



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well Construction
and Pump Installation Contractors

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Please find the link to the recording here:

[Recording Link](#)

MINUTES August 5, 2025

Oral Examinations August 5 BOE Meeting

The below individuals appeared before the Board of Examiners to take their respective oral examinations:

- Leo Gilbride, Grand Junction, CO, Special License Monitoring Well Construction using Air and Mud Rotary Well Construction
- Kharom Hellwege, Pagosa Springs, CO, Cable Tool, Air and Mud Rotary Well Construction; Pumps Equal To or Less Than 100 GPM

1. Call to Order

Attendees - On August 5, 2025, the Board of Examiners held its second regular meeting for 2025. Chris Sanchez called the meeting to order at 9:12 a.m. Other Board members present were Todd Hunter, Tim Kunau, Alex Powell, and John Hunyadi. Chris Jones, Larry Hakes (Virtual), Kevin Donegan, Andy Flor, Marques Hatfield, Nolan Tanguma, and Laura Kalafus attended as Board Staff. Jen Mele and John Newman attended from the Attorney General's Office. Licensed Contractor Josh Weaver (Wellstone Services LLC) represented the Colorado Water Well Contractors Association (CWWCA).


In-person: Loren Bodley, Joel Hellwege, Simon Quicksilver, Ty Washington, Jim Eggers, Lyle Sharpe, Anita Wojtyczka

Virtual: Dick Wilson, J Water, Kendall Burgemeister, Kendra Pearson, Quirt Carroll, Tony Rabbio, Alexandra Wojtyczka, Travis Day

2. Establish a Quorum

- a. All board members present



3. **Distribute Google Form to Attendees to sign-in and request public comment**
 - a. Form distributed
4. **Review Agenda**
 - a. Chris Jones mentioned changes
 - i. Documents were added to the end of item 11.a.iii
 - ii. Congratulated Todd Hunter on receipt of NGWA Ross Oliver Award
5. **Approval of previous meeting minutes**
 - a. June 3, 2025
 - i. Chris Sanchez suggested adding a sentence along the lines of “The Board specifically believes that it would be helpful to be able to ask questions of Staff during future Rulemaking hearings” to item 12.b.1
 - ii. John Hunyadi motioned to approve the previous meeting minutes with the proposed amendment by Mr. Sanchez. Chris Sanchez seconded. Motion carried
6. **Report from the State Engineer’s Office**
 - a. John Hunyadi stated that he has no updates relevant to the contents of this meeting
 - b. Todd Hunter asked for an update on the progress of the Chimney Hollow project
 - i. John Hunyadi stated that they have not yet begun filling the dam
7. **Report from the Water Quality Control Division**
 - a. No specific updates
 - b. Stated that CDPHE has also been working on the Chimney Hollow project
8. **Report from the CWWCA Liaison**
 - a. Josh Weaver provided the report
 - b. Recapped the mid-year CWWCA conference that was held in July
9. **Staff Report**
 - a. Update on Examination and Licensing Activities - updated 7/25/25
 - i. Current contractors - 245, Lapsed contractors - 8
 - ii. 15 Licensing Applicants (since last BOE meeting 6/3/25) - approved applications 7, not approved 1, pending applications with paid fee 7
 - iii. Todd Hunter asked if, for the next Board meeting, there would be 15 contractors in the queue
 1. Laura Kalafus and Chris Jones clarified that, should all 7 pending applications pass their exams, they limit the number of contractors that can take their exam per meeting
 - b. Continuing Education Update - updated 7/25/2025
 - i.  2025 CE Log of Courses - total of 66 courses/meetings to date (40 online, 26 in person)

***strikethrough denotes Item was not discussed at this meeting

c. Well Inspection Program

i. Inspection Program Staffing

1. Chris Jones provided the update
2. Well inspection program has a vacant well inspector position, and the process to fill that spot is currently underway

ii. Well Permit Counts

1. Chris Jones provided the report
2. Numbers are updating every time the analysis is run, so Chris Jones stated he will not try to predict the outcome for the year

iii. Well Inspection Report

1. Chris Jones provided the report
2. Due to the loss of Div 1 inspector, inspection counts are down in that division
3. Mr. Jones stated that he was able to perform some field inspections in the past month

iv. Variance Report

1. Marques Hatfield provided the report.
2. Variance number up from same period last year, which might be partially due to sump and filter pack variances
3. Mr. Hatfield provided a summary of variance denials

