

Form No.  
GWS-19  
01/2005

STATE OF COLORADO  
GROUND WATER COMMISSION  
DIVISION OF WATER RESOURCES  
818 Centennial Bldg., 1313 Sherman St., Denver, CO 80203  
(303) 866-3581 Fax (303) 866-3589

For Office Use Only

**NOTICE OF COMMENCEMENT OF BENEFICIAL USE**

For well permits issued pursuant to CRS 37-90-107(7) or 37-90-111(5)

RECEIVED

SEP 19 2005

WATER RESOURCES  
STATE ENGINEER  
COLO.

Insert the Well Permit Number 62684 F

Well Owner Information:

Name(s): Fredrick D Martin

Mailing Address: 8310 Windfall way

City, State, Zip: Colorado Springs CO 80908

Phone: ( 719 ) 495-2826

WELL LOCATION: County El Paso Owner's Well Designation \_\_\_\_\_

SE 1/4 of the NE 1/4, Section 29, Township 14 ☐ North or ☒ South, Range 66 West of the Sixth P.M.

Distance from Section Lines: 1350 feet from ☒ North or ☐ South, 850 feet from ☒ East or ☐ West, section lines.

Date of first beneficial use of ground water from the well: 8-31-05

Initial type of beneficial use(s): Commercial + industrial purposes

I (we) claim and say that I (we) am (are) the owner(s) of the well described above and that the commencement of beneficial use of ground water from this well, lawfully made under the subject well permit, first occurred on the date indicated; and that the statements made herein are true to my (our) knowledge. This notice is filed in accordance with CRS 37-90-108(2)(d).

Please print the signer's name & title:

FREDRICK D. MARTIN

Signature(s) of the well owner(s):

Fredrick D Martin

Date:

9-17-05

INSTRUCTIONS: This notice is required for all wells withdrawing ground water under permits issued by the Colorado Ground Water Commission, for the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifer, pursuant to CRS 37-90-107(7) or 37-90-111(5), and must be filed with the Division of Water Resources within 30 days after commencement of beneficial use. Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means.

For Office Use Only



[illegible]



## STATE OF COLORADO

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

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

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

Fredrick D Martin  
8310 Windfall Way  
Colorado Springs, Colorado 80908

July 8, 2005



Bill Owens  
Governor

Russell George  
Executive Director, DNR

Hal D. Simpson, P.E.  
Secretary

RE: Request for Approval for Non-Standard Construction of a Well, Well Permit No. 62684-F, Located in the Southeast ¼ of the Northeast ¼, Section 29 Township 14 South, Range 66 West, 6th P.M., El Paso County

**Request No: 2005-096A**

Dear Mr. Martin:

A written request to allow non-standard construction of your well was submitted by your drilling contractor, Kunau Drilling LLC, on July 7, 2005. The request has been reviewed for the Board of Examiners of Water Well Construction and Pump Installation Contractors. The request is specifically for approval to install less than twenty (20) feet of watertight steel casing (Rule 10.4.2/10.4.3) and less than ten (10) feet of continuous cement grout from a depth of at least nineteen (19) feet upward (Rule 10.4.7.1). Verbal approval for the variance was granted to Mr. Kunau on July 7, 2005.

Based on the information provided and pursuant to Rule 18, and the authority granted by the Board, the proposed construction is approved subject to the following conditions:

1. The well shall be constructed in accordance with the Water Well Construction Rules except as approved by this variance from the Rules.
2. The well shall be constructed in accordance with the diagram submitted on July 7, 2005.
3. Watertight steel casing shall be placed to a depth of at least ten (10) feet below the land surface or to within one foot of the static water level in the well, whichever depth is greater. The steel casing need not exceed a depth of nineteen feet as provided in Rule 10.4.7.1.
4. Cement grout shall be placed in the interval from at least ten (10) feet below the land surface upward to not less than five (5) feet below the surface.
5. The ground surface must be properly graded to provide drainage away from the well head.
6. The well must be constructed in compliance with the disinfection standards provided in Rules 6.9 and Rule 15.
7. The well shall be located at least 50 feet from any septic tank or sewer line and at least 100 feet from any leach field as required by Rule 10.2.2. Construction of the well closer than the minimum distances specified herein voids all provisions of this variance.

