

UPPER BLACK SQUIRREL CREEK GROUND  
WATER MANAGEMENT DISTRICT  
REGULAR MEETING MINUTES

March 3rd, 2020

The **March** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, , 2020 at 6:08 March 3<sup>rd</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,  
Secretary Darrel Nily

**Board Members Absent:** J.R. Bond

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

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

**1. Call to Order**

President Doran called the meeting to order.

**2. Roll Call**

Manager Doran took roll call

**3. Agenda for March 3<sup>rd</sup>, 2020:**

Director Farmer motioned to approve the agenda with the addition of Audit exemption 2019 to #6 under treasurer report, add DuBois as #5 and Fletes as #6 under well permit applications. Director Nily seconded the motion. Motion carried (3-0)

**4. Minutes for February 4<sup>th</sup>, 2020:**

Director Farmer motioned to approve the February 4<sup>th</sup>, 2020 minutes as written. Director Nily seconded the motion. Motion carried (3-0)

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

Director Farmer motioned to accept the February 2020 treasurer report and pay the attorney bill of \$5,074.00 and engineering bill for \$1950.00. Director Nily seconded the motion. Motion carried (3-0)

**6. Audit Exemption 2019:**

President Doran read the resolution into the record. Director Farmer motioned to accept the Audit exemption for 2019. Director Nily seconded the motion. Motion carried (3-0)

## **VISITOR INPUT**

NA

## **OLD BUSINESS**

1. **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 updated the Board on the February 4<sup>th</sup>, 2020 status conference and noted that Cherokee requested that the Hearing Officer set the matter for another status conference because Cherokee is in the process of having its newly hired consultant prepare a technical memorandum for further discussion with the Upper Black Squirrel Creek GWMD. The next status conference will be in August. Discussion followed on Dick Wolfe being involved in this with Leonard Rice from an ethical standpoint.

2. **District Violations:**

Ms. Thompson reported that Tran is still pending before the Hearing Officer, and a letter has been sent to the owner. Ms. Thompson stated that the property owner has a pending application to convert his well. Discussion regarding the attorney for Tran having some issues with his client and would like 30 days. Ms. Thompson advised that if we don't get information soon, we can take additional steps to subpoena and depose to get info. Discussion continued.

Discussion followed on a call the district got regarding the Gonzalez place. There are new owners and they were not aware of the stipulation that was signed by the Gonzalez's that they will have to comply with. Chris Grimes sent them a letter. They will be drilling the Arapahoe well.

Discussion followed on another call the district has gotten on a PK Pharms lot and them drilling a huge pond, and storage is not listed as a beneficial use. Lisa will call Chris Grimes to set something up to visit these sites.

3. **District Rulemaking:**

Ms. Thompson advised that this will be discussed in detail in an executive session in April 2020. Water Quality Control Division will comment on our rules Ms. Thompson noted.

## **NEW BUSINESS**

1. NA

### **Water Well Permit Applications:**

1. **Boone:**

The applicants are applying for a well in the Laramie-Fox Hills aquifer underlying 40 acres. They are asking for one home, 1 acre of lawn and garden, domestic animal watering and

livestock watering. This falls under Determination of Water Right no. 1001-BD, which excluded 15 acre-feet the State said for small capacity wells. This would fall under the District's Rule 18.

**2. Stagecoach on the Range Partners, LLC:**

The applicant is applying for a well in the Arapahoe aquifer underlying 35.64 acre and is asking for 1 acre-foot, one home, 1 acre of lawn and garden, domestic and livestock watering. This is in Stagecoach on the Range Subdivision. This falls under Determination of water right no. 3390-BD, this would fall under the District's Rule 17.

**3. Abenroth:**

The Applicants are applying for a well in the Arapahoe aquifer underlying their 40-acre parcel. They are asking for 1 acre-foot, 1 home, 1 acre of lawn and garden irrigation, domestic animal watering. They checked they are not the owner of the property and it will be the only well on the property. It meets the rules and regulations of the district but check on ownership to make sure a box wasn't checked incorrectly.

**4. Hindman:**

The applicants are applying for a well in the old Santa Fe Springs subdivision, now called Old West Ranch, under determination of water right no. 459-BD. They have 37.14 acres of land and are asking for 1 acre-foot in the Denver, 1 home, 1 acre of lawn and garden irrigation, domestic animal watering and livestock watering. It meets our rules and regulations but will give our standard answer until the ownership of the water is figured out. This will also fall under rule 17.

