

*Sted*

COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St.

Denver, Colorado 80203

TYPE OR  
PRINT IN BLACK INK  
COPY OF ACCEPTED  
STATEMENT MAILED  
ON REQUEST.

STATE OF COLORADO

COUNTY OF EL PASO

SS.

01-27-89 AFFIDAVIT

033107	30.00		
FTL	30.00		
		CHEQUE	30.00
			0.00
	FTM		1
01-1	PA6295		

RECEIVED

JAN 23 1989

WATER RESOURCES  
STATE ENGINEER  
CERO

STATEMENT OF BENEFICIAL USE OF GROUND WATER  
 AMENDMENT OF EXISTING RECORD  
 LATE REGISTRATION

PERMIT NUMBER 3030A-F

LOCATION OF WELL

THE AFFIANT(S) GEORGE ALDAPA

County CLUSTER

whose mailing address is 4515 BUENA PARK CIRALE

NE 1/4 of the NE 1/4 Section 27

City Colorado Springs Co. Co. 80198

Twp. 22 S Rng. 71 W 6 P.M.

being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon; the well is located as described above, at distances of 500 feet from the NORTH section line and 1000 feet from the EAST section line; water from this well was first applied to a beneficial use for the purpose(s) described herein on the 20 day of SEPT, 1986; the maximum sustained pumping rate of the well is 5 gallons per minute, the pumping rate claimed hereby is 5 gallons per minute; the total depth of the well is 123 feet; the average annual amount of water to be diverted is -1 acre-feet; for which claim is hereby made for Household use only purpose(s); the legal description of the land on which the water from this well is used is SAME AS ABOVE of which

-0- acres are irrigated and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

(COMPLETE REVERSE SIDE OF THIS FORM)

Signature(s) George Aldapa

11/31/89 mwp 96295

Subscribed and sworn to before me on this 20 day of Jan, 1989

My Commission expires: My Commission Expires July 2, 1989

Carol A. Jeffers  
NOTARY PUBLIC

FOR OFFICE USE ONLY			
Court Case No.	<u>81-CW-135</u>		
Prior.	Mo.	Day	Yr.
Div.	<u>2</u>	City.	<u>14</u>
Sec.		1/4	1/4
Well Use	<u>0</u>		
Dist.	<u>13</u>	Basin	Mon. Dis.

ACCEPTED FOR FILING BY THE STATE ENGINEER OF COLORADO PURSUANT TO THE FOLLOWING CONDITIONS:

- 1) A SYNOPSIS OF THE PROOF OF BENEFICIAL USE WAS PUBLISHED. NO OBJECTIONS WERE RECEIVED. THE PROOF IS ACCEPTED AND THE WELL PERMIT REMAINS IN FORCE AND EFFECT.
- 2) THAT THOSE CONDITIONS OF APPROVAL AS STATED ON THE WELL PERMIT ARE COMPLIED WITH. mwp 9-12-89