The owner and constructor are advised that Rule 6.6 of the Well Construction Rules requires that the construction comply with any federal, state, county, municipal or local government laws, regulations or codes that are more stringent than these Rules, including distance requirements from sources of contaminants, or contain standards not covered by these Rules.

Approval of this request does not relieve the owner of potential responsibility or liability in the event contamination of the water source results from construction, nor does the grantor assume any responsibility or liability should contamination occur.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Schaub", written in a cursive style.

Michael Schaub, P.G.  
Geotechnical Services Branch

cc: Well Permit File  
Kunau Drilling, LLC

2005-096A

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JUL 07 2005

WATER RESOURCES  
STATE ENGINEER  
COLD

## FAX COVER SHEET

Kunau Drilling LLC  
23945 Lucky Lane  
Calhan, CO 80808  
719-683-3720  
719-683-3717

Send to: Dave McElhaneey or Michael Schnabs	From: Janet
Attention:	Date: 7-7
Office location:	Office location:
Fax number: 303 816 3589	Phone number:

☒ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover:

## Comments:

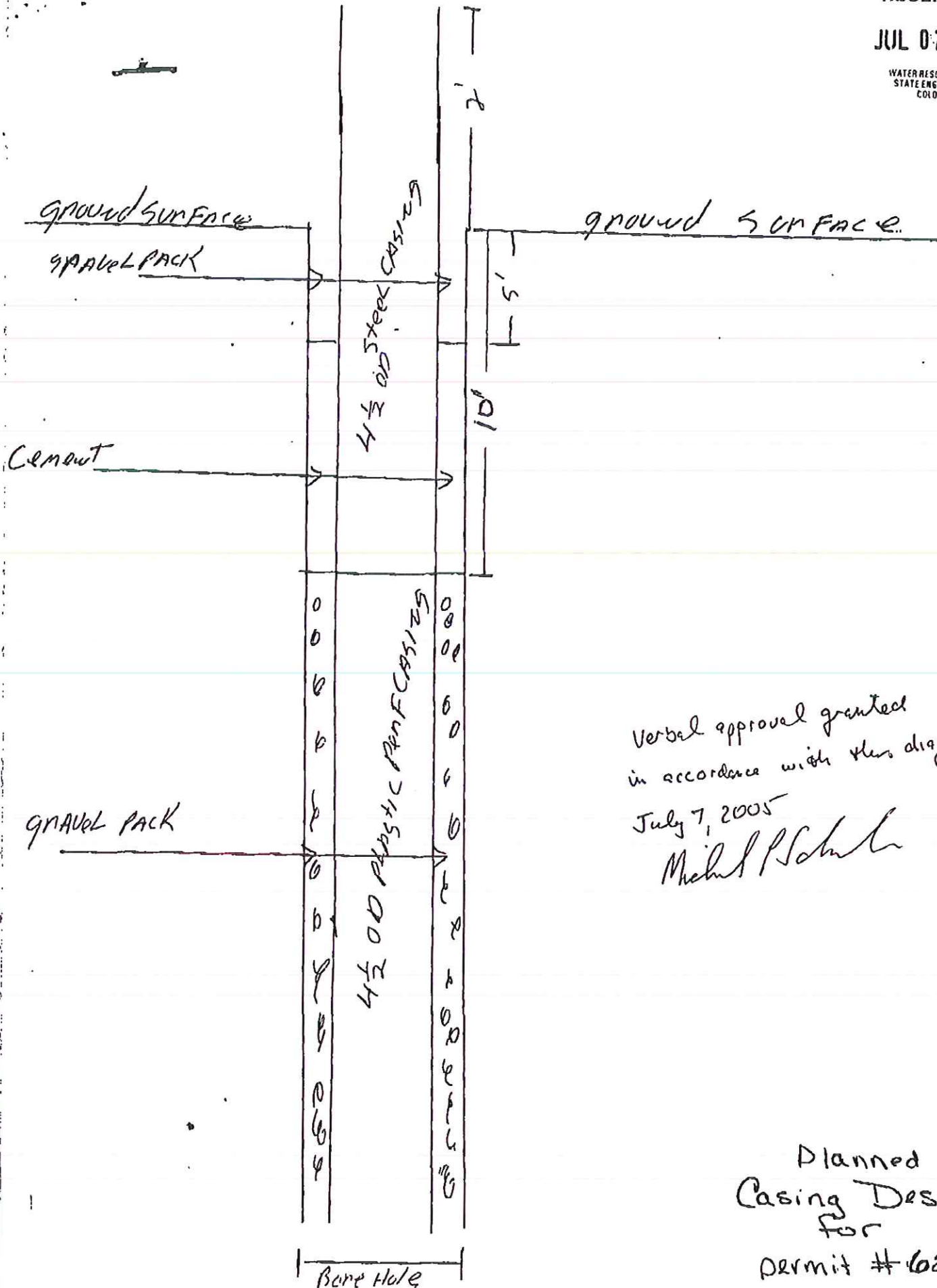
Emergency Request for a Variance  
in the Upper steel Casing  
  
