site.

There are a few stockpiles of remaining material from the original mining operation. These piles are located to the west and southwest of the south pond. The piles are near the angle of repose but are not overly eroded and have sparse vegetation growing on them. Further to the southwest of the permit boundary there are numerous debris piles that appear to be related to the adjacent sewage treatment plant. The debris piles are on property owned by the City of Pueblo but it appears some may have spilled into the permit area.

Banks appear to be stable around most of the perimeter of both ponds, however, bands along the road that separate the ponds are near vertical and show signs of continued erosion. The pond banks will have to be graded, per the requirements of Rule 3.1.5(7), with slopes 3H:1V 5 feet above and 10 feet below the expected waterline. Currently, the steep banks do not appear to be a problem to wildlife, there were a few animal paths noted going from one pond to the other, and the remaining banks around the ponds are shallow enough to allow for the egress of trapped wildlife.

During the inspection the Operator did not know what was going to become of the site due to ongoing legal issues. The Operator should be aware that if the site enters into final reclamation following Temporary Cessation, the Division will require the Operator to submit a Technical Revision, pursuant to Rule 1.9, with the \$216 fee to update the approved Reclamation Plan and Map to reflect the proposed final reclamation of the site.

At the end of the first period of Temporary Cessation on August 4, 2019, the Operator may resume active mining operations or apply for a second period of Temporary Cessation, pursuant to Rule 1.13.5(3), with the \$144 fee.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Andre Laroche  
Continental Materials Corporation  
444 E. Costilla  
Colorado Springs, CO 80903

CC: Michael Cunningham, DRMS

## PHOTOGRAPHS



**Photo 1:** Mine permit sign



**Photo 2:** Slash pile located north of permit boundary





**Photo 3:** Area mechanically cleared of weeds east of the north pond



**Photo 4:** Area mechanically cleared of weeds south and east of the north pond



**Photo 5:** Looking north across the north pond.



**Photo 6:** Looking east across the southern pond from a stockpile of material.



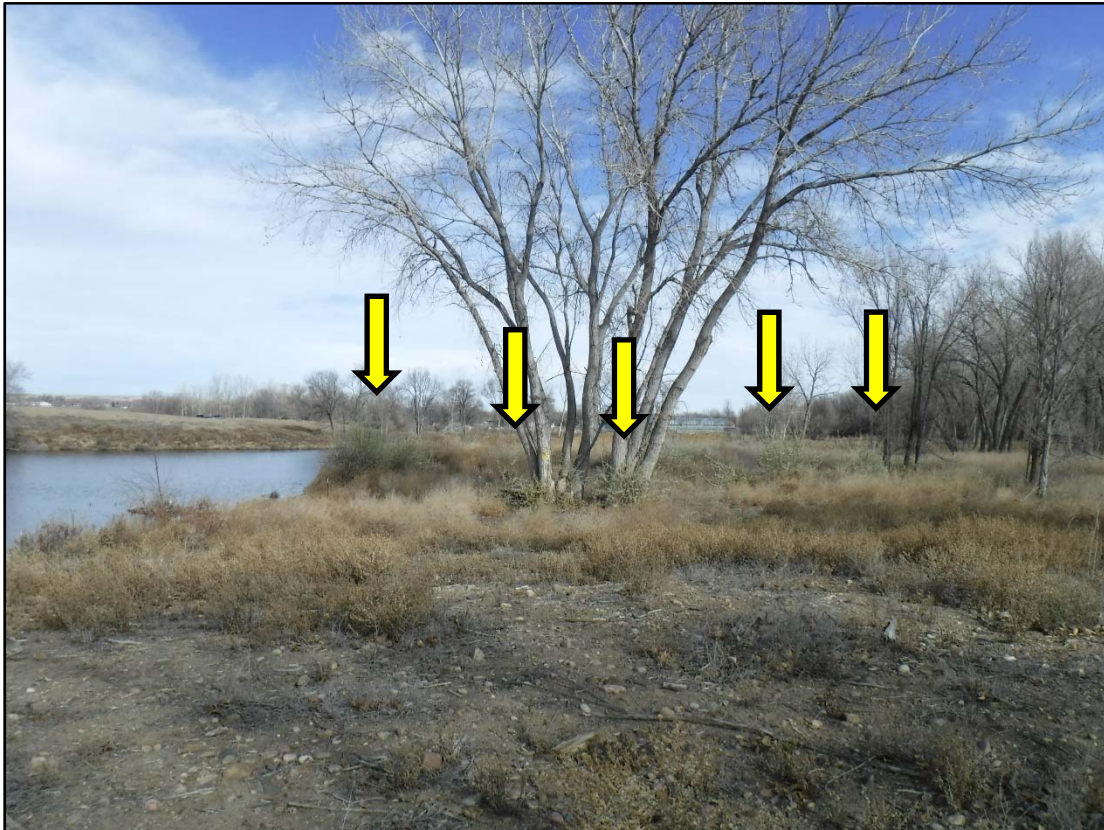


**Photo 7:** The road separating the two ponds



**Photo 8:** Typical bank conditions along the road separating the two ponds.





**Photo 9:** Russian olive tree regrowth following mechanical removal.



**Photo 10:** Stockpile of material west of the south pond.





**Photo 11:** Looking south southeast at addition stockpiles of material south of the south pond.



**Photo 12:** Looking east across the area south of the southern pond.

**OFFICE OF THE STATE ENGINEER**  
**COLORADO DIVISION OF WATER RESOURCES**  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

EXST

**WELL PERMIT NUMBER** 78077 -F -  
DIV. 2 WD 10 DES. BASIN MD

APPLICANT

COLORADO SPRINGS UTILITIES  
121 S TEJON ST  
PO BOX 1103 MC930  
COLORADO SPRINGS, CO 80947-

(719) 668-8607

APPROVED WELL LOCATION

PUEBLO COUNTY

NE 1/4 NE 1/4 Section 5

Township 21 S Range 64 W Sixth P.M.

DISTANCES FROM SECTION LINES

280 Ft. from North Section Line

770 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 537363 Northing: 4234514

**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 gravel pit ground water pond (hereinafter "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 assure the applicant 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 (hereinafter "Board") in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137 (2) and (11) for the construction and/or operation of a well (gravel pit ground water pond) in accordance with the CSU Drawdown Test Substitute Water Supply Plan ("SWSP") approved by the State Engineer on November 20, 2013, for the Barnhart Pit Pond (south pond). The well shall not be operated unless it is included in a SWSP approved by the State Engineer or a plan for augmentation approved by the water court. The subject SWSP approval period is October 1, 2013 through September 30, 2014, and if a new plan is not approved by the State Engineer, or if a court approved plan for augmentation is not in operation, diversion of ground water from this well under this permit must cease immediately.
- 4) The maximum amount of water to be pumped from this well during the SWSP approval period shall not exceed 1,000 acre-feet. All water pumped from this well shall be discharged directly to the Arkansas River without any beneficial use of the water.
- 5) The use of ground water from this well is limited to pumping tests to determine drawdown rates. No other use of water is allowed unless a permit therefor is approved.
- 6) The pumping rate of this well shall not exceed 20,000 GPM as requested by the applicant. Pursuant to Amended Policy 2000-4 of the Board, pumping equipment may be installed and maintained in the well to withdraw water for the permitted use in accordance with variance no. 2014-007A, granted by the Board on February 12, 2014.
- 7) Pursuant to Policy 2000-4 of the Board (as amended October 1, 2002), the minimum construction standards in Rule 10 of the Water Well Construction Rules shall be waived for gravel pit ground water ponds; however, 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.
- 8) Pursuant to Policy 2000-4 of the Board (as amended October 1, 2002), 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; however, compliance with Rules 17.1.4, 17.3 and 17.4 is required.

