

UPPER BLACK SQUIRREL CREEK GROUND  
WATER MANAGEMENT DISTRICT  
REGULAR MEETING MINUTES

September 3<sup>rd</sup>, 2019

The **September** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, September 3<sup>rd</sup>, 2019 at 6:11 P.M.**, in the conference room inside Farmers State Bank, 1500 8<sup>th</sup> Street, Calhan, CO. by President Dave Doran who 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, Charles H. Jordan, Chadwick H. Jordan, Attorney Thompson Via Phone, Tracy Doran

**PUBLIC NOTICE OF THE MEETING WAS POSTED AND OPEN TO THE PUBLIC**

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

**1. Agenda for September 3<sup>rd</sup>, 2019:**

Director Farmer motioned to approve the September 3<sup>rd</sup>, 2019 agenda with the addition of Stiles Determination of Water Right, Preliminary Budget for 2020, and update from Chris Grimes on the CHAMP initiative through Colorado Department of Agriculture on how they are addressing industrial hemp in the State of Colorado. Director Bond seconded the motion. Motion carried (4-0)

**2. Minutes for July 2<sup>nd</sup>, 2019:**

Director Farmer motioned to approve the July 2<sup>nd</sup>, 2019 minutes. Director Bond seconded the motion. Motion carried (3-0) Director Greeley abstaining as he was absent from the meeting.

**3. Treasurer Report & Any Bills Needing Board Approval:**

Treasurer Greeley went over the income and expenses and motioned to approve the July and August treasurer reports and pay the attorney bill for \$8,191.81, and engineering bill for \$1,380.00 and the Board insurance to Glatfelter Insurance Group in the amount of \$2,972.00. Director Farmer seconded the motion. Motion carried (4-0)

Chris Grimes with the Colorado Division of Water Resources (DNR) gave the Board an update on the CHAMP initiative and the stakeholder meetings. Mr. Grimes advised that they are going to request that they incorporate a process of referral during the CDA'S (Colorado Dept. of AG) industrial hemp license review process so that the DNR might ensure a grower has a legal water supply. Mr. Grimes advised the Board on the number of cases the State has addressed last month, including cease and desists, and that they have to check each individual complaint and about 5 a week are actual violations he reported. Mr. Grimes stated that he is cautiously optimistic in getting this process started with CDA. Mr. Grimes reported that the next stakeholder meeting for CHAMPS is September 16<sup>th</sup>, 2019, that it starts at 9:00 a.m. and ends around 1 or 2:00 p.m. and that at the end they give about 15 minutes for public comment. Discussion followed with the Board on the issues that the District is facing. The Board thanked Mr. Grimes for his time and for updating them.

## **OLD BUSINESS**

### **1. Rules & Legislation Updates:**

#### **a. Case No. 19GW04:General Amendments to Designated Basin Rules 4, 5 & 7:**

Ms. Thompson reported that there was a one-day Hearing on July 29<sup>th</sup>, 2019 and that we supported Staff's position and that we filed a very brief closing statement and that it has been ruled on by the Hearing Officer.

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

Ms. Thompson reported that this case has been stayed for more than a decade. Ms. Thompson reported that Director Doran and her had a meeting with Cherokee Reps the end of June and had a good open discussion and they said they wanted to work cooperatively with the District and they would prepare a draft technical memo that summarized the revised replacement plan. There was a follow up meeting set for August 26, 2019, however the meeting was postponed to a later date because Cherokee was in the process of hiring an engineer.

### **3. District Violations:**

Discussion followed on the LeCompte ponds. Ms. Thompson will find out if they are going to make them meter.

### **4. Gonzalez/Determination of Water Rights Case No. 19GW09 & 19GW10/Division 2 Water Court Case No. 19CW3011/JM Enterprises Augmentation Plan:**

The Board discussed the potential stipulation. The Board discussed if irrigation includes watering indoor year around or is it like outdoor irrigation seasons. Ms. Thompson said she would check on that before signing off on the stipulation. Discussion followed on how the property was for sale now. The applicants will be required to send in monthly meter

readings for both their domestic well in the Denver aquifer and their new large capacity well in the Arapahoe aquifer. Director Farmer motioned to approve Ms. Thompson sign the stipulation for the Gonzalez Case upon her findings on the irrigation issue. Director Greeley seconded the motion. Motion carried (4-0)

**5. District Rulemaking:**

The Board discussed with Ms. Thompson if they were ready to go ahead with the Rulemaking process. Ms. Thompson noted that the Commission will not be making any more comments. Ms. Thompson reported that she responded to the Metro District's letter and they have not responded yet. Discussion about having one more meeting with the Metro Districts. Ms. Thompson will send a letter to the Metro Districts and will correspond with Tracy to see what dates will work for the board members.