Drawing of proposed plan of construction  
and Log for drilling



RECEIVED

JUL 07 2005

WATER RESOURCES  
STATE ENGINEER  
COLD



Verbal approval granted  
in accordance with this diagram  
July 7, 2005  
Michael P. Schuler

Planned  
Casing Design  
for  
Permit # 62684F

# STATE OF COLORADO

## OFFICE OF THE STATE ENGINEER

Division of Water Resources  
Department of Natural Resources

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

www.water.state.co.us



Bill Owens  
Governor

Russell George  
Executive Director

Hal D. Simpson, P.E.  
State Engineer

May 16, 2005

Henry D. Worley  
MacDougall, Woldridge & Worley, P.C.  
530 Communication Circle, #204  
Colorado Springs, CO 80905-1743

RE: Fredrick D. Martin Substitute Water Supply Plan  
NE1/4 Sec. 29, T14S, R66W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10

**Expiration Date: February 28, 2006**

Dear Mr. Worley:

We have received your October 19, 2004 request for a substitute water supply plan on behalf of Fredrick D. Martin. This request is pursuant to C.R.S. 37-92-308(4), referencing case no. 04CW55. Notice has been provided to the objectors in case no. 04CW55 and Amy Huff, representing Colorado Springs Utilities, provided comments within the 30-day comment period.

### PLAN OPERATION

Mr. Martin desires to construct and use an alluvial well along Fountain Creek to supply a decorative mulch coloring facility. No central water is available to the site, and Mr. Martin would like to begin operations while in the process of obtaining a court decreed plan for augmentation.

### DEPLETIONS

Total diversions for mulch coloring process water, drinking and sanitary purposes, and possibly a small amount of landscape irrigation are 7 acre-feet annually as applied for on the well permit application (receipt no. 526602-B) that has been submitted. For purposes of this plan all pumping will be considered to be consumed. 80% of the amount pumped will be considered to deplete Fountain Creek within 30 days of pumping, and 20% will be considered to deplete the creek between 30 days and 60 days after pumping.

### REPLACEMENT

Replacement water will be provided from 10 shares of the Fountain Mutual Irrigation Company (FMIC) that Mr. Martin owns. Releases will be made from the Spring Creek augmentation station on the Fountain Mutual ditch, with a percent of released water (or releasable water if the consumptive portion is retained in storage) credited as consumable replacement water based on the following rates.



<u>Month</u>	<u>Percent of Release Credited as Replacement Water</u>
January	47%
February	58%
March	70%
April	70%
May	70%
June	70%
July	72%
August	72%
September	74%
October	66%
November	40%
December	49%

The State and Division Engineers have reviewed the plan and the adequacy of each source of water provided for use as augmentation water, including, where necessary, the historical consumptive use of each water right, and return flows from diversion of waters imported into the Arkansas River Basin or other fully consumable waters proposed for use as augmentation water.

