

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

November 1st, 2022

The **November** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, November 1st, 2022**, at 6:00 P.M., at 1500 8th 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, Pete Johnson, Jeff Munger,
Lisa Thompson via Zoom, 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 1st, 2022:

Director Nily motioned to accept the November 1st, 2022 agenda with the addition of Homestead North at Sterling Ranch, Solberg Pit Special Use, 1041 Northern Water Delivery System under El Paso County Reviews. Director Farmer seconded the motion. Motion carried (3-0)

3. Minutes for October 4th, 2022:

Director Farmer motioned to approve the minutes from October 4th, 2022. Director Nily seconded the motion. Motion carried (3-0)

4. Treasurer Report & Any Bills Needing Board Approval:

Director Farmer motioned to accept the October 2022 treasurer report and pay the attorney bill for \$6,944.11, engineering bill for \$4,145.00 and Aqua Geo Frameworks bill for \$4,400.00. Director Nily seconded the motion. Motion carried (3-0)

5. 2023 Budget Hearing:

Director Nily motioned to go out of regular session and into the budget hearing at 6:04 P.M. Director Farmer seconded the motion. Motion carried (3-0)

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

President Doran opened the floor to board comments and seeing none closed the floor to board comments.

Director Doran motioned that the 2023 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 2022, and to authorize those signatures upon the updated figures, and to move money within the budget to make line items balanced.

Director Nily motioned to close the budget hearing at 6:06 P.M. and go back into regular session. Director Farmer seconded the motion. Motion carried (3-0)

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson reported that we had received a letter from Joanna and they had some additional questions and would not determine the application complete; we do not have a publication date yet. Ms. Thompson noted there is a setting conference on January 20, 2023.

Ms. Thompson advised that she had gotten a letter today from Mr. Johnson, Cherokee's attorney, regarding the October 27, 2022 spill event by the RIBS. There was discussion back and forth regarding his letter. Ms. Thompson stated that the Upper Black Squirrel contacted CDPHE, Mr. Johnson, and Cherokee after being alerted to a large spill by a constituent who lives in that area. Ms. Thompson noted that we did not have unfounded assertions and that we did alert Cherokee and advised that Cherokee submitted their spill report after we alerted CDPHE. Discussion went back and forth on the amount of the spill, maintenance, wind, trenches, infiltration, discharge, and trucks moving material offsite.

2. District Violations/Enforcement Actions:

No updates on this item.

3. USGS Monitoring Program/Water Quality Study:

The board discussed additional monitoring wells on State Land, and that it would be an additional \$3,000 to add them. Discussion followed. Director Farmer motioned to approve the additional state land alluvial wells for the monitoring study. Director Nily seconded the motion. Motion carried. (3-0) The board directed

manager Doran to send Mike Wireman an email letting him know the board approved the additional wells and to have him coordinate with them.

4. Meridian Determination of Water Rights Case Nos. 22GW01 & 22GW02:

Ms. Thompson advised that the applicants with some back and forth had approved the stipulated language. Director Farmer motioned to approve the red line language for the GTL portion. Director Nily seconded the motion. Motion carried (3-0)

Discussion followed on Old West Ranch (old Santa Fe Ranch Subdivision) and whether the State is tracking the determination and the portions that were taken out. Ms. Thompson stated they have a spreadsheet they are using.

NEW BUSINESS:

Water Well Permit Applications:

1. Cucuzza:

The applicants are applying for a well permit on 5.07 acres in Corral Bluffs, under Determination of Water Right No. 516-BD, for .5 acre-feet in the Arapahoe aquifer, for 1 dwelling, and 2,700 sq. feet of irrigation.

2. Hernandez:

The applicant is applying for a domestic well under Determination of Water Right No. 329-BD, for 1 acre-foot in the Arapahoe aquifer, for 1 acre-foot in the Arapahoe aquifer, 1 dwelling, 2,500 sq. feet of lawn and garden irrigation underlying 4.68 acres. The applicants will be limited to .5 acre-foot.

Director Nily motioned to approve the well permits with the change to Hernandez for .5 acre-foot. Director Farmer seconded the motion. Motion carried (3-0)

Determination of Water Rights:

NA

El Paso County Reviews:

1. Joyful View Subdivision:

2. Homestead North at Sterling Ranch Filing 3/Rezone:

3. Solberg Pit Special Use:

4. 1041 Northern Delivery Water System

Director Doran motioned to have attorney Thompson give a cursory review of Homestead North at Sterling Ranch, 1041 Northern Delivery Water System, Solberg Pit Special Use. Director Nily seconded the motion. Motion carried (3-0)

Any Other Business the Board May Have:

The board discussed going to the Ground Water Management District Winter Conference in Georgia. Director Farmer motioned to have office manager Doran disseminate the ground water conference material after the agenda is circulated and make arrangements for the board if they plan to attend. Director Nily seconded the motion. Motion carried (3-0)

The board discussed and decided there would be no December meeting, and to move the January meeting. Director Nily motioned to move the January meeting to January 10th or 11th, 2023. Director Farmer seconded the motion. Motion carried (3-0)

The board took a brief recess before entering into executive session at 7:05 P.M.

Director Doran motioned to go into executive session at 7:11 P.M., citing C.R.S. 24-6-402 (4) (b) for attorney client advice regarding Cherokee Metro & Meridian Service Metro pending replacement plan application.

Executive Session:

Please take notice that Attorney Lisa Thompson Pursuant to C.R.S. §24-6-402(4)(b) & C.R.S. §24-6-402(e), 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 Tuesday, November 1st, 2022, regarding the following matters:

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

Director Nily motioned to come out of executive session and back into regular session at 8:41 P.M. Director Farmer seconded the motion. Motion carried (3-0)

Executive Session Report:

There was no action taken

Next Meeting Date: January 10th or 11th, 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 8:41 P.M.

Tracy Doran/Office Manager