10. Variance Requests - (Request: Approval, Approval with Modifications to Request, Approval with Requirements for Correction/Repair, Request Additional Details and Reconsider at a Later Date, Denial, Denial with Requirements for Correction/Repair, or Denial with Requirements to Abandon Existing Well/Hole)

- a. Crux Subsurface/Authentic Drilling; Part-time Supervision of Unlicensed Contractor during Construction of Test Hole Penetrating through One or More Confining Layers; Simon Quicksilver, Lic No. 1571.
 - i. Chris Jones presented the situation
 - ii. Ty Washington, Jim Eggers, and Simon Quicksilver provided additional information on the planned project
 - iii. Discussion regarding the construction details, and which Rules would require a variance
 - iv. Chris Sanchez motioned to approve a variance for the requirement of a full-time supervision by a licensed contractor such that part time supervision will be allowed. This is a variance to 6.1.5 of the Admin Rules and 6.3 of the Construction Rules. Tim Kunau seconded. Motion carried.

11. Review of Active Complaints and Settlement Recommendations

- a. Requested Board Action

- i. 25-BC-009, Dustin Hathorn, Lic 1562, Permits [192260](#) and [337705](#) - Working While License Suspended, Working While License Lapsed, Violations of Construction Rules and Admin Rules; Request Hearing for Action Against License and Request Order for Abandonment.
 1. Chris Jones presented the situation
 2. Anita Wojtyczka provided clarifying information regarding their experience with Dustin Hathorn
 3. Chris Sanchez asked about current construction status of permit 337705
 - a. Chris Jones stated that hole was drilled to 475, but that capped steel casing was only installed to 60 feet, so the hole was not completed for intended purposes
 4. Discussion regarding current status of both well permits, abandonment details, and which well owner complaints could be substantiated or come before the Board
 5. Tim Kunau clarified with Jen Mele that knowledge of a well does not necessarily indicate a conflict of interest
 6. Todd Hunter asked Anita Wojtyczka what she wants done
 - a. Mrs. Wojtyczka stated she would like a well installed, preferably by another contractor or by a forced order for Mr. Hathorn to do it, and her money returned
 - i. Mr. Jones stated that Mr. Hathorn does not have a bond, but a certificate of deposit
 - b. Mrs. Wojtyczka later clarified that, if it is possible, she would be interested in saving the misabandoned well
 - i. Tim Kunau provided input that he does not believe saving either well would be worth it
 7. John Hunyadi clarified the hearing process with Mr. Jones
 8. Discussion regarding possible action against Mr. Hathorn and regarding both wells
 9. Chris Sanchez motioned that, regarding Case number 25-BC-009 and allegations against Dustin Hathorn, the Board directs Staff and Legal Counsel to set a hearing regarding the allegations listed on Page 3 of the Chris Jones letter, dated July 7, 2025, to Dustin Hathorn. The Board anticipates that the hearing will address the abandonment of permit number 192260 and the funds that are associated with the certificate tied to Mr. Hathorn's license. Alex Powell seconded. Motion carried with four votes (Tim Kunau recused)

10. Chris Sanchez motioned that the Board orders the abandonment of the borehole constructed under permit number 337705 at Mr. Hathorn's expense

- a. Motion amended to reflect a 60-day time limit and a requirement for advance notification of when he completes that work
- b. John Hunyadi seconded the motion.
- c. Motion carried with four votes (Tim Kunau recused)

5 minute break from 10:35 to 10:40

ii. 23-BC-030 and 25-BC-012, Ray Newmyer, Permit [321914](#); Submittal of Inaccurate Information on Multiple Work Reports; Pump Installation Standard Violations; Request Board Order Confirmation of Casing/Well Depth within 30 days.

