

**UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES**

October 5th, 2021

The **October** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, October 5th, 2021**, at 6:00 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. The meeting was open to the public and was properly noticed.

Board Members in Attendance: President David Doran, Vice-President Dan Farmer,
Secretary Darrel Nily,

Board Members Absent: J.R. Bond (Director Bond called in for the executive session at 7:44 P.M.)

Others in Attendance: John Hill, Mirko Kruse, 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 5th, 2021:

Director Farmer motioned to accept the agenda with the addition of Designated Election Official under New Business, Grandview Reserve under Any Other Business the Board May Have, and a short executive session to discuss Cherokee Sweetwater #5. Director Nily seconded the motion. Motion carried (3-0)

3. Minutes for August 3rd, 2021:

Director Farmer motioned to approve the August 3rd, 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 months of August and September 2021. Director Farmer motioned to accept the August and September 2021 treasurer reports and pay the attorney bill of \$3,011.60, and pay the accountant's bill of \$1,000.00. Director Nily seconded the motion. Motion carried (3-0)

5. Preliminary 2022 Budget:

The board did not have any comments on the figures sent by the accountant. Director Farmer motioned to set the Budget Hearing for November 2nd, 2021. Director Nily seconded the motion. Motion carried (3-0)

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Kruse updated the board on this item and stated that the board would discuss this in executive session.

2. District Violations/Enforcement Actions:

There were no updates to report on this item.

3. USGS Monitoring Program/Water Quality Study:

There were no updates to report on this item.

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

There were no updates to report on this item.

NEW BUSINESS

1. Designated Election Official:

Director Doran read the resolution to appoint Manager Tracy Doran as the Designated Election Official into the record. Director Nily motioned to approve manager Doran as the designated election official for the February 1st, 2021 election. Director Farmer seconded the motion. Motion carried (3-0)

Manager Doran reported that districts up for election are 1, 2, 3 & 5. Discussion followed on dates for petitions, and publication notices.

Water Well Permit Applications:

1. Bennett:

The applicants are applying to use an existing well in Shasta acres subdivision on 5.6 acres. They did not specify dwellings, but on the form indicated 1 dwelling, 1 acre of lawn and garden irrigation, they did not check box for animals but have two horses, and are asking for 1 acre-ft in the Dawson aquifer. The well was drilled in 1974, and this is a pre-72 subdivision. The State noted that they have approval letters for filings 2 & 3 but not for 1. Filing 2 & 3 says they need to evaluate for aquifer as applied for and 15,000 sq. feet of irrigation.

2. Ocuzza:

The applicants are applying for a well in The Reserve at Corral Bluffs on 5.03 acres. They are allowed under their subdivision water supply letter to have 0.5 acre-feet in the Arapahoe aquifer, 2,700 sq. feet of irrigation, domestic animals. They are asking for 1 dwelling. This falls under 516-BD

3. Perez:

The applicants are asking for a well permit on 5.12 acres in Yucca Estates. They are allowed 0.5 acre-feet in the Arapahoe aquifer, 3,000sq feet of irrigation, domestic animal watering with 1 dwelling. They are also required to install a flowmeter and a geo log is required per their water supply plan. This falls under 32-ED

4. Home Run Ventures

The applicant is applying for a well on 40 acres that already has two existing exempt wells under determination of water rights no. 4156-ED. They are asking for 1 dwelling, .5 acre-feet in the Denver aquifer, .5 acres of lawn and garden irrigation.

5. Rodriguez

The applicants are applying for a well permit on 4.55 acres. They are asking for 1 dwelling, 3,000 sq feet of irrigation, domestic animal watering, and .5 acre-feet in the Arapahoe aquifer. This falls under 327-ED. They still need a water deed.

Director Nly motioned to approve 1,2,3 & 5 and have attorney Kruse get more information and comment on number 4. Director Farmer seconded the motion. Motion carried (3-0)

Determination of Water Rights:

1. Z Investments LLC

The applicants are applying for a determination of water rights underlying 40 acres for the Arapahoe and Laramie-Fox Hills aquifers. The beneficial uses they are asking for are: domestic, irrigation (indoor and outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife. Applicant plans to subdivide into 4 lots.

