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

April 4th, 2023

The **April** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, April 4th, 2023**, at 6:00 P.M., at 1500 8th Street (inside the conference room at Farmers State Bank, enter through the courtyard) & also Via Zoom. The meeting was open to the public.

Join Zoom Meeting

<https://troutlaw.zoom.us/j/83980141600?pwd=MIYvLzFTZnVkVDUwd1NyUkZha0tmdz09>

(Click right on the above hyperlink and click open hyperlink)

Meeting ID: 839 8014 1600

Passcode: 510881

One tap mobile

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

Board Members Absent: NA

Others in Attendance: Joe Frasier, Lisa Thompson Via Zoom, Pete Johnson Via Zoom, Jeff Munger Via Zoom, Carl Tatum, John Hill, 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 April 4th, 2023:

Director Farmer motioned to accept the agenda with the addition of #5 Green Hill Farm, LLC, #6 Scites, #7 Meridian Service Metropolitan District under New Business, well permits, and Under El Paso County Reviews #9 Waterbury Filing No. 1. Director Baldwin seconded the motion. Motion carried (4-0)

3. Minutes for March 7th, 2023:

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

4. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Baldwin reported on the income and expenses for the month of March. Director Nily motioned to accept the March treasurer report and pay the attorney bills of \$7,543.26 for January and \$9,189.15 for February, and pay the engineering bill of \$5,275.00 to Granite Ridge Groundwater. Director Farmer 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 the board that they worked with Cherokee and other opposers on the Case Management Order, which provides deadlines all the way up to the Hearing. Ms. Thompson noted that they agreed with 99.9 % of everything and only flagged two items that were mainly administrative. Ms. Thompson reported that the next status conference is April 14th, 2023 and discussed the next deadline and what is needed to be submitted. Discussion followed. Ms. Thompson stated that there are a couple things the board needs to consider tonight, on whether to retain Jon Jones from Wright Engineering and approve his cost estimate and to consider continue working with Spronk Water Consultants and approve an additional amount, she thinks \$25,000.00. Discussion followed.

Director Doran motioned to allocate \$25,000.00 to Spronk Water Consultants and to put Jonathan Jones with Wright Engineering under contract with \$25,000.00 and to revisit as needed. Director Baldwin 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:

Director Doran noted that Zach is in the process of monitoring wells. Ms. Thompson stated that we have reached an agreement with the State Land Board on 6 monitoring wells. Ms. Thompson explained that the State Land Board is trying

to raise money for schools and that is why they wanted to charge us, but that rather than collect money from the district, USGS will allow teachers and students to participate in a field visit on water level monitoring and have some class room discussion first before going out into the field. Discussion followed on if they pick rural schools and where the wells are and the time frame they are looking at.

4. AEM Project/Aqua Geo Frameworks:

President Doran reported that we wired out our first allotment on March 29th, 2023.

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

Ms. Thompson advised that we are waiting for this to go through the Commission first before it comes before us for the export but that we have not seen anything on it yet.

6. Town of Bennett Determination of Water Right Objection:

Ms. Thompson reported that the applicant has asked for a postponement until November 2023. Discussion followed.

7. Paint Brush Hills Determination of Water Right Objection:

Ms. Thompson stated that the attorney for Paint Brush Hills reached out and wants to talk to the board to go over the objection and the districts concerns. Discussion followed.

NEW BUSINESS:

Water Well Permit Applications:

The board had a discussion on the Dawson aquifer being over-appropriated and why aren't the replacements being made to the Dawson instead of the alluvial aquifer. Discussion continued on the legislative language surrounding this.

1. Makings/Large Capacity Well Permit Application:

The applicants are asking for a large capacity well permit for irrigation, commercial, 2 single family homes, up to 80 large domestic animals on 38.83 acres. They want 6.3 acre-feet in the Dawson aquifer, 50 gpm under determination of water right no. 463-BD and replacement plan.

2. Philipsen:

The applicant is planning to use the existing well, which is pre-72 and is asking for 1 acre of lawn and garden, 1 home, 1 acre-foot in the Denver aquifer, domestic animal watering in Falcon Ranchettes on 5.02 acres. They should be limited to .5 acre-feet because it is a new application.

3. Lamborn:

The applicant is seeking 1 acre-foot in the Denver aquifer underlying 5.09 acres in Rangeview Estates, 1 home, 12,000 sq. feet of lawn and garden irrigation, domestic animal watering. Rangeview Estates does allow the Denver aquifer, 1 acre-foot, and 13,000 sq. feet of irrigation. They are also required to have a meter.

4. Grandview Reserve Metro District/2 Applications/Large Capacity:

The applicants are seeking 2 large capacity well permits. One in the Laramie-Fox Hills aquifer for industrial, municipal, irrigation, commercial, and other uses described in DWR No. 510-BD for 1,312.5 acre-feet, 150 gpm.

