

**UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES**

December 5th, 2017

The **December** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, December 5th, 2017 at 5:30 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, Director Dave Elliott,
Secretary Dave Doran

Board Members Absent: JR Bond, Mark Greeley

Others in Attendance: John Hill, Tracy Doran, Attorney Lisa Thompson via phone,
Dan Farmer, Jonathan Smith

PUBLIC NOTICE OF THE MEETING WAS POSTED

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

1. Agenda for December 5th, 2017:

Director Elliott motioned to approve the agenda with the additions to New Business #11 JW Taylor well permit application, #12 Final 2018 Budget review, and an executive session to discuss Cherokee, and Commission Rule Change 5.6. Director Doran seconded the motion. Motion carried (3-0)

2. Minutes for November 7th, 2017:

Director Elliott was not at the November meeting and could not vote so there was not a quorum to vote on this item and will be tabled until the January meeting.

3. Treasurer Report & Any Bills Needing Board Approval:

Manager Doran reported on the income and expenses for the month of November. Director Elliott motioned to accept the November treasurer report and pay the attorney bill of \$23,081.40 and \$280.00 engineering bill. Director Doran seconded the motion. Motion carried (3-0)

OLD BUSINESS

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

Attorney Thompson refreshed the Board on the details of the Case and related that Cherokee is planning on filing a legal Motion to determine whether or not the effluent water has to be recharged. Discussion followed on acquired water after stipulation, replacement credits, technical analysis of replacement plan. Ms. Thompson declared that we would be discussing this further in executive session.

2. A. Woodmen Hills Case No. 03GW20/Replacement Plan:

Attorney Thompson informed the Board that the Hearing Officer signed off and we have settled with Woodmen Hills. Discussion followed on possibly having a representative present when the weir is read, and when and how often.

3. Meridian Ranch:

A. Application to Include New Recharge Structure:

Attorney Thompson advised the Board on the Area 7 underground recharge structure. Discussion followed. Director Doran motioned to ask Eric Harmon from HRS to make a site visit and give us feedback on whether there are any potential concerns. Director Elliott seconded the motion. Motion carried (3-0)

B. Variance Request:

Attorney Thompson noted that they are still trying to work out the language and that it is in the Attorney General's Office for their review. Ms. Thompson advised that this is supposed to go before the Commission in February.

C. Ground Water Commission, Case No. 16GW05/Meridian's Petition for Determination of Jurisdiction over Surface Water Within the UBS District:

Attorney Thompson commented that this is a procedural requirement and have not heard anything recently.

4. Blue Springs Ponds:

Attorney Thompson summed up the issues and that Chris Grimes at the State has been trying to work with a variety of land owners. Discussion followed on jurisdiction, and that the Court ruled that the Commission has jurisdiction over surface water.

5. Ground Water Contamination Study:

There were no updates on this item.

6. Legislation/Rules:

a. Ground Water Commission Rule 7.4:

Ms. Thompson briefed the Board on the status of Rule 7.4 and that the Commission had directed Keith Vander Horst to revise the rules. Discussion followed on banking, and an opt out provision. The Board will monitor and wait to see what the State comes up with before commenting.

b. Ground Water Commission Rule 5.6/5.8:

Ms. Thompson advised the Board on this rule change and that the Hearing for this will be in June 2018 and that she recommends the District apply for party status. Discussion continued. Director Elliott motioned to direct Attorney Thompson apply for party status. Director Doran seconded the motion. Motion carried (3-0)

c. Northern High Plains Possible Legislative Well Assessment Fee Increase:

Ms. Thompson that there were no updates on this item.

d. Monitoring Bills:

Ms. Thompson reported that Aurora is drafting an aquifer storage bill and she is monitoring the bill.

e. General Amendment to all Designated Basin Rules:

Ms. Thompson related that most are editorial changes. Discussion followed on some of the changes. Next stakeholder meeting is December 18th.

NEW BUSINESS

1. Water Well Permit Application/Ceballos:

Director Doran motioned to approve the Ceballos application. Director Elliott seconded the motion. Motion carried (3-0)

2. Water Well Permit Application/Ceballos:

Director Doran motioned to approve the Ceballos application. Director Elliott seconded the motion. Motion carried (3-0)

3. Water Well Permit Application/Rascon:

Director Doran motioned to approve the Rascon application. Director Elliott seconded the motion. Motion carried (3-0)

4. Water Well Permit Application/Shaffer:

Director Doran motioned to approve the Shaffer application. Director Elliott seconded the motion. Motion carried (3-0)

5. Water Well Permit Application/Tope:

Director Doran motioned to approve the Tope application. Director Elliott seconded the motion. Motion carried (3-0)

6. Water Well Permit Application/Gonzalez:

Director Doran motioned to approve the Gonzalez application but noted they need to put the acre foot amount down. Director Elliott seconded the motion. Motion carried (3-0)

7. Re-drill Well Permit Application/JT Johnson Properties II, LLC:

President Booker briefed the Board on this application and Mr. Farmer explained his report. Discussion followed. The Board directed Attorney Thompson to write the State on this application.

8. El Paso County Review/Judge Orr Ranchettes/Rezone/Preliminary Plan/Final Plat:

The Board reviewed the application and directed Manager Doran to write the County regarding their concerns over the high ground water table and septic systems and that there was no water information and that they will be limited to .5 acre feet of water.

9. El Paso County Review/Guttenberg/Site Plan/Kennel:

The Board reviewed the application and directed Manager Doran to write the County that they will need a commercial well permit, there was no water supply information, and see if they will meet the 105 permit amounts or will they need to get a

determination of water right to meet the water demands. If they go with a determination they will need to be metered, and report their readings.

10. El Paso County Review/Smith/Special Use Permit for Trailer Company:

The Board reviewed the application and asked Manager Doran to see if they have a commercial well permit.

11. Water Well Permit Application/JW Taylor

Director Doran motioned to approve the Taylor application. Director Elliott seconded the motion. Motion carried (3-0)

12. 2018 Final Budget Review:

The Board reviewed the Final Budget and did not see any problems.

ANY OTHER BUSINESS THE BOARD MAY HAVE

Director Doran discussed the Water Master Plan meeting and that he was not able to attend and reported on when the next meeting will be.

VISITOR INPUT

NA

Director Doran motioned to go into executive session at 7:42 p.m. to discuss Cherokee and Commission Rule 5.6. Director Elliott seconded the motion. Motion carried (3-0)

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, December 5th, 2017, regarding the following matters:

1. Cherokee
2. Commission Rule 5.6

Director Doran motioned to come out of executive session at 8:48 P.M. Director Elliott seconded the motion. Motion carried (3-0)

EXECUTIVE SESSION REPORT

No action taken

ADJOURNMENT

President Booker called for the meeting to be adjourned.

Director Doran made a motion to adjourn the meeting. Director Elliott seconded the motion.
Motion carried (3-0)

The meeting adjourned at 8:48 P.M.

Respectfully submitted,

Tracy Doran/Office Manager