APPROVED  
JWB

State Engineer

Receipt No. 3661465

DATE ISSUED 04-17-2014

By

EXPIRATION DATE N/A



## ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 9) The boundaries of the gravel pit ground water surface area exposure shall be more than 600 feet from any existing production well, completed in the same aquifer that is not owned by the applicant, except for that well for which the owners of record were sent notice in accordance with the provisions of CRS 37-90-137(2)(b)(II)(A), and for which no response was received by the CDWR within the time set forth in said notice.
- 10) A metering method must be established for this well pursuant to the Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the the Arkansas River Basin.
- 11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
- 12) 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.

NOTE: The well structure I.D. # is 1405081.

—WS. 4/17/14

COLORADO DIVISION OF WATER RESOURCES  
DEPARTMENT OF NATURAL RESOURCES  
1313 SHERMAN ST, RM 821, DENVER, CO 80203  
Main: (303) 866-3581 Fax: (303) 866-2223 [dwrpermitsonline@state.co.us](mailto:dwrpermitsonline@state.co.us)

## GENERAL PURPOSE

### Water Well Permit Application

Review instructions on reverse side prior to completing form.  
The form must be computer generated, typed or in black or blue ink.

#### 1. Applicant Information

Name of applicant

Colorado Springs Utilities

Mailing address

121 S. Tejon St., PO Box 1103, MC930

City

Colorado Springs

State

CO

Zip code

80947

Telephone # (area code & number)

719-668-8607

E-mail (online filing required)

jzeisler@csu.org

#### 2. Type Of Application (check applicable boxes)

- |  |  |
|--|--|
| <input type="checkbox"/> Construct new well      | <input checked="" type="checkbox"/> Use existing well      |
| <input type="checkbox"/> Replace existing well   | <input checked="" type="checkbox"/> Change or increase use |
| <input type="checkbox"/> Change source (aquifer) | <input type="checkbox"/> Reapplication (expired permit)    |
| <input type="checkbox"/> COGCC Well              | <input type="checkbox"/> Other: _____                      |

#### 3. Refer To (if applicable)

Well permit #

Water Court case #

Designated Basin Determination #

Well name or #

Barnhart Pond

#### 4. Location Of Proposed Well

County

Pueblo

Section

5

Township

21

N or S

☐ N ☒ S

Range

64

E or W

☐ E ☒ W

Principal Meridian

6th

Distance of well from section lines (section lines are typically not property lines)

280

Ft. from ☒ N ☐ S 770

Ft. from ☒ E ☐ W

For replacement wells only - distance and direction from old well to new well

feet

direction

Well location address (include City, State, Zip)

☐ Check if well address is same as in Item 1.

Optional: GPS well location information in UTM format. You must check GPS unit for required settings as follows:

Format must be UTM

☐ Zone 12 or ☒ Zone 13

Units must be Meters

Datum must be NAD83

Unit must be set to true north

Was GPS unit checked for above? ☒ YES

Easting 537363

Northing 4234514

Remember to set Datum to NAD83

#### 5. Parcel On Which Well Will Be Located

(PLEASE ATTACH A CURRENT DEED FOR THE SUBJECT PARCEL)

A. Legal Description (may be provided as an attachment):

NE4 5-21-64 CONTG 12.348A BEG NW COR LOT 2...

see attached

B. # of acres in parcel

12.35

C. Owner

Valco Inc

D. Will this be the only well on this parcel? ☒ YES ☐ NO (if no list other wells)

E. State Parcel ID# (optional)

Office Use Only

Form GWS-45 (04/2012)

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#### 6. Use Of Well (check applicable boxes)

Attach a detailed description of uses applied for.

- |   |   |
|---|---|
| <input type="checkbox"/> Industrial           | <input type="checkbox"/> Dewatering System                      |
| <input checked="" type="checkbox"/> Municipal | <input type="checkbox"/> Geothermal (production or reinjection) |
| <input type="checkbox"/> Irrigation           | <input type="checkbox"/> Other (describe): _____                |
| <input type="checkbox"/> Commercial           |   |

#### 7. Well Data (proposed)

Maximum pumping rate

20,000

gpm

Annual amount to be withdrawn

1000

acre-feet

Total depth

25 (est.)

feet

Aquifer

Arkansas River alluvium

#### 8. Land On Which Ground Water Will Be Used

Legal Description of Land (may be provided as an attachment)

Water may be redirected to the river for testing or stored  
on adjacent Transit Mix lands and subsequently released  
for exchange pursuant to an SWSP or Water Court decree.  
(If used for crop irrigation, attach a scaled map that shows irrigated area.)

A. # Acres

B. Owner

C. List any other wells or water rights used on this land:

#### 9. Proposed Well Driller License #(optional):

#### 10. Sign or Entered Name Of Applicant(s) Or Authorized Agent

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Sign or enter name(s) of person(s) submitting application

Date (mm/dd/yyyy)

Justin Zeisler

08/20/2013

If signing print name and title

Project Engineer, Colorado Springs Utilities

#### Office Use Only

USGS map name

DWR map no.

Surface elev.

