

UPPER BLACK SQUIRREL CREEK GROUND

WATER MANAGEMENT DISTRICT

REGULAR MEETING MINUTES

May 3rd, 2016

The May meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, May 3rd, 2016 at 5:42 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, Vice-President J.R. Bond, Treasurer Mark Greeley, Secretary Dave Doran

Director Greeley joined the meeting at 6:15 P.M.

Others in Attendance: John Hill, Dave Doran, Art Sintas, Tracy Doran

PUBLIC NOTICE OF THE MEETING WAS POSTED

1. Agenda for May 3rd, 2016:

Director Bond motioned to approve the agenda with the addition of #7 Determination of Water Right for Fulmer, #8 Water Well Permit Application for Static Line LLC, #9 Water Well Permit Application for Adams and #10 Water Well Permit Application for Corral Ranches Developments in New Business. Director Doran seconded the motion. Motion approved (3-0)

2. Minutes for February 9th, 2016 Meeting:

Director Doran motioned to approve the February 9th, 2016 minutes. Director Bond seconded the motion. Motion carried (3-0)

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

Tracy Doran reported on the income and expenditures for the month of April. Discussion followed. Director Bond motioned to approve the April treasurer report and pay the March attorney bill of \$10,289.90 and pay the engineering bill of \$1,012.00. Director Doran seconded the motion. Motion carried. (3-0)

OLD BUSINESS:

1. Cherokee Metro & Meridian Service Metro/Replacement Plan:

No updates to report on this item.

2. Cherokee Water Court Case No. 14CW3061:

President Booker reported that Cherokee has circulated a draft proposed decree and a revised engineering report, and we provided comments on these drafts. Cherokee must respond to the comments by May 12, 2016.

3. Cherokee Wells 1-8/Case No. 15GW15:

President Booker reported that there is a Hearing scheduled for 5 days, beginning March 20, 2017. The Applicant filed initial disclosures on April 18th, 2016, and may amend its application by June 20, 2016 if it chooses to do so. There was discussion on cost sharing with HRS with the District and Bookers, and Farmers.

4. Woodmen Hills Ground Water Commission Case No. 03GW20/Replacement Plan:

President Booker reported that there is a Hearing scheduled for 5 days, beginning October 31, 2016. The Applicant is scheduled to file its expert disclosures and proposed order on May 13, 2016.

5. Meridian Ground Water Commission Case No. 15GW14/ Replacement Plan :

President Booker reported that a Hearing is scheduled for 5 days, beginning on February 5, 2016. The Applicant is scheduled to file its expert disclosures and proposed order on June 6, 2016. Discussion followed on cost sharing with the Booker and Farmer families on having HRS being the expert consultants in both cases 03GW20 and 15GW14, at the moment; no discussion has been held regarding the exact cost percentage to be borne by each party.

6. Goss:

President Booker reported that Attorney Thompson had reported that according to Cherokee, Goss is not supposed to be irrigating at four center pivots at the southern end of the basin. Cherokee has specifically contacted Mr. Goss and instructed him to cease irrigating. Cherokee is exploring providing other water supplies to Mr. Goss.

7. Cherokee-Albrecht Case No. 15GW08/Application for Change in type and Place of Use (Export) for Well Permit Nos. 27571-FP & 27572-FP:

President Booker reported that a Hearing is scheduled for three days beginning on September 12, 2016. Since the last Board meeting, the District and the Booker Trusts submitted discovery requests to the Applicants on April 25, seeking documents concerning the historic use of the Albrecht wells. The Applicants must respond to these requests by May 30th, 2016. Discussion followed on process. Director Doran motioned to approve Martin & Woods proposal for Case No. 15GW15 to prepare expert testimony with a cap of \$14,000.00 and for the bill to be itemized. Director Bond seconded the motion. Motion carried (4-0)

8. Blue Springs Ponds:

President Booker reported that there are no updates on this.

9. De Novo Legislation:

President Booker reported that the proposed legislation did not make it out of the Senate Judiciary Committee and is likely dead for this year. President Booker reported that the Ground Water Management Districts were well supported and in attendance at the Hearing.

