

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

**January 2<sup>nd</sup>, 2024**

The **January** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, January 2<sup>nd</sup>, 2024**, at 6:00 P.M., at 1500 8<sup>th</sup> 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:**

**In Person:**

John Hill, Tracy Doran

**On Zoom:**

Lisa Thompson, Luke O'Brien, Jeff Munger, Katie Miller, Mike Wireman, Pete Johnson, Michelle Marie Kinney

**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 January 2<sup>nd</sup>, 2024:**

Director Baldwin motioned to approve the agenda with the addition of Well permit #3 OGC RE2, LLC. Director Farmer seconded the motion. Motion carried (4-0)

**3. Minutes for December 5<sup>th</sup>, 2023:**

Director Baldwin motioned to approve the December 5<sup>th</sup>, 2023 minutes. Director Farmer 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 December. Director Farmer motioned to accept the December treasurer report and pay the Spronk Engineering bill for \$24,307.50 and Wright Water Engineering bill for \$15,616.71. Treasurer Baldwin seconded the motion. Motion carried (4-0)

**5. Election:**

Manager Doran advised the board that we got two petitions for the election, both petitions were verified and qualified and the district will be canceling the February 6th, 2024 election as there are not more candidates for directors than offices to be filled. Discussion followed.

**6. SUNSHINE LAW:**

President Doran read the following into the record.

- A. Meetings to be held the first Tuesday of every month at 6:00 PM or at a day or time designated by the board of Upper Black Squirrel Creek at 1500 8th Street in the Conference Room (Enter through courtyard on South side of building) at Farmers State Bank, Calhan, CO or at a location designated by the board of directors.
- B. Agendas to be posted on the west door (by drive through) of the District Office located at 1500 8th Street at Farmers State Bank, Calhan, CO and on the district's web site [www.upperblacksquirrelcreekwater.com](http://www.upperblacksquirrelcreekwater.com)
- C. The minutes and records of the meetings to be retained at the District Office located at 1500 8th Street (Inside Farmers State Bank), Calhan, CO and will be made available on the district's web site after approval at [www.upperblacksquirrelcreekwater.com](http://www.upperblacksquirrelcreekwater.com)

**VISITOR INPUT**

NA

**OLD BUSINESS**

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

Attorney Thompson advised the board that there was an extension for both the applicants and the opposers and there will be a status conference on January 12<sup>th</sup>, 2024 to discuss rescheduling the hearing. Ms. Thompson further noted that the new dates for opposer deadlines is February 16<sup>th</sup>, 2024, and the proposed new hearing dates are July and August 2024. Ms. Thompson reported that we will discuss other items in executive session.

**2. District Violations/Enforcement Actions:**

President Doran reported that we have been working with the State and Chris Grimes on Falcon Highlands. Discussion followed on their new underdrain system and accountability to lost water to the aquifer. President Doran said that Falcon Highlands and Woodmen Hills have been sent show cause letters, and Falcon Highlands has not responded but Woodmen Hills has. He further stated that the State is going to require them to go forward with a Replacement Plan. There was further discussion on how to get a penalty for the lost water from the previous years, that the alluvial aquifer is down to the last 30 feet and that this is the only renewable aquifer we have, and that Falcon Highlands is in a high ground water area.

**3. USGS Monitoring Program/Water Quality Study:**

President Doran reported that Zach with USGS would like to give a presentation of both the water quality and quantity studies and that he says he has a good sense of what's going on in the Denver Basin. Manager Doran will email Zach and see if he is available to do that on February 15<sup>th</sup>, 2024, our potential meeting date.

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

Attorney Thompson noted that we have sent in our objection and fee. Ms. Thompson stated she did not have any updates and Pete Johnson, attorney for Cherokee has not heard any updates either.

**5. Town of Bennett Determination of Water Right Objection:**

Ms. Thompson advised that Lost Creek is taking the lead on this and that it has been postponed until the February Ground Water Commission meeting, and they are trying to work on getting a resolution.

**6. Paint Brush Hills Determination of Water Right Objection:**

Ms. Thompson reported that Paul Anderson has retired and the new water council has reached out and is trying to get up to speed and this has stalled out a bit. Discussion followed on the Bennett application in relation to the Paint Brush application and that they are very similar and if it could set a precedence in the Paint Brush case. Discussion continued on Lost Creek & Kiowa Bijou's potential stipulations.

**NEW BUSINESS:**

**Water Well Permit Applications:**

**1. Albano:**

The applicant is applying for a well permit in the Denver aquifer, underlying 5.43 acres in the Judge Orr Ranchette subdivision under DWR No. 679-BD. They are asking for 1 home, 23,000 sq. feet of lawn and garden irrigation (not asked for in application but what is allowed per water supply letter), domestic animal watering. We need clarification on the amount of water they are seeking as they wrote down 152,857, 100 years. They are allowed 139.25 acre-feet in the Denver. They are also required to install a totalizing flow meter.