From Melissa on  
11/26/13

WDID 1405081

Receipt area only

AQUAMAP

WE

WR

CWCB

TOPO

MYLAR

SB5

Transaction #: 3661465

Date: 8/21/2013 10:39:28 AM

Transaction Total: \$100.00

CHECK #224836 \$100.00

DIV 2 WD 10 BA     MD



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**Schedule:**

1405000081

**Name(s):**

VALCO INC

**Legal Description:**

NE4 5-21-64 CONTG 12.348A BEG NW COR LOT 2, TH E 415 FT  
TO PT OF BEG TH S 500 FT TH ELY + // WITH N LINE LOT 2,  
755 FT TO PT 15 FT W OF C/L BOOTH DITCH TH SWLY + ALG A  
LINE 15 FT WLY OF C/L OF SD BOOTH DITCH AT AN ANG OF  
108 DEG 44 MIN WITH LAST COURSE EXT ELY 122 FT TH SLY +  
ALG A LINE 15 FT WLY OF C/L BOOTH DITCH AT AN ANG OF 16  
DEG 00 MIN WITH LAST COURSE EXT SLY 59.7 FT M/L TO PT  
200 FT; NLY OF N R/W SEWAGE WATER OUTLET OF THE PUEBLO  
SEWAGE DISPOSAL PLANT TH E 920.4 FT TH N 22 DEG E  
775.57 FT TO N LINE SEC 5 + LOT 1 TH W TO PT BEG CONTG  
22.898A LESS 10.55A TR SOLD TO CITY OF PUEBLO #717691  
FORMERLY #14050-00-001

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STATE ENGINEER  
COLO.Recorded at 306 JUL 13 1984  
Reception No. 750318

BOOK 2206 PAGE 481

THIS DEED, Made this 13th day of July, 1984

between  
The Fountain Sand and Gravel Comp. va corporation duly organized and existing under and by virtue of the laws  
of the State of Delaware of the first part, and  
Valco, Inc., a Colorado corporationa corporation duly organized and existing under and by virtue of the laws  
of the state of Colorado of the second part; whose legal  
address is P. O. Box 550, Rocky Ford, CO. 81067

RECORDED'S STAMP

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

DOLLARS

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby  
confessed and acknowledged, hath granted, bargained, sold and conveyed, and by these presents does grant, bargain,  
sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following  
described or parcels of land, situate, lying and being in the County of Pueblo  
and State of Colorado, to-wit:

Parcels 18, 27, 45, 48 and 71

As set forth on Exhibit A hereto and by this reference incorporated  
herein, together with all water rights, rights to water, reservoir  
and ditch rights, used on or in connection with any or all of said  
parcels,

5302

\$10.00 TOTAL

Dfee 10.

STATE  
DOCUMENTARY FEE

also known as street and number N.A.

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise  
appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all  
the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or  
equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the said  
party of the second part, its successors and assigns forever. And the saidparty of the first part, for itself, its successors and assigns, doth covenant, grant, bargain and agree to and with the  
said party of the second part, its successors and assigns, that at the time of the executing and delivery of these  
presents it is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of  
inheritance, in law, in fee simple, and hath good right, full power and lawful authority to grant, bargain, sell and  
convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants,  
bargains, sales, leases, taxes, assessments and incumbrances of whatever kind or nature soever: except for  
taxes for 1984 and subsequent years, easements, restrictions, and  
reservations of recordand the above bargained premises in the quiet and peaceable possession of the said party of the second part, its  
successors and assigns against all and every person or persons lawfully claiming or to claim the whole or any part  
thereof, the said party of the first part shall and WILL WARRANT AND FOREVER DEFENDIN WITNESS WHEREOF, The said party of the first part hath caused its corporate name to be hereunto  
affixed, and its corporate seal to be hereunto affixed, attested by its  
President and Secretary and year first above written.The Fountain Sand and Gravel Company  
A DELAWARE CORPORATION  
PresidentTHE FOUNTAIN SAND AND GRAVEL COMPANY  
A DELAWARE CORPORATION  
Secretary

COUNTY OF PUEBLO

This foregoing instrument was acknowledged before me this 13th day of July  
1984, by P. Swearing  
Notary Public  
My notarial commission expires 12-27-87President and  
Secretary of  
DELAWARE  
corporation.



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BOOK 2206 PAGE 482

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EXHIBIT A

Parcel #18

All that portion of the E $\frac{1}{4}$  of Section 6, Township 21 South, Range 64 West and of Lot 1 of the NE $\frac{1}{4}$  of said Section 6, South of the Arkansas River, and of Lot 1 of said NE $\frac{1}{4}$  of said Section 6, North of the Arkansas River, described as follows:  
Beginning at a point on the East line of said Section 6, at a point 2823.3 feet Southerly from the Northeast corner of said Section 6; thence Northerly to the Southerly meander line of the Arkansas River, thence Westerly along said meander line to the point of intersection thereof with the Easterly line of the right-of-way condemned by the Denver, Texas and Fort Worth Railroad Company, as said Right-of-way is described in the decree of the District Court of Pueblo County, Colorado, entered on October 11, 1889, and recorded at Page 420 of Book 69 of the records in the office of the County Clerk and Recorder of said Pueblo County, Colorado, thence Southerly along said Easterly line of said right-of-way to a point whence the Northeast corner of said Section 6 bears North 12° 50' East a distance of 2895.8 feet, thence Easterly 785 feet, more or less to the point of beginning.

AND

A certain tract of land situate in the E $\frac{1}{4}$  of Section 6, Township 21 South of Range 64 West, described as follows: Beginning at a point which is the intersection of the East right-of-way line of the Colorado and Southern Railway and the South line of the tract of land conveyed to The Fountain Sand and Gravel Company by a certain deed dated January 31, 1946, and recorded in Book 1007 at Page 603 of the records in the office of the Pueblo County Clerk and Recorder; thence Southerly along the East line of the Colorado and Southern Railway right-of-way 875 feet, thence South 11° 49' East 150 feet, thence North 66° 57' East 125 feet, thence South 23° 3' East 69.62 feet, thence South 83° 56' East 365 feet, more or less to a point on the East line of Section 6, Township 21 South, Range 64 West, thence Northerly along said East line of said Section 6, 1048 feet, more or less to a point on the South line of the tract conveyed by that certain deed dated January 31, 1946 above referred to, thence North 88° 13' West along the South line of said tract of land referred to in said deed 607.5 feet, more or less to the place of beginning.

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BOOK 2206 PAGE 483

**Parcel #27**

All that portion of Lots 3 and 4 of Section 5, in Township 21 South of Range 64 West and of Lot 139 of STANTON and VROMAN SUBDIVISION of the foregoing lots which lie South of the Arkansas River and North of the following line: Beginning at a point in the East line of the Stockyards County Road whence the Southwest corner of said Lot 139 bears South 1°30' West 655 feet; thence East 2644 feet more or less to the Southeast corner of said Lot 139, the said line being the South boundary of the tract conveyed and the intention of this description being to include all land in said Lots 3 and 4 and in said Stanton and Vroman Subdivision which lie North of the said boundary line and South of the Arkansas River, according to the recorded plat thereof; less portion sold to The Colorado Department of Highways by deed recorded July 21, 1959 in Book 1394 at Page 455.

**Parcel #45**

The South 420 feet of Lot 20 in BOOTH GARDENS, Pueblo County, Colorado, according to the recorded plat thereof, together with an easement and right of way for ingress and egress over and across the East 20 feet of the remaining portion of said Lot 20, and over and across the East 20 feet of the South 20 feet of Lot 19 in said Booth Gardens, subject to easement for right of way to the Booth Ditch plus one additional foot. EXCEPT part conveyed in deed recorded July 2, 1982 in Book 2120 at Page 368.

