

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

January 9th, 2018

The **January** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, January 9th, 2018 at 5:31 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, Secretary Dave Doran, Treasurer Mark Greeley

Board Members Absent: Dave Elliott

Others in Attendance: John Hill, Tracy Doran, Attorney Lisa Thompson via phone, Matt Kalkman, Richard Cromwell, Philip Cromwell

PUBLIC NOTICE OF THE MEETING WAS POSTED

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

1. Agenda for January 9th, 2018:

Director Doran motioned to add November 7th, 2017 minutes, Special Meeting Minutes for January 4, 2018 and #10 under New Business Richard Cromwell meter reading Woodmen Hills Weir. Director Bond seconded the motion. Motion carried (4-0)

2. Minutes for November 7th, 2017:

Director Bond motioned to approve the November 7th, 2017 minutes. Director Greeley seconded the motion. Motion carried (4-0)

3. Minutes for December 5th, 2017:

Director Elliott was absent from the meeting and Director's Bond & Greeley were not at the December meeting so there was not a quorum and it will be tabled until the February meeting.

4. Special Meeting Minutes for January 4, 2018:

Director Bond motioned to approve the Special meeting minutes for January 4, 2018. Director Doran seconded the motion. Motion carried (4-0)

5. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Greeley reported on the income and expenses for the month of December. Manager Doran noted that we had not gotten an attorney's bill this month. Treasurer

Greeley motioned to accept the December treasurer report and pay the engineering bill of \$1,874.80 to HRS. Director Bond seconded the motion. Motion carried (4-0)

6. Sunshine Law:

1. Sunshine Law:

- A. Meetings to be held the first Tuesday of every month at 5:30 PM or at a time designated by the Board of Director's at 520 Colorado Avenue, C, Calhan, CO or at a location designated by the Board of Director's.
 - B. Agendas to be posted on the front door of the District Office located at 520 Colorado Avenue, C, Calhan, CO and on the District's web site www.upperblacksquirrelcreekwater.com
 - C. The minutes and records of the meetings to be retained at the District Office located at 520 Colorado Ave, C, Calhan, CO and will be made available on the District's web site after approval at www.upperblacksquirrelcreekwater.com
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OLD BUSINESS

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

Attorney Thompson noted that they have not filed yet filed its Motion. Discussion followed.

2. Case No. 15GW14/Meridian Ranch Replacement Plan Application:

A. Application to Include New Recharge Structure:

President Booker briefed the Board on his visit to the Area 7 recharge site and what he saw. President Booker noted that it was done correctly. Discussion followed.

B. Variance Request:

Ms. Thompson reported that the District filed the publication and that the first notice for publication will be in January 11th, 2018 paper and the second notice will be in January 18th, 2018 edition. The deadlines for objections to be filed with the district will be February 26, 2018. The Hearing must be held by June 6, 2018 at a regular or Special meeting Ms. Thompson advised the Board. Ms. Thompson further stated that the Board must provide at least 30 days written notice of the hearing to all parties. Once the hearing is scheduled, notice of the hearing must also be published once per week for two successive weeks.

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

Attorney Thompson advised that the parties have discussed revisions to the proposed order and have agreed to defer the matter to the February 16, 2018 Ground Water Commission meeting.

3. Blue Springs Ponds:

There were no updates on this item.

4. Legislation/Rules:

a. **Case No. 17GW04 (Rulemaking): Amendments to Ground Water Commission Rule 7.4 (Change in Description of Irrigated Acres):**

Ms. Thompson related that a hearing was scheduled for the November 3, 2017 Ground Water Commission meeting. During the November meeting, the Commission elected to continue this matter to the next Ground Water Commission meeting in February and requested that Commission Staff consider modifying the proposed amendments to Rule 7.4. Ms. Thompson advised that Commission Staff has been directed to revise the draft rule to allow for the proposed change if the proposed total amount of historically irrigated acreage remains the same. Commissioner Farmer also proposed an “opt-out” provision for management districts. Discussion followed.

b. **Case No. 17GW05 (Rulemaking)L Ground Water Commission Rule 5.6/5.8 (Aquifer Storage and Recovery (ASR) Draft Rules:**

Ms. Thompson informed the Board that this has been scheduled for hearing in June of 2018. Ms. Thompson noted that the district filed a request for party status in this case on January 9, 2018. There will be a status conference to set all pre-hearing deadlines once requests for party status have been received.

