

DRMS Complaint Intake Tool

**COLORADO**Division of Reclamation,
Mining and Safety

Department of Natural Resources

By Submitting this form you are requesting an investigation of compliance with DRMS rules.

DRMS Internal Information

Select Permit Type *

Minerals ▼

Permit No List *

M1985112 ▼

COMPLAINANT INFORMATION

Date of Complaint

03/11/2020

*** Indicates a Required Field****Do you wish to remain anonymous? ***☐ Yes ☒ No**Your First Name ***

Lida

Your Last Name *

Stout

Your Address *

301 Willow Ave

Your City *

Eaton

Your State

CO ▼

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80615

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

greeleyrealtor@aol.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

970-396-9926

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

970-384-8583

Connection to Incident *

Select all that apply

☒ Land Owner☐ Mineral Owner☐ Nearby Resident☐ Observed Incident☐ Other**DESCRIPTION OF COMPLAINT**

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

I was informed that I could re-file my earlier complaint against Loloff Construction Company because in the first complaint I did not make it very clear as to when my well actually went dry. I am referring to the general purpose well located on 170 1st Ave, Greeley CO in the Lundgren Subdivision about a mile west of the gravel mining operation of Loloff Construction Company. I am attaching a statement regarding when the well actually went dry and other information as to why I was not informed that the well was dry

Incident County *

Weld County ▼

Is this an ongoing issue(s)?☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|---|---|
| <input type="checkbox"/> Illegal Mining | <input type="checkbox"/> Dust |
| <input checked="" type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input type="checkbox"/> Surface Water Impact / Stormwater Management | <input checked="" type="checkbox"/> Property Damage |
| <input type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input type="checkbox"/> Erosion / Sedimentation |
| <input checked="" type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input type="checkbox"/> Topsoil |
| <input type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

This property was rented during the time the well went dry. I was not informed of the problem until the renter left the property. The gravel pit to the east of Lundgren Sub de-watered all the wells in the Lundgren Sub. Owners to the east were supplied with district water by Loloff Construction and to the west they re-drilled the unregistered well of those property owners. Because I was not aware the well was dry until 2017, years after the well ceased pumping water, I did not file a claim until recently. Please

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

Loloff Construction mine dba Broken Arrow Mine

If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

M1985112

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☐ Yes ☒ No

ADDITIONAL INFORMATION**Are there supporting photos, maps, or documents you wish to upload? ***

☒ Yes ☐ No

[View Attachments in WebLink](#)

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☒ Phone ☒ E-mail ☒ US Mail

Comments

Submit

STATEMENT OF KAY STOUT

This letter accompanies my addition complaint against Loloff Construction Company regarding the damage caused to my domestic well located at 170 1st Avenue.

I purchased this property in June of 2006. It was service by a domestic well which at that time was 25 foot deep with the water level 5 ft. below the surface. I rented the property continuously until October 2016. The most recent renter was Luis Medrano whose property was adjacent to the south. Mr. Medrano used the property for storage and used the dwelling to house his hired personnel. Neither Medrano nor the anyone living in the house ever informed me that the well had gone dry, however during this time Medrano called me on several occasions to say the sewer was not working. It was pumped twice that year, maybe 2015, but the inhabitant had Medrano call 3 or 4 times about the "sewer" not working which did not make sense to me. In retrospect, I think we had a miscommunication because of the language difference. He most likely was trying to say the pump (well) was not working. In December 2015 I was called because the well was not "working" and I sent Quality Well and Pump to the property. I got a bill for \$297.80 but no report so on March 5 of this year, I called them and asked about that invoice. Their report was that the renter had replaced the pump (without telling me) and the bill was for recharging the pressure tank. Their documentation was that there was only a foot of water at the bottom of the well on that date.

The reason Medrano ceased renting was because the property to the east (182 1st Ave) had been sold to a person who erected a fence along the true property line. The legal description for the property listed the true property lines as well as an ingress/egress easement of some feet onto the 182 1st Ave property. This fence on the property line actually left about 6 feet from my door steps to the fence, effectively cutting off my access to my property.