**Parcel #48**

Beginning at a point 20 feet South and 100 feet West from the Southeast corner of Lot 20 in Booth Gardens, thence West 400 feet more or less to West line of Section 4, Township 21 South, Range 64 West, thence South along the West line of Section 4, 860 feet more or less to an established agreement line, thence East 2640 feet, more or less to the North and South center line of Section 4, thence North 150 feet, more or less to South line of Lot 2, Block 4, Meadow Gardens, thence Northwesterly along South line of said Lot 2, Block 4, Meadow Gardens, and Lot 22 of Booth Gardens, to the place of beginning.

A Tract of land in the SW<sup>1</sup>/<sub>4</sub> of Section 33, Township 20 South, Range 64 West described as follows: Beginning at the South corner of said Section 33, thence West 1302 feet to the East line of Lot 21 of Booth Gardens, thence North 713.3 feet to the Southwest corner of Lot 17, Booth Gardens, thence East along the South line of said Lot 17 and Lot 16 of Booth Gardens 835.8 feet to Pitney Corner, thence South 466.7 feet, thence East 466.7 feet, thence South 291.8 feet to the place of beginning; and also

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NO. 2206 FILE 484

Parcel #48 continued

Lot 21 in Booth Gardens, according to the recorded plat thereof, filed for record March 29, 1909, excepting herefrom as to any granted or existing rights of way for roads, ditches or laterals;

and also

Lot 22 in Booth Gardens, according to the recorded plat thereof, filed for record March 29, 1909; and also

Lot 18, except the South 910 feet of the East 500 feet, and except the South 340 feet of the West 435.6 feet of the East 965.6 feet, also excepting herefrom the tract conveyed to Louis Anzick, Jr. and Anne E. Anzick, recorded in Book 1271 at Page 70, and further excepting herefrom the tract conveyed by Quit Claim Deed, recorded in Book 1441 at Page 509 of the Pueblo County records; also Lot 37, except the South 990 feet and except a strip 20 feet in width off the Easterly side of said Lot; All in Highland Gardens Subdivision, according to the recorded Plat thereof, filed for record March 23, 1926. EXCEPT that parcel described in the document recorded July 2, 1982 in Book 2120 at Page 368.

Parcel #71

Lots 1, 2 and 6 (lying North of the Arkansas River), being the N.E. 1/4 of Section 5, Township 21, South of Range 64 West, EXCEPTING herefrom as to the following described tract, bounded and described as follows, to-wit;

Beginning at an iron stake marking the South corner between Lots 2 and 3 and the Northwest corner of Lot 6, thence South along the West line of said Lot 6, 186.7 feet to a point 15 feet North of the North bank of the Booth Ditch (old Channel), thence along the course of Booth Ditch approximately 15 feet from its Northerly bank North 88° 40' East 144.1 feet; thence South 66° 20' East 198.4 feet; thence South 66° 27' East 78.7 feet; thence S. 55° 54' East 178.6 feet; thence North 73° 34' East 150.4 feet; thence North 70° 19' East 83.6 feet; thence North 48° 18' East 46.9 feet; thence North 23° 42' East 52 feet; thence North 13° 2' East 53.1 feet; thence North 10° 52' East 71.2 feet; thence North 26° 35' East 76.1 feet; thence North 48° 26' East 82.4 feet; intersect the North boundary of Lot 6, 937.5 feet East of beginning, thence North 48° 26' East 142.7 feet; thence North 29° 24' East 71.7 feet; thence North 20° 53' East 160.6 feet; thence N. 2° 41' East 100 feet intersecting the South boundary of Sewer Line Right of Way, thence South 89° 44' West 1142.5 feet along the said boundary intersecting the West line of Lot 2, 318.6 feet North of the South corner between Lots 2 and 3, thence South along the West line of said Lot 2, to the Place of beginning.

and

All that part of the E. 1/2 of S.E. 1/4 of Section 32, Township 20 South Range 64 West, lying South and East of the Missouri Pacific Railroad right of way, excepting therefrom the .81 acre tract described in Book 649 at page 331 and Book 646 at page 508 of the Pueblo County records.

EXCEPTING herefrom Deed recorded in Book 1384 at page 43, Instrument No. 93001, and further excepting deed recorded in Book 1585, at page 150, Instrument No. 315464 of the Pueblo County records.



Best Copy Available

RECEIVED

AUG 21 2013

WATER RESOURCES  
STATE ENGINEER  
COLO.

7522936

BOOK 2206 PAGE 485

Parcel #71 continued

EXCEPTING that parcel described in that document recorded April 29, 1983, in Book 2155, at page 136 of the records of Pueblo County,

TOGETHER WITH that portion of the Booth-Orchard Grove Ditch Company, a corporation as contained in deed to The Fountain Sand and Gravel Company recorded April 23, 1973 in Book 1746 at page 869.

GWS-13A (01/2007)

JAN 17 2014

## COLORADO DIVISION OF WATER RESOURCES FIELD INSPECTION REPORT

Please complete this form in ink

Application Receipt No(s):

WATER RESOURCES  
STATE ENGINEER  
COLO

DIV 2 WD 14

WELL STRUCTURE NO. (IF APPLICABLE): BARNHART PIT

DATE OF INSPECTION: 01/17/2014

PURPOSE OF INSPECTION: LATE REG ☐ OTHER ☒ 600 FOOT SPACING

WATER COMMISSIONER NAME: DALE W BAKER

PHONE NUMBER: (719) 542-3368 or (719) 250-7531

APPLICANT: COLORADO SPRINGS UTILITIES

Person contacted if not applicant: JUSTIN

ADDRESS: 121 S. TEJON STREET P O BOX 1103 MC930

COLORADO SPRINGS, CO 80947

PHONE: (719) 668-8607 ext.

## EXISTING WELL LOCATION:

NE $\frac{1}{4}$ , of the NE $\frac{1}{4}$ , of Section 5, Township 21 ☐ N or ☒ S, Range 64 ☐ E or ☒ W, 6 P.M.Distance from section line 282 ☒ N or ☐ S, 712 ☒ E or ☐ W, County PUEBLOOPTIONAL INFORMATION (GPS unit must be set for NAD83, meters, and true north) Zone 12 ☐ or 13 ☒

Easting 537293

Northing 4234557

Mark type of existing well: ☐ drilled, ☐ hand dug, ☐ spring well, ☐ gallery well, ☒ gravel pit, ☐ other

Estimated date well constructed: Date of first use: PRIOR 1981 Estimate pumping rate: 20000 GPM

Total number of acres in this tract/parcel: acres

Address of property (if different from than the applicant address): BARNHART PIT PONDS

Additional subdivision / parcel information:

Number of non-exempt acres irrigated: Name of Aug. Plan?