10. Water Quality Control Commission/Regulation 42/TDS:

President Booker reported that the Hearing is scheduled for August 8, 2016. President Booker reported that we have provided comments to the Water Quality Control Commission, urging the Commission to find that Cherokee's proposal to relax the TDS standard within the Upper Black Squirrel Basin is not ripe for rulemaking. The Commission determined that Cherokee's proposal is ripe. President Booker further reported that we are drafting a letter to Dick Wolfe, the State Engineer, requesting that the State Engineer's Office consult with the Commission, as required by Statute, regarding the potential for Cherokee's proposal to materially injure designated ground water rights in the Basin. We are currently revising our draft with input from Bob Longenbaugh. Discussion followed on Cherokee having seven years to make the corrections, and that we need to pursue the effluent being sent back into Sand Creek, rather than it being continued to be dumped into the Upper Black Squirrel Basin until they can meet the standards.

11. Ground Water Contamination Study:

President Booker reported that we have no updates on this.

NEW BUSINESS:

1. **Legal Publication/Mid Colorado Investment/Application to Change the Permitted Place of use of the Well Permit No. 27745-F:**
The Board reviewed the legal publication and discussed. Director Doran motioned to have attorney Thompson review the Mid Colorado application and review it with our District Rules 17, 18 & 19 to see if this is applicable to the District Rules. Director Bond seconded the motion. Motion carried (4-0)
2. **Water Well Permit Application/Katon Morris:**
The Board reviewed the Morris application. Director Bond motioned to approve the Morris application. Director Doran seconded the motion. Motion carried (4-0)
3. **Water Well Permit Application/GJ Gardner Homes/Gail Berson:**
The Board reviewed the Berson application. Director Bond motioned to approve the Berson application. Director Greeley seconded the motion. Motion carried. (4-0)
4. **Determination of Water Right/Douglas J & Glenda S Gillis:**
The Board reviewed the Determination of Water Right. Director Doran motioned to approve the Determination for Gillis. Director Bond seconded the motion. Motion carried (4-0)
5. **Water Well Permit Application/Jesse & Sherrie Tix:**
The Board reviewed the Tix application. Director Doran motioned to approve the Tix application. Director Greeley seconded the motion. Motion carried (4-0)
6. **El Paso County Review/JW Hardwoods Special Use Review 1:**
The Board reviewed and discussed the JW Hardwoods Special Use Review and discussed that they had just approved Mr. Greeley's domestic well application. Director Doran motioned to contact Shannon at the State on JW Hardwood and report that it needs to be in compliance if it is a commercial business, not just a domestic well permit as was just issued. Director Greeley seconded the motion. Motion carried (4-0)
7. **Determination of Water Right/Fulmer:**

This was sent to Upper Black Squirrel in error, it should have gone to Upper Big Sandy GWMD.

8. Water Well Permit Application/Static Line LLC:

The Board reviewed the Static Line LLC application, and had some questions regarding whether it was in a subdivision, and if it is it needs to be limited to .5 acre feet. Director Bond motioned to approve pending the State's response to Tracy's letter. Director Greeley seconded the motion. Motion carried (3-0) Director Doran had stepped out of the room during this item.

9. Water Well Permit Application/Adams:

The Board reviewed the Adams application and discussed. Director Bond motioned to approve the application for .5 acre feet not the 3 acre feet they are asking for unless the subdivision supply letter says different. Director Greeley seconded the motion. Motion carried (4-0)

10. Water Well Permit Application/Corral Ranches Development:

The Board discussed the application and has some questions regarding the number of homes allowed in the filing, how many acres per lot, and what they will be allowed for lawn and garden. Director Doran motioned to have Tracy write the State and verify square feet and acre feet amount of .45 acre feet, and if that is corrected and verified the Board will approve it. Director Bond seconded the motion. Motion carried 4-0)

ANY OTHER BUSINESS THE BOARD MAY HAVE:

The Board discussed the Lee permit and discussed having the Lee's come to the next Board meeting to explain what they are trying to do. Director Doran motioned to have Lisa set up a date for the Lee's to come before the Board to present and explain to the Board what they are doing to get approved or disapproved and to copy Rick Nielson on the letter. Director Greeley seconded the motion. Motion carried (4-0)

Director Bond discussed a pond that is on Murphy Road that he thinks is in violation. The Board discussed going on a field trip to look at ponds around the basin. Discussion followed on the Army Corp of Engineers 404 permits and a good contact point.

VISITOR INPUT:

Julia Murphy wanted to speak to the Board about potential conflicts of interest. Discussion followed. Ms. Murphy also, wanted to speak to the Board about a potential project that she has been asked to do some work on. Discussion further continued on conflicts and what constitutes a conflict.

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 Bond made a motion to adjourn the meeting. Director Greeley seconded the motion. Motion carried (4-0)

The meeting adjourned at 8:37 P.M.

Respectfully submitted,
Tracy Doran/Office Manager