**5. DuBois:**

The applicant is applying to re-permit an exempt well pursuant to determination of water right no. 3859-BD and its replacement plan for domestic uses, 2 homes, and 2.465 acre-feet. This is in Falcon Ranchettes. They are asking for 1 acre-foot of lawn and garden irrigation, and domestic animal watering as well. They have 5 acres. This would fall under rule 17.

**6. Fletes:**

The applicant is applying for a well in the Prairie Vista Subdivision, lot 10, filing 2. The subdivision allows for the Denver aquifer, 4200 square feet of irrigation, and .57 acre-feet. This falls under determination of water rights no. 722-BD. They are consistent with what is allowed for under their subdivision water supply plan and meets the requirements.

Director Farmer motioned to approve the well permit applications 1-6 with notations. Director Nily seconded the motion. Motion carried (3-0)

**Determination of Water Rights:**

**1. Kersh/Replacement Plan:**

The applicant has applied for a determination of water right underlying their 40 acres for the Dawson, Denver, Arapahoe, Laramie-Fox Hills aquifers. They claim ownership of the

property and are asking for the following beneficial uses: domestic, fire protection, irrigation of lawn, garden, landscaping; the watering of domestic animals and livestock; and replacement. They have applied for a replacement plan for the use of the Dawson aquifer. Replacements will be made through septic return flows. Applicant proposes to pump 1 acre-foot from the Dawson. They will have a totalizing flow meter. This falls under the districts rule 18.

**2. Abeyta/Replacement Plan:**

The applicant has applied for a replacement plan to allow withdrawal from the Dawson aquifer underlying 37.7 acre parcel. Applicant proposes to pump up to 4 acre feet annually or 1 acre-feet, or 1.0 annual acre-feet per well, of water for domestic type uses, including in-house, irrigation of lawn and gardens, hot tub/swimming pool, augmentation, and the watering of domestic animals and stock, from one existing Dawson aquifer well with permit no. 214120, and three future wells to be constructed on the property to the Dawson aquifer for a total of one well per lot for four lots upon approval of this replacement plan and subdivision proceedings. The existing well will be re-permitted upon approval of the replacement plan. Maximum annual depletions from 4 wells amount to 2.57% of actual pumping in the 300<sup>th</sup> year of pumping, or a maximum of 0.103 acre-feet. Replacements shall be made by return flows of 4 individual non-evaporative septic systems. This would fall under rule 17 once subdivided, right now it falls under rule 18.

Director Farmer motioned to approve the Kersh and Abeyta Determination of Water Rights with notations made. Director Nily seconded the motion. Motion carried (3-0)

Discussion followed on septic system return flows, and that they are more than ever an issue because of density. The board would like to place this on the agenda for next months meeting.

**El Paso County Reviews:**

NA

**Consent Calendar:**

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

NA

**New Business Not Covered Above:**

NA

**Board Reports:**

**1. Ground Water Contamination Study:**

President Doran noted that the meeting was canceled because there was a city seminar going on. Next meeting set tentatively for April. Discussion followed on that the Board agreed for another \$10,000.00 this year.

The Board discussed the development that is potentially going to go in at the corner of Curtis and Judge Orr, that is estimated at 800 acres, and going to be 2 ½ acre lots. We need to stay on top of this, and review the geology and hydrology of the area. Make sure they have to meet the same 400ML water quality. There was discussion regarding the Preisser wells, zoning and tying into a central waste water system. The Board noted that it has been quiet and are not sure where it is in the County process. Director Farmer motioned to have Mike Wireman review the subdivision on Curtis and Judge Orr, analyze what would be better, septic system versus adding on to a waste water treatment system. Discussion continued. Director Nily seconded the motion. Motion carried (3-0)

Discussion followed on the wier readings. Board asked Lisa to ask Doug Hollister for the spreadsheet on what they are using to make sure that they are not in violation of what they are allowed to use. Discussion continued.

**Any Other Business the Board May Have:**

1. Next Meeting Agenda Items: Septic System Return Flows, Water Study, Executive Session
2. Next Meeting Date: April 7<sup>th</sup>, 2020

**EXECUTIVE SESSION**

NA

**EXECUTIVE SESSION REPORT**

NA

**ADJOURNMENT**

President Doran called for the meeting to be adjourned.

Director Farmer made a motion to adjourn the meeting. Director Nily seconded the motion. Motion carried (3-0)

The meeting adjourned at 7:07 P.M.

Respectfully submitted,

Tracy Doran/Office Manager