

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

September 12th, 2018

The **September** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Wednesday, September 12th, 2018 at 6:02 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

Board Members Absent: **NA**

Others in Attendance: John Hill, BJ Carey, 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 September 12th, 2018:

Director Bond motioned to approve the September 12th, 2018 agenda with the additions #11 Shivers well permit application, Fontana Determination of Water Right application and 2019 Budget review. Director Greeley seconded the motion. Motion carried (4-0)

2. Minutes for August 7th, 2018:

Director Bond motioned to approve the August 7th, 2018 minutes. Director Greeley seconded the motion. Motion carried (4-0)

3. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Greeley reported on income and expenses for the month of August and motioned to approve the August treasurer report and pay the attorney bill of \$20,267.72, Engineering bill for \$1,430.00, and Board Insurance bill for \$2,894.00. Director Bond seconded the motion. Motion carried (4-0)

OLD BUSINESS

The Board discussed the District's proposed ASR Rules and publishing and conferral with the Staff at the Ground Water Commission. Director Farmer motioned to direct Ms. Thompson to publish in the Ranchland news the proposed rule on ASR this next week. Director Bond seconded the motion. Motion carried (4-0)

Discussion further continued on the State's ASR Rules and that nobody will see them in the Colorado Register, which is where they publish. John Hill said to have Lisa send him something on this and he will put it in the paper.

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

Ms. Thompson briefed the Board that Cherokee and Meridian filed replies in support of Cherokee's Motion on July 24th, 2018 and there has been no decision from the Hearing Officer yet.

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

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

Attorney Thompson advised that the Board approved a stipulation with Meridian during the August Board meeting. The Hearing Officer filed the Initial Decisions on August 21, 2018. This item can be taken off the agenda.

3. District Violations:

Ms. Thompson reported that the District drafted and sent a letter to Chris Grimes and Kevin Rein, providing notice that the UBS District will cease and desist order for these violations. Mr. Rein responded to that letter on September 24, 2018, regarding the coordination of efforts of the Commission and the District for enforcement. The Commission's coordination policies require the Commission to pursue enforcement actions of violations of both the Commission's and the District's rules. Mr. Rein, therefore, stated that it should be the Commission, not the District, that pursues enforcement of these issues. Mr. Rein further stated that if the District disagrees with Staff's enforcement action, the District may request a meeting with Staff and the Executive Director to discuss coordinated enforcement. Then if the District disagrees with the Executive Director they may present the matter to the Commission during the next Commission meeting. Mr. Rein also mentioned that, if the District does elect to pursue cease and desist orders, the Commission cannot then subsequently take enforcement action, and the District would be solely responsible for enforcement in the District Court. Discussion followed. The Board directed Ms. Thompson to set up a meeting with the State.

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 that the rescheduled hearing is set for November 26-30, 2018. Notice of the rescheduled rulemaking will be published in the Colorado Register on September 10, 2018. New parties will be allowed until October 1, 2018 to submit applications for party status, and their prehearing statements must be submitted by October 12, 2018. There also will be a settlement conference on November 7, 2018.

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

Ms. Thompson noted that Mr. Vander Horst circulated a revised version of the proposed rules in August 2018, and has scheduled an additional stakeholder meeting for September 26, 2018 to discuss revisions. Discussion followed.

NEW BUSINESS

Water Well Permit Applications:

- 1. Russell Anderson**
- 2. Joshua Barnes**
- 3. Ryan McDonald**
- 4. Michael O'Neil**
- 5. James Martin**
- 6. Jason & Chantelle Koontz**
- 7. Morgan Lanza**
- 8. Eliel Building Corp.**
- 9. Amanda Blevins**
- 10. Old West Ranch Co Partners LLC**
- 11. Shivers**

Director Bond motioned to approve 2,3,6,7,8 & 11 and to discuss 1,4,5,9 & 10 further. Director Greeley seconded the motion. Motion carried (4-0)

#1 Anderson: The Board discussed the application. Director Farmer motioned to get clarification on ownership. Director Bond seconded the motion. Motion carried (4-0)

#4 O'Neil: The Board discussed the application further. Director Bond motioned to approve the O'Neil application. Director Greeley seconded the motion. Motion carried (4-0)

#5 Martin: The Board discussed the application. The Board directed Ms. Thompson to review the application with clarification on the pre-72 status and to make comments if necessary to the State.

#9 Blevins: The Board discussed the application. Director Greeley motioned to approve the Blevins application. Director Bond seconded the motion. Motion carried (4-0)

#10 Old West Ranch Partners CO LLC: No action taken. The permits were already approved but the Board discussed the water rights associated with these applications.

Miscellaneous:

1. 2019 Budget Review

The Board will review the draft budget at the October meeting.

Determination of Water Rights:

- 1. Fontana:** The Board did not have any objections.

El Paso County Reviews:

- 1. Shops at McLaughlin II LLC**
- 2. Les Schwab Tire**
- 3. Amendment to Sterling Ranch Sketch Plan**
- 4. Plat Amendment Barfield Subdivision**
- 5. James & Hazel Gardner Living Trust-Vacation Plat**

The Board did not have any issues with any of the El Paso County Reviews and directed Ms. Doran to send letters to the County stating that.

ANY OTHER BUSINESS THE BOARD MAY HAVE:

Board Reports:

1. Ground Water Contamination Study:

President Doran reported that the September meeting was cancelled and discussed the joint funding agreement.

2. County Water Master Plan Steering Committee:

President Doran reported that the next meeting will be October 24th, 2018 from 2:00 to 3:30 p.m. and there will be an Open House on October 25th, 2018 from 6:00 to 8:00 p.m. at Regional and the Board should try to attend.

Attorney Thompson stated that she will be speaking at the Colorado Groundwater Conference on October 18th, 2018 and the focus will be on ASR. Discussion followed on cost. Director Farmer noted that he has also been asked to speak as an irrigation farmer. Further discussion followed on saying the Pledge of Allegiance before meetings, Johnson lease, why designated basins are targets for ASR plans.

VISITOR INPUT

BJ Carey introduced himself and noted that he does not live in the District but is here to ask for help regarding the Silverado Subdivision. Discussion followed on the subdivision and that the Board had made comments when that subdivision had gone before planning in 2006. Mr. Carey asked if he could get the Boards support in person or in writing. The Board gave Mr. Carey a copy of the letter that the Board sent to the Planning Commission previously.

EXECUTIVE SESSION

NA

EXECUTIVE SESSION REPORT

NA

ADJOURNMENT

Director Bond left the meeting at 8:16 p.m.

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 8:19 P.M.

Respectfully submitted,

Tracy Doran/Office Manager