Any other wells located on this property? (yes) how many 4, (no); permit #, case #, use? 1405872

## Use of Well:

☐ Household use in (indicate how many) single family dwelling(s)☐ Watering of poultry, domestic animals, and livestock - approximately how many head?☐ Watering of livestock only - approximately how many head? Is this a feed lot? ☐ yes ☐ no☐ Estimated area of historical lawn and garden: ☐ Square feet ☐ acre of lawn and garden☐ Fire protection☐ Commercial - drinking & sanitary only? (write details in "comments" section)☒ Other (write details in "comments" section)☐ YES ☐ NO WERE THE USES CHECKED ABOVE INITIATED PRIOR TO MAY 8, 1972?

NOTE: IF ANY CHANGE IN HISTORIC USE OF THE WELL HAS OCCURRED SINCE MAY 8, 1972, please indicate the date(s) the use changed, and discuss this change/expansion of the current or proposed use in the comments section of this form.

Signature of Water Commissioner: Dale W. Baker

Dated: 01/17/2014

(NOTE: If filing electronically without a signature, please check the box. ☐)

Additional comments and/or information:

THE BARNHART PITS WERE CREATED BEFORE 1981.

ONE WELL WAS FOUND WITH IN 600 FEET OF THESE PONDS. IT IS PERMIT NUMBER 97973. THIS WELL BELONGS TO WANDA M. AND CRUSITA WELLS AT 1106 SOUTH SALEM AVE. PUEBLO CO 81001. IN ADDITION TO THIS WELL THERE ARE SOME DEWATERING WELLS BELONGING TO THE PUEBLO WASTE WATER TREATMENT PLANT. THE PERMITS ARE 74615F, 74614F, 74613F. THESE WELLS ARE ALSO WITHIN THE 600 FEET SPACE.

\* Per Pueblo Cnty. layer Schedule No. is 0432422003. Per Cnty. GIS Map, SE corner of Parcel is approx. 380' from edge of water surface of pit.

GWS-13A (01/2007)

MY FIELD INSPECTION DID NOT REVEAL ANY WELLS WITH THE 80-R PERMIT HOWEVER THE CURRENT PERMIT WITH 80-RR IS THE INVENTORIED WELL 1405872 THAT IS MENTIONED ABOVE. THIS WELL IS LOCATED IN THE SOUTHERN POND.

More room for comments on the back

Page 2, FIELD INSPECTION REPORT





STATE OF  
COLORADO

---

## CSU permit application to pump from the Barnhart Pit Pond under SWSP for Drawdown test only, Rec. #3661465

---

**Billisoly - DNR, John** <john.bilisoly@state.co.us>  
To: Janet Garoutte - DNR <janet.garoutte@state.co.us>  
Cc: Andrew Flor - DNR <andrew.flor@state.co.us>


Tue, Dec 10, 2013 at 10:03 AM

Janet,

As we discussed by phone earlier, I have attached the referenced well permit application for your pre-evaluation and 600-foot well spacing review. I also attached the 3-page SWSP approval letter at the end of the permit application file.

As we discussed, ground water from this pre-1981 gravel pit pond (Barnhart Pond, which you can see on the aerals in AquaMap) will be pumped and diverted directly to the Arkansas River, for the drawdown testing. The Barnhart Pit area actually consists of two ponds, which you'll see in AquaMap. It is the southernmost pond that they are seeking the permit for. So, for 600-foot well spacing, we should look for any other well not owned by CSU that would be within 600 feet of the perimeter of this southern pond surface water area.

Thanks,  
John W. Bilisoly  
Colorado Division of Water Resources  
Department of Natural Resources  
1313 Sherman Street, Ste. 821  
Denver, CO 80203  
office: 303-866-3581 ext. 8216; fax: 303-866-2223  
email: john.bilisoly@state.co.us

 **csu3661465.pdf**  
658K

---

**Billisoly - DNR, John** <john.bilisoly@state.co.us>  
To: Janet Garoutte - DNR <janet.garoutte@state.co.us>

Tue, Dec 10, 2013 at 11:47 AM

Janet,

As a follow-up to my previous email, I was wondering if the staff doing the field inspection could also look into a well in the same area of the pit that we have questions on. It is a well that was issued as a water supply for the gravel mining operation. We are trying to straighten out the paperwork on it. It's called the Valco Barnhart Well No. 5 under Permit No. 80-R-R. I don't have the WDID. The associated case nos. are W-163 and 86CW71.

Five permits have been issued under this permit number. The original well was registered on or about 4/13/1959 under Registration No. 80-R. There is no entry in Well Tools for this structure.

The first replacement permit was issued 6/19/1967 under a temporary permit no. as RF-429, and a replacement well was completed on 4/27/1967. Well Tools has this well under Permit No. 80-R with Rec. #0284023. I think the permit number is wrong and should be 80-R-R. I don't know if the old original well Reg. No. 80-R was plugged and abandoned. That is something that needs to be checked on.

The second replacement permit was issued on 1/9/1979, and there is no entry in Well Tools for that permit either. A second replacement well was completed to a depth of 42 feet under this permit on 2/12/1980. The permit was taken through the 137(3)(c) process and eventually stamped EXPIRED and an expiration order issued on 11/4/1987. The record is unclear as to what became of this well. Don't know if it is still there or not. This needs to be checked out.


A third replacement permit was issued on 2/10/1988. The entry in Well Tools for this permit has it under Permit No. 80-R-R with Rec. #9093885. There is no evidence in the file that a well was ever constructed under this permit, and it was stamped EXPIRED and an expiration order issued on 6/10/1994.

A forth replacement permit was issued on 6/10/1994 as a permit to use an existing well constructed under Monitoring Hole Notice MH-22350, which had been acknowledged by this office on 2/28/1994. The entry in Well Tools for this permit has it under Permit No. 80-R-R with Rec. #0366128. A well log was received for this 28 foot well under the MH-22350 notice, but no evidence of pump installation have been received to date, so the validity of this permit is in question. The permit conditions of approval are confusing too, as they reference this well as being a replacement for the 1967 well. I'm not sure why as that well was replaced by the 1980 well. We need to find out if this 28 foot well is the current well.

As you can see, this is a mess and needs some work to straighten it out. The water commissioner's inspection would probably help a lot.

Thanks,  
John W. Bilisoly  
Colorado Division of Water Resources  
Department of Natural Resources  
1313 Sherman Street, Ste. 821  
Denver, CO 80203  
office: 303-866-3581 ext. 8216; fax: 303-866-2223  
email: john.bilisoly@state.co.us

[Quoted text hidden]

 **csu3661465.pdf**  
658K

**Flor - DNR, Andrew** <andrew.flor@state.co.us>

Tue, Dec 10, 2013 at 1:56 PM

To: "Bilisoly - DNR, John" <john.bilisoly@state.co.us>

Cc: Janet Garoutte - DNR <janet.garoutte@state.co.us>, Dale Baker - DNR <dale.baker@state.co.us>

I just added the Barnhart Pit to HBDMC and Well Info as 1405081.  
The Group ID for the CSU Drawdown Test SWSP in HBDMC is 1407813.