After the renter left in Oct. 2016 I took steps cure the problem with this fence and eventually I filed a lawsuit and the fence was finally moved to allow for ingress/egress to the property in Aug of 2017. During this time I allowed a niece to use the property for storage in exchange for cleaning up the grounds but she moved items into the house and began "living" there. I protested that she had not rented the house and her response in approximately April of 2017 was that she was not "renting" as it did not have any water in the well and had not had water since she first moved her things there. She told me she had called Quality Well and Pump and in January 2017 and had been told the well was dry.

This was the first I had actually heard of a problem with the well. I realized I would have to re-drill the well and went to the State Division of Water Resources to make sure it was a registered well. I learned that it was the ONLY registered well in the 3 properties of Lundgren Subdivision. I had the registration transferred to my name because I knew when I sold the property I would have to transfer that registration to the new owner.

I continued to allow my niece to stay in the house, not only because she had no place to go, but with the animosity with the neighbor to the east, I felt there needed to be someone there to watch the property.

When the fence was moved in Aug of 2017 I was not successful in evicting my niece until April of 2018. Now I finally had access to my property and I set about rehabilitating it. I decided that I had such extensive repairs to make that I would wait until the end of the rehab process to re-drill the well in case I would need to take out a loan to do so. If I waited until just before the house sold, it would be a short term loan.

It was about this time that I learned the reason the well had gone dry was the gravel pit. I had been told that the pit had been lined and the water would be coming back up, which was another reason I did not re-drill the well right away.

I have attached a statement from the contractor working on the house that he would need water occasionally and was checking the depth and water level of the well, hoping that the water would in fact return. He told me that from time to time that surface water would reach the well after a rainstorm or such but that the well remained approximately 19 feet deep with a foot or two of water at the bottom, which when used, did not return for some length of time. Essentially the well was still dry.

In the fall of 2018 I contacted Quality Well and Pump about re-drilling the well. We had a couple of problems right away. First, although that fence had been moved to the ingress/egress easement lines, it was still too close to the house to allow for the equipment to enter the property, let alone set up to drill so close to the house. Second, we would not be able to get a drill permit to put a full use well in the same location because it was too close to the existing septic tank. And third, Quality Well and Pump told me for months that they were too busy to do the work, at one point mentioning to me that they were re-drilling or drilling numerous wells down in that area west of the gravel pit. It was not until April of 2019 that I finally got the well drilled, having to move it to the south of the original well and pay for additional plumbing to get the water up to the house. I sold the property in May 2019.

I wish that I had monitored and recorded the levels in the existing well but I was foolishly confident that if Loloff Construction re-drilled the well on the Perea property to the east of mine and connected district water to the Hernandez property to the west of mine that they would also be liable for the loss of use of my well between these two. It was my thought that I had a registered water right and that the gravel company had no right to infringe on that right.

This well went dry during the time the property was rented by Medrano and I was not informed of that fact but it went dry in either 2014 or 2015 when the renter was complaining that the "sewer" did not work and actually did replace the pump. Loloff Construction knew that the wells on the properties on both sides of me had been "de-watered" but did not make any attempt to contact me to see whether or not I had the same problem.

I sold the property to Tom Toney, and if it is necessary to inspect the property at this time, I can contact this new owner to see if we can get access to ascertain the true location of both wells. I am not sure if Quality Well and Pump closed in the old well. It was my understanding that closing the old well would be a requirement of drilling the new one.

I am attaching the following information:

An overhead view of Lundgren subdivision showing the Hernandez property (160), my property marked in red and the Perea property (182).

A closer overhead view of Lundren subdivision showing the approximate location of the old well and the approximate location of the new well.

The April 1, 2019 statement for the drilling of the new well.

The April 18, 2019 statement for the plumbing installation for the new well.

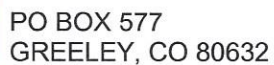
The Well Construction and Yield Estimate Report on the new well.

