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

**September 6<sup>th</sup>, 2022**

The **September** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, September 6<sup>th</sup>, 2022**, at 6:04 P.M., at 1500 8<sup>th</sup> Street (inside the conference room at Farmers State Bank, enter through the courtyard). The meeting was open to the public.

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

**Board Members Absent:** Mitchell Baldwin

**Others in Attendance:** John Hill, Zach Kisfalusi, Brandon Forbes, Matt Ely,  
Tracy Doran, Lisa Thompson Via Zoom, Mike Wireman  
Via Zoom

**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 September 6<sup>th</sup>, 2022:**  
Director Nily motioned to accept the agenda for September 6<sup>th</sup>, 2022 with the addition of #8 under Old Business for Aqua Geo Frameworks contract; New Business #8 Vilanuevo/Acevedo, #9 McCallister; Determination of Water Rights #1 Cowiche Creek, LLC, #2 Williams, #3 Mountains Reign Ranch Trust; El Paso County Reviews #12 Wiley's Road, #13 Homestead North at Sterling Ranch Filing No. 3, #14 Sterling Ranch Filing No. 4 Final Plat. Director Farmer seconded the motion. Motion carried (3-0)
- 3. Minutes for August 2<sup>nd</sup>, 2022:**  
Director Farmer motioned to approve the August 2<sup>nd</sup>, 2022 minutes. Director Nily seconded the motion. Motion carried (3-0)
- 4. Treasurer Report & Any Bills Needing Board Approval:**  
Director Nily reported on the income and expenses for the month of August and motioned to approve the August 2022 treasurer report and pay the attorney's bill for \$5,989.80. Director Farmer seconded the motion. Motion carried (3-0)
- 5. USGS Presentation of the Phase 3 Report:**

Zach Kisfalusi, Brandon Forbes & Matt Ely from USGS gave a presentation on the Phase 3 USGS report on the long-term characterization of Groundwater Quality in the Upper Black Squirrel Creek Basin, El Paso County, Colorado, 2018-20 and a presentation on the water level network. The board had a question-and-answer session with USGS. The board thanked them for their presentation and for coming out and explaining everything they learned from this phase of the study.

The board took a brief break at 8:45 PM and resumed the meeting at 8:53 PM

## **VISITOR INPUT**

NA

## **OLD BUSINESS**

1. **Cherokee Metro & Meridian Service Metro/Replacement Plan/Case No. 08GW71:**  
Attorney Thompson reported that Cherokee submitted additional documents requested by the State and that the State staff is reviewing the additional materials. There is a status conference on October 7<sup>th</sup>, 2022. Ms. Thompson advised that we are also reviewing the additional materials submitted by Cherokee. Ms. Thompson noted that she received a call from Lost Creek's attorney and he reported that they will likely be filing an objection once it gets published and will support Upper Black Squirrel.
2. **District Violations/Enforcement Actions:**  
No updates on this item.
3. **USGS Monitoring Program/Water Quality Study:**  
Discussed above.
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:**  
Attorney Thompson reported that the Ground Water Commission approved the new language at the August Commission meeting.
5. **Goss Variance Request/Hearing:**  
Attorney Thompson advised the board that Mr. Goss and Mr. Booker will need to submit their pre-hearing statements one week prior to the hearing. Ms. Thompson noted that Mr. Goss's attorney asked if witnesses could be remote. Discussion followed. Ms. Thompson further noted that they have asked if they could move the irrigation well within 50 feet and leave it as an irrigation well. Discussion continued on Rule 4, and the abandonment requirement in the rule.
6. **Green Hill Farms LLC:**  
Ms. Thompson and the board discussed revised language on the beneficial uses. Director Farmer motioned to accept the revised language for Green Hill Farms LLC. Director Nily seconded the motion. Motion carried (3-0)
7. **Meridian 22GW01 & 22GW02:**  
Attorney Thompson reported that the AG office is still reviewing.
8. **AGF Contract:**  
Ms. Thompson noted that the board had approved and signed the contract with Aqua Geo Frameworks for the AEM project. This is an amendment to the contract. Discussion followed on the proposal and additional costs. Director Farmer motioned to approve the amendments to the contract with Aqua Geo Frameworks. Director Nily seconded the motion. Motion carried (3-0). President Doran signed the amended contract and manager Doran will send to Jared.

