

**UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES**

July 7th, 2020

The **July** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, July 7th, 2020 at 6:06 P.M.**, Via telephone conferencing by President Dave Doran who determined a quorum was present.

Board Members in Attendance: President David Doran, Vice-President Dan Farmer, Secretary Darrel Nily, Treasurer J.R. Bond

Board Members Absent: NA

Others in Attendance: John Hill, Attorney Lisa Thompson, Helen Malenda, Jerry Jacobsen

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. President Doran determined a quorum was present.

The Board discussed sending out packets snail mail versus email and agreed to mailing them.

3. Agenda for July 7th, 2020:

Director Farmer motioned to approve the agenda with the addition of #1 under New Business the USGS study, under Determination of Water Rights #2 Hall #3 Smith, under El Paso County Review #3 Claremont Business park. Director Nily seconded the motion. Motion carried (4-0)

4. Minutes for June 2nd, 2020:

Director Bond motioned to approve the June 2nd, 2020 minutes. Director Nily seconded the motion. Motion carried (3-0) Director Farmer abstaining as he was absent for that meeting.

5. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Bond went over the income and expenditures. Treasurer Bond motioned to accept the July treasurer report and pay the attorney bill of \$176.00, and engineering bill of \$2,475.00. Director Farmer seconded the motion. Motion carried (4-0)

VISITOR INPUT

NA

OLD BUSINESS

1. Cherokee Metro & Meridian Service Metro/Replacement Plan/Case No. 08GW71:

Attorney Thompson advised that there are no updates and it is still pending.

2. District Violations:

Attorney Thompson stated that we will be discussing this in executive session tonight. Ms. Thompson noted that we have had drafts of those rules out for quite some time and we have gone through some conferral with Commission Staff and the Metro Districts. Ms. Thompson reported that we did receive comments from the Water Quality Control Division in April.

3. District Rulemaking:

President Doran reported on a potential violation on Judge Orr Road that Chris Grimes sent a show cause letter for. There also was a letter sent to a property that was reported to have multiple campers living on the property permanently that would be in violation of their well permit only allowing for up to 2 homes. Attorney Thompson reported on the Tran property that there was a status conference, and neither Mr. Tran or his former attorney showed, so the Hearing Officer has set for a show cause or dismissal by July 10th. If Mr. Tran does not provide the information, he will be sent an enforcement action letter. Discussion followed on the old Jolly property pond and dredge and the Shaw Ranch. Attorney Thompson will send an email to Chris Grimes asking for updates.

4. Hyatt Variance Request:

Attorney Thompson reported that the Hyatt's have published their Variance request in the Ranchland on July 2nd, and July 9th, 2020. Objections will be due to the District office by August 8th, 2020. Ms. Thompson went over the procedures and timelines. Discussion followed.

NEW BUSINESS

1. USGS Study:

President Doran reported that Lisa, Mike Wireman, Suzanne Pashke, and himself had a phone conference meeting on the water study and monitoring level program of the Denver Basin Bedrock aquifers that the district has been discussing for years about doing. This study will put transducers in wells throughout the entire basin in each aquifer. This will be live data, so the water levels can be monitored at any time of the day. Discussion

followed on the cost sharing and getting volunteers for wells from each district in different areas of each district in different aquifers. President Doran noted that this will be an amazing tool for the district to have in planning and knowing where we are at now and in the future as far as water levels. It will be similar to what Lost Creek has done but on a small scale. We will also be studying the interaction between the alluvial and the bedrock aquifers. Discussion followed on the working agreement with USGS. Attorney Thompson will have Mike Wireman review the agreement. Discussion continued on home owners involvement and how they do the transducers in the wells. Director Farmer motioned that after a final review from Mike Wireman, have Dave sign the joint funding agreement and pay the fiscal 2020-year amount. Director Nily seconded the motion. Motion carried (4-0)

Water Well Permit Applications:

1. Meridian Service Metro District/4 Well Permits:

4 Well permits under Determination of Water Rights nos. 154-BD and 155-BD for the Arapahoe and Laramie-Fox Hills aquifers. Discussion followed. Director Bond motioned to approve the permits. Director Nily seconded the motion. Motion carried (3-1) Director Farmer voted nay

