

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

August 1st, 2023

The **August** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, August 1st, 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: Carl Tatum, John Hill, Jeff Munger (Zoom), Lisa Thompson (Zoom), Peter Johnson (Zoom), Michelle Kinney (Zoom), Paulette Caraway, Nicholle Lynch, 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 August 1st, 2023:

Director Baldwin motioned to approve the August 1st, 2023 agenda. Director Nily seconded the motion. Motion carried (4-0)

3. Minutes for June 6th, 2023:

Director Nily motioned to approve the June 6th, 2023 minutes. Director Baldwin 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 months of June & July 2023. Director Nily motioned to accept the June & July treasurer reports and pay the attorney bill of \$3,943.94 and engineering bill for \$5,478.00. Director Baldwin seconded the motion. Motion carried (4-0)

VISITOR INPUT

John Hill stated at the ribbon cutting for Cherokee's RO plant nobody drank out of the tap. He also said that the rumor was that the cookies were made there and that nobody ate them either.

Director Doran noted they haven't really publicly commented on what the purpose is and where their water is derived from.

Director Doran stated he knows that Cherokee, Aurora and Castle Rock all got approval legislatively or a policy change to go directly from RO to tap. He stated he didn't know if that is in the works and that they will just RO it and send it right back to their consumers.

Director Doran asked Jeff Munger if that was correct. Director Doran stated he had spoken to some folks from the Fresh Water News that he also read an article on that in their publication as well. Mr. Munger stated he did not know of anything about Cherokee asking about that, and that he didn't know of anything about this. Mr. Munger said it doesn't make sense for them with doing ground water recharge and going through the Replacement Plan to implement that.

OLD BUSINESS

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

Attorney Thompson reported on the deadlines. The applicant's expert disclosures will be due on August 18th, 2023, objectors will be due in December. Hearing will be in 2024.

Ms. Thompson reported that Upper Big Sandy's attorney Scott Krob had called and they are very interested and they will have a follow up with Lost Creek next week.

2. District Violations/Enforcement Actions:

Director Doran updated the Board on some illegal ponds in the district in the old Santa Fe Springs/T-Cross property and that the State had sent out letters to the landowners.

Director Doran also reported that Woodmen Hills has taken over Falcon Highlands Management. Director Doran noted he had received a call from Jeff Rice from El Paso County in regards to the underdrains in that subdivision, and in the district as a whole. The underdrains to the houses in Falcon Highlands were never connected and tied to the underdrains. Woodmen Hills doesn't want to deal with it. He was wanting to know if they would be grandfathered and Director Doran explained they would not. Discussion followed. Discussion continued with the flooding in the basin, the creeks that have not flowed in years, illegal ponds and diversions breaking and creating havoc, Meridian Hills underdrains, landowners being responsible for damage downstream if they have a pond that breaks, setting up

communication with the County about ponds that don't have an adjudicated right, getting the State involved in the illegal water rights.

3. USGS Monitoring Program/Water Quality Study:

Director Doran advised that we just paid the quarterly payment. He noted that Zach is still out collecting data and that we are in the 2nd year and starting to see some trend lines and that the Denver Basin is dropping in some areas rapidly and some areas not. Director Doran stated that Zach would like to give a presentation and that maybe we could set something up for next month's meeting.

4. AEM Project/Aqua Geo Frameworks:

Director Doran reported that Jared Abraham from Aqua Geo Frameworks on July 17th, 2023 had advised that they had completed the integration and inspection of the Division of Water Resources wells within 1,000 feet and that they ended up with 1657 QA/QC wells. On July 25th, 2023 Jared informed the board that he had received the final AEM data from SkyTEM and have begun the final inversions. Mr. Abraham noted they will start on the interpretation of the UBSCGWMD AEM data. Director Doran stated they flew 294 square miles, which is a majority of our basin and that he was thoroughly impressed by their professionalism and the team. Discussion followed.

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

Pete Johnson attorney for Cherokee advised that they had sent info back to the State and that he had just asked for a status update and are waiting for a response from the State. Ms. Thompson noted that we have it worked out with the State that they will go first on the Change Case and then it will come to the District for the Export Hearing.

6. Town of Bennett Determination of Water Right Objection:

This application and hearing have been postponed to November.

7. Paint Brush Hills Determination of Water Right Objection:

Ms. Thompson reported that the applicant has withdrawn their application for Variance and that they are amending the application. The applicants are still going to pursue the determinations without the variance. Discussion followed.