SEP 12 1989

Jan A. Davidson  
STATE ENGINEER

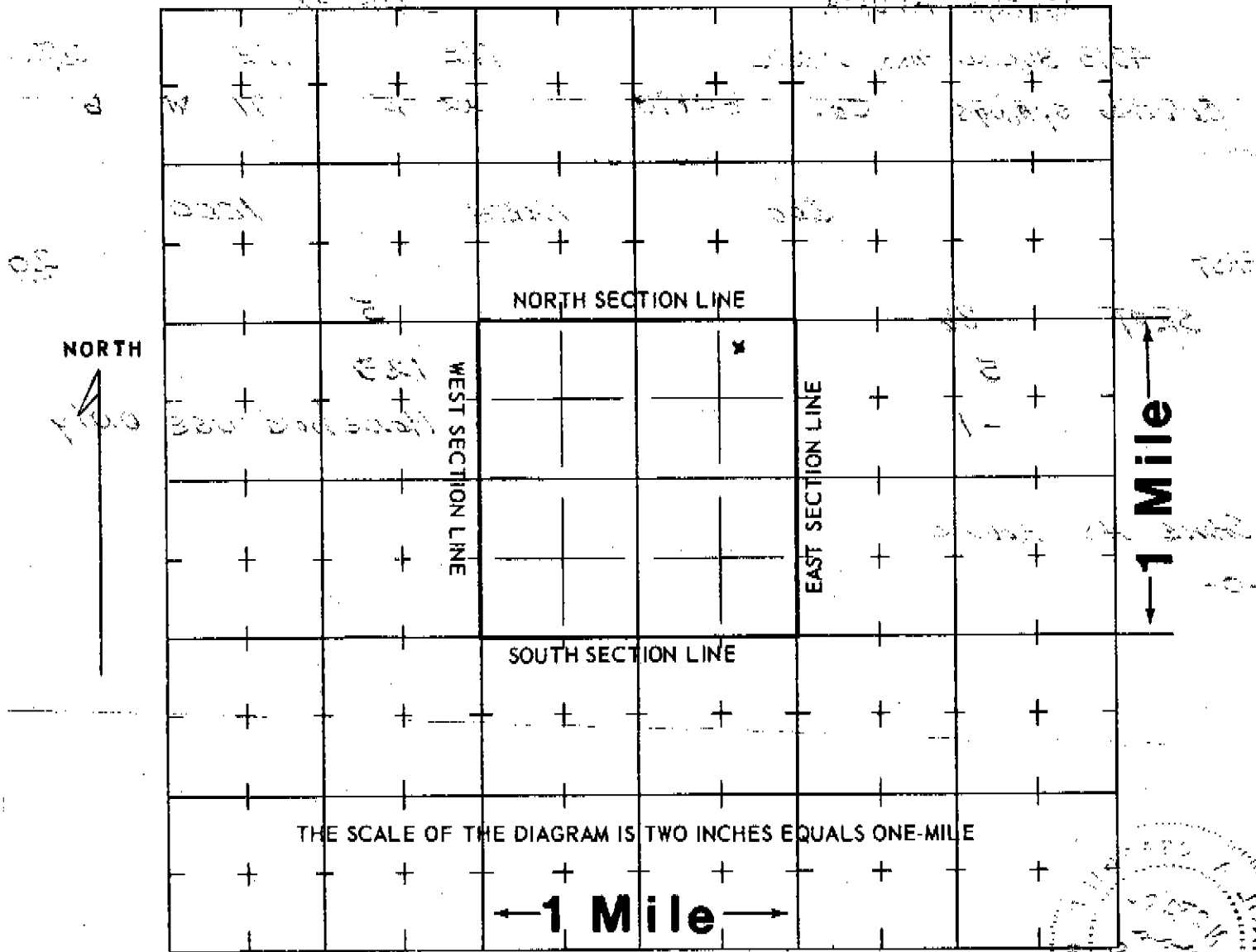
Bruce E. DeBrinc  
BY

Well drilled by Young's Contract Drilling Lic. No. 997  
 Permanent Pump installed by Young's Contract Drilling Lic. No. 997  
 Meter Serial No. \_\_\_\_\_  Flow Meter Date Installed 18 Sept 1964  
 Owner of land on which water is being used GEORGE ALDAPA

RECEIVED  
 STATE ENGINEER

THE LOCATION OF THE WELL MUST BE SHOWN AND FOR LARGE CAPACITY IRRIGATION WELLS THE AREA ON WHICH THE WATER IS USED MUST BE SHADED OR CROSS-HATCHED ON THE DIAGRAM BELOW

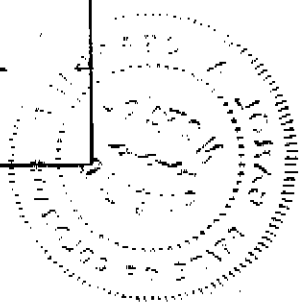
This diagram represents nine (9) sections. Use the CENTER SQUARE (one section) to indicate the location of the well, if possible.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

**WATER EQUIVALENTS TABLE (Rounded Figures)**

- An acre-foot covers 1 acre of land 1 foot deep.
- 1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm).
- 1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
- 1,000 gpm pumped continuously for one day produces 4.42 acre-feet.
- 100 gpm pumped continuously for one year produces 160 acre-feet.



(WHITE AND PINK COPY TO BE FILED WITH THE STATE ENGINEER  
 PINK COPY WILL BE RETURNED TO OWNER)

WAE MW  
PIE MW

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818  
Denver, Colorado 80203

RECEIVED

OCT 16 1986

WATER RESOURCES  
STATE ENGINEER  
COL.

THIS FORM MUST BE SUBMITTED  
WITHIN 60 DAYS OF COMPLETION  
OF THE WORK DESCRIBED HERE-  
ON. TYPE OR PRINT IN BLACK  
INK.

WELL COMPLETION AND PUMP INSTALLATION REPORT  
PERMIT NUMBER 30304-F

WELL OWNER George Aldapa NE 1/4 of the NE 1/4 of Sec. 27

ADDRESS 4515 Buena Park Circle T. 22 S. R. 71 W. 6 P.M.  
Colorado Springs, Co 80198

DATE COMPLETED Sept. 12, 19 86

HOLE DIAMETER

8 in. from 0 to 19 ft.

6 in. from 19 to 123 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.

DRILLING METHOD Air Percussion

CASING RECORD: Plain Casing

Size 6 5/8 & kind Steel from +1 to 19 ft.

Size 4 & kind PVC from 10 to 80 ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Perforated Casing

Size 4 & kind PVC from 80 to 123 ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

GROUTING RECORD

Material Cement

Intervals 5-19 ft

Placement Method Poured

GRAVEL PACK: Size \_\_\_\_\_

Interval \_\_\_\_\_

TEST DATA

Date Tested Sept 12, 19 86

Static Water Level Prior to Test 50 ft.

Type of Test Pump Air lift

Length of Test One hour

Sustained Yield (Metered) 5 GPM

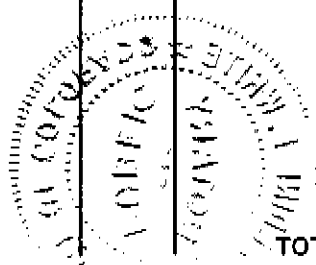
Final Pumping Water Level N/A

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	2	Grey top soil	
2	35	Decomposed grey granite	
35	56	Tan granite	
56	92	Grey granite	
92	94	Yellow decomposed granite	92
94	123	Grey granite	

TOTAL DEPTH 123 ft

Use additional pages necessary to complete log.