[Quoted text hidden]

—  
**Andy Flor**  
**Water Data Specialist**  
Division of Water Resources  
310 East Abriendo Avenue, Suite B  
Pueblo, CO 81004  
Andrew.Flor@state.co.us  
(719) 542-3368 x2112

**Garoutte - DNR, Janet** <janet.garoutte@state.co.us>

Thu, Jan 16, 2014 at 9:17 AM

To: Dale Baker - DNR <dale.baker@state.co.us>

Cc: Bill Tyner - DNR <bill.tyner@state.co.us>, John Bilisoly <john.bilisoly@state.co.us>, Steve Stratman

<steve.stratman@state.co.us>

Hi Dale,

I will be out next week. If you can get this field inspection done, I would like it send directly to John Billisoly since it is getting old (Dec 11 receipt date). I have gotten a call from Justin Ziesler, CSU, on the need to get the well permitted.

This week we discussed some of your preliminary information, such as the only well may be the 87973 Hernandez well that will need confirmation of inside or outside of the 600 feet. I know you discussed expanding the pond size out a bit, too for this 600 foot, and proposed doing a 800 foot inspection. I didn't think that would add any wells, but your field review will tell the story.

----- Forwarded message -----

From: **Garoutte - DNR, Janet** <janet.garoutte@state.co.us>

Date: Thu, Jan 2, 2014 at 8:39 AM

Subject: Fwd: CSU permit application to pump from the Barnhart Pit Pond under SWSP for Drawdown test only, Rec. #3661465

To: Dale Baker - DNR <dale.baker@state.co.us>

----- Forwarded message -----

From: **Garoutte - DNR, Janet** <janet.garoutte@state.co.us>

Date: Wed, Dec 11, 2013 at 11:37 AM

Subject: Fwd: CSU permit application to pump from the Barnhart Pit Pond under SWSP for Drawdown test only, Rec. #3661465

To: Dale Baker - DNR <dale.baker@state.co.us>

Cc: Bill Tyner - DNR <bill.tyner@state.co.us>

Dale,

I researched some of John's questions, my information is in CAPS, as I cannot find a way to color or font - change to show my input. We need 600 foot spacing, look at the spreadsheet, are probably only 4- 5 wells to review. We can review this information together at your earliest convenience.

Thanks!

Janet

----- Forwarded message -----

From: **Billisoly - DNR, John** <john.billisoly@state.co.us>

Date: Tue, Dec 10, 2013 at 11:47 AM

Subject: Fwd: CSU permit application to pump from the Barnhart Pit Pond under SWSP for Drawdown test only, Rec. #3661465

To: Janet Garoutte - DNR <janet.garoutte@state.co.us>

Janet,

As a follow-up to my previous email, I was wondering if the staff doing the field inspection could also look into a well in the same area of the pit that we have questions on. It is a well that was issued as a water supply for the gravel mining operation. We are trying to straighten out the paperwork on it. It's called the Valco Barnhart Well No. 5 under Permit No. 80-R-R. I don't have the WDID. The associated case nos. are W-163 and 86CW71.

Five permits have been issued under this permit number. The original well was registered on or about 4/13/1959 under Registration No. 80-R. There is no entry in Well Tools for this structure. JANET'S INFO: EVERY PERMIT IS IN RECEIPT 0366128 FILE

The first replacement permit was issued 6/19/1967 under a temporary permit no. as RF-429, and a replacement



well was completed on 4/27/1967. Well Tools has this well under Permit No. 80-R with Rec. #0284023. I think the permit number is wrong and should be 80-R-R. I don't know if the old original well Reg. No. 80-R was plugged and abandoned. That is something that needs to be checked on. JANETS INFO: THIS WELL WAS DRILLED IN NWNE WHERE THE TREATMENT PLANT IS LOCATED TODAY

The second replacement permit was issued on 1/9/1979, and there is no entry in Well Tools for that permit either. A second replacement well was completed to a depth of 42 feet under this permit on 2/12/1980. The permit was taken through the 137(3)(c) process and eventually stamped EXPIRED and an expiration order issued on 11/4/1987. The record is unclear as to what became of this well. Don't know if it is still there or not. This needs to be checked out. JANETS INFO: THIS WELL HAS WELL CONSTRUCTION REPORT AND IS PLUGGED ACCORDING TO ABANDONMENT LETTER INFORMATION IN RECEIPT 0284203.

A third replacement permit was issued on 2/10/1988. The entry in Well Tools for this permit has it under Permit No. 80-R-R with Rec. #9093885. There is no evidence in the file that a well was ever constructed under this permit, and it was stamped EXPIRED and an expiration order issued on 6/10/1994. JANETS INFO: NO EVIDENCE EVER CONSTRUCTED

A forth replacement permit was issued on 6/10/1994 as a permit to use an existing well constructed under Monitoring Hole Notice MH-22350, which had been acknowledged by this office on 2/28/1994. The entry in Well Tools for this permit has it under Permit No. 80-R-R with Rec. #0366128. A well log was received for this 28 foot well under the MH-22350 notice, but no evidence of pump installation have been received to date, so the validity of this permit is in question. The permit conditions of approval are confusing too, as they reference this well as being a replacement for the 1967 well. I'm not sure why as that well was replaced by the 1980 well. We need to find out if this 28 foot well is the current well. JANETS INFO: THIS WELL IS IN THE NENE

BASICALLY NEED FIELD VERIFICATION THAT WELLS DRILLED WHERE THE TREATMENT PLANT EXISTS TODAY DO NOT EXIST. (p# 80 SERIES)

[Quoted text hidden]

--

Janet Garoutte  
DWR, Division 2  
310 E. Abriendo, Ste. B  
Pueblo, CO 81004  
719-542-3368, extension 2101

--

Janet Garoutte  
DWR, Division 2  
310 E. Abriendo, Ste. B  
Pueblo, CO 81004  
719-542-3368, extension 2101

--

Janet Garoutte  
DWR, Division 2

310 E. Abriendo, Ste. B  
Pueblo, CO 81004  
719-542-3368, extension 2101

---

**2 attachments**

 **csu3661465.pdf**  
658K

 **CSUDrawdownTestPit.xlsx**  
16K

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**Tyner - DNR, Bill** <bill.tyner@state.co.us>

Thu, Jan 16, 2014 at 9:19 AM

To: "Garoutte - DNR, Janet" <janet.garoutte@state.co.us>

Cc: Dale Baker - DNR <dale.baker@state.co.us>, John Bilisoly <john.bilisoly@state.co.us>, Steve Stratman <steve.stratman@state.co.us>

Dale,

Could Steve do this one since you are tied up with farm unit verification and he is familiar with this general area?

