

**UPPER BLACK SQUIRREL CREEK GROUND  
WATER MANAGEMENT DISTRICT  
REGULAR MEETING MINUTES  
March 7<sup>TH</sup>, 2017**

The **March** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, March 7<sup>th</sup>, 2017 at 5:35 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

**Board Members Absent:** Dave Elliott

**Others in Attendance:** Anita Baker, Jan Cederberg, Kurt Schlegel, Bradan McCrory, Larry Keleher, Dave Hacker, Tom Kerby, Raul Guzman, Art Sintas, Matt Loose, Pete Johnson, John Hill, Lisa Thompson, 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 March 7<sup>th</sup>, 2017:**

Director Doran motioned to approve the agenda with the addition of #8 Maksyn well permit application, #9 Miller well permit application and Sheriff Office as #10 under New Business. Director Bond seconded the motion. Motion carried (4-0)

**2. Minutes for February 13<sup>th</sup>, 2017:**

Director Greeley motioned to approve the minutes for February 13<sup>th</sup>, 2017. Director Bond seconded the motion. Motion carried (4-0)

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

Treasurer Greeley noted that there is an addition to the treasurer report for another HRS bill for \$12,490.64 for a total of \$22,890.15. Treasurer Greeley went over the income and expenses for the month. Treasurer Greeley motioned to pay the attorney bill of \$36,550.09. Discussion followed on the HRS bill. Treasurer Greeley further motioned to pay the HRS bill for \$22,890.15. Director Bond seconded the motion. Motion carried (4-0)

**4. Resolution for Supplemental Budget Hearing:**

Director Bond motioned to go into the Supplemental Budget Hearing at 5:44 p.m. Director Bond seconded the motion. Motion carried (4-0)

President Booker opened the floor for public comments and seeing none closed the floor to public comments.

President Booker opened the floor for board comments and seeing none closed the floor to board comments.

Mrs. Doran read the Supplemental Budget Resolution.

Director Bond motioned that the 2016 Resolution for Supplemental Budget and Appropriation be accepted. The Budget shall be updated to reflect the increase of \$24,000.00 to the spending limit for 2016 from \$322,109.00 to \$346,109.00 to pay the unexpected legal and engineering expenses in excess of the 2016 budget. Director Greeley seconded the Motion. Motion carried (4-0)

Director Doran motioned to close the Supplemental Budget Hearing and go back into regular session at 5:46 p.m. Director Greeley seconded the motion. Motion carried (4-0)

## **OLD BUSINESS**

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

President Booker reported that he did not have any updates on this item. Attorney Thompson reported that there was an article in the Ranchland that stated that Cherokee approved the filing of a Declaratory Judgement action before the Ground Water Commission concerning the 1999 Stipulation and its use of effluent recharged into the aquifer from its rapid infiltration basins. Ms. Thompson reported that once Cherokee files its complaint for declaratory judgement, the District will be allowed 21 days to respond.

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

Ms. Thompson reported that the Board had directed her to monitor only.

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

Ms. Thompson reported that this case was set for hearing and the three parties jointly decided to Stay the case and work on settlement. Ms. Thompson further reported that the hope is that Upper Black Squirrel and the Attorney General's Office will file a joint statement and submit to Cherokee this week.

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

Ms. Thompson reported that this is set for a five-day hearing in December 2017.

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

Ms. Thompson reported that there was a hearing held in this case from February 6<sup>th</sup>, 2017 through February 8<sup>th</sup>, 2017. The Hearing Officer requested that Meridian circulate an outline of its proposal for revised ET calculations. The Hearing Officer also instructed the experts for all parties to meet and discuss the changes to be made to the Meridian proposed ET calculations and monitoring plan. Bruce Lytle and Eric Harmon have been working on that this week.

**6. Cherokee/Goss Irrigation:**

There were no updates on this matter and will be removed from the agenda.

**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 will be the Hearing tonight.

**8. Blue Springs Ponds:**

President Booker reported that there are no updates, but that we did get a letter from Cherokee and they are willing to help us on this. Director Doran reported that when we were at the Commission meeting Chris said that he would like to come out and actually walk the Black Squirrel Creek with the Board. Ms. Thompson discussed the diversions on Black Squirrel Creek. Ms. Thompson will give Chris a call.

**9. Ground Water Contamination Study:**

Director Doran apologized that he was not able to make the meeting.

## **NEW BUSINESS**

**1. 2016 Audit Exemption Resolution**

President Booker read the audit resolution into the record. The Board signed the paperwork.

