

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

August 7th, 2018

The **August** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, August 7th, 2018 at 6:03 P.M.**, at the District Office, 520 Colorado Avenue, C, Calhan, CO by President David Doran, and determined a quorum was present.

Board Members in Attendance: President David Doran, Vice-President Dan Farmer, Secretary JR Bond, Treasurer Mark Greeley

JR Bond joined the meeting at 6:22 p.m.

Board Members Absent: NA

Others in Attendance: John Hill, Jonathon Smith, Tracy Doran, Lisa Thompson
Via phone conference

PUBLIC NOTICE OF THE MEETING WAS POSTED

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

1. Agenda for August 7th, 2018:

Director Farmer motioned to approve the agenda for August 7th, 2018 with the addition of Richardson Family Trust and Meridian Proposed Final Initial Decision of the Hearing Officer & Stipulation for Case No. 18GW01. Director Greeley seconded the motion. Motion carried (3-0)

2. Minutes for July 3rd, 2018:

Director Farmer motioned to approve the July 3rd, 2018 minutes. Director Bond seconded the motion. Motion carried (3-0) Director Greeley abstaining as he was absent for that meeting.

3. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Greeley reported on income and expenses for the month of July. Treasurer Greeley motioned to accept the July Treasurer Report and pay the attorney bill for \$11,087.67 for the month of June, and engineering bill for \$2,480.00 for the months of June and July. Director Farmer seconded the motion. Motion carried (3-0)

OLD BUSINESS

1. **Cherokee Metro & Meridian Service Metro/Replacement Plan/Case No.98CW80/Cherokee Motion for Determination of Question of Law/Case No. 08GW71:**

Attorney Thompson reported that Cherokee and Meridian filed replies in support of Cherokee's Motion on July 24th, 2018. The Hearing Officer is considering all briefings.

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

A. Application to Include New Recharge Structure/Case No.18GW01:

Attorney Thompson briefed the Board and stated that the last status conference was held on July 25th, 2018. Meridian agreed to incorporate our comments and suggested revisions into the proposed Order and has circulated a proposed Order and Stipulation for final review and approval. The initial decision that will be filed in this case will supersede and replace the initial decision approving Meridian's replacement plan in Case No. 15GW14 with the exception of the new area 7 CCRS in their replacement plan, no substantive changes have been made to the replacement plans requirements or terms and conditions. Discussion followed. Director Farmer motioned that the Board authorize Attorney Thompson to sign the Stipulation for Meridian's new recharge structure. Director Greeley seconded the motion. Motion carried (4-0)

The Board discussed Meridian's variance. Director Farmer motioned that they can submit their applications in writing but if Upper Black Squirrel still has the option of requiring them to present it in a verbal for or demonstration form if we have questions on the structure. Director Greeley seconded the motion. Motion carried (4-0)

3. **Blue Springs Ponds:**

The Board discussed Chris Grimes update on the illegal ponding in the subdivision, and number of ponds that the State has discovered via aerial photos, which is upwards of almost 700 ponds. Discussion continued on the measuring device on the Shaw Ranch surface diversion and getting readings. Director Farmer motioned to have attorney Thompson prepare a letter to the State Engineer and Chris Grimes that the District wants them to move forward with their own enforcement on the violations of illegal impoundments and diversions in the district and if they do not the District is going to proceed with Cease and desist Orders on their own. Director Bond seconded the motion. Motion carried (4-0)

4. **Legislation/Rules:**

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

Attorney Thompson briefed the Board and noted that on July 18th, 2018 staff submitted its amended pre-hearing statement to address the issue of retained jurisdiction. Based on its research, staff now concludes that, because the Ground Water Management Act does not expressly authorize the Ground Water Commission to retain jurisdiction over approved replacement plans or ASR plans, the Commission may not reopen concluded proceedings or modify its prior decisions (Even to address material injury or impairment of water quality that results from the operation of an approved plan). According to Staff, the Commission is not authorized to retain jurisdiction over or reconsider final orders approving replacement over ASR and replacement plans. As a result of Staff's conclusions in this regard, Staff has modified its proposed rules as follows:

*Staff has eliminated its proposed rule that would allow applicants to add new sources of water to approved plans, without publication or notice, because the Commission has no authority to reopen concluded proceedings.

*Staff has eliminated the existing Rule 5.6.1F, which provides for the Commission to retain jurisdiction to modify or revoke approval of replacement plans if monitoring or operating experience reveals that the plan results in material injury to water rights or unreasonable impairment to water quality.

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

Commission's revisions to these amendments have not yet been circulated.

NEW BUSINESS

Water Well Permit Applications:

1. Susan Hansen:

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

2. Richardson Family Trust:

Director Bond motioned to approve the Richardson Family Trust with change of irrigation from 5000 to 3000. Director Greeley seconded the motion (4-0)

Determination of Water Rights:

1. NA

El Paso County Reviews:

1. Paint Brush Hills Filing No. 13E

2. **Winding Walk Filing 2 Final Plat**
3. **The Enclaves at Stonebridge Filing 1 Final Plat**
4. **Cordero Minor Subdivision**
5. **Judge Orr Ranchettes Preliminary Plan**
6. **16550 Mesquite BOA**
7. **Big O Tires**
8. **Sprint Tower**
9. **Shops at Meridian Ranch**
10. **Falcon Market Place Preliminary Plan**

Director Bond motioned to approve El Paso County Reviews 1,2,3,6,7,8,9,10. Director Farmer seconded the motion. Motion carried (4-0)

Director Bond motioned to have attorney Thompson review El Paso County items 4 and 5. Director Farmer seconded the motion. Motion carried (4-0)

ANY OTHER BUSINESS THE BOARD MAY HAVE:

Board Reports:

1. Ground Water Contamination Study:

President Doran updated the board and discussed financing for phase III. Discussion followed.

2. County Water Master Plan Steering Committee:

President Doran updated the board.

VISITOR INPUT

Jonathon Smith updated the Board that they are in talks with the City of Colorado Springs to discuss annexation. Mr. Smith also noted that they have not hired a manager or attorney yet.

The Board took a brief break at 7:53 p.m.

Director Farmer motioned to go into executive session at 7:58 to discuss pending rulemaking with Ground Water Commission and Upper Black Squirrel rulemaking. Director Greeley seconded the motion. Motion carried (4-0)

EXECUTIVE SESSION

Please take notice that President Doran 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, August 7th, 2018, regarding the following matters:

1. Pending Rulemaking with Ground Water Commission
2. Upper Black Squirrel Rulemaking

Director Greeley motioned to come out of executive session at 8:30 p.m. and back into regular session. Director Bond seconded the motion. Motion carried (4-0)

EXECUTIVE SESSION REPORT

Director Doran motioned that the Upper Black Squirrel go forward with their ASR Rule making process with due notice to the Lost Creek and Kiowa Bijou Districts. Director Farmer seconded the motion. Motion carried (4-0)

Discussion followed on the September meeting date. The Board agreed on September 12th as the next meeting date.

ADJOURNMENT

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 8:35 P.M.

Respectfully submitted,

Tracy Doran/Office Manager