

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

November 2nd, 2021

The **November** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, November 2nd, 2021**, at 6:06 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, Treasurer J.R. Bond
Director Bond arrived at the meeting at 6:15 P.M.

Board Members Absent: NA

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

Director Farmer motioned to approve the agenda for November 2nd, 2021. Director Nily seconded the motion. Motion carried (3-0)

3. Minutes for October 5th, 2021:

Director Farmer motioned to approve the October 5th, 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 October. Director Nily motioned to approve the October 2021 treasurer report and pay the attorney bill for \$2,029.50 and Engineering bill of \$2,029.50. Director Farmer seconded the motion. Motion carried (3-0)

5. 2022 Budget Hearing:

Director Bond motioned to go into the 2022 Budget Hearing at 6:30 P.M.

President Doran opened the floor to public comments, seeing none he closed the floor to public comments.

President Doran opened the floor to board comments.

The board discussed going to water conferences and putting money into director's expenses for that and mileage. The board added \$5,000.00 to director's expenses.

President Doran closed board comments.

Director Doran made a motion that the 2022 budget is accepted with the following change: the budget shall be updated to reflect the final re-certification values published by the County in December and to give authorization to sign the document with the final mill levy certification, and to accept the resolutions to set the mill levy and set the spending limits for 2021, and to authorize those signatures upon the updated figures, and to move money within the budget to make line items balanced. Director Bond seconded the motion. Motion carried (4-0)

Director Doran motioned to come out of executive session at 6:42 P.M. and back into regular session. Director Nily seconded the motion. Motion carried (4-0)

6. Election 2022:

Designated election official Tracy Doran reported that any interested party who is eligible to run for a board position can request a petition on November 18th, 2021. The petitions need to be returned to the office by December 28th, 2021.

VISITOR INPUT

NA

OLD BUSINESS

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

President Doran reported that there are no updates on this item at this time.

2. District Violations/Enforcement Actions:

The board discussed the Tran/Pham property and that they did not comply with the States Order. It appears the property is abandoned and may go into foreclosure. They had changed the pump from a 15gpm pump to a much larger one. The board directed manager Doran to write to Chris Grimes about that and that any potential owner of this property needs to be aware that the pump needs to be changed back to a 15gpm pump. The board discussed the Hyatt (now Bird) property on Judge Orr and reported that counsel had sent a letter to the Birds about the unclear ownership of the determination of water rights and whether they owned them. There has been no response from the Birds.

The board discussed a property on Ellicott Hwy below the Tipton Sod Farm that is advertising for tiny homes or campers to stay there. The board does not believe they are allowed that use with their well, or that they have gone through the County development process.

3. USGS Monitoring Program/Water Quality Study:

President Doran reported that we are still waiting for the final report from USGS and updated the board on his field trip with USGS.

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

President Doran reported that he did not have any updates on this item.

NEW BUSINESS

Water Well Permit Applications:

1. Bark

The applicants are applying for a well permit for 1 acre-foot in the Denver aquifer underlying 35 acres for 1 home, 1 acre-foot of lawn and garden irrigation, domestic animal watering in Old West Ranch III subdivision. This falls under 459-ED

2. Tunnel to Towers Foundation

The applicants are applying for a well permit underlying 36.27 acres. They are asking for Max homes, Max Irrigation, domestic animal watering, and Max acre-feet in the Denver aquifer. This falls under 459-ED. Per the districts rules they can have 2 homes, 1 acre-foot of lawn and garden irrigation, and 1 acre-foot in the Denver aquifer.

3. Woody

The applicant is applying for a well underlying 2.5 acres in Meadow Lake Airpark for 1 home, 435 sq. feet of lawn and garden irrigation, domestic animal watering, and 0.34 acre-feet in the Denver aquifer. This falls under 10-ED. The uses and amounts they are asking for are consistent with their water supply letter.

4. ED Paddock Trust

The applicants are applying for Max homes, Max irrigation, domestic animal watering, with 1 acre-foot in the Denver aquifer underlying either 40 acres or 160 acres. The application says 160 acres but has the box checked for square 40-acre parcel and the State said 40 acres in their email. It meets the districts rules and regulations either way. They will be allowed 2 homes, and 1 acre-foot of lawn and garden irrigation.

5. Heflich/Calvin

The applicants are applying for a well on 5.33 acres in Prairie Vista Meadows for 1 home, 4,200 sq. feet of irrigation, domestic animal watering, with .57 acre-feet in the Denver aquifer. This falls under 722-ED, 756-ED, 804-ED, 870-ED). They are consistent with their water supply letter.

