

UPPER BLACK SQUIRREL CREEK GROUND

WATER MANAGEMENT DISTRICT

REGULAR MEETING MINUTES

April 5<sup>th</sup>, 2016

The April meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, April 5<sup>th</sup>, 2016 at 5:41 P.M., at the District Office, 520 Colorado Avenue, C., Calhan, CO by President Booker, and determined that a quorum was present.

**Board Members in Attendance:** President Donald Booker, Treasurer Mark Greeley, Secretary Dave Doran

Absent: Vice-President J.R. Bond

**Others in Attendance:** John Hill, Dave Doran, Angel Cordero, Alyrca Cordero, Art Sintas, Lisa Thompson (via Phone conference), Tracy Doran

**PUBLIC NOTICE OF THE MEETING WAS POSTED**

**1. Agenda for April 5<sup>th</sup>, 2016:**

Director Doran motioned to approve the agenda for April 5<sup>th</sup>, 2016 with the addition of #9 Peyton Junction and #10 Input for State under New Business. Director Greeley seconded the motion. Motion carried (3-0)

**2. Minutes for February 9<sup>th</sup>, 2016 Meeting:**

Director Greeley motioned to approve the February 9<sup>th</sup>, 2016 minutes. Director Doran seconded the motion. Motion carried (3-0)

**3. Treasurer's Report & Any Bills Needing Board Approval:**

Treasurer Mark Greeley reported on the income and expenses for February and March. Treasurer Greeley motioned to approve the February and March treasurer reports and pay the January and February attorney bills for a total of \$33,471.04 and engineering and contract service bills totaling \$8,371.59.

**OLD BUSINESS:**

1. **Cherokee Metro & Meridian Service Metro/Replacement Plan:**  
No updates to report on this item.
2. **Cherokee Case No. 14CW3061:**  
Ms. Thompson reported that there are no updates to report on this other than they did some revised engineering and we are monitoring it in Water Court.
3. **Cherokee Wells 1-8/Case No. 15GW15:**  
Attorney Thompson reported on the deadlines coming up. Ms. Thompson reported that the Board will be discussing this next month in executive session.
4. **Woodmen Hills Replacement Plan/Case No. 03GW20:**  
Attorney Thompson reported that there will be a Hearing in October 2016 on this. Ms. Thompson reported that the next big deadline coming up is May for expert disclosure for the Applicant. Discussion followed on cost sharing with the Farmers, and Bookers.
5. **Ground Water Contamination Study:**  
President Booker reported that there are no updates on this.
6. **Meridian Case No. 14GW02/15GW14 Underdrains:**  
Attorney Thompson reported that the Hearing on this will be February 2017. Ms. Thompson reported that there was an amended application and it will be published in the Ranchland April 14<sup>th</sup> and 21<sup>st</sup>. The new objection deadline is May 21<sup>st</sup>. Discussion followed on what they are asking for in the amended application. Attorney Thompson reported that we will discuss this case next month in executive session.
7. **Goss:**  
Attorney Thompson reported that Cherokee has verbally said to the AG office they will not irrigate this year until there is some resolution on whether or not they have the right to do this. Ms. Thompson asked the Board to watch this and if they see something to let her know and we will do a joint enforcement action with the State.
8. **Albrecht Case No. 15GW08/Application for Change in type and Place of Use (Export) for Well Permit Nos. 27571-FP & 27572-FP:**  
Attorney Thompson reported that there is a Hearing scheduled for 3 days starting September 12<sup>th</sup>, 2016. Attorney Thompson reported that there are serious questions and concerns, mostly regarding historic use. Export disclosures for opposer's are due in May, and we have Martin and Woods looking at it. Discussion followed on having Martin and Woods be the expert for the Hearing and how much they might charge and capping them. Director Doran motioned to make Don a point man for the district and to get an estimate for Martin & Woods to be our expert during the Hearing and to pass that information on to the Board. Director Greeley seconded the motion. Motion carried (3-0)
9. **Blue Springs Ponds:**  
President Booker reported that this is the subdivision that is dammed up and no water is going down Brackett Creek. Attorney Thompson reported that she has talked to Chris Grimes and he has been really busy but he has completed 18 individual reports and needs to get a meeting together with Upper Black Squirrel and their Staff to go over what the next steps will be for enforcement action. Ms. Thompson reported that he mentioned that Keith wants to check to see if these were erosion control structures that have been there since the 60's. Ms. Thompson reported that she has not seen any reports yet.

**10. De Novo Legislation:**

Attorney Thompson reported that there was a slight language change and went over that change. Ms. Thompson reported that it passed out of the House Ag and she has heard there is some opposition in the Senate. Discussion followed.

**11. Water Quality Control Commission/Regulation 42/TDS:**

Attorney Thompson reported that she attended a Water Quality Control meeting for regulation 84. Ms. Thompson reported that every 3 years they have to consider their rules and make changes if necessary, very similar to the Ground Water Commission. Attorney Thompson reported that she made a comment as well as Bob Longenbaugh who was also in attendance. Attorney Thompson reported that a memo will come out April 13<sup>th</sup> from the Water Quality Division Staff, and they will present it to the Water Quality Control Commission on May 9<sup>th</sup> and the Commission will decide then if they want to update any changes, but will probably be a year before there are any changes to that.

