

UPPER BLACK SQUIRREL CREEK GROUND

WATER MANAGEMENT DISTRICT

REGULAR MEETING MINUTES

November 1st, 2016

The November meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, November 1st, 2016 at 5:43 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 via telephone, Secretary Dave Doran, Treasurer Mark Greeley via telephone, Dave Elliott

Others in Attendance: John Hill, Tracy Doran, Lisa Thompson via telephone, Art Sintas, Anita Baker

PUBLIC NOTICE OF THE MEETING WAS POSTED

1. Agenda for November 1st, 2016:

Director Doran motioned to approve the agenda with the addition of #4 Silverado Ranch well permit application. Director Bond seconded the motion. Motion carried (3-0)
Director Greeley joined the meeting.

2. Minutes for October 10th, 2016 Meeting:

Director Doran motioned to approve the October 10th, 2016 minutes. Director Bond seconded the motion. Motion carried (4-0)

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

Manager Doran reported on the income and expenses for the month. Treasurer Greeley motioned to accept the October treasurer report, pay the September and October attorney bills of \$18,981.11, and Martin and Wood Engineer bill for \$528.00. Director Doran seconded the motion. Motion carried (4-0)

4. Swearing in New Board Member:

Dave Elliott swore in for District 4.

5. 2017 Budget Hearing:

Director Doran motioned to enter the 2017 Budget Hearing at 5:50 p.m. Director Greeley seconded the motion. Motion carried (5-0)

President Booker opened the floor to public comments.

Having no public comments President Booker closed the floor to public comments

President Booker opened the floor to board comments.

The Board discussed the need for potentially having to hold a hearing for a supplemental appropriation at the December meeting. Director Doran motioned to reserve the right to hold a supplemental hearing on the 2016 budget at the December 6th, 2016 meeting, after proper publication to the public, and open inspection if needed. Director Greeley seconded the motion. Motion carried (5-0)

President Booker closed the floor to board comments

Director Doran motioned to accept the 2017 budget with the following change: The Budget shall be updated to reflect the final re-certification values published by the County in December and to give authorization to sign the document with the final mill levy certification, and to accept the resolutions to set the mill levy and set the spending limits for 2016, and to authorize those signatures upon the updated figures, and to move money within the budget to make line items balanced. Director Greeley seconded the motion. Motion carried (5-0)

Director Doran motioned to close the budget hearing at 5:56 p.m. and go back into regular session. Director Elliott seconded the motion. Motion carried (5-0)

Director's Bond and Greeley left the meeting at 5:57 p.m.

OLD BUSINESS:

1. Cherokee Metro & Meridian Service Metro/Replacement Plan/Case No. 08GW71:

President Booker reported that this has been stayed since December 2009, pending the resolution of Case No. 98CW80. He further advised that Cherokee recently filed a notice with the Ground Water Commission, substituting its present attorney, Peter Johnson, for its former counsel of record, Kevin Donovan. Since the Supreme Court resolved all pending matters relating to Case No. 98CW80 by its 2015 decision in Case No. 13SA330, this filing may indicate the Applicant's desire to renew their replacement plan application in this matter.

2. Cherokee Water Court Case No. 14CW3061:

President Booker reported that the trial is currently scheduled for 4 days, beginning on October 3, 2017. This case has now been re-referred to the Water Court, before Judge Larry E. Schwartz. After the case was originally set for trial, the matter was transferred to the alternate water judge for Water Division No. 2. A second setting conference has been

scheduled for November 3, 2016, with the alternate water judge, so the trial date may change. Discussion followed on upcoming deadlines.

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

President Booker reported the Hearing is scheduled for 5 days, beginning on March 20, 2017 and Cherokee filed its expert disclosures on July 18, 2016, and stated that it did not intend to present expert testimony at trial. President Booker noted that the District's expert disclosures must be filed by November 14, 2016.

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

President Booker reported that the hearing has been rescheduled for 5 days, beginning December 4, 2017. The parties have agreed upon, and the Hearing Officer has approved, a Case Management Order that establishes the Pre-hearing deadlines for the re-scheduled December 2017 Hearing.

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

President Booker reported that the Hearing is scheduled for 5 days, beginning on February 6, 2017. President Booker further noted that both Meridian and Woodmen Hills opposed the Motion to Postpone the February 2017 Hearing filed by the District, the Booker Trusts, and the Farmer Family. On October 27, 2016, the District, the Booker Trusts, and the Farmer Family filed a Reply in Support of its Motion. At this time, no ruling has been issued on this Motion. President Booker further advised that if the hearing is not postponed, Meridian's rebuttal expert report is due on November 7, 2016, and all parties' draft witness and exhibit lists are due on or before December 26th..

6. **Wiebe Well/Goss/Cherokee:**

President Booker reported that well pumping records were submitted to the Upper Black Squirrel District.

Attorney Thompson joined the meeting at 6:11 p.m.

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 Peter Johnson, counsel for the applicants, submitted an application for export on October 17, 2016, including a request for hearing. The Applicant's stated that they will publish notice of the application pursuant to UBS Rule 7.B. As also required by Rule 7.B. any objections to the export application as noticed must be filed within 60 days. The Applicants have published twice in the Ranchland News, first on October 20th, and second on October 27th, 2016. Ms. Thompson advised the Board on the procedures if there are objections.

8. **Blue Springs Ponds:**

The Board directed Manager Doran to contact Chris Grimes regarding his field visit and if he has chosen a date in November to do that yet, and that the Board would like to attend and also inspect another well that is close to Blue Springs at that same time. Discussion further continued on the diversion on Peyton Hwy and that the canal is running again but Black Squirrel Creek is not. The Board directed Manager Doran to contact Doug Hollister and see if a measuring device went in, and if they are getting records on this.

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

Attorney Thompson reported that on October 11, 2016, the Commission approved its summary of the August meeting, with no changes concerning the Commission's denial of Cherokee's and the division's proposed site-specific revisions to regulation No. 42. Ms. Thompson reported that Cherokee could still appeal this and we will wait and see.

10. Ground Water Contamination Study:

There are no updates on this item.

NEW BUSINESS:

1. Water Well Permit Application/Kelly:

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

2. Water Well Permit Application/Ritz:

The Board reviewed and discussed the Ritz application. Director Doran motioned to approve the application for .5 acre feet unless there is a subdivision water supply letter that specifies they could have a larger amount. Director Elliott seconded the motion. Motion carried (3-0)

3. Determination of Water Right/Denver Dachshunds Rescue and Transport:

The Board reviewed the application and directed Manager Doran to check with the State to see if the domestic well they are using is in the Arapahoe, and if they plan on drilling another well or using the existing well. Objections are due by December 5th, 2016. Discussion followed on determination of water rights, and existing wells, and how that is not managing the water.

4. Water Well Permit Application/Silverado Ranch:

The Board reviewed the application for Silverado Ranch. Director Doran motioned to approve the application for the Silverado Ranch. Director Elliott seconded the motion. Motion carried (3-0)

ANY OTHER BUSINESS THE BOARD MAY HAVE:

NA

VISITOR INPUT:

Art Sintas reported that Dean Goss had approached Cherokee on the Wiebe property and wanted to bring some cattle on there and asked them to if they could provide water to him and they allowed him to do that off of the pipeline. Art said that he will update the monthly report and explain in his letter what they are doing. Discussion followed.

EXECUTIVE SESSION:

EXECUTIVE SESSION REPORT:

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 Elliott seconded the motion. Motion carried (3-0)

The meeting adjourned at 6:39 P.M.

Respectfully submitted,
Tracy Doran/Office Manager