Thanks

**Bill Tyner, P.E.**  
**Assistant Division Engineer**  
State of Colorado, Division of Water Resources  
310 East Abriendo Avenue, Suite B  
office: 719.542.3368x2110 | fax:719.544.0800  
email: bill.tyner@state.co.us

[Quoted text hidden]



STATE OF  
COLORADO

## CSU Well Permit Application Rec. #3661465 for Barnhart Pit Pond

**Billisoly - DNR, John** <john.bilisoly@state.co.us>

Fri, Jan 31, 2014 at 3:14 PM

To: jzeisler@csu.org

Good Afternoon Justin,

I left you a voice mail this afternoon regarding a 600-foot well spacing issue, but thought I'd follow up with email to document our communications. Based on our field inspection, there is one well within 600 feet of the boundaries of the Barnhart Pit Pond. The permit number is 87973. The parcel has Pueblo County Assessor Schedule No. 0432422003, and is in the name of Wanda M. and Crusita Wells. The property address is 1106 1/2 South Salem Ave., Pueblo, CO 81001-4532. Their mailing address is the same, except w/o the "1/2" designation. The parcel is approximately 0.183 of an acre. I don't know exactly where on their parcel the well sits, but any location within the parcel would place the well within 600 feet of the gravel pit water surface. Our permit records still show the well in the name of a previous owner, Erminia Hernandez.

The simplest way to avoid a potential hearing would be for CSU to obtain a 600-foot well spacing waiver statement (Form No. GWS-38) from the owners of this well. If you decide to pursue this, I have attached the form for your use. If CSU chooses not to pursue obtaining the waiver, or they are unable to obtain the waiver, please advise me of this and I will mail them (sent certified) a formal legal notice, which requires them to respond within 30 days of their receipt of the notice if they object to our issuance of a permit. If they respond timely, we have to schedule a hearing. If they fail to respond timely, we can complete our evaluation and issue a permit.

There were some other wells found to be within 600 feet, but they were dewatering wells owned by the City of Pueblo, and located at the James R. Dilorio Water Reclamation Facility. I did not include them since they are not production wells.

Please let me know if you have any questions.

Sincerely,  
John W. Bilisoly  
Colorado Division of Water Resources  
Department of Natural Resources  
1313 Sherman Street, Ste. 821  
Denver, CO 80203  
office: 303-866-3581 ext. 8216; fax: 303-866-2223  
email: john.bilisoly@state.co.us

gws-38.pdf  
5K

**Justin Zeisler** <jzeisler@csu.org>

Wed, Feb 5, 2014 at 4:11 PM

To: "Billisoly - DNR, John" <john.bilisoly@state.co.us>

Thank you John. We will probably try to solicit a waiver from the resident after consulting with Transit Mix since they have a bit of prior experience with this issue in the vicinity of their active pit. I will let you know the outcome as it becomes available.



Thanks,

Justin Zeisler

Water Planning & Analysis

Colorado Springs Utilities

(719) 668-8607

**From:** Bilisoly - DNR, John [mailto:john.bilisoly@state.co.us]

**Sent:** Friday, January 31, 2014 3:14 PM

**To:** Justin Zeisler

**Subject:** CSU Well Permit Application Rec. #3661465 for Barnhart Pit Pond

[Quoted text hidden]

CONFIDENTIALITY NOTICE - This email transmission, and any documents, files or previous email messages attached to it, may contain information that is legally privileged or otherwise confidential to include customer and business information. If you are not the intended recipient, or an authorized person for the intended recipient, you are hereby notified that any disclosure, copying or distribution of this information, or any action taken in reliance on the information contained within this email, is strictly prohibited. If you have received this email message in error, please notify the sender and then delete the message (and any attachments) from your computer and/or network. Thank you.

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**STATE OF COLORADO  
DIVISION OF WATER RESOURCES**

1313 Sherman St., Rm. 818  
Denver, CO 80203  
(303) 866-3581  
FAX. (303) 866-3589

---

**INTEROFFICE MEMORANDUM**

---

**TO:** MATT SARES OR RALF TOPPER  
**FROM:** JOHN W. BILISOLY, TEAM 237  
**SUBJECT:** VARIANCE FOR PUMPING FROM A GRAVEL PIT POND, REC .#3661465,  
COLORADO SPRINGS UTILITIES FOR BARNHART PIT POND  
**DATE:** JANUARY 31, 2014

---

Colorado Springs Utilities ("CSU") is seeking a well permit to pump ground water from an old pre 1/1/1981 gravel pit to perform a pump test to determine drawdown rates. The well would operate under a State Engineer approved SWSP, approved on 11/20/2013. A variance for the pumping is needed pursuant to BOE Policy 2000-4. A copy of the permit application and SWSP approval letter are attached for your reference. The existing pond can be viewed on the 2011 aeriels layer in AquaMap.

Thanks.

**BOARD OF EXAMINERS OF WATER WELL CONSTRUCTION AND PUMP INSTALLATION CONTRACTORS**  
Division of Water Resources

1313 Sherman Street, Room 818  
Denver, CO 80203  
Phone (303) 866-3581  
FAX (303) 866-3589

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



John W. Hickenlooper  
Governor

Mike King  
Executive Director, DNR

Scott Cuthbertson, P.E.  
Secretary

February 12, 2014

Colorado Springs Utilities  
P.O. Box 1103  
Colorado Springs, CO 80947

RE: Request for Variance, Pump Installation in a Gravel Pit (Pond Well), Receipt No. 3661465, NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 5, Township 21 South, Range 64 West, Sixth PM, Pueblo County.

**Request No: 2014-007A**

Dear Well Owner:

A water well permit application seeking to pump groundwater from an old pre-1981 gravel pit, Barnhart Pit, was received by the Office of the State Engineer on August 21, 2013 and issued Receipt Number 3661465. Colorado Springs Utilities plans to pump the Barnhart Pit over a range of pumping rates and durations in order to determine the drawdown rate. Depletions produced by this pump testing are covered by a Substitute Water Supply Plan issued on November 20, 2013. Per Board of Examiners Policy 2000-4 a variance from the Water Well Construction Rules (2 CCR 402-2) is required to allow the installation of pumping equipment associated with a pond well.

Rule 10.1.6 of the Water Well Construction Rules exempts gravel pit wells permitted pursuant to Sections 37-90-107(6) or 37-90-137(11) from the provisions of the minimum construction and location standards. In lieu of a well construction report, however, the reporting requirements of Rule 17.1.4 require the submittal of a site plan and cross section drawings showing the geometry and extent of the intended excavation, the maximum depth of the pit, and the initial static water level. To date, the site plan and cross section drawings have not been submitted to the Office of the State Engineer. Pursuant to Board Policy 2000-4 and the authority granted by the Board, the requested variance is granted subject to the following conditions:

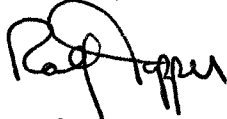
1. The minimum construction standards in Rule 10 shall be waived, except for Rule 10.1 and its subsections 10.1.2, 10.1.4, 10.1.6 and Rule 10.2 and its subsection 10.2.1. Every necessary means and precautions to prevent contaminants or groundwater from entering the pond well shall be taken.
2. Pumping equipment shall be installed in accordance with the limitations for production rates and annual withdrawal amounts specified on the well permit and any applicable court decree(s).
3. Water from the pond well shall not be used for human consumption.
4. If a surface structure such as a manhole will be constructed to house the pumping equipment, the ground surface around such structure must be properly graded to provide positive drainage away from it where exposed to the elements.

