

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

May 3rd, 2022

The May meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, May 3rd, 2022, 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 Nly, Treasurer Mitchell Baldwin

Board Members Absent:

Others in Attendance: John Hill, Lisa Thompson via Zoom, Jeff Munger,
Dean Goss, Karen Goss, 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 May 3rd, 2022:**
Director Baldwin motioned to approve the May 3rd, 2022 agenda. Director Nly seconded the motion. Motion carried (4-0)
- 3. Minutes for March 1st, 2022 & April 5th, 2022:**
Director Baldwin motioned to approve the March 1st, 2022 minutes. Director Farmer seconded the motion. Motion carried (3-0). Director Farmer motioned to approve the April 5th, 2022 minutes. Director Nly seconded the motion. Motion carried (3-0)
- 4. Treasurer Report & Any Bills Needing Board Approval:**
Treasurer Baldwin reported on the income and expenses for the month of April 2022. Director Farmer motioned to approve the April treasurer report and pay the attorney bill of \$5,812.73 for March legal expenses, and pay the Hydrogeologist bill for February 1st through April 30th, 2022 for \$2,600.00. Director Baldwin seconded the motion. Motion carried (4-0)

VISITOR INPUT

NA

OLDBUSINESS

1. Cherokee Metro & Meridian Service Metro/Replacement Plan/Case No. 08GW1:

Attorney Thompson reported on the status conference held on April 29th, 2022 and noted that the model is not complete and that the Hearing Officer stated that the amended application has to be supported by updated modeling. The applicants need to submit that before publication. Discussion followed on publication, objection period, further status conferences. Ms. Thompson advised that she spoke with Spronk Water Engineers and sent over scope of work and got an estimate. Director Baldwin motioned to sign the initial agreement with Spronk for Pre-Hearing, pre-expert, and technical for the Cherokee & Meridian Replacement Plan. Director Nly seconded the motion. Motion carried (4-0)

Ms. Thompson noted that she spoke with Jared on AEM and that he would be willing to come down to the next meeting to go over that or do it over Zoom. The board would like to hear his presentation. Attorney Thompson will give him a call to set that up.

Ms. Thompson reported that there was an email from the State asking if the board would have any issues with the State hiring Wilhelm Schroeder to help the State with the modeling in the Cherokee/Meridian Replacement Hearing. Discussion followed. Ms. Thompson will write the AG's Office and confirm that the UBS board strongly opposes having Mr. Schroeder working as a consultant for the State on this. Discussion followed on the Replacement Plan being the first of its kind in the State.

2. District Violations/Enforcement Actions:

Ms. Thompson reported on an email from Chris Grimes that one of the ponds in Blue Springs has been breached.

3. USGS Monitoring Program/Water Quality Study:

Ms. Thompson reported on the live data from the monitoring wells and showed samples to the board and reported that Mike Wireman has reviewed some of the data. It is available for viewing online, some read every 15 minutes. Discussion followed on getting formal okay from USGS to link it on our website. Director Doran that there are no updates on the publication, still waiting for the final report.

4. Proposed Amendments of Designated Rules 4, 2, 8, 5, 3, 3, 4, 5, 3, 9, 5, 11, 5, 5, 11, 6, 7, 5, & 7, 11:

Ms. Thompson updated the board on the latest changes.

NEWBUSINESS

1. Goss/Variance Request from Rule 4:

Director Doran advised that Mr. Goss is requesting a variance from the District's Rule 4 to allow him to replace the exempt well at a location that is more than fifty (50) feet from the current location of the well and that corresponds to the current location of the irrigation well. Discussion followed on the variance hearing rules and what is required. Director Doran asked Mr. Goss to explain what he wants to do. Mr. Goss briefly went over what he wants to do and what the State is saying he can and can't do. Discussion followed between the board and Mr. Goss. Ms. Thompson will send a publication notice to Mr. Goss's attorney and stated it will need to be published for two weeks, and the party seeking the variance is responsible for paying the publication cost.