2. Nelms:

Applicant applied for a well on 5.34 acres in Equestrian Country Subdivision, which is a pre-72 subdivision. It does not have a water supply letter and would be subject to the District's Rule 17 and be limited to .5 acre-feet and reduced irrigation. Director Bond motioned to object to the permit until they correct the acre-feet amount to .5 feet. Director Farmer seconded the motion. Motion carried (4-0)

3. Lopes:

Applicant applied to change his livestock well to a domestic well on 80 acres. He is asked for 3 homes, 1 acre-foot in the Denver aquifer, domestic animals and livestock watering. Director Farmer motioned to approve the application but the applicant will only be allowed 2 homes, per our Rules. Director Bond seconded the motion. Motion carried (4-0)

4. Kunau/Register Existing Well:

The applicants are applying to register a well that was drilled in 1971. The well has been used for one single family home, watering up to 1 acre of home lawns and gardens and watering of domestic animals. The average annual amount of water diverted is 1 acre-ft. Director Bond motioned to approve the application. Director Nily seconded the motion. Motion carried (4-0)

5. Nester/Comer:

The applicant is applying for a well in Old West Ranch under Determination of Water Right 459-BD. They are asking for 1 single family home, 1 acre of lawn and garden irrigation, domestic animal watering on 35.25 acres. They have been deeded 1 acre of water. Director Farmer motioned that although it meets our rules and regulations, but until the

ownership of the water is decided the district will not comment on any application under 459-BD. Director Nily seconded the motion. Motion carried (4-0)

6. Garcia:

The applicant is applying for 1 home, 1 acre-foot in the Denver aquifer, 13,000 sq. feet of lawn and garden irrigation, domestic animal watering on their 5.01-acre parcel in Meadow Lake Estates, Filing no. 4. These uses are allowed per their subdivision supply letter and they will be required to get a 150 solid casing and meter installed. Director Nily motioned to approve the application and ask that they send in their meter readings as is required in Rule 20. Director Bond seconded the motion. Motion carried (4-0)

7. DeJesus:

The applicant is applying for a well in Blue Sage Subdivision on their 2.5-acre parcel for one home, max irrigation, domestic animal watering, 1 acre-ft. in the Arapahoe aquifer. Per their subdivision supply letter, they can have one home, .35 acre-ft, 1600 sq. feet of irrigation in the Arapahoe aquifer and a meter is required. Director Farmer motioned to approve the application for .35 acre-ft in the Arapahoe, 1600 sq. feet of irrigation, one home, and a meter as is allowed by their water supply plan. Director Nily seconded the motion. Motion carried (4-0)

8. Vargas:

The applicant applied for a well on a 39.64-acre parcel, only well on the property, for 2 homes, 1 acre of lawn and garden irrigation, domestic and livestock watering, 1 acre-ft in the Arapahoe aquifer. Director Farmer motioned to approve the Vargas application as it meets the district's rules. Director Nily seconded the motion. Motion carried (4-0)

9. Crow:

The applicant is applying for a well permit in the Reata Subdivision for their 5-acre parcel. They did not specify number of homes on application, how much lawn and garden irrigation. They did check domestic and livestock watering and wrote 1 acre-ft in the Dawson aquifer. Per their subdivision water supply letter, they are allowed 1 acre-ft in the Dawson, with .5 acre of lawn and garden irrigation, 15 gpm, and a meter is required. Director Farmer motioned to approve the Crow application for what is allowed in their subdivision water supply letter. Director Nily seconded the motion. Motion carried (4-0)

10. Ponce De Leon:

The applicant applied for a well permit on a 5-acre parcel for 1 dwelling, 1 acre of lawn and garden irrigation, domestic animal watering, with 1 acre-ft in the Denver aquifer. The State wrote that they will need a deed, and thinks this is a pre-72 subdivision. Director Bond motioned that they will need a deed before approval, and if it is a pre-72 subdivision, they will only be allowed .5 acre-ft and reduced lawn and garden irrigation. Director Farmer seconded the motion. Motion carried (4-0)