The Pump installation and Production Equipment Test Report on the new well.

The Statement of James Johnson about his personal observation over time on the function of the old well.

Kay Stout
Name

3-11-20
Date



4/1/2019

TERRY STOUT
301 WILLOW AVE
EATON, CO 80615

[illegible]

**QUALITY WELL AND PUMP**PO BOX 577
GREELEY, CO 80632Phone # 9703533118
Fax # 970-284-6445**Invoice**

Due Date	Date	Invoice #
4/27/2019	4/18/2019	2019-894

PAID
05/13/2019Bill To
TERRY STOUT
301 WILLOW AVE
EATON, CO 80615

970-396-9926

☐ Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here: _____

Balance Due**\$0.00****QUALITY WELL AND PUMP**

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

			P.O. No.	Terms	Project	Rep
			23312--A 170 E...	NET 10		KDD
Qty	Backordered	Item	Description		Unit Price	Amount
1	0	TMU060	SHARK BITE REDUCING COUPLING 1" X 3/4"		35.67	35.67
2	0	TMHS4	HEAT SHRINK KIT #10, 12, 14 4WIRE		5.98	11.96
2	0	TMRCN050	CONDUIT ROMEX CONNECTOR .50"		2.42	4.84
1	0	TMU140	SHARK BITE MALE ADAPTER 1"		23.86	23.86
10		10	DOMESTIC SERVICE, HOURLY RATE		137.50	1,375.00
6		11-RENTAL	MINI - EXCAVATOR PBH - HOURLY RATE		95.00	570.00
8	0	MI-10	MILEAGE - DOMESTIC		2.85	22.80
			Sales Tax		7.01%	260.34

Total	\$5,372.00
Payments/Credits	-\$5,372.00
Balance Due	\$0.00

The title to the merchandise and personal property covered by this invoice shall remain vested in Quality Well and Pump, LLC until the purchase price is paid in full. Customer agrees to pay a service charge computed at a periodic rate of 1.5% per month (18%APR) applied to all past due amounts after deducting current payments/credits.

Customer Signature: _____

**QUALITY WELL AND PUMP**PO BOX 577
GREELEY, CO 80632Phone # 9703533118
Fax # 970-284-6445**Invoice**

Due Date	Date	Invoice #
4/27/2019	4/18/2019	2019-894

PAID
05/13/2019

Bill To

TERRY STOUT
301 WILLOW AVE
EATON, CO 80615

970-396-9926

☐ Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here: _____

Balance Due**QUALITY WELL AND PUMP**

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

			P.O. No.	Terms	Project	Rep
			23312--A 170 E...	NET 10		KDD
Qty	Backordered	Item	Description		Unit Price	Amount
			INSTALLATION OF NEW PUMPING SYSTEM IN NEW WELL UNDER PERMIT 23312--A			
1	0	TM10FA05S4...	FPS TRI .50HP 10GPM 3W 115V SS		975.20	975.20
1	0	TM125BTLF	PITLESS ADAPTER BAKER 1.25" X 5-8"		217.79	217.79
1	0	TMH2PL22	H2PL FIBER 22		444.38	444.38
1	0	TM1BAT82FLF	1" X 4.25" BREAK TANK TEE		102.97	102.97
1	0	TMFSG24060	PRESSURE SWITCH 40/60 PSI		33.45	33.45
1	0	TMBD050	BOILER DRAIN .50"		9.84	9.84
1	0	TMPG1TNL	PRESSURE GAUGE 0-100 2"		13.58	13.58
1	0	TMRV05075	RELIEF VALVE .5" SET @ 75#		17.17	17.17
1	0	TMFECB0501...	FE BOX .50HP 115V		118.01	118.01
55	0	TM103GPJ5/10	WIRE 10/3 SUB CABLE		1.97	108.35
150	0	TMUF103G10	WIRE 10/3 UF W/GRD CABLE		2.05	307.50
40	0	TM12580	PVC PIPE SCH80 DROP PIPE 1.25"		1.82	72.80
1	0	TMSS670010	CPLG DROP PIPE 1" SS		12.96	12.96
130	0	TMWIRAP100...	AQUA PEX TUBING 1" SHARK BITE PER FOOT		2.62	340.60
1	0	TM637168	BRASS BUSHING 1.25" X 1"		14.52	14.52
1	0	TMCV125BE	CHECK VALVE 1.25" NO-LEAD 80BE 4052E		90.60	90.60
20	0	TM20122-1	AQUA PEX TUBING 3/4" SHARK BITE PER FOOT		1.29	25.80
2	0	TMU134	SHARK BITE MALE ADAPTER 3/4"		12.70	25.40
2	0	TM22185	SHARK BITE BALL VALVE 3/4"		36.63	73.26
1	0	TMU370	SHARK BITE TEE 3/4" X 3/4"		16.33	16.33
1	0	TMU260	SHARK BITE 90DEG ELBOW 1"		31.58	31.58
1	0	TMU256	SHARK BITE 90DEG ELBOW 3/4"		15.44	15.44

