

UPPER BLACK SQUIRREL CREEK GROUND  
WATER MANAGEMENT DISTRICT  
REGULAR MEETING MINUTES

January 4<sup>th</sup>, 2022

The **January** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, January 4<sup>th</sup>, 2022**, at 6:03 P.M., in the conference room at Farmers State Bank, 1500 8<sup>th</sup> 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

**Board Members Absent:** NA

**Others in Attendance:** John Hill, Don Booker, Greg Budwine, Mitch Baldwin, Mary Anna Clemons, Jason Kvols, John Mick, Lisa Thompson, 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 January 4<sup>th</sup>, 2022:**

Director Farmer motioned to approve the January 4<sup>th</sup>, 2022 agenda with the addition of appointment for Division 3. Director Bond seconded the motion. Motion carried (4-0)

**3. Minutes for November 2<sup>nd</sup>, 2021:**

Director Bond motioned to approve the November 2<sup>nd</sup>, 2021 minutes. Director Nily seconded the motion. Motion carried (4-0)

**4. Treasurer Report & Any Bills Needing Board Approval:**

Treasurer Bond went over the income and expenses and motioned to approve the December 2021 treasurer report. Director Nily seconded the motion. Motion carried (4-0). Manager Doran reported that we had not received a bill from the attorney's office yet. Attorney Thompson noted that the office manager was working on it.

**5. Election 2022:**

Designated election official Tracy Doran reported that there were no more petitions than positions to be filled for Division 2 & 5. There were no petitions turned in for Division 1 or 3 and they will be vacant. Designated election official Doran noted that she had submitted the legal publication for the cancelation of the election and it would be in the January 6<sup>th</sup>, 2021 paper. Discussion followed on filling those vacancies.

President Doran advised that Mitch Baldwin, a former board member for Division 3, had moved several years ago into Division 1 and would be interested in filling a 2-year term, until the next election for Division 1. Discussion followed with Mr. Baldwin and the board. Director Nily motioned to appoint Mitch Baldwin as a board member for Division 1, starting February 1<sup>st</sup>, 2022. Director Bond seconded the motion. Motion carried (4-0)

**6. Sunshine Law:**

President Doran read into the record:

- A Meetings to be held the first Tuesday of every month at 6:00 PM or at a time designated by the Board of Upper Black Squirrel Creek at 1500 8th Street in the Conference Room (Enter through courtyard on South side of building) at Farmers State Bank, Calhan, CO or at a location designated by the Board of Director's
- B Agendas to be posted on the west door (by drive through) of the District Office located at 1500 8th Street at Farmers State Bank, Calhan, CO and on the district's web site [www.upperblacksquirrelcreekwater.com](http://www.upperblacksquirrelcreekwater.com)
- C The minutes and records of the meetings to be retained at the District Office located at 1500 8th Street (Inside Farmers State Bank), Calhan, CO and will be made available on the district's web site after approval at [www.upperblacksquirrelcreekwater.com](http://www.upperblacksquirrelcreekwater.com)

**VISITOR INPUT**

Greg Budwine came to speak to the board about an email he had received about The Falcon Area Water Authority (FAWA), which is a new entity that plans to take water from High Forest Ranch, Bar X Ranch, and McCune Ranch (now known as Winsome) and pipe it down to supply Sterling Ranch, the Ranch, Timber Ridge, the Schmidt property (400 homes) and potentially several Falcon area water districts (Meridian, Woodmen Hills, Falcon Highlands and others). It will be a series of 27 well sites, with 2 wells per site potential. They will be Denver Basin wells, Arapahoe & Laramie-Fox Hills mainly but mentions the Denver aquifer. They will connect the wells to a central 24-inch waterline that will go east on Hodgen to Meridian and then south to the storage tank and treatment facility for Sterling Ranch. They plan on drilling the first wells in 2022 or 2023. Discussion followed with Mr. Budwine and the board. This is out of the district but could affect the water in the district. The board will investigate this further.

**OLD BUSINESS**

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

Ms. Thompson updated the board on the last status conference and noted that they are still working on the amendment. Ms. Thompson advised that the next status conference is April 29<sup>th</sup>, 2022. Discussion followed on the timeline of the hearing and the amendments.

**2. District Violations/Enforcement Actions:**

President Doran reported that we had received some expired permits from the State and some of them were from violators in the district. Discussion followed on the Tran/Pham property on Soapweed that was in violation of their Order and is now vacant. Discussion on that they put in a large pipe to pump more water, and that it no longer pumps 15 gpm which is what it should. Discussion on how to work with the State to ensure that any new potential owners are made aware that the well pump will need to be replaced to one that only pumps 15 gpm.