**6. Election:**

Mrs. Doran reported to the Board that she talked to Angie Leath with the Election Department about getting an estimate on how much it would cost for the County to do a mail-in election for the District. Ms. Leath got back with Mrs. Doran and stated that she had talked it over with the Clerk and there is no way they can find time to fit it in their schedule. Ms. Leath reported that they have 4 elections, one being a primary in March. They will still be able to loan us votomatics and what we need but we will have to return it very quickly so that they have the equipment for their election. Discussion followed. Mrs. Doran reported that we need to find a new election attorney, that we lost our last one as she went to work for Cherokee. Ms. Thompson will look for a new one for the District. There was further discussion that there are two districts that are up for election in February 2020, and that we will look for a location that is centrally located for both of those districts.

**NEW BUSINESS**

**1. Chris Grimes/Champ Initiative:**

This item was discussed above.

**2. 2020 Preliminary Budget:**

The Board looked over the 2019 numbers and did not make any changes to the numbers for the proposed 2020 budget.

**Water Well Permit Applications:**

**1. Hale:**

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

**2. CMH Homes Inc-Pueblo:**

The board discussed our Rule 3, sub part 3. Director Bond motioned to approve the CMH Home application for .5 acre-feet per our Rule 3, sub part b and have Ms. Thompson check and confirm our rules regarding pre-72 lots. Director Greeley seconded the motion. Motion carried (4-0)

**3. Preble:**

Director Farmer motioned to approve the Preble application for .5 acre-feet per our Rule 3, sub part b and have Ms. Thompson check and confirm that regarding pre-72 lots. Director Greeley seconded the motion. Motion carried (4-0)

**4. Carless:**

Director Doran motioned that the District is not taking a position on any well permit that falls under Determination of Water Right 459-BD until the disputed ownership is resolved. Director Bond seconded the motion. Motion carried (4-0)

**5. Alecci:**

Director Greeley motioned to approve the Alecci application if they have an approved replacement plan. Director Farmer seconded the motion. Motion carried (4-0)

**6. McGinnis:**

Director Greeley motioned to have attorney Thompson look at the McGinnis application and comment. Director Bond seconded the motion. Motion carried (4-0)

**7. Christy:**

Director Greeley motioned to approve the Christy application but limit them to 2 homes as is allowed per our rules. Director Bond seconded the motion. Motion carried (4-0)

**8. MacNicol:**

Director Doran motioned that the District is not taking a position on any well permit that falls under Determination of Water Right 459-BD until the disputed ownership is resolved. Director Bond seconded the motion. Motion carried (4-0)

**9. Dickerson:**

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

**Determination of Water Rights:**

**1. Joseph D. Heffner Living Trust:**

Director Doran motioned to approve the Joseph D. Heffner Living Trust application. Director Greeley seconded the motion. Motion carried (4-0)

**2. Danielle D Heffner Living Trust:**

Director Doran motioned to approve the Danielle D. Heffner Living Trust application. Director Greeley seconded the motion. Motion carried (4-0)

**3. Joseph D Heffner Living Trust:**

Director Doran motioned to approve the Joseph D. Heffner Living Trust application. Director Greeley seconded the motion. Motion carried (4-0)

**4. Mehron Kazemi:**

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

**5. Bradley & Nora Stiles:**

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

**El Paso County Reviews:**

**Consent Calendar:**

1. **11685 Owl Place:**
2. **11660 Green Acres Administrative Relief:**
3. **11880 Old England Drive Setback:**
4. **Woodard Minor Subdivision:**
5. **Bentgrass Residential Filing No. 2:**

**Called Up Consent Calendar/El Paso County Reviews:**

NA

**New Business Not Covered Above:**

NA

**ANY OTHER BUSINESS THE BOARD MAY HAVE:**

**Board Reports:**

1. **Ground Water Contamination Study:**

Mrs. Doran reported that the next meeting will be September 25<sup>th</sup>, 2019 from 1-2:30 p.m.

The Board discussed Woodmen Hills plant and regulation 41 & 42 and them getting into compliance without reverse osmosis. Ms. Thompson is going to check on the letter that the WQCD sent them a year ago and see if they are going to hold them to what was said in the letter.

Director Farmer stated he had gotten a call about somebody hauling water illegally for hemp. Discussion followed.

**VISITOR INPUT**

Mr. Jordan and his son came to voice a concern about an individual who may be hauling water illegally in the area of Handle and Hwy 94. Mr. Jordan reported that they have 2 trucks with metal tanks full of water. They are concerned for their water. Discussion followed.

**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 Farmer seconded the motion.  
Motion carried (4-0)

The meeting adjourned at 8:25 P.M.

Respectfully submitted,

Tracy Doran/Office Manager