Director Farmer motioned to have counsel review and comment on the Z Investments LLC application. Director Nly seconded the motion. Motion carried (3-0)

El Paso County Reviews:

1. Treasured Acres Filing No. 1 Minor Subdivision

The applicants intend to subdivide into 3 lots, and plan on having wells and septic systems. They have determination of water rights.

2. Pike Solar

The project is located on 1350 acres southwest of Fountain, three miles southeast of the intersection of Link and Squirrel Creek Rd (not in our district). The applicant also secured leases from two parcels owned by Colorado Springs Utilities. This is for a solar field.

3. Proposed Silverado Ranch Metro District

The primary reason for the Metro District is for financing public infrastructure with ongoing maintenance operations. The justification for the district is that they will generate tax revenues sufficient to pay the costs of public improvements and create benefits for future residents. They will be a Title 32 with the authority over water, wastewater, street improvements and traffic study, drainage facilities, park and recreation, mosquito control, and covenant enforcement.

4. Falcon Marketplace Lot 7 Site Development Plan

This plan is on 1.64 acres and will consist of multi-tenant commercial properties with parking and landscaping.

5. Dutch Bros Falcon Marketplace

The project proposes to develop a 30,884 sq. ft. parcel in Falcon for construction of a new 950 sq. ft. Dutch Bros. Coffee with double drive-through and surface parking for 8 vehicles.

6. Volmer-Volmer Tap kV Transmission Substation SDP

Roadway Road improvements

7. Falcon Field Rezone/Map Amendment

They want to rezone a portion of the parcel from CR to RM-12. RM-12 is Multi-Dwelling District.

Director Farmer motioned to have counsel comment on Silverado Ranch Metro District formation. Director Nly seconded the motion. Motion carried (3-0)

The board discussed time frames for comments to both the State and the County and potentially having a Policy that allows for e-voting on well permits and County plans. Attorney Kruse will look into how that can be done and keep the board in compliance with the Sunshine Law. They discussed that sometimes there is not enough time in between meetings to get our comments in.

Any Other Business the Board May Have:

President Doran reported that the Board had asked counsel, Mirko Kruse to attend the Grandview Reserve Metro District formation Hearing at the El Paso County Commission meeting. Attorney Kruse advised that he attended virtually, and that he was given 3 minutes for comments. Mr. Kruse felt it went well and that we got our points across to the Commissioners. The main talking points he spoke on, on behalf of the district were that they haven't provided sufficient evidence that they have a legal, sustainable water supply. Discussion followed. Attorney Kruse noted that the application was approved by the Board of County Commissioners. Discussion continued that the State has similar concerns regarding their planned water supply or lack of a sufficient water supply.

The Board discussed a letter that was received by Mr. Bushman regarding wanting three properties on his home on Judge Orr Rd. Discussion followed. Director Doran motioned to have attorney Kruse send a letter to the Bushman's on the variance request and the procedures that they will need to follow. Director Farmer seconded the motion. Motion carried (3-0)

The board discussed the property on Judge Orr Rd., previously owned by the Hyatt's and sold. The new owners have a commercial business and there are numerous campers on the property and a letter needs to be sent that they are only allowed two homes. Discussion followed that they need to be submitting meter readings. Attorney Kruse will send a letter to the new owners.

Director Doran motioned to go out of the regular session and into executive session at 7:43 P.M. to discuss Sweetwater Well no. 5/Case 21CW3007. Director Farmer seconded the motion. Motion carried (3-0)

Director Bond joined the executive session via phone at 7:44 P.M.

EXECUTIVE SESSION

Please take notice that Attorney Mirko Kruse Pursuant to C.R.S. §24-6-402(4)(e) is requesting an Executive Session with the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District during its regular meeting scheduled on Tuesday, October 5th, 2021, regarding the following matters:

1. Sweetwater Well no. 5/Case 21CW3007

Director Nily motioned to come out of executive session and back into regular session at 8:03 P.M. Director Bond seconded the motion. Motion carried (4-0)

EXECUTIVE SESSION REPORT

Director Doran motioned to instruct counsel to enter into the stipulated agreement with Cherokee. Director Nily seconded the motion. Motion carried (3-0) Director Farmer recused.

Next meeting will be November 2nd, 2021

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 (4-0)

The meeting adjourned at 8:06 P.M.

Tracy Doran/Office Manager