Discussion followed with the board and Ms. Thompson on grant money.

Ms. Thompson advised there have been some minor changes to the Open Records Act and they will go through the district's policy and we may need to update a few things.

NEW BUSINESS:

Water Well Permit Applications:

1. Roberts:

Applicants are replacing the existing well. They are requesting 1.16 acre-feet in the Dawson (under DWR. No. 3668-BD & 3668-RP), 15 gpm pumping rate, 1 home, 1 acre of irrigated acres, domestic animal watering on 5.06 acres in

Treasured Acres subdivision. They are keeping the same uses and amounts from permit number 85875-F.

The board discussed the Robert's request for a Variance from 50' of the original well. Ms. Thompson stated they would have show undue hardship and that it is very infrequently granted.

Director Doran motioned to approve the application and that they will have to stay within 50' of the original well location and the old well will need to be capped. Director Baldwin seconded the motion. Motion carried (4-0)

2. Parker:

The applicant is seeking a well permit for 1 home, 3 acres of irrigated acres, domestic animal watering, livestock watering, 15 gpm pumping rate, with 3 acre-feet in the Arapahoe aquifer underlying 70 acres. They will be allowed 1 acre-foot in the Arapahoe aquifer and 1 acre of irrigated acres per our rules and regulations.

Director Baldwin motioned to accept the Parker application but they will be limited to 1 acre-foot per our rules and regulations, not the 3 acre-feet they asked for. Director Nily seconded the motion. Motion carried (4-0)

Determination of Water Rights:

1. NA

El Paso County Reviews:

1. 11810 Stapleton Dr Site Development Plan:

The applicants are requesting a commercial site development plan, which includes a gas station.

2. Overlook at Homestead Rezone:

The applicants look to rezone 350.830 acres from A-35 to RR-5. They note in their project description that the Reata Subdivision to the south and east is RR-5 with the Apex Ranch Subdivision to the west zoned as PUD due to its smaller lot sizes. The lots range in size from 3.099 acres to 5.107 acres with 23 of 25 lots being less than 5 acres. The applicant states that they are in general conformance with the El Paso County Master Plan.

3. Space Village Rd Minor Subdivision/Out of District:

The applicant's request is for a minor subdivision of the existing property into roughly two 11.4 acre lots with proposed use to be outdoor storage. No on-site improvements proposed at this time they note. They say that they are not proposing any facilities so no new water service or sanitary sewer is proposed. An existing water meter along Space Village will be re-used to provide permanent irrigation for the street trees along the road. A water loop is proposed with a single hydrant for each lot.

4. 15080 W Chapparal Loop-VOU:

The applicants are requesting a second dwelling. They plan to either rent out the old house or use for family and will live in the new dwelling. They will share the well. The new house will have its own septic system.

5. Walmart Gas Station #4435:

The applicant is proposing developing an 8-stack fuel station with a 1,440 square feet convenience store. The proposed project is within the existing parking lot for the Walmart Supercenter. They will have 3 underground storage tanks.

6. Saddlehorn Ranch Filing 4:

The applicants are requesting administrative approval of the 162.32-acre Saddlehorn Ranch Filing 4 Final Plat, including 42 lots at 2, and 14.52 acres of right-of-way. Water will be provided by a central water system to be developed by the Owner/Applicant (organization of a Metropolitan District for the project is in progress). Individual septic systems will be provided via on On-Site Wastewater Treatment systems prepared by the owner in accordance with the Public Health requirements.

Director Doran motioned to approve 1,3,4 & 5. Director Farmer seconded the motion. Motion carried (4-0)

Director Doran motioned to have Ms. Thompson review and comment on 2 & 6. Director Farmer seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have:

1. Ground Water Commission Meeting:

The board discussed the upcoming GWC meeting and tour to be held in Winter Park on August 17th and 18th, 2023. Two board members potentially may go and one said no.

2. Ground Water Commission Vacancy:

Manager Doran reported to the board that Rick Nielson had asked if there were any resident agriculturists in the basin that might be interested in being a Ground Water Commission member, that there is a vacancy and they would like to have one in our area. Discussion followed.

Executive Session:

NA

Executive Session Report:

NA

Next Meeting Date: September 5th, 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 7:43 P.M.

Tracy Doran/Office Manager

Zoom information for meeting:

Topic: UBSC Board Mtg

Join Zoom Meeting

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

Meeting ID: 879 1735 4183

Passcode: 066282

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