**3. USGS Monitoring Program/Water Quality Study:**

Ms. Thompson noted that Mike Wireman had given her an update to report back to the board on. Ms. Thompson advised that the USGS is working on getting the water leveling network up and running and there was discussion on how often they will be read. President Doran reported that he had spoken to Ryan at USGS and that he stated the preliminary report done and that it is not to be disseminated yet, that it is at the printer and had gone through the vetting process. Discussion followed on whether it was done yet or not. Ms. Thompson will talk to Mike Wireman and get back to the board on that.

**4. Proposed Amendments of Designated Rules 4.2.8,5.3.3.4,5.3.9,5.11.5,5.11.6B,7.5, & 7.11:**

The Colorado Ground Water Commission has approved the process of amending the above rules of the Rules and Regulations for the Management and Control of Designated Ground Water. In your packet is a draft of the proposed rules and along with a statement of basis for the reason for each proposed change. The Commission will be holding a public meeting via ZOOM to allow input on January 6<sup>th</sup>, 2022 from 10 AM to Noon. The board went over the rules with Ms. Thompson and gave her direction on their comments.

**NEW BUSINESS**

**1. Mayberry Meeting:**

Jason Kvols & John Mick introduced themselves to the board and explained that they are the developers for the Mayberry subdivision and also the owners of Ellicott Utilities. They advised that the County had stated they meet with the board, as the County will not approve the application without the board's approval. Discussion followed on the plan, water rights and sources of water they have and have obtained. The board advised them of their concerns. Mr. Kvols gave the board a packet of information on their water portfolio. The board directed attorney Thompson to review the materials they submitted and to set up a meeting with the applicants after reviewing. The board thanked them for their time and initiative to speak with them.

**Water Well Permit Applications:**

**1. Masterbilt Homes Inc**

The applicants are applying for a domestic well under DAR 459-BD (Old Santa Fe Springs) for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, with 1 acre-foot in the Denver aquifer on 40 acres in Old West Ranch Subdivision.

**2. Masterbilt Homes Inc**

The applicants are applying for a domestic well under DAR 4065-BD (water was sold from Cathedral Pines to

Trails End Ranch Partners LLC in 2020), for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, with 1 acre-foot in the Denver aquifer underlying 38.45 acres

**3. Leake**

The applicant is applying for a domestic well and seeking approval for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering with 1 acre-foot in the Denver aquifer underlying 40 acres

**4. Paddock BD Trust**

The applicants are applying for a domestic well for max homes, max irrigation, domestic animal watering and max acre-feet in the Arapahoe aquifer underlying 39.91 acres. They will be allowed up to 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering and 1 acre-foot in the Arapahoe aquifer per the district's rules and regulations

**5. H Point Builders**

The applicants are applying for a domestic well under DAR 1188-BD for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering and 1 acre-foot in the Denver aquifer underlying 35 acres in Trails End subdivision.

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

**Determination of Water Rights:**

**1. GIL Development Inc**

The applicants are applying for determination of water rights underlying 80 acres and asking for the following beneficial uses: irrigation, domestic, fire protection, livestock and replacement. They are also asking for a change in type of use, a change in place of use and a change in allowed location of points of diversion for a portion of the water allocated in DAR no. 230-BD, and removal of overlying land from DAR no. 230-BD

**2. GIL Development Inc & Woodmen Hills Public Facilities Leasing Trust 2016**

The applicants are applying for determination of water rights underlying 80 acres in the Laramie Fox Hills and Arapahoe aquifers and are asking for the following beneficial uses: municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. They are also asking for a change in type of use, a change in place of use and a change in allowed location of points of diversion for a portion of the water allocated in DAR nos. 228-BD and 229-BD, and removal of overlying land from DAR no. 228-BD and 229-BD

Director Doran motioned to have attorney Thompson review the two GIL & Woodmen Hills Public Facilities determinations and make comments if necessary. Director Farmer seconded the motion. Motion carried (4-0)

**El Paso County Reviews:**

**1. Falcon Highland Sketch Plan Amendment**

The purpose of this application is to request approval of a major sketch plan amendment to the Falcon Highlands sketch plan approved in 2004. The area as part of this amendment request within the existing

Falcon Highlands development is currently known as Filing 3 and encompasses 114.1 total acres. The 114 acres were originally part of a larger 240-acre parcel permitting single family residential at 1.58 DU/acre. Much of the 240 acres has been developed and constructed as part of Falcon Highlands Filing 1 and No. 2. Existing lots as small as 10,000 sq. ft. up to an acre or larger in size. The amended area is proposing to include 19.8 acres of residential single family residential at a density of 1.0-2.99 DU/AC to align with the existing neighborhood and 95.1 acres at a density of 3.0-5.99 DU/AC. The proposed higher density land use area will be buffered by Antelope Meadow Circle. The proposed sketch plan amendment would permit up to 400 single family detached units and 23 acres of open space and drainage areas. The amended area will include a mix of lot sizes ranging from 3,500 sq. feet to 6,600 sq. ft. within the 95.1-acre higher density area and 20,000 sq. ft. lots in the 19.8-acre lower density area. Water and wastewater provided by Falcon Highlands Metropolitan District. We have a stipulation with them and need to review.