5. Rule 15 concerning disinfection standards is hereby waived for the pond well and the installation of pumping equipment in the pond well.
6. The pump must be installed by a licensed pump installation contractor or by the owner with equipment both owned and operated by the owner.
7. Rule 17 regarding well construction reports shall be waived, except that compliance with Rules 17.1.4, 17.3, and 17.4 and is required. A standard Pump Installation and Test Report (Form GWS-32) shall be filed in accordance with Rule 17.

Granting the request for variance to minimum well construction and pump installation standards does not relieve the owner of potential responsibility or liability in the event contamination of the water source results from such construction, nor does the grantor assume any responsibility or liability should contamination occur.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ralf Topper', with a stylized, cursive script.

Ralf Topper, CPG  
Hydrogeological Services Group

cc: Well Permit File



OFFICE OF THE STATE ENGINEER, STATE OF COLORADO

NOTICE OF A PERMIT APPLICATION TO CHANGE/EXPAND USE OF AN EXISTING WELL

IN THE MATTER OF A PERMIT APPLICATION TO CHANGE/EXPAND USE OF AN EXISTING WELL WHICH IS LOCATED LESS THAN 600 FEET FROM ANOTHER EXISTING WELL

APPLICANT: COLORADO SPRINGS UTILITIES

APPLICATION RECEIPT NO. 3661465

To: Wanda M. & Crusita Wells

On August 21, 2013, Colorado Springs Utilities submitted an application for a permit to change/expand the use of an existing old pre-1981 gravel pit pond well known as the Barnhart Pond, and located in the NE ¼ of the NE ¼ of Section 5, Township 21 South, Range 64 West, Sixth P.M., Pueblo County, Colorado, at distances of 280 feet from the North section line and 770 feet from the East section line. Information available to this office has shown that the subject well is located less than 600 feet from your existing well. Pursuant to C.R.S. 37-90-137(2), the requested permit cannot be issued by the State Engineer unless the State Engineer finds, after a hearing, that circumstances in this particular instance so warrant. The provision of C.R.S. 37-90-137(2)(b)(II)(A) provides that if the State Engineer notifies the owners of all wells within 600 feet of the subject well by certified mail and receives no response within the time set forth in the notice, no hearing shall be required.

The person(s) listed above have been identified as the owner(s) of an existing well that appears to be located within 600 feet of the subject well. As required by statute, notice of the application is hereby provided pursuant to C.R.S. 37-90-137(2)(b)(II)(A), and a copy of the permit application is attached. If you object to the issuing of a permit for the subject well, you must submit a written response to be received in the office of the State Engineer not later than **5:00 p.m. on April 11, 2014**. Such response should contain a brief and plain statement of the reasons why the State Engineer should not grant a permit for the subject well. If responding, please direct correspondence to **John Bilisoly** and reference the above **application receipt number**, and **provide a copy of the response to the applicant**.

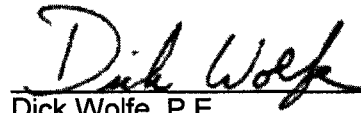
The Division of Water Resources is sending this notice because it is required by state statute. The Division of Water Resources is not sending this notice due to a perceived or explicitly identified potential for injury or effect on your well that would result from the issuance of the proposed well permit and use of the well. If you object to the issuance of a permit in this application, you must participate in a formal hearing before the Hearing Officer for the State Engineer. In such a hearing, the Hearing Officer makes his decision based only on the evidence presented to him before and during the proceeding. Therefore, to participate in the hearing, you must formally file documents and exhibits and you must testify before the hearing officer.

If you do not wish to participate in a hearing that might result in this matter, or have previously signed a 600-foot well spacing waiver statement, no response is needed.

NOTICE

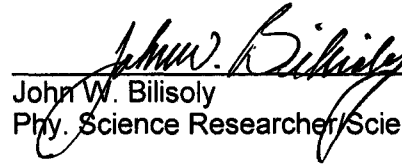
Page 2 of 3

Dated this 12<sup>th</sup> day of March 2014.



Dick Wolfe, P.E.  
Director/State Engineer  
1313 Sherman Street, Room 818  
Denver, CO 80203  
Telephone: (303) 866-3581  
Facsimile: (303) 866-3589

By:



John W. Bilisoly  
Phy. Science Researcher/Scientist

Cc: Applicant  
Division 2 Office (via email)  
Attachment(s)

Prepared by: JWB  
600 Foot Notice

CERTIFICATE OF SERVICE

I hereby certify that I have duly served the within NOTICE OF A PERMIT APPLICATION TO CHANGE/EXPAND USE OF AN EXISTING WELL upon all parties herein by depositing copies of the same in the United States mail, postage prepaid, at Denver, Colorado, this 12<sup>th</sup> day of March 2014, addressed as follows:

Steven J. Witte, P.E.  
Division Engineer, Water Division 2  
Division of Water Resources  
310 E. Abriendo Ave., Suite B  
Pueblo, CO 81004  
(via email)

Justin Zeisler  
Colorado Springs Utilities  
121 S. Tejon Street  
P.O. Box 1103, MC930  
Colorado Springs, CO 80947

Wanda M. & Crusita Wells  
1106 South Salem Ave.  
Pueblo, CO 81001-4532  
CERTIFIED MAIL NO.: 7012 3050 0000 4064 4745

A handwritten signature in cursive script, appearing to read "John B. Bickley", is written over a horizontal line.

# CERTIFIED MAIL RECEIPTS FOR COLORADO SPRINGS UTILITIES, REC.# 3661465

PG. 1 of 1

Best Copy Available

7012 3050 0000 4064 4745

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage: \$0.48  
Certified Fee: \$3.30  
Return Receipt Fee: \$2.70  
Total Postage & Fees: \$6.48

Ret (Endorse)  
Restrict (Endorse)  
Total Postage & Fees \$

Sent To Wanda M. & Crusita Wells  
Street, Apt. No., or PO Box No. 1106 So. Salem Ave.  
City, State, ZIP+4 Pueblo, CO 81001-4532

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <u>Wanda WELLS</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Wanda WELLS</u> C. Date of Delivery <u>3-17-14</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p><b>MAR 19 2014</b></p> <p><b>WATER RESOURCES STATE ENGINEER COLO</b></p>
<p>1. Article Addressed to:</p> <p><u>Wanda M. &amp; Crusita Wells</u> <u>1106 So. Salem Ave.</u> <u>Pueblo, CO 81001-4532</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p><u>7012 3050 0000 4064 4745</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

RE: Rec.# 3661465, Co. Sprgs. Utilities