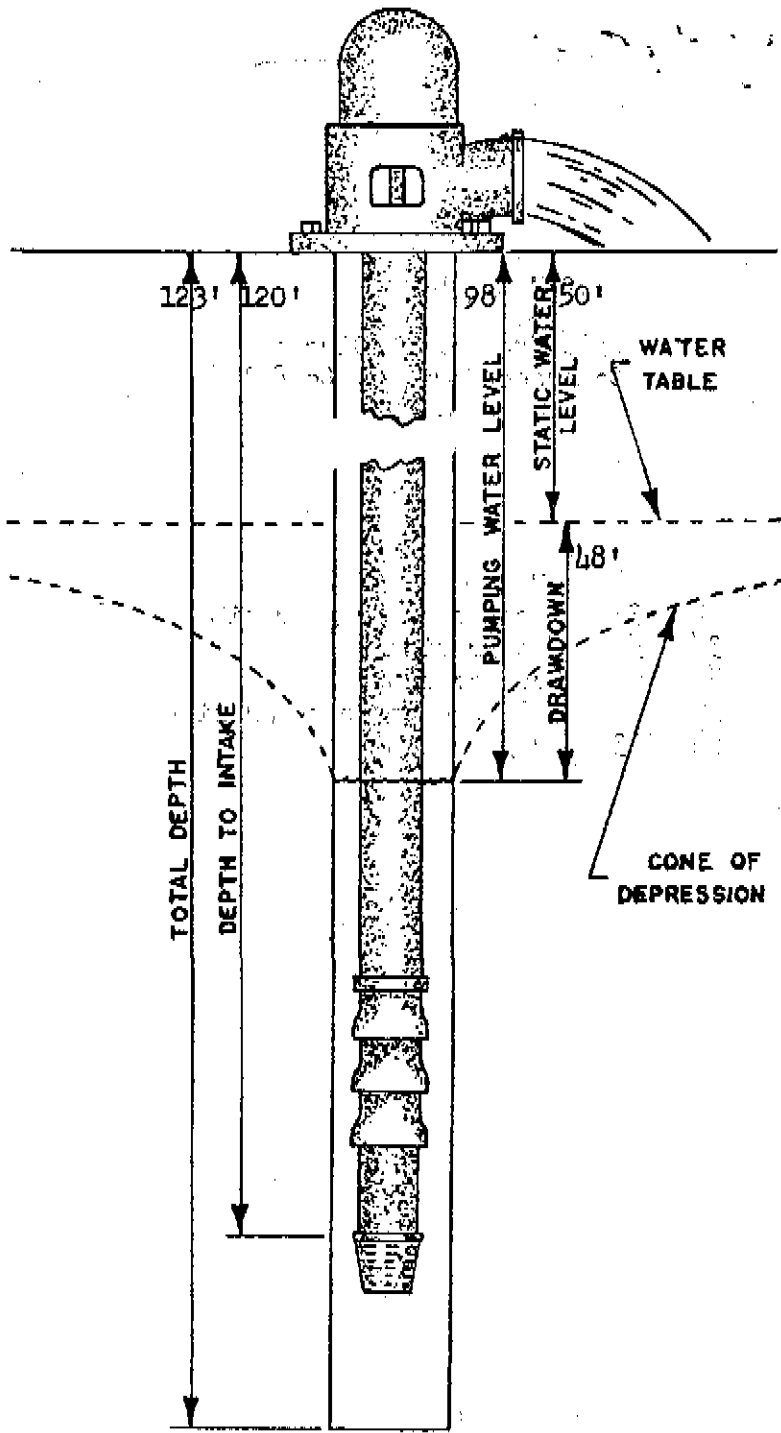


**PUMP INSTALLATION REPORT**

Pump Make Flint & Walling  
 Type Submersible  
 Powered by 220 VAC HP 1/2  
 Pump Serial No. 03186  
 Motor Serial No. E86  
 Date Installed 18 Sept 86  
 Pump Intake Depth 120 ft  
 Remarks \_\_\_\_\_

**WELL TEST DATA WITH PERMANENT PUMP**

Date Tested 18 Sept 86  
 Static Water Level Prior to Test 50 ft  
 Length of Test (2) Hours  
 Sustained yield (Metered) (5) GPM  
 Pumping Water Level 98 ft  
 Remarks \_\_\_\_\_



**CONTRACTORS STATEMENT**

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature Nolen Young License No. 997  
 State of Colorado, County of Durango SS  
 Subscribed and sworn to before me this 13 day of October, 19 86  
 My Commission expires: December 8, 19 88  
 Notary Public Geraldine J. White



FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

JUN 23 1986

PERMIT APPLICATION FORM

WATER RESOURCES  
STATE ENGINEER

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

X  
(x) A PERMIT TO USE GROUND WATER  
(x) A PERMIT TO CONSTRUCT A WELL  
FOR: (x) A PERMIT TO INSTALL A PUMP  
( ) REPLACEMENT FOR NO. \_\_\_\_\_  
( ) OTHER \_\_\_\_\_  
WATER COURT CASE NO. 81CW135

