

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

January 5th, 2021

The **January** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, January 5th, 2021 at 6:07 P.M.**, Via Zoom Conferencing 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, Secretary Darrel Nily

Board Members Absent: NA

Others in Attendance: John Hill, David & Kris Toy, Terry Seaman, Lisa Thompson, Jeff Munger, Kevin Brown, Pete Johnson, 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 January 5th, 2021:

Director Bond motioned to approve the January 5th, 2021 agenda. Director Nily seconded the motion. Motion carried (3-0)

3. Minutes for November 3rd, 2020:

Director Nily motioned to approve the November 3rd, 2020 minutes. Director Bond seconded the motion. Motion carried (3-0)

Director Farmer joined the meeting at 6:12 PM

4. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Bond reported on the income and expenses for the month of December 2020. Director Nily motioned to approve the treasurer report and move \$150,000.00 into COLOTRUST account. Director Bond seconded the motion. Motion carried (4-0)

5. Sunshine Law:

President Doran read into the record:

- A. Meetings to be held the first Tuesday of every month at 6:00 PM or at a time designated by the Board of Upper Black Squirrel Creek at 1500 8th Street in the Conference Room (Enter through courtyard on South side of building) at Farmers State Bank, Calhan, CO or at a location designated by the Board of Director's.
- B. Agendas to be posted on the west door (by drive through) of the District Office at 1500 8th Street at Farmers State Bank, Calhan, CO and on the District's website www.upperblackssquirrelcreekwater.com
- C. The minutes and records of the meetings to be retained at the District Office located at 1500 8th Street (Inside Farmers State Bank), Calhan, CO and will be made available on the District's website after approval at www.upperblackssquirrelcreekwater.com

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson updated the board on the status conference and that Cherokee's attorney informed them that they had hired Leonard Rice Engineer. Discussion followed.

2. District Violations:

Attorney Thompson advised that they had red tagged and issued a Cease & Desist Order for Tran but no additional updates at this time.

3. District Rulemaking:

Attorney Thompson stated that we have been conferring with the Metro Districts and that we did get some additional comments and Mike Wireman is going through his report to see if there are additional comments needed.

4. USGS Monitoring Program/Water Quality Study:

President Doran updated the board on the Water Quality Study and that the USGS has completed their field testing and they have been sent out to labs for analysis. Doran stated that sometime between January and March we will receive a preliminary draft and Mike Wireman will go over them with us, and we should have a published report in July. Director Doran discussed with Mr. Wireman having USGS give a presentation to the El Paso County Board of County Commissioner's after the final report. Discussion followed on continuing on with the study and getting an estimate from USGS for annually sampling 1/4 or 1/3 of the wells that are currently be sampled. President Doran updated the board on the status of the Bedrock study, which will help us to understand the water levels in our Denver Basin aquifers better. He stated that USGS has honed in on 30 wells throughout the basin in all aquifers. Doran noted that Mr. Wireman said there was an emphasis on the northern end of the basin and understands that the district would like it to be more areas throughout the basin. Doran advised that the USGS should be giving us a summary in February and Mike would like to attend the February meeting to go over

this with us. President Doran advised that each director will need to reach out to constituents in their district to partake in the study. Discussion continued.

NEW BUSINESS

Water Well Permit Applications:

1. The Hammond Family Trust of 2015:

This application is in Coyote Crossing. The water supply letter allows them to have .8 acre-feet annually, 5,000 square feet of irrigation, 4 large animals, in the Denver aquifer. They are also required to have a meter. They are asking for 1 single family dwelling on their 5-acre parcel. It is in compliance of our rules with the subdivision water supply letter.

2. Nelms:

This application is in Prairie View Estates. The water supply letter allows them to have .51 acre-feet in the Arapahoe aquifer, 2,000 square feet of irrigation, 2 large animals and they are required to have a meter. The parcel is 8.82 acres and they are asking for 1 dwelling. It is in compliance with the water supply plan letter.

3. Houghton:

This application is under determination of water right number 1001-BD. The applicant is asking for 1 dwelling, 1 acre of irrigation, domestic animal watering, and 1 acre-foot in the Laramie-Fox Hills aquifer on a 35-acre parcel. They will fall under Rule 18 and they are allowed 1 acre-foot per rule 18.

4. Toy:

This application is in Stage Coach Ranch on the Range. The applicant is asking for 2 homes, 1 acre of irrigation, domestic animal watering, 1 acre-foot in the Arapahoe aquifer underlying 35.44 acres, they are under determination of water right number 3390-BD, which excluded 20 acre-feet of water. Discussion to follow on rule 17 with applicants.

5. Hayles:

This property is in Old West Ranch. The applicant is asking for 2 homes, 1 acre of irrigation, domestic animal watering, 1 acre-foot in the Denver on 35.454 acres. This application falls under 459-BD, which is the old Santa Fe Springs. Our stock answer is "Although this application meets the criteria for a small capacity well in the Upper Black Squirrel Creek GWMD, as you know the district has not been commenting on any wells in regards to 459-BD until we know for sure that the water right ownership has been determined unequivocally."

