

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

March 5th, 2024

The **March** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, March 5th, 2024**, at 6:04 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
Via Phone, Secretary Darrel Nily

Board Members Absent: Mitchell Baldwin

Others in Attendance:

In Person:

John Hill, Carl Tatum, Andy Klakulak, Lauren Eng, Jackson Sharp, Erin Hennessy, Zach Kisfalusi, Tracy Doran

On Zoom:

Lisa Thompson, Luke O'Brien, Jeff Munger, Joshua Watkins, Pete Johnson, A Creighton, Marty ?

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 5th, 2024:

Director Nily motioned to approve the agenda for March 5th, 2024 with the addition of Versluys & Armstrong Determination of Water Right application and El Paso County Reviews for Overlook at Homestead preliminary plan & Meridian Ranch Sports Center PPR. Director Farmer seconded the motion. Motion carried (3-0)

3. Minutes for January 2nd, 2024:

Director Nily motioned to approve the January 2nd, 2024 minutes. Director Farmer seconded the motion. Motion carried (3-0)

4. Treasurer Report & Any Bills Needing Board Approval:

Manager Doran reported on the income and expenses for January and February 2024. Director Nily motioned to approve the January and February 2024 treasurer

reports and pay the January attorney bill for \$17,515.60 and engineering bill for \$31,340.00. Director Farmer seconded the motion. Motion carried (3-0)

5. Audit Update:

Manager Doran advised that all the requested documents have been sent to the accountant. Mrs. Doran reported that she has a meeting tomorrow with the accountant and will get more information on the timeline for the audit.

6. Amended Budget Hearing:

Director Nily motioned to go into the amended budget hearing at 6:14 PM. Director Farmer seconded the motion. Motion carried (3-0)

President Doran read the resolution into the record.

President Doran asked for public comment and seeing none closed public comments.

President Doran asked for board comments and seeing none closed board comments.

President Doran motioned to accept the resolution for the supplemental budget for the unexpected expenses over and above what was budgeted for 2023 and pay the unexpected engineering bills that were in excess of the amounts budgeted for them in 2023 and to increase the budget from \$870,900.00 to \$877,527.02. Director Nily seconded the motion. Motion carried (3-0)

Director Nily motioned to close the supplemental budget hearing and go back into regular session at 6:17 PM. Director Farmer seconded the motion. Motion carried (3-0)

7. USGS Presentation/Update & Report:

Zach Kisfalusi from USGS introduced his boss and team and gave a presentation of the latest water quality and water monitoring data. All of this information is preliminary and not in a publication yet and still under review, the final report will come later this year Zach said. They identified two areas that had significant pharmaceutical and PFAS Compounds and those two areas are in the northwest section near Falcon and in the southern most part of the basin. They did see some pharmaceutical detection in the middle of the basin but they did not detect any PFAS anywhere else but in those two areas.

A question & answer session followed. Director Doran asked if they had looked at the AEM map and assumed he said that they were using the Topper map for this report and asked if they had compared them. Zach said that they have taken a look at it and it is much more refined. Dave asked if we could use the AEM map for this study. Zach stated that Jared's map hadn't been published in a scientific review yet, that he developed that map for the district but it hasn't gone through a rigorous scientific review. I think for this one we will have to stick with the Topper map. We can't use something that haven't gone through a scientific review and been published. If USGS had done the AEM and map, then it would have been

vetted. Director Doran asked if the Topper map was vetted? The State published it they said. Director Doran said if we get it published through the State then we can use it. They said yes.

Director Doran said they need to sit down with USGS and look at what we need to focus on more and maybe not focus as much on some constituents, maybe we are testing too many, discussion continued on that. There was further discussion on monitoring wells, PFAS, a pond that was found that looks like it has heavy metal compounds and if we could possibly test it, what wells have been tested near the WWTP but that they do not test at the facility because it is private, having USGS help us decide the next steps and where to go next in the studies.

If the State can publish the AEM report and maps they can start using the data Zach said. The board thanked them so much for coming and giving the presentation.

The board took a brief recess at 8:39 PM and resumed the meeting at 8:46 PM

VISITOR INPUT

NA

OLD BUSINESS

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

Attorney Thompson went over deadlines, and stated we will be having an executive session to receive legal advice later on this item. There was discussion on the number of days they will be in the hearing and it being excessive.

2. District Violations/Enforcement Actions:

The board discussed the pond violations in Old West subdivision and that the state has been very helpful. Discussion continued that they have been given an extension, and that they will have to drain them, that Division 2 came down and inspected and did a site visit as well as the dam inspector out of Pueblo. The board further discussed Springs East Airport and what the County is requiring them to do. The County is telling them they cannot touch more than 1 acre of land without an engineer and they are required to have a permit. President Doran stated that all the agencies need to work collectively. The board directed Manager Doran to send Lisa the information that the County uses in their regulations and that we should set up a meeting.

3. USGS Monitoring Program/Water Quality Study:

Discussed earlier in the meeting under #7

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

Attorney Thompson advised the board on the deadlines and stated the hearing would be held in October. She further explained the board would hold the export hearing after the Commission Change Case is completed. Discussion followed.