1. Chris Jones presented the situation
2. Discussion regarding construction details of well and possible action/hearing
3. Chris Sanchez motioned to direct Staff and Legal Counsel to set a hearing in case numbers 23-BC-030 and 25-BC-012 regarding the allegations included in, but not limited to, the Mr. Jones letter dated July 28, 2025. The hearing can be scheduled no sooner than December 1, 2025. Tim Kunau seconded. Motion carried

iii. 25-BC-013, Lyle Sharpe, Permit [154252-A](#), Discharge of Drilling Fluids to Water Conveyance Systems/Surface Water, Use of Drilling Additive Not on the Approved List; Disposal of Potentially Contaminated Discharge to the Ground Surface without Written Approval; Request Board Guidance on Cleanup as Requirement/Condition of Stipulated Settlement.

1. Chris Jones presented the situation
2. Lyle Sharpe provided clarification regarding how the contaminated discharge incidentally made it into the water conveyance system
3. Agenda item 14.d moved under this discussion
 - a. Lyle Sharpe described the product and use case
 - b. Alex Powell stated that he does not find any water quality concerns with the product
 - c. Todd Hunter motioned that we add AQF-2 XG to the approved products list. Tim Kunau seconded. Motion carried.
4. Discussion regarding who has jurisdiction over requiring cleanup in the future with no definite outcome
5. Board expressed that they do not believe a fine is needed

- iv. 25-BC-014, Loren Bodley, Gallery Well Construction without a Variance, Well Construction Violation; Permit [334994](#); Discuss Gallery Well Construction for Approval/Repair/Abandonment
 - 1. Chris Jones presented the situation
 - 2. Loren Bodley provided clarifying information on the local geology, lack of alternate water supply, and construction materials
 - a. Chris Sanchez clarified that the well is located 5 feet from Nolan Creek
 - 3. Board generally agreed that construction is approvable as-is

Lunch break from 11:46 to 12:30

- v. 24-BC-028, Matt Beeman, Lic 1374, Permit 320230, Late Report, Low Grout Density, Inaccurate Information on Work Report; Request Hearing for Failure to Respond.
 - 1. Chris Jones presented the situation
 - 2. Situation has resolved and no action from the Board was required
- b. Status Updates
 - i. 24-BC-035, Greg Kennedy, Unlicensed Pump Installation Work, Cease and Desist.
 - 1. Chris Jones sent a cease and desist, but suggests that further investigation be halted due to compliance
 - ii. 25-BC-015, Dustin Hathorn, Lic 1562, Construction Violations, Inaccurate Reporting, Permit 337501.
 - 1. Chris Jones made the Board aware that further allegations against Mr. Hathorn will come up in the future
 - iii. 25-BC-005 Vic Leffler & Sons, Permit 173547-A, Ineligible as Private Pump Installer due to Borrowing Equipment from Matt Carroll, Carroll Excavating
 - 1. Chris Jones stated that Matt Carroll will be seeking a pump installation license
 - 2. Todd Hunter clarified that Matt Carroll does not have a pump installation license, but does have a pump rig

12. Report from the Attorney General's Office

- a. John Newman Attorney General Report - This is a background briefing on legal issues in the written report.
 - i. Daniel Weber court filing has been initiated
 - ii. Douglass Hasser court filing is awaiting edits, but almost prepared to file
 - iii. Stated that there is no need for an executive session on any of the listed matters
 - iv. Todd Hunter asked if there is anything that can be done to accelerate the Dustin Hathorn matter

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1. John Newman stated that the Board has likely done all it can for the process, and that he is hopeful that matters will be able to move fairly quickly

- v. John Hunyadi clarified the serving and court process with John Newman

13. Old Business

a. Well Construction Rule Changes

- i. [Amended Water Well Construction Rules Published in Colorado Register](#)

1. Kevin Donegan provided an update
2. Rules were published to the Colorado Register on July 10

- ii. Staff to evaluate if any corrections are needed before January

1. Alex Powell clarified with Kevin Donegan that the Board can send suggested formatting revisions to Staff

b. By-laws revisions

- i. Jen Mele presented the revised by-laws, but stated that action on the by-laws can be held off until election of the sixth Board member

c. Ground Heat Exchangers

- i. [CSA/ANSI/IGSHPA C448 Standard](#)

- ii. [IGSHPA Training Opportunities](#)

- iii. Kevin Donegan introduced the two resources

- iv. IGSHPA has amended their training and certification processes to match new standards

14. New Business

a. BOE Administrative Rules

- i. Topics to be considered

1. Kevin Donegan introduced the primary topics to be considered in this process

- ii. Stakeholder Meeting - With CWWCA in January?

