

UPPER BLACK SQUIRREL CREEK GROUND

WATER MANAGEMENT DISTRICT

REGULAR MEETING MINUTES

August 2nd, 2016

The August meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, August 2nd, 2016 at 5:36 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,
Secretary Dave Doran

Absent Treasurer Mark Greeley

Others in Attendance: Brian Beaudette, John Hill, Tracy Doran

PUBLIC NOTICE OF THE MEETING WAS POSTED

1. Agenda for August 2nd, 2016:

Director Bond motioned to accept the agenda for August 2nd, 2016 with the addition of the following items under New Business: #11 Werner Water Well Application, #12 Van Diest Water Well Application, #13 Roberson Existing Well Change, #14 Chetty Water Well Application, and #15 Booker Replacement Application. Director Doran seconded the motion. Motion carried (3-0)

2. Minutes for July 1st, 2016 Meeting:

Director Doran motioned to approve the July 1st, 2016 minutes. Director Bond seconded the motion. Motion carried (3-0)

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

Manager Doran reported on the income and expenses for the month. Discussion followed on billing. Director Bond motioned to approve paying the attorney's bill of \$21,102.76, HRS bill for \$11,165.99, and Martin & Wood bill for \$5,702.63. Director Doran seconded the motion. Motion carried (3-0)

OLD BUSINESS:

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

President Booker reported that there are no updates to report on this item and it is still Stayed.

2. **Cherokee Water Court Case No. 14CW3061:**

President Booker reported that Cherokee circulated a revised proposed decree on May 12, 2016, that incorporated previously received comments from the objectors. The District provided comments on the revised decree on July 8, 2016. Cherokee is scheduled to respond to these comments by August 9, 2016. The next telephonic status conference with the water referee is scheduled for August 17, 2016. President Booker reported that this case more than likely will re-referred to the Water Court during the next status conference, because the one year timeframe on the Referee's docket is set to expire on August 25, 2016.

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

President Booker reported that there is a Hearing scheduled for 5 days beginning on March 20, 2017. The District filed its initial disclosures on May 16, 2016. Cherokee's expert disclosures and proposed order must be filed by September 19, 2016. The District expert disclosures must be filed by November 14, 2016.

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

President Booker reported that there is a Hearing scheduled for 5 days beginning on October 31, 2016. The District, the Farmers and the Booker Trusts submitted their joint expert disclosure on July 8, 2016, and the District also provided comments on the Applicant's proposed order at that time. The District's draft lists of witnesses and exhibits must be circulated to all parties and to the Hearing Officer by August 32, 2016.

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

President Booker reported that there is a Hearing scheduled for 5 days beginning on February 6, 2017. The Applicant filed its expert disclosures and proposed order on June 6, 2016. President Booker reported that there is a site visit scheduled for August 10, 2016 starting at 10:30 a.m., the District's expert disclosures and comments on the proposed order are due to be filed on October 3, 2016.

6. **Goss:**

President Booker reported that there are no updates to report on this.

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 there is a Hearing scheduled for three days beginning on September 12, 2016. President Booker further reported that the District has disclosed a previous manager of the Albrecht farm, as a witness to testify during the Hearing. Bill Berg has prepared a supplemental expert report on behalf of the District responding to the Applicant's opinions. The parties prepared and exchanged draft witness and exhibit lists in preparation for the Hearing. The District's final witness and exhibit lists must be provided to the parties and the Hearing Officer on August 22nd, 2016. The District's prehearing statement must be filed on August 29, 2016.

8. **Blue Springs Ponds:**

President Booker reported that there are no updates to report on this and that this will be part of the Ground Water Commission tour of the Basin.

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

President Booker reported that there is a Hearing scheduled for the afternoon of August 8, 2016. A pre-hearing conference was held with the Commission on Monday, August 1, 2016. The Commission's Hearing chair will allow the District 10 minutes to respond to Cherokee's proposal during the Hearing. Bob Longenbaugh and Julia Murphy are assisting in the preparations for the Hearing. President Booker further reported that the Water Quality Control Division suggested an alternative revision to the 400 mg/L TDS Standard currently imposed under Regulation Nos. 41 and 42; rather than the 600 mg/L revised standard that Cherokee proposed, the Division proposed that the standard be relaxed to 448 mg/L, which it claims would be protective of dry beans, a crop sensitive to TDS that has been grown in the Basin. We submitted a rebuttal statement objecting to the alternative 448 mg/L standard on the grounds that it was not sufficiently protective of water quality in the Basin. Cherokee also submitted a rebuttal statement to the Commission in which it modified its original proposal; Cherokee is now requesting that the standard be revised to 500 mg/L rather than 600 mg/L. President Booker advised that since Cherokee's new proposal of a 500 mg/L TDS standard was included in its rebuttal statement, the objecting parties were not provided a chance to comment in writing on this change. The Commission did allow the parties to submit brief sur-rebuttal statements on this issue only by 5:00 p.m. on August 3, 2016. Attorney Thompson is preparing a short statement as allowed and will file the statement by tomorrow's deadline.

