

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

May 4th, 2021

The **May** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, May 4th, 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: J.R. Bond

Others in Attendance: John Hill, Lisa Thompson, Mike Wireman, Tracy Doran,
Helen Malenda via Zoom

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 May 4th, 2021:

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

3. Minutes for April 6th, 2021:

Director Farmer motioned to approve the April 6th, 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 April. Director Nily motioned to approve the April treasurer report and pay the March 2021 attorney bill of \$4,682.17. Motion carried (3-0)

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson reported that Mike Wireman, Director Doran, and herself had a meeting with Cherokee and Meridian's engineers and attorneys, and Cherokee's general manager today. She updated the board on what was discussed at the meeting. Discussion followed with the board. The board directed attorney Thompson to reach out to Greg Sullivan from Spronk Engineering to get a fee schedule. Ms. Thompson further noted that there is another status conference next week.

2. District Violations/Enforcement Actions:

Attorney Thompson advised the board on what she heard from Chris Grimes at the State. Chris Grimes sent a letter to the Maranjovics and Gonzalez properties and will be inspecting the Tran/Pham property. Discussion followed.

3. USGS Monitoring Program/Water Quality Study:

Helen Malenda with USGS gave a presentation to the board via Zoom on the location of the wells in the study. Discussion followed on not having any Arapahoe or Laramie-Fox Hills wells in the northern part of the basin. Discussion followed with the board and they said they would reach out or get the contact info for some individuals to talk to about wells that might work in that area.

4. Legislation:

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

Attorney Thompson reported that there are no updates on this and stated that Keith Vander Horst was going to write a draft.

b. House Bill 21-1043:

No updates and will be taken off of the agenda.

5. Mitchell Variance:

Director Farmer motioned to have attorney Thompson file an objection to the Mitchell Variance and be a participant in the Hearing. Director Nily seconded the motion. Motion carried (3-0)

NEW BUSINESS

Water Well Permit Applications:

1. Cass:

The applicants are asking for 1 home, 3,000 square feet of irrigation, 1 acre-foot in the Denver aquifer on 35.26 acres in Wrangler Ranch using determination of water right no. 459-BD. Although it meets the districts rules and regulations, we have not been commenting on any well permit that falls under 459-BD until the ownership of the water right is determined.

2. Mellen/JS Homes Inc:

This application is for 1 home, 2,000 square feet of irrigation, domestic animal watering, and .6 acre-feet of water in the Dawson aquifer under determination of water right no.1692-BD on 2.5 acres of land in Winsome subdivision. It meets what is allowed for in the water supply letter, they are asking for less irrigation amounts than what is allowed.

3. Master Bilt Homes, Inc:

The applicants are asking for 2 homes, 1 acre of irrigation, domestic animal watering, with 1 acre-foot in the Arapahoe aquifer underlying a 35.42-acre parcel in Stagecoach on the Range subdivision under determination of water right no.3390-BD.

4. Diggs:

The applicants are asking for 2 homes, 1 acre of irrigation, domestic animal watering and stock watering, with 1 acre-foot in the Arapahoe aquifer underlying 40 acres. It meets the districts rules and regulations.

5. Hi Point Builders/Wayne Intermill:

The applicants are asking 2 homes, 1 acre of lawn and garden, domestic animal watering and stock watering on 35.02-acres in Stagecoach on the Range Subdivision, with 1 acre-foot in the Arapahoe aquifer. This falls under determination of water right no. 339-BD and is consistent with our Rule 18.

6. Hutchin:

The applicants are asking for 1 home, 1 acre of lawn and garden irrigation, domestic animal and stock watering on 40 acres, with 1 acre-foot from the Arapahoe aquifer.

7. Cutler:

This is a pre-72 subdivision, it is in Engleby Moors and is a 5-acre parcel. They are asking for 1 home, .5 acre of lawn and garden irrigation, and .75 acre-feet in the Arapahoe aquifer. If there is no subdivision water supply letter, they will be limited .5 acre-feet.