11. Campbell/Thompson:

The applicant applied for a well permit for a 36-acre parcel. They asked for 1 home, 1 acre of lawn and garden irrigation, domestic and livestock watering, and 1 acre-ft in the

Denver aquifer. Director Nily motioned to approve the application as it meets the districts rules. Director Farmer seconded the motion. Motion carried (4-0)

12. Tomich:

The applicant is asking for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, in the Denver aquifer underlying a 5.17-acre parcel in Range View Estates Subdivision. The applicant did not put an amount down for the amount of water on #7 of the application. There is a subdivision supply letter for this subdivision that allows 1 acre-ft a year in the Denver aquifer, 13,000 sq. ft. of lawn and garden irrigation and it requires a meter. Director Nily motioned to approve the application for the amounts listed in the subdivision supply letter and have them send in their meter readings as is required by Rule 20. Director Bond seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Stone Fund Pointe Fund I, LLC:

Director Farmer motioned to have attorney Thompson review the Stone Fund Pointe I, LLC determination application and give legal analysis. Director Bond seconded the motion. Motion carried (4-0)

2. Hall:

Director Farmer motioned to approve the Hall determination. Director Bond seconded the motion. Motion carried (4-0)

3. Smith:

Director Bond motioned to approve the Smith determination. Director Farmer seconded the motion. Motion carried (4-0)

El Paso County Reviews:

Consent Calendar:

1. Ellicott Sand & Gravel/Special Use:

The Board discussed the Special Use and what issues need clarification on the gravel pit. Discussion followed on inadequate assessment of hydrology and post-mining reclamation. Attorney Thompson advised that there is a letter drafted and if board approves can be sent out tomorrow.

2. Grandview Reserve/Sketch Plan:

This subdivision will consist of 3,261 residential units on 768.2 acres.

3. Claremont Business Park/Replat:

This business park is out of the district but their water is provided by Cherokee Metropolitan District.

Called Up Consent Calendar/El Paso County Reviews:

#1: Ellicott Sand & Gravel/Special Use

Director Farmer motioned to send the letter out on Ellicott Sand & Gravel as soon as possible. Director Bond seconded the motion. Motion carried (4-0)

#2: Grandview Reserve/Sketch Plan

Attorney Thompson advised the Board that comments went to the County already because they were due before the meeting. At issue is that the applicant's report and water supply information summary does not include sufficient information regarding source of water supply. Also, of concern is that Woodmen Hills will provide wastewater services, and the current wastewater discharged from Woodmen Hills is currently noncompliant with the applicable water quality standards set for in the Water Quality Control Commission's Regulations 41 & 42. District's Rule 17, underdrains, and site drainage.

#3: Claremont Business Park/Replat:

Director Farmer motioned to have attorney Thompson do a cursory review. Director Bond seconded the motion. Motion carried (4-0)

New Business Not Covered Above:

Board Reports:

1. Ground Water Contamination Study:

President Doran reported that he has heard nothing on this and that we need to put a call into the chairperson and see what is going on with it. Doran noted that there is two more years of testing in the study and we need to keep it rolling. After the study is complete Doran stated he would like to see the district continue on with it. Discussion followed.

Any Other Business the Board May Have:

The Board took a brief recess and returned at 7:35 P.M.

Director Farmer motioned to go into executive session at 7:49 P.M. to discuss the proposed rules and get legal guidance from our attorney. Director Bond seconded the motion. Motion carried (4-0)

EXECUTIVE SESSION

Please take notice that Attorney Thompson Pursuant to C.R.S. §24-6-402 (4)(b) (e), 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 Tuesday, July 7th, 2020, regarding the following matters:

1. *Discussion of Proposed Rules*

Director Farmer motioned to come out of executive session at 8:09 P.M. and back into regular session. Director Bond seconded the motion. Motion carried (4-0)

EXECUTIVE SESSION REPORT

No action taken

ADJOURNMENT

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Tracy Doran/Office Manager