

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

June 6th, 2023

The **June** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, June 6th, 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.

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

Board Members Absent: NA

Others in Attendance: Jared Abraham, Carl Tatum, John Hill, Jeff Munger (Zoom), Mike Wireman (Zoom), Lisa Thompson (Zoom), Peter Johnson (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 June 6th, 2023:

Director Baldwin motioned to accept the agenda for June 6th, 2023 with the addition of two El Paso County Reviews, #5 Flying Horse North Metropolitan District, & #6 Sterling Ranch Filing No. 4 Final Plat. Director Nily seconded the motion. Motion carried (4-0)

3. Minutes for May 2nd, 2023:

Director Farmer motioned to approve the May 2nd, 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 expenses for the month. Director Nily motioned to approve the May treasurer report and pay the attorney bill of 7,176.00. 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 we had received the initial disclosures for Cherokee and Meridian. The deadline for opposer's to turn in their disclosures is June 12th, 2023.

2. District Violations/Enforcement Actions:

President Doran noted that he had spoken to Chris Grimes regarding letters going out to two landowners in Peyton who have an illegal pond/lake issue (the pond/lake goes through both properties at the fence line). The district was unaware of this complaint until receiving the letters from the State. The applicant stated they will get rid of the illegal pond and have hired an engineering firm to help them do that. President Doran reported that Mr. Grimes said they have a lot more ponds to go but they are working their way through the list. Mr. Grimes will keep us updated. President Doran advised that we have gotten numerous complaints of the ponds on the old T-Cross Ranch. President Doran expressed that he had heard they had excavated them deeper and bigger and that Mr. Grimes wants us to send the legal descriptions of the properties with the ponds on them. Mr. Grimes advised that anything over 15 feet wide has to go through a dam permitting process President Doran stated. Discussion followed.

3. USGS Monitoring Program/Water Quality Study:

The board reported no updates but will invite Zach to the media day for the AEM project.

4. AEM Project/Aqua Geo Frameworks:

Jared Abraham with Aqua Geo Frameworks updated the board and reported that the helicopter arrived today and they are doing some routine maintenance. Mr. Abraham stated that they had assembled the hoop and will start performing some ground tests and may get to do some airborne calibrations tomorrow. Mr. Abraham stated that media day will be on Thursday morning at 10 AM and if things go well, they could be done by Monday. The address for media day is 13550 Piper Lane, Peyton, Co 80831, by Tire King at the old Meadowlake restaurant. Mr. Abraham noted that we will have big maps available at media day. Discussion followed on the Topper Study and that there was no digitization of the well logs on about 2200 wells, and that they are having to go through all of those and enter them. Mr. Abraham stated that they are seeing quite a bit of clay and caliche in the logs. Mr. Abraham stated that he will deliver those all-in shape files and a data base. Mr. Abraham stated he was surprised that no one had researched the well logs, and that maybe Cherokee and Leonard Rice have. He further stated that some of the well logs were great, some not, so mixed quality. Discussion continued with Mr. Abraham that he had reached out to the Sheriff's office, that NPR a local PBS radio station wants to do a story, and insurance.

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

No updates on this item.

6. Town of Bennett Determination of Water Right Objection:

This application has been postponed to November.

7. Paint Brush Hills Determination of Water Right Objection:

Attorney Thompson reported that the applicant agreed to a continuance until the November Ground Water Commission meeting. Ms. Thompson further advised that the applicant is looking at potentially not needing a variance but haven't seen anything yet. Discussion followed.

NEW BUSINESS:

Water Well Permit Applications:

1. Evard:

The applicants have applied for a well permit in Paint Brush Hills, Filing 2. They are asking for 1 single family dwelling, 1 acre of lawn and garden irrigation, domestic animal watering, with 1 acre-foot in the Dawson aquifer underlying 2.96 acres. Paint Brush Hills does allow for 1 acre-foot in the Dawson aquifer, but only 12,000 square feet of lawn and garden irrigation. They are also required to have a meter, and 200 feet of plain casing.

