

UPPER BLACK SQUIRREL CREEK GROUND  
WATER MANAGEMENT DISTRICT  
REGULAR MEETING MINUTES

January 7<sup>th</sup>, 2020

The **January** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, January 7<sup>th</sup>, 2020 at 6:00 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, Treasurer Mark Greeley, Secretary JR Bond

**Board Members Absent:**

**Others in Attendance:** John Hill, Darrell Nily, Jerry Jacobson, Tracy Doran, Attorney Lisa Thompson via phone,

**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 January 7<sup>th</sup>, 2020:**

Director Farmer motioned to approve the agenda with the addition of an executive session to receive legal advice on Case No. 08GW71, and the Tran Case. Director Bond seconded the motion. Motion carried (4-0)

**2. Minutes for November 5<sup>th</sup>, 2019:**

Director Greeley motioned to approve the November 5<sup>th</sup>, 2019 minutes. Director Farmer seconded the motion. Motion carried (4-0)

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

Treasurer Greeley went over the income and expenses. Director Bond motioned to approve the November and December 2019 treasurer reports and pay the November and December attorney bill of \$9,308.02, Engineering bill for \$2,905.00 and accountant bill for \$1,000.00 Director Farmer seconded the motion. Motion carried (4-0)

**4. Sunshine Law:**

President Doran read into the record:

1. SUNSHINE LAW

- A. Meetings to be held the first Tuesday of every month at 6:00 PM or at a time designated by the Board of Upper Black Squirrel Creek at 1500 8<sup>th</sup> Street in the Conference Room (Enter through courtyard on South side of building) at Farmers State Bank, Calhan, CO or at a location designated by the Board of Director's.
- B. Agendas to be posted on the west door (by drive through) of the District Office located at 1500 8<sup>th</sup> Street at Farmers State Bank, Calhan, CO and on the District's web site [www.upperblacksquirrelcreekwater.com](http://www.upperblacksquirrelcreekwater.com)
- C. The minutes and records of the meetings to be retained at the District Office located at 1500 8<sup>th</sup> Street (Inside Farmers State Bank), Calhan, CO and will be made available on the District's web site after approval at [www.upperblacksquirrelcreekwater.com](http://www.upperblacksquirrelcreekwater.com)

## OLD BUSINESS

### 1. Rules & Legislation Updates:

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

Attorney Thompson reported that at the November 15<sup>th</sup>, 2019 Ground Water Commission meeting the Ground Water Commission considered the Hearing Officer's initial ruling and the exceptions filed by the Ground Water Commission Staff and another objector. The Ground Water Commission adopted final rules at the November 15<sup>th</sup>, 2019 meeting. The final rules include the revisions to Rules 7.3.2, 7.12.2.3, and 7.12.1. They made some minor changes for change in well location, alternate point wells, and supplemental wells. The Commission agreed with staff for Rules 7.13.3 and 7.13.1, which were temporary changes of use for emergency situations. The Commission did not make any changes to Rule 7.10.1, and left the rule as is.

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

Attorney Thompson advised that there is a status conference set for February 4, 2020. Ms. Thompson noted that Cherokee's General Manager has confirmed that Cherokee is moving forward with obtaining a request for proposal for engineering services and has shared the RFP documents.

### 3. District Violations:

Ms. Thompson updated the Board on the Tran Case and noted that we will be discussing this further in executive session.

There was discussion about Mike Wireman is researching Denver pumping and looks forward to presenting what he finds, and also is working on the monitoring program.

Discussion followed on the Woodmen Hills water treatment plant and water quality.

There was further discussion that we have not been getting Cherokee, Meridian, or Paint Brush Hills readings. Woodmen Hills is currently the only one sending in their readings as is required.

There was additional discussion on getting TDS readings for Cherokee.

**4. District Rulemaking:**

Attorney Thompson stated that there was a follow up meeting scheduled with the Metro Districts for November 6<sup>th</sup>, 2019, but got cancelled because the Metro Districts had not provided comments to date. The comments were received by the Metro Districts today, January 7, 2020. Ms. Thompson stated they will review and provide comments to the Board.

**5. Election Update:**

Manager Doran reported that there will not be an election. We had one qualifying petition turned in for District 4, and we had no petitions turned in for District 3. Manager Doran stated that Darrell Nily will be the representative for District 4.

