

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

March 7th, 2023

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

Board Members Absent: NA

Others in Attendance: Jon Jones with Wright Engineering, Dean Goss, John Hill, Carl Tatum, Lisa Thompson Via Zoom, Mike Wireman 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 March 7th, 2023:

Director Baldwin motioned to approve the agenda with the addition of New Business #3 Meadowlake Airport Association, #4 Home Run Restorations and Determination of Water Right #2 Ersch, Any Other Business the Board May Have discussion on the Zoom call with the State. Director Farmer seconded the motion. Motion carried (4-0)

3. Minutes for February 7th, 2023:

Director Baldwin motioned to approve the February 7th, 2023 minutes. Director Nily seconded the motion. Motion carried (4-0)

4. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Baldwin went over the income and expenditures. Director Nily motioned to accept the February treasurer report. Director Baldwin seconded the motion. Motion carried (4-0)

5. Audit Exemption:

President Doran read the Resolution for Exemption from Audit into the record. Director Baldwin motioned to accept the Resolution for Exemption from Audit and

application for Exemption from Audit prepared by the Adams Group. Director Nily seconded the motion. Motion carried (4-0)

VISITOR INPUT

NA

OLD BUSINESS

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

Ms. Thompson gave a brief overview of Cherokee's plan and went over Hearing Officer Grantham's Order setting the Hearing for 3 weeks starting April 22nd, 2024 through May 10th, 2024. The hearing will be held at the El Paso County Assessors Training Room, in the El Paso County Citizens Center, 1675 W. Garden of the Gods Rd., Colorado Springs, Colorado. Ms. Thompson further advised on the date that the Case Management Order is due and when comments are due back. Ms. Thompson stated that our preliminary comments are due by March 24th, 2023 on the Draft Order prepared by Cherokee. Ms. Thompson noted that we have Spronk, Mike Wireman and that we need to add a water quality aspect to our team, and that she reached out to Wright Engineering and that Jon Jones was gracious to drive down and talk to the board.

a) Wright Water Engineering/ Jon Jones:

Mr. Jones introduced himself and went over the bios of his firm and the experience they have. Mr. Jones had a handout of 15 questions and went over the questions with the board. The board discussed that there is a large gap of trust with Cherokee and CDPHE and that the plant has been out of compliance since 2013. Discussed the spill that occurred last October 2022. Mr. Jones stated he had an approval letter for a demonstration project dated January 19th, 2023 from CDPHE to Amy Lathen from Cherokee Metropolitan District. The board stated they did not know anything about this letter but that this is what they saw them doing in October 2022. There was discussion on what the board saw regarding French drains around the site. Ms. Thompson asked the board if they would like to add Wright Engineering to the team. Director Doran motioned to approve retaining Jonathan Jones, with Wright Engineering pending proposal. Discussion followed. Director Farmer seconded the motion. Motion carried (4-0) Mr. Goss wanted to know what the district is doing and if he needed to hire an engineer and how involved he needed to be. Ms. Thompson went over what the board is doing and looking at. Ms. Thompson stated to Mr. Goss that he can participate with his own attorney and do a deposition testimony for us. Discussion continued on material injury standards, historic analysis and going to the appropriators to see what and how much they are irrigating. Mike Wireman noted that the recharge to the RIBS is a calculated estimate and that they don't have ways to monitor. Ms. Thompson will send Nathan's information to Mr. La Pluma, Mr. Goss's attorney.

b) Order from Hearing Officer Grantham with Hearing Dates:

Discussed above

2. District Violations/Enforcement Actions:

There were no updates on this item.

3. USGS Monitoring Program/Water Quality Study:

a) Mike Wireman Update:

Mr. Wireman gave an update on the water quality network and that 2021 data is back, and that some of the surface water data is back. Mr. Wireman went on to update the board on the water level network.

4. AEM Project/Aqua Geo Frameworks:

Ms. Thompson advised that they worked through the contract and went over it with the board. Ms. Thompson recommended the board approve and sign the contract. Director Baldwin motioned to approve the AEM Survey contract with Aqua Geo Frameworks, LLC for 1270 line kilometer, pending final review by the attorney of the insurance. Director Nily seconded the motion. Motion carried (4-0)

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

Ms. Thompson reported that Cherokee submitted the application and the district sent a letter to the State, stating that they would go second for the Export Hearing after the State did the Change Case. The Commission Staff requested additional information and Cherokee hasn't sent that back yet.

6. Town of Bennett Determination of Water Right Objection:

Ms. Thompson advised that the applicants are seeking Denver Basin determinations and a variance from Commission Rule 5.3.7.

7. Paint Brush Hills Determination of Water Right Objection:

Ms. Thompson stated this was similar to the Town of Bennett's application. The applicants are seeking Denver Basin determination and a variance from Commission Rule 5.3.7. Discussion followed on the 153 individuals who live in the older part of Paint Brush Hills on domestic wells that were not notified that the applicant is seeking determinations under their land. The State said the applicant met the criteria of why they did not have to send out letters to the individual well owners. Discussion followed on what could happen if the individual well owners wells ran dry and how they would not be able to get a well permit because the water under their land would not be theirs.