## **NEW BUSINESS:**

### **Water Well Permit Applications:**

**1. Hoffman/Division 2:**

The application is for 1 dwelling, 4,200 sq. feet of lawn and garden irrigation, domestic animal watering, with .57 acre-feet in the Denver aquifer underlying 5.12 acres in Prairie Vista Meadows under DWR No. 722-BD. They are allowed all these uses, specifically only allowed 2 large animals and they are required to be metered.

**2. MC3 Investments/Large Capacity/Division 1:**

This is a large capacity well application underlying 40 acres with DWR No. 4352-BD seeking industrial, municipal, irrigation, commercial, all determined uses, for 17.7 acre-feet in the Denver aquifer. They say this will be the only well on the parcel. Falls under Rule 18 (Outside Subdivision) & 19 (Commercial).

**3. Everard/Division 3:**

The applicants are applying for a domestic well underlying 2.96 acres in Paint Brush Hills, for 1 dwelling, 1 acre of lawn and garden irrigation, domestic animal watering, and 1 acre-foot in the Dawson aquifer. The uses are allowed for in their water supply plan, and they are also required to install a meter.

**4. Seclusion Development/Hess/Large Capacity/Division 3:**

The applicant is applying for a large capacity well underlying 38.83 acres in the Seclusion Development with DWR No. 462-BD seeking industrial, municipal, irrigation, commercial and domestic, for 20.025 acre-feet in the Denver aquifer. The applicant states this will be the only well on the property. This falls under Rule 17 (in Subdivision) and Rule 19 (Commercial)

**5. Davis/Division 2:**

The applicants are applying for a domestic well underlying 40 acres for 2 dwellings, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, and 1 acre-foot in the Denver aquifer.

**6. Ware/Division 1:**

The applicants are re-permitting well permit no. 134102 underlying 19.98 acres under DWR No. 3557-BD & Replacement Plan for 1 dwelling, 11,228 sq. feet of lawn and garden irrigation, domestic animal watering, livestock watering and 0.94 acre-feet in the Dawson aquifer. This should fall under Rule 17 and be limited to .5 acre-feet.

**7. Murr/Division 5:**

The applicants are applying for a large capacity well permit underlying 5 acres with DWR No. 4366-BD and the uses they are seeking are in-house, irrigation, watering of domestic animals and stock watering. They are asking for 0.38 acre-feet in the Denver aquifer.

**8. Vilanueva/Acevedo/Division 2:**

The applicants are asking for a domestic well for 1 home, no irrigated acres checked but will be allowed 1, domestic animal watering, and 1 acre-foot in the Denver aquifer underlying 40 acres. The only well on the parcel.

**9. McCallister/Division 5:**

The applicants are applying for a domestic well under DWR 63-BD in Landings of Denmark underlying 5.2 acres. The uses they are asking for are 1 home, 3,500 sq. feet of lawn and garden irrigation, domestic animal watering, and 0.5 acre-feet in the Arapahoe aquifer. These uses are consistent with the water supply letter.

Director Nily motioned to approve 1,3,5,6,7,8 & 9 with noted comments to be made and have Lisa review 2 & 4. Director Farmer seconded the motion. Motion carried (3-0)

### **Determination of Water Rights:**

**1. Cowiche Creek LLC/Division 5:**

The applicants are applying for determination of water rights for the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying 1,130.36 acres in 3 townships. The beneficial uses they are seeking 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 Arapahoe amounts due to two small capacity wells with permit no. 74571 & 117302. There is a reduction in the Denver aquifer amounts for two small capacity wells with nos. 25931 & 117302. They are also applying for a replacement plan for the Denver aquifer. I recommend having Lisa review this application and replacement plan.

**2. Williams/Division 4:**

The applicants are applying for determination of water rights for the Denver, Arapahoe, and Laramie-Fox Hills aquifer underlying 40.01 acres. The beneficial uses they are asking for are: domestic-in house; irrigation of lawn, garden and greenhouse; domestic animal and stock watering; commercial; firefighting; piscatorial; wildlife; recreational; and replacement; either directly or after storage. There is a reduction in the Denver aquifer due to a small capacity well with no. 8141.

**3. Mountains Reign Ranch Trust:**

The applicants are applying for determination of water rights in the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying 40 acres. The beneficial uses they are asking for are: domestic-in-house; irrigation of lawn and garden; greenhouse; domestic animal and stock watering; commercial; firefighting; piscatorial; wildlife; recreational; and replacement; either directly or after storage. Reduction in the Denver aquifer for a small capacity well, with permit no. 228255.

Director Farmer motioned to have Lisa review and comment on 1-3. Director Nily seconded the motion. Motion carried (3-0)

Discussion followed on reaching out to the Commission Staff on the language we are seeing in beneficial use regarding storage.