Total**Payments/Credits****Balance Due**

The title to the merchandise and personal property covered by this invoice shall remain vested in Quality Well and Pump, LLC until the purchase price is paid in full. Customer agrees to pay a service charge computed at a periodic rate of 1.5% per month (18%APR) applied to all past due amounts after deducting current payments/credits.

Page 1


Customer Signature: _____

STATEMENT OF JAMES JOHNSON

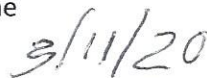
My name is James Johnson. Between April of 2018 and January of 2019 I was employed to renovate the property located at 170 1st Avenue in Greeley. It was challenging because I had no water to wash my hands, clean my brushes, mix concrete and grout and other things necessary during the job.

The well would pump a few gallons of water if I turned on a tap, but then it would go dry and I would have to wait a few days to get water again. I was told the water level would come back and so from time to time I would drop a line and check the depth and water level of the well. The well was approximately 19 foot deep and I would find a foot or two of water at the bottom.

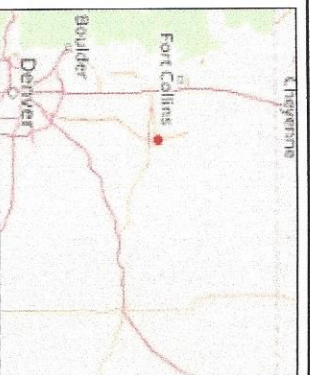
The well never did provide water as it should during the entire time I worked there.



Name



Date



Legend

- Parcels
- Highway
- County Boundary

Notes

1: 1,334



222.4

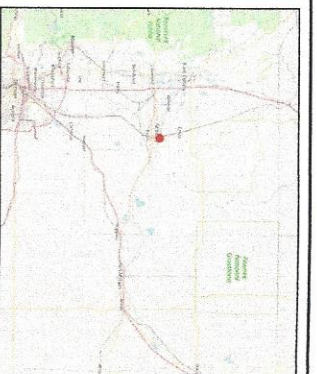
0

111.18

222.4 Feet



1: 838

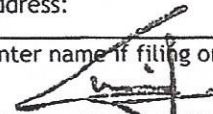


Legend

- Parcels
- Highway
- County Boundary

Notes

[illegible]