Director Bond motioned to approve well permits 1-5. Director Nly seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Romans Living Trust

The applicants are applying for determination of water rights in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying a 40-acre tract, and Replacement Plan for the Dawson aquifer. The proposed beneficial uses are: domestic including in-house use, domestic animal watering, irrigation of landscape and greenhouse, commercial, fire protection, recreational, and the watering of stock animals, either directly or after storage. There is a reduction in the amount of Dawson water to account for an existing well with permit

no. 195628. The applicant is wanting to do a 7-lot subdivision, with each lot allotted 0.407 acre-feet (12214 AF total) of groundwater from the underlying Dawson aquifer to be used on the overlying land. Septic return flows will be used for the replacement. They intend to use per lot, 0.26 annual acre-feet for in-house use, and the remaining 0.147 annual acre-feet uses for domestic animal watering, irrigation of landscape, gardens, and greenhouse, commercial, fire protection, recreational, and the watering of stock animals, either directly or after storage. This is in District 1, close to Hopper Rd on top part of district boundary.

Director Farmer motioned to have Lisa or Mirko and Mike Wreman review the Romens Living Trust application and comment. Director Bond seconded the motion. Motion carried (4-0)

El Paso County Reviews:

1. **Saddlehorn Ranch Filing 2**

This is a request for approval of a Preliminary Plan and Final Plat of all tax ID parcel numbers. The applicant would like to develop the site as a planned community of new single-family detached manufactured residential dwelling units. The total acreage of the development is 816 acres, 608+ acres will be developed with up to 218 single family residences on lots each not less than 2.5-acre size. Of these totals, 42 single family residences on 2.5 acre lots will be developed on 132 in Filing no. 2. Water will be provided by a central water system to be developed by the owner/applicant. Organization of a Metro district is in progress, and individual septic systems will be provided via an on site wastewater treatment system (WTS) prepared by the owner in accordance with El Paso County Department of Health policy guidelines. Two wells, one an Arapahoe and one a Laramie-Fox Hills were drilled in 2008.

2. **Sterling Ranch Filing 3 Final Plat:**

The applicants are requesting a final plat for Phase no. 3 on 20.9116 acres, including 63 single family lots, 3 tracts and rights of way. This is out of district but they could potentially connect with Cherokee and Woodmen Hills Metro Districts. Sterling Ranch wastewater is discharged into the Meridian System which in turn has potential to convert some reusable flows to available physical supplies. (pages 5 & 6)

3. **Sunset Village, Filing 4 Road Maintenance Phase 1:**

The applicant purposes to repair, replace and bring code items found to be deficient during inspections into compliance.

4. **Lirette Accessory Living Quarter for Father:**

The applicants would like to build a second residence on their 9.72-acre parcel to house their parents, one with health issues. They have one existing home on the property. There will permit only allows for 1 dwelling so they would need to amend their well permit to add the additional home.

5. **Waterbury Filings Nos. 1 & 2 PUD Preliminary Plan:**

The applicant is requesting approval of the following:

1. PUD Zoning and Development Plan for Filing Nos. 1 & 2, consisting of 201 single-family lots on 61.9 acres of the 159.9 total acres, with a gross density of 3.25 dwelling units/acre.
2. Preliminary Plan for above.
3. Deviation for Saybrook Rd. turn lane lengths, and other deviations for roadways
4. Modification of the 1 tree/20' along Stapleton to allow for low water shrubs
5. **Water Sufficiency Finding**

6. Early grading operations request
7. Subsequent Final Plats for Waterbury Filing Nos 1 & 2

The applicant states that water service will be provided via a central water system to be developed by the owner and will be operated and maintained by 4-Way Ranch Metropolitan District. The applicant states that they have an agreement with Cherokee Metropolitan District for the wastewater. (page 5 of Letter of Intent).

6. Urban Firewood Site Development Plan:

The applicant is requesting a site development plan for firewood production and storage, approval of an alternate driveway plan, and alternative landscape plan. The applicant plans to use the 5 acre site as a firewood production and storage facility. He will be bringing in large pieces of timber to be split into firewood with mechanical equipment.

7. Mayberry Phase 1 PUD/SP:

The applicant is requesting approval for the following.