#### **CONDITIONS OF APPROVAL**

*This plan is hereby approved pursuant to Section 37-92-308(4) C.R.S. and the following conditions:*

1. Use of the FMIC shares is subject to possible limitations and/or requirements on diversions and/or releases of water under those shares that may be imposed in the future, in order to ensure the use of the shares does not change from historical use. Such conditions may include limits on annual or monthly amounts diverted, and requirements on annual or monthly amounts of replacement water released to the river.
2. Use of the FMIC shares is subject to possible requirement that the FMIC provide an accounting of the water in individual shares that is acceptable to the Division Engineer. Such accounting may have to include pro-rata distribution of headgate diversions under both FMIC's direct flow rights and storage rights, storage in Big Johnson Reservoir, intra-ditch exchanges, and releases of water to irrigation and/or the augmentation stations.
3. Operation of this plan is subject to delivery of the FMIC water through the Spring Creek augmentation station in a manner so as to replace stream depletions in amount and time. Arrangements acceptable to the Division Engineer for such delivery of water during the winter must be in place by August 31, 2005 in order for the well to continue to divert water after that date.
4. Annual diversions from the well during the life of this plan may not exceed 7 acre-feet.
5. The well must be measured in accordance with the "Amended Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River basin" prior to use.
6. Accounting of water in this plan, including pumping, stream depletions, and replacement water deliveries must be provided to the Water Commissioner and Division Engineer on

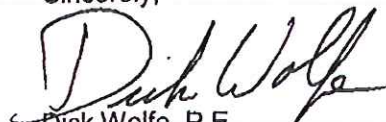


forms and at times acceptable to them. Said accounting must be received by the 10<sup>th</sup> of the month following the month being reported. The name, mailing address, and phone number of the contact person who is responsible for operation and accounting of this plan must be provided on the accounting forms.

7. Should a request for renewal of this plan be needed, such renewal request must comply with Section 37-92-308(4) C.R.S., and Section 37-92-308(8) C.R.S which requires a fee of \$300. Any renewal request must submitted to this office at least 90 days prior to the expiration date of this plan (by November 30, 2005).
8. This plan shall be valid through February 28, 2006, unless otherwise revoked or modified.
9. This plan may be revoked or modified at any time should it be determined that injury to other vested water rights has or will occur as a result of the operation of this plan.
10. Should this substitute water supply plan expire without renewal or be revoked prior to adjudication of a permanent plan for augmentation, all use of the well must cease immediately. Is there supporting documents that this plan is still valid?
11. In accordance with C.R.S. 37-92-308(4)(a)(IV) or 37-92-308(5)(a)(IV), the State Engineer shall determine whether the substitute supply plan will prevent injury to other water rights and decreed conditional water rights, including water quality and continuity to meet the requirements of use to which the senior appropriation has been applied.
12. The decision of the State Engineer shall not create any presumptions, shift the burden of proof, or serve as a defense in the pending water court case or any other legal action that may be initiated concerning the substitute water supply plan. This decision shall not bind the State Engineer to act in a similar manner in any other applications involving other plans or in any proposed renewal of this plan. Any appeal of the decision made by the State Engineer concerning this substitute water supply plan pursuant to 37-92-308(4) shall be to the division water judge within thirty days of the date of this decision and shall be consolidated with the application for approval of the plan for augmentation.

Should you have any questions please contact Keith Vander Horst of this office or Bill Tyner, Assistant Division Engineer, in our Division 2 office in Pueblo at (719) 542-3368.

Sincerely,

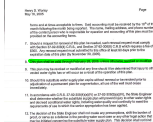
  
Dick Wolfe, P.E.  
Assistant State Engineer

cc: Steve Witte, Division Engineer  
Rich Snyder, Water Commissioner  
Amy Huff, Carlson, Hammod & Paddock  
Dennis Montgomery, Hill & Robbins  
John B. Draper, Montgomery & Andrews  
Dale E. Book, Spronk Water Engineers

DW/KVH:martin-2005.doc

# Markup Summary

dsdseigny (2)



**Subject:** Highlight  
**Page Label:** 9  
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**Author:** dsdseigny  
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**Page Label:** 9  
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Is there supporting documents that this plan is still valid?