

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

October 6th, 2020

The **October** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, October 6th, 2020 at 6:03 P.M.**, in the conference room at Farmers State Bank, 1500 8th Street, Calhan, Co., by President Dave Doran who determined a quorum was present.

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

Board Members Absent: Secretary Darrel Nily

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

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

1. Call to Order/Roll Call:

President Doran called the meeting to order and took roll call and determined a quorum was present.

2. Agenda for October 6th, 2020:

Director Farmer motioned to approve the October 6th, 2020 agenda. Director Bond seconded the motion. Motion carried (3-0)

3. Minutes for September 1st, 2020:

Director Bond motioned to approve the September 1st, 2020 minutes. Director Farmer seconded the motion. Motion carried (3-0)

4. Treasurer Report & Any Bills Needing Board Approval:

Manager Doran reported on the income and expenses for the month of September. Treasurer Bond motioned to accept the September treasurer report and pay the attorney bill of \$3,473.40 and Hydrogeology bill of \$1,125.00. Director Farmer seconded the motion. Motion carried (3-0)

5. Preliminary 2021 Budget:

The Board reviewed the draft 2021 budget and directed Manager Doran to have the accountant change water studies to reflect \$70,000.00 not \$10,000.00 but that it looked

good otherwise. Director Farmer motioned to set the budget hearing for November 3rd, 2020. Director Bond seconded the motion. Motion carried (3-0)

VISITOR INPUT

NA

President Doran asked Jerry Jacobson what was going on at the weir. Mr. Jacobson stated he wasn't sure but he will ask and get back to the board. Attorney Thompson stated that she had a call in to Mason Brown but has not connected with him yet.

OLD BUSINESS

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

Attorney Thompson updated the Board that the next status conference will be December 2020.

2. District Violations:

Attorney Thompson advised that the Tran/Pham had been issued a cease and desist order and had taken it down and no meter has been installed per Order. Chris Grimes inspected the site again and advised that they will proceed with a court action seeking them to install a meter and comply with the requirements of the courts order. Mr. Grimes noted that Tran/Pham may start accruing \$500.00 a day fines from the 28th on, the deadline for meter installation, until the meter is installed. He stated it is in the Attorney General's hands now and they will proceed accordingly.

3. District Rulemaking:

Attorney Thompson noted that she did get comments from Mike Wireman and made some slight changes and has sent those out.

4. Hyatt Variance Request:

Ms. Thompson advised that the Hearing is set for November 3rd, 2020, that it was published twice in the paper, and all parties were sent certified letters. Discussion followed.

5. USGS Monitoring Program/Water Quality Study:

Attorney Thompson reported that there were no updates at this time. President Doran noted that we lost a monitoring well on Falcon Hwy for the water quality study, but Director Nily thinks he may have another one close by to take its place.

NEW BUSINESS

Water Well Permit Applications:

1. Mattson:

The applicant is applying to re-permit the well. It was constructed after the expiration date of the permit. The well is for 1 single family dwelling in Woodfill Emplacement Subdivision, is 5 acres and has 4,000 sq. feet of irrigated acres, in the Arapahoe, 1 acre-

foot. There is no record of a subdivision supply letter. If the State has a subdivision supply letter that allows for 1 acre-foot, they would be granted that, otherwise they will be limited to .5-acre feet under our Rule 3(b)(ii)(2).

2. Bunton:

The applicant is applying for a domestic well on 39.87 acres for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, and 1 acre-foot in the Arapahoe aquifer. The application meets the district's rules.

3. Potter/Wojciak:

The applicant is applying for a well in the Denver aquifer for 1 home, 1/3 acre of irrigation, domestic animal watering, and .34 acre-feet in Meadow Lake Airport Filing 14. They are required to have a meter. All of these uses and amounts are allowed under their subdivision supply letter.

4. Clayton Homes/5 Applications:

These applications fall under Determination of Water Right no. 1001-BD, which the State said excluded water for small capacity wells. This is in Hayden Point Estates. All of the permits meet the district's rules for small capacity wells, however, being as they are under a determination of water right, they will be limited to Rule 17. If they have a subdivision supply letter that allows them these amounts, they will be fine, if not they will be limited to .5 acre-feet per lot. They also will need to be metered.

5. Steinbauer:

Applicants are applying for a well on 39.59 acres. They are asking for 1 acre-foot in the Arapahoe aquifer, 2 homes, 1 acre of irrigation, domestic animal watering and livestock watering. It meets the districts rules for a small capacity well.

6. Speer:

The applicants are asking for a replacement well in the Arapahoe aquifer for 1 acre-foot, 2 homes, 1 acre of irrigation, domestic animal watering and livestock watering on 40 acres. Originally, they thought the well was in the alluvium, but based on the construction log it was in the Arapahoe. The State talked and they think the new permit expands the use of the well permit and are going to suggest the applicants construct a new well and not a replacement well. This is where it gets tricky, if the old well was in the Arapahoe, not the alluvium, if they drill a new well in the Arapahoe, that would be a replacement, as they were in the Arapahoe, and they would need to follow the district's 50' rule for a replacement well. However, it does meet the district's rules for a small capacity well permit.

Director Bond motioned to approve well permits 1-6 with comments to the state. Director Farmer seconded the motion. Motion carried (3-0)

Determination of Water Rights:

1. Joseph & Tina Parry:

The applicants are applying for a determination of water right in the Denver Basin aquifer underlying their 5.02-acre parcel in Sylvan Meadows; The beneficial uses are: domestic use, and irrigation of up to 4,000 square-feet.

2. Rocky Mountain Building and Loan Inc/Change of Use:

The applicants are seeking to change the use of well permit 49027-F from a commercial lot with 10,000 sq. feet of irrigation to domestic supply in one single family dwelling, the irrigation of 10,000 sq. feet of lawn and garden, the watering of no more than 4 domestic animals, with a maximum pumping rate of 15 gpm, and annual withdrawal of 1 acre-foot. They were allowed 2 acre-feet under the commercial use, so they will be taking a reduction.

Director Farmer motioned to approve determination of water rights applications 1-2. Director Bond seconded the motion. Motion carried (3-0)

El Paso County Reviews:

Consent Calendar:

1. Bennett Ranch-Judge Orr Eastonville SKP Amendment:

They want to change the zoning for this 35-acre parcel from RR5 to CS (Commercial Services). Uses proposed for this site include a bank, retail, and enclosed storage. Woodmen Hills Metro will be providing the water and wastewater.

2. Rolling Hills Ranch Filing #2/Final Plat:

Final plat for 244 lots. Meridian Service will be providing the water and wastewater.

The Board directed attorney Thompson to do a brief review of Rolling Hills, and had no comments on the Bennett Ranch-Judge Orr Eastonville SKP Amendment plan but will reserve the right to comment later when writing the County.

Called Up Consent Calendar/El Paso County Reviews:

NA

New Business Not Covered Above:

NA

Any Other Business the Board May Have:

Director Farmer advised that he had heard a rumor that Ellicott Springs was expanding and planning on using the Sunset Waste Water Treatment Plant. Discussion followed. The Board suggested that it might be worth a call from Lisa to Cherokee. Discussion continued.

Manager Doran stated that she had received an Open Records request from a water engineer in Boulder for meter readings on 20 wells from 1975 to 2019 for Meridian and Woodmen Hills wells. Discussion followed.

Next meeting will be November 3rd, 2020

EXECUTIVE SESSION

NA

EXECUTIVE SESSION REPORT

NA

ADJOURNMENT

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 6:48 P.M.

Tracy Doran/Office Manager