

Meeting Minutes  
Cherry Creek Springs HOA – Water Advisory Panel

Attendees: R. Krause, D. Beiner, J. Bando, R. Althouse, N. Habermehl  
Regrets: D. PriceSmith, B. Mohler

A “Strawman Proposal” defining recommendations for i) Board of Director management and oversight of water usage, and ii) guidance to new members was circulated in advance of the meeting for review and consideration of panel members.

This proposal was reviewed during the meeting, with the following recommendations and action items arising from the discussion.

The Board of Directors should manage to the individual members and the community in aggregate to 0.67 acre-feet water consumption level; and the oversight and management should be focused upon responsible water stewardship principles and not punitive actions.

Panel members acknowledged conflicting requirements under which this recommendation is being made; principally:

1. The Colorado State Department of Natural Resources has issued all well permits within the HOA to have an annual maximum withdrawal of 1.0 acre-feet per year; contrary to Paragraph 46 of Amendment 1 to the HOA CC&Rs.
2. The respective Water Court Decrees allocated an allowable average annual withdrawal of 1.0 acre-feet year year,
3. The Stipulation Agreement between El Paso County and the developer (Cherry Creek Springs, LLC.), author of the HOA CC&R's and Amended CC&Rs agreed to average annual amount withdrawn by Cherry Creek Springs as a whole should be limited to approximately 0.67 acre-feet per year, per lot.
4. The HOA CC&Rs and Amended CC&Rs, Paragraphs 21, 38 and 26 set average annual withdrawal limits of 1.0 acre-feet per year for lots 1 through 42, and 0.67 acre-feet per year for lots 43 through 115, and
5. Expectations that actions by the Board are equitable to all members.

Panel members recommended that the Board of Directors submit a request to the AC to provide documented interpretation defining how “average annual withdrawals” is to be calculated. The request is to be accompanied with a recommendation that the AC define the average annual withdrawal is a three-year rolling average. The three-year period is based on consideration of residential sales rates, reasonable residency periods and the ability to calculate a meaningful average. Additionally, average annual withdrawal rates on new residences would become applicable after three years.

The panel recommended that the Board of Directors send an informational letter to any lot owner exceeding the 0.67 acre-feet water consumption in a given year, or on an average annual basis, as a means of increasing awareness of the importance of water stewardship and the various requirements which members have committed to through the CC&Rs and El Paso

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County Stipulation agreement. Given the conflicting language and actions taken by the State, County and as contained in the CC&Rs, the panel does not recommend pursuing as a violation or the assessment of fines.

The panel recommends the CC&Rs should be revised to remove language requiring monthly water meter reading, recording and reporting. The panel acknowledges that members monitoring their water usage on a monthly basis is a good practice and should continue to be promoted as good water management practice. In the interim, the panel recommends that the Board of Directors continue to collect monthly water meter readings as required in the CC&Rs; but taken no action to evaluate these monthly meter readings, and take no action on members who do not provide monthly readings. The noted exception, as stated in the 2017 water policy, is the panel supports the Board of Directors in treating failures to submit the March 1 and November 1 water meter readings as a violation and impose fines as defined in the Covenant Management policy.

The panel recommends that the annual reporting of community aggregate water usage continues to be based upon the number of permitted wells, as has been the historical practice.

The panel recommends that the Board of Directors not pursue evaluation of individual member water consumption used for irrigation, domestic and livestock usage.

The Panel discussed the potential for developing a water-table monitoring program, whereby individual member wells would be enrolled and monitored for water-table depth and potentially for water pumping rates. The concept was identified as worthy of exploring and developing a proposal for presentation to the Board of Directors and Community at the next annual members meeting. The panel agreed to take on the initiative to collect background information and develop proposal(s). Bob Krause to lead this initiative. Norm Habermehl to provide contact information for Hamacher Well Works Inc.

The Panel discussed the potential development of a number of new communities and homes on the northern side of Colorado Springs which will draw water from the Dawson; or obtained piped in water from Sundance and the Cherokee water systems (which draw from the Dawson). This discussion led to two recommended courses of action. The first being to provide members with contact information to active groups such as the Friends of the Black Forest and the website “Next Door” as a means of individual members pursuing personal interests. The second proposal was to seek member volunteers who want to attend county development meetings to monitor and report to the community. John Bandoock to provide background information to the Board of Directors for consideration in posting on the website and sending a blast email. Norm Habermehl to discuss with fellow Board Members and determine potential actions.