



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well and
Ground Heat Exchanger Contractors

NOTICE OF GENERAL MEETING OF THE BOARD OF EXAMINERS AGENDA

Date December 2, 2025

Location Hybrid In Person/Virtual Meeting

In Person: 1313 Sherman Street, Room 318, Denver, CO 80203

Please Call Marques Hatfield, 303-607-8290
for access to the building

Virtual Link: [Join with Google Meet](#)

Oral Examinations (In-Person or Virtual) - updated 11/10/25

8:00 am - Shawn Steiner, Kaysville, UT, Special License - Augering and Monitoring -
Restricted to Holes/Wells that will not Penetrate a Confining Layer; Virtual Exam

Regular Meeting 9:00 am


Chair - Christopher Sanchez, PG

Vice Chair - John Hunyadi, PE

The Board may refer any item contained or discussed under an agenda item to Agenda Item 19
for discussion in Executive Session

1. Call to Order
2. Establish a Quorum
3. Review Agenda
4. Distribute [Google Form](#) to Attendees to sign-in and request public comment,
5. Approval of previous meeting minutes
 - a. October 7, 2025
6. Report from the State Engineer's Office
7. Report from the Water Quality Control Division
8. Report from Board Members
 - a. Opportunity for any Board Member to give updates




9. Report from the CWWCA Liaison
10. Staff Report -
 - a. Update on Examination and Licensing Activities - updated 11/11/25
 - i. Current contractors - 247, Lapsed contractors - 8
 - ii. 8 Licensing Applicants (since last BOE meeting 10/7/25) - approved applications 5, not approved 1, pending applications 2 (followed up with 2 applications Tim Davis, Delbert Tebow)
 - iii. Will send out 2026 contractor licensing renewal packets in mid-November
 - b. Continuing Education Update - updated 11/11/25
 - i.  2025 CE Log of Courses - total of 74 courses/meetings to date (41 online, 33 in person)
 - c. Well Inspection Program
 - i. Well Permit Counts
 - ii. Well Inspection Report
 - iii. Variance Report
11. 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. None to review
12. Review of Active Complaints and Settlement Recommendations
 - a. Requested Board Action
 - i. None to review
 - b. Status Updates
13. 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.
14. Old Business
 - a. Well Construction Rule Changes
 - i. Updated Permit Conditions
 - ii. Introduce Well Construction, Pump Installation, and Vault Installation eForms, Private Driller and Private Pump Installer Assessments
 - iii. Proposed Board Policy 2025-3 - Clarification of Acceptable Uses and Placement of High Solid Bentonite Grout in Holes/Wells Constructed Under Rule 14
 1. Policy
 2. Basis & Purpose

- b. BOE Administrative Rules
 - i. Status Update
 - ii. Stakeholder Meeting - CWWCA Annual Meeting January 8, 2026
 - c. [BOE Bulletin 2025-1 Construction of Wells in the Upper Laramie Aquifer](#)
 - d. Board Member State of CO Email Address
 - e. Draft BOE Policy 2019-1 Amended
 - f. Jackson-Shaw Taylor River Ranch, [Permit 309571](#), Request for 2nd Extension - Board Order for Repair or Abandonment of a Monitoring Well Improperly Constructed into a Type I aquifer.
15. New Business
- a. [List of Administratively-Defined Aquifers approved by the Board \(Rule 5.2.3.1\)](#)
 - b. Policies/Guidelines/Bulletins to be Revoked/Amended/Retained by the Board following the effective date of the 2026 Well Construction Rules
 - i. Guideline 2016-1A to be amended
 - c. Proposed Board Policy 2025-2 - Continuing Education Obtained by Internet or Online Participation for 2026
16. [Public Comment \(Click Here to Sign Up\)](#)
17. [Future Meetings](#)
- a. Thursday, January 8, 2026
 - i. BOE Administrative Rulemaking Stakeholder Meeting @ CWWCA Annual Meeting. Delta Hotels Denver Thornton, 10 E 120th Ave, Northglenn, CO 80233
 - b. Tuesday, February 3, 2026, 1313 Sherman St., Room 318 & Online
 - i. (Prior to Board Meeting) Hearing: Dustin Hathorn, Lic 1562, Complaint 25-BC-009
 - ii. (Proposed to be Rescheduled to April 7, 2026) Hearing: Ray Newmyer, Lic 736, Complaints 23-BC-030 and 25-BC-012
 - c. Tuesday, April 7, 2026, 1313 Sherman St., Room 318 & Online
 - i. (Tentative) Hearing: Ray Newmyer, Lic 736, Complaints 23-BC-030 and 25-BC-012
18. Executive Session (if needed)
- a. Douglas Hasser et. al.: 23-BC-032
19. Report from Executive Session
20. Adjournment

Virtual Meeting Instructions

To join the meeting click the [link](#) and follow the onscreen prompt to join the meeting.

- *Chrome is the preferred browser*
- You can use your computer for audio (camera/computer speakers) or join with a phone.
 - *Using your computer for audio and/or video is preferred*
- If using your phone:
 - Have Meet call your phone
 - Depending on whether or not you're already in a meeting, choose an option:
 - If you're in the meeting, click More  > Use a phone for audio.
 - From meet.google.com, select the meeting and click Join and use a phone for audio.
If you're in a different domain than the meeting owner, someone in the meeting might need to approve you.
 - Click Call me. Enter your phone number. Click Call me. When prompted, press 1 on your phone.
 - Dial in by Phone
 - (US) +1 662-591-1661 PIN: 221 472 247#
 - Please remember to use *6 to unmute yourself if you are using your phone.
- Google Meet training and help:
<https://support.google.com/a/users/answer/9282720?hl=en#>

AGENDA ITEM 5

Approval of previous meeting
minutes

October 7, 2025

- Request input from the Board on changes to minutes, if necessary.
- Request Board motion to approve minutes.



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Ground Heat Exchanger Contractors

Board of Examiners of Water Well Construction and Pump Installation Contractors

Please find the link to the recording here:

[Recording Link](#)

MINUTES

October 7, 2025

Oral Examinations October 7 BOE Meeting

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

- Jacob Crouse, Archer City, TX, Air and Mud Rotary Well Construction Methods; Special License for Sonic Drilling Methods for Monitoring Well Construction
- Eric Stedman, Colorado Springs, CO, Special License for Monitoring Well Construction - (Augering and Monitoring; Including Sonic Drilling Methods)

1. Call to Order

2. **Attendees** - On October 7, 2025, the Board of Examiners held its second regular meeting for 2025. Chris Sanchez called the meeting to order at 9:07 a.m. Other Board members present were Todd Hunter, Tim Kunau, Alex Powell, Terry Proffer, and John Hunyadi. Chris Jones, Larry Hakes (Virtual), Don Fuorrry, Kevin Donegan, Andy Flor, Marques Hatfield, and Nolan Tanguma attended as Board Staff. Jen Mele and John Newman attended from the Attorney General's Office. Licensed Contractor Travis Day (Water Pump Supply and Service, LLC) represented the Colorado Water Well Contractors Association (CWWCA).

In-person: Jim Hale, Lauren Tiedemann Loob, Cody Thomas, Dick Johnson, Michael Erion

Virtual: Tim Davis, John Pearson, George Stewart, Mark Kister, Nicole Garrimone-Campagna

3. Introduce Geothermal Board Member - Terry Proffer, CGD

- a. Terry Proffer introduced himself



4. **Establish a Quorum**

- a. All board members present

5. **Review Agenda**

- a. Items 11.3.b and 11.3.c were not included in the packet, but will be presented today
- b. Combine 16.c. with 12.b.
- c. Added footnote for 12.c.

6. **Distributed [Google Form](#) to Attendees to sign-in and request public comment.**

7. **Approval of previous meeting minutes**

- a. August 5, 2025
 - i. Todd Hunter motioned to approve the minutes as written. John Hunyadi seconded. Motion carried.

8. **Report from the State Engineer's Office**

- a. John Hunyadi provided a report on the actions of the Division of Water Resources including daily operations, actions to create measurement rules for the Western Slope, and the satellite hydrography project through the Dam Safety group.

9. **Report from the Water Quality Control Division**

- a. Alex Powell provided the report.
- b. SB-181 Agency Briefings will be compiled in February 2026
- c. Tri-annual review hearing for regs 41 and 42 in April of 2026


10. **Report from Board Members**

- a. Todd Hunter expressed that DWR needs well inspectors and asked John Hunyadi for the budget and momentum towards that aspect
 - i. John Hunyadi stated that he wants to pursue funding through grants, but the Colorado hiring freeze has impeded that process

11. **Report from the CWWCA Liaison**

- a. Travis Day provided the report
- b. Provided an update on the venue for the annual conference

12. **Staff Report**

- a. Update on Examination and Licensing Activities - updated 9/19/25
 - i. Current contractors - 246, Lapsed contractors - 8
 - ii. 2 Licensing Applicants (since last BOE meeting 8/5/25) - approved applications 1, pending applications 1 (followed up with 3 applications not approved Brad Butler, Justin Martin, Jordan Taylor)
 - iii. Will send out 2026 contractor licensing renewal packets in mid-November
- b. Continuing Education Update - updated 10/7/2025
 - i.  2025 CE Log of Courses - total of 69 courses/meetings to date (40 online, 29 in person)
 - ii. 1 pending CE course - Rocky Mountain Groundwater Conference

c. Well Inspection Program

i. Inspection Program Staffing - Don Fuorry, Div 1-2 Well Inspector

1. Chris Jones introduced Don Fuorry

ii. Well Permit Counts

1. Chris Jones provided the report
2. Terry Proffer asked whether geothermal use permits could be broken out between high-temp geothermal (open system) vs. closed-loop ground heat exchangers
 - a. Kevin Donegan responded that they are essentially all ground heat exchanger installer permits
3. Todd Hunter asked for update regarding the letters sent out to ask for abandonment
 - a. Kevin Donegan and Chris Jones stated that, from their recollection, the compliance was approximately 50 percent and that the Water Supply Team has plans to expand that process outside of the Black Squirrel district

iii. Well Inspection Report

1. Chris Jones provided the report
2. While the well inspection team was understaffed, Div 1 and 2 inspections were low, but inspections have picked up with the hiring of Don Fuorry

iv. Variance Report

1. Marques Hatfield provided the report

13. 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. George Stewart, Lic 1286, Permit [84879-F](#), Well Abandonment Variance - Request Variance to Rule 16.2 to Leave Stuck Pumping Equipment in Well, Not Perforate at Confining Layer, and to Place Cement Grout Via Tremie to as Deep as Possible Due to Stuck Pumping Equipment.
 - i. Chris Jones introduced the request
 - ii. Chris Sanchez asked if Chris Jones believes the contractor made a good faith effort to remove the equipment from the well
 1. Chris Jones stated that he believes the contractor has adequately attempted to remove the equipment

- iii. Discussion regarding the status of the well, the previous attempts to remove the equipment from the well, and the possibility of removal with further fishing
- iv. Chris Sanchez motioned to direct staff to approve a conditional variance that requires the contractor to dedicate 40 hours of fishing time in an attempt to remove the wire and pumping equipment using a variety of tools. If unsuccessful, then the variance is approved as requested.
 - 1. Motion amended to add a condition requiring the contractor notify the well inspection team prior to each attempt
 - 2. Motion amended to specify that, if the removal is successful, the well must be abandoned per Rule 16.2
 - 3. Tim Kunau seconded
 - 4. Motion carried
- b. Jim Hale, Lic 1466, Permit [89975-F](#), Variance Request for Repair of Leaking Well Casing with Swage Patch and Sealant (10.3, 10.3.3.a) - Staff Requests Board Consider this Item and Agenda Item 16.c Together.
 - i. Chris Sanchez recused himself from this discussion due to his firm's involvement in the case
 - ii. Chris Jones introduced the request
 - iii. Chris Jones clarified with Jim Hale that the cement bond log was unsuccessful
 - iv. Chris Jones reminded Board of previous action in a similar instance
 - 1. Board discussed the feasibility of requiring the contractor to perforate or abandon
 - v. Discussion regarding the construction methods, local geology, current status of the well/pinhole, and possible patch methodology/materials
 - vi. John Hunyadi motioned, concerning agenda items 12.b and 16.c, to approve the variance request as proposed for the repair of the leaking well with the stainless steel swage patch and sealant, and to coordinate with Board Staff and the Well Inspection team during the installation.
 - 1. Motion amended to clarify that the contractor should work with Board Staff to verify that the sealant used is NSF 61 approved.
 - 2. Tim Kunau seconded
 - 3. Motion carried
- c. Matt Beeman, Lic 1374, Permit 19283-G, Geothermal Rule Variance Request for use of Rotating Head as Blowout Preventer (Geothermal Rule 8.2.3)¹

¹ The State Engineer currently has the authority to issue variances to the Geothermal Rules, Staff will not be asking the Board to approve this variance, but would like to discuss the topic with the Board.

