

**UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES
April 10TH, 2017**

The **April** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Monday, April 10th, 2017 at 5:36 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

Vice-President Bond entered the meeting at 5:41 P.M.

Board Members Absent: NA

Others in Attendance: Jan Cederberg, Larry Keleher, Dave Hacker, Art Sintas, Pete Johnson, John Hill, Lisa Thompson Via Phone, 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 April 10th, 2017:

Director Doran motioned to approve the April 10th, 2017 agenda with the addition of #10 Parr well permit application under new business. Director Greeley seconded the motion. Motion carried (4-0)

2. Minutes for March 7th, 2017:

Director Greeley motioned to approve the March 7, 2017 minutes. Director Doran seconded the motion. Motion carried (4-0) Director Elliott recused as he was not at last month's meeting

3. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Greeley reported on the income and expenses for the month of March and motioned to pay the attorney bill of \$24,525.55 and the accounting bill from Poysti & Adams in the amount \$900.00 for the Audit exemption. Director Doran seconded the motion. Motion carried (5-0)

OLD BUSINESS

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

Attorney Thompson reported that there is a question out there from a newspaper article regarding Cherokee's potential filing of a Motion for Determination on the use of their effluent which is related to their Replacement Plan. Attorney Thompson reported that President Booker had heard about the potential for Cherokee to use some of that effluent outside the Basin and Attorney Thompson reported that she did talk with Cherokee's counsel about that issue and the districts concerns. Her understanding is that it is preliminary right now, they are going through evaluations right now on how they are going to meet their water quality requirements and one of the options they are looking at is potentially taking some of the effluent that is not accounted for and native to the Upper Black Squirrel and using some of that water for recharge outside of the basin. Ms. Thompson reported that based on that conversation her opinion is that they are not looking at taking water that is native to the alluvial aquifer and taking that portion for recharge water. Ms. Thompson reported that she suggested that both districts keep having open discussions. Counsel for Cherokee Pete Johnson reported that they are exploring any alternative right now and described one process.

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

Attorney Thompson reported that we are just monitoring this but did just get a red line draft and will look through that.

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

Attorney Thompson reported that this Case has been jointly Stayed by both parties so we could work on a possible settlement. Ms. Thompson reported that they are still working on a Proposed Order. There will be a Status Conference next month if we can't reach an agreement.

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

Ms. Thompson reported that this is set for a five-day hearing in December 2017. Ms. Thompson reported that there have been some deadlines in May. Ms. Thompson further noted that Woodmen Hills has reached out to try to set up a meeting. Ms. Thompson reported that she would like a very brief executive session on this item.

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

Attorney Thompson reported that a draft ET proposal went to the Commission Staff for review and comments and they have not gotten anything back on that. Once Staff makes their comments it will go back to the Hearing Officer for final review and should get his decision soon after.

6. 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 we had an Export Hearing on this in March. Ms. Thompson reported on the publications and that the Board has reviewed the Draft Order. Discussion followed. Director Bond motioned to approve the Export request and Export

Order dated April 10th, 2017. Director Greeley seconded the motion. Motion carried (5-0) Ms. Thompson will send a Final copy of the Order for President Booker to sign. Discussion followed with Cherokee and the Board.

7. Blue Springs Ponds:

There were no updates to report on this item. There was a discussion regarding the ponds and where they are with Cherokee's Board members.

8. Ground Water Contamination Study:

Director Doran reported that he had submitted his application and resume for the volunteer position on the study.

NEW BUSINESS

1. Water Well Permit Replacement Application/Li:

The Board reviewed the application. Director Doran motioned to approve the application and noted that they will need to be 50 feet of the original well per our rules. Director Bond seconded the motion. Motion carried (5-0)

2. Water Well Permit Application/Li:

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

3. Water Well Permit Application/Efatch & Associates LLP:

The Board reviewed the application. Director Doran motioned to approve the Efatch & Associates LLP application. Director Bond seconded the motion. Motion carried (5-0)

4. Water Well Permit Application/Appleyard Jr.:

The Board reviewed the application. Director Doran motioned to approve the Appleyard Jr. application. Director Greeley seconded the motion. Motion carried (5-0)

5. Water Well Permit Application/Nuffer:

The Board reviewed the Nuffer application. Discussion followed on the irrigated acres and the amount of homes and the email we got from the State regarding the number of homes allowed in a subdivision. There was further discussion on our rules and the .5 acre feet amount and when it applies. The Board directed that Mrs. Doran and Attorney Thompson to write a letter to the State. Attorney Thompson will call Mrs. Doran and they will draft a letter.

6. Determination of Water Rights Application/Ager:

The Board discussed the application. Director Doran asked if we have deemed the Dawson Aquifer over-appropriated why are they allowing Dawson aquifer's in Determinations. Attorney Thompson will look into the matter. The Board did not have any comments on this application as it was for the Denver aquifer.

7. Application to Replace an Existing Irrigation Well/Permit No. 11197-FP/Goss:

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

8. Application to Change a Determination of Water Right/Poupard:

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

9. El Paso County Review/Silverado Ranch/Prelim & Final Plat Amendment Request:

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

10. Water Well Permit Application/Parr:

The Board reviewed and discussed the application. The Board requested that Mrs. Doran write the State and report that we cannot approve the application until they see a deed for the water, as the applicant does not own the water right.

ANY OTHER BUSINESS THE BOARD MAY HAVE

Attorney Thompson reported that the De Novo Bill passed both the House and Senate and will be going to the Governor to be signed. Ms. Thompson noted that there were a couple changes but overall it does what we want it to do which is to eliminate the two-trial process. Ms. Thompson reported on how it will work now.

Ms. Thompson reported that she would also like to talk about a proposed rule in executive session.

VISITOR INPUT

John Hill asked what the number for the De Novo Bill was. Attorney Thompson reported that it was Senate Bill 17-36.

Cherokee President Jan Cederberg thanked the Board for approving the Albrecht case.

The Board told Art Sintas they hope he comes to the meetings even though he is no longer working for Cherokee and how much they enjoyed working with him through the years.

Director Bond motioned to go into executive session at 6:41 P.M. to discuss Woodmen Hills Case No. 03GW20 and a Proposed Rule. 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, April 10th, 2017, regarding the following matters:

1. Woodmen Hills Case No. 03GW20
2. Proposed Rule

Director Doran motioned to come out of executive session at 7:12 P.M. Director Elliott seconded the motion. Motion carried (5-0)

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 Greeley made a motion to adjourn the meeting. Director Elliott seconded the motion. Motion carried (5-0)

The meeting adjourned at 7:13 P.M.

Respectfully submitted,

Tracy Doran/Office Manager