

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

May 7th, 2024

The **May** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, May 7th, 2024**, 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
Via Phone, Secretary Darrel Nily, Treasurer Mitchell
Baldwin

Board Members Absent: NA

Others in Attendance: **In Person:**
Jared Farmer, George Schubert, John Hill, Tracy
Doran, Lisa Thompson
On Zoom:
Luke O'Brien, Pete Johnson,
Jeff Munger, Joshua Watkins

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 May 7th, 2024:**
Director Baldwin motioned to approve the May 7th, 2024 agenda. Director Nily seconded the motion. Motion carried (4-0)
- 3. Minutes for April 2nd, 2024:**
Director Baldwin motioned to approve the minutes of April 2nd, 2024. Director Nily seconded the motion. Motion carried (4-0)
- 4. Treasurer Report & Any Bills Needing Board Approval:**
Treasurer Baldwin reported on the income and expenditures for the month. Director Baldwin motioned to accept the April treasurer report and pay the attorney bill of \$14,763.51, Spronk Engineering bill for \$4,425.00 and the USGS quarterly

payment for \$34,536.05. Director Farmer seconded the motion. Motion carried (4-0)

5. Audit:

Manager Doran reviewed the audit with the board and explained that the long and short of it is there was no evidence of fraud or mismanagement and that everything looked good. The accountants gave some suggestions and manager Doran will implement those changes. It was stated that we were the easiest audit they have had and did not see any problems.

VISITOR INPUT

George Schubert discussed a meeting he attended in Division 2 that was for a futile call. He stated that they said Black Squirrel was tributary to the Arkansas River and the water that flows on top of the ground and crosses the district line they can claim the water. He further stated that if you fall under the stream, they could claim our water. Discussion followed with the board and attorney Thompson.

OLD BUSINESS

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

Attorney Thompson advised that this is set for hearing in July for 3 weeks. Discussion followed on the applicant's having to prove no injury and no water quality issues. Discussion further on motions to dismiss Pro Se Parties, timelines of depositions and that the next few months will be very busy. Ms. Thompson stated there will be an executive session later to further discuss this.

2. District Violations/Enforcement Actions:

Director Doran stated the State is making headway on the illegal pond issues in Old West Ranch and that Division of Dam Safety and Ground Water Division 2 are working to help the people comply. Discussion followed.

3. USGS Monitoring Program/Water Quality Study:

Director Doran noted that Zach with USGS is out doing water levels and water quality will start sampling again soon. Further discussion on Mike Wireman helping us in determining some of the locations. Director Doran advised that the State Land Board sent a letter to Zach stating our temporary access has expired. The board directed attorney Thompson and O'Brien to write a letter to the State Land Board.

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

Attorney Thompson advised there is a status conference on June 3rd, 2024 and that there is not a ton of progress on this case.

5. Town of Bennett Determination of Water Right Objection:

Attorney Thompson explained that Lost Creek has a Motion to Withdraw. Discussion followed. The Upper Black Squirrel will withdraw from the case as well.

6. Paint Brush Hills Determination of Water Right Objection:

Attorney Thompson reported that the applicants have withdrawn the variance and we have submitted comments. The applicant's have until June 28th, 2024 to respond, and there is a status conference set for August. Discussion followed.

NEW BUSINESS:

Water Well Permit Applications:

1. Armstrong/Versluys:

The applicants are applying to increase use and re-permit their well permit with water from determination of water right no. 4669-BD. They want to use 7 acre-feet from the Arapahoe aquifer, with 2 homes, 1 acre of irrigation, domestic animal watering and stock watering underlying 35 acres.

2. RMB Group, LLC (2 applications):

The applicants are applying for 2 wells in Tiboria Estates. There is a subdivision water supply letter that does allow them to use the Dawson aquifer. They are asking for 1 dwelling, lawn and garden irrigation (they are allowed 13,000 sq. feet per water supply plan), and domestic animal watering. They are also required to install a meter. They are allowed 1 acre-foot in the Dawson.

3. A4 Investments, LLC:

The applicant is applying for a well permit for 5.5 acres in Arrowhead Estates. The subdivision water supply plan allows for 1 acre-foot in the Denver aquifer, 1 acre of irrigation and they are required to have a meter. They have broken down the uses on the application and it is as follows: 1 home, 2,000 sq. feet of lawn and garden irrigation, domestic animals and commercial use for a landscape business and say that they will use .92 acre-feet per year or 1 acre-foot.

4. Tutill:

The applicants are applying for a well permit for 3 dwelling, 1 acre of lawn and garden irrigation, domestic animal watering and stock watering, with 1 acre-foot in the Denver aquifer underlying 35 acres. This is for Family of Faith Lutheran Church, was formerly Sunny Slope Estates subdivision. They will not be allowed 3 homes per our rules and regulations, just 2 as is allowed.

