

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

February 7th, 2023

The **February** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, February 7th, 2023**, at 6:06 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, Treasurer Mitchell Baldwin

Board Members Absent: NA

Others in Attendance: Kevin Brown, Nancy Meiklejohn, Ron Meiklejohn, Stu Mitchell, Maria Jindra, Bob Lathen, Amy Lathen, Paulette Francois, Jason Kvols, John Hill, Tracy Doran, Lisa Thompson 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 February 7th, 2023:

Director Baldwin motioned to accept the agenda with the addition of Ellicott Sand & Gravel Site Development Phase I in El Paso County Reviews, and Conference Brief under any other business the board may have. Director Farmer seconded the motion. Motion carried (4-0)

3. Minutes for January 11th, 2023:

Director Baldwin motioned to approve the January 11th, 2023 minutes. Director Nily seconded the motion. Motion carried (4-0)

4. Treasurer Report & Any Bills Needing Board Approval:

Director Baldwin motioned to accept the January 2023 treasurer report and pay the Spronk bill of \$1,733.75. Discussion followed on the attorney's bill and what Ms. Thompson estimated it to be. The board will pay the attorney's bill when it comes in. Director Farmer seconded the motion. Motion carried (4-0)

5. Audit Exemption:

VISITOR INPUT

Mrs. Meiklejohn asked what she could do to help the district. Discussion followed with the board on suggestions of what they could do.

Paulette Francois apologized for her and the others behavior at the previous meeting, they thought that they were the enemy and realized they were not. She stated they did not know who anyone was.

OLD BUSINESS

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

Attorney Thompson briefed the board on the status conference that was on February 2nd, 2023. Ms. Thompson noted that there were over 50 participants on the status conference. She went over Jody's Order. Cherokee will have to submit their proposed Order on February 24th, 2023. The district will have until March 24th, 2023 to provide preliminary comment on the proposed Order. The next status conference will be March 3rd, 2023 and the Hearing Officer will be setting the Hearing and discussing deadlines. Ms. Thompson continued discussing the timeline and what will be required to be submitted. There is another Status conference set for April 1, 2023 to see how it is proceeding.

Ms. Thompson noted the district has hired Spronk Engineering to help the board as one of their technical experts reviewing the case, the application and the model. We also have Mike Wireman on the hydrogeology, and she would like to have the board consider hiring a 3rd technical engineer, and that is John Jones with Wright Water Engineering to be used for water quality, waste water and have him come to the next meeting to discuss the scope of his work. Discussion continued. Director Baldwin motioned to approve the initial consultation with Jonathan Jones with Wright Engineering to come discuss his scope of work with the board and what he could do to help them. Director Farmer seconded the motion. Motion carried (4-0)

2. District Violations/Enforcement Actions:

There were no updates on this item.

3. USGS Monitoring Program/Water Quality Study:

Discussion on State Land Board and Lisa said she would get back to the board on the access agreement. President Doran updated the board on the miscommunication on the stream sampling and the costs associated with that. Director Baldwin motioned to approve the modified agreement with USGS. Discussion followed. Director Nily seconded the motion. Motion carried (4-0)

4. AEM Project/Aqua Geo Frameworks:

Attorney Thompson advised that she has been reviewing the contract with Aqua Geo and she does have some comments. Discussion followed and she will have

some back and forth with Jared to get it worked out. Ms. Thompson noted that we can continue this to next month's meeting.

5. Cherokee Change of Water Right Application-Poleson Well (Export):

Ms. Thompson reported that we submitted a letter to the State and expressed that they could go first in the Change Case and that we will go second in the Export Hearing. She has not seen anything back from Cherokee. We did let them know that we would be filing an objection.

NEW BUSINESS:

Water Well Permit Applications:

1. Martin:

The applicant is applying for a well under Determination of water Right no. 4455-BD for 1 acre-foot, domestic, livestock and 1 home underlying 14.82 acres in the Denver aquifer.

2. Obdulio Point LLC:

The applicant is applying for a well in the Dawson aquifer for 1 home, ½ acre of irrigation, domestic animal watering and 1 acre-foot of water. This in the Reata subdivision, is 5.05 acres and it has a water supply letter. The applicants will be required to install a meter.

Director Baldwin motioned to approve the well permits. Director Farmer seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Makings/Replacement Plan for the Dawson Aquifer:

The applicants are seeking a replacement plan to use up to 6 acre-feet of groundwater in the Dawson aquifer underlying 38.83 acres to allow for 4 wells to allow in-house use, in-buildings, commercial, sanitary use. Discussion followed.

The board directed to have manager Doran email the State with their concerns.

El Paso County Reviews:

1. Autumn Hills Sketch Plan:

The application is for a sketch plan for the development of 160 acres as mixed use residential/commercial. Discussion followed. Director Baldwin motioned to have Ms. Thompson review Autumn Hills and make comments to the County, Ground Water Commission and State. Director Farmer seconded the motion. Motion carried (4-0)

2. 14090 Davis Rd Minor Subdivision:

Director Baldwin motioned to approve the 14090 Davis Rd Minor Subdivision. Director Nily seconded the motion. Motion carried (4-0)

3. Ellicott Sand & Gravel Site Development Plan-Phase I:

The board noted that we had just gotten this in and had not had a chance to review it and are going to direct Ms. Thompson to review it and comment if needed.

Any Other Business the Board May Have:

1. **Lost Creek/Kiowa Bijou Management District Determination of Water Right:**

The board went over the Town of Bennett's Determination of Water Right application and variance request to Commission rule 5.3.7, to withdraw water from wells that are not located on the overlying land, but from wells located on any lands associated with the new determinations, existing water rights, or any other water rights acquired by applicant to subsequent applications. They are also asking for allowed points of diversions for these determinations, and Change of Water Right. Discussion followed. Director Baldwin motioned to help support Lost Creek Ground Water Management and Kiowa Bijou Ground Water Management Districts and object to this Determination of Water Rights, Change of Use and Variance application. Director Nily seconded the motion. Motion carried (4-0) The board discussed what involvement they will have and attorney Thompson will reach out to their legal counsels.

2. **Conference Brief:**

President Doran and manager Doran briefed the board on the ground water management district Association conference they attended in Georgia in January. President Doran reported that he thought the conference was very beneficial and we learned a lot from the different presentations. President Doran discussed one presentation that he said reaffirmed that we are going in the right direction with the AEM that was done by Andrew O'Reilly from the USDA. He explained that they are doing a recharge study in the Mississippi Delta and injection wells. Mr. O'Reilly advised that the most important part of recharge is water chemistry. Mr. O'Reilly stated that this study would have been a complete failure if the USGS not done an AEM because they were in a bad spot for recharge, full of clay layers and it would have been a disaster. They were able to find a good location after the AEM. It has not gone perfect and they have had some injection wells back up and they have had to flush them out but it could have been a completely different scenario if not for the AEM. There was a discussion on water chemistry and how it can affect aquifers, discussion continued on TDS and what components are in TDS. There was discussion on how it would be great for all the board members to attend because you do learn so much from them and potentially joining the organization. President Doran advised that the summer conference will be in New Mexico.

Executive Session:

NA

Executive Session Report:

NA

Next Meeting Date: March 7th, 2023

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 7:26 P.M.

Tracy Doran/Office Manager