

**UPPER BLACK SQUIRREL CREEK GROUND  
WATER MANAGEMENT DISTRICT  
REGULAR MEETING MINUTES  
FEBRUARY 13<sup>TH</sup>, 2017**

The **February** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Monday, February 13<sup>th</sup>, 2017 at 5:37 P.M.**, at the District Office, 520 Colorado Avenue, C, Calhan, CO by President Donald Booker, and determined a quorum was present.

**Board Members in Attendance:** President Donald Booker, Vice-President JR Bond, Treasurer Mark Greeley, Secretary Dave Doran, Director Dave Elliott  
Director Bond got to the meeting at 5:42 P.M.

**Board Members Absent:** NA

**Others in Attendance:** Dan Farmer, John Hill, Art Sintas, Lisa Thompson,  
Leon Gomes, Larry Keleher, Tracy Doran

**PUBLIC NOTICE OF THE MEETING WAS POSTED**

President Booker opened the meeting and called for approval or amendments to the agenda.

**1. Agenda for February 13<sup>th</sup>, 2017:**

Director Greeley motioned to approve the agenda with the addition of a well permit application for Tiffin, listed as number eleven in New Business. Director Elliott seconded the motion. Motion carried (4-0)

**2. Minutes for January 3<sup>rd</sup>, 2017 and Special Meeting Minutes of January 20<sup>th</sup>, 2017:**

Director Greeley motioned to approve the January 3<sup>rd</sup>, 2017 minutes and the January 20<sup>th</sup>, 2017 special meeting minutes. Director Doran seconded the motion. Motion carried (3-0)  
Director Elliott abstaining as he was absent last month

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

Treasurer Greeley reported on the income and expenses. Treasurer Greeley motioned to approve the January treasurer report and pay the attorney bill for \$19,247.23 and the HRS bill for \$19,382.40. Director Elliott seconded the motion. Motion carried (5-0)

**OLD BUSINESS**

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

Attorney Thompson reported that there were no updates to this item.

**2. Cherokee Case No. 14CW3061/Denver Basin Augmentation in Water Court:**

Attorney Thompson reported no change to this case.

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

President Booker reported that this is scheduled for a 5 day Hearing beginning March 20, 2017. Attorney Thompson reported on upcoming deadlines and stated that this will be discussed in executive session.

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

Attorney Thompson reported that this is scheduled for a 5 day Hearing beginning on December 4<sup>th</sup>, 2017. Ms. Thompson reported that the applicant's expert disclosures are due in May 2017.

**5. Meridian Ranch Case No. 15GW14/Replacement Plan:**

President Booker and Attorney Thompson reported that we just concluded the Hearing on February 8<sup>th</sup>, 2017. The Board will discuss this in executive session.

**6. Cherokee/Goss Irrigation:**

Attorney Thompson reported that she sent a letter to Cherokee stating that stock watering does not appear to fall within the legal uses of these wells. Ms. Thompson reported that they were very responsive and responded very quickly.

**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 the export hearing is scheduled for the March 7, 2017 meeting, following the board meeting and that the notice for the hearing was published.

**8. Blue Springs Ponds:**

President Booker reported that there are no updates, but that we did receive a letter from Cherokee and that they would be supportive of this so we might get some help from them.

**9. Ground Water Contamination Study:**

President Booker reported that we just got an email and there will be a meeting on February 22<sup>nd</sup>, 2017 at 2:00 P.M. Discussion followed on who would represent the district. Director Doran will be representing the district at the meetings and will report back.

**NEW BUSINESS**

**1. Water Well Permit Application/Shade:**

The Board reviewed and discussed the application. Director Greeley motioned to approve the Shade well. Director Doran seconded the motion. Motion carried (5-0)

**2. Water Well Permit Application/Payne:**

The Board reviewed and discussed the Payne applications. Director Elliott stated that he would be recusing himself from this as he had sold the lots to them. Director Bond motioned to approve the Payne applications and ask Shannon about the meters and to decide on irrigation or animal watering per her email. Director Greeley seconded the motion. Motion carried (4-0) Director Elliott abstaining

**3. Water Well Re-Permitting Application/Mattson:**

The Board reviewed the Mattson application and discussed. The Board was confused by the application and would like further clarification before approval. The Board directed Mrs. Doran to write Shannon and get clarification on the application.