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

- i. Chris Sanchez stated that he has a potential conflict of interest with this matter, but that he does not believe he is required to recuse himself since the Board is not taking action on the matter
 - 1. Kevin Donegan confirmed and provided a brief summary of the situation
- ii. Discussion regarding the details of the rotating head device and construction methodology using the device
- iii. Lauren Tiedemann Loob explained BBA Water's objection to the construction of this well, specifically requesting a limit to the production interval on the well and a requirement that a well inspector be on-site during construction
 - 1. John Hunyadi asked how Staff responds to Lauren's comment and what action can be taken
 - 2. Kevin Donegan responded that the well permit has since been amended to limit the production interval per the owner's request, but that it may be difficult to guarantee well inspector presence during the construction
- iv. Discussion regarding intended source and purpose of well, surrounding opposition to the well, and further action from Board Staff both as it relates to this specific well and this area in general
- v. Chris Sanchez clarified with Kevin Donegan that the permit the owner has is more a license to drill and that it can be revoked if a party displays injury, but that there is nothing currently preventing them from drilling the well

Break from 10:55 to 11:08

14. Review of Active Complaints and Settlement Recommendations

- a. Requested Board Action
 - i. 25-BC-006, Justin Scherer, Permit [321018](#), Unlicensed Individual Submitted and Signed GWS-32 for Work Performed by Well Owner, Inaccurate Information on Work Report. Request Board Allow CWI to Discontinue Investigation.
 - 1. Chris Jones presented the situation
 - 2. Chris Sanchez motioned to direct Staff to discontinue investigation on complaint number 25-BC-006. John Hunyadi seconded the motion. Motion carried
 - ii. 25-BC-008, David Lawson, Fred Day/Travis Day Allege Signature on GWS-68 Submitted by Mr. Lawson to State Engineer is a Forgery. Request Board Allow CWI to Discontinue Investigation and Defer Pursuit of Mr. Lawson to Rio Blanco County Sheriff Dept.
 - 1. Chris Jones presented the situation

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

2. Travis Day provided additional information on the history of the well and requested that the Board not drop this case
 - a. Chris Sanchez asked why Travis Day would prefer to not handle this situation with the local Sheriff Dept.
 - i. Travis Day responded that, in a small community, this situation would lead to a loss of business
 - b. Chris Jones stated he would be willing to participate with local law enforcement as Travis Day pursues this matter
3. Discussion regarding what action the Board would be allowed to take against David Lawson
4. John Hunyadi stated that he would check with Division 6 about ordering the disuse of the well without a valid surface water diversion
5. John Hunyadi motioned to direct Staff to discontinue investigation with respect to case number 25-BC-008. Chris Sanchez seconded. Motion carried

Lunch break from 11:40 to 12:11

- iii. 25-BC-010, Jacob Hill / JDs Excavating, Unlicensed Contractor, Advertisement for Well and Pumping Equipment Repair and Installation; Installation of Pumping Equipment without a License. Request Board Refer Complaint to AG to Pursue Unlicensed Contractor for \$2000 Monetary Penalty, Attorneys Fees, and Injunction in District Court against future advertising or work requiring license by the Board.
 1. Chris Jones presented the situation
 2. Board clarified with Chris Jones that no further evidence of physical work on a well has been identified
 3. John Hunyadi motioned that the Board refer the complaint in case 25-BC-010 to the AG Office to pursue the unlicensed contractor for a \$2,000 monetary penalty, attorney fees, and an injunction in district court. Chris Sanchez seconded. Motion carried
- b. Status Updates
 - 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; Update on Hearing Schedule.
 1. Chris Jones provided an update
 - ii. 23-BC-030 and 25-BC-012, Ray Newmyer, Permit [321914](#); Submittal of Inaccurate Information on Multiple Work Reports; Pump Installation Standard Violations; Update on Hearing Schedule
 1. Chris Jones provided an update

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

2. John Hunyadi clarified with Chris Jones that the February Board meeting would not begin until later in the day due to the hearings that morning
- iii. 24-BC-038, Howard Crandall Jr, Lic No. 1229, Permit [318158](#), Type I Multiple Confined Aquifer Constructed as a Type I Single Confined Aquifer Well, Inadequate grout through Interval required by 10.4.5.2.c and Inadequate Steel Casing in Interval required by 10.5.4.2.b, Untimely Submittal of Work Reports 17.3, Inaccurate Information on Work Report 17.2 and 17.4.
 1. Chris Jones provided an update
 2. John Hunyadi clarified with Chris Jones the method by which these violations and this pattern of violations was found
 3. Discussion regarding the construction of the two Crandall wells in this agenda, the action that would be taken against them, and whether Chris Jones should bring these complaints to the Board or handle them internally
 - a. Board expressed preference that Chris Jones continue to handle these unless a large number of complaints or a more complicated situation arises
- iv. 25-BC-020, Howard Crandall Jr, Lic No. 1229, Permit [332221](#), Type I Single Confined Aquifer Constructed as a Type II Aquifer Well, Inadequate Grout at Confining Layer 10.4.5.1.c, Inadequate Annular Space in Required Grouted Interval 10.4.4, PVC used as Surface Casing 10.3.1.
 1. See previous item for combined discussion

15. 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. On the matter of Douglas Hasser, case number 23-BC-032, service was refused, which could cause future complications

16. Old Business

- a. Well Construction Rule Changes
 - i. "Grace Period" for projects contracted/bid under old rules
 1. Tim Kunau presented his request for a "grace period"
 2. Discussion regarding what action could be taken, inside or outside of the official rulemaking process
 3. Board and Staff discussed that situations like these could be handled through variances that come before the Board with a contract prior to the acceptance of the new rules already prepared to review
 - ii. Staff evaluating if any corrections are needed before January

1. Chris highlighted that, if opening the rules is not an option, a policy will likely need to be produced regarding the placement of bentonite grout in monitoring wells under rules 14.3.5.2 and 10.5.3.6
 2. Board requested that Staff draft a policy for Board review
- b. Review/Approve By-laws
- i. Jen Mele presented the By-laws for review
 - ii. John Hunyadi motioned that the Board approve the By-laws as presented in agenda item 15.b. Chris Sanchez seconded. Motion carried
- c. BOE Administrative Rules
- i. DRAFT Comment Solicitation Form?
 1. Kevin Donegan presented the draft form, which will likely be sent out by the end of October 2025
 - ii. Stakeholder Meeting - CWWCA Annual Meeting January 7-9, 2026
 - iii. Contracting for Services that can only be Performed by a Licensed Contractor to be considered by AGO in conjunction with BOE Admin Rules
 1. Todd Hunter questioned why this topic continues to arise and stated his belief that statute defines this practice as illegal
 2. Staff clarified that this issue does not require action today and that this issue will be considered in conjunction with BOE Admin rulemaking

17. New Business

- a. Cody Thomas (Owners Agent), Permit [23219-MH](#), Appeal of Denial of Conversion of Monitoring and Observation Hole to a Production Well under Receipt No. 10043784
- i. Cody Thomas and Dick Johnson (previous owner of property) presented the history of the property and well
 - ii. Chris Jones described the construction of the well
 - iii. Discussion regarding the water quality samples, the local geology, and the construction details of the well
 - iv. Chris Sanchez motioned to accept the request to convert the monitoring well permit to a production well under receipt 10043784 subject to the following conditions. 1. The approved well permit contains language clarifying that there are deficiencies in the well construction that could impact the water quality of the well and that 2. The well cap integrity shall be confirmed and repaired to the extent that it is not intact.
 1. Board Staff clarified that, due to a policy outlining the process to register an existing well through the Chief Well Inspector and a desire to move away from the idea of post-construction

- variances, the Board is asked to approve the construction details and appeal of the Chief Well Inspector's decision for monitoring well conversions that were initially denied by Board Staff
2. Chris Sanchez modified the motion to grant the appeal of the denial rather than to approve the well permit
 3. Tim Kunau seconded
 4. Motion carried
- b. Mark Kister & Colorado River Engineering, Inc. Application to convert a monitoring well constructed under [21327-MH](#) to a water production well. Staff Opinion of Construction Has Not Changed Since Previous Denial; Deferral to Board for Evaluation of Construction Information for Monitoring Well Conversion to Production Well
- i. Chris Jones presented the situation
 - ii. Michael Erion and Nicole Garrimone-Campagna provided background information regarding the local geology and status of the well
 - iii. Tim Kunau clarified with Chris Jones that new permit would not be subject to the aquifer restriction of the original well permit
 - iv. Andy Flor provided more information regarding the geology based on limited information in the area
 1. Clarified with the Board that the geologic interpretation has changed slightly, but the opinion is still that the well has penetrated through at least one confining unit, making it a Type I well
 - v. Discussion regarding the local geology, the effect of faulting on how interconnected the aquifers are, and possible action regarding the well
 - vi. Travis Day commented that this area is heavily fractured, and that grouting is extremely difficult
 1. Tim Kunau responded that he agrees
 - vii. Discussion regarding whether well should be converted, abandoned, or left in place, and the precedence that such a decision will make
 - viii. Discussion regarding the abandonment/repair methodology should that be the determination
 - ix. Nicole Garrimone-Campagna clarified with Chris Jones that staff has determined this well to be constructed in a Type 1 aquifer and that the Board is looking at approving or denying the construction information for consideration during the permitting of the well rather than approving the conversion
 - x. Multiple attempts at a motion made, both for and against the conversion of the well

- xi. Staff recommended that the Board not approve the conversion of the monitoring well constructed under 21327-MH to a production well because Staff's hydrogeologic review determined this well was constructed through at least one confining layer, and the well was not constructed according to the Rules in place at the time for a well penetrating through a confining layer
- xii. Todd Hunter motioned that the monitoring well constructed under 21327-MH does not meet the criteria to warrant conversion to a production well. John Hunyadi seconded. Motion carried
- xiii. Michael Erion clarified with the Board that the next steps are to seek a new well permit and work with staff to determine the necessary grout interval(s)

Break from 2:55 to 3:10

- c. Permit [89975-F](#), Possible Grout Issues Made Evident by Leakage Through Weld and Volume Calculations from Cementer Report; Staff Request Board Order Cement Bond Log and/or Order for Repairs.
 - i. Discussed under item 12.b
- d. BOE Bulletin 2025-A Construction of Wells in the Upper Laramie Aquifer
 - i. Andy Flor and Kevin Donegan presented the bulletin
 - ii. Andy Flor stated that Staff will finalize the document, look for comments, then post the bulletin after obtaining Chris Sanchez' signature
 - iii. Chris Sanchez commented that the BOE policy section is hard to find on the website and should be made more visible
- e. Tim Davis, Contractor Application, All Drilling Methods and Pump Installation Methods. Request Board Input on Application Suitability and Review
 - i. Chris Jones presented the situation
 - ii. Tim Davis provided more information on his application and previous work
 - iii. Todd Hunter asked specific questions regarding the experience Tim Davis had with various equipment, narrowing the possible licenses that he may obtain
 - iv. Chris Jones clarified with Tim Davis that, upon obtaining one license, Tim Davis may apply for other licenses without 2 years of experience
 - v. Chris Jones stated that he will take the Board's opinion into consideration and move forward with Tim Davis' application, accepting the applications for air rotary construction, mud rotary instruction, and pump installation less than 100 GPM

18. Public Comment

- a. Travis Day
 - i. Stated that he would like to collaborate with the Board to get direction on how to work with Staff while grouting in fractured areas

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

- ii. Staff asked Travis Day to draft a letter to the Board regarding their request for situations where they cannot grout according to the Rules

19. Board Training HB18-1198 Best Practices for Boards and Commissions

- a. Jen Mele provided the training
- b. Kevin Donegan stated he will look into getting BOE-specific emails for Board members
- c. John Hunyadi clarified hearing process with Jen Mele
- d. [Draft BOE Policy 2019-1 Amended](#)
 - i. Andy Flor presented policy, stating that the Board can provide comments and Staff will look for approval during the next meeting
- e. [Board Member Training Manual](#) - Best Practices for State Boards and Commissions
 - i. Andy Flor pointed out the manual on the website

20. Future Meetings

- a. Tuesday, December 2, 2025, 1313 Sherman St., Room 318 & Online
- b. BOE Administrative Rulemaking Stakeholder Meeting
 - i. Thurs or Fri, January 8 or 9, 2026,
Delta Hotels Denver Thornton, 10 E 120th Ave, Northglenn, CO 80233
- c. Tuesday, February 3, 2026, 1313 Sherman St., Room 318 & Online

21. Executive Session (if needed)

- a. Douglas Hasser et. al.: 23-BC-032
- b. Daniel Weber; 25-BC-001
- c. Dustin Hathorn; 25-BC-009
- d. Ray Newmyer; 25-BC-012 and 23-BC-030

22. Report from Executive Session

- a. Executive session was not held at this meeting

23. Adjournment

- a. Chris Sanchez adjourned the meeting at 4:13 pm

AGENDA ITEM 10.c.i

Well Permit Counts

Well Permit Activity Log

12-2-2025 BOE Meeting - data through 11-21-2025

Action Name	Year	1/1 - 3/31		4/1-6/30		7/1-9/30		10/1-12/31		YTD 2025	
		Count	% 1st Qrt 24	Count	% 2nd Qrt 24	Count	% 3rd Qrt 24	Count	% 4th Qrt 24	Count	YTD % 2024
Total Application Received	2025	1670	126	1785	98	1819	115			6025	98
Permits Issued	2025	1606	118	1877	139	1696	102			5891	104
New Permits Issued (Exempt)	2025	1276	127	1513	159	1278	108			4544	114
New Permits Issued (Non Exempt)	2025	355	113	317	70	396	103			1263	83
Replacement Permits Issued (Exempt)	2025	60	100	85	98	122	88			333	90
Replacement Permits Issued (Non Exempt)	2025	26	137	33	103	32	152			116	132
Geothermal Use Applications Received	2025	63	225	40	167	28	93			155	145
Geothermal Use Permits Issued	2025	62	295	30	91	31	124			156	156
Monitoring Hole Notices Issued	2025	403	165	469	219	475	152			1670	147
Permit Extended	2025	184	67	212	73	139	55			601	62
Permit Canceled	2025	110	115	126	121	125	102			415	99
Wells Constructed	2025	665	68	857	84	652	68			2314	60
Well Construction Rpt Received	2025	1070	104	1221	101	1149	91			3798	80
Pumps Installed	2025	716	82	919	83	681	56			2461	61
Pump Installation Report Received	2025	757	83	954	95	810	68			2801	68
Wells Plugged and Abandoned	2025	385	255	284	65	215	57			992	68
Well Plugged and Abandoned Rpt Recd	2025	483	250	289	81	311	92			1294	93

Previous Years	2024	2023	2022	2021	2020	2019	2018	2017
Total Applications	6159	6213	7220	8006	6477	6161	7229	6049
Permits Issued	5639	4908	6413	7263	5783	5623	6278	5609

AGENDA ITEM 10.c.ii

Well Inspection Report

AGENDA ITEM 10.c.iii

Variance Report

Summary of Variance Requests*		
	2024	2025
Total WCV Requests	155	192
Number Approved	152	181
Total Approved by Staff	131	163
Total Approved by Board	21	18
Infiltration Galleries	35	29
Casing and Grout	40	39
Contamination Offset	33	32
Well Vault	8	15
Abandonment	15	28
Sump/Rathole and Filter Pack	4	30
Annular Space	-	2
Misc.	17	18
*2025-001A, Type 3 casing & grout <i>and</i> sump/rathole request		
**2025-153A, Infiltration gallery <i>and</i> horizontal drilling request		
***2024 total includes request for the entire calendar year		

AGENDA ITEM 12.b

Status Updates

- No Board Action requested

Staff Status Report for Active Complaints

Board of Examiners Meeting - 12/2/2025

Unlicensed Contractors

24-BC-035

JOSH NOTHNAGLE

Date of Complaint:

County: Costilla

License No.:

Permit No.: 88062-F

11/1/2024

Complaint initiated by: Well Owner

Description of complaint: Unlicensed Contractor Installed a Pump; Submitted a Late Work Report

Status:

10/31/2024 received email complaint from records about late report (Rule 17.3) and unlicensed contractor Josh Nothnagle plumber (Rule 11.1, 13.3; Admin Rule 6.1; 37-91-105(1), 37-91-111(1)(d)). Upon review also found no disinfection (Rule 15.3, 15.4.2). Found the pump was install on 7/1/2024, production equipment test performed on 9/28/2024 and reported submitted on 10/1/2024. Rule 17.3 says must be submitted within 60 days of any other work required to be reported so report is not late.