c. **General Amendment to all Designated Basin Rules 4, 5 & 7:**

Ms. Thompson briefed the Board on the changes and reported that there have been two stakeholder meetings to discuss the proposed changes. Ms. Thompson advised that Keith Vander Horst has requested that interested parties provide additional comments on the proposed rules by January 18, 2018. Mr. Vander Horst will then revise the proposed rules in response to those comments and then circulate a revised version of the rules. Mr. Vander Horst will then schedule additional stakeholder meetings to discuss the revisions.

d. **Monitoring Bills:**

Ms. Thompson advised that they are monitoring proposed bills for application in designated basins. Ms. Thompson further noted that Steve Sims (representing City of Aurora) has drafted legislation that would provide the Ground Water Commission with authority to promulgate ASR Rules and approve ASR plans. Ms. Thompson will send the draft bill when it comes out.

NEW BUSINESS

1. **2018 Election:**

President Booker reported that Division 5 will be having an election. Division 1 and 2 had only one qualifying petition per division and will not require an election. Division 4 did not have a qualifying petition and will be vacant. The District will cancel the election for Divisions 1, 2 & 4 and publish notice of election for Division 5. The election will be February 6, 2018 at the Ellicott Fire Station.

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

Director Bond motioned to approve the Portwood application. Director Doran seconded the motion. Motion carried (4-0)

3. Water Well Permit Application/Vangundy:

Director Doran motioned to approve the Vangundy application. Director Greeley seconded the motion. Motion carried (4-0)

4. Water Well Permit Application/Balch:

Director Greeley motioned to approve the Balch application. Director Doran seconded the motion. Motion carried (4-0)

5. Water Well Permit Application/Azar:

Director Doran motioned to approve the Azar application with the condition that we have a copy of the water transfer deed. Director Greeley seconded the motion. Motion carried (4-0)

6. Water Well Permit Application/Azar:

The Board discussed a Sheriff's sale notice they received and noted that the legal descriptions on some of those properties matched the legal description on this application. Director Doran motioned to approve the Azar application if the State can confirm that there is not a determination of water right under the property under another name. Director Greeley seconded the motion. Motion carried (4-0)

7. Water Well Permit Application/Barnes:

Director Doran motioned to approve the Barne's application. Director Greeley seconded the motion. Motion carried (4-0)

8. Water Well Permit Application/Miller:

Director Doran motioned to approve the Miller application. Director Bond seconded the application. Motion carried (4-0)

9. Water Well Permit Application/Reddecliffs:

Director Doran motioned to approve the Reddecliff's application with noted changes to include they are only allowed 3200 sq. feet of lawn and garden and .55 acre-feet. Director Bond seconded the motion. Motion carried (4-0)

10. Richard Cromwell/Woodmen Hills Meter Reading at Weir:

President Booker introduced Mr. Cromwell to the Board. Discussion followed on Mr. Cromwell's company potentially reading the Woodmen Hills Weir and what they would be expected to do. The Board discussed having Mr. Longenbaugh come down to show them where it was at and give them the history. Discussion continued on what they would charge to do this service. Manager Doran will send Mr. Cromwell's contact information to Attorney Thompson.

ANY OTHER BUSINESS THE BOARD MAY HAVE

1. Groundwater Contamination Study/DD:

Director Doran advised the Board that there is a meeting on January 17, 2018

2. County Water Master Plan Steering Committee/DD:

Director Doran noted that there is a meeting on January 22, 2018

3. Next Meeting Date:

Director Bond motioned to move the next meeting date to February 13, 2018 due to the election falling on our regular meeting night. Director Greeley seconded the motion. Motion carried (4-0)

VISITOR INPUT

NA

Director Doran motioned to go into executive session at 6:59 p.m. to discuss Cherokee and Commission Rule 5.6. Director Bond 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)(e) (f) 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, January 9th, 2018, regarding the following matters:

1. Personnel Matters
2. All Legal Matters

Director Greeley motioned to come out of executive session at 7:27 P.M. Director Bond seconded the motion. Motion carried (3-0)

EXECUTIVE SESSION REPORT

Director Bond motioned to have President Booker sign the documents for the retirement plan. Director Greeley seconded the motion. Motion carried (3-0) Director Doran abstaining

ADJOURNMENT

President Booker called for the meeting to be adjourned.

Director Doran made a motion to adjourn the meeting. Director Bond seconded the motion. Motion carried (4-0)

The meeting adjourned at 7:34 P.M.

Respectfully submitted,

Tracy Doran/Office Manager