(1) APPLICANT - mailing address

NAME George Aldapa  
STREET 4515 Buena Park Circle  
CITY Colorado Springs, Co. 80198  
(State) (Zip)  
TELEPHONE NO. 388 1915

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 65982<sup>PS</sup>

Basin \_\_\_\_\_ Dist. \_\_\_\_\_

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

AUGMENT  
SURY  
METER

(2) LOCATION OF PROPOSED WELL

County Custer  
NE 1/4 of the NE 1/4, Section 27  
Twp. 22 S, Rng. 71 W, 6 P.M.  
(N.S) (E.W)

1) APPROVED PURSUANT TO CRS 37-90-137(2) ON THE CONDITION THAT THE WELL BE OPERATED IN ACCORDANCE WITH THE LIVINGSTON PROPERTIES, INC. AUGMENTATION PLAN AS APPROVED BY THE DIVISION 2 WATER COURT IN CASE NO. 81-CW-135. IF THE WELL IS NOT OPERATED IN ACCORDANCE WITH THE TERMS OF SAID DECREE, IT WILL BE SUBJECT TO ADMINISTRATION INCLUDING ORDERS TO CEASE DIVERTING WATER.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15  
Average annual amount of ground water to be appropriated (acre-feet): less than one  
Number of acres to be irrigated: (0)  
Proposed total depth (feet): 250  
Aquifer ground water is to be obtained from:  
Decomposed Granite  
Owner's well designation Cabin Well

2) APPROVED AS THE ONLY WELL ON A RESIDENTIAL SITE OF 5.1 ACRES DESCRIBED AS LOT 41, FILING NO. 3, BLUMENAU SUBDIVISION, CUSTER COUNTY.

3) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO ORDINARY HOUSEHOLD PURPOSES INSIDE A SINGLE FAMILY DWELLING, AND SHALL NOT BE USED OUTSIDE THE HOUSE FOR ANY PURPOSE.

4) THE RETURN FLOW FROM THE USE OF THIS WELL MUST BE THRU AN INDIVIDUAL WASTE WATER DISPOSAL SYSTEM OF THE NON-EVAPORATIVE TYPE WHERE THE WATER IS RETURNED TO THE SAME STREAM SYSTEM IN WHICH THE WELL IS LOCATED.

GROUND WATER TO BE USED FOR:

(x) HOUSEHOLD USE ONLY - no irrigation (0)  
( ) DOMESTIC (1) ( ) INDUSTRIAL (5)  
( ) LIVESTOCK (2) ( ) IRRIGATION (6)  
( ) COMMERCIAL (4) ( ) MUNICIPAL (8)  
( ) OTHER (9)  
DETAIL THE USE ON BACK IN (11)

5) A TOTALIZING FLOW METER MUST BE INSTALLED ON  
--CONTINUED ON ATTACHED SHEET--

APPLICATION APPROVED

PERMIT NUMBER 30304-F

DATE ISSUED JUL 24 1986

EXPIRATION DATE JUL 24 1987

Jim A. Danielson  
(STATE ENGINEER)

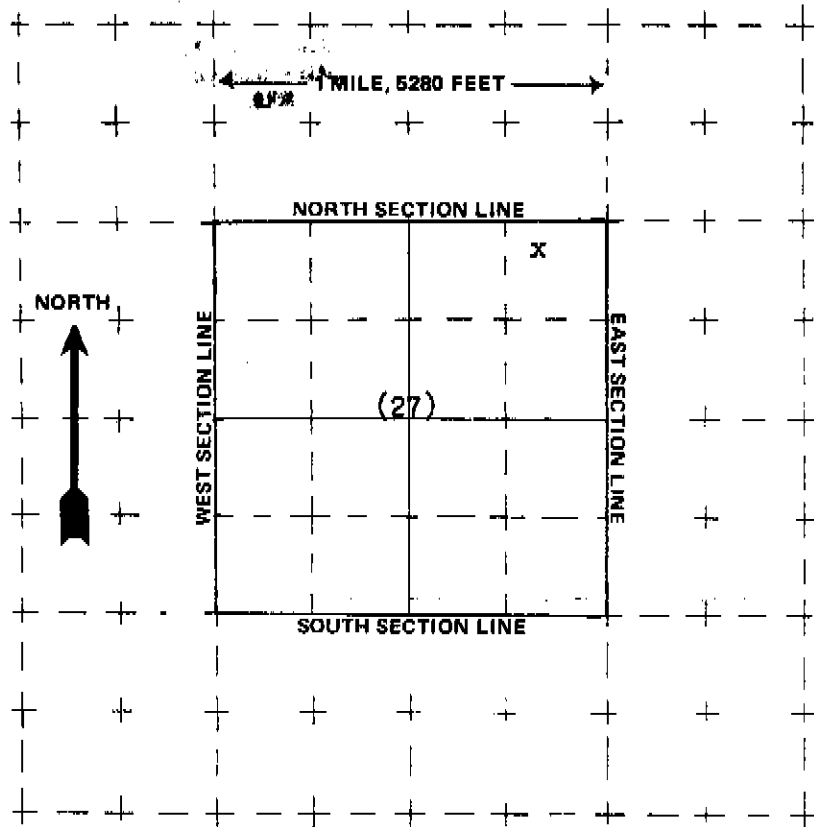
BY Steve Lautenschlager

I.D. 2-13 COUNTY 14

(4) DRILLER

Name Young's Contract Drilling  
Street 1344 Elm Ave  
City Canon City, CO. 81212  
(State) (Zip)  
Telephone No. 275 5482 Lic. No. 997

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the **CENTER SECTION** (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile  
Each small square represents 40 acres.