11/1/2024 called Josh Nothnagle who is a licensed plumber but not a licensed pump installation contractor. Josh admitted to helping the well owner install the pump. Called Jeremi Keyser, the well owner, who indicated that Josh did physically help install the pump and pumping equipment.

11/1/2024 sent draft letter to AG for review.

12-23-2024 accepted suggestions form John and sent letter to John Hunyadi for signature.

1-10-2025 sent to 3 addresses via certified mail. Also emailed to Josh.

1-28-2025 Certified mail tracking indicates all 3 hard copies were picked up at the post office by customer.

3-3-2025 sent email to Josh asking if he had a response.

4-1-2025 Advised Board, requested Board direct staff to pursue Mr. Nothnagle in court. Board direct Staff to have the AG pursue this matter in District Court including the pursuit of fines of \$1,000 plus legal fees.

Recommendation: Staff work with AG to pursue in DC. Send RLS to AG.

25-BC-021

EDMUND KINNEY

Date of Complaint:

County:

License No.: 1441 (expired) **Permit No.:**

9/08/2025

Complaint initiated by:

Description of complaint: Contractor Advertising to Install and Repair Pumping Equipment on Website After Licensed Lapsed and Expired

Status:

9-8-2025 received email from Larisa Kunau complaining that Tri County Well and Pump Services, Edmund Kinney, Lic 1441 had a website and was advertising and offering services for installation, and repair of pumping equipment including pressure tanks. Investigation found that Mr Kinney's license lapsed in January 2024. He did not renew his license. His license expired in 2025. Offering services haver his license expired.

9-8-2025 Called and emailed Mr. Kinney.

Recommendation: Wait to see if website is cleaned.

25-BC-022

ANYWHERE ROOTER

Date of Complaint:

County: Douglas

License No.:

Permit No.: 77020-F + unpermitted well

9/03/2025

Complaint initiated by: Kunau and Ted Britton

Description of complaint: Unlicensed Contractor "Contracting" to Install and Repair Pumping Equipment

Status:

9/3/2025 Risa Kunau emailed complaint alleging Anywhere Rooter provided estimate for work on pump at Permit # 77020-F.

10/17/2025 Ted Britton emailed an estimate from Anywhere Rooter for pump installation in an apparent unpermitted well at 8284 n Sunburst, Parker

10/22/2025 called Mr. Wells for info about the estimate. Allegedly Mr, wells put deposit down of about \$9000 but ultimately did not have Anywhere Rooter perform the work and background for the complaint. emailed owner Mike Wells asking for info

10/30/2025 Mr. Wells sent email with statement.

11-6-2025 called anywhere rooter, but receptionist indicated a manager was not available and they would call back...no response.

Recommendation: prepare allegation letter to Anywhere Rooter and registered agent.

Licensed Contractors

23-BC-030

HALSEY R. NEWMYER

Date of Complaint:

County: La Plata

License No.: 736

Permit No.: 321914

7/27/2023

Complaint initiated by: Wellowners

Description of complaint: Late Report

Status:

4-14-2023 Received email from Mr. Fonesca, well owner, that NWP Drilling had not submitted a GWS-31 or GWS-32 and that his permit was expiring.

4-18-2023 Sent Ray Newmyer an email inquiring about reports.

4-20-2023 Ray responded via email and indicated he would look into it.

7-25-2023 owner inquired about status.

7-26-2023 No response from Ray sent another email.

7-27-2023 Sent allegation letter.

9-8-2023 DWR received GWS-31 but not GWS-32.

2-1-2024 No response sent email reminder to Ray.

2-2-2024 Sent Stipulated Settlement offer.

4-29-2024 Called Ray he indicated he had received all the documents and would respond prior to the May 23, 2024 BOE meeting.

5-15-2024 received signed stipulated settlement offer via email. I replied to email same day requesting he provide the work reports.

6-10-2024 sent another email requesting work reports. Also sent request to Erica to send invoice.

6-11-2024 Erica emailed invoice to Ray.

7-30-2024 payment not yet received; Erica emailed reminder

7-31-2024 invoice paid

10-24-2024 Called Ray. He promised to have the remaining work report submitted by end of next week. Sent email recapping the phone call.

11-19-2024 Ray sent another GWS-31. The construction information does not match the original GWS-31.

11-21-24 Called Ray who said he would confirm with Seth. Sent email to Ray asking if he was willing to pull the pump while Larry onsite then measure well. Received GWS-32.

11-22-24 Ray called and said the most recent GWS-31 was the correct one. Ray agreed to pull pump while inspector was present and measure well.

1-15-2024 Ray indicated he has not yet been able to make contact with the owner to arrange the work.

1-24-2025 sent email to owner, Ray and Larry in attempt to coordinate pulling pump and inspection.

7-1-2025 emailed Ray to get update; Ray called made excuse that he couldn't get ahold of owner...who was on the same email string. Ray promised work would occur that week

7-14-2025 no work performed yet. started new complaint for inaccurate information on report under 25-BC-12.

7-15-2025 Ray called, I provided him owners phone number. NWP pulled pump; Larry measured TD of 68 ft, cannot confirm which report is accurate.

8-4-2025 Ray asked for hearing.

8-5-2025 Board approved hearing at date chosen by Staff.

Recommendation: Wait for hearing

23-BC-034

DAVID BRINKERHOFF

Date of Complaint:

County: Routt

License No.: 1567

Permit No.: 326018

10/20/2023

Complaint initiated by: Contractor

Description of complaint: Construction Violation

Status:

10-20-23 a contractor brought me the construction report and indicated he felt there were construction violations. My review suggests David perforated steel casing from 20-35' which is through two units, alluvium and Mancos shale violating Rule 10.1.a, .c and .d. See nearby wells constructed in Mancos at depths <340'. Annular space <1" from 12-20'.

Inadequate grout for Type II, but appears he felt he was constructed in Type III. Inadequate disinfectant calc needed about 16.7 oz for entire borehole. Pump installation report also indicates insufficient disinfectant.

3-1-2024 sent email to David requesting call to discuss well construction and pump installation.

3-4-2024 Spoke to David on the phone. He indicated 8 5/8" casing was driven from 12-40'. Acknowledged problem with grout and disinfection.

4-9-2024 Received response to allegation and contractor acknowledged the deficiencies

7-14-2024 received variance request.

7-25-2024 variance issued to abandon sump to 40' with granular bentonite and for discontinuous grout from 2-12' bgs after pitless is moved up from 4' bgs to 2'bgs and grout is backfilled from 4'-2'.

1-23-2025 sent an email to David asking for information about status of repairs.

1-24-2025 David indicated the repairs would occur early spring.

7-21-2025 sent stipulated settlement offer via email and certified mail stip set for \$1200 ...\$600 for constructing well allowing intermingling and \$600 for combination of all the others as if the well was constructed without a variance.

7-25-2025 received signed accepted Stip set from David

8-29-2025 Sent Erica request for invoice.

9-4-2025 Erica sent invoice to David for \$1200.

9-8-2025 Invoice Paid

Recommendation: wait for repairs

24-BC-036

TAYLOR WINEGAR

Date of Complaint:

County: Douglas

License No.: 1576

Permit No.: 336228

11/2/2024

Complaint initiated by: Well Owner

Description of complaint: Construction of Well prior to date permit was issued; construction of well without a valid permit

Status:

11/1/2024 received call from owner Steve Hathaway complaining that contractor Taylor Winegar had not sent him the well construction report for a well constructed in mid September 2024. Owner cited Permit 336228. Upon review found that the permit was issued on 10/21/2024 apparently after the reported date of completion (construction without a valid permit Rule 6.2.1, 6.2.2; knowingly construct well without a permit 37-91-108(1)(d)). Requested owner send evidence that well completion occurred in September.

11/2/2024 Steve sent email containing an image of a text string allegedly between Taylor and Steve on September 13 that the rig had moved out, "everything was gone and the well cap is on. All done." following construction of an apparent 600' well. The email from Steve also contained a photo of Winegar's rig onsite taken September 12, 2024, a photo of a geologic log and a copy of an invoice dated September 19, 2024 from Winegar to Steve at 363 Hill Drive Sedalia.

11/4/2024 invoice suggests a 8.75" hole was drilled to 82 feet and 82.82' of 7" steel casing was billed. The annulus between an 8.75" hole and 7" OD steel casing is less than 2" (Rule 10.4.4)

11-4-2024 talked to Taylor, he needs to look into his records and will call me back.

11-18-2024 no response, called Taylor who admitted the well was unknowingly constructed prior to the permit being issued. Taylor indicated discounts were given to owner on invoice and that is the discrepancy between amounts and sizes on bill vs the info on the construction report.

1-27-25 Shaylee inspected well noted minor issues with well seal. Could not confirm exact location of nearest septic tank, owner thought it might be 45' from well but unsure. Steel casing and grout reported to 100' would exceed depth required by variance.

7-21-2025 no movement in regards to late registering the well under a new permit. Sent allegation letter to Taylor

8-4-2025 Taylor responded that he would help owner apply to register the existing well.

9-28-2025 no evidence that application has been sent yet. Prepare stipulated settlement letter for construction of well without a valid permit.

Recommendation: Send Stipulated Settlement.

24-BC-038

HOWARD H. CRANDALL JR.

Date of Complaint:

County: Weld

License No.: 1229

Permit No.: 318158

11/8/2024

Complaint initiated by: Staff

Description of complaint: Well Construction Violation - failure to grout full interval required by Type I multiple Rules; inaccurate information on work report; failure to provide work reports in a timely manner

Status:

11/8/2024 Received email from Records that the reported aquifer type didn't match the permit and the report could not be uploaded to the permit file. Upon review found the permit required construction as a Type I multiple confined aquifer in the Lower Arapahoe. Well was completed in the Lower Arapahoe but grouting and casing do not match requirements for Type I multiple. Use of PVC casing where steel casing was required (Rule 10.5.4.2.b). Grout should have extended up to 60' bgs but stopped at 320' (Rule 10.4.5.2.c). Well was constructed on 7/31/2020 but report was not received until 11/5/2024. Untimely Submittal (Rule 17.3). Contractor indicated aquifer type is LFH but it should be Type I multiple; inaccurate information provided on work report (17.2 and

17.4). Requested hydrogeo review on 11-8-2024 to confirm the shale from 15'-120' is the confining above the Upper Arapahoe. Called Howard and he said he would get back to me mid next week.

11-12-2024 DWR received revised GWS-31 indicating the well was a Type II overlain by Type III aquifer.

12-13-2024 Hydrogeo review found aquifer type was Type I multiple and contractor failed to case and grout per 10.4.5.2.

7-27-2025 response from Howard not received. Sent allegation letter via email.

9-28-2025 no response received. Email sent to Howard; attempt to negotiate stipulated settlement for abandonment and replacement.

9-29-2025 talked to Howard who said he would look into it and call back in a couple days.

11-21-2025 no response. Sent stipulated settlement for replacement of well via email and certified mail

Recommendation: Wait for response to stipulated settlement for abandonment and replacement.

25-BC-003

DOUG RATHJEN

Date of Complaint:

County: La Plata

License No.: 858

Permit No.: 334236

3/4/2025

Complaint initiated by: Licensed Contractor

Description of complaint: Inaccurate Information On Construction Report; Well Construction Violations

Status:

3-4-2025 Received written complaint from Licensed contractor about inaccuracies found between the information on the GWS-31 and the well in the field. Complaints included inaccurate casing OD, inaccurate depth, failure to include perforation size, use of concrete grout when Portland was reported.

3-24-2025 responded to contractors email and will continue to investigate. Asked for photos or if "concrete" was still present onsite.

4-1-2025 Joel brought two fragments of the concrete apparently from the videos he took onsite and appear to represent the top of the grout plug. 1/4 to 3/4 inch sub angular aggregate in the concrete. An alleged sample of the filter gravel Joel alleges came from the ground adjacent to the well were 1/4 rounded gravel.

4-25-2025 sent email to Larry to inspect this well.

7-27-2025 set deadline of 8-1-2025 for Div 3 inspector to perform inspection.

7-31-2025 Larry inspected the well, confirmed steel casing is 5 9/16" casing not 5" OD casing, confirmed 20.1' of steel casing which is less than the 22' on the report,

8-1-2025 sent email to DAK with complaints.

9-3-2025 scheduled phone call with DAK for 9-4. 9-4 had conversation with Clay...Doug was not available. Clay was the alleged driller onsite. Clay denies using concrete to fill annulus. He suggested some cuttings may have blown out of well when they were cleaning it. That does not seem feasible because the gravel in the grout is larger than 3/8" and is relatively uniformly mixed, and secondly would suggest that they were cleaning well (a part of construction) prior to the grout setting and would be a violation of 10.5.4. Clay agreed to excavating/potholing around casing to show that he used portland cement. Clay will talk to owner then coordinate date to excavate while an inspector is onsite.

9-14-25 Clay indicated no response from owner.

9-19-2025 Clay indicated no response from owner.

9-19-2025 indicated to Doug I would proceed with allegation letter.

11-24-25 sent allegation letter via email and certified mail.

Recommendation: Wait for response to Allegation Letter

25-BC-012

HALSEY R. NEWMYER

Date of Complaint:

County: La Plata

License No.: 736

Permit No.: 321914

7/14/2025

Complaint initiated by: Wellowners

Description of complaint: Inaccurate information on 3 work reports; Improper Pump Installation

Status:

7-14-2025 prepared new allegation letter alleging inaccurate information on work reports stemming from complaint 23-BC-030. Ray has continued to put off performing work to pull the pump to help evaluate which report was accurate.

7-15-2025 Ray called and again claimed he would coordinate with the well owner and Larry to pull the pump that day. Larry Hakes observed NWP employees Seth and Pat attempt to pull the pump but the pitless was attached to the PVC and would not come out. Pitless must be on steel (Rule 11.2.1)

7-16-2025 NWP excavated around casing and exposed square hole several inches in size in steel casing where discharge line passed

through; steel casing not water tight and not sanitary (Rule 11.2.1 and 11.2) Inspector found an unidentified foam material, likely a sealant had been placed between the PVC and the steel casing, apparently to try to keep soil from entering the hole in the steel casing. Inspector noted apparent 1' subsidence within 5-6' of the steel casing.

