

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

November 6th, 2018

The **November** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, November 6th, 2018 at 6:00 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,
Treasurer Mark Greeley, JR Bond/Secretary

Director Bond joined the meeting at 6:18 PM

Board Members Absent: **NA**

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

PUBLIC NOTICE OF THE MEETING WAS POSTED

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

1. Agenda for November 6th, 2018:

Director Farmer motioned to approve the agenda as written. Director Greeley seconded the motion. Motion carried (3-0)

2. Minutes for October 2nd, 2018:

Director Farmer motioned to approve the October 2nd, 2018 minutes as written. Director Greeley seconded the motion. Motion carried (3-0)

3. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Greeley reported on the income and expenditures for the month of September and motioned to pay the attorney's bill for September and October in the amount of \$10,411.05. Director Farmer seconded the motion. Motion carried (3-0)

OLD BUSINESS

1. Rules & Legislation Updates:

a. GWC General Amendments to Designated Basin Rules 4, 5 & 7:

Ms. Thompson informed the Board that at the November 2nd, 2018 Ground Water Commission meeting the Board motioned to proceed to publication in the Colorado Register.

b. Case No. 17GW05 (Rulemaking): Rule 5.6 & 5.8 Amendments ASR (Aquifer Storage & Recovery) Draft Rules:

Ms. Thompson stated that we will be discussing this in executive session. Ms. Thompson further advised that a number of parties have applied for party status and that there is a mandatory settlement conference on November 7, 2018.

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

Ms. Thompson advised that we will also be discussing this in executive session. Ms. Thompson stated that the Hearing Officer issued his Order on October 29, 2018. The Order stated that Cherokee is only required to recharge the water rights that it owned at the time it entered into the 1999 Stipulation in Case No. 98CW80, and that Cherokee may seek replacement credit for any water recharged into the UBS Basin. Cherokee is not required to recharge those waters after the Stipulation.

3. District Violations:

Ms. Thompson noted that we had a meeting on October 26, 2018 with State Engineer Kevin Rein and Commission Staff on enforcement issues. Ms. Thompson reported that there is a policy in place with Staff to try and work cooperatively. Chris Grimes has sent out letters and gave a date of December 1, 2018 for compliance. If they are not in compliance by that date the Management District can do their own enforcement Hearing she stated.

NEW BUSINESS

1. 2019 Budget Hearing:

Director Greeley motioned to go into the Budget Hearing at 7:13 PM. Director Bond seconded the motion. Motion carried (4-0)

President Doran opened the floor to public comment and seeing none closed the floor.

President Doran opened the floor to Board comments and seeing none closed the floor.

Director Greeley motioned that the 2019 Budget is accepted with the following change: The Budget shall be updated to reflect the final re-certification values published by the County in December and to give authorization to sign the document with the final mill

levy certification, and to accept the resolutions to set the mill levy and set the spending limits for 2018, and to authorize those signatures upon the updated figures, and to move money within the budget to make line items balanced. Director Farmer seconded the motion. Motion carried (4-0)

Director Bond motioned to close the Budget Hearing and go back into the regular meeting at 7:15 PM. Director Greeley seconded the motion. Motion carried (4-0)

Water Well Permit Applications:

1. Alecci:

Director Farmer motioned to approve the Alecci application which is a pre-72 subdivision with no water supply letter to .5 acre-foot in the Denver, with a meter and outside water be limited as well. Director Greeley seconded the motion. Motion carried (3-0)

2. Cochran:

Director Greeley motioned to approve the Cochran application as long as the applicant can get the water transfer deed for 1 acre-foot in the Laramie-Fox Hills aquifer under determination of water right no. 134-BD owned by Enoch West LLC. Director Farmer seconded the motion. Motion carried (3-0)

3. Piedmont Group LLC:

Director Farmer motioned to approve the Piedmont Group LLC application as long as it is consistent with determination of water right no. 639-BD. Director Greeley seconded the motion. Motion carried (3-0)

