

UPPER BLACK SQUIRREL CREEK GROUND

WATER MANAGEMENT DISTRICT

REGULAR MEETING MINUTES

September 6th, 2016

The September meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, September 6th, 2016 at 5:44 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, Treasurer Mark Greeley

Others in Attendance: John Hill, Dan Farmer, Bob Longenbaugh, Art Sintas, Dave Elliott, Julia Murphy, Lisa Thompson (Via Phone), Tracy Doran

PUBLIC NOTICE OF THE MEETING WAS POSTED

1. Agenda for September 6th, 2016:

Director Doran motioned to add El Paso County Review Stonebridge 2 at Meridian Ranch Review 1 Final Plat as #6 under New Business and an executive session with attorney Thompson to receive legal advice. Director Bond seconded the motion. Motion carried (4-0)

2. Minutes for August 2nd, 2016 Meeting:

Director Bond made a motion to approve the August 2nd, 2016 minutes. Director Doran seconded the motion. Motion carried (3-0) Director Greeley abstaining because of absence the previous month

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

Treasurer Greeley went over the income and expenses for the month. Treasurer Greeley motioned to accept the August treasurer report and pay the attorney's bill in the amount of \$12,023.89; and Engineering bills for Martin & Wood in the amount of \$1,133.00, HRS bill in the amount of \$5,527.50 and pay GGP \$3,144.00 for Board insurance. Director Bond seconded the motion. Motion carried (4-0) Discussion followed on the proposed 2017 budget and the board looking over the figures and seeing if any of them need to change. There was further discussion on potential legal bills and engineering bills for the rest of the year.

OLD BUSINESS:

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

Attorney Thompson reported that she has heard in recent discussions from Cherokee's attorney that they have been looking at the replacement plan and are considering in which fashion to refile, a new application or revise this application.

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

Attorney Thompson reported that this has been transferred from the Water Referee to the Water Judge and is set for trial October 3, 2017. Ms. Thompson reported that to date we have mostly been monitoring and do not have our own expert in this case, as most of the pumping is outside the basin, but there has been some concern about augmentation supply. Bob Longenbaugh reported that this is a Dawson well that is going to pump 1200 acre foot a year and should be a concern to the District and could affect the upper part of the Basin.

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

Attorney Thompson reported that this Case is set for a 5 day Hearing beginning on March 20, 2017. Ms. Thompson reported that we do not have an expert in this case as it is mainly a legal issue of Cherokee Wells 1-8 in basin use.

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

Attorney Thompson reported that there was a site visit, and is scheduled for a 5 day Hearing starting on October 31, 2016. Attorney Thompson advised that Woodmen Hills did just file a Motion of the Hearing Officer asking to postpone the Hearing and put it off until next year because they have found at least 3 new structures. Ms. Thompson reported that they answered that motion, and has not heard back from the Hearing Officer.

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

Attorney Thompson reported that this is set for a five day Hearing on February 6, 2017. Discussion followed on expert reports and deadlines.

6. **Goss:**

Attorney Thompson reported that she will follow up with Keith Vander Horst on the meter readings and to make sure that they are staying within the 26 acre feet that they are allowed.

7. **Cherokee-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 this is set for Hearing but we have reached a settlement in principle on the Change of Use and will be discussing this in executive session.

8. **Blue Springs Ponds:**

Attorney Thompson reported that the last she heard the State was still working on the letters. Ms. Thompson reported that these ponds were part of the Ground Water Commission tour but they did not spend much time there.

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

Attorney Thompson reported that there was a Hearing on August 6, 2016. Ms. Thompson reported that staff had recommended that Cherokee be allowed 448 Mg/L, Cherokee had agreed to 500 Mg/L, but the Water Quality Control Commission is keeping them to the 400

Mg/L standard. Ms. Thompson reported that Cherokee could appeal but has not heard anything yet. Discussion continued.

10. Ground Water Contamination Study:

Director Doran reported on the presentation that was given by Sean Chambers and Randy Case to the County Commissioner's. Director Doran reported that they asked the Commission to continue with this study the way it was laid out. Director Doran thinks the District should consider budgeting money for this in next year's budget. Discussion followed on modeling, and water samples.

NEW BUSINESS:

1. Application for Approval of a Replacement Plan/Gaston:

The Board reviewed the replacement plan. Discussion followed. The Board directed Manager Doran to ask the State how they get their calculations.