7-23-2025 Asked Ray about the pump installation deficiencies. Ray claimed that he sold the pump and materials to the owner and that the owner installed it himself. Ray claims to have submitted the pump installation report for the owner. Allegation could range from Rule 17.2/17.4 for inaccurate/untruthful information and 37-91-108(1)(b,c and e) to 11.2 and 11.2.1

7-24-2025 email to Mr. Fonseca asking if he installed the pump as Ray claimed.

7-25-2025 Mr Fonseca replied to the email and indicates the only individual to work on the well or pump was "Newmyer"

7-27-2025 drafted supplemental allegation letter and sent to Larry Hakes for review.

7-28-2025 emailed allegation letter to Ray. 8-4-2025 Ray requested hearing via email.

8-6-2025 Larry says Seth indicated that the "Eddie" on the invoice was the previous owner of the lot.

9-22-2025 Seth Hall jetted out casing. Larry measured TD at 67.4' bgs but could not confirm if the bottom was casing. Larry's email suggests bottom was soft sandy material.

11-21-2025 Confirmed on phone with Ray that he was ok with changing the hearing date to 4-7-2026. requested updated GWS-31 (new depth) from Ray via phone. Also requested Ray provide a GWS-32 for the pump reinstallation Seth performed for the pump originally installed by the owner.

Recommendation: Advise Board at December 2 BOE meeting of April 2026 rescheduled hearing date.

25-BC-015

DUSTIN HATHORN

Date of Complaint:

County: Teller

License No.: 1562

Permit No.: 337501

7/18/2025

Complaint initiated by: Staff

Description of complaint: Well Construction Violations Evident on Construction Report - No Steel Casing, Insufficient Grout Interval, No disinfection, Incomplete work report

Status:

7/18/2025 Received email string from Jannean(DWR records intake) and owner Paul. Dustin had sent in a well construction report but was missing several pieces of required information. Upon review found that no steel was reported, less grout was reported than required for a Type I or II aquifer, and the geologic log suggested the well was completed in either a Type II overlain by Type II or in a Type I single. Sent request for hydrogeo review. Sent Dustin email requesting a completed GWS-31. Sent owner email indicating well inspection will occur on 7/23.

7-23-2025 Found 6 5/8" OD steel casing extending about 25" ags. Metal detecting probe could not pass about 21 feet due to PVC casing encountered at about 17 feet and the way the PVC laid against the steel casing. TD is about 406' bgs. Static water at about 48' bgs. Metal probe encountered refusal outside of steel casing at about 0.5-1' bgs. Contractor's report found to be inaccurate with observed steel casing (17.2 and 17.4). Rpt suggests insufficient grout near surface per 10.4.5.1.e (type 1) or 10.4.6 (Type II). Paul agreed to send me photos taken during construction, texts and contract. Paul suggests he saw 2 or 3 20' lengths of steel casing onsite during construction. Septic system installed after construction of well, per Paul, measured distance exceeds 100 feet from tanks, and leach field.

9-19-2025 talked to Dustin on phone and asked him for updated GWS-31 to address steel casing absent on original report. He said he would look into it.

Recommendation: Wait for owner information, Wait for Hydrogeo review information for Aquifer Type.

25-BC-019

HALSEY R. NEWMYER

Date of Complaint:

County: Saquache

License No.: 736

Permit No.: 322257

11/7/2024

Complaint initiated by: Wellowners

Description of complaint: Failure to submit work reports

Status:

11/7/2024 received GWS-68 for well that Ray Newmyer had constructed. Div 3 well inspector inspected well in June 2022. Sent Ray Newmyer an email.

11/14/2024 Ray responded that he would work on it that day. No response.

8/11/2025 sent Ray allegation letter via email.

Recommendation: Send stipulated settlement requiring submittal or work report and application to reinstate permit on behalf of owner.

25-BC-020

HOWARD H. CRANDALL JR.

Date of Complaint:

County: Weld

License No.: 1229

Permit No.: 332221

8/28/2025

Complaint initiated by: Licensed Contractor

Description of complaint: Well Construction Violation - failure to grout full interval required by Type I multiple Rules; inaccurate information on work report; failure to provide work reports in a timely manner

Status:

8-28-2025 received call from licensed contractors about the construction of well as a Type II when the geology indicates the well was constructed into a Type I single aquifer. Apparent lack of grout above the Upper Pierre from 380' back up to at least 320' per geologic log. Rule 10.4.5.1.c for no grout at confining layer. Rule 10.4.4 for inadequate annular space.

9-29-2025 talked to Howard who said he would look into it and call back in a couple days.

Recommendation: Talk to Contractor then send allegation letter. Advise Board

25-BC-023

ALAN HAMACHER

Date of Complaint:

County: El Paso

License No.: 71

Permit No.: 336526, 336870 and 336869

6/4/2025

Complaint initiated by: Licensed Contractor

Description of complaint: Well Construction Violation, Construction without variance

Status:

6-4-2025 Kevin Donegan forwarded complaints regarding wells constructed 60' plugs rather than full isolation of Type III materials overlying Type II materials without variances 336526, 336870 and 336869.

9-3-2025 sent Allen Hamacher email detailing complaint of violation of 10.4.6.3 or Figure 4.d and asking for explanation.

9-4-2025 discussed allegations with Allen on phone. Advised him of need for variances. Notified him I would send allegation letter.

Recommendation: Send Allegation Letter

Well Owner

25-BC-005

VIC LEFFLER & SONS

Date of Complaint:

County: Weld

License No.:

Permit No.: 173547-A

3/17/2025

Complaint initiated by: Licensed Contractor

Description of complaint: Unlicensed Contractor's Equipment Observed Repairing Pump/Well

Status:

3-13-2025 received call from Skip Chub who complained that he saw Carroll Excavation and Repair' equipment and named Matt Carroll as an unlicensed contractor pulling a turbine on the property of the Leffler family (at SW corner of CR 35 and CR 74). Well is close to the mapped location of reportedly abandoned Permit 173547, but might have been the replacement permit 173547-A but that well is mapped about 70 feet south.

3-17-2025 Skip sent photos showing a boom truck with a white cab parked at the wellhead. Photo appears to show the red diverter, grey turbine and blue oiling reservoir on the ground adjacent to the casing.

3-18-2025 Well inspector visited site in the afternoon and found the turbine and diverter back on the casing, but unlicensed contractor had demobilized. Top of casing is open and unsanitary. Inspector went to Carol Excavating's yard and took photo of the same apparent boom truck/rig parked in the yard.

3-28-2025 Asked Skip for better quality version of photos he sent on the 17th. 4-11-2025 sent certified letters to Vic Leffler & Sons at address from permit and property address.

4-29-2025 Talked to Russ Leffler (9703812455) about the letter I sent. He claimed that he did the pump work and borrowed Matt Carrolls equipment. He indicated that Matt Carroll did not do the work. I advised him of the WCR. Requested Russ send me a written response.

4-30-2025 Received response via email from Russ. He indicates that Matt did not perform the work and that Russ borrowed equipment from Matt. Russ violated private pump installer Rules (WCR 5.2.41; Admin Rule 4.2.17).

6-11-2025 talked to Matt who denied performing the work; admits to lending equipment.

Recommendation: Send stipulated settlement to Russ Leffler on behalf of Vic Leffler & Sons

25-BC-016

WELL OWNER

Date of Complaint:

County: Otero

License No.: NA

Permit No.: 1464-R and 1661-R

7/18/2025

Complaint initiated by: Linda Jensen

Description of complaint: Failure to Abandon two old stone lined wells as required by replacement Permit condition; open wells hazard to groundwater resources

Status:

7-14-2025 received AskDWR but needed more info.

7-15-25 Linda Jensen responded with additional details about location and photos of two open brick lined wells. Apparent conduit for contaminants and unused wells.

7-17-25 Richard Jensen followed up asking about status. Sent email to div 2 water supply, water commissioner and groundwater commissioners for info.

9-11-2025 sent three letters to owner on file for 1464-R and 1461-R, owner of the replacement wells 1464-R-R and 1641-R-R and to the address the wells are located. Owner on file for permit 1464-R and 1461-R indicated they are not the owners and have sold the property.

9-26-2025 complainant provided additional contact information for who they believe is the property owner and the real estate agent representing the property.

10-7-2025 letter to owner at site address dated 9-11-25 returned undeliverable. Erica notified me via email on 10-17.

Recommendation: Attempt to locate well owner and contact by phone.

AGENDA ITEM 14.a

Well Construction Rule Changes

i. Updated Permit Conditions

- Staff will provide Board with efforts to notify public of changes to the Rule numbers referenced on some permits as a result of the adopted well construction Rules
- No Board action necessary

AGENDA ITEM 14.a

Well Construction Rule Changes

ii. Introduce Well Construction, Pump Installation, and Vault Installation eForms, Private Driller & Private Pump Installer Assessments

- Staff will provide an update on new eforms
- No Board Action Necessary

AGENDA ITEM 14.a

Well Construction Rule Changes

iii. Proposed Board Policy 2025-3 - Clarification of Acceptable Uses and Placement of Bentonite Grout in Holes/Wells Constructed Under Rule 14

- Staff will present a proposed new Policy to address use of bentonite grout under Rule 14.
- Board to consider the proposed policy and recommend modifications if necessary.
- Request Board motion to adopt the proposed policy.



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well Construction
and Pump Installation Contractors

December 2, 2025

Policy 2025-3

CLARIFICATION OF ACCEPTABLE USES AND PLACEMENT OF BENTONITE GROUT IN HOLES/WELLS CONSTRUCTED UNDER RULE 14

Background

On May 29, 2025 the Board of Examiners of Water Well and Ground Heat Exchanger Contractors (Board” or BOE) adopted a revised set of Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation, and Monitoring and Observation Hole/Well Construction, 2 CCR 402-2 (Rules), that will be effective January 1, 2026. All references to Rule numbers in this policy will reflect the Rules effective January 1, 2026.

The adopted modifications to Rule 14, specifically Rule 14.3.5, include requirements for annular seal materials for use in monitoring and observation holes/wells, what intervals they must be used in, and what placement methods are appropriate for those materials to protect the groundwater resources and public health from the entry or migration of surface water or shallow groundwater vertically through the borehole. For bentonite grout, references to Rule 10.5.1, Table 2 and Rule 10.5.3 (specifically subrule 10.5.3.6), and thereby Rules 10.4.4.6 and 10.4.5.2, conflict with the less stringent construction standards intended to be afforded to monitoring and observation hole/well construction in Rule 14.

Additional errors were found in Rule 14.3.3 which references an exception in Rule 14.3.5.4 that does not exist, and labels in Figures 13.a and 13.b that do not match the requirements in Rule 14.3.5. A detailed discussion of the conflicts in the construction requirements for monitoring and observation holes/wells constructed with bentonite grout, and other errors this policy is intended to correct and clarify are included in the basis and purpose statement attached to this policy.

Objective

This policy provides clarification on the intervals, annulus, and placement methods for bentonite grout when used as an annular seal material in monitoring and observation holes/wells constructed in accordance with the standards of Rule 14 (those that do not penetrate through a confining layer and that will not be converted to a production well).



Policy

1. Bentonite grout use and placement in monitoring and observation holes/wells constructed to the standards of Rule 14.3 are exempt from the requirements of Rules 10.4.5.2.e and 10.5.3.6 and instead must comply with the less stringent use and placement requirements in Rule 14.3.5, with the following additional requirements:
 - a. Bentonite slurry grout is restricted to those intervals that will remain saturated.
 - b. Granular bentonite grout used in the intervals allowed by Rules 14.3.5.3 and 14.3.5.4 are not restricted to only saturated intervals.
 - c. The size of the granule, chip or pellet of granular bentonite must not be larger than one fourth of the available annular space between the borehole wall and the outside of the casing, or between strings of casing, where placed.
2. No exception to the requirement to restrict the screened, open or filter packed interval to a single aquifer per Rule 14.3.3 exists in Rule 14.3.5.4.
3. Corrected figures presenting typical monitoring and observation hole/well designs as addressed in this policy are attached for reference.

Approval

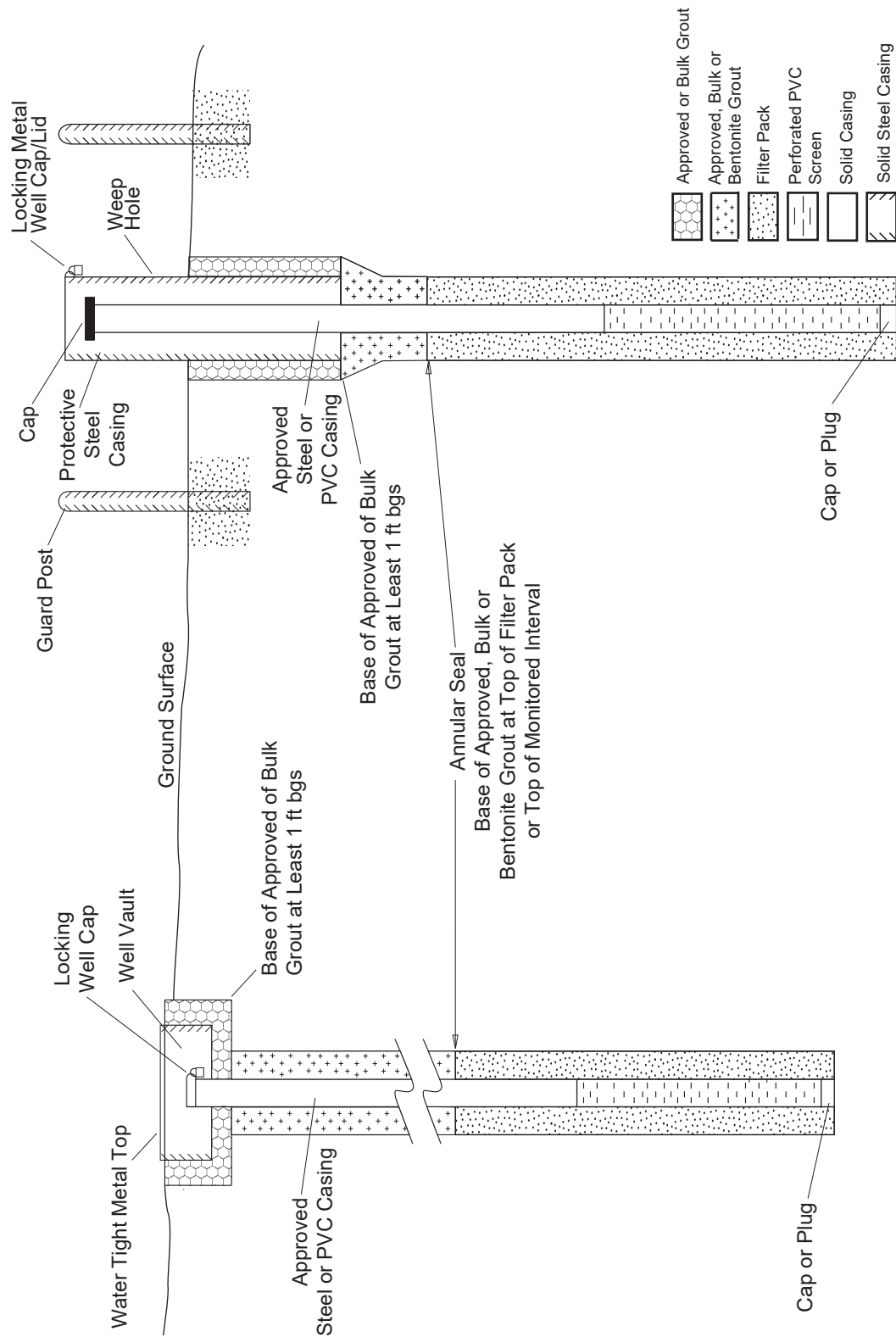
This policy becomes effective January 1, 2026. This policy may only be modified or revoked in writing by the Board of Examiners of Water Well and Ground Heat Exchanger Contractors.

