

UPPER BLACK SQUIRREL CREEK GROUND
WATER MANAGEMENT DISTRICT
REGULAR MEETING MINUTES

August 2nd, 2022

The August meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order Tuesday, August 2nd, 2022, at 6:05 P.M. Via ZOOM 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: NA

Others in Attendance: John Hill, 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 August 2nd, 2022:

Director Baldwin motioned to accept the August 2nd, 2022 agenda with the addition of Mike Wireman's bill, well permits #4 for Bernal and #5 Mose. Director Nly seconded the motion. Motion carried (4-0)

3. Minutes for July 14th, 2022:

Director Nly motioned to approve the July 14th, 2022 minutes. Director Farmer seconded the motion. Motion carried (4-0)

4. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Baldwin reported on the income and expenditures for the month of July and motioned to pay the attorney bill for \$1,832.00 and Engineering bill of \$3,392.50. Director Nly seconded the motion. Motion carried (4-0)

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson advised there has been no response to the letter sent from the State to Cherokee on the items they need to address. The next status conference is scheduled for August 11th, 2022.

2. District Violations/Enforcement Actions

Manager Doran reported on a call she received for a domestic well in Yucca Estates that is sharing water with lot 4. Attorney Thompson will investigate and send out letters.

3. USGS Monitoring Program/Water Quality Study

Attorney Thompson noted that Mke Wireman has been in contact with USGS and they would like to do a presentation of the results of the latest phase at the September or October meeting. The board would like to do it at the September meeting.

4. Proposed Amendments of Designated Rules 428,533,453,9511,5,511.6B7.5, & 7.11:

Attorney Thompson briefed the board on what the AG and State Staff had proposed on the amended rules and stated she will zoom into the hearing and state on the record that we disagree and that we don't think the Rules should be brought by the Commission Staff when management districts did not initiate the process. Discussion followed.

5. Goss Variance Request/Hearing

Attorney Thompson advised the board that the variance request was published in the Ranchland News for two weeks, June 16th and June 23rd 2022. The district did receive an objection and the board will need to set a hearing. Ms. Thompson briefed the board on the hearing procedures and timeline. Discussion continued on the hearing date. Director Baldwin cannot attend the September meeting as he is having surgery, and Director Doran has to recuse himself from Goss matters so October would be the best time to hold the hearing to have a quorum. Director Doran motioned to have the Goss hearing on October 4th, 2022 and have Lisa and Tracy publish and have Lisa send out certified letters with pre-hearing deadlines to the parties, and any other legal details. Director Baldwin seconded the motion. Motion carried (4-0)

6. Green Hill Farms LLC

Ms. Thompson reported that there will be a status conference on August 5th, 2022. Discussion followed on the draft determination, storage capacity, pumping limited to overall amount, specific cistem size.

7. Meridian 22GA01 & 22GA02

Attorney Thompson advised there were no updates on this item. The next status conference is scheduled for August 16th, 2022.

NEW BUSINESS

Water Well Permit Applications

1. JEB Ranch, LLC

The applicants have been piping water to the parcel. They are applying for a domestic well, for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, with 1 acre-foot in the Arapahoe aquifer underlying a 40-acre parcel. It will be the only well on the parcel.

2. Lesley

The applicants are applying for a domestic well for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, with 1 acre-foot in the Laramie-Fox Hills aquifer underlying a 36-acre parcel. It will be the only well on the parcel.

3. **Martin/Replacement:**

The applicants are applying for a replacement well, which was a pre-72 well in the Dawson aquifer. They are applying for 1 home, 1 acre foot of lawn and garden irrigation, domestic animal watering and livestock watering and 1 acre-foot in the Denver aquifer underlying 14.82 acres. They are changing aquifers so they are not limited to staying within 50 feet of the original well, but they will be limited to .5 acre-feet as the property is under 35 acres and limited lawn and garden irrigation. Had they stayed in the same aquifer they could have possibly had those amounts if they were allowed them pre-72.

4. **Bernal:**

The applicants are applying for a domestic well under DWR 877-BD. 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 underlying 39.55 acres.

5. **Moser:**

The applicants are applying for a domestic well permit under DWR 573-BD and associated replacement plan. They are asking for 1 home, 6,000 sq. feet of lawn and garden irrigation, and .46 acre-feet in the Dawson aquifer underlying 6.11 acres. In Shannon's email she states they can have .46 acre-feet, 4 domestic animals, 1,600 sq. feet of irrigation.

Director Nly motioned to approve well permits 2-5 and have Lisa review and comment on #1. Director Baldwin seconded the motion. Motion carried (4-0)

Determination of Water Rights

1. **Grandview Reserve Metropolitan District; Change of Determination of Water Right No. 511-BD, Arapahoe Aquifer:**

The applicants are asking to change the beneficial uses from domestic, livestock watering, lawn irrigation, commercial, industrial, replacement, augmentation and municipal use by Four-Way Ranch Metropolitan District and the Woodmen Hills Metropolitan District. The allowed place of use of the groundwater is the 8,095 acres of overlying land of determination of water right no. 511-BD and the service area of the Woodmen Hills Metropolitan District within the Upper Black Squirrel Creek Designated Basin for 140,000 acre-feet in the Arapahoe aquifer. The application requests a change in allowed type of use to add the following use: all municipal purposes by the Grandview Reserve Metropolitan District No. 1, including domestic, agricultural, stock watering, irrigation, commercial, industrial, manufacturing, fire protection, power generation, wetlands, piscatorial, and wildlife, either directly or after storage. They also state that Grandview Reserve Metropolitan District No. 1 is within the currently allowed place of use of the 8,095 acres of overlying land of determination of water right no. 510-BD, so they are not requesting a change in the allowed place of use.