2. Water Well Permit Application/Adamson:

Director Bond motioned to approve the Adamson application. Director Doran seconded the motion. Motion carried (4-0)

3. Water Well Permit Application/Cole:

Director Bond motioned to approve the Cole application. Director Greeley seconded the motion. Motion carried (4-0)

4. Water Well Permit Application/Javorsek Living Trust:

Director Doran motioned to approve the Javorsek Living Trust application with 2 dwelling maximum. Director Bond seconded the motion. Motion carried (4-0)

5. Application for Replacement Well/Booker Revocable Living Trusts:

President Booker explained the application to the Board. Discussion followed with the Board. Director Doran motioned to have Lisa review this and send comments to the Board, and then send a formal letter to Dick Wolfe and Keith Vander Horst with the Boards comments. Director Greeley seconded the motion. Motion carried (3-0) President Booker abstained

6. El Paso County Review/Stone Bridge 2 @ Meridian Ranch Review 1 Final Plat:

The Board took no action

ANY OTHER BUSINESS THE BOARD MAY HAVE:

Director Doran reported that Don had set up a meeting with a sheriff that he was not able to make regarding the illegal marijuana grows. Director Doran reported that he has had one phone call with Adam Friedman, the marijuana czar from the Governor's office, and a follow up call. Director Doran reported that they are trying to look at this from an energy water resource. Discussion followed on the State's lawn and garden use, and that this is a huge issue, and they know this. Dan Farmer reported that Steve Witte addressed the marijuana issue, and has a woman that works this full time and is working in conjunction with the Pueblo Sheriff's office. Discussion continued.

The Board discussed the October meeting being changed from October 2nd, 2016 to October 10th, 2016. Director Bond motioned to have the meeting on October 10th, 2016 at 5:30 p.m. Director Greeley seconded the motion. Motion carried (4-0)

President Booker reported that Dave Elliott has expressed some interest in being a representative for District 4. Mr. Elliott introduced himself and gave a brief bio, and explained that he has been the manager for the Meadow Lake Airport for 8 years, has lived here since 1990 and grew up on well water and septic, was in the Coast Guard for 21 years and is a small developer at the airport and has a vested interest in the community. Discussion followed with the Board. The Board thanked him for his interest.

VISITOR INPUT:

Bob Longenbaugh wanted to discuss an issue with both the Meridian and Woodmen Hill Cases in that they are both formulating their resolutions in their replacement plans based on the amount of surface water flowing through the weir on the north side of Eastonville Drive. Mr. Longenbaugh advised that the weir has been dry except immediately following a rainfall event. Mr. Longenbaugh reported that Woodmen Hills is relying upon data that they got from Meridian that states that there is over 500 acre feet of documented flows through that weir per year of surface flow and they are using that calculation of how much water is going to be surface and how much is going to be underdrains. Mr. Longenbaugh reported that Doug Hollister is filing reports that almost 2 cfs is flowing through this weir each day; and there is a real problem with how that data is being collect. Mr. Longenbaugh advised that he has filed a complaint with Steve Witte. Mr. Longenbaugh advised that he would go to Pueblo to meet with Mr. Witte and raise the issue that it is not accurate, not factual and the weir itself is not properly installed, and that there is no totalizing flow meter installed. Discussion continued.

Mr. Longenbaugh advised that in all these cases we are always trying to determine how much precip has fallen and then we have to do calculations of consumptive use, and he wanted to tell us that Colorado State University has a program called CoCoRaHS, which stands for The Community Collaborative Rain, Hail and Snow Network in an effort to get more data. Volunteers submit their observations using the website or app, and they would love to have more volunteers for this area. Mr. Longenbaugh handed out an application form and flyer giving the information and who to contact. Mr. Longenbaugh reported that they would love to come out and do a presentation. Discussion followed. The Board thanked Mr. Longenbaugh.

EXECUTIVE SESSION:

Please take notice that Attorney Thompson pursuant to C.R.S. §24-6-402(4) (b) (e), is requesting an executive session with the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District during its regular meeting scheduled on Tuesday, September 6th, 2016, regarding the following matters:

1. Legal Advice

Director Bond motion to go into executive session to receive legal advice at 7:52 PM. Director Greeley seconded the motion. Motion carried (4-0)

Director Greeley motioned to come out of executive session at 8:21 PM and back into regular session. Director Bond seconded the motion. Motion carried (4-0)

EXECUTIVE SESSION REPORT:

No action taken

ADJOURNMENT:

President Booker called for the meeting to be adjourned.

There being no further business before the Board at this time Director Greeley made a motion to adjourn the meeting. Director Doran seconded the motion. Motion carried (4-0)

The meeting adjourned at 8:22 P.M.

Respectfully submitted,
Tracy Doran/Office Manager