**WATER EQUIVALENTS TABLE (Rounded Figures)**

An acre-foot covers 1 acre of land 1 foot deep  
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)  
A family of 5 will require approximately 1 acre-foot of water per year.  
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.  
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

500 ft. from North sec. line  
(north or south)  
1000 ft. from East sec. line  
(east or west)  
LOT 41 BLOCK --- FILING # ---  
SUBDIVISION Blumenau # 3

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: George Aldapa

No. of acres 5.1. Will this be the only well on this tract? Yes

**(8) PROPOSED CASING PROGRAM**

Plain Casing

6 5/8 in. from +1 ft. to 20 ft.  
4 in. from 10 ft. to 220 ft.

Perforated casing

4 in. from 220 ft. to 250 ft.  
\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

N/A

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): George Aldapa No. of acres: 5.1  
Legal description: Same as item # 2

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Household use only  
Septic Tank & Leach field

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
-----	-----	-----

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

Arthur Nudde  
SIGNATURE OF APPLICANT(S)

CONDITIONS OF APPROVAL  
--CONTINUED FROM PERMIT--

APPLICANT: GEORGE ALDAPA  
RECEIPT NO.: 65982  
PERMIT NO.: 30304-F

THE DISCHARGE FROM THIS WELL AND BE MAINTAINED IN GOOD WORKING ORDER. PERMANENT RECORDS OF ALL DIVERSIONS SHALL BE MAINTAINED BY THE WELL OWNER (RECORDED AT LEAST ANNUALLY) AND MUST BE SUBMITTED UPON REQUEST, OR AS REQUIRED BY THE DIVISION OF WATER RESOURCES. GRG 7-16-86

JUNE 20-86 09

If there are any corrections needed  
or questions about the attached permit  
application, please return to Young's  
Contract Drilling for corrections.

Thanks

Robert Young  
Young's Contract Drilling  
1344 Elm AVE  
Cannon City CO. 81212

RECEIVED

JUN 23 1986

WATER RESOURCES  
ENGINEER  
DIV.



RECEIVED

JUN 23 1986

WATER RESOURCES  
ENGINEER - ENGINEER  
GREG

POWER OF ATTORNEY FOR A WELL PERMIT

I, George Aldapa, do hereby give Arthur Nordyke Power of Attorney to sign for a well permit in my behalf!

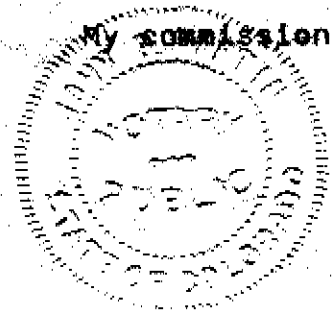
George Aldapa  
George Aldapa

State of Colorado)  
County of Custer )  
Subscribed and sworn to before me this

14<sup>th</sup> day of June 1986

My commission expires: SEP 26, 1988

Joseph P. [Signature]  
(Notary Public)





ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER**  
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 816  
Denver, Colorado 80203  
(303) 866-3581

January 3, 1989

CERTIFIED MAIL NO. P 051 875 508

Mr. George Aldapa  
4515 Buena Park Circle  
Colorado Springs, CO 80198

RE: Well Permit No. 30304-F  
NE1/4 of the NE1/4, Section 27,  
Township 22S, Range 71W  
Expiration Date: July 24, 1987

Dear Mr. Aldapa:

The subject permit to construct a well was issued by this office pursuant to C.R.S. 37-90-137. A review of our records indicates that evidence of beneficial use was not submitted prior to the expiration date of the permit. You are hereby notified that the well permit expired on the date referenced above.

You are hereby given the opportunity to submit proof that the water was put to beneficial use prior to the expiration date, but due to excusable neglect, inadvertence, or mistake, you failed to submit the evidence on time [C.R.S. 37-90-137(3)(c)]. The proof must be received by the State Engineer within twenty (20) days of receipt of the notice by the applicant and must be accompanied by a \$30 filing fee. If the proof can be given favorable consideration by the State Engineer, then within thirty (30) days, a synopsis of the proof shall be published specifying that objections shall be filed in thirty (30) days. If no objections have been filed, the State Engineer shall, if he finds the proof to be satisfactory, find that the permit should remain in force and effect. If objections have been filed, the State Engineer shall set a date for a hearing on the proof and the objections thereto and shall notify the applicant and the objectors of the time and place. The State Engineer shall consider all evidence presented at the hearing in determining whether the permit should remain in force and effect.

