

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

**September 3<sup>rd</sup>, 2024**

The **September** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, September 3<sup>rd</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:** Luke O'Brien, Lisa Thompson, Jeff Munger, Brendon Zimble, Bradley Kershaw, Carl Tatum, Vic ?

**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 for September 3<sup>rd</sup>, 2024 with the addition of Baumgartner under well permits #7, and #2 under Determinations of Water Rights for Jane Living Trust. Director Nily seconded the motion. Motion carried (4-0)

**3. Minutes for August 6<sup>th</sup>, 2024 Meeting:**

Director Farmer motioned to approve the August 6<sup>th</sup>, 2024 minutes. Director Baldwin 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 August. Director Nily motioned to approve the August treasurer report and pay the attorney bill of \$18,999.72 and engineering bill for \$5,487.50. Director Farmer seconded the motion. Motion carried (4-0)

## **VISITOR INPUT**

Bradley Kershaw introduced himself and advised that he is covering for Pete Johnson, legal counsel for Cherokee Metropolitan District and he will be tuning in for him. Discussion followed with the frustration with the Order and it not being correct and still not signed. There was further discussion about getting Cherokee and Upper Black Squirrel together to work on the logistics of the Order. Mr. Kershaw said they would be agreeable to do that.

## **OLD BUSINESS**

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

Attorney O'Brien reported that they are still waiting on the Hearing Officer to approve the revised Order. Mr. O'Brien advised there had been a lot of formatting errors, that all the errors had not been corrected and there was one additional suggestion by the applicant. The applicant's counsel has consented to the second revised Order and we are still waiting. Discussion followed on cost of doing the Hearing Officer's job in correcting the Order and whether the board could voice their frustrations to the Commission.

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

President Doran updated the board on the ponds at Old West and the reclamation channel at Bent Grass. Discussion followed about a detention pond by the Falcon Fire Dept., and the State holding a field visit to go over numerous areas of the basin.

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

The board discussed the new joint funding agreement. Director Nily motioned to accept the joint funding agreement which covers the implementation of a groundwater level network in the Upper Black Squirrel Basin. Director Baldwin seconded the motion. Motion carried (4-0) Discussion followed on adding 2 additional wells.

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

Attorney O'Brien updated the board on various dates for the upcoming hearing. There will be an executive session later on this item.

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

There were no updates on this item.

## **NEW BUSINESS:**

### **Water Well Permit Applications:**

#### **1. Chapin:**

The applicants are applying for 2 homes, 1 acre-foot in the Denver aquifer underlying 35.32 acres.

**2. Vineski:**

The applicants are applying for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, with 1 acre-foot in the Denver aquifer underlying 39.32 acres in the Estate Ranchettes North under Determination of Water Right 877-BD.

**3. Chambers:**

The applicant is applying for 3 homes, 1 acre of lawn and garden irrigation, domestic animal watering, with 1 acre-foot in the Arapahoe aquifer underlying 35.09 acres. They will only be allowed 2 homes per our rules and regulations.

**4. Keyes/Snyder:**

The applicants are applying for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering, with 4 acre-feet in the Denver aquifer underlying 36.37 acres under Determination of Water Right no. 1496-BD. Per our rules and regulations they will only be allowed 1 acre-foot.

**5. Home Run Restorations:**

The applicants are applying for 1 home, .455 acres of lawn and garden irrigation, domestic animal watering, with .455 acre-feet in the Denver aquifer underlying 5 acres in The Reserve at Corral Bluffs Filing No. 4.

**6. Atticus Land, LLC (2):**

The applicants have two applications and are asking for 3 homes, 1 acre of lawn and garden irrigation, domestic animal watering, livestock watering with 1 acre-foot in the Denver aquifer underlying 35 acres under Determination of Water Right No. 4462-BD on both applications. They will only be allowed 2 homes per our rules and regulations.

**7. Baumgartner:**

The applicant is applying to add livestock to permitted uses on their permit, they are also applying for 2 are-foot. They will be limited to 1 acre foot per our rules.

Director Baldwin motioned to approve the well permits with comments as appropriate. Director Nily seconded the motion. Motion carried (4-0)

**Large Capacity Well Permit Applications:**

**Replacement Well Permit Applications:**

**Change of Use Well Permit Application:**

NA

**Determination of Water Rights:**

**1. Davis:**

The applicants are applying for Determination of Water Rights in the Denver, Arapahoe & Laramie-Fox Hills aquifers underlying 40 acres. The beneficial uses they are applying for are: domestic, commercial, irrigation (indoor and outdoor), structure and equipment washing, fire suppression, and replacement either directly or after storage. Reduction in the amount of Denver water to account for small capacity well with no. 328577.

**2. Jane Davis Living Trust:**

The applicants are applying for Determination of Water Rights for the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying 278.91 acres. The beneficial uses they are seeking are: domestic, commercial, Irrigation (indoor and outdoor), structure and equipment washing, fire suppression and replacement for such uses either directly or after storage.

The board discussed fire suppression and storage. Director Baldwin motioned to have Lisa and Luke review and send comments regarding storage on Both Davis applications. Director Nily seconded the motion. Motion carried (4-0)

**El Paso County Reviews:**

**1. Chicago Ave Fencing Supply:**

The applicants want to build a 20x40 open fenced shed

**2. Saddlehorn Ranch Filing 3 Lots 35-36 Interior Lot Line Vacation:**

Grandview Reserve is requesting approval of a vacation of the interior lot line between lots 35 & 36 in Saddlehorn Ranch Filing 3.

**3. Vollmer RD Stimple Family Minor Subdivision:**

Request is for one single family lot on 7.58 acres of un-platted property within the current RR-5 zone.

The board had no comments on these items

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

President Doran updated the board on a company that he met with who is doing work in the basin and was under the assumption that he could help them secure water rights. Discussion followed on the Denver Basin and scarcity of water. Further discussion followed on legislatively changing determination of water rights and having help from a ground water commissioner.

Discussed changing the October meeting date to September 30<sup>th</sup>, 2024 to attend a water conference. Director Baldwin motioned to move the October 1<sup>st</sup>, 2024 to September 30<sup>th</sup>, 2024 in the event the board attends a water conference but if not, the original date will stand. Director Farmer seconded the motion. Motion carried (4-0)

Director Baldwin motioned to move out of regular session and into executive session at 7:15 PM to receive legal advice on Cherokee Change of Water Right Application-Poleson Well (Export). Director Nily 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, September 3<sup>rd</sup>, 2024, regarding the following matters:

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

Director Nily motioned to come out of executive session and back into regular session at 8:05 PM. Director Baldwin seconded the motion. Motion carried (4-0)

**Executive Session Report:**

No action taken

**Next Meeting Date: October 1<sup>st</sup>, 2024**

**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 8:06 P.M.

Tracy Doran/Office Manager

**Topic: September Meeting**

Join Zoom Meeting

<https://us06web.zoom.us/j/82717012681?pwd=HWamnQLOzHRBqswzYP6iRoaWkYa5bx.1>

Meeting ID: 827 1701 2681

Passcode: 047032