2. Z Investments, LLC/4 applications:

The applicant has applied for 4 large capacity well permits under Determination of Water Rights number 4252-RP in the Arapahoe aquifer. Each application is for a 40-acre parcel. They are asking for 50 GPM, 0.335 acre-feet for each application for the uses described in the Determination of Water Right, which are: domestic, irrigation (indoor & outdoor), agricultural, livestock, replacement, commercial, industrial, and fish and wildlife.

3. Cole:

The applicants have applied for a well permit application for most allowed dwellings, and irrigation, with 1 acre-foot in the Denver aquifer underlying 40 acres. They will be allowed 2 homes and 1 acre of lawn and garden irrigation.

4. Gomez:

The applicant has applied for 1 single family dwelling, 3,400 sq. feet of irrigation, domestic animal watering, 0.5 acre-feet in the Arapahoe aquifer underlying 5.15 acres in Richardson subdivision, Filing 2, under Determination of Water Right no. 46-BD. They have not asked for anything that is not allowed under the water supply plan. They are required to have a meter as well.

5. Hernandez:

The applicant has applied for 1 single family dwelling, 3,400 sq. feet of irrigation, domestic animal watering, 0.5 acre-feet in the Arapahoe aquifer underlying 5.38 acres in Richardson subdivision, Filing 2, under Determination of Water Right no. 46-BD. They have not asked for anything that is not allowed under the water supply plan. They are required to have a meter as well.

6. O'Connor:

The applicants have applied for a well permit for 1 single family dwelling, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, with 1 acre-foot from the Laramie-Fox Hills aquifer underlying 45 acres.

7. Fuschino:

The applicant applied for a well permit under Determination of Water Right no. 459-BD. He is asking for 2 single family dwellings, 1 acre of lawn and garden irrigation, domestic animal watering, with 1 acre-foot of the Denver aquifer underlying 36 acres (which is not listed on application but the State included that information in cover letter).

Director Baldwin motioned to approve 1-8 on consent with noted comments. Director Nily seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. Otis Living Trust:

The applicants are applying for determination of water rights in the Denver aquifer underlying 5 acres in Sylvan Meadows. The beneficial uses they are asking for are: domestic, livestock, irrigation, replacement, fish and wildlife, and recreation, either directly or after storage.

2. Eppinger:

The applicant is applying for determination of water rights in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying 10 acres. The beneficial uses they are seeking are: domestic, including in-house use, irrigation, agricultural, commercial, industrial, fire protection, livestock watering, replacement and recreational uses. They have also submitted an application for a replacement plan for the Dawson aquifer. The applicant plans to use 2.8 acre-feet per year through 1 well to allow in-house use, outdoor irrigation, and watering of domestic animals. The depletions occur to Black Squirrel Creek & Kiowa Creek. Replacement will be made through septic system return flows from in-house use of Dawson aquifer groundwater in 2 single family residences. Said return flows will be approximately 0.36 acre-feet annually and is sufficient to replace actual depletions to the designated basin stream systems at 100 years of pumping they state.

3. GWH Investments, LLC:

The applicants are applying for determination of water rights underlying 60 acres for the Arapahoe and Laramie-Fox Hills aquifers. The beneficial uses they are seeking are: domestic, irrigation, domestic animal and livestock watering, fire protection and replacement purposes, both directly and following short-term cistern storage. There is a reduction in the Arapahoe aquifer due to a small capacity well with permit no. 235712.

Director Doran motioned that the district will make comments on #1 & #3, and have Mike Wireman review and make comments on #2 on septic return flows. Director Baldwin seconded the motion. Motion carried (4-0)

El Paso County Reviews:

1. 2020 N. Ellicott/Cordero Filing 2 Rezone:

The applicants are seeking to rezone from A-35 for three parcels consisting of two 5-acre parcels and one 6.6-acre parcel.

