

March 26, 2010

Meeting began at 10:04 a.m.

Present: Bill Muse, Mayor; Dennis Bertucci, Gladys LeFevre, Sue Inman, Council Members; Judi Davis, Clerk.

Public present: Caroline Gaudy.

The first item of business was discussion on Resolution 2010-1 regarding the use of rotenone. Bill feels that the draft prepared by Mark isn't tough enough and that the Division of Natural Resources will claim they already are taking all available precautions not to contaminate the drinking water of Boulder. He feels the resolution should direct them to stop all poisoning of the entire watershed affecting Boulder. The comment period ends April 16—they are trying to rush through the process. After a lengthy discussion, revisions were made to the resolution, the clerk was directed to retype it and send it out to the council for reconsideration and to Mark for his legal opinion, then it will be adopted at the April 7 meeting.

The second item of business was a discussion on the Robison well. The Town protested the well years ago, and the Division of Water Rights' response was that they would be given an extension of time to prove up on the well, while admitting the well is in the wrong place and is too deep and that there would have to be an amendatory change in the future. The Robisons have now applied for another extension, which is also an application for a new well water right for use of the new water. It is time to have a meeting for an amendatory change.

Gladys asked if what we are protesting is the wrong location and the depth of the well, which is deeper than was approved. Yes, those are the issues. Bill reviewed the previous correspondence and actions but feels that, for now, all we need to do is write a short letter requesting a hearing in Boulder and referring them to previous paperwork.

The State takes water measurements at two places in Boulder once a year to monitor changes in the water table. Bill wondered if we should have it done twice a year in four places. There should be more data in order to get a more accurate picture of what is happening with the aquifer. Bill would like to have a hearing here in town. The well in question is probably in the Navajo Sandstone. We need to protest the new extension in order to have standing and to request a hearing to protest the amendatory change at the same time.

Bill said there appear to be two thoughts on the matter: 1) there are those in the irrigation water company who maintain that approval for new irrigation wells has been closed for 25 years or more, and that this is a request to appropriate new water and should be denied. Others have applied for water wells and have been denied, and this one should also be

denied; 2) most people are worried about the integrity of the aquifer.

We should require that a test (two are available: one is very expensive and can only be done by the Geological Service; the other is less expensive) be taken of several wells and of Boulder Creek to show where the water is coming from. Do we want to insist that they do the expensive test or be content with the less expensive one? Dennis feels that we should do whichever gives indisputable evidence, no matter what the cost, and Bill feels that we should have the State pay for the test. But the question is, if they won't, who would pay for it? Concerned citizens, the town, the Robisons? Bill thinks the test should be done before the hearing.

In our letter, we have to request that a test be taken and that the meeting be held in Boulder. Dennis thinks we need to be able to see the results of the test. He wondered if they might play games and drag their feet in getting the test done, or even refuse to do the test, because it might weaken their case. If we can't prove the aquifer, it's a legal well. The majority of the concerned people would like the well shut down, but Bill feels it would be a mistake to fill it in when it may need to be used in the future, even for culinary water. It is an expensive well, and no one here feels it should be filled in. If it can't be used, it makes more sense to cap it, but not fill it in. We do need more testing. Dennis feels that we need to help the Robisons by making it so it doesn't cost them a fortune to close it. Gladys wondered if the state would allow them to just pump a lesser amount. Bill said this water waters only 30 acres.

The mayor then reviewed the Town's previous letter and feels the basic structure can be used with changes based on new information and new deadlines. We will ask for a hearing and for testing and will ask for a response before the May meeting. This is a protest to get a hearing so we can voice our concerns. Gladys made a motion that we have the Mayor and clerk write a letter as talked about, protesting the well because of the location and depth and requesting that they have the hearing in Boulder for the citizens of Boulder, and that before the hearing they do a test of the aquifer to determine if it is pumping from the Navajo formation or from Boulder Creek. The mayor and clerk will write the letter and mail it. We are also asking for a response by the May meeting. It will be signed by the mayor on behalf of the Boulder Town Council, with names listed. Dennis seconded the motion. The vote was unanimous.

Dennis made a motion the meeting adjourn. Gladys seconded the motion. The vote was unanimous.

The meeting adjourned at 11:20 a.m.