

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

**August 6<sup>th</sup>, 2024**

The **August** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, August 6<sup>th</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 Via ZOOM, Treasurer Mitchell Baldwin

**Board Members Absent:** NA

**Others in Attendance:** **In Person:** Merilee Dennis, Brad Dennis, John Hill, Tracy Doran, Carl Tatum

**On Zoom:** Luke O'Brien, Jon Hill, Riley Hillen, Lisa Thompson, 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 September 3<sup>rd</sup>, 2024:**

Director Baldwin motioned to accept the agenda with the addition of an executive session to receive legal advice on Case No. 24GW01. Director Farmer seconded the motion. Motion carried (4-0)

**3. Minutes for June 6<sup>th</sup>, 2024 & Special Meeting Minutes with Executive Session for July 3<sup>rd</sup>, 2024:**

Director Farmer motioned to approve the June 6<sup>th</sup>, 2024 minutes. Director Nily seconded the motion. Motion carried (3-0) Director Baldwin abstaining

Director Baldwin motioned to approve the Special Meeting minutes with executive session for July 3<sup>rd</sup>, 2024. 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 June and July 2024.

Director Baldwin motioned to approve the June & July 2024 treasurer reports and pay the following bills:

Attorney \$62,220.67, Granite Ridge Ground Water \$3,630.00, Spronk Engineering \$15,313.75, Wright Water Engineering \$33,946.82, and USGS for quarterly studies payments \$34,536.05. Director Farmer seconded the motion. Motion carried (4-0)

**VISITOR INPUT**

Merilee & Brad Dennis from Antler Ridge HOA came to speak to the board about the subdivision's replacement plan and what it means and what they have to do. Discussion followed. The board will send the replacement plan to Lisa and Mike and stated that the board will help them find a location to put the recharge water in that will be helpful to the basin.

Riley Hillen with DR Horton spoke to the board about the Grandview Reserve subdivision and the progress they have made over the past 8-9 months. They stated they would like to have a virtual meeting with visual aids to go over their plans. President Doran stated he will get in touch with the State to include them in the meeting and thanked them for trying to do right by the basin.

Carl Tatum thanked President Doran for coming down and speaking with them and they are still wanting to work with Upper Black Squirrel Creek. He discussed sending letters to CDPHE on clean drinking water, he also discussed that Pueblo now has two wells that are heavily contaminated with PFAS and that water being released in Fountain Creek is having adverse effects downstream. Discussion continued on designation into a management district, how they are formed, how boundaries were picked and the process for becoming a designated basin, and possibly expanding the Upper Black Squirrel District to pick them up.

**OLD BUSINESS**

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

Attorney Thompson advised that on July 3<sup>rd</sup>, 2024 a Stipulation was executed and that all objectors agreed to the proposed Order and they went to an abbreviated Hearing on July 8<sup>th</sup>, 2024. Ms. Thompson stated we are waiting on the signed

Order from the Hearing Officer. She further noted that if there are no appeals made in 30 days then it will become a Final Order. Discussion followed on the Stipulation and what it entails and what it means for both Cherokee and the district. Ms. Thompson reported that this is first time ever living model of a replacement plan and is quite remarkable.

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

President Doran reported that he got an update from Chris regarding Falcon Highlands and that they are going to work with them on a replacement plan for their underdrains. President Doran stated that the Old West illegal ponds are supposedly starting to drain and that the residents were complaining about the costs of pumping and that Chris Grimes gave them some suggestions on what they could do to drain them. They had their deadlines extended to sometime in August and it is the last one and if they are not drained, they will be cease and desisted.

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

President Doran advised that Zach is out on family leave and Andy is filling in for him right now and they are putting together new proposals and adding some additional wells for the State wells we lost. Discussion followed.

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

Attorney O'Brien gave a brief update and deadline dates and stated we would be discussing this in executive session.

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

Attorney O'Brien updated the board and reported that we had submitted comments and are waiting for reply. Paint Brush Hills had replaced their general manager and has switched legal counsel he advised and that held things up a bit.

**NEW BUSINESS:**

**1. PFAS Proposed Rule:**

Director Farmer advised that he would like to see some kind of PFAS rule in the basin as historically there had been no PFAS in the basin before. He would like to see it say that water that comes into the basin has to be free of PFAS. Discussion followed. Attorney Thompson noted that a Federal Standard has still not been established for PFAS. The board will continue to discuss this item.

**2. Term Limits:**

The board discussed putting a ballot question to the voters of the district and holding an election in February 2025 to eliminate term limits because it is difficult to get volunteer board members and that by the time their terms are up that is when a board member understands what they need to know about the basin and the district. Discussion followed on what the board would need to do. Attorney O'Brien went over dates of when the district would have to start doing that.

**Water Well Permit Applications:**

**1. Byrnes:**

The applicants are seeking a well permit in Equestrian Country subdivision on 5.04 acres. They are asking for 1 home, 3,000 sq. feet of irrigation, domestic animal watering in the Denver aquifer for .5 acre-feet. This is a pre-72 subdivision.