2. 8765 & 8815 Vollmer Rd/Vacate/Replat (This is out of district):

The applicant is seeking to vacate/replat lots A & C, of McClintock Station.

3. Copper Chase at Sterling Ranch I (This is out of District):

The applicant is requesting to get a PUD for Sterling Ranch at Copper Chase, for a 138 single family detached development. A rezone from RS-5000 to PUD, finding of water sufficiency with the preliminary plan and subsequent Final Plat to be approved administratively, deviations ECM section in relation to mid-block crossings, minimum centerline radius and minimum intersection spacing for urban local roadways, and all "T" intersections shall have a minimum of four curb ramps.

4. Meridian Storage/Rezone:

The applicants are requesting approval of a map amendment (rezoning) for 15.30 acres from RR-5 to CS comprising three parcels and a portion of owl Place ROW. Water and wastewater will be provided by Woodmen Hills Metropolitan District.

5. Flying Horse North Metropolitan District Nos. 1-5 (This is out of district):

The district will encompass approximately 910 acres and will include an estimated 900 homes of varying values between \$1,500,000.00 (800) to \$6,000,000.00 (50), and \$3,000,000.00 (50), golf club house, fitness center, convention center, and a 225-room hotel. Their primary purpose for the metro districts is to provide for the construction, installment, completion, financing and possible ownership and maintenance of public improvements including, but not limited to roadway, water, sanitary sewer, stormwater, and drainage, and park and recreation and services provided by Title 32 Special District Act. Cherokee Metro will provide water and sanitary sewer services to the property following the construction and installation of the necessary infrastructure. Cherokee has provided a letter stating it will serve, and it is anticipated that they will enter into an IGA with Cherokee regarding the payment for water rights and for the provisions of service.

6. Sterling Ranch Filing No. 4 Final Plat (This is out of district):

The applicants are requesting approval of a Final Plat for Sterling Ranch Filing No. 4 on 56.7155 acres, including 159 single-family lots, 8 tracts and rights of ways. A Finding of water sufficiency was issued with the Sterling Ranch Phase 2 preliminary plan, of which this Final Plat is a part, so they are asking that this be approved administratively. The water will be provided by FAWWA. They do have the opportunity to connect with Cherokee Metro & Woodmen Hills Metro Districts.

President Doran directed to have Mike Wireman review and make comments on septic systems and water quality and that our rules do not allow for 3 homes for #1.

President Doran directed to pass on #5& #6 to Lisa for review and for replacement plan accounting.

The district will comment on #2, #3, #4

Any Other Business the Board May Have:

President Doran advised that he thinks the district needs to think about getting a forensic utility accounting of the water in the basin to get the inflows and outflows. He advised that there is a spider web of accounting, and with the amount of roof tops and businesses we wouldn't have to chase the accounting. He is looking at a large company out of Nevada, and there are others we could look at too. He thinks it would be helpful and be another tool in our management district. With the massive growth and interconnectivity with the alluvial and bedrock aquifers to see if there is enough physical water not just paper water. Discussion followed on the El Paso County Water Master Plan and that they did it by survey and only took the data from who responded to it. It is not a true water master plan study and domestic wells were not a part of it. President Doran stated that we could get a better idea of what's going on and it goes along with our AEM project and monitoring study.

The board discussed the July meeting that falls on the 4th. The board is cancelling the July 4th, 2023 meeting and their next meeting will be August 1st, 2023.

Executive Session:

NA

Executive Session Report:

NA

Next Meeting Date: August 1st, 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 7:25 P.M.

Tracy Doran/Office Manager

Zoom information for meeting:

Topic: UBSC Board Mtg

Time: May 2, 2023 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://troutlaw.zoom.us/j/87917354183?pwd=S2hwaWFoQ2hOUi92NDZPQ01MUUgxQT09>

Meeting ID: 879 1735 4183

Passcode: 066282

One tap mobile

+13052241968,,87917354183#,,,,*066282# US

+13092053325,,87917354183#,,,,*066282# US

Dial by your location

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US