Approved _____

Christopher J. Sanchez, P.G., Chair
Board of Examiners of Water Well and
Ground Heat Exchanger Contractors

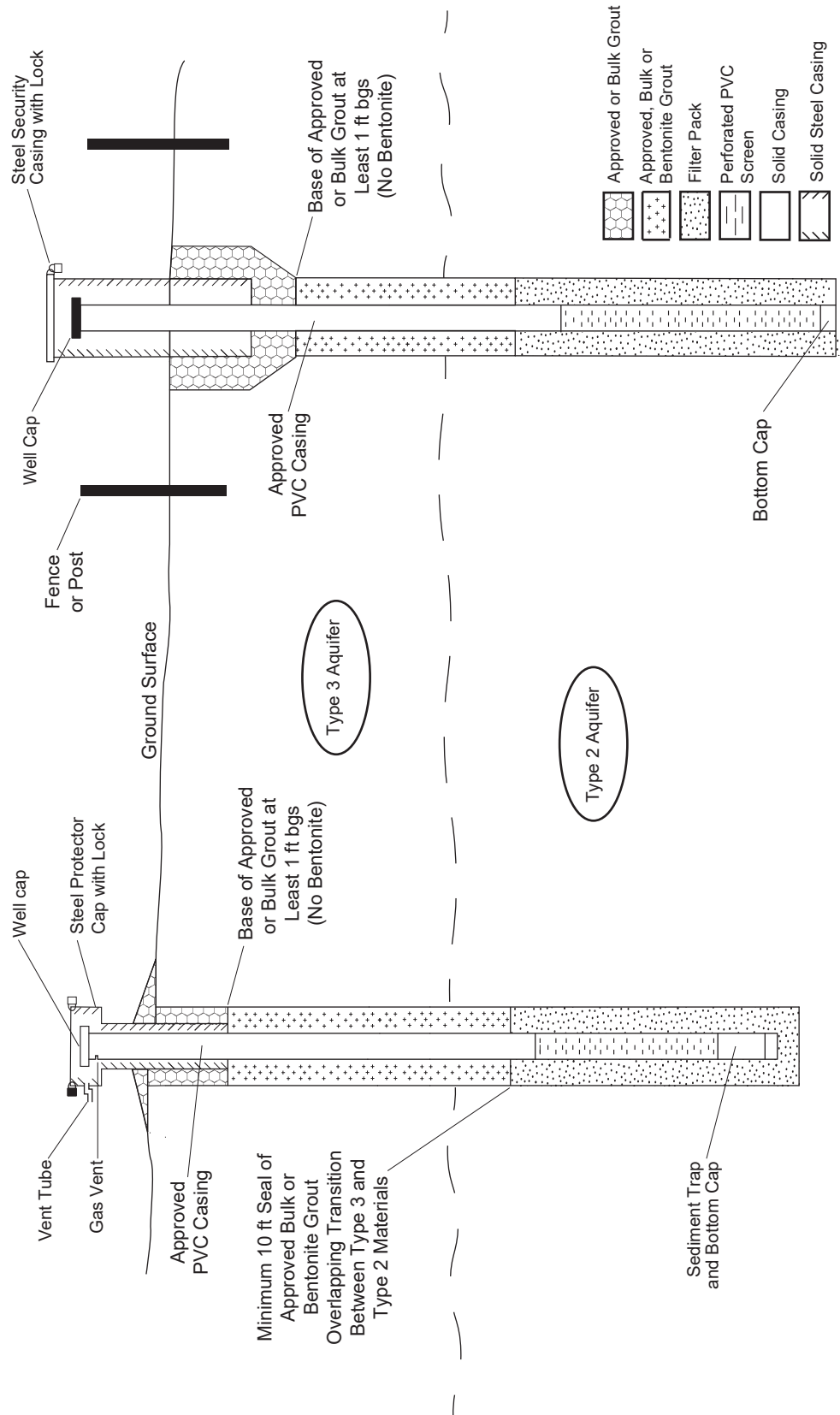
Attachments: Figures - Corrected Typical Monitoring and Observation Hole/Well Designs;
Basis and Purpose Statement

MONITORING AND OBSERVATION HOLES/WELLS



Modification of Figure 13a. Schematic diagrams of typical monitoring and observation hole/well designs.

MONITORING AND OBSERVATION HOLES/WELLS



Modification of Figure 13b. Schematic diagram of typical monitoring and observation hole/well designs.

Policy 2025-3 Basis and Purpose

The standards for annular seal materials used in monitoring and observation hole/well construction are located in Rule 14.3.5 which states:

14.3.5 Annular Seal - An approved grout, bulk grout or bentonite grout material meeting the requirements of Rule 10.5.1, Table 2. Grout must be uniformly mixed prior to placement in the hole/well. The grout mixture constituents' weight, volume, density and/or the percent by weight of each constituent used in the grout mixture must be reported on the well construction report.

14.3.5.1 Annular Space Requirements - The annulus in which the approved grout or bentonite grout is placed must not be less than one (1) inch (the borehole must not be less than two (2) inches larger than the outside diameter of the casing). The annulus for bulk grout must meet the requirements of Rule 10.4.4.5 if poured or Rules 10.4.4.1 and 10.4.4.2 if placed via positive displacement.

14.3.5.2 Placement of Grout - The placement of grout must meet the requirements of Rule 10.5.3 with the exception that granular bentonite may be placed without the use of a tremie.

14.3.5.3 Surface Seal - Annular seal materials must be placed beginning at the top of the filter pack, or the top of the interval being monitored/observed if no filter pack is used. The base of the seal must start no shallower than two feet (2) feet below the ground surface and must extend up to the ground surface. The seal must consist of an approved grout, bulk grout and/or bentonite grout meeting the requirements of Table 2. At a minimum, the upper one (1) foot of annular seal must consist of a cement-based grout such as an approved grout or bulk grout.

14.3.5.4 Deep Seal - Annular seal materials must be placed to completely fill any portions of the borehole and annular space outside of the casing necessary to isolate the monitored/observed interval to one aquifer or geologic unit.

Rules 14.3.5 and 14.3.5.3 reference Table 2 of Rule 10.5.1. Item B of the "Bentonite" section of Table 2 states:

B. Granular Bentonite: Except as allowed in Rule 10.4.5.2.e, solid granular bentonite (pellets, granules and chips) may only be used as grout material in saturated zones and must be placed directly into the appropriate interval.

As adopted, the reference to Table 2 contains limitations on the use of granular bentonite that are more restrictive than those uses intended to be allowed in Rule 14.3. The reference

to Table 2 was not intended to:

- prevent the use of granular bentonite in a monitoring and observation hole/well constructed to the standards of Rule 14,
- prevent the use of granular bentonite in portions of the borehole of a monitoring and observation hole/well that is not saturated, or
- require direct placement of the granular bentonite into the annular seal interval (see Rule 14.3.5.2).

Reference to placement methods in Rule 10.5.3 from Rule 14.3.5.3 create further problems for monitoring and observation hole/wells constructed with bentonite grout; specifically Rule 10.5.3.6 which states:

10.5.3.6 Bentonite grout may be used in required grout intervals only pursuant to Rule 10.4.5.2.e or a variance from the Board. Bentonite grout's use must be consistent with the requirements of Rule 10.5, Table 2 and 10.4.4.6. Bentonite must not be used to seal the casing of a well within thirty-nine (39) feet below ground surface. A fully-hydrated bentonite slurry must not be used as a grout where a difference in hydrostatic head exists across the grout interval or if the interval will not remain saturated.

Rule 10.5.3.6 is appropriately written for the water well construction standards (those intended to comply with Rule 10) but conflict with the less stringent construction standards intended to be afforded to monitoring and observation hole/well construction in Rule 14. The following sentences of Rule 10.5.3.6 will have unintended consequences on the standard of practice of many licensed contractors and authorized individuals who currently construct monitoring and observation holes/wells:

- *“Bentonite grout may be used in required grout intervals only pursuant to Rule 10.4.5.2.e or a variance from the Board.”*
 - Restrictions to intervals pursuant to Rule 10.4.5.2.e is not intended for monitoring and observation holes/wells that do not penetrate a confining layer.
- *“Bentonite grout's use must be consistent with the requirements of Rule 10.5, Table 2 and 10.4.4.6.”*
 - Conflict in Rule 10.5.1 Table 2 Item B, discussed above.
 - Reference to Rule 10.4.4.6 is inappropriate because it references only those intervals required by Rule 10.4.5.2.e while Rule 14.3.5.1 sets a less restrictive minimum annulus for bentonite grout used in monitoring and observation holes/wells,
 - Reference to Rule 10.4.4.6 is also inappropriate because Rule 14.3.5.2 allows granular bentonite to be poured from the surface.
 - Considerations for the size of the granule, chip or pellet will be clarified in this

Policy.

- Reference to 10.5.3.1 adequately addresses the size of the annulus for bentonite slurry grout relative to the tremie pipe that are also referenced in Rule 10.4.4.6.
- *“Bentonite must not be used to seal the casing of a well within thirty-nine (39) feet below ground surface.”*
 - Rule 14.3.5.3 is intended to set the requirements for upper-most intervals where bentonite grout can and cannot be used.

However the last sentence of Rule 10.5.3.6, *“A fully-hydrated bentonite slurry must not be used as a grout where a difference in hydrostatic head exists across the grout interval or if the interval will not remain saturated”*, is protective of the groundwater resources and is beneficial to ensuring annular seal materials will continue to act as a seal to prevent groundwater flow through the borehole.

A reference was found in Rule 14.3.3 to an exception in Rule 14.3.5.4 which does not exist and is an error.

14.3.3 Monitoring or Observed Interval - Monitoring and observation holes or wells must restrict the screened, open or filter packed interval to a single aquifer except as allowed by Rule 14.3.5.4.

Errors were found in Figure 13.a and 13.b in the referenced minimum depth for approved or bulk grout as 2 feet bgs which should be 1 foot bgs (per Rule 14.3.5.3), but where annular seal material (approved grout, bulk grout or bentonite grout) must extend an additional minimum 1 foot or to the top of the interval being monitored, whichever is deeper. Errors were also found in the legend of Figure 13.a and 13.b which references only granular bentonite grout where bentonite grout, inclusive of both bentonite slurry and granular bentonite are referenced in Rule 14.3.5.

AGENDA ITEM 14.b

BOE Administrative Rules

i. Status Update

- No Board Action Necessary

AGENDA ITEM 14.b

BOE Administrative Rules

ii. Stakeholder Meeting - CWWCA Annual Meeting January 8, 2026

- Staff will ask which Board members will be attending

AGENDA ITEM 14.c

BOE Bulletin 2025-A Construction of Wells in the Upper Laramie Aquifer

- Informative update of Bulletin, as signed
 - Signed November 5, 2025
 - Two Board-recommended additions
 - Uploaded to Laserfiche and distributed to licensed contractors & BOE Notification List
- No Board Action necessary



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well and
Ground Heat Exchanger Contractors

November 5, 2025

Bulletin 2025-1

Construction of Wells in the Upper Laramie Aquifer in the Cheyenne Basin

Purpose

The purpose of this bulletin is to:

- highlight the presence of the Upper Laramie aquifer within the extent of the Cheyenne Basin
- clarify that a well constructed into the Upper Laramie aquifer must comply with the appropriate construction rule, either Rule 10.4.6 (Type 2) where the Laramie Formation is present at the surface or Rule 10.4.5.1 (Type 1 single confining unit) where the High Plains aquifer (Ogallala Formation and White River Group) is present at the surface
- advise licensed water well contractors of the difference between the Laramie Formation and the Upper Laramie aquifer

Discussion

Permit staff have recently started adding permit notes identifying the aquifer depths and construction requirements for wells anticipated to produce from the Upper Laramie aquifer (ULA) within the Cheyenne Basin, **even though the permit does not necessarily restrict the aquifer into which the well can be completed.** We would like to bring this to the attention of the contractors to prevent any violations of the Construction Rules.

The Upper Laramie aquifer is present in the Cheyenne Basin, in particular Townships 8 through 12N and Ranges 60 through 67W (see attached map for approximate ULA extent and potential Type 1 construction requirements). It was first identified in a 1986 Colorado Geological Survey publication SP-29, "[Water Resources of Upper Crow Creek, Colorado](#)", by Robert Kirkham and John Rold in 1986. Recent non-tributary cases in Water Court (11CW275, 20CW3113, 24CW3041-pending) have further established it as an administrative aquifer.



Stratigraphic Unit		Hydrogeologic Unit
Valley-fill alluvium		High Plains Aquifer
Eolian sand		
Loess		
Unconsolidated terrace alluvium		
Ogallala Formation		High Plains Aquifer
Arikaree Group		
White River Group	Brule Formation	
	Chadron Formation	Chadron confining unit
Laramie Formation		Upper Laramie Aquifer
		Laramie shale
Fox Hills Sandstone		Laramie-Fox Hills Aquifer
Pierre Shale	Upper member	Pierre confining unit
	Upper Pierre sand	Upper Pierre Aquifer
	Main body	Pierre confining unit

Figure 1. CGS Cheyenne Basin hydrostratigraphic column.

The Upper Laramie aquifer consists of the well-developed sandstone and siltstones of the Laramie Formation, extending from the top of the Laramie formation to a depth approximately 250-300 feet above the top of the Fox Hills Sandstone. Wells constructed into the Upper Laramie aquifer must comply with either Rule 10.4.6 for a Type 2 well where the Laramie Formation is present at the surface or Rule 10.4.5.1 for a Type 1 well penetrating through a single confining unit where the High Plains

aquifer & White River confining unit are present at the surface. Where alluvium is present at the surface, it must be fully isolated from the High Plains aquifer (Rule 10.4.6.3) or the Upper Laramie aquifer (Rule 10.4.6.3 or BOE Policy 2017-2).