1. APUD/Preliminary Plan Amendment for the 71.39 acre Phase 1 portion of the past approved Ellicott Town Center PUD

2. Early Metro District grading improvements

Ellicott Utilities states they will provide water and sewer to the development. That commitment is based on Determination of Water Right no. 598-ED (50.98 AFY), a portion of the Tipton Well Water Interest (30.96 AFY). On page 6 of the letter of intent it states regarding the Tipton water "The second water source immediately available to serve the development, Mayberry Colorado Springs, and support the PUD Amendment is 30.96 AFY of the 82 AFY of Tipton Well Interest owned by ELC. The Tipton Well is an exportable well located inside the Upper Black Squirrel Basin and is supported through Colorado Ground Water Commission Case No. 91-GW-01 attached in Exhibit A of the attached report. This well is owned by Cherokee water, LLC in which ELC holds an interest. Cherokee Metropolitan District is the manager of this LLC and further manages this well."

These two water sources combined are 81.94 AFY and they say will support the demand that is created by the PUD Amendment containing 240 homes, and 3 industrial lots. This projected balances of water from Viewpoint Estates/Antelope Park Ranchettes and Sunset Village which were mentioned previously will not be relied upon for this PUD Amendment, but the change of location process will be started, and that water will be utilized for future construction at Mayberry.

8. Fuel Station Rezoning:

The applicant is requesting to rezone the property from A-35 to CS (commercial Services) in order to address the legal nonconforming use. The request is associated with a future site development plan to add three (3) new diesel pumps (covered by an existing canopy), and an underground diesel tank to the existing gas station, and to add a second road access point on the southwest corner of the lot to concert the traffic direction to one-way, and to address the limited turn around space in front of the gas station.

9. Sand Creek Channel Design:

The applicants are requesting approval of construction plans for the Sand Creek channel restoration from the South property line of Sterling Ranch then north to the downstream limit of the Sand Creek Channel improvements constructed by Classic for the Retreat at Timber Ridge Development.

10. Latigo Trails Filing No. 10 (2021):

The applicant is requesting approval of a final plat for the development of 39 rural residential single family residential lots on approximately 107 acres. On page 3 of letter of intent it states that water will be provided

via a central water system to be developed by the owner/applicant and will be operated and maintained by the Latigo Trails Metropolitan District (organization of a Metropolitan District will be completed at the time of the Final Plat recording). Individual septic systems will be provided via an on-site wastewater treatment system prepared by the owner in accordance with El Paso County Health policy guidelines.

11. Latigo Trails Filing No. 9 (2021):

The applicant is requesting approval of a final plat for the development of 37 rural residential single family residential lots on approximately 102 acres. On page 3 of letter of intent it states that water will be provided via a central water system to be developed by the owner/applicant and will be operated and maintained by the Latigo Trails Metropolitan District (organization of a Metropolitan District will be completed at the time of the Final Plat recording). Individual septic systems will be provided via an on-site wastewater treatment system prepared by the owner in accordance with El Paso County Health policy guidelines.

12. Retreat at Timber Ridge Filing No. 2:

This final plat is 75.829 acres and proposes 90 single family lots. Twelve lots are proposed to be 2.5 acres (rural) and the remaining 78 lots will be 12,000 sq. feet in size. They are asking for water sufficiency in this final plat. Water and waste water will be provided by Sterling Ranch. Rural lots will have well and septic.

The board discussed Waterbury and Mayberry and that their underdrains need to be addressed like Woodmen Hills and Meridian. Cherokee is going to take the wastewater and they also will take from Mayberry and that needs to be reviewed. The board further discussed Latigo and not knowing where the water is coming from what aquifer, and that no Metro District has been formed, and that they could tap into Meridian Ranch.

Director Doran motioned to have counsel and Mike Wireman review #'s 1,2,5,7,10,11 & 12 and approve #'s 3,4,6,8, & 9. Director Farmer seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have:

Celebrated manager Tracy Doran's 20th year with the district.

Director Farmer motioned to go into executive session at 7:38 P.M. to discuss employee review. Director Bond seconded the motion. Motion carried (3-0) Director Doran recused.

EXECUTIVE SESSION

Please take notice that Vice-President Dan Farmer Pursuant to C.R.S. §24-6-402(4)(f) 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, November 2nd, 2021, regarding the following matters:

1. Employee Review

Director Bond motioned to come out of executive session and back into regular session at 7:52 P.M. Director Nily seconded the motion. Motion carried (3-0) Director Doran recused.

EXECUTIVE SESSION REPORT

Director Farmer motioned to amend and change #1, 4a and 7 of the employee contract; and approve the contract with those changes. Director Bond seconded the motion. Motion carried (3-0) Director Doran recused

Next meeting will be January 4th, 2022

ADJOURNMENT

President Doran called for the meeting to be adjourned.

Director Doran made a motion to adjourn the meeting. Director Farmer seconded the motion. Motion carried (4-0)

The meeting adjourned at 7:55 P.M.

Tracy Doran/Office Manager