Water Well Permit Applications

1. **Dwyer:**
The applicant applied for a domestic well permit for 2 dwellings, domestic animal watering, livestock watering and 1 acre-foot in the Arapahoe aquifer underlying 40 acres. The applicant did not specify home and garden irrigation amount but did check the box. The applicant would be allowed 1 acre of irrigation per our rules, everything else is consistent with the district's rules and regulations.
2. **Smith:**
The applicants have applied for a domestic well and are asking for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, 1 acre-foot in the Denver aquifer underlying 38.06 acres. This is consistent with the district's rules and regulations.
3. **Buller:**
The applicants are applying for a domestic well underlying 35.26 acres in Wrangler Ranch at Old West under DAR 459-ED. They are asking for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, stock watering and 1 acre-foot in the Denver aquifer. It is consistent with our rules and regulations.
4. **Self:**
The applicants are applying for a domestic well underlying 40 acres. They are asking for 2 homes, 1 acre of lawn and garden irrigation, 1 acre-foot in the Denver aquifer. It is consistent with our rules and regulations.
5. **Lerum:**
The applicants are applying for a domestic well underlying 35 acres in Cowboy Way Subdivision under DAR 459-ED. They are asking for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering and stock watering, with 1 acre-foot in the Denver aquifer. It is consistent with our rules and regulations.
6. **(2) Cucuzza Construction, Inc/Lot 2 & Lot 5:**
The applicants are applying for two domestic wells under DAR 516-bD in Reserve at Corral Bluffs. They are asking for 1 home, 2,700 sq. feet of lawn and garden irrigation, .75 acre-feet in the Arapahoe aquifer underlying 5.16 acres (lot 2), and 5.01 (lot 5). They are allowed in their subdivision water supply plan .5 acre-feet in the Arapahoe aquifer, 2,700 sq. feet of lawn and garden irrigation. They are also required to have a meter installed. They will need to fix the acre-feet amount to be consistent with the water supply plan.
7. **Eckburg/Change of Use:**
The applicants thought they had an unregistered well, but they ended up with 2 domestic well permits. Only one well has been used in the home. They are changing permit no. 235711 to livestock. They did not fill out any amounts on the application but they are allowed 1 acre-foot for a livestock permit. This is a 65 acre parcel.
8. **Benavides:**
The applicants are applying for a domestic well permit underlying 35 acres. They are asking for 3 homes, most allowed lawn and garden irrigation, domestic animal watering and 1 acre-foot in the Laramie-Fox Hills aquifer. They will be allowed 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, and 1 acre-foot in the Laramie-Fox Hills aquifer.
9. **Fasth/Livestock Well:**
The applicants are applying for a livestock well underlying 600 acres. They are seeking .6-acre feet in the Denver Basin aquifer.

Director Farmer motioned to approve well permits 1-9 with noted comments. Director Baldwin seconded the motion. Motion carried (4-0)

Determination of Water Rights

1. Murr:

The applicants are applying for determination of water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying 37.4 acres. The beneficial uses they are applying for are: domestic-in-house; irrigation of lawn; garden; and greenhouse; domestic animal and stock watering; commercial; firefighting; piscatorial; and replacement, either directly or after storage. There is a reduction in the Denver aquifer for well permit no. 196038.

The board has no comment on the determination.

El Paso County Reviews

1. FAWA/Bar X Regional Water Distribution System

The applicant is requesting a permit to construct an efficient utilization of municipal and industrial water projects, and site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.

2. Homestead North at Sterling ranch Filing No. 1:

The applicant is requesting final approval of a final plat for Homestead North at Sterling Ranch No. 1 on 4214 acres for 73 single family homes. They say a finding of water sufficiency will be issued with the Homestead North Phase 1 Preliminary Plan, which this is part of. They are asking for the Final Plat to be approved administratively. Sterling Ranch will provide water and wastewater.

3. Silverado Ranch Metropolitan District:

The applicant is proposing to form a Title 32 Metropolitan District to serve Silverado Ranch Subdivision.

Director Baldwin motioned to have attorney Thompson do a brief review on 1-3 of the consent calendars and Make any necessary comments. Director Nly seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have

Director Baldwin reported that he will not be able to attend the June 7th meeting, he will be out of town on work.

Jeff Munger asked about having a meeting after May 17th with the board, attorney and consultants to go over the amended replacement plan. Discussion followed on the modeling and if it was going to be finalized by the 17th. The board noted that it would be best if model finalized before meeting. There was discussion about the meeting falling under Rule 408 and that anything discussed in the meeting is confidential and cannot be raised in the hearing by either party.

Director Doran asked Ms. Thompson what the district's authority is on water curtailment, and advised that we have authority over priority calls and what are our limitations to ask the irrigators, metro districts, large capacity users and small capacity well users to come up with a small percentage of curtailment to save water in the basin. It was noted that Colorado Springs is on water restrictions but that none of the Metropolitan District's have implemented water restrictions. Director Farmer said that it would be helpful to put something in the paper and gently suggest ways to try and conserve water and noted that the irrigators are basically being curtailed by the cost of electricity, it is

expensive to run a well anymore. Discussion followed on artificial turf and proposed legislation. There was no action taken.

EXECUTIVE SESSION

EXECUTIVE SESSION REPORT

Next meeting will be June 7th, 2022

ADJOURNMENT

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 7:28 P.M

Tracy Doran/Office Manager