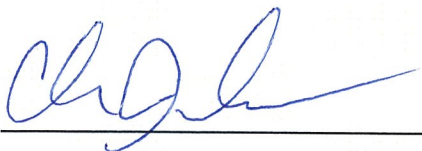
It is the responsibility of the licensed well construction contractor (Rule 10.1.2) to familiarize themselves with all conditions that may exist at the well location; including the geology of potential aquifers, confining layers, and anticipated water quality problems. Regardless of whether the permit has been conditioned for construction into the Upper Laramie aquifer, if you are contracted to construct a well in a location that falls within the aquifer boundary (see attached map) you are required to comply with the applicable Construction Rules. If a well owner or licensed contractor plans to drill in this area and/or the Upper Laramie aquifer is anticipated to be the source of water for a proposed well, it is encouraged to request a hydrogeologic aquifer review with the well permit application or by submitting an AskDWR request if the well owner or licensed contractor is unsure of the aquifer depths or aquifer types.

Not all wells in this area will be completed in a Type 1 or the Upper Laramie aquifer. Contractors are responsible for knowing the aquifer types for all wells completed in bedrock and for constructing wells accordingly (see Colorado Groundwater Atlas [Table 11b-02-02-01](#)).

Bulletin

Any well constructed into the Upper Laramie aquifer within the Cheyenne Basin must comply with the appropriate construction rule. There are several bedrock aquifers in the Cheyenne Basin (i.e., High Plains, Upper Laramie, Laramie-Fox Hills, and Upper Pierre aquifers) and it is the responsibility of the licensed contractor to familiarize themselves with these aquifers and comply with all applicable Well Construction Rules.

Dated November 5, 2025



Christopher J. Sanchez, PG, Chair
Board of Examiners of Water Well and
Ground Heat Exchanger Contractors

AGENDA ITEM 14.d

Board member email addresses

- Staff to update Board of effort to set up @state.co.us email address for members of the Board who desire one.
- No Board action required.

AGENDA ITEM 14.e

Draft BOE Policy 2019-1 Amended

- Staff to review amendments to Policy
- Request Board to approve revised BOE Policy 2019-1 Amended, as presented



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well ~~Construction and Pump Installation~~ **Ground Heat Exchanger** Contractors

~~February 4, 2019~~ **December 4, 2025**

Policy 2019-1 **Amended**

IMPLEMENTATION OF HOUSE BILL 18-1198, CONCERNING THE ESTABLISHMENT OF BEST PRACTICES FOR STATE BOARDS AND COMMISSIONS

House Bill 18-1198 was passed by the Colorado Legislature during its 2018 General Session and requires the establishment of “best practices” for all Boards and Commissions within the State of Colorado. As a result, and in compliance with the requirements set forth in § 24-3.7-102, C.R.S. (2018)¹, in its quarterly meeting on February 4, 2019, the Board of Examiners of Water Well **and Ground Heat Exchanger Construction and Pump Installation** Contractors (“Board/BOE”) approved and implemented the following policy:

Board Staff (Staff) will develop, update, and maintain a BOE Training Manual that will contain the following:

- A) A listing of Staff members and their contact information.
- B) A listing of Board members, their appointment dates, term expiration dates and contact information.
- C) A complete copy of Title 37, Article 91 C.R.S., that sets forth legal authority for the Board, along with its mission, powers, roles, duties, and responsibilities of Board members and Staff.
- D) A complete set of all effective rules and regulations adopted by the Board.
- E) A complete set of all effective policies, guidelines, and bulletins adopted by the Board.
- F) Relevant legal memoranda and information for Board member consideration.
- G) Educational information concerning the structure and roles of the Board and the Division of Water Resources.
- H) Relevant statutes concerning compliance with the Colorado Open Records Act and the Colorado Open Meetings law. Title 24, Articles 6 and 72, C.R.S.
- I) Educational material concerning conflicts of interest as developed by the Colorado Attorney General’s Office.

¹ All statute references in this document are to C.R.S. (2018) unless otherwise noted



- J) A copy of section 108(5) of Title 24, Article 18, C.R.S. concerning the rules of conduct for members of boards and commissions.
- K) A copy of Robert's Rules of Order.
- L) A list of all current licensed contractors and related licensing information.
- M) Documentation of specific procedures relating to the Board and its operation.
- N) Overview of the BOE Hearing Process.
- O) DNR Policy Handbook for Boards & Commissions (Admin Order No. DNR-112).
- P) House Bill 18-1198
- Q) Board Bylaws

On an annual basis, at each ~~third~~ **second to last** ~~quarterly~~ **regular** meeting **of the year**, the Board will consider an agenda item concerning compliance with HB 18-1198. All Board Members must review the BOE Training Manual prior to said meeting and be prepared to ask questions and request specific training related to any of the information in the Training Manual and/or anything referenced in HB 18-1198. The specific training requests may be fulfilled at the ~~fourth~~ **last** ~~quarterly~~ **regular** meeting of the year or a subsequent meeting.

The BOE Training Manual as set forth herein will be updated on an annual basis following the Board's ~~fourth~~ **last** ~~quarterly~~ **regular** meeting **of the year**, or as necessary with respect to the changing laws and participants for the Board and its Staff. The BOE Training Manual will be available electronically. BOE Members may request a printed copy of the BOE Training Manual at any time.

Amended this ____ day of December, 2025.

Approved _____

Christopher J. Sanchez, P.G., Chairperson
Board of Examiners of Water Well ~~and Construction~~
~~and Pump Installation~~ **Ground Heat Exchanger** Contractors

Policy History: First Approved: February 4, 2019

Amended - Board name change

Added training manual inclusions

Updated references to meeting dates

DRAFT

AGENDA ITEM 14.f

Jackson-Shaw Taylor River Ranch

[Permit 309571](#)

Owner's Agent Request for 2nd
Extension - Board Order for Repair
or Abandonment of a Monitoring
Well Improperly Constructed into
a Type I aquifer

- Board to consider request and either:
 - approve request and set new deadline for compliance or
 - deny request and pursue hearing or action with Staff/AG for failure to comply with Order.

Additional Staff Request:

- 1.If the Board agrees to an extension, modify the order to include Frank Williams and Williams Drilling as a party on the Order. Thus if the Order is not followed, more direct action would be possible against the contractor.



Williams Drilling variance discussion

Kendall K. Burgemeister <kburgemeister@lawoftherockies.com>

Tue, Nov 18, 2025 at 8:43 AM

To: "Jones - DNR, Chris" <chris.jones@state.co.us>

Cc: Michele Wheeler <mwheeler@jacksonshaw.com>

Chris,

The Jackson-Shaw team has remained in contact with Williams Drilling over the last 3 months. While we have consistently received assurance that the repair would be completed by the 12/1 deadline, it has not happened. We have been told that a broken rig that has been awaiting repairs for longer than they expected and a medical emergency for one of their staff are contributing to the delay. Would it be possible for Jackson-Shaw to get on the 12/2 agenda to request an additional extension?

Thank you,

Kendall Burgemeister

Member | Law of the Rockies

525 North Main Street

Gunnison, CO 81230

Tel: 970-641-1903 ext. 3

kburgemeister@lawoftherockies.com

www.lawoftherockies.com

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COLORADO
Division of Water Resources
Department of Natural Resources

BOARD of EXAMINERS ORDER
Receipt No. 9403566
Permit No. 309571

Board of Examiners of Water Well Construction
and Pump Installation Contractors

March 9, 2025

Revised August 18, 2025

Jackson-Shaw/Taylor River Ranch LLC
4890 Alpha Rd, Suite 100
Dallas, TX 75244
% SGM, Inc; Jerry Burgess
JerryB@sgm-inc.com

RE: Revised ORDER of the Board of Examiners of Water Well Construction and Pump Installation Contractors and DENIAL of Variance Request - 2025-017D BOE; Permit 309571, Receipt No. 9403566

SGM, Inc, on behalf of the well owner, requested the Board of Examiners of Water Well Construction and Pump Installation Contractors (Board) consider a variance during the February 4, 2025 Board meeting to allow the future conversion of the monitoring and observation well to a production well. The monitoring and observation well constructed under well permit 309571 was found to not meet the requirements for conversion to a water well because it did not comply with the Water Well Construction Rules (2 CCR 402-2). Deficiencies in the construction of the well for Permit 309571 identified by Staff of the Board included the following:

- Inadequate annulus between the 7 inch OD steel casing and the 8 ¾ inch diameter borehole, Rule 10.4.4;
- Failure to grout in interval required by Rule 10.4.2.1.a for the driven surface casing, Rule 10.4.2.1.a;
- Failure to construct a well in a manner that would limit groundwater production to a single aquifer, Rule 10.1.c;
- Failure to construct a well in a manner that would prevent intermingling of water from different sources through the borehole, Rule 10.1.d;
- Failure to construct a minimum 60 foot grout plug beginning at the base of the confining layer, Rule 10.4.5.1.c;
- Construction of a monitoring well that penetrates a confining layer in a manner that failed to meet the standards of Rule 10 per Rule 14.1.1; and
- Failure to Isolate Type III aquifer from underlying Type I aquifer per Policy 2017-2.

Based on the available construction information presented on the Well Construction and Yield Estimate Report (Form GWS-31) submitted for Permit 309571, information and statements provided by Staff of the Board, and representatives of SGM Inc, Law of the Rockies and



Williams Drilling during the Board meeting, and pursuant to Rule 18, the Board did not approve a variance to Well Construction Rule (2 CCR 402-2).

Based upon the findings during the February 4, 2025 Board meeting, by motion of the Board of Examiners Board of Examiners of Water Well Construction and Pump Installation Contractors, the Board Orders the well owner to abandon or repair the well constructed under Permit 309571 within 120 days. During the August 5, 2025 Board meeting the Board approved extending the deadline to complete work associated with the Order to December 1, 2025.

Please note the following advisements to the Order:

- ~~The 120 day time limit is from the date the owner or their Agent receives this Order.~~
- If chosen, plugging and abandonment of the well must conform with the requirements of Rule 16 for a Type 1 aquifer well. A well abandonment report must be submitted to the State Engineer as evidence of the abandonment within 60 days of completion of the abandonment and within the time limit granted by the Board.
- If chosen, repair of the well must conform to the standards and requirements of the Water Well Construction Rules (2 CCR 402-2), or an approved variance must be obtained prior to performing work that does not meet the minimum standards of the Rules. A revised Well Construction and Yield Estimate Report (Form GWS-31) must be submitted to the State Engineer as evidence of the repairs within 60 days of completion of the work and within the time limit granted by the Board.
- Repair of the well which includes changes to the producing and/or grout interval of an existing well requires a new permit be obtained prior to that work.

If you have any questions or concerns please contact Christopher Jones, Chief Well Inspector at (720)618-9982 or chris.jones@state.co.us.

Sincerely,



Christopher Sanchez, P.G.
Secretary, Board of Examiners of Water
Well Construction and Pump Installation Contractors

enclosures: GWS-31, variance request, hydrogeologic review
ec: Well Permit File, <https://dwr.state.co.us/Tools/WellPermits/9403566>
Kendall Burgemeister: kburgemeister@lawoftherockies.com
Michelle Weaver: mwheeler@jacksonshaw.com

WELL CONSTRUCTION AND YIELD ESTIMATE REPORT					For Office Use Only					
Form No. GWS-31 9/2016		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					RECEIVED OCT 22 2018 WATER RESOURCES STATE ENGINEER COLO.			
1. Well Permit Number: 309571 Receipt Number: 9403566										
2. Owner's Well Designation:										
3. Well Owner Name: JACKSON / SHAW TAYLOR RIVER RANCHES LLC										
4. Well Location Street Address:										
5. GPS Well Location: <input type="checkbox"/> Zone 12 <input checked="" type="checkbox"/> Zone 13 Easting: 344724.0 Northing: 4285341.0 County: GUNNISON										
6. Legal Well Location: NE 1/4, SW 1/4, Sec. 33 Twp. 15 N or S Range 84 E or W 6TH P.M. Distances from Section Lines: _____ ft. from _____ section line, and _____ ft. from _____ section line Subdivision: _____, Lot _____, Block _____, Filing (Unit) _____										
7. Ground Surface Elevation: 9000 feet Date Completed: 08/15/2018 Drilling Method: AIR ROTARY										
8. Completed Aquifer Name : UNKNOWN Total Depth: 420 feet Depth Completed: 420 feet										
9. Advance Notification: Was Notification Required Prior to Construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, Date Notification Given: _____										
10. Aquifer Type: <input type="checkbox"/> Type I (One Confining Layer) <input type="checkbox"/> Type I' (Multiple Confining Layers) <input type="checkbox"/> Laramie-Fox Hills (Check one) <input type="checkbox"/> Type II (Not overlain by Type III) <input checked="" type="checkbox"/> Type II (Overlain by Type III) <input type="checkbox"/> Type III (alluvial/colluvial)										
11. Geologic Log:					12. Hole Diameter (in.)					
Depth	Type	Grain Size	Color	Water Loc.		From (ft)	To (ft)			
210'				10 GPM	8 3/4"	0	40			
385-390				35 GPM	7"	40	74			
					6 1/2"	74	420			
					13. Plain Casing					
					OD (in)	Kind	Wall Size (in)	From (ft)	To (ft)	
					7	STEEL	188	+1	75	
					4 1/2	PVC	SCH 40	20	200	
					4 1/2	PVC	SCH 40	220	360	
					4 1/2	PVC	SCH 40	400	420	
					Perforated Casing					
					OD (in)	Kind	Wall Size (in)	From (ft)	To (ft)	
					4 1/2	PVC	SCH 40	200	220	
					4 1/2	PVC	SCH 40	360	400	
					14. Filter Pack:		15. Packer Placement:			
					Material _____		Type _____			
					Size _____		Depth _____			
					Interval _____					
					16. Grouting Record					
					Material	Amount	Density	Interval	Placement	
					CEMENT	6 BAGS	6-1	0-40	P & V	
Remarks: SEE ATTACHED FOR GEO LOG										
17. Disinfection: Type HTH Amt. Used 1 1/2 CUPS										
18. Well Yield Estimate Data: <input type="checkbox"/> Check box if Test Data is submitted on Form Number GWS-39, Well Yield Test Report										
Well Yield Estimate Method: AIR										
Static Level: 49'					Estimated Production Rate 45 gpm.					
Date/Time measured: 6/16/2018					Estimate Length (hrs) 24					
Remarks:										
19. 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: WILLIAMS DRILLING CO INC				Email: wellldr@qwestoffice.net			Phone w/area code: (970) 641-1084		License Number: 648	
Mailing Address: 307 N MAIN ST SUITE 2 A GUNNISON CO 81230										
Sign (or enter name if filing online) FRANKLIN L ROPER / VICE PRESIDENT					Print Name and Title Franklin L. Roper				Date: 10/11/2018	

WATER RESOURCES
STATE ENGINEERING

WATER RESOURCES
STATE ENGINEER COLO

January 24, 2025

Board of Examiners of Water Well Construction and Pump Installation Contractors

via AskDWR Variance Request Form

cc: Chris Jones, Chief Well Inspector, chris.jones@state.co.us

Re: Jackson-Shaw / Taylor River Ranch, LLC (Well Permit Nos. 310295, 311521, 334117, 309409, 309571)

Summary:

The Applicant, Jackson-Shaw / Taylor River Ranch, LLC, requests variances for five wells previously drilled in the Taylor River drainage in Gunnison County. The subject wells are summarized below:

Permit	UTMx	UTMy	Construction Date
310295	345603	4285746	2018-08-17
311521	345587	4285415	2019-02-01
334117	345578	4284964	2024-06-18
309409	344380	4285665	2018-08-22
309571	344724	4285341	2018-08-15

Background:

All of the wells were originally permitted and drilled as monitoring wells. Well permits and Well Construction and Yield Estimate Reports for each well are attached. All wells were completed by Williams Drilling (License No. 648), and with the exception of 334117, which was completed in 2024, all were drilled in the latter half of 2018 and early 2019.