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

The Board reviewed the application. Director Bond motioned to approve the Maddox application. Director Greeley seconded the motion. Motion carried (4-0)

**3. Water Well Permit Application/Home Run:**

The Board reviewed the application. Director Bond motioned to approve the Home Run application. Director Doran seconded the motion. Motion carried (4-0)

**4. Water Well Permit Application/Efaitch & Associates LLP:**

The Board reviewed the application. Director Doran motioned to approve the Efaitch & Associates LLP application. Motion carried (4-0)

**5. Water Well Permit Application/JW Hardwoods:**

The Board reviewed and discussed the application. The Board directed Mrs. Doran to make sure it is in the Denver and not in the alluvium. Director Doran motioned to approve the JW Hardwoods application once that is determined. Director Bond seconded the motion. Motion carried (4-0)

**6. El Paso County Review/Stonebridge Fig 3/Prelim& Final Plat:**

The Board directed Mrs. Doran to write to the planner at the County and get the Soils & Geology and water information for this plan. The Board could not make any comments based on the material sent.

**7. Water Well Permit Application/Maksyn:**

The Board reviewed and discussed the application. Director Bond motioned to approve the Maksyn application for .57 acre feet as is approved by their subdivision letter, not the .75 they asked for. Director Greeley seconded the motion. Motion carried (4-0)

**8. Water Well Permit Application/Miller:**

The Board reviewed and discussed the application. The applicant will need to write down .8 acre-feet not max allowed as is written on the application. Director Bond motioned to approve the Miller application with the notation that they fill in the acre-foot amount for .8 acre-feet not maximum allowed. Director Greeley seconded the motion. Motion carried (4-0)

**9. Cherokee/Albrecht Export Hearing for Permit Nos. 27571-FP & 27572-FP/Case No. 15GW08:**

As part of the Settlement agreement reached between the applicants and the District in this case, the Applicants have submitted an application seeking approval of their request to export water from the Albrecht Well outside the Basin's boundaries for municipal use.

Ms. Thompson went over the procedures for the Hearing.

Director Doran made a motion to go into the Cherokee/Albrecht Export Application Hearing for Permit Nos. 27571-FP & 27572-FP at 6:09 P.M. Director Bond seconded the motion. Motion carried (4-0).

Pete Johnson introduced himself as the attorney for Cherokee Metropolitan District and handed out an exhibit book to the Board. Mr. Johnson reported that they were here to ask for the approval of the export of 153.5 acre-feet per year total for the two permits. Mr. Johnson said they are seeking to change the water for export for municipal use within the Cherokee Metro District from the historical irrigation use. Mr. Johnson reported that they will be abandoning well permit 18919-FP. Mr. Johnson reported that they went through the Change Case in front of the Ground Water Commission. Mr. Johnson discussed the procedural requirements they went through. Mr. Johnson introduced Engineer Matt Loose and went over his resume and his role in this case. Mr. Johnson asked engineer, Matt Loose some questions regarding his analysis about the historical consumption and historical depletion of the aquifer. Mr. Johnson and Mr. Loose went through the exhibit and tables from the handout for his analysis. The Board had some questions for Mr. Loose throughout his testimony and he answered their questions. Attorney Thompson reported that the well will only be operated for 6 month limits, limits

are monthly maximums but if you don't use it you can never exceed the maximum for the month. Attorney Thompson gave the Board her recommendations.

Director Doran motioned to come out of the Hearing at 6:53 P.M. Director Greeley seconded the motion. Motion carried (4-0)

Director Doran motioned to have counsel prepare the proposed Order and have it at next month's meeting to vote on. Director Bond seconded the motion. Motion carried (4-0)

**10. Sheriff's Office:**

President Booker reported that we have Sergeant Gerhart here from the El Paso County Sheriff's Office with us tonight and he wants to give us information and have us give him information related to the consumptive water uses to the illegal marijuana grows. Attorney Thompson reported on the limits of the Ground Water Management Basin, and what pre-72 and post 72 wells can be used for. Discussion followed on enforcement, and the State Division of Water Resources and that they are interested in doing enforcement, statutory enforcement, and safety issues. Sgt. Gerhart stated that he was not here solely as a representative of the Sheriff's Officer, he said he relies on Black Squirrel, that is his water and he fails to see why there is no criminal penalties associated with the theft of this water. Discussion continued on existing water laws, new water legislation, the amount of illegal grows in El Paso County. The Board thanked Sgt. Gerhart for his time.

**ANY OTHER BUSINESS THE BOARD MAY HAVE**

Mrs. Doran reported that long-time resident agriculturist Betty Wiebe had passed away. Mrs. Wiebe was an election judge for many election of the Upper Black Squirrel and just a neat woman.

**VISITOR INPUT**

NA

The Board took a brief recess at 7:57 P.M.

Director Bond motioned to go into executive session at 8:03 P.M. to discuss Cherokee Wells 1-8. Director Greeley seconded the motion. Motion carried (4-0)

**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 Tuesday, March 13<sup>th</sup>, 2017, regarding the following matters:

1. Cherokee Wells 1-8

Director Greeley motioned to come out of executive session at 8:18 P.M. Director Doran seconded the motion. Motion carried (4-0)

#### **EXECUTIVE SESSION REPORT**

There was no action taken from the executive session

#### **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 Bond seconded the motion. Motion carried (4-0)

The meeting adjourned at 8:22 P.M.

Respectfully submitted,

Tracy Doran/Office Manager