1. Kevin Donegan stated he has been in contact with Josh Weaver to set up an unofficial stakeholder meeting with CWWCA in January

b. Contracting for Services that can only be Performed by a Licensed Water Well Contractor

- i. Draft Policy

1. Kevin Donegan introduced the draft policy and reasoning behind it

2. No action required until sixth Board member is brought on

3. Todd Hunter commented on the policy, presenting an AI summary of the Colorado Revised Statutes and expressing his belief that

statute requires a contract to perform well construction or pump installation work, and that the Board cannot create rules that contradict this.

4. Discussion regarding legal ability of the Board to draft a policy regarding contracting
 5. Travis Day expressed that he does not wish for general contractors to be able to subcontract due to a potential breakdown in communication and responsibility
 6. Joel Hellwege stated that, if a contractor wants to subcontract their work, it is the contractor's responsibility to do the research to find a capable, licensed contractor to do the work
- c. Joe Shelton, Lic 388, Waiver to In Person Attendance of Continuing Education in 2025 for 2026 License renewal
 - i. Chris Jones presented the request
 - ii. Chris Sanchez motioned that the Board approve Mr. Shelton's request for a waiver for the requirements stated in Board Policy 2024-2 and Rule 8.1.b to allow Mr. Shelton to achieve his continuing education online. John Hunyadi seconded. Motion carried.
 - d. Lyle Sharpe, Lic 1497, Drilling Fluid Additive Request, Baroid foaming agent AQF-2 XG.
 - i. Addressed in item 11.a.iii
 - e. Jim Hale, Lic 1466, Drilling Fluid Additive Request, Claybloc Plus
 - i. Chris Jones presented the request
 - ii. Discussion regarding the details of the additive and potential concerns
 - iii. Todd Hunter motioned to, per Jim Hales's request, that the Board make Claybloc Plus AquaSol approved. Chris Sanchez seconded. Motion carried.
 - f. Jackson/Shaw Taylor River Ranch, Failure to abandon or repair well within 120 days as ordered by Board; Extension?
 - i. Chris Jones presented the situation
 - ii. Kendall Burgemeister stated that he has had difficulty reaching Williams Drilling regarding the status of the repair, and is unsure of why it was not completed within the given time frame
 - iii. Chris Sanchez motioned to grant the requested extension with a deadline of December 1, 2025. Tim Kunau seconded. Motion carried with four votes (Todd Hunter recused)
 - g. Matt Carroll, Pump Installation License Application
 - i. Chris Jones explained the application
 - ii. Discussion regarding applicant's alleged experience, the application process, and potential Board action

- iii. Board directed Chris Jones to accept the application and request additional information prior to the oral exam.

15. Public Comment

- a. Joel Hellwege
 - i. Expressed that he does not approve of the use of steel in wells due to its tendency to corrode
 - ii. Stated he is working with Halliburton to find a method to put PVC in deep wells with bentonite grout
 - iii. Joel Hellwege and Board discussed construction methods for deep wells using PVC or bentonite
 - iv. Tim Kunau clarified with Staff that new rules allow the use of cement bentonite with a larger annulus for Type I wells with a tremmie

16. Future Meetings

- a. Tuesday, October 7, 2025, 1313 Sherman St., Room 318 & Online
- b. Tuesday, December 2, 2025, 1313 Sherman St., Room 318 & Online
- c. Tuesday, February 3, 2026, 1313 Sherman St., Room 318 & Online

~~17. Executive Session~~

- ~~a. Daniel Weber~~
- ~~b. Douglas Hasser et. al.: 23-BC-032~~
- ~~c. Dustin Hathorn; 25-BC-004~~

~~18. Report from Executive Session~~

19. Adjournment

Meeting adjourned at 2:11 pm