The Applicant has previously successfully re-permitted similar nearby wells to allow use for domestic purposes. (see, e.g., Permit 321061 replacing 307881, and Permit 314134, replacing 309407).

In September of 2023, Applicant submitted an application to re-permit Well Permit 310295 for domestic use. Applicant received no notice of action having been taken on the application, and on January 7, 2025, submitted a follow-up inquiry to DWR staff. At this time, Applicant learned that Well Permit 310295 was not constructed in conformance with Rule 10.4.4 (borehole must be 2" larger than the steel casing in the grouted interval) because the bore hole diameter is 8.75" and the casing has an outside diameter of 7". Thus, the diameter difference is 1.75" as opposed to 2".

Upon further review, it was discovered that another nearby well had the same issue, and that the wells had other irregularities with their respective construction reports. Chief Well Inspector Chris Jones noted the following concerns regarding Wells 311521 and 334117:

311521:

- In Box 10 the contractor has indicated the well was constructed in a Type II overlain by a Type III aquifer. The geologic log in Box 11 indicates decomposed granite is present from the ground surface to 275 feet below ground surface. Decomposed granite is typically interpreted to be consolidated unconfined bedrock material and thus a Type II aquifer material. It is unclear to what depth, if any, unconsolidated alluvium, colluvium or other unconsolidated materials meeting the definition of a Type III aquifer material is present. If such Type III aquifer materials are present below the grouted interval from 0-40' then the contractor has not adequately isolated the Type III aquifer materials from the underlying Type II aquifer materials as required by Rule 10.4.6.3. This might be able to be resolved by a conversation with the contractor as I would be inclined to believe that decomposed granite (and therefore the Type II aquifer) is either at the surface or very near the surface.
- The geologic log also suggests the contractor encountered "soft SS" from 275' to 580'. This could be interpreted as soft sandstone. Sandstone is a different aquifer material than decomposed granite. The change in materials recorded on the geologic log suggests there may have been multiple unconfined aquifers encountered...the decomposed granite and the sandstone. The construction report does not reflect that an aquifer above 275' was isolated from an aquifer below 275' to prevent intermingling of water from separate aquifers or to prevent the production from multiple aquifers as required by Rule 10.1. I would need to refer this construction report to DWR's hydrogeologists to have them determine if multiple Type II aquifers were penetrated by the well construction or if the geologic materials reported by the log could be considered a single aquifer/production zone.
- The borehole diameter from 220' to 279' matches the outside diameter of the steel surface casing in the same interval. It appears that the contractor placed the 7" OD surface casing in the 8 3/4" borehole from 0-220' but drove the steel surface casing from 220' to 279'. Driven casing is required to have a grout plug placed across the overlap of the bottom of the driven casing and the production casing per Rule 10.4.2.1.a. The only reported grouted interval is from 0-40' apparently in the annulus outside the steel surface casing. It appears the contractor did not place grout in the interval from 269' to 299' to satisfy Rule 10.4.2.1.a, nor did the contractor request or receive an approved variance to Rule 10.4.2.1.a prior to or during construction if it was his intention or belief that the 40' plug near the surface adequately isolated the Type III from the Type II aquifers or one Type II from another Type II aquifer.
- The 6" borehole is not at least 2 inches larger than the 4.5" OD PVC production casing (Rule 10.4.4) for the grouted interval to satisfy Rule 10.4.2.1.a.

334117:

- In Box 10 the contractor has indicated the well was constructed in a Type II aquifer overly by a Type III aquifer. The geologic log in Box 11 indicates 5 feet of topsoil that I interpreted as unconsolidated Type III material, overlies "clay and decomp gran" which I interpret to be the consolidated bedrock Type II aquifer. Such an interpretation of the geologic log suggests the grouted interval from 0-40' would satisfy Rules 10.1 and 10.4.6.3;
- The borehole diameter from 40' to 158' matches the outside diameter of the steel surface casing in the same interval. The borehole diameter from 158' to 160' appears to

be 6" which doesn't make sense given the report suggests the 7" OD steel casing was placed to 160'. Regardless, it appears the 7" steel surface casing was driven from 40' to 160'. Driven surface casing is required to have a grout plug placed across the overlap of the bottom of the driven casing and the production casing per Rule 10.4.2.1.a. The only reported grouted interval is from 0-40' apparently in the annulus outside the steel surface casing. Though the grouted interval appears to satisfy Rule 10.1 and 10.4.6.3, the contractor did not place grout in the interval from 150' to 180' to satisfy Rule 10.4.2.1.a, nor did the contractor request or receive an approved variance to Rule 10.4.2.1.a prior to or during construction if it was his intention or belief that the 40' plug near the surface adequately isolated the Type III from the Type II aquifers.

- The 6" borehole is not at least 2 inches larger than the 4.5" OD PVC production casing (Rule 10.4.4) for the grouted interval to satisfy Rule 10.4.2.1.a.*

It was later discovered that wells 309409 and 309571 had the same 8.75" bore hole / 7" casing configuration and the same Aquifer Type issue.

As stated above, an application to re-permit 310295 for domestic use has already been submitted. Applicant anticipates submitting applications to re-permit 311521, 334117, 309409, and 309571 as production wells for domestic purposes in the near future. Given the common ownership, well driller, rules at issue, and factual circumstances, the variance requests are combined in a single application.

8.75" Bore Hole / 7" Casing

Williams Drilling Co. reports that after Rule 10.4.4 was amended in 2016, the former Chief Well Inspector gave them verbal permission to continue completing wells with the 8.75" bore hole / 7" casing configuration present in four of the subject wells.

Aquifer Type

For all five subject wells, the Aquifer Type in Box 10 of the Construction Report indicated "Type II (overlain by Type III)." The Applicant submits that in all instances, this box was checked in error. It is our understanding that Frank Williams, of Williams Drilling Co., has communicated via telephone with Chris Jones and stated that the box was checked in error, and the "Type II (**not** overlain by Type III)" box should have been checked instead. Upon request, the Applicant will obtain a written statement to this effect from Mr. Williams.

The below image from Google Earth shows the location of the wells relative to the Taylor River flowing top to bottom along the left side of the image (east is up). The subject wells are indicated by yellow pins. Analogous wells previously re-permitted from monitoring to domestic are marked by light blue pins.



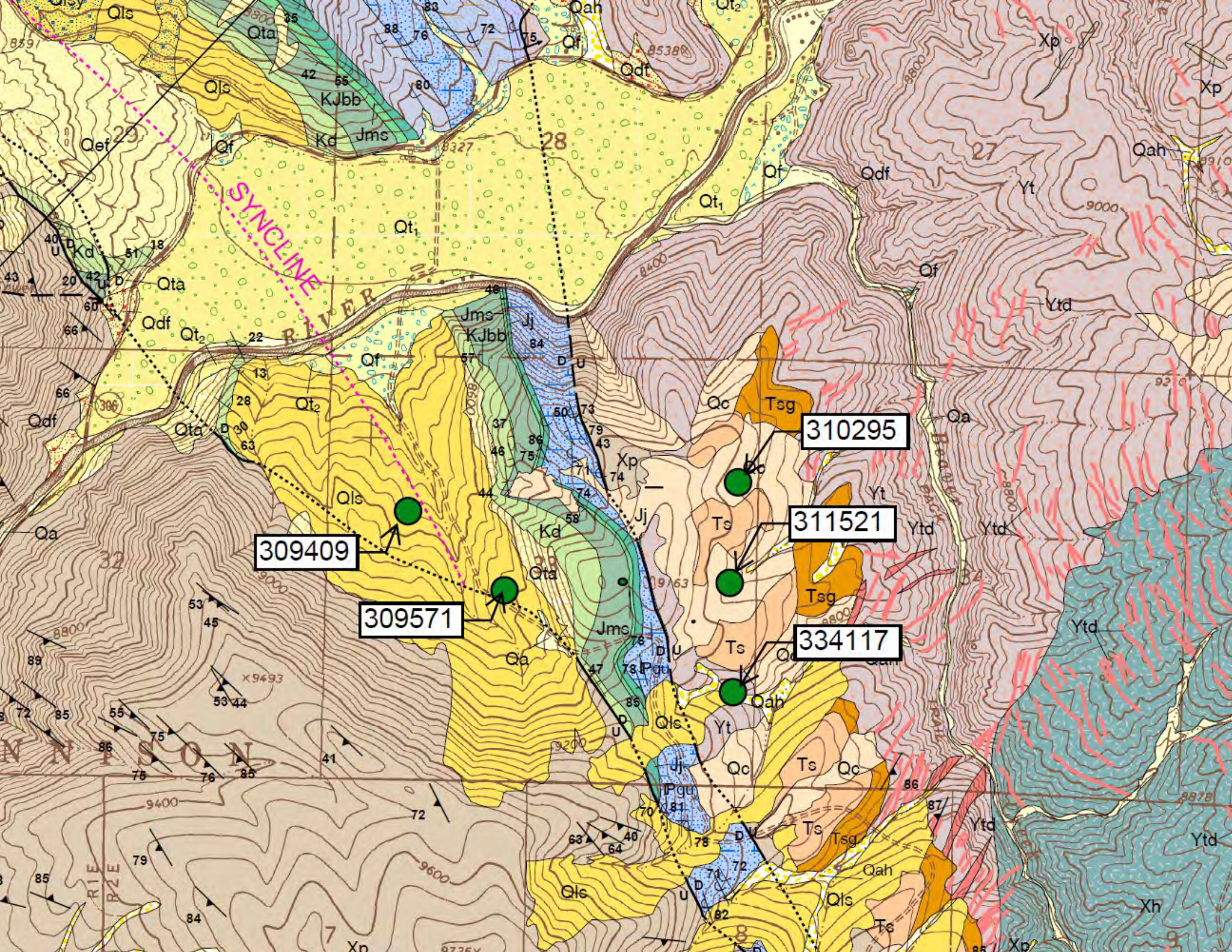
The wells, constructed per the requested variance, will protect the health and safety of the public and prevent contamination to Colorado's groundwater

The attached letter from SGM provides information to supports Applicant's position that the wells, as constructed, still adequately protect the health and safety of the public and prevent contamination to Colorado's groundwater.

Strict application would present practical difficulty or unusual hardship

The wells that are the subject of this request cost between \$30,000 and \$60,000 depending on depth. Replacing all of the wells would be a mid-6-figure expense. On information and belief,

there are dozens of similarly situated wells that are not owned by Applicant. If all such wells were to be treated equally, the cost of replacing all such wells would be substantial.



Hydrogeology Section Consultation

Evaluator: CAJ

Receipt No: Permit: 310295 311521 334117 Applicant: well owner

Location: <https://dwr.state.co.us/Tools/WellPermits/9403608>

<https://dwr.state.co.us/Tools/WellPermits/9403656A>

<https://dwr.state.co.us/Tools/WellPermits/10035438>

Easting: Northing: Elevation: Rule 6.2.3: Replacement?

Aquifer(s) Requested: 3 wells near each other. Contractor's logs suggest geology is decomposed granite in two wells with potentially some thickness of unconsolidated materials which seems reasonable. One permit suggests decomposed granite over soft sandstone. Wells located near faulting based on my preliminary review of geologic maps. Discussion with Frank Williams suggests he was not confident in the information he or Frank Roper put on the logs (Frank Williams was the rig operator for all three wells). He is no longer confident that any Type III materials exist and wasn't sure what the "soft SS" was other than the color of the cuttings changed. I'm requesting a hydrogeo review of the logs and site geology so that we can make comment on anticipated site geology during the variance request by the owner to convert the MW to production wells with respect to aquifer types and geology apparent at the well sites.

Research:

Geologic map - Almont quadrangle 24k. Wells are mapped at the surface as a combination of colluvium, gravel and alluvial deposits. Colluvium is estimated as up to 20 feet thick.

Structure - All three wells are oriented along a N-S trend east of the Cement Creek Fault. The Cement Creek Fault is a steeply dipping (greater than 60 degrees) reverse fault which juxtaposes Proterozoic aged granitic rocks (overlain by colluvium and alluvial deposits) to the east with Permian aged sediments to the west. The Permian aged sediments are displaced to the west by the Roaring Judy Fault. The Permian sediments lie within a graben (Roaring Judy fault zone) while upthrown older granitic (east) and metasedimentary (west) stratigraphic units lie outside the fault zone.

Geologic logs:

P310295 - Total depth of 500 feet. Maps as colluvium (Qc unit). Rock/clay down to 20 feet. Decomposed granite to 105 feet and granite to 500 feet. Geology is consistent with the mapping in the area with unconsolidated material down to approximately 20 feet overlying granite. The geologic mapping only shows the surficial geology at the location, so the exact underlying unit cannot be determined. However, based on the nearby mapping, the colluvium likely overlies either the Taylor River granite (Yt map unit) or the metasedimentary phyllite unit (Xp). If it is overlying the phyllite, this may explain the 85 foot interval (20-105) described as decomposed. This is a Type 2 aquifer completion.