6. Wesenberg:

7. This property is in Old West Ranch. The applicant is asking for 2 homes, 1 acre of irrigation, domestic animal watering, 1 acre-foot in the Denver on 35 acres. This application falls under 459-BD, which is the old Santa Fe Springs. Our stock answer is "Although this application meets the criteria for a small capacity well in the Upper Black Squirrel Creek GWMD, as you know the district has not been commenting on any wells in regards to 459-BD until we know for sure that the water right ownership has been determined unequivocally."

8. Klipfel:

This application is in the Trails subdivision. They are asking for 1 single family dwelling, 1/3 acre of irrigation, domestic animal watering, 1.3 acre-feet in the Dawson aquifer, on 2.760 acres. The subdivision water supply letter allows them 1 acre-foot in the Dawson, ½ acre of irrigation, 15 gpm, and a meter is required. They will need to adhere to what is allowed for in the letter and correct their application.

9. CMH Homes/3 Applications:

These applications are in Hayden Point Estates

1. Application 1 is asking for 1 single family dwelling, 3,000 square foot of irrigation, domestic animal watering, and .5 acre-feet in the Laramie-Fox Hills aquifer on 39.8 acres.
2. Application 2 is asking for 1 dwelling, 3,000 square feet of irrigation, domestic animal watering, .5 acre-feet of Laramie-Fox Hills aquifer underlying a 55-acre parcel.
3. Application 3 is asking for 1 dwelling, 3,000 square feet of irrigation, domestic animal watering, .5 acre-feet in the Laramie-Fox Hills aquifer underlying 39.8 acres.

10. Paint Brush Hills/Cherokee:

Paint Brush Hills Application:

The applicants would like to construct a new municipal well underlying a 3.53-acre parcel in the Denver aquifer, 297.5 acre-feet annually. Determination of water right nos. 47813-F, 50877-F, 55192-F, 63429-F, 64084-F, 17048-F, and one other that is unreadable. This will be used on 945 acres in their boundary.

Cherokee Metropolitan District:

Applicant would like to construct a municipal well underlying a 35.3-acre parcel in the alluvium for 153.5 acre-feet. The well will be used on 5300 acres in their boundaries.

Director Bond motioned to approve applications 1-9, excluding #4. Director Nily seconded the motion. Discussion followed. Attorney Thompson discussed #9, the Paint Brush Hills and Cherokee well permit applications. Director Nily motioned to kill the original motion. Director Bond seconded the motion. Motion carried (4-0)

Director Bond motioned to approve well permits 1-9, excluding 4 and 9 for approval tonight based on consent. Director Nily seconded the motion. Motion carried. (4-0)

The Board discussed the Toy application with the applicants. Director Nily motioned to approve the Toy application. Director Bond seconded the motion. Motion carried (4-0)

Director Farmer motioned to have attorney Thompson review, investigate and authorize her to submit comments for the Paint Brush Hills and Cherokee well permits. Director Nily

seconded the motion. Motion carried (4-0) Discussion continued. Attorney Thompson will send a copy of the letter to the board.

Determination of Water Rights:

1. **NA**

El Paso County Reviews:

1. **Circle A Subdivision:**

The applicant plans to subdivide a 14.867-acre parcel into 3 lots less than 5 acres each. They plan on individual wells and septic for each lot. The applicant has gotten a determination of water right. They need to be made aware that they will fall under our Rule 17 and be limited to .5 acre-feet and reduced irrigation.

2. **Bent Grass East Commercial Filing 3:**

Preliminary plan for 6 commercial lots and 1 tract. Woodmen Hills Metro District will provide water and wastewater.

3. **Arby's-Falcon PPR:**

Plan to put an Arby's in the Falcon Marketplace. It will be in the vicinity of the Walmart and Auto Zone area.

Director Nily motioned to have Mike Wireman do a quick review of Circle A Subdivision. Director Farmer seconded the motion. Motion carried (4-0)

Out of District Reviews:

4. **Crossroads at Meadowbrook Mixed Use Preliminary Plan:**

Will be using Cherokee water and wastewater

5. **Crossroads at Meadowbrook Apartments:**

Will be using Cherokee water and wastewater

Director Farmer motioned to direct attorney Thompson to review the Crossroads at Meadowbrook items, with Cherokee being the water provider and make comments if necessary. Director Nily seconded the motion. Motion carried (4-0)

6. **Homestead North at Sterling Ranch:**

Attorney Thompson noted that she and Mike Wireman had reviewed this item and made comments to the County. This is an item we will keep an eye on as it potentially could have an export and waste water concern for the district.

New Business Not Covered Above:

NA

Any Other Business the Board May Have:

President Doran informed the Board that longtime resident and irrigator Judy Burnside had passed away December 7th, 2020 from Covid 19, she was 77 years old. Judy will be missed he said and we wish her family our condolences.

Director Farmer asked if we had heard anything on Cherokee's sewer plant and brine disposal. Jeff Munger with Cherokee, stated they are not going to do deep well injections. Discussion followed.

Next meeting will be February 2nd, 2021

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 Nily seconded the motion. Motion carried (4-0)

The meeting adjourned at 7:04 P.M.

Tracy Doran/Office Manager