

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

March 6th, 2018

The **March** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, February 6th, 2018 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 David Doran, Vice-President Dan Farmer, Secretary JR Bond, Treasurer Mark Greeley

Board Members Absent: NA

Others in Attendance: Jonathan Smith, John Hill, Jerry Jacobsen, Lisa Thompson Via Phone, Tracy Doran

PUBLIC NOTICE OF THE MEETING WAS POSTED

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

1. Agenda for March 6th, 2018:

Director Farmer motioned to accept the agenda with the addition of #6 under New Business for Rodriguez water well permit application, and #4 as Audit Exemption. Director Bond seconded the motion. Motion carried (3-0)

2. Minutes for February 13th, 2018:

Director Farmer motioned to approve the February 13, 2018 minutes. Director Bond seconded the motion. Motion carried (3-0)

3. Treasurer Report & Any Bills Needing Board Approval:

Office Manager Doran reported on the income and expenses for the month of February. Director Bond motioned to accept the February treasurer report and pay the January attorney bill of \$16,618.49. Director Farmer seconded the motion. Motion carried (3-0)

OLD BUSINESS

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

Attorney Thompson briefed the Board on this case and advised that Cherokee submitted its Motion to the Commission's Hearing Officer on January 21, 2018. Ms. Thompson

further advised that the Hearing Officer stated that because Cherokee had not requested that the Commission's stay be lifted, and because the Water Court had not vacated the Preliminary injunction on Cherokee's replacement plan in Case No. 98CW80, the filing of the Motion was not procedurally proper. Cherokee filed a motion to vacate the preliminary injunction in Case No. 98CW80 on Feb. 7, 2018, and that motion was granted. Cherokee also filed its motion to lift the stay in Case No. 08GW71, and that motion was also granted. Ms. Thompson reported on upcoming deadlines and a status call that took place on March 6th, 2018 to discuss whether Cherokee must file an amended application to include additional sources of water in its replacement plan application. Cherokee will have to publish notice of its pending Motion, to include a list of all of the water rights at issue in that Motion. Ms. Thompson further reported that there will be another status conference in May.

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

A. Application to Include New Recharge Structure:

Ms. Thompson advised the Board on the current status and deadlines of this case.

B. Variance Request:

Ms. Thompson related that the application was published and that no objections were submitted. Ms. Thompson advised the Board on the next steps and recommended waiting to hear from Meridian on what they would like to do and the Board can take action at the next meeting.

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

Attorney Thompson noted that the parties have discussed revisions to the proposed order; and are now in general agreement. She noted that Meridian is reviewing additional changes from Commission Staff. The proposed order will be considered by the Commission at the May 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 briefed the Board on the changes to Rule 7.4 and advised that there will be a special meeting to discuss and take action on the revised proposal for Rule 7.4. 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 declared that the District has retained Mike Wireman as an expert consultant on water quality issues and the ability of the proposed rules to protect water quality within the basin. The District submitted a statement stating its position regarding the proposed rule and provided additional redline changes to the rules for Staff consideration. Ms. Thompson briefed the board on an email that was received

by Ralf Topper. Discussion followed. The Board directed Ms. Thompson to call Ralf Topper.

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

Ms. Thompson informed the board that most of the changes are editorial and that Mr. Vander Horst is revising the proposed rules in response to comments received in January 2018 and will circulate a revised version of the rules, and then schedule additional stakeholder meetings to discuss the revisions.

d. Bills to Monitor:

Ms. Thompson briefed the Board on the House Bill on Aquifer Storage & Recovery Plans. Discussion followed.

NEW BUSINESS

1. El Paso County Review/Smith Farms/Special Use Permit for Agritainment:

The Board reviewed the Smith Farms application. Discussion followed. Director Famer motioned to have Manager Doran write the County and advise that they need to change their well permit to allow for commercial uses, and that it will need to be metered as it will be a business. Director Bond seconded the motion. Motion carried. (4-0)

2. Water Well Permit Application/Burnside:

Director Bond motioned to approve the well permit application if ownership can be proved. Director Farmer seconded the motion. Motion carried (4-0)

3. Water Well Permit Application/Engler:

The Board discussed the application. Director Farmer motioned to approve the well permit application for Engler as long as there is not another well on the property. Director Bond seconded the motion. Motion carried (4-0)

4. Water Well Permit Application/LaGrandeur:

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

5. Water Well Permit Application/Palido:

Director Farmer motioned to approve the application if they limit it to two homes as per our rules and 1 acre-foot. Director Greeley seconded the motion. Motion carried (4-0)

6. Water Well Permit Application/Rodriguez:

Director Farmer motioned to approve the Rodriguez application for 1/3 acre-feet. Director Bond seconded the motion. Motion carried (4-0)

ANY OTHER BUSINESS THE BOARD MAY HAVE

1. Groundwater Contamination Study/DD:

President Doran advised that the next meeting will be in April.

2. County Water Master Plan Steering Committee/DD:

President Doran noted that the next meeting will be in March. He will forward on the emails for both of these studies.

Director Farmer opened up a discussion on Drone's and looking for potential violations and the cost to do that. Attorney Thompson will look into the legalities of this.

VISITOR INPUT

NA

EXECUTIVE SESSION

NA

EXECUTIVE SESSION REPORT

NA

ADJOURNMENT

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 6:42 P.M.

Respectfully submitted,

Tracy Doran/Office Manager