

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

February 5th, 2019

The **February** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, February 5th, 2019 at 6:05 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,

Board Members Absent: **J.R. Bond**

Others in Attendance: Kevin Faderell, Jerry Jacobson, John Hill, 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 February 5th, 2019:

Director Farmer motioned to approve the agenda with the additions under Old Business of #6 Cherokee Waste Water Treatment Plant, and #7 Santa Fe Springs. Director Greeley seconded the motion. Motion carried (3-0)

2. Minutes for January 9th, 2019:

Director Farmer motioned to approve the January 9th, 2019 minutes. Director Greeley seconded the motion. Motion carried (3-0)

3. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Greeley went over the income and expenses for the month of January. Treasurer Greeley motioned to pay the attorney bill of \$9,662.12 for the month of January, and pay Granite Ridge Groundwater \$850.00. 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:

Attorney Thompson advised that the notice of Public Rulemaking will be published in the Colorado Register on February 10, 2019. She further noted that applications for party status must be filed by March 15, 2019 and recommended we stay party status. Discussion followed. Director Farmer motioned to apply for party status. Director Greeley seconded the motion. Motion carried (3-0)

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

Ms. Thompson updated the Board and said that they had reviewed the Hearing Officer's recommendations, and with one minor addition the Hearing Officer adopted the Final Proposed Rules that were agreed upon by the Commission Staff and majority of the parties to the rulemaking, including the UBS District. Ms. Thompson reported that she had been asked to speak in support of the proposed rules on behalf of Lost Creek GWMD by their counsel. Discussion followed. Director Farmer discussed Bob Longenbaugh's concerns over the modeling and stated that Bob would like to speak or offer his expertise to speak on behalf of the Upper Black Squirrel. Discussion continued about Lisa talking to Bob and maybe having his input when we have our local rules hearing as we have already stipulated to the States rules and have our own expert and are comfortable where the modeling is. Director Farmer motioned to have Lisa speak at the Hearing and also speak for Lost Creek Ground Water Management District. Director Greeley seconded the motion. Motion carried (3-0)

2. 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 a status conference was held on January 10, 2019. Cherokee and Meridian proposed that the next status conference be scheduled in September to allow for the Commission Rulemaking in 17GW05 as well as the UBS District's Rulemaking be completed, and also to allow the parties to engage in settlement discussions. The Hearing Officer ordered a Status conference be scheduled on September 10, 2019, and that Cherokee and Meridian file a status report no later than June 14, 2019.

3. District Violations:

Ms. Thompson advised that Chris Grimes is keeping a spreadsheet of all enforcement actions and is providing updates on a regular basis. Ms. Thompson reported that on February 4, 2019 in an email from Chris Grimes it appears the owner of Shaw Ranch may attempt to register a couple of the ponds as Livestock Water Take Erosion Control Dams, which requires that the water in these structures must be surface water. Ms. Thompson advised that Mr. Hollister and the Dam Safety Staff will make that evaluation. The owner of Shaw Ranch also indicated that he will remove other ponds and will perform the work needed to ensure that unintended water in Zanger Ditch No. 3 is returned to the stream system and that this work will be completed by April 1, 2019 as required by the

Commission Staff. Discussion followed on jurisdiction, and on more complaints on more ponds. Will continue to discuss at the next meeting.

4. Meridian Service Metropolitan District/Application for a well permit and an Amendment to a replacement plan/Case no. 18GW01:

Ms. Thompson informed the Board that Meridian had filed an application to amend its replacement plan to add a new CCRS for Area 8, and that the application has been published and objections are due by February 16, 2019. Ms. Thompson stated that we had requested that Meridian provide us with a proposed order for review and Meridian's counsel had stated that he would do so by January 18, 2019, Ms. Thompson stated that he did not do so until last week. Discussion followed that Bob Longenbaugh had called Lisa and said it was different and Ms. Thompson reported that April went line by line and did a comparison and it is virtually identical to the version that the Upper Black Squirrel Creek agreed to in the past. Ms. Thompson recommended that the district enter into a stipulation agreement on this new proposed order and not file an objection. Ms. Thompson also advised that maybe have Meridian take a board member and Mike Wireman out to the site and get an update on future recharge areas. Discussion continued. Director Farmer motioned to direct Lisa to sign the stipulation on the new underdrain. Director Greeley seconded the motion. Motion carried (3-0) Director Farmer motioned to approve Mike Wireman and a board member to contact Meridian to set up a site visit for the new site and observe within the next 45 to 60 days. Director Greeley seconded the motion. Motion carried (3-0)

5. District Rulemaking:

Attorney Thompson reported that the Board continued the Hearing until after the Commission meeting to see what happens during the rulemaking hearing.

6. Cherokee Waste Water Treatment Plant:

7. Santa Fe Springs:

Ms. Thompson reported to the Board on their findings on ownership of the water in Santa Fe Springs and wanted Board direction as to whether to continue investigating or if they are fine with what they have discovered. Discussion followed on red flagging permits from that area; letting the State decide if they want to issue the permits and it's on them not the district and document the district comments; and that if the District approves a well permit in Santa Fe Springs legal description, they are not saying they own the water but that they can drill the well. The Board said they think that they have learned what they need for now and to not continue researching.