2. **Grandview Reserve Metropolitan District; Change of Determination of Water Right No. 510-BD, Laramie-Fox Hills Aquifer:**

The applicants are asking to change the beneficial uses from domestic, livestock watering, lawn irrigation, commercial, industrial, replacement, augmentation and municipal use by Four-Way Ranch Metropolitan

District and the Woodmen Hills Metropolitan District. The allowed place of use of the groundwater is the 8,095 acres of overlying land of determination of water right no. 510-BD and the service area of the Woodmen Hills Metropolitan District within the Upper Black Squirrel Creek Designated Basin for 131,250 acre-feet of the Laramie-Fox Hills aquifer. The application requests a change in allowed type of use to add the following use: all municipal purposes by the Grandview Reserve Metropolitan District No. 1, including domestic, agricultural, stock watering, irrigation, commercial, industrial, manufacturing, fire protection, power generation, wetlands, piscatorial, and wildlife, either directly or after storage. They also state that Grandview Reserve Metropolitan District No. 1 is within the currently allowed place of use of the 8,095 acres of overlying land of determination of water right no. 510-BD, so they are not requesting a change in the allowed place of use.

Director Baldwin motioned to have Lisa review the Grandview Reserve 511-BD & 510-BD. Director Nly seconded the motion. Motion carried (4-0)

El Paso County Reviews

1. Homestead North at Sterling Ranch Filing No. 1:

SR Land, LLC requests approval of a Final Plat for Homestead North at Sterling Ranch Filing No. 1 on 43.7511 acres, including 73 single family lots, 8 tracts of right of way. A Finding of water sufficiency was issued on May 17th, 2022 with the Homestead North Phase 1 Preliminary Plan, of which the Homestead North at Sterling Ranch Filing No. 1 Final Plat is part, so they are asking for the Final Plat to be approved administratively. On page 6 & 7 of the letter of intent, it states they have the opportunity to connect with both Cherokee Metro District and Woodmen Hills Metro District storage and delivery facilities.

2. K9 Outs and Care Special Use:

The applicant is requesting a Special Use approval for Rural Home Occupation to allow operations of a K9 Kennel on an existing 4.75-acre parcel in a RR-5 zone. The site contains one home with attached kennels, a one-story barn, and a one-story barn with attached kennels. No new construction is proposed in association with this project. The applicant has a Dawson well drilled in 1987 for 15 GPM 1.6 acre-feet, with a ½ acre of lawn and garden irrigation, flow meter required, it does not appear to have commercial as a beneficial use on well permit.

3. Sterling Recycling Facility (Concrete & Asphalt):

NES, Inc. on behalf of Colorado Concrete Crushing LLC request approval of a site Development Plan for the Sterling Recycling facility on 32.4263 acres. They plan to crush, recycle and wholesale concrete & Asphalt. No water information.

4. K9 Outs and Care Site Development Plan:

Same as above

5. Deviation Latigo Fil 10 Plat:

The applicant is asking for deviation for the detention pond.

6. Falcon Meadows at Bent Grass Fil 4:

NES, Inc. on behalf of Challenger Homes request approval of the Falcon Meadows at Bent Grass Filing 4 plat for 39 single-family residential lots, and 7 tracts on 10.42 acres. Woodmen Hills Metro District is providing the water and wastewater.

7. El Paso County School District 49 Transportation Center:

The applicants are wanting to build a new transportation facility to support future growth needs for busses and future busses and maintenance of said busses.

8. Sterling Ranch Minor Sketch Plan-Second Amendment:

NES Inc. on behalf of Classic SRJ requests approval of an amendment to portions of the approved sketch plan for Sterling Ranch in residential density. Page 6 states that Sterling has the opportunity to connect with both Cherokee Metro District and Woodmen Hills Metro District storage and delivery facilities.

9. Scenic View PEHPond Amendment:

Revision to the design of the existing pond.

10. Pike Solar Site Development Plan:

Request to develop 175 MW solar facility. This project will have a 1,350-acre solar array siting envelope within the 4998.37 acres Concrete WSED Boundary on land owned by the City of Colorado Springs.

11. 11214 Scenic Brush Dr-BOA:

The applicant is asking for a variance setback for a deck.

Director Baldwin motioned to approve 2, 4, 5, 6, 7, 9, 10, 11 and have Lisa review 1, 3 & 8. Director Nly seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have:

Discussion followed on Mike Wireman having a hard time finding well candidates that have been geo-physically logged with no pumps. Discussion followed on finding monitoring wells or the district putting in monitoring wells if they are not too expensive, contacting Cherokee and asking them about their wells, and calling some well drillers to see if they know of any.

EXECUTIVE SESSION

EXECUTIVE SESSION REPORT

Next meeting will be September 6th, 2022

ADJOURNMENT

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 7:13 P.M

Tracy Doran/Office Manager