A Statement of Beneficial Use form is enclosed for your convenience. Submission of the properly completed form and required \$30 fee is not sufficient to comply with the provisions of the statute. You must also submit proof that

Permit No. 30304-F

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to: Mr. George Aldapa 4515 Buena Park Circle Colorado Springs, CO 80198	4. Article Number P 051 875 508 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
5. Signature - Address X	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X <i>Maurice Trelapa</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 1-10-89 <i>R</i>	

PS Form 3811, Mar. 1988 \* U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

RETURN TO: DIV. OF WATER RESOURCES, 1313 SHERMAN ST.,  
 PS Form 3800, Feb. 1982 \* U.S.G.P.O. 1984-446-014 ROOM 818 DENVER 80203

NO INSURANCE COVERAGE PROVIDED  
 NOT FOR INTERNATIONAL MAIL  
 (See Reverse)

Seal to  
 Mr. George Aldapa  
 4515 Buena Park Circle  
 Colorado Springs, CO 80198

Postage	X	\$
Certified Fee	X	
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered	X	
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	X	\$
Postmark or Date		

Permit # 30304-F

ATTN: MELANIE PALLMAN

GW-Mail Code M 34050005

P 051 875 508

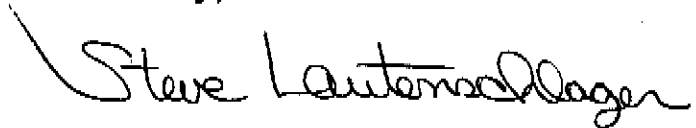
Mr. George Aldapa  
January 3, 1989

Page 2

the evidence of use was not timely submitted because of excusable neglect, inadvertence, or mistake. The proof should state facts detailing why the evidence of beneficial use was not submitted on time. A form for the proof is enclosed for your convenience.

If you have any questions regarding this matter, please contact Melanie Pallman of this office.

Sincerely,



Steve Lautenschlager  
Water Resource Engineer  
Ground Water Section

SPL/MWP/mds  
Enclosures: Statement of Beneficial Use Form  
Petition Form

cc: Division 2

5945I/Form #0580(D)

RECEIVED

JAN 23 1989

WATER RESOURCES  
STATE ENGINEER  
C.D.B.

STATEMENT AND PETITION

On JANUARY 19, 1989, the Colorado State Engineer issued permit No. 30304E.

I (We) failed to submit evidence of beneficial use showing the ground water from the well was put to beneficial use prior to the expiration date of the well permit due to the following reasons:

AT THE TIME THE WELL WAS DRILLED, MY WIFE  
AND I WERE LOCATED AT AN OVERSEAS LOCATION  
AND WERE NOT INFORMED OF THIS REQUIREMENT.  
THE FAILURE TO COMPLY WITH THE STATE  
REGULATIONS WAS NOT INTENTIONAL.

I (We) hereby petition the State Engineer to find that the above reasons constitute excusable neglect, inadvertence or mistake and accept the evidence attached hereto in accordance with applicable Colorado Revised Statutes.

Further, I (we) say that I (we) have read the statements made herein and that the same are true of my (our) own knowledge.

George A. Aldega  
Signature

20 JAN 89  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Attn: Melanie Wood Ballman

STATE OF COLORADO  
OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
BENEFICIAL USE FIELD INSPECTION  
WELL PERMIT NO. 30304-F

<sup>FC</sup>  
Geo. Aldapa  
Lot 41, Filong 3  
Blumenau

1) Has water been put to beneficial use as claimed? yes  
(Yes or No)

2) Is the well located where claimed? yes  
(Yes or No)

3) Are the number and legal description of the acres irrigated accurate? yes  
(Yes or No)

4) Is a totalizing flow meter installed on the well? unknown  
(Yes or No)

5) Comments: The cabin is unoccupied at this time.  
I talked with the realtor who has it listed,  
he was unaware of any flow meter.

RECEIVED  
MAR 14 1989  
WATER RESOURCES  
STATE ENGINEER  
DEPT.

I field inspected the site of the well permitted under the referenced well permit number on March 7, 89, and the above is an accurate report of my findings.

C. L. Judge  
Signature  
Water Comm.  
Title

Mar 7, 89  
Date  
2/13  
Division/District

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER**  
DIVISION OF WATER RESOURCES

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

**JUL 19 1989**

Mr. George Aldapa  
4515 Buena Park Circle  
Colorado Springs, CO 80198

RE: Well Permit No. 30304-F

Dear Mr. Aldapa:

Please be advised that we have received your letter of January 3, 1989 and the Statement of Beneficial Use for the referenced well as filed in accordance with C.R.S. 37-90-137(3)(c).

The State Engineer has reviewed the documents submitted and has ordered a synopsis of the proof be published and further proceeding be held as provided by C.R.S. 37-90-137(3)(c). A copy of the Findings, Conclusions, and Order of the State Engineer for the referenced well permit is enclosed.

Upon completion of publication and the 30-day objection period, we will advise you if a hearing will be necessary. If there are no objections, we will process the Statement of Beneficial Use for acceptance.