NEW BUSINESS:

Water Well Permit Applications:

1. Cook:

The applicant is asking for 2 homes, 1 acre of irrigation, domestic animal watering, livestock watering, .5 acre-feet in the Arapahoe aquifer in the Burns subdivision underlying 5 acres. The State is going to give them 1 acre-foot based on water supply letter. They are only allowed 10,000 sq. feet of irrigation in the water supply letter. They are also only allowed 1 home based on letter.

2. Gomez & Castro Investments:

The applicants are asking for 3 homes, 1 acre of irrigation, domestic animal watering, and 1 acre-foot in the Arapahoe aquifer underlying 38.58 acres under DWR No. 1187-BD. The applicants will be limited to two homes per our rules.

3. Meadow Lake Airport Association-Dave Elliot:

The applicant is asking for a commercial well permit underlying 5.7 acres in the Meadow Lake Airport for .46 acre-feet in the Denver aquifer under DWR No. 1046-BD.

4. Home Run Restorations Inc.:

The applicant is asking for 1 dwelling, .455 acres of irrigation, domestic animal watering, .455 acre-feet underlying 5 acres in Amerald Acres. They don't list the aquifer but the State said it is the Denver and they will be allowed 18,000 sq. feet of lawn irrigation and 1 acre-foot in the Denver. A meter is required.

Director Doran motioned to make comments on the well permits to the State. Director Farmer seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Cook:

The applicants are seeking a DWR in the Laramie Fox Hills aquifer underlying 5 acres in the Burns Subdivision (well permit for Burns Subdivision above). The beneficial uses they are asking for are: domestic, commercial, irrigation (indoor & outdoor), stock watering, firefighting, replacement and structure and equipment washing.

2. Ersch:

The applicants are seeking a Replacement Plan to allow withdrawal of Not-Non-Tributary groundwater from the Dawson aquifer. The applicant seeks to build up to 3 residences on applicant's property as part of a family ranch compound, but currently do not anticipate to subdivide the property. They propose to construct one well to the Dawson for provision of domestic type uses inside 3 single family dwellings, commercial, irrigation of both landscape and limited crops (indoor and outdoor), fish and wildlife propagation, and aesthetic (and any additional replacement wells necessary to withdraw applicant's full entitlement). They estimate using 26.71 acre-feet annually. This calculation uses a conservative 0.20 acre-feet for in-house use.

Director Doran motioned to have Lisa comment on the Ersch replacement plan application and object if necessary. Director Baldwin seconded the motion. Motion carried (4-0)

El Paso County Reviews:

1. Grandview Reserve 1041 New Water & Wastewater System:

This is a 1041 for a new water and waste water system to serve the Grandview Reserve Sketch Plan area: commercial, institutional, multi-family, and single-

family development. A force main connection to Cherokee Metro District for wastewater along Curtis Road is included.

2. Saddle horn Ranch Filing 3:

This filing consists of 168.5 acres, 41 single family dwellings. It is subject to Filing 2 approval. They are going to provide the water via a central water system to be developed by the owner/applicant and are in the process of getting 3 metro districts. Wastewater will be individual septic systems. The State just gave them a letter of adequacy.

3. 1041 Northern Delivery Water System:

Project consists of a potable water delivery pipeline extending from the Colorado Springs Utilities Hwy 83 tank, located at Hwy 83 and Old North Gate Rd. The project will deliver renewable water from CSU to the project partners and reduce reliance on the Denver Basin groundwater sources. Goes to the tank site in Sanctuary Pointe.

4. Makings Subdivision:

The applicants are requesting approval for a minor subdivision to create 4 lots of a minimum of 5 acres each. They already have one lot. Each lot will have their own individual well and septic. The applicants have DWR NO. s 462-BD (Denver) and 463-BD (Dawson) and have applied for a Replacement Plan for the Dawson.

Manager Doran will send Grandview and the 1041 Northern Delivery Water System to Lisa for her records.

Director Baldwin motioned to direct Lisa to review and comment on Grandview and Saddlehorn Filing 3. Director Nily seconded the motion. Motion carried (4-0)

Director Doran motioned to make comments on the Makings subdivision based on septic systems. Director Farmer seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have:

Director Farmer brought up eliminating term limits for board members because of the difficulty in finding board members and also having the history and asked what would the district have to do legally to do that. Discussion followed. The Board will have Ms. Thompson look into what we need to do.

1. Discuss zoom call with State 3-6-23:

President Doran reported that Lisa, Tracy and himself had a Zoom call with Joanna, Wenli, and Tracy Kosloff at the State on Monday, March 6th, 2023 and updated the board on that call. Discussion followed with John Hill, the board, and Carl Tatum on the County, County Commissioners, the Counties 300-year rule, and determinations of water rights.

Executive Session:

NA

Executive Session Report:

NA

Next Meeting Date: April 4th, 2023

Adjournment:

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 9:25 P.M.

Tracy Doran/Office Manager