



## WATER COMMISSION MEETING

MONDAY, NOVEMBER 18, 2024

### MINUTES

---

Monday, November 18, 2024

3:30 – 5:00 PM

Hearing Room

---

#### 1. Call to Order and Roll Call

Jack Hilbert, Chair, called the meeting to order at 3:33 p.m. and asked for a roll call.

**PRESENT:** Chair, Jack Hilbert (Dist. I) (*Remote*)  
Vice Chair, Donald Langley (Dist. I)  
Regular Member James Eklund (Dist. I) (*Remote*)  
Regular Member Clark Hammelman (Dist. II)  
Regular Member Jim Maras (Dist. II)  
Regular Member Harold Smethills (Dist. III)  
Regular Member Evan Ela (Dist. III)  
Regular Member Mickey Conway (Dist. III)  
At-Large Sean Tonner  
At-Large Tricia Bernhardt

#### 2. Approval of Water Commission Meeting Minutes from October 28, 2024

Donald Langley, Vice Chair, asked for any comments or a motion for the October 28, 2024, Water Commission Meeting Minutes.

Tricia Bernhardt requested to amend the October 28, 2024, meeting minutes to reflect her comment regarding the demand standard in Section 18A of the Zoning Resolution.

**Mickey Conway moved to approve the amended October 28, 2024, meeting minutes.**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED</b>  |
| <b>MOVER:</b>    | <b>Conway</b>  |
| <b>SECONDER:</b> | <b>Smethills</b>   |
| <b>AYES:</b>     | Hilbert, Langley, Conway, Hammelman, Maras, Smethills, Ela,<br>Tonner, Bernhardt, Eklund |
| <b>NAYS:</b>     | None   |
| <b>ABSTAIN:</b>  | None   |

**3. Referral Items for Possible Consideration – a “No Comment” will be provided for any and all items unless the Commission indicates otherwise**

- a. SP2024-049 – 2096 S. Interstate 25, 2nd Revision
- b. SP2024-085 – 5280 N. State Hwy 83
- c. SB2024-064 – River Canyon Filing No. 1A, 4th Amendment
- d. US2018-005 – 4900 S. Interstate 25, 1st Amendment

No comments were provided.

**4. Discussion and Action Items**

**a. Water Plan RFP Response Review**

Donald Langley, Vice Chair, asked the members for any comments on the Water Plan RFP responses.

The Commission discussed all three RFP responses and agreed that the responses from INTERA Incorporated (Intera) and Forsgren Associates, Inc (Forsgren) were more responsive to the RFP than Natural Resources Consulting Engineers, Inc. Commission members commented that Forsgren’s experience working on surrounding County plans was valuable and their proposal balanced data collection and analysis with public engagement. Member Smethills expressed support for selecting Intera as they provided a more scientific approach, a fresh look at the aquifer, and Forsgren appeared to focus more on larger districts than small, rural districts. The Commission members discussed discrepancies in the cost breakdown provided by Forsgren.

Sean Tonner made a motion to recommend the Forsgren Associates, Inc. proposal to conduct the water supply study, contingent upon staff obtaining clarification on the cost numbers.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED</b>  |
| <b>MOVER:</b>    | <b>Tonner</b>  |
| <b>SECONDER:</b> | <b>Hammelman</b>   |
| <b>AYES:</b>     | Hilbert, Langley, Conway, Hammelman, Maras, Ela, Tonner, Bernhardt |
| <b>NAYS:</b>     | Smethills, Eklund  |
| <b>ABSTAIN:</b>  | None   |

The members discussed the possibility of making a motion on a second choice for the Water Plan RFP responses.

Christopher Pratt, Managing County Attorney, commented that the Water Commission could either select a second choice or hold a public meeting to further discuss the Forsgren Associates, Inc. responses.

**b. Colorado Supreme Court – well permit case update**

Donald Langley, Vice Chair, clarified that his comment from the October meeting was misspoken and that the well permit ruling only impacts 213 wells and does not affect private wells.

Christopher Pratt, Managing County Attorney, informed the Commission that the County is in the process of retaining a water-specific legal counsel for review of this issue. He also provided an update on the well permit case. The Supreme Court determined that it was within the State Engineer's authority, and it was appropriate to interpret the statutes that what Parker Water had been considering a limit on the flow of a well permit was actually a limit on the overall water that maybe extracted under that permit.

The members had a further discussion.

**5. Member Discussion**

Clark Hammelman asked staff how an item becomes a referral to the Water Commission. Kati Carter, Assistant Director of Planning Resources, explained that land use applications with an 18A related water review component qualify. The Commission members discussed whether to revise the process for reviewing these items and providing comments to the Board of County Commissioners.

Christopher Pratt, Managing County Attorney, clarified that the Commission is not expected to review every item, as most are routine and unlikely to require a response. However, the members should have the opportunity to bring forward any items that warrant discussion or an opinion.

Evan Ela requested staff to prepare a presentation on Section 18A to provide an overview of its requirements, background, and history.

The members also discussed inviting presenters to share ideas on new water technologies.

**6. Adjournment**

Donald Langley, Vice-Chair, declared the meeting adjourned. The meeting was adjourned at 4:20 p.m.