If you have any questions, please contact Ms. Melanie Pallman at this office.

Sincerely,

Steve Lautenschlager  
Water Resources Engineer  
Ground Water Section

SPL/MWP/jg  
Enclosures

cc: Division 2

01171/Form #1941



RECEIVED

AUG 25 '89

WATER RESOURCES  
STATE ENGINEER  
D.C.L.C.

WET MOUNTAIN  
**Tribune**



OFFICE OF PUBLICATION: 201 MAIN  
WESTCLIFFE, COLORADO 81292

**PROOF OF PUBLICATION**

State of Colorado |  
|  
County of Custer |

I, **JAMES A. LITTLE**, do solemnly swear that I am Publisher of **THE WET MOUNTAIN TRIBUNE**, that the same is a weekly newspaper published in the County of Custer, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Custer for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated July 27<sup>th</sup> A.D., 1989, and that the last publication of said notice was in the issue of said newspaper dated July 27<sup>th</sup> A.D., 1989.

In witness whereof I have hereunto set my hand this 31<sup>st</sup> day of July A.D., 1989.

James A. Little  
Publisher

Subscribed and sworn to before me, a notary public in and for the State of Colorado, this 31<sup>st</sup> day of July A.D., 1989.

Barbara Watson Beaty  
Notary Public

My Commission expires 6-11-90

**NOTICE**

IN THE MATTER OF WELL PERMIT NO. 30304-F, located in the NE1/4 of the NE1/4 of Section 27, Township 22S, Range 71W, 6th Principal Meridian.

Pursuant to C.R.S. 37-90-137(3)(c), you are hereby notified that George Aldapa has submitted proof to the State Engineer that water from well No. 30304-F was applied to beneficial use prior to the expiration of the well permit and due to mistake, inadvertence, or excusable neglect, failed to submit such proof prior to the expiration of the permit.

The proof submitted for well No. 30304-F is a Statement of Beneficial Use signed by George Aldapa and received by the State Engineer on January 23, 1989, claiming that water from the well was first put to beneficial use on September 20, 1988 and that the well diverts 1 acre-foot annually at a rate of 15 gpm for household use only on Lot No. 41, Filing No. 9, Blumenau Sub-division, Custer County.

The State Engineer has determined he can give favorable consideration to the proof submitted by George Aldapa. Pursuant to C.R.S. 37-90-137(3)(c), any person who wishes to object to the continuance of well permit No. 30304-F, must file objections with the State Engineer, 1313 Sherman Street, Room 818, Denver, CO 80202, within thirty (30) days. Such objections must be accompanied by a non-refundable ten (\$10) filing fee.

Published July 27, 1989  
Wet Mountain Tribune  
Westcliffe, Colorado

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER**  
DIVISION OF WATER RESOURCES

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

**JUL 19 1989**

Wet Mountain Tribune  
P.O. Box 101  
Westcliffe, CO 81252

RE: Well Permit No. 30304-F

Gentlemen:

Please publish the enclosed legal notice. Publication is to be made one time only at your earliest possible time. Please single-space all the enclosed material.

If the legal notice is to be typeset, a "proof copy" of the notice must be submitted to this office for approval prior to publication. This "proof copy" will be inspected by the Division staff and a reply as to its correctness will be made immediately by phone or in writing. This "proof copy" should be directed to the attention of Ms. Melanie Pallman, Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, CO 80203. If the original of the notice is to be photo reduced for printing, no proof copy is required.

We have been advised by the State Controller and the State Purchasing Agent that we must request four (4) copies of the billing and four (4) copies of the proof of publication. Only one copy of the proof of publication must be notarized. Please submit four (4) copies of the billing and proof of publication to:

State Engineer  
Colorado Division of Water Resources  
1313 Sherman Street, Room 818  
Denver, CO 80203

Should you have any questions concerning publication of this notice, please call Ms. Melanie Pallman of this office.

Sincerely,

Steve Lautenschlager  
Water Resources Engineer  
Ground Water Section

SL/MWP/jg  
Enclosure

01171/Form #0355 (Rev. 7/87)

N O T I C E

IN THE MATTER OF WELL PERMIT NO. 30304-F, located in the NE1/4 of the NE1/4 of Section 27, Township 22S, Range 71W, 6th Principal Meridian.

Pursuant to C.R.S. 37-90-137(3)(c), you are hereby notified that George Aldapa has submitted proof to the State Engineer that water from well No. 30304-F was applied to beneficial use prior to the expiration of the well permit and due to mistake, inadvertence, or excusable neglect, failed to submit such proof prior to the expiration of the permit.

The proof submitted for well No. 30304-F is a Statement of Beneficial Use signed by George Aldapa and received by the State Engineer on January 23, 1989, claiming that water from the well was first put to beneficial use on September 20, 1986 and that the well diverts 1 acre-foot annually at a rate of 5 gpm for household use only on Lot No. 41, Filing No. 3, Blumenau Sub-division, Custer County.

The State Engineer has determined he can give favorable consideration to the proof submitted by George Aldapa. Pursuant to C.R.S. 37-90-137(3)(c), any person who wishes to object to the continuance of well permit No. 30304-F, must file objections with the State Engineer, 1313 Sherman Street, Room 818, Denver, CO 80203, within thirty (30) days. Such objection must be accompanied by a non-refundable ten (\$10) filing fee.