10. Ground Water Contamination Study:

President Booker reported that they have tentatively scheduled a County Commission work session September 6, 2016 at 2 p.m. to go over the final draft and determine the next course.

NEW BUSINESS:

1. Potential Violation Inquiry/Scott/Goss:

The parties did not show.

2. Application for Determination of Water Right/Angel Cordero Jr:

The Board reviewed the application. Director Doran motioned to approve the Determination of Water Right Application for Angel Cordero Jr. Director Bond seconded the motion. Motion carried (3-0)

3. El Paso County Review/Waggin Tails Kennel Review 2:

The Board discussed the review and discussed whether this signaled a change to the existing use of the well permit. The Board directed Manager Doran to send Attorney Thompson a letter and having her review their concerns before we comment to the County. We can comment accordingly after hearing from Lisa.

4. El Paso County Review/Dugan Kennels Review 2:

The Board discussed the review. Director Doran motioned to have Manager Doran report to the State the status of the flow meter and request that we start getting meter readings. Director Bond seconded the motion. Motion carried (3-0)

5. El Paso County Review/Sun Prairie Rezone-Map Amendment (Rezoning):

The Board reviewed the application and did not have any comments.

6. El Paso County Review/Honeywood RV Park-Map Amendment (Rezoning):

The board reviewed the application and discussed what they are doing with the septic. Director Doran motioned to write the planner and the Health Department and address the questions regarding the septic uses and if their septic is in compliance for all their intended uses. Director Bond seconded the motion. Motion carried (3-0)

7. **El Paso County Review/Liberty Ranch/Dog Rescue:**

The Board reviewed the application and discussed. The Board noted that the applicant has a change to the existing well and continued discussion on that.

8. **Water Well Permit Application/Porter Family Trust:**

The Board discussed the application. Director Bond motioned to approve the well as long as the unregistered livestock well is capped and abandoned and the report is sent to the District. Director Doran seconded the motion. Motion carried (3-0)

9. **Water Well Permit Application/Matthew & Michelle Mobley:**

The Board reviewed the application. Director Doran motioned to approve the Mobley well permit application. Director Bond seconded the motion. Motion carried (3-0)

10. **Water Well Permit Application/Christopher Lynn:**

The Board discussed the application. Director Bond motioned to approve the Lynn well permit. Director Doran seconded the motion. Motion carried (3-0)

11. **Water Well Permit Application/Werner:**

The Board discussed the application. Director Bond motioned to approve the Werner application if it is .57 acre feet and 4200 sq. feet of lawn and garden which is what is allowed in that subdivision. Director Doran seconded the motion. Motion carried (3-0)

12. **Water Well Permit Application/Bob Van Diest:**

The Board reviewed the application. Director Bond motioned to approve the Van Diest application. Director Doran seconded the motion. Motion carried (3-0)

13. **Existing Well/Change/Jamie Roberson:**

The Board discussed the application and questioned the amount of water that they need for 120 dogs and if they will have sufficient supply for what they want to do. Director Doran motioned to get answers to the questions they have on whether they will have water sufficiency for 120 dogs and to send to Lisa to look over. Director Bond seconded the motion. Motion carried (3-0)

14. **Water Well Permit Application/Joseph Chetty:**

The Board discussed the application and that it does not address what its commercial use is for and what the irrigation use is for. Director Doran motioned to have Lisa spend less than an hour on the Chetty application and the Board will make comments after her review. Director Bond seconded the motion. Motion carried (3-0)

15. **Replacement Application/Booker:**

President Booker updated the Board on the application and said that this is based on the Goss complaint. President Booker said everything has been changed and the new application went in today.

ANY OTHER BUSINESS THE BOARD MAY HAVE:

Director Doran reported that he has been attending Community Leader Sheriff's meetings, which include Sheriff Elder, VNI, and the DEA. Director Doran reported that there is a lot of frustration regarding marijuana and the illegal grows and the water issue and the

vagueness of the laws. Discussion followed on possibly promulgating a rule on marijuana for the Basin and defining what is allowed under exempt wells to avoid huge illegal grows. Discussion continued about inviting Sheriff Elder to our meeting in September or October.

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 Bond made a motion to adjourn the meeting. Director Doran seconded the motion. Motion carried (3-0)

The meeting adjourned at 7:45 P.M.

Respectfully submitted,
Tracy Doran/Office Manager