

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

March 2nd, 2021

The **March** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, March 2nd, 2021** in the conference room in Farmers State Bank in Calhan, 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: Treasurer J.R. Bond

Others in Attendance: John Hill, 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 March 2nd, 2021:

Director Nily motioned to approve the agenda with the addition of House Bill 21-1043. Director Farmer seconded the motion. Motion carried (3-0)

3. Minutes for February 2nd, 2021:

Director Farmer motioned to approve the February 22nd, 2021 minutes. Director Nily 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 February. Director Farmer motioned to approve the February treasurer report and pay the January 2021 attorney bill of \$10,413.01. Discussion followed. Motion carried (3-0)

5. Audit Resolution/Resolution:

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson noted that there were no new updates on this matter and that the next status conference will be in June 2021.

2. District Violations/Enforcement Actions:

Attorney Thompson updated the board on a violation that was for an excavation of a pond.

3. USGS Monitoring Program/Water Quality Study:

Attorney Thompson and Mike Wireman updated the board on both studies. Ms. Thompson advised that will look over the proposed agreement. The board will need to review and sign. Mike Wireman stated he had additional information on the PFOS to review and noted that USGS is analyzing the data for the Water quality study and is planning on doing a presentation to the board May, 2021. Discussion followed. The board would like Dave to have a meeting with Suzanne and Mike before we commit to the agreement to clarify the intent and scope of work. Director Doran motioned to approve the joint funding agreement with USGS contingent on the review done by our attorney and consultant and for further clarification of the scope of work on an ongoing monitoring network. Director Farmer seconded the motion. Motion carried (3-0)

NEW BUSINESS

Water Well Permit Applications:

1. Simshauser:

The applicants applied for a well under determination of water right no. 459-BD in Old West Ranch. They are asking for 1 home, 1 acre of irrigation, domestic and stock watering, 1 acre-foot in the Denver aquifer on 35 acres. Although it meets the district's rules and regulations the district is not commenting on wells under determination of water right 459-BD until the water ownership for those determinations have been determined.

2. Hagerty:

This application falls under determination of water right no. 4073-BD. The applicants have 40 acres, and are seeking 2 homes, 1 acre of irrigation, domestic and stock watering, and 1 acre-foot in the Denver aquifer. This application meets the districts rules and regulations.

3. Fortune/Registration of a Pre-72 Well:

This is a .24-acre parcel in the town of Peyton. They are registering an existing well.

4. Hi-Point Builders:

This application is a 38.71-acre parcel under determination of water right no. 459-BD in Old West Ranch. They are asking for 2 homes, domestic and livestock use, 1 acre-foot in the Denver aquifer. Although it meets the district's rules and regulations the district is not commenting on wells under determination of water right 459-BD until the water ownership for those determinations have been determined.

5. Mi Casa Colorado LLC:

The applicant is asking for 1 dwelling, 1 acre of lawn and garden irrigation, domestic and stock watering, and 1 acre-foot in the Arapahoe aquifer on 35 acres. This application meets the districts rules and regulations.

6. Richardson:

This application is a 36.52-acre parcel under determination of water right no. 459-BD in Old West Ranch. They are asking for 2 homes, domestic and livestock use, 1 acre-foot in the Denver aquifer. Although it meets the district's rules and regulations the district is not commenting on wells under determination of water right 459-BD until the water ownership for those determinations have been determined.

7. Cruz:

The applicant is asking for most allowed acre-feet in the Denver aquifer on a 35-acre parcel. Did not put down number of homes, or the irrigation amount on the application. The applicant will be allowed 2 homes, 1 acre of irrigation, and 1 acre-foot in the Denver aquifer as is allowed for in our rules and regulations.

8. Williams:

According to Shannon at the State the applicant was transferred 1 acre-foot from determination of water right no. 1001-BD. The applicant is asking for max homes, max irrigation, domestic animal watering, 1 acre-foot in the Laramie-Fox Hills aquifer for a 17.25-acre parcel. They will be allowed 2 homes, and acre of irrigation, and 1 acre-foot per our rule 18.

Director Farmer motioned to approve the well permits 1-8 on consent with comments noted. Director Nily seconded the motion. Motion carried (3-0)

Determination of Water Rights:

1. Olas:

The applicants are applying for determination of water rights in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills, and a Replacement Plan for the Dawson aquifer. They have 4.84 acres in Pine Park Estates Subdivision. The beneficial uses they are applying for are: domestic type use including in-house; irrigation of landscape, lawn and gardens; replacement, firefighting; and the watering of domestic animals and livestock. The applicant proposes to pump approximately 2.5 acre-feet annually of water from the Dawson aquifer. There is an existing well permit with no. 317178 that they will roll into. The depletions have been determined by the applicant's consultant to be 4.97% of actual pumping in the 100th year of pumping or a maximum of 0.124 annual acre-feet. Replacements will be made from septic return flows in the amount of 90% if diversions to the in-house uses from a non-evaporative septic system. They will fall under rule 17 and be limited to .5 acre-feet, and they also will need to replace 100% of the Dawson. Discussion followed.

Director Doran motioned to have Lisa and Mike review the Olas determination of water right application and make comments to the State. Director Farmer seconded the motion. Motion carried (3-0)

El Paso County Reviews:

1. Falcon Field/Preliminary Plan:

Proposal is for a 57.67-acre commercial mixed use preliminary plan that will include 20 lots. Woodmen Hills is committed to service both the water and wastewater.

2. Sterling Ranch Filing No. 2 (Phase 1):

This is out of the district but has the capability of using Cherokee or Woodmen Hills water. It also says on page 8 that Sterling wastewater is discharged into the Meridian system which in turn has potential to convert some reusable flows to available physical supplies.

3. Fletcher Detached Accessory Living Quarters for Permanent Occupancy:

The applicants are wanting to put a second home in from what can be gathered that was submitted to the County, which was not much. This property is in Woodlake Subdivision. Items to check on what is allowed per the well permit and also the subdivision.

Director Farmer motioned to have Lisa review the Sterling Ranch filing and comment if necessary. Director Nily seconded the motion. Motion carried (3-0)

New Business Not Covered Above:

NA

Any Other Business the Board May Have:

1. Designated Basins rulemaking stakeholder meeting, March 4th, 2021, Rules 7.4.1.3 and 7.10.4(a):

The Plains Ground Water Management District is working on a Conservation Plan for their district. They are asking the Commission and Staff to take a look at the language in Colorado Ground Water Commission Rules 7.4.1.3 & 7.10.4(a) and any rules that deal with excluding years from historical evaluations. The State is going to have an informal discussion via Zoom on March 4th, 2021 to begin the initial process of possibly amending the rules. Discussion followed with the board. Attorney Thompson will take part in the meeting.

2. House Bill 21-1043:

House Bill 21-1043 is would like to authorize the CWCB and State Engineer's Office to contract with an institution of higher education to study ways to maximize beneficial use of water in Colorado and minimize flows leaving the State (within limits imposed by compacts and other authorities) through storage of water underground. Discussion

followed. Attorney Thompson advised that she will continue to monitor and attend the Water Congress meeting.

Next meeting will be April 6th, 2021

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 7:09 P.M.

Tracy Doran/Office Manager