**2. Ellicott Sand & Gravel Special Use**

Letter of intent and additional information required from the County. Counsel is reviewing.

**3. WSE-0 Pike Solar**

This is a wind/solar Energy overlay application for WSE-0 zoning.

**4. The Estates at Rolling Hills #2 Amendment**

This application is for a proposal for an amendment to the approved PUD addressing an eastern property boundary revision (lots 67-73 east boundary). No major changes they say to the overall PUD or PUD standards is being proposed. The request is a PUD development/Preliminary Plan amendment for the Estates at Rolling Hills Ranch No. 2, consisting of 98 single-family dwelling lots, landscaping, open space, and trails on approximately 117 acres to address a boundary line adjustment an addition of a 0.06 ac. Tract along the eastern property boundary.

**5. Gary Hammann SF Subdivision**

The applicant wants to subdivide a 19.31-acre parcel into 4 lots. Mirko reviewed and said that the application raised issues of applicant's proof of an available water supply through individual Denver Basin wells and wastewater treatment using individual septic systems.

**6. Mayberry Filing No. 1 Replat**

The applicant is requesting a replat of Filing 1 to revise 38 lots in the past 98 lot approval.

**7. Viewpoint Estates-Preliminary Plat**

The applicant is requesting approval of the Viewpoint Estates Filing 2 preliminary plan. Approval will generate the vacating and re-platting of lots 71 & 72, Viewpoint Estates, 24.332 acres, into 7 single-family rural residential lots in the RR-2.5 Zone and Tracts A & B as additional right of way for Colorado Hwy 94. This is submitted concurrently with the Final Plat for Viewpoint Filing NO. 2.

**8. Viewpoint Estates-Final Plat**

Vacate 2 lots and final plat 7 lots. Mirko stated that the replat of Viewpoint Estates raised issues of the applicant's proof of an uncommitted and available water supply from Ellicott Utilities LLC and wastewater treatment using individual septic systems.

**9. Bent Grass East Commercial Filing 3 Final Plat**

The applicant requests approval of a preliminary plat for 6 commercial lots, and one tract for a private access road and utilities on approximately 5.351 acres. Mirko stated that the application raised issues of applicant's

proposed wastewater service from Woodmen Hills and the potential for high groundwater near the development which may require underdrains.

**10. Eagleview Preliminary Plan Reconsideration:**

NES Inc. on behalf of PT Eagleview LLC requests approval of a reconsideration of a preliminary plan for Eagleview Estates. The preliminary plan was approved in 2007 and has since expired. The proposed plan is largely the same, with one modified street intersection at South Arroya Lane and Flaming Sun Drive. Plan calls for individual wells and septic. 38 single family residential lots on 121.21 acres..average lot size is proposed to be 2.95 acres, the minimum 2.5 acres.

**11. Grandview Reserve PUDSP:**

4 Site Investment LLC is submitting Grandview Reserve requesting approval of a PUD/Preliminary Plan for Filing 1. The total property consists of 189.5 acres. The plan proposes up to 568 residential units at varying densities, parks and open space and institutional use (church). We have commented several times on this development. Mirko has another comment letter and Mirko stated that the applicant acknowledged that in the water resources report that it does not currently have evidence of ownership over its proposed water supply. Mirko's letter simply points this out and emphasizes that until this evidence is provided the County should not approve a water sufficiency finding.

**12. Peerless Farms Preliminary Plan:**

The applicant is looking to subdivide a 40-acre parcel into 7 lots, zoned RR-5 at a minimum of 5 ac to meet requirements. They have 7acre-feet from Mid-Colorado Investment Company, Inc according to Al Hagedorn in a letter dated Dec. 7<sup>th</sup>, 2021.

Director Doran motioned to have attorney Thompson and Kruse review and comment, if necessary, on 1-12, with the exception of number 3. Director Bond seconded the motion. Motion carried (4-0)

**Any Other Business the Board May Have:**

The board discussed the Ground Water Conference in San Antonio. President Doran and Manager Doran will be attending and the other board members will let Manager Doran know if they will be attending as well. Lost Creek will be attending the meeting and have attended other conferences and stated that they have gotten a lot out of the conferences.

**EXECUTIVE SESSION**

**EXECUTIVE SESSION REPORT**

**Next meeting will be February 1<sup>st</sup>, 2022**

**ADJOURNMENT**

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 9:07 P.M.

Tracy Doran/Office Manager