

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

April 6th, 2021

The **April** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, April 6th, 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, Treasurer J.R. Bond
Director Bond joined the meeting at 6:30 P.M.

Board Members Absent: NA

Others in Attendance: John Hill, Lisa Thompson via phone, 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 April 6th, 2021:

Director Farmer motioned to approve the agenda. Director Nily seconded the motion. Motion carried (3-0)

3. Minutes for March 2nd, 2021:

Director Farmer motioned to approve the March 2nd, 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 March. Director Nily motioned to approve the March treasurer report and pay the February 2021 attorney bill of \$4,284.00 and engineering bill for \$3,625.00. Motion carried (3-0)

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson advised the board that Cherokee wishes to have an informal meeting to discuss things. Ms. Thompson would like to thank Cherokee for allowing Mike Wireman to have communications with their engineer, it has been very helpful to Mike. There are no other updates to this item.

2. District Violations/Enforcement Actions:

Ms. Thompson reported that we had received an email from the Attorney General's office regarding the Tran/Pham well violation. They will have to pay \$2,000.00 for attorney's fees and install a flow meter and send in meter readings. Discussion followed on whether the State has verified that the meter was installed and if there is a commercial operation still ongoing there. Discussion followed on the Falcon Hwy property and if the State has received meter readings. Further discussion on the property on Judge Orr and if the large capacity well was ever drilled as there is still a commercial operation being run. Discussion on property on Big Springs Rd owned by Pham that has built a large building and moved some of the operation from the location the Attorney General's office just resolved to the land on Big Springs. Discussion on that they had gotten a determination but was a large capacity well drilled at that location.

3. USGS Monitoring Program/Water Quality Study:

Attorney Thompson reported that there was an adjustment made to the scope of work on the monitoring program and that Director Doran had signed the joint funding agreement. Director Doran and Director Farmer noted they had received calls from well owners and it looks like they are out in the field and getting wells set up.

No updates on the water quality study, awaiting report.

4. Legislation:

a. Designated Basins rulemaking stakeholder meeting on Rules 7.4.1.3 and 7.10.4(a):

Attorney Thompson updated the board on the stakeholder meeting via zoom that she attended on March 4th, 2021 regarding Ground Water Commission Rules 7.4.1.3 and 7.10.4(a) initiated from a request for a conservation plan by Plains Ground Water Management District. Ms. Thompson noted that Keith Vander Horst has volunteered to write an initial draft. Discussion followed.

b. House Bill 21-1043:

Ms. Thompson reported on HB-21-1043 that would allow the CWCB and the State Engineer to spend \$150,000.00 for a study done by a higher education group to find ways for storage of underground water to avoid water leaving the State without being out of compact. There does not seem to be any opposition Ms. Thompson noted and will go on to the Senate for review. Discussion followed.

NEW BUSINESS

Water Well Permit Applications:

1. Lee:

The application is located in Old West Ranch, under determination of water right no. 459-BD. The applicant is asking for 2 homes, 1 acre of irrigation, domestic animal and stock watering in the Denver aquifer (1 acre-foot) on 35.08 acres. Although it meets the districts rules and regulations the district has not been making comments on any well permit applications under DWR 459-BD, until ownership of the determination is determined.

2. Heish:

The applicant is applying for 2 homes, 1 acre of irrigation, domestic animal and stock watering, 1 acre-foot in the Laramie-Fox Hills aquifer underlying 35.95 acres. They were deeded 1 acre-foot from 1001-BD. It meets the districts rule 18.

3. Altitude Adjustment Inc:

The applicant is applying for 2 permits. One is asking for 2 homes, 1 acre of irrigation, domestic and stock watering, 1 acre-foot in the Denver underlying 38.89 acres. The other permit is asking for 2 homes, 1 acre of irrigation, domestic animal and stock watering, 1 acre-foot in the Denver underlying 39.22 acres. They meet the districts rules and regulations.

4. Brandenburg:

This application falls under determination of water right no. 459-BD, it is in Buckskin Ranch subdivision, not Old West Ranch. It is a 35-acre parcel. They did not specify how many homes or irrigation amount; they want domestic animal and stock watering on 1 acre-foot in the Denver aquifer. We have not been commenting on any permit under DWR 459-BD until the ownership is determined. We can put a note that under our rules they would only be allowed 2 homes, and 1 acre of irrigation.

5. Master Bilt, Inc.:

This application falls under determination of water right no. 3390-BD. They are asking for 1 home, 12,000 square feet of irrigation, domestic animal and stock watering, and 0.987 acre-feet in the Arapahoe aquifer on a 36.92-acre parcel in Stagecoach on the Range. This falls under Rule 18 and is consistent with our rules and their water supply letter.

6. Silverado Ranch Inc/2 Permits:

1st Permit: Applicant is asking for 1 home, 1200 square feet of irrigation, domestic animal watering, with .4 acre-feet in the Laramie-Fox Hills aquifer on a 2.3-acre parcel in Silverado Ranch.

2nd Permit: Applicant is asking for 1 home, 1200 square feet of irrigation, domestic animal watering, with .4 acre-feet in the Laramie-Fox Hills aquifer on a 3.11-acre parcel in Silverado Ranch.

7. Brown:

The application is for a property in Corral Ranches subdivision. The applicant is asking for 1 home, 1800 square feet of irrigation, domestic animal watering, and 0.4 acre-feet in the Arapahoe aquifer on a 5-acre parcel.