**2. PT Overlook, LLC:**

The applicant is applying to re-permit well permit number 157064-A after their determination of water right and replacement plan is finalized. They are asking for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering and .5 acre-foot in the Dawson aquifer underlying 5.18 acres in Overlook at Homestead subdivision. They would require a totalizing flow meter.

**3. OGC RE2, LLC:**

The applicant is applying for a well permit application in Mountain's Edge subdivision underlying 5.065 acres. They did not fill out most of the boxes on the application. What is allowed per the water supply plan is 1 home, .5 acre-foot in the Arapahoe aquifer, 3,000 sq. feet of lawn and garden irrigation, & 2 large animals.

Director Doran motioned to approve 1-3 with comments for #1 that they are only allowed .5 acre-feet per our rules and that this is a high ground water area and that the type of septic system in this area should be of high consideration, that #2 is not ripe for consideration until the determination is finalized, and that #3 should be metered. Director Farmer seconded the motion. Motion carried (4-0)

**Replacement Well Permit Applications:**

NA

**Change of Use Well Permit Application:**

NA

**Determination of Water Rights:**

**1. Elwick:**

The applicants are applying for determination of water rights from the Dawson, Denver, Arapahoe, & Laramie-Fox Hills aquifers underlying 10.67 acres on lot 11 in Pine Bluff Estates. They are seeking the following beneficial uses: domestic, including in-house use, irrigation, agricultural, commercial, industrial, fire protection, livestock watering, replacement, and recreational uses. The applicant has also submitted a replacement plan for the Dawson aquifer and plans to use 1.1 acre-feet per year for 2 houses.

**2. Gonzalez:**

The applicants are applying for determination of water rights from the Denver, Arapahoe, & Laramie-Fox Hills underlying 40 acres. The proposed beneficial uses they are seeking are: domestic, livestock, irrigation (both indoor and outdoor), recreation, fire suppression, wildlife, commercial, industrial, and replacement and storage for such uses. There is a reduction in the Denver aquifer to account for a domestic well with permit no. 311442.

Director Farmer motioned to have Attorney O'Brian to write the State on the Storage language on Gonzalez. Director Baldwin seconded the motion. Motion carried (4-0)

**El Paso County Reviews:**

**1. 4 Way Commercial Site Development Plan:**

The applicants are requesting a site development plan to allow for mini-warehousing, boat and RV storage and shipping containers storage.

**2. Rolling Hills Ranch North PUDAP:**

The applicants are proposing a 441-unit single family PUD development on 148.873 acres in the existing Meridian Ranch Community.

**3. Ponderosa Pines Estates Subdivision:**

Not in the district

**4. 23218 Hwy 94-Rezone Project:**

The applicants are proposing to rezone property from A-35 to RR-5 to allow for subdividing the property into approximately ten 5+ acres lots. They are planning on individual wells and septic.

**5. Grandview Reserve 1041 New Water and Wastewater System:**

The applicants have applied for a 1041 for a new water and wastewater 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 in this application.

Director Doran motioned to approve 1 & 2 on consent and have Luke & Lisa review and comment on 4 & 5. Director Baldwin seconded the motion. Motion carried (4-0)

**Any Other Business the Board May Have:**

**1. 2024 Winter Groundwater Management District Conference:**

The board discussed the conference. Director Doran will be attending the conference, the other board members have conflicts and cannot attend.

**2. Next Board meeting date:**

The board discussed having the meeting on February 15<sup>th</sup>, 2024 and checking with Zach at USGS to see if that works for him for his presentation.

**3. Budget:**

Manager Doran reported that the board may need to amend the budget if we go over the spending limit when we get the December engineering bills. If the board needs to do that she will publish in the legal section of the Ranchland and the board will need to hold a hearing.

Director Baldwin motioned to move into executive session at 7:36 P.M. Director Farmers seconded the motion. Motion carried (4-0)

**Executive Session:**

Please take notice that Attorney Lisa Thompson Pursuant to C.R.S. §24-6-402(4)(b) & C.R.S. §24-6-402(e), is requesting an Executive Session with the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District during its regular meeting scheduled Tuesday, January 2<sup>nd</sup>, 2024, regarding the following matters:

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

Attorney Thompson advised we not record because we are getting legal advice.

Director Baldwin motioned to come out of executive session and back into regular session at 9:25 P.M. Director Farmer seconded the motion. Motion carried (4-0)

**Executive Session Report:**

No action was taken.

The board directed Manager Doran to write Jonathan Jones at Wright Water Engineering that they will appropriate money on tasks 1-3 on the proposed 2024 budget they submitted to include the additional money from December 2023 work done and that they will require a very detailed hourly billing statement for the tasks performed versus what has been submitted previously.

**Next Meeting Date: Potentially February 15<sup>th</sup>, 2024**

**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 9:30 P.M.

Tracy Doran/Office Manager