Form No. GWS-32 10/2016	PUMP INSTALLATION AND PRODUCTION EQUIPMENT TEST REPORT State of Colorado, Office of the State Engineer 1313 Sherman St., Room 821, Denver, CO 80203 303.866.3581 www.water.state.co.us and dwrpermitsonline@state.co.us	For Office Use Only																								
1. Well Permit Number: 23312--A Receipt Number: 3690447																										
2. Owner's Well Designation:																										
3. Well Owner Name: TERRY STOUT																										
4. Well Location Street Address: 170 1ST AVE, GREELEY, CO 80631																										
5. GPS Well Location: <input type="checkbox"/> Zone 12 <input checked="" type="checkbox"/> Zone 13 Easting: 527385 Northing: 4475828 County: WELD																										
6. Legal Well Location: <u>nw 1/4</u> , <u>nw 1/4</u> , Sec. <u>4</u> Twp. <u>5</u> <input checked="" type="checkbox"/> N or S <input type="checkbox"/> , Range <u>65</u> <input type="checkbox"/> E or W <input checked="" type="checkbox"/> Distances from Section Lines: _____ ft. from <input type="checkbox"/> N or S <input type="checkbox"/> sec. line, and _____ ft. from <input type="checkbox"/> E or W <input type="checkbox"/> sec. line Subdivision: _____, Lot _____, Block _____, Filing (Unit) _____																										
7. Check Installation Type: <input checked="" type="checkbox"/> Initial Pump Installation <input type="checkbox"/> Replacement Pump <input type="checkbox"/> Change in Depth Only <input type="checkbox"/> Repair																										
8. Pump Data: Type: <u>SUBMERSIBLE</u> Date Installed(mm/dd/yyyy): <u>04/01/2019</u> Pump Manufacturer: <u>FRANKLIN</u> Pump Model No. <u>10FA05S43W115</u> Design GPM: <u>15</u> at RPM <u>3450</u> HP <u>1/2</u> Volts <u>115V</u> Full Load Amps <u>12</u> Pump Intake Depth: <u>48</u> Feet, Drop/Column Pipe Size Inches, <u>1.25</u> Kind of Drop Pipe <u>PVC</u> Additional Information for Pumps Greater Than 50 GPM: Turbine Driver Type: <input type="checkbox"/> Electric <input type="checkbox"/> Engine <input type="checkbox"/> Other _____ Design Head: _____ feet Number of Stages: _____ Shaft size: _____ inches																										
9. Other Equipment: Airline Installed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Orifice Depth ft. _____ Monitor Tube Installed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Depth ft. _____ Flow Meter Mfg. _____ Meter Serial No. _____ Meter Readout: <input type="checkbox"/> Gallons, <input type="checkbox"/> Thousand Gallons, <input type="checkbox"/> Acre feet Beginning Reading: _____																										
10. Cistern Information: Material: _____ Capacity: _____ gallons Date Installed: _____																										
11. Production Equipment Test Data: <input type="checkbox"/> check box if data is submitted on Form Number GWS-39 Well Yield Test Report. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Date:</td> <td style="width: 20%; text-align: center;">4/1/19</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td>Total Well Depth: <u>64</u> ft.</td> <td>Time: <u>13:00</u></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Static Level: <u>8</u> ft.</td> <td>Rate (gpm): <u>15</u></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Date Measured: <u>04/01/2019</u></td> <td>Pumping Level (ft): <u>10</u></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Date:	4/1/19					Total Well Depth: <u>64</u> ft.	Time: <u>13:00</u>					Static Level: <u>8</u> ft.	Rate (gpm): <u>15</u>					Date Measured: <u>04/01/2019</u>	Pumping Level (ft): <u>10</u>				
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Date Measured: <u>04/01/2019</u>	Pumping Level (ft): <u>10</u>																									
12. Disinfection: Type: <u>STERILENE</u> Amt. Used: <u>4 OZ</u>																										
13. Notification: Was Advanced Notification Required Prior to Installation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, Date Notification Given: <u>03/28/2019</u>																										
14. Water Quality analysis available: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please submit with this report.																										
15. Remarks:																										
16. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed (or name entered if filing online) and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to \$1,000 and/or revocation of the contracting license. If filing online, the State Engineer considers the entry of the licensed contractor's name to be compliance with Rule 17.4.																										
Company Name: QUALITY WELL AND PUMP	Email: kristie@qualitywellandpump.com	Phone w/area code: (970) 353-3118																								
		License Number: 1461																								
Mailing Address: <u>39525 US HWY 85, AULT, CO 80610</u>																										
Sign (or enter name if filing online) 	Print Name and Title CHRIS JONES, OWNER	Date: 04/19/2019																								