8. Sounder:

The applicant is applying for a well on either 160 acre or 40 acres. The State said it was for a 40-acre parcel but the application said that it was 160 acres. They are asking for 1

home, 1 acre of irrigation, domestic animal watering and 1 acre-foot in the Denver aquifer. It says it is going to be the only well on the property. It meets our rules and regulations but does need to be clarified on the acreage.

9. Carter:

This application falls under determination of water right no. 459-BD. It is a 35 acre-parcel. They are asking for 2 homes, 1 acre of irrigation, domestic animal and stock watering on 1 acre-foot in the Denver aquifer. We have not been commenting on any permit under 459-BD until the ownership is determined.

10. Seale:

This application falls under determination of water right no. 877-BD. They are asking for 2 homes, 1 acre of irrigation domestic animal and stock watering and 1 acre-foot in the Denver aquifer underlying 40 acres. It falls under Rule 18 and is consistent with our rule.

11. Master Bilt, Inc:

This application is for a 35.47-acre parcel in Stagecoach on the Range under determination of water right no. 3390-BD. They are asking for 1 home, 12,000 square feet of irrigation, domestic animal and stock watering and 0.987 acre-feet in the Arapahoe aquifer. This is consistent with what is allowed for in this subdivision.

Director Bond motioned to approve well permits 1-11 with noted comments to the State. Director Nily seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Mitchell Exchange LLC and Hangars at Meadow Lake LLC:

The applicants have applied for determination of water right applications for the Denver and Arapahoe aquifers underlying 2.19 acres in Meadow Lake Airport, lot 10-filing 5, lot 8-filing 6, and lot 3-filing 12. The beneficial uses they are seeking are: commercial, industrial, equipment washing, indoor domestic use, irrigation of lawns and landscaping, and replacement. There is an existing small capacity well in the Denver aquifer, with permit no. 187547. They plan on rolling the original well permit into the determination. They are asking for a variance from the State on the reduction of water from the Denver from the existing well. The variance would be to change the reduction in the amount of water that is available for the allocation in the Denver aquifer due to the withdrawals by well permit no. 187547 from 25 acre-feet to 1.33 acre-feet, which would result in approximately 62.0 acre-feet of water available for allocation. A hearing will be held on August 20th, 2021 at the Ground Water Commission meeting starting at 10 a.m., and will be held virtually. Applicants plan to use 0.1097 acre-feet per year from one existing well drilled and return flows will be made from septic return flows.

Director Farmer motioned to have attorney Thompson review the Mitchell Exchange LLC and Hangars at Meadow Lake LLC and comment and object if needed. Director Bond seconded the motion. Motion carried (4-0)

El Paso County Reviews:

1. El Paso County Master Plan:

Comments need to be submitted to the County by April 9th, 2021. If they are received after that date, they will be considered public comments and not carry as much weight. The Planning Commission will be reviewing it in the beginning of May and then hold a hearing at the end of May to adopt if there are no issues with it.

2. Sterling Ranch II/Preliminary Plan:

This plan is not in our district but could affect our district. This plan is for 212 single family units on 74.62 acres, 8 tracts will be for landscaping, drainage, and utilities, 3.9 acres will be for commercial. The property is located within the boundaries of Sterling Ranch Metropolitan District no. 2. Page 7 of the letter of intent states “The Sterling system has opportunity to connect with both the Cherokee Metro District and Woodmen Hills Metro District storage and delivery facilities. Sterling wastewater is discharged into the Meridian system which in turn has potential to convert some reusable flows to available physical supplies.”

3. Hale Sand/Special Use/Site Development Plan:

The property is currently permitted to have a 9.9-acre sand pit. They propose to expand the Hale Sand Pit to 52.5 acres. They say the expansion will take place within the property setbacks and outside the floodplain that traverses the site. The site goes through Brackett Creek.

4. Grandview Special District Nos 1-4:

The applicant is for 4 metro districts. There is more water information in this plan that was not in the last plan we reviewed.

5. Homestead North/Preliminary Plan:

This plan is not in our district but could affect our district. It is for a preliminary plan, early grading, and district improvements for 147 lots on 60 acres. Page 8 of the letter intent says, “The Sterling system has opportunity to connect with both the Cherokee Metro District and Woodmen Hills Metro District storage and delivery facilities. Sterling wastewater is discharged into the Meridian system which in turn has potential to convert some reusable flows to available physical supplies.”

6. Rolling Hills Ranch/Final Plat/Filing 3:

This subdivision is in Meridian Ranch and they are wanting to put in 209 lots previously approved in a PUD development. Water and waste water provided by Meridian Ranch.

Director Nily motioned to approve attorney Thompson and Mike Wireman’s reviews and comments to the County for items 1-5. Director Farmer seconded the motion. Motion carried (4-0)

New Business Not Covered Above:

NA

Any Other Business the Board May Have:

The board discussed that they have not received meter readings on the surface diversion. Attorney Thompson will contact Meridian's counsel. The board would like to know how much water is coming out of the channels. Attorney Thompson noted that we should be getting those and we can ask for them.

Next meeting will be May 4th, 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 Bond seconded the motion. Motion carried (4-0)

The meeting adjourned at 6:57 P.M.

Tracy Doran/Office Manager