P311521 - Total depth of 580 feet. Maps as colluvium (Qc unit). Decomposed granite down to 275 feet. Grey/brown 'soft' sandstone from 275 feet to total depth. Unconsolidated material not described in this well log although mapping indicates present at the surface. Again, decomposed granite description may indicate underlying material as the 'softer' phyllite rather than the more resistant granite. Soft sandstone description at 275 feet is likely describing weathered (or otherwise softer/less indurated) granitic material. This is a Type 2 aquifer completion.

P334117 - Total depth of 220 feet. Maps as alluvium and colluvium (Qab) overlying Taylor River granite (Yt). Log describes topsoil down to 5 feet followed by clay and decomposed granite down to 220 feet. Thin, unconsolidated zone is consistent with the proximity of the alluvium to the mapped granite (mapping places well at the edge of alluvium/colluvium). Uncertain of weathered granite description. Geologic mapping does not describe the Taylor River granite as either weathered or fresh; however, this is an area with significant mass wasting and flow deposits which created chaotic bedding sequences and it is certainly possible that weathered granite and fine grained clay sediments may be interbedded with the more indurated granitic rocks. This is a Type 2 aquifer completion.

P309409 - Total depth of 140 feet. Maps as landslide deposits (Qls) overlying the Mancos Shale (Km). Lithologic log describes dark, black shale for the entire depth of the well with silty intervals in the upper 40 feet. Geology indicates this is a Type 2 aquifer completion into the confining layer above the Dakota Group aquifer.

P309571 - Total depth of 420 feet. Maps as landslide deposits (Qls) at the surface and the lithologic log describes unconsolidated gravel, pebbles and cobbles down to 80 feet. From the geologic mapping, it is difficult to discern the underlying bedrock unit, however it is described as a dark, black shale (80-96 feet) which is consistent with Mancos Formation (confining layer). Below the Mancos Formation is a grey and tan sandstone from 96-272 feet and from 272-420 feet (total depth) the lithologic log describes maroon and green/grey mudstone and claystone. This is the Dakota Formation overlying the Burro Canyon Formation (Dakota Group aquifer) and likely also the Brushy Basin member of the Morrison, which is part of the underlying confining layer. The Almont Geologic Map identifies the difficulty in clearly differentiating the Burro Canyon from the Brushy Basin due to the similarities in lithology. Perforated casing extends from 200-220 ft in the Dakota Sandstone interval and 360-400 ft in the Burro Canyon/Brushy Basin interval. However, the well does not appear to penetrate into the next underlying aquifer, the Salt Wash Member of the Morrison Formation, making the well a Type 1 well penetrating through a single confining unit.

Recommended Permit Conditions and Notes:

Hydrogeologist Signature: Marques Hatfield

Date: 1/27/2025

AGENDA ITEM 15.a

List of Administratively-Defined Aquifers approved by the Board (Rule 5.2.3.1)

- Staff to introduce the list of administratively-defined aquifers
- Request Board motion to approve the list

AGENDA ITEM 15.b

Policies/Guidelines/Bulletins to be Revoked/Amended/Retained by the Board following the effective date of the 2026 Well Construction Rules

- Staff to review existing BOE Guidance Documents to identify those that should be revoked, amended, or retained following the implementation of the 2026 Well Construction Rules
- Refer to packet inclusion for requested Board Action for each document



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Policies/Guidelines/Bulletins to be Revoked/Amended/Retained by the Board

The Well Construction Rules were amended in May 2025 and have an effective date of January 1, 2026. Following the implementation of the 2026 Rules, several Policies/Guidelines/Bulletins will no longer be applicable because they have been incorporated into or addressed in the new Rules. This document includes all of the Board's Guidance Documents (also found [here](#)) which have been separated into three groups following the effective date of the 2026 Rules: Policies to be revoked, Guideline to be amended, and Policies/Guidelines/Bulletins to be retained.

Policies to be revoked by the Board upon effective date of the Rules:

- [2003-3: Construction Standards for Wells in the Unconfined Sediments of the Alamosa Formation in the San Luis Valley](#)
 - 2026 Rules cover under Rule 5.2.3.6
 - Requested motion: Policy to be revoked, effective January 1, 2026.
- [2016-1: Board Approval of Chemicals Used in Well Development and Rehabilitation](#)
 - 2026 Rules cover under Rule 6.10.3
 - Requested motion: Policy to be revoked, effective January 1, 2026.
- [2017-2: Wells Constructed into Type 1 Aquifers \(Confined\) Overlain by a Type 3 Aquifer \(Alluvial/Colluvial\)](#)
 - 2026 Rules cover under Rule 10.4.5
 - Requested motion: Policy to be revoked, effective January 1, 2026.
- [2017-3: Wells Constructed into Type 2 Aquifers within the Boundaries of the Southern High Plains Designated Basin](#)
 - 2026 Rules cover under Rule 5.2.3.9
 - Requested motion: Policy to be revoked, effective January 1, 2026.
- [2018-2: Clarification of Rule 16.2, Grouting Requirement for Type 1 Aquifer Well Abandonment](#)
 - 2026 Rules cover under Rule 16.2.1
 - Requested motion: Policy to be revoked, effective January 1, 2026.
- [2021-2: Wells Constructed in the Alluvial, Ogallala, and White River Aquifers Inside the Northern High Plains Designated Basin](#)
 - 2026 Rules cover under Rule 5.2.3.8



- Requested motion: Policy to be revoked, effective January 1, 2026.
- [2023-1: Portland-Limestone Cement \(ASTM C-595, Type IL\) as Replacement for Portland Cement \(ASTM C-150\)](#)
 - 2026 Rules cover under Rule 10.5 and Table 2
 - Requested motion: Policy to be revoked, effective January 1, 2026.
- [2025-1: Grouting of Wells With Driven Surface Casing](#)
 - 2026 Rules cover under Rule 10.4.2.1
 - Requested motion: Policy to be revoked, effective January 1, 2026.

Guideline to be amended by the Board, effective January 1, 2026:

- [BOE Guideline 2016-1A: BOE Staff Variance Authority](#)
 - Requested motion: Guideline to be amended, effective January 1, 2026.

Policies/Guidelines/Bulletins to be retained by the Board. No Action Necessary:

- [Bulletin 2001-1: Clarification of “Advertisement” and License Number Display](#)
- [Bulletin 2021-1: Poor Quality Water from Coal or Other Zones](#)
- [Bulletin 2022-A: Construction of Wells in the Dakota Group Aquifer](#)
- [Bulletin 2022-B: Construction of Wells in the Cheyenne Basin](#)
- [Guideline: GPS Datum Change Notice from NAD27 to NAD83](#)
- [Policy 2018-1: Concerning Variance Requests for the Construction of Horizontally/Directionally-Drilled Monitoring Holes, Monitoring Wells, and Test Holes](#)
- [Policy 2019-1 Amended: Implementation of House Bill 18-1198, Concerning the Establishment of Best Practices for State Boards and Commissions](#)
- [Policy 2019-2: Investigation of Violations and Negotiation of Stipulated Settlements](#)
- [Policy 2019-3: Deliberate Obstruction of the Well Inspection Process](#)
- [Policy 2020-1: Defining High Risk Wells and Key Phases of Well Construction](#)
- [Policy 2020-2: Advance Notice of Well Construction, Pump Installation, Cistern Installation, and Well Abandonment](#)
- [Policy 2020-3: Short-Term Discharges to Groundwater from Water Well Activities](#)
- [Policy 2021-1: Continuing Education Obtained by Internet or Online Participation](#)
 - Covered under BOE Admin Rules
- [Policy 2021-3: Continuing Education Obtained by Internet or Online Participation for 2022](#)
 - Covered under BOE Admin Rules
- [Policy 2022-1: Continuing Education Obtained by Internet or Online Participation for 2023](#)
 - Covered under BOE Admin Rules

- [Policy 2023-2: Continuing Education Obtained by Internet or Online Participation for 2024](#)
 - Covered under BOE Admin Rules
- [Policy 2024-2: Continuing Education Obtained by Internet or Online Participation for 2025](#)
 - Covered under BOE Admin Rules
- [Policy 2024-1: Concerning the Placement of Filter Pack Above or Below the Permitted Production Zone in Type 1 Wells \(Excluding the Confined San Luis Valley Aquifer\)](#)
- [Bulletin 2025-1: Construction of Wells in the Upper Laramie Aquifer in the Cheyenne Basin](#)
- [Policy 2025-2 - Continuing Education Obtained by Internet or Online Participation for 2026](#)
 - Covered under BOE Admin Rules
- [Policy 2025-3 - Clarification of Acceptable Uses of High Solid Bentonite Grout and Granular Bentonite Grout in Holes/Wells Constructed Under Rule 14](#)

AGENDA ITEM 15.b.i

DRAFT Guideline 2016-1A Delegation of Authority to Staff

- Staff to review amendments to Guideline
- Request Board to approve revised BOE Guideline 2016-1A Amended, as presented



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Department of Natural Resources

Board of Examiners of Water Well and
Ground Heat Exchanger Contractors

December 2, 2025

Guideline 2016-1A Amended CONCERNING VARIANCE REQUESTS TO THE CONSTRUCTION RULES (2 CCR 402-2) AND DELEGATION OF AUTHORITY TO BOARD OF EXAMINERS STAFF FOR REVIEW AND APPROVAL

Purpose

The purpose of this guideline is to identify the types of Construction Rule variance requests that must be reviewed and approved directly by the Board and those variance requests for which the Board delegates its authority to Board staff to review and approve. The Board can delegate its authority to Board staff as set forth in 37-91-104(2), C.R.S. and Rule 18.2.2 of the Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation, and Monitoring and Observation Hole/Well Construction (Construction Rules), revisions of which become effective January 1, 2026.

Guideline

Variances requested to the following Construction Rules for the reasons identified must comply with Rule 18.2 and will be discussed and approved only by a vote of the Board at its regularly-scheduled meeting, based on written information and/or any testimony provided to the Board at the meeting:

- Rules 9.6 & 14.2: Converting a monitoring hole to a production well
- Rule 10.2.2: Locating a well less than 25 feet from contaminant source
- Rule 10.3: Using well casing materials other than those listed in Rule 10.3
- Rule 10.4.6: Constructing a Type II well with less than 20 feet of solid steel casing
- Rule 10.4.6: Constructing a Type II well with less than 20 feet of grout
- Rule 10.4.7: Constructing a Type III well with less than 10 feet of solid steel casing
- Rule 10.4.7: Constructing a Type III well with less than 10 feet of grout
- Rule 10.4.14: Constructing a well with horizontal/directional drilling technology
- Rule 10.5: Using grouts not listed on Table 2 for well construction and/or pump installation



- Rule 18.2.2: Any variance decision by Board staff that is appealed to the Board

Pursuant to section 37-91-104(2), C.R.S., the Board delegates authority to Board staff for reviewing and approving all other types of requests for variance from the Construction Rules. At staff's discretion, staff may refer for the Board's direct review and decision any variance request for which the Board has delegated approval authority to staff, to be reviewed at the Board's regularly scheduled meeting. Also, the Board may choose to review any requested variance to the Construction Rules.

Dated this 2nd day of December, 2025.

Christopher J. Sanchez, P.G., Chairperson
Board of Examiners of Water Well Construction
and Pump Installation Contractors

Policy History:

First Approved: August 1, 2016

First Amendment: August 6, 2018

Removed delegation for Rule 16 - Abandoning a Type 1 well using
practices or standards other than those used in Rule 16

Second Amendment: December 2, 2025

Board Name Change

Rules Name Change and Effective Date

Updated References to 2026 Well Construction Rules (2 CCR 402-2)

AGENDA ITEM 15.c

Proposed Board Policy 2025-2 -
Continuing Education Obtained by
Internet or Online Participation
for 2026

- Staff to present proposed policy
- Request Board adopt the proposed policy



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Board of Examiners of Water Well
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December 2, 2025

Policy 2025-2

CONTINUING EDUCATION OBTAINED BY INTERNET OR ONLINE PARTICIPATION FOR 2026

Background

The Board of Examiners of Water Well and Ground Heat Exchanger Contractors (“Board”) was created under section 37-91-103, C.R.S., and is tasked with examining for, denying, approving, revoking, suspending, and renewing the licenses of well construction and pump installation contractors as provided in article 91, title 37, C.R.S. In particular, licensed contractors are required under section 37-91-105(7), C.R.S., to complete eight hours of continuing education training annually as approved by the Board to maintain or renew their licenses, and the Board is required to develop a continuing education program under section 37-91-107(6), C.R.S.

Rule 8.1 of the Board’s Rules and Regulations for Administration of Licensing, Financial Responsibility, Continuing Education and Remedial Action for Well Construction and Pump Installation Contractors, 2 CCR 402-14 (“Administration Rules”), restates the statutory requirement that every licensed contractor must complete eight (8) hours of continuing education (“CE”) each year. Rule 8.1.b historically stated that no more than four (4) out of the eight (8) hours of approved CE can be obtained by internet or online participation.

The COVID-19 pandemic and resulting social distancing restrictions made it unsafe and impractical for licensed contractors to attend CE classes in-person. The Board initially adopted, on a temporary emergency basis, rule amendments to allow licensed contractors to obtain all required hours of continuing education by internet or online participation.

Rule 8.1.b was amended (effective January 1, 2021) to authorize the Board, in conjunction with the CE Committee¹, to determine through Board policy the required hours of approved CE that can

¹ Continuing Education (CE) Committee means a group formed for the purpose of evaluation of continuing education courses and appropriate hours accredited for each course and professional activity. The CE Committee will consist of a designee from the Colorado Water Well Contractors Association (“CWWCA”), a member of the Board, and a member of Board Staff. The CE Committee must make decisions by consensus. (Rule 4.2.7, 2 CCR 402-14)



be obtained by online or internet participation. Allowing the Board to make this determination through policy will give the Board flexibility in the future to assess whether in-person attendance has once again become feasible, and subsequently the total number of hours to allow by internet or online participation for that year.

Objective

This policy will set the number of hours of continuing education that can be obtained by internet or online participation for the calendar year as determined by the Board and CE Committee.

Policy

For the 2026 calendar year, no more than four (4) out of eight (8) hours of accredited continuing education taken by internet or online participation may be used to obtain the required hours of continuing education.

Approval

This policy may only be modified or revoked in writing by the Board of Examiners of Water Well and Ground Heat Exchanger Contractors. The policy will be reviewed during the last regularly scheduled meeting of each calendar year.

Approved December 2, 2025

Christopher J. Sanchez, P.G., Chair
Board of Examiners of Water Well and
Ground Heat Exchanger Contractors