**2. Bartlett (3):**

The applicants are applying for 3 well permits each on 35 acres or more, with 2 homes, lawn and garden (no amt indicated), domestic animal watering, livestock watering in the Laramie-Fox Hills aquifer for 4 acre-feet each under DWR No. 1494-BD.

**3. Kunau:**

The applicants are asking for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering in the Laramie-Fox Hills aquifer for 1 acre-foot underlying 35 acres.

**4. Schemenaur Late Registration:**

The State thinks this well may be the Mildred Duncan well that she thought was permit no. 21024.

Director Mitchell motioned to approve well permits 1 & 3 on consent and have attorney's Thompson & O'Brien review and comment on #2 & #4. Director Farmer seconded the motion. Motion carried (4-0)

**Large Capacity Well Permit Applications:**

**1. Costain:**

The applicants are seeking a large capacity well permit application for a 40-acre parcel. They are using DWR No. 4659-BD. The annual amount they are requesting is 39.4 acres in the Denver aquifer. The State has stated that they have asked for clarification regarding the uses given the District's Rule 16 that limits them to 1 acre-foot per year outside subdivisions.

Director Baldwin motioned to have attorney's Thompson and O'Brien review and comment on the Costain Large Capacity application. Director Farmer seconded the motion. Motion carried (4-0)

**Replacement Well Permit Applications:**

**1. Cowiche Creek LLC:**

This is an application to replace permit No. 25931, it is in the same aquifer. They are asking for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering and livestock watering in the Denver aquifer for 1 acre-foot on 35.0375 acres.

The board did not have any comments on this item.

**Change of Use Well Permit Application:**

NA

**Determination of Water Rights:**

**1. Skaggs:**

The applicants are applying for a determination of water rights for the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying 38.2 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.

The Board did not have any comment on this item.

**El Paso County Reviews:**

**1. Grandview Reserve Filing 1:**

Melody Homes, Inc. is requesting approval of a SF Final Plat for Grandview Reserve Filing No. 1. This is the first filing of the approved Grandview Reserve PUD/Preliminary Plan. This filing proposes 119 single family lots, 4 tracts of varying use, and public right of way.

**2. 168 Training Facility Special Use:**

The applicants plan to build an elite training facility to serve a diverse range of users including 168 defensive shooting training courses, 168 members, law enforcement organizations, Department of Defense entities, and civilian government agencies.

**3. 17625 Person Drive-Oversized AG Structure Special Use:**

The applicants want to build a new agricultural building and because of the size it requires a Special Use Permit.

**4. Grandview Reserve Lift Station Force Main Interceptor at Saddlehorn:**

The applicants plan to build a sanitary sewer lift station, the grading needed for the building, and access driveway, as well as the underground piping to and from the lift station.

**5. BOCHES Campus Site Development Plan:**

The applicants are proposing to develop a new campus on 86.38 acres at Judge Orr & Elbert Hwy. There is a list of instructional facilities that will be on this campus as well as the headquarters. They are also talking of campus housing for qualified instructors and certified teachers. They plan on drilling a commercial and have the water rights for the property.

**6. 8140/8150 Cessna Drive Condo Plat:**

The applicants are applying for a variance of use to allow for a commercial vehicle repair garage.

**7. 8304 & 8308 Cessna Drive Variance of Use:**

1. Request approval of a variance of use to allow a “Commercial Vehicle Repair Garage” in the R-4, GA-O zone. Section 1.15 of the Land Development Code defines Commercial Vehicle Repair Garage as:

“An establishment used for the care or repair of passenger vehicles and light trucks, including major or minor work such as paint, body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles, but excluding the dismantling of wrecked vehicles and the storage of junk vehicles.”

2. Request to remove the following plat restriction:

“The property shall be restricted to uses pertaining to hangars and aircraft.”

Director Baldwin motioned to approve 1-4, 6 & 7 on consent and have attorney’s Thompson and O’Brien review and comment on #5. Director Farmer seconded the motion. Motion carried (4-0)

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

NA

The board took a brief recess at 8:04 PM

Director Baldwin motioned to move out of regular session and into executive session at 8:15 PM to receive legal advice on Cherokee Change of Water Right Application-Poleson Well (Export). Director Farmer seconded the motion. Motion carried (4-0)

Attorney O’Brien gave instructions to stop recording.

**Executive Session:**

Please take notice that Attorney Luke O’Brien 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, August 6<sup>th</sup>, 2024, regarding the following matters:

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

Director Baldwin motioned to come out of executive session and back into regular session at 9:00 PM. Farmer seconded the motion. Motion carried (4-0)

**Executive Session Report:**

No action taken

**Next Meeting Date: September 3<sup>rd</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 9:01 P.M.

Tracy Doran/Office Manager