FINDINGS, CONCLUSIONS AND ORDER OF THE STATE ENGINEER

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IN THE MATTER OF THE EXPIRATION OF A WELL PERMIT LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 27, TOWNSHIP 22S, RANGE 71W, 6TH PRINCIPAL MERIDIAN, CUSTER COUNTY, COLORADO

APPLICANT: GEORGE ALDAPA

WELL  
PERMIT NO. 30304-F

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This matter having come before the State Engineer pursuant to notice under C.R.S. 37-90-137(3)(c) and the petition for continuance of well permit filed by George Aldapa, 4515 Buena Park Circle, Colorado Springs, Colorado 80198, (hereinafter "applicant"). The State Engineer, having considered the matters submitted by the applicant, the documents on file in his records, and investigation of his staff, finds as follows:

1. On July 24, 1986, a permit to construct a well, No. 30304-F, was issued to the applicant. The maximum pumping rate of the well was to be 15 gpm. The water produced by the well was to be used for household use only on Lot No. 41, Filing No. 3, Blumenau Subdivision, Custer County. The expiration date of the permit was July 24, 1987.
2. On October 16, 1986, the Division of Water Resources (Division) received a well completion report for well permit No. 30304-F. Said report indicates that the well was drilled to a depth of 123 feet and was completed on September 12, 1986.
3. The Division did not receive any proof from the applicant prior to the expiration date of the well permit that water from the well was applied to beneficial use prior to that date.
4. The Division did not receive a request for extension of the well permit prior to the expiration date and granted no extension for said well permit on or after July 24, 1987.
5. On January 3, 1989, the Division sent a notice, by certified mail, to the applicant advising that evidence of beneficial use had not been submitted showing that water from the well had been put to beneficial use prior to July 24, 1987. The applicant was also notified, pursuant to C.R.S. 37-90-137(3)(c), that he had an opportunity to submit proof that the water was applied to beneficial use prior to the expiration date of the well permit, and due to excusable neglect, inadvertence, or mistake, he had failed to submit the proof prior to such expiration date.
6. Pursuant to C.R.S. 37-90-137(3)(c), the applicant was given twenty (20) days from receipt of notice to submit the proof required by that section. George Aldapa responded and submitted the materials discussed below.
7. In response to the notice, George Aldapa provided the following documents:
  - a) A Statement of Beneficial Use for well Permit No. 30304-F signed by George Aldapa on January 20, 1989.
  - b) An affidavit signed by George Aldapa on January 20, 1989.

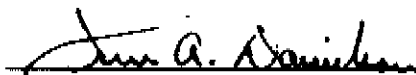
8. a) In the Statement of Beneficial Use, George Aldapa claims that water from the well was first put to beneficial use on September 20, 1986, and that 1 acre-foot is diverted annually at a rate of 5 gpm for household use only on Lot No. 41, Filing No. 3, Blumenau Subdivision, Custer County.
- b) In his affidavit, George Aldapa claims that the reason he did not submit the evidence of use on time was that he was not aware that it was required.

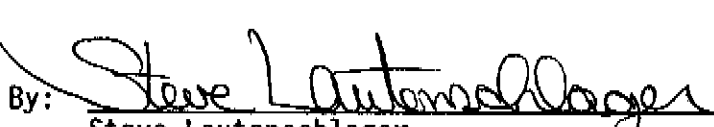
#### CONCLUSION AND ORDER

Based on the documents on file in the Division of Water Resources, the field inspections by Division personnel and the documents submitted by the applicant, the State Engineer concludes that favorable consideration can be given to the proof submitted by the applicant.

It is therefore ordered that a synopsis of the proof submitted by the applicant be published and further proceedings be held thereon, all as provided by C.R.S. 37-90-137(3)(c).

Dated this 19<sup>th</sup> day of July, 19 89.

  
\_\_\_\_\_  
Jeris A. Danielson  
State Engineer

By:   
\_\_\_\_\_  
Steve Lautenschlager  
Water Resource Engineer  
Ground Water Section

Prepared by: MWP

37441/Form #0580(0)

ORDER OF THE STATE ENGINEER

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IN THE MATTER OF WELL PERMIT NO. 30304-F

LOCATION: NE1/4, NE1/4, SECTION 27, TOWNSHIP 22S, RANGE 71W

APPLICANT: GEORGE ALDAPA

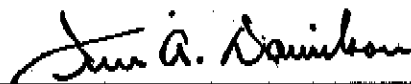
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THE STATE ENGINEER FINDS:

Pursuant to C.R.S. 37-90-137(3)(c), synopsis of the proof submitted by the applicant was published and no objections were received.

The proof submitted by the applicant is satisfactory and the well permit remains in force and effect.

Dated this 12<sup>th</sup> day of September, 19 89.



Jeris A. Danielson  
State Engineer

By: 

Bruce E. DeBrine  
Water Resource Engineer  
Ground Water Section

Prepared by: BED:MWP:mds

cc: Division 2  
Applicant

0596I/Form #0580(S)