5. Town of Bennett Determination of Water Right Objection:

Attorney Thompson noted that we got into this case to support Lost Creek and because we did not want a precedence set. They withdrew the variance and the hearing is set for the remaining issues in September. Discussion followed on how the Town of Bennett is trying to match up the type of uses and change of use, that some of the parcels are not contiguous, and that they would need to drill their own wells and that they don't want to put in the pipelines and just use the paper water right, to look at the Waste Management Case to see if it is similar. Discussion continued on trying to get ahold of this so that a large number of rooftops are not built on paper water.

6. Paint Brush Hills Determination of Water Right Objection:

No updates on this item.

NEW BUSINESS:

1. Meridian Service Metropolitan District/New Underdrain Application:

Attorney Thompson went over the application and stated it was her understanding this is their last area and that we just need to make sure it matches to the original Order. Ms. Thompson stated the district has the option to stipulate before the deadline or object after deadline. Ms. Thompson advised that as long as it looks like the others, she does not have any concerns. Discussion followed on Woodmen Hills, Paint Brush Hills and Bent Grass and that they are in high ground water areas and to find a development map of that area and check into who has underdrains and who does not and get everyone into compliance.

Water Well Permit Applications:

1. Mi Casa Colorado LLC:

The applicant is applying for a well under 63_BD for Landings of Denmark for 1 home, 3500 sq. feet of irrigation, domestic animal watering, .5 acre-feet in the Arapahoe aquifer underlying 5 acres.

2. Gayton:

The applicant is applying for a well underlying 39.96 acres for 2 homes, 1 acre of irrigation, domestic animal watering, stock watering, with 1 acre-foot in the Laramie-Fox Hills aquifer.

3. Cage:

The applicant is applying for a well permit for a 10-acre pre-72 parcel. They are seeking 1 home, 3500 sq. feet of irrigation, domestic animal watering, .75-acre feet in the Denver aquifer. The State said they were deeded 3.3 acre-feet under DWR 1547-BD.

Director Nily motioned to approve 1-3. Director Farmer seconded the motion. Motion carried (3-0)

Replacement Well Permit Applications:

NA

Change of Use Well Permit Application:

NA

Determination of Water Rights:

1. Versluys & Armstrong:

The applicant is seeking determinations of water rights for the Arapahoe aquifer underlying 35 acres with the following beneficial uses: wildlife, livestock, domestic, commercial, aesthetic, recreation, irrigation, and fire. There will be a reduction in the Arapahoe aquifer due to a small capacity well No. 146152. They have to recharge 4% because it is not-nontributary.

The board did not have any comments on this application.

El Paso County Reviews:

1. Overlook at Homestead Preliminary Plan:

The applicant is requesting to develop 62 single family lots on 350.83 acres. They are rezoning from A-35 to RR-5. The preliminary plan will subdivide the property into 5-acre residential lots ranging from 5-7 acres, with an average lot size of 5.55 acres and a gross density of 0.18 dwelling units per acre. They plan on having individual well and septic for each lot.

2. Meridian Ranch Sports Center PPR:

The applicants are wanting approval of a site development plan for a community recreation center and a metropolitan district administration office. The proposal for the site is to have roughly 60,000 sq feet of buildings constructed in three phases. Drainage shall be collected and discharged offsite into an adjacent existing drainage channel constructed in conjunction with the surrounding developments and downstream of regional detention facility. The regional detention facility is owned and maintained by the district and equipped with sufficient water quality capture volume for the basin including the proposed recreation facility they say. The detention facility was constructed in 2012 with the development of Meridian Ranch Filing 3 and has been in operation without issue they say. A pond maintenance agreement between the district and the County is reception no. 212031863.

Director Nily motioned to have Lisa or Luke send a letter to the County on the Overlook subdivision in relation to the septic and the water supply in the Dawson aquifer. Director Farmer seconded the motion. Motion carried (3-0)

Any Other Business the Board May Have:

1. Election Term Limits:

The board discussed term limits and directed Ms. Thompson to look into what the district needs to do.

2. 2024 Winter Groundwater Management District Conference:

The board tabled this item until the next meeting because of time.

3. Underground Water Symposium:

The board tabled this item until the next meeting because of time.

Director Nily motioned to go into executive session at 9:53 PM. Director Farmer seconded the motion. Motion carried (3-0)

Director Doran adjourned the public portion of the meeting at 9:54 PM. Director Farmer seconded the motion. Motion carried (3-0)

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, March 5th, 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.

Executive Session Report:

NA

Director Doran motioned to pay Wright Water Engineering \$22,000.00 and suspend his services until further notice. Director Nily seconded the motion. Motion carried (3-0)

Director Nily motioned to approve Spronk's estimate through June. Director Farmer seconded the motion. Motion carried (3-0)

Director Nily motioned to transfer \$200,000.00 from COLOTRUST into checking for bills. Director Farmer seconded the motion. Motion carried (3-0)

Next Meeting Date: April 2nd, 2024

Adjournment:

President Doran called for the meeting to be adjourned.

Director Farmer made a motion to adjourn the meeting. Director Nily seconded the motion. Motion carried (3-0)

The meeting adjourned at 10:34 P.M.

Tracy Doran/Office Manager