**NEW BUSINESS**

**1. Weir Readings/Farmer:**

Director Farmer wanted to discuss the full-time reading device, and that they had been working with Steve Witte from the State but he has since retired and it has fallen to the wayside. Discussion on them having rebuilt the weir. There was additional discussion that Shaw Ranch was supposed to have a metering device and that still has not been done either.

**2. Hyatt/Variance Inquiry:**

Attorney Thompson updated the Board, that the Hyatt's had gotten a Determination of Water Right, and the State has issued them 3 homes, but that the District only allows 2 homes, even after a determination. The Hyatt's are going through a process with El Paso County. They have inquired what would be required to ask for a variance. Ms. Thompson reported that she sent Mr. Hyatt the requirements for a Variance Hearing for the District. We have not gotten anything from them yet.

**Water Well Permit Applications:**

**1. Rodriguez:**

Director Bond motioned to have Tracy write the State with our statement regarding well permits under 459-BD, and reference our Rule 17 or 18, which is to be determined based on if they are considered a subdivision or are outside a subdivision. Director Greeley seconded the motion. Motion carried (4-0)

**2. Hi Point Builders:**

Director Bond motioned to have Tracy write the State with our statement regarding well permits under 459-BD, and reference our Rule 17 or 18, which is to be determined based on if they are considered a subdivision or are outside a subdivision. Director Greeley seconded the motion. Motion carried (4-0)

**3. Minnich:**

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

**4. Richards/Replacement Well:**

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

**5. Lee:**

Director Greeley motioned that the district will approve the application once it has been corrected with the correct GPS coordinates, aquifer, acre-feet amount and number of acres, and that they have the same limits. Director Bond seconded the motion. Motion carried (4-)

**6. Cooper:**

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

**Determination of Water Rights:**

**1. PK Phamily Farms, LLC:**

Director Bond motioned to accept the application but write the State and let them know the application will be subject to Rule 18 and 19. Director Greeley seconded the motion. Motion carried (4-0)

**2. DuBois:**

Director Greeley motioned to accept the application but write the State and let them know that the application will be subject to Rule 17. Director Farmer seconded the motion. Motion carried (4-0)

**3. Wood, Wood & Burke:**

Director Greeley motioned to accept the application but write the State and let them know that the application will be subject to Rule 17. Director Bond seconded the motion. Motion carried (4-0)

**4. Maranovic:**

Director Bond motioned to accept the application but write the State and let them know that the application will be subject to Rule 18 and 19. Director Greeley seconded the motion. Motion carried (4-0)

**El Paso County Reviews:**

**Consent Calendar:**

**1. Claremont Business Park No. 2 Amendment:**

**2. Animal Hospital of Falcon Crematory Expansion:**

**3. Frontier Sportsman Club/Administration Determination:**

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

NA

**New Business Not Covered Above:**

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

**Board Reports:**

**1. Ground Water Contamination Study:**

President Doran reported that they have yet to reschedule the meeting for February and that they are still trying to come up with Fiscal 2020 funding. Discussion followed on nitrates and where they saw elevated levels in the basin.

The Board discussed transferring money into the COLOTRUST account. Director Bond motioned to transfer \$150,000.00 into the COLOTRUST account. Director Greeley seconded the motion. Motion carried (4-0)

Discussion followed that there was a change in management for Paint Brush Hills and the Board is running it.

Director Farmer advised that he thinks there should be some kind of measure the Office Manager can take regarding abuse on the phone. The Office Manager should be able to record the conversations, and let them know it will be recorded, and also hang up if they get abusive. Discussion followed on getting another phone line, and recording device.

**VISITOR INPUT**

NA

The Board took a brief break at 8:05 P.M.

**EXECUTIVE SESSION**

Please take notice that Vice-President Dan Farmer 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, January 7<sup>th</sup>, 2020, regarding the following matters:

1. Case No. 08GW71
2. Tran Case

Director Bond motioned to go into executive session at 8:10 P.M. to receive specific legal advice for Case no. 08GW71 and the Tran Case. Director Farmer seconded the motion. Motion carried (4-0)

Director Farmer motioned to come out of executive session at 8:42 P.M. and go back into regular business. Director Bond seconded the motion. Motion carried (4-0)

#### **EXECUTIVE SESSION REPORT**

No action taken from executive session

#### **ADJOURNMENT**

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 8:42 P.M.

Respectfully submitted,

Tracy Doran/Office Manager