4. Thirdsies, LLC:

Director Farmer motioned to approve the Thirdsies, LLC application contingent that the Dawson aquifer is available in that area in which the applicants 326.7 acre parcel is on. Applicant has determination of water right no. 123-BD and his uses are consistent with that. Director Greeley seconded the motion. Motion carried (4-0)

5. Stocke Living Trust:

Director Greeley motioned to approve the Stocke Living trust well permit application. Director Farmer seconded the motion. Motion carried (4-0)

6. Warren:

Director Bond motioned to approve the Warren application for 1 acre-foot as is allowed with the water supply letter, applicant is also required to have a meter. Director Greeley seconded the motion. Motion carried (4-0) Discussion followed on meters.

7. DuBois:

Director Bond motioned to approve the DuBois application on the condition that they are only allowed .5 acre-feet not 1 as was asked for because there is no water supply letter for this pre-72 subdivision. Director Farmer seconded the motion. Motion carried (4-0)

8. Galvan:

Director Greeley motioned to approve the Galvan application on the condition it be limited to .5 acre in the Arapahoe, and .5 acre-foot for outside irrigation on the 4.6 acre parcel. Director Farmer seconded the motion. Motion carried (4-0)

9. CMH Homes/Lot 1:

Director Greeley motioned to approve CMH Homes lot 1 as it meets the districts rules. Director Bond seconded the motion. Motion carried (4-0)

10. Wright:

The Board discussed the Wright application and whether the Denver aquifer is available to the applicant at this location. Director Farmer motioned to approve the Wright application with proof that the Denver is available at this location and if not show correct aquifer and that they are limited to 2 homes and that the location is put on the application. Director Bond seconded the motion. Motion carried (4-0)

11. Lanza:

There was discussion by the Board about if this application was in an area that had the Arapahoe aquifer. Director Bond motioned to approve the Lanza application with clarification on the aquifer and the depths. Director Greeley seconded the motion. Motion carried (4-0)

12. CMH Homes/Lot 2, 3, & 4:

Director Bond motioned to approve CMH Homes well permit applications for lots 2, 3 and 4. Director Greeley seconded the motion. Motion carried (4-0)

13. Townsend:

Director Farmer motioned that although the well permit application for Townsend meets the district requirements there is a determination of water rights under this land and no clear title or ownership and we question whether this permit should be issued in this applicant's name until the issue has been resolved. Director Bond seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Donny L Tran:

The Board discussed the Tran determination of water right and their concern with replacement. Director Bond motioned to have attorney Thompson write a letter to the State. Director Greeley seconded the motion. Motion carried (4-0)

2. Joshua & Katherine Miller:

The Board had no objections to the determination of water rights for the Miller's.

El Paso County Reviews:

NA

ANY OTHER BUSINESS THE BOARD MAY HAVE:

Board Reports:

1. Ground Water Contamination Study:

President Doran updated the Board on their budget and funding. Discussion followed on stakeholders, well testing, and Upper Black's contribution.

2. County Water Master Plan Steering Committee:

President Doran updated the Board on the open house and that it will be going forward to the El Paso County Planning Commission for approval and that we tried to give our input.

VISITOR INPUT

Terry Shaw said he came tonight to listen and hear about the illegal wells being used. Mr. Shaw reported that there is a constituent who has been driving around getting addresses of illegal uses in the basin. Discussion followed on the District's and the State's enforcements. Discussion continued that there needs to be cooperation between everyone to stop all of these illegal uses from wells in the basin. The Board thanked Mr. Shaw for his input.

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, November 6th, 2018, regarding the following matters:

1. Cherokee Order from the Hearing Officer
2. Enforcement Violations
3. ASR

EXECUTIVE SESSION REPORT

No action was taken from the executive session

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 9:15 P.M.

Respectfully submitted,

Tracy Doran/Office Manager