### **El Paso County Reviews:**

**1. McDaniels Rd. Minor Subdivision/Division 5:**

The applicant is requesting approval of a final plat for the development of 4 rural residential single family lots on 40 acres. There is an existing Arapahoe well, and each lot will drill individual wells.

**2. Romens/Final Plat/Division 1:**

The applicant is requesting to subdivide the original 36.539 acres (reduced to 34.47 acres of proposed development) into 7 (approximate 5 to 6 acre lots). They plan on individual wells and

septic systems. The applicant also got DWR for the Dawson aquifer with no. 4278-BD & Replacement Plan No. 4278-RP. Has a large capacity well permit that canceled out her permit no. 195628. She is allowed 50 GPM & 122.1 acre-feet in the Dawson aquifer.

**3. Homestead North Filing No. 3/Preliminary Plan/Out of District:**

The applicant proposes 77 detached single-family lots on 40.8271 acres. They are requesting a water sufficiency with the preliminary plan and administrative approval of subsequent plans. See page 8 of letter of intent for future agreements that could be made with Cherokee Metro & Woodmen Hills Metro.

**4. Homestead North Filing No. 3/Rezone/Out of District:**

5. The applicant is requesting a map amendment request for a zone change from RR-5 to RS-6000 for approximately 41.6346 acres.

**6. Space Village Rd/Minor Subdivision/Out of District/Cherokee Metro:**

Cherokee Metro is the water and waste water provider.

**7. The Landings of Denmark/CDR/Division 5:**

Proposed roadway approval request.

**8. 6550 Chief Rd/Brewery/Division 4:**

The applicants are requesting approval for a site development plan for a rural destination brewery/tasting room on their 13.4 acre-parcel. They have well permit no. 85704 under DWR no. 4159-BD in the Denver aquifer which does allow for commercial use for 5.6 acre-feet with a 100 GPM.

**9. Circle K/US 24 & Meridian/Division 4:**

The applicants are proposing the redevelopment of their existing facilities. The new convenience store will be 5200 sq. feet, with 7 fuel dispensaries with 14 fueling stations.

**10. Gary Hamann/SF/Subdivision/Division 5:**

The request is for approval of a minor replat (minor subdivision) named Ohana Acres, containing a total of 19.31 acres. The proposed subdivision will contain 4 lots. Water service will be provided by 4 new wells with one replacing the well for the existing residence (re-drill) under new permits and operated under the approved CGWC water replacement (augmentation) plan and there will be individual on-site septic systems.

**11. Owl Place Deviation for Underground WQ/Division 3:**

The deviation request is to propose an alternative permanent BMP than the 6 standard types of BMPs outlined in the DCM for providing treatment of the WQCV, due to physical layout and geometry of the site (space limitations), and the presence of the sub-regional detention facility SR4 immediately downstream. Either one larger underground WQ facility at the southwest corner of the site is proposed, or alternatively four smaller units specifically for each lot.

**12. Jaynes Property Sketch Plan/Out of District/Sterling Metro:**

The applicants are asking for establishment for a sketch plan for Jaynes Property which consists of 142.127 acres.

**13. 4075 Wiley's Road/Division 5:**

½ process, the applicants have to get a special use approved first before they can move to the site development plan that is required for a commercial stable on RR-5 with 10 acres. Domestic well permit.

**14. Homestead North at Sterling Ranch Filing No. 3/Out of District:**

Plat includes 77 lots, and they want a finding of water sufficiency for the preliminary plat with the final plat being done administratively.

**15. Sterling Ranch Filing No. 4 Final Plat/Out of District:**

Request for approval for the final plat for 159 single-family lots on 56.7155 acres. They got a finding of water sufficiency in the preliminary plan and are asking for the final plat to be done administratively.

Director Farmer motioned to approve 1,2,5,7,9,10 & 13 on consent and have Lisa send letters linking our water quality study on 3,4,6,12 & 15, and review and comment, if necessary, on 8 & 11. Director Nily seconded the motion. Motion carried (3-0)

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

**EXECUTIVE SESSION**

**EXECUTIVE SESSION REPORT**

**Next meeting will be October 4<sup>th</sup>, 2022**

**ADJOURNMENT**

President Doran called for the meeting to be adjourned.

Director Farmer made a motion to adjourn the meeting. Director Nily seconded the motion. Motion carried (3-0)

The meeting adjourned at 9:52 P.M.

Tracy Doran/Office Manager