5. Acevedo:

The applicant is applying for 3 homes, 1 acre of lawn and garden irrigation, domestic animal watering, stock watering, with 1 acre-foot in the Arapahoe aquifer underlying 40 acres.

6. Tovar:

The applicant is applying for 1 home, 3,000 sq. ft of lawn and garden irrigation, domestic animal watering, .5 acre-feet in the Arapahoe aquifer underlying 5 acres in the Larranaga subdivision. This is pursuant to DWR no. 733-BD. They are also required to install a meter.

7. Brandenburg:

The applicant is applying for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, 1 acre-foot in the Denver aquifer underlying 6.2 acres in Peyton

Ranches Filing 1 B, DWR no. 4238-BD. The State is waiting to see if the applicant has been deeded 1 acre-foot.

8. Flores:

The applicant is applying for 1 home, 1 acre of lawn and garden irrigation, domestic animal watering, 1 acre-foot in the Arapahoe aquifer underlying 5 acres. The State has requested a pre-72 deed from the applicant. The State is willing to drop it to .5 acre-feet. This was an application from last month that we sent to counsel to comment on.

9. Kunau:

The applicant is applying for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, 1 acre-foot in the Laramie-Fox Hills aquifer underlying 35.12 acres. It is in a subdivision and only allowed 3,000 sq. feet of irrigation.

Director Doran motioned to have Lisa & Luke comment on #1 & #9, and approved #'s 2, 3, 4, 5, 6, 7, & 8 with comments. Director Baldwin seconded the motion. Motion carried (4-0)

Large Capacity Well Permit Applications:

NA

Replacement Well Permit Applications:

NA

Change of Use Well Permit Application:

NA

Determination of Water Rights:

1. Kunau:

The applicants are applying for a determination of water rights for the Laramie-Fox Hills aquifer underlying 10 acres, for lot 11, Antelope Acres subdivision. The beneficial uses they are requesting are: domestic, including in-house use, irrigation, agricultural, commercial, industrial, fire protection, livestock watering, replacement, and recreational uses. The groundwater from these allocations will also be used on another non-continuous 849.79-acre parcel owned by the applicant under determination of water right no. 4602-BD.

2. Davis:

The applicant is applying for a determination of water rights for the Denver, Arapahoe, and Laramie Fox Hills aquifers underlying 40 acres. The beneficial uses they are seeking are: domestic, commercial, irrigation (indoor and outdoor), structure and equipment washing, fire suppression, and storage and replacement for such uses. May need standard letter from counsel on storage and replacement.

Director Doran motioned to have Lisa & Luke review #1 and comment and or object and determine if they need a Change of Use, and #2 with a comment about storage and replacement. Director Baldwin seconded the motion. Motion carried (4-0)

El Paso County Reviews:

1. Peyton Fire Protection District-Approval of location:

The applicants are requesting approval for an unmanned fire station, to include a pole barn and a 30,000-gallon cistern.

2. 7981 Fort Smith Rd-Plat Note Waiver:

The applicant is requesting a waiver to build an RV garage that extends into an area that is noted as no build.

There was no action taken on these items

Any Other Business the Board May Have:

1. 2024 Winter Groundwater Management District Conference:

President Doran gave a brief update on the conference that was held in Nashville in January. He reported that Jared Abraham did an AEM presentation with a brief overview of our study. He explained that a lot of the conference was centered around Mississippi, Florida and Tennessee and that it was very interesting. President Doran advised that the west is not the only place having water issues and discussed some of the problems they are facing.

2. Underground Water Symposium:

President Doran discussed the symposium that he attended in February. He advised that Jared Abraham did a presentation on the AEM and Upper Black Squirrel was part of that presentation. There were numerous discussions on aquifer storage, the pros and the cons. There were discussions on PFAS and how Metro Districts are going to make it through and have the water they need to sustain the growth. Discussion on Highlands Ranch and the Denver Basin. President Doran noted that it was a very good symposium and he learned a lot.

3. Term Limits:

Attorney Thompson will get memo to the board.

Director Farmer motioned to adjourn the regular meeting and go into executive session. Director Baldwin seconded the motion. Motion carried (4-0)

The board took a brief recess before going into executive session at 7:39 PM.

Director Doran motioned to go into executive session at 7:53 PM for the purpose of C.R.S. §24-6-402(4)(b) & C.R.S. §24-6-402(e) relating to Cherokee Metro & Meridian Service Metro Replacement Plan Application-Case No. 08GW71. Director Baldwin seconded the motion. Motion carried (4-0)

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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, May 7th, 2024, regarding the following matters:

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

Executive Session Report:

No action taken

Next Meeting Date: June 4th, 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 10:05 P.M.

Tracy Doran/Office Manager