Attorney Thompson reported that Regulation 42 on the agenda is Cherokee's proposal to relax the TDS standard in the entire designated basin, and the update on that is that tomorrow is the deadline for comments to determine whether Cherokee's proposal is ripe to go forward. Ms. Thompson reported that the Hearing is in August, and their proposal is to lower the standards from 400 ML/g to 600 ML/g. Discussion followed on salts, stakeholders meeting, data and what is going to happen in the next 7 years as CDPHE has given them that amount of time to get in compliance, and that CDPHE should be held accountable in this as well. Discussion further continued on data from the Falcon area on TDS, regulations, degradation and the importance of fighting this.

**NEW BUSINESS:**

**1. Angel Cordero/Questions on Well Permit:**

Mr. Cordero gave the background of the property, and reported that it was formerly the Sims property and has been subdivided. Mr. Cordero reported that he has two homes on his property that share one well, and he wants to subdivide his 35 acres in half and get a new well for the other property once it is divided, and keep the alluvial well that is on there now for his property. Mr. Cordero was told by the County and the State that he needed to come to the District and get a letter from them to continue to keep the alluvial well for the modular, and once the property is divided he will be allowed to get a Denver Basin well for the other property. Discussion followed that a water attorney referred him to Julia Murphy who is working on this with him. Discussion followed on the Counties subdivision rules, and what they are requiring and that he has to secure water rights. The Board said that they do not comment on applications that they do not have or have not been sent by the State. Donald will call Mr. Fitzpatrick from the County and discuss what is going on and get back with Mr. Cordero.

**2. Application to Change the Description of Acres Permitted to be Irrigated by Well Permit No. 4105/Larry & Natalie Lee:**

The Board discussed this change and has some questions regarding this. The board asked Attorney Thompson to write Mr. Neilson and ask him how they going to irrigate it, with a

well that is in a different  $\frac{1}{4}$   $\frac{1}{4}$  section and get more information. Mrs. Doran reported that she had talked to Rick and he had said that the applicant is trying to correct the legal description. President Booker noted that there has been no irrigation on this property since he was a child and Ms. Thompson has not seen any aerial records showing irrigation. President Booker said that there is something wrong with this application and where the well is located and where they want to move it to. President Booker will contact the guy who is wanting to buy this property and see what he knows.

3. **Application for Determination of Water Right/Jeff Matson:**

The Board reviewed the determination of water right application and discussed Rule 18 that only allows 107 permits to have a maximum of 2 homes and 1 acre foot in the Denver Basin aquifers outside subdivisions. The Board directed Attorney Thompson to write a comment to the State on this, as the applicant is asking for 3 households. Discussion followed.

4. **Application for Determination of Water Right/Kim & Kim Welsh:**

The Board reviewed the Determination and discussed that this is in Blue Springs Subdivision with the pond issue. The Board directed Attorney Thompson to write a comment letter to the State. Discussion continued.

5. **Water Well Permit Application/John Greeley:**

The Board reviewed the application and discussed. Director Doran motioned to approve the 1 acre foot and to check to see if that property has a determination of water right that would preclude him from getting a permit. Director Greeley seconded the motion. Motion carried (3-0)

6. **Water Well Permit Application/Neil Dana:**

The Board reviewed the application and discussed. Director Doran motioned to approve the permit for 1 acre foot, maximum of 2 homes once the property has been put in his name and to verify that there is not a determination of water right under his property that would preclude him from getting a well. Director Greeley seconded the motion (3-0).

7. **El Paso County Review/Meridian ranch/The Vistas Filing 1/PUD Development Plan/Preliminary Plan/Final Plat:**

The Board directed to Mrs. Doran to make a copy and send to Lisa to review it and that comments are due by April 14<sup>th</sup>, 2016.

8. **Proposal for Water Quality Sampling:**

The Board did not discuss as Julia was not able to attend the meeting this month and she had requested this item on the agenda.

9. **Application for Determination of Water Right/Peyton Junction:**

The Board reviewed and discussed the Determination and deemed it incomplete for comment as there is no well permit to go by, no application for a replacement plan.

10. **Request for Input on Amendments to the Designated Basin Rules:**

Attorney Thompson reported that the State is required to do periodic reviews of their rules and they are requesting input from the management districts. Comments are due by April 29<sup>th</sup> and they will be presenting it to the Commission at the May 20<sup>th</sup> meeting. Discussion followed on possible topics to comment on such as Determination of Water Rights, surface

water, and elections. Attorney Thompson asked the Board to think about it and if they thought of other items to send her an email listing those.

**ANY OTHER BUSINESS THE BOARD MAY HAVE:**

**VISITOR INPUT:**

NA

**EXECUTIVE SESSION:**

NA

**EXECUTIVE SESSION REPORT:**

NA

**ADJOURNMENT:**

President Booker called for the meeting to be adjourned.

There being no further business before the Board at this time Director Doran made a motion to adjourn the meeting. Director Greeley seconded the motion. Motion carried (3-0)

The meeting adjourned at 8:09 P.M.

Respectfully submitted,  
Tracy Doran/Office Manager