**4. Water Well Permit Application/Acerson:**

The Board reviewed and discussed the application for Acerson. Director Doran motioned to approve the application for 1 acre foot in the Laramie-Fox Hills aquifer. Director Bond seconded the motion. Motion carried (5-0)

**5. Water Well Permit Application/Jensen:**

The Board reviewed and discussed the Jensen application. Director Bond motioned to approve the application but have them put on their application whether it is for one home or two. Director Doran seconded the motion. Motion carried (5-0)

**6. Water Well Permit Application/Medley:**

The Board reviewed and discussed the Medley application. Director Bond motioned to approve the application. Director Greeley seconded the motion. Motion carried (5-0)

**7. El Paso County Review/Cordero Rezone/Cordero Minor Subdivision-Final Plat/State Engineer Letter:**

The Board of Director's reviewed the Cordero submissions. The Board had no comments at this time.

**8. El Paso County Review/National Mill Dog Rescue:**

The Board reviewed the submission from the National Mill Dog Rescue and discussed. The Board directed Mrs. Doran to write the County for the water supply information.

**9. El Paso County Review/Falcon Market Place/Prelim & Final Plat:**

The Board reviewed and discussed the Falcon Market Place submissions and directed Attorney Thompson to look at it more thoroughly. Ms. Thompson will review and get back to the Board on whether she thinks the District needs to comment or not.

**10. El Paso County Review/Meadowbrook Crossing Residential/Prelim & Final Plat:**

The Board reviewed the Meadow Brook Crossing Residential submissions and had no comments at this time.

**11. Water Well Permit Application/Tiffin**

The Board reviewed and discussed the Tiffin application. Director Bond motioned to approve the application for .5 acre feet and .5 acre-feet of irrigation. Director Doran seconded the motion. Motion carried (5-0)

**ANY OTHER BUSINESS THE BOARD MAY HAVE**

Attorney Thompson reported that Meridian filed a petition in December 2016 to the Commission Staff requesting a determination by the Ground Water Commission whether the surface water that flows into Meridian's Ponds B and C is designated ground water in whole or part subject to the jurisdiction of the Ground Water Commission. Discussion followed. Ms. Thompson will attend the Ground Water Commission meeting on February 17<sup>th</sup>, 2017.

Attorney Thompson reported on SB 17-049 (Underdrains) and stated that this would have exempted them from replacing depletions. Ms. Thompson informed the Board that the Bill was killed in Senate Ag Committee.

Attorney Thompson reported on SB 17-36 (De Novo Review) and that it passed unanimously through Senate Ag Committee with no amendments. Ms. Thompson noted that if passed, this bill will limit the evidence that could be considered by the District Court following an appeal of action taken by the Ground Water Commission to only the evidence originally presented to the Commission. The current law permits new evidence to be presented to the District Court on Appeal. It has been referred to the Senate's Consent Calendar.

### **VISITOR INPUT**

Art Sintas had a question about the Ground Water Study and the nitrates. Discussion followed on isotope tests, and determining the source.

The Board took a small break at 7:24 P.M.

Director Bond motioned to go into executive session at 7:28 P.M. to discuss all legal cases. Director Greeley seconded the motion. Motion carried (5-0)

### **EXECUTIVE SESSION**

Please take notice that Attorney Thompson Pursuant to C.R.S. §24-6-402(4)(b), 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 Monday, February 13<sup>th</sup>, 2017, regarding the following matters:

1. All Pending Cases

Director Greeley motioned to come out of executive session and back into regular session at 8:37 P.M. Director Doran seconded the motion. Motion carried (5-0)

### **EXECUTIVE SESSION REPORT**

The Board directed Lisa to Stay the Hearing and continue with Settlement agreements for Case No. 15GW15.

### **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 Bond seconded the motion. Motion carried (5-0)

The meeting adjourned at 8:41 P.M.

Respectfully submitted,

Tracy Doran/Office Manager