8. Drake:

The applicants are asking for 1 home, 2,700 square feet of lawn and garden irrigation, domestic animal watering, with .5 acre-feet in the Arapahoe aquifer on 5.07 acres in The Reserve at Corral Bluffs subdivision under determination of water right no. 517-BD. The water supply plan allows .5 acre-feet, 2,700 square feet irrigation, and 4 large animals.

9. Oldja:

This application falls under 459-BD in Old West. The applicants are asking for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, with 2 acre-feet in the Denver aquifer on 35 acres. We have not been commenting on these applications but they are asking for 2 acre-feet in their application, and they would only be allowed one. Shannon states one in her email so we should verify.

10. Schufelt:

The applicants are asking for 3 homes, 1 acre of lawn and garden irrigation, domestic animal watering, and 1 acre-foot in the Denver aquifer underlying 40 acres. They will only be allowed 2 homes per our rules.

Director Farmer motioned to approve the well permits with noted comments on 7,9 & 10. Director Nily seconded the motion. Motion carried (3-0)

Determination of Water Rights:

1. Decoto:

The applicants are applying for determination of water rights in Laramie-Fox Hills aquifer underlying a 403-acre parcel. The beneficial uses they are applying for are: domestic including in-house; irrigation of landscape, lawn and gardens; replacement; firefighting; and the watering of domestic animals and stock. They will be rolling their domestic well with permit no. 219266 in to the determination, so there is a reduction to account for that.

2. Hart, Pufpaff, Kaercher:

The applicants are applying for determination of water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying an 80-acre parcel. The beneficial uses they are applying for are: domestic, livestock and irrigation. There is a reduction in the amount for the Denver aquifer to account for two wells, permit nos. 27727 and 317496. They will be rolling those permits into the determination.

3. Home Run Ventures, LLC:

The applicant is applying for determination of water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying a 40-acre parcel. The beneficial uses they are asking for are: domestic, lawn and garden irrigation, and domestic animal watering. There is a reduction in the amount of the Denver aquifer to account for 2 wells with permit nos. 286467 and 6546. They will be rolling those permits into the determination.

4. McDiarmid:

The applicants are applying for determination of water rights for the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying a 13.4-acre parcel. The beneficial uses they are asking for are: replacement; firefighting; the watering of domestic animals and stock; and fish and wildlife. There is a reduction in the Denver aquifer, as they are going to roll their domestic well with permit no. 153521-A into the determination. They do not note how the 4% replacement is going to happen for the Denver aquifer but assume septic return flows.

Director Farmer motioned to have Lisa review and comment on Hart, Pufpaff & Kaercher and Home Run Ventures applications. Director Nily seconded the motion. Motion carried

(3-0)

El Paso County Reviews:

1. Les Schwab Tire Center:

We believe this will be served by Woodmen Hills Metro District. It does not say in the letter of intent. Not much information in the submittal. It looks like it will be over by the McDonalds.

2. Winsome Preliminary Plan/This is in 3 Ground Water Basins:

The applicants propose to amend the preliminary plan to add (3) 5+ acre lots in filing 3. These lots will be created by dividing (2) 10-acre lots into (4) 5-acre lots, and adding a 5+ acre to the open space. The Winsome preliminary plan was approved July 9, 2019 by the County Commissioners.

3. Intent to form proposed Windermere Metropolitan District:

This is out of district and it does not say who the water provider is.

Director Farmer motioned to have Mike review Winsome Preliminary Plan and comment if necessary. Director Nily seconded the motion. Motion carried (3-0)

The Board directed Lisa to ask questions on Windermere Metro District and who the water provider will be.

New Business Not Covered Above:

NA

Any Other Business the Board May Have:

Director Farmer asked Ms. Thompson on where Mr. Vander Horst was on the Pierre Shale issue. Discussion followed. Ms. Thompson stated that we will ask to be put on the August Ground Water Commission agenda to discuss the Pierre Shale with them.

Next meeting will be June 1st, 2021

EXECUTIVE SESSION

NA

EXECUTIVE SESSION REPORT

NA

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 (3-0)

The meeting adjourned at 8:30 P.M.

Tracy Doran/Office Manager