NEW BUSINESS

Water Well Permit Applications:

1. Cox:

The applicants are asking for 2 homes, 1 acre-foot of irrigation, 1 acre-foot in the Laramie-Fox Hills for a 40-acre parcel. According to the State the applicants had applied for a well in November of 2018 and supplied a water deed for 2 acre-feet from Determination of Water Right 134-BD. Ms. Porter from the State said the applicant is going to have to cancel 1 acre-foot due to a Replacement plan never being submitted. The board discussed the application. Director Farmer motioned to approve the application if the amount is reduced from 2 acre-foot to 1 acre-foot. Director Greeley seconded the motion. Motion carried (3-0)

2. O'Neil:

Applicant is applying for a well in the Davis subdivision, filing 2, under Determination of Water Right 4_BD, which allows 1.65 acre-feet from the Arapahoe. The applicant is asking for 1 home, 4300 sq. feet of irrigation, and .55 acre-feet in the Arapahoe on their 4.48-acre parcel. Discussion followed. Director Greeley motioned to approve the application. Director Farmer seconded the motion. Motion carried (3-0)

3. Zettlemoyer:

The applicant is applying for a well in the Davis Ranch Subdivision, filing 2, under Determination of Water Right 4-BD, which allows for 1.65 acre-feet in the Arapahoe aquifer. Ms. Porter from the State, also sent an application for this same lot in August 2018. The Applicant Michael O'Neil was in the process of having the subdivision rules allow well sharing between lots she stated. Ms. Porter further stated that she was waiting for clarification on his application but hasn't heard back from him and in the meantime the Zettlemoyer application was submitted. The Zettlemoyers are asking for 2 homes, 300 sq. feet of irrigation. The application does not have an acre-foot amount or gpm or aquifer for their 5.78-acre parcel. Discussion followed. Director Farmer motioned to object to the application as it is not in compliance with the district rules, and he disagrees with well sharing on different lots as it is not allowed in our rules, and that there is an application out for the same property. Director Greeley seconded the motion. Motion carried (3-0)

4 Mitchell:

Applicant is applying for a well on a 5-acre parcel in Fuchs-Wilson subdivision, Lot 50 in a pre-72 subdivision with no water supply letter. They are asking for 1 home, 1 acre-foot of irrigation and 1 acre-foot in the Denver. Discussion followed. Director Farmer motioned to approve the application but that they will be limited to .5 acre-feet per our rules to be in compliance. Director Greeley seconded the motion. Motion carried (3-0)

Determination of Water Rights:

1. Manley:

Applicant has 6 acres on Curtis Road and is applying for a replacement plan to divert not-non tributary ground water from the Denver aquifer. Applicant also owns an adjacent parcel on Jones Road that consists of 16 acres so combined would be 21.65 acres. Discussion followed. Director Greeley motioned to have Lisa review the

application for up to 1 hour and comment if necessary. Director Farmer seconded the motion. Motion carried (3-0)

2. McGinnes:

Applicant is applying for a determination of water right underlying a 40-acre parcel and claims ownership of said parcel. The beneficial uses will be: commercial, industrial, irrigation (indoor/outdoor, including greenhouse/warehouse) and domestic. The maximum allowable amount of ground water in the aquifer underlying the described property will be allocated, except for .5 acre-feet which shall be excluded from the amount determined to be available from the Denver aquifer, at the applicants request. They are applied for the Laramie-Fox Hills, Arapahoe, and Denver aquifers. Discussion followed. Director Greely motioned to have Lisa review the application for up to 1 hour and comment if necessary. Director Farmer seconded the motion. Motion carried (3-0)

El Paso County Reviews:

1. Covington Homes, LLC/Administrative Relief:

This review was for administrative relief for driveway length and garage setback. The Board took no action.

2. Falcon Marketplace/Final Plat:

This review was for a 35.7-acre site on Woodmen and Meridian and is zoned for commercial and was approved by the County Commissioners in October 2018. It will consist of eleven total commercial lots and two tracts, water and waste water will be provided by Woodmen Hills Metro. The Board took no action.

3. Cordero/Minor Subdivision:

This review is for an applicant to divide his current 35.55-acre parcel into two, one 17 acres and the other 18 acres. Applicant has a letter to the State for a replacement plan but the district has not seen anything from the State on this. Discussion followed. Director Farmer motioned to write the County and ask for the soils and geology report and that they want to know his requirements for his replacement plan, and they need to see something from the State on his replacement plan. Director Greeley seconded the motion. Motion carried (3-0)

ANY OTHER BUSINESS THE BOARD MAY HAVE:

Board Reports:

1. Ground Water Contamination Study:

President Doran reported that USGS had been furloughed because of the Government shutdown, and they should be back now and hopefully get test results.

Manager Doran reported that the District is moving after 18 years in this location and the last day in the office will be February 28th, 2019. Manager Doran gave the address of the

new physical location of the District office which will be in Farmers State Bank, address is 1500 8th Street, Calhan, Co. 80808 and that the new mailing address of the district is P.O. Box 428, Calhan, CO 80808. Manager Doran also stated that the district's new phone number is 719-510-0780. Manager Doran reported that the district will be paying the same rent in the new location and that the meetings will be held in the conference room at the bank, and the board will really love the room. Discussion followed.

VISITOR INPUT

NA

EXECUTIVE SESSION

NA

EXECUTIVE SESSION REPORT

NA

ADJOURNMENT

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 6:58 P.M.

Respectfully submitted,

Tracy Doran/Office Manager