The second one is for the Arapahoe aquifer under DWR No. 511-BD for industrial, municipal, irrigation, commercial and other uses described in DWR. They are wanting 1,400 acre-feet, 100 gpm.

5. **Green Hill Farm, LLC/Large Capacity:**

The applicants are seeking a large capacity well permit under DWR NO. 4411-BD for municipal, irrigation, commercial in the Arapahoe aquifer for max allowed acre-feet and 50 gpm underlying 40 acres.

6. **Scites:**

The applicants are asking for 1.16 acre-feet in the Dawson aquifer underlying 5.06 acres. They did not put down any amounts for homes, irrigation, they also want domestic animal watering. The State wrote that Treasured Acres subdivision under 3668-BD and Replacement Plan allows non-exempt well permits in the Dawson for 1.16 acre-feet and domestic uses.

7. **Meridian Service Metropolitan District/Large Capacity:**

The applicants are seeking 2 large capacity well permits. The first one is in the Laramie-Fox Hills aquifer for uses described in DWR No. 154-BD, 200 gpm and 463 acre-feet. The second one is also in the Laramie-Fox Hills aquifer for uses described in DWR No. 154-BD, for 463 acre-feet, 200 gpm.

Director Baldwin motioned to have Lisa review and comment on items 1-7. Director Nily seconded the motion. Motion carried (4-0)

Discussion followed on storing water and the beneficial use for storage in a determination.

Determination of Water Rights:

1. **Roots Properties, LLC:**

The applicants are seeking a DWR in the Denver, Arapahoe, Laramie-Fox Hills aquifers underlying 16.65 acres. The beneficial uses they are asking for are: commercial, industrial, irrigation, tree farm, plant nursery, fire control, stock watering, and replacement. There is a reduction in the Denver aquifer due to an existing small capacity well.

2. **JK Potatoes, LLC:**

The applicant is seeking a DWR in the Denver, Arapahoe and Laramie-Fox Hill aquifers underlying 40 acres. The beneficial uses they are asking for are: domestic, including in-house use, irrigation, agricultural, commercial, industrial, fire protection, livestock watering, replacement and recreational use. There is a reduction in the Denver aquifer due to an existing small capacity well.

The board has no comments on the Roots Properties, LLC and JK Potatoes, LLC applications and will make comments at the permitting stage.

El Paso County Reviews:

1. Gunners Ridge:

Applicants Drew & Emilee Makings are requesting approval for a minor subdivision to create 4 lots of a minimum of 5 acres. They would also like to do horse boarding on lot 1 as well as a 2nd home, lot one will be 23.7969 acres, each additional lot will be 5 acres. Individual well and septic. The State Engineer's office sent a letter of water sufficiency.

2. 18235 Main St.-ADR Lot Size:

The applicant is seeking administrative relief of the lot size not meeting the minimum size for a minor kennel. They have 4.14 acres; it has to be 5 acres to meet standards. It is located on main street in the town of Peyton.

3. Foursquare at Sterling Ranch East PUDSP:

Plan is for 158 single family homes. Water and wastewater will be provided by FAWWA. Possible to have future agreements with Cherokee and Woodmen Hills.

4. Sterling Ranch/Filing 2/ Vacation & Replat of Lots 24,25, 26, 27 at Homestead:

Replat and vacation of some lots in Filing 1 & 2.

5. Eagleview Metropolitan District:

Seeking to form a metropolitan district for a for a subdivision known as Eagleview, and that is what the metro district will be called. The proposed subdivision is expected to have 38 homes on 113.34 acres within the district boundaries of 121.20 acres. They anticipate using .47 acre each lot, overall demand of 17.90 acre-feet.

6. 4-Wy Ranch Commercial Metropolitan District:

Seeking to form a commercial metro district to overlay the existing 4 Way Ranch Metro Districts 1 & 2 to include 68.2 acres.

7. Foursquare at Sterling Ranch East/Filing 1:

Final plat for 158 single family homes on 36.647 acres. Water and wastewater to be provided by FAWWA. Possible future agreements with Cherokee and Woodmen Hills Metro Districts.

8. Falcon Field Residential and Commercial Preliminary Plan:

Preliminary plan for mixed use with commercial and residential. Water and wastewater to be provided by Woodmen Hills Metropolitan District to the 57.67-acre lot.

9. Waterbury Filing No. 1:

The applicant is seeking a final plat for filing 1 which will consist of 198 single family lots on 61.9 acres. Grandview Reserve will provide water and Cherokee Metro will provide sewer but I don't see a letter confirming that.

The board directed Lisa to review 1-9 and make comments on the ones that need comments.

Any Other Business the Board May Have:

NA

Executive Session:

NA

Executive Session Report:

NA

Next Meeting Date: June 6th, 2023

Adjournment:

President Doran called for the meeting to be adjourned.

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

The meeting adjourned at 7:07 P.M.

Tracy Doran/Office Manager