

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

**October 1<sup>st</sup>, 2024**

The **October** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order **Tuesday, October 1<sup>st</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, Jeff Munger, Bradley Kershaw, 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 October 1<sup>st</sup>, 2024:**

Director Baldwin motioned to approve the October 1<sup>st</sup>, 2024 agenda. Director Nily seconded the motion. Motion carried (4-0)

**3. Minutes for September 3<sup>rd</sup>, 2024 Meeting:**

Director Baldwin motioned to approve the September 3<sup>rd</sup>, 2024 minutes. Director Nily 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 September.

Director Nily motioned to approve the September treasurer report and pay the attorney bill of \$18,865.30 and USGS bill for \$30,186.05. Director Farmer seconded the motion. Motion carried (4-0)

**5. DRAFT Budget 2025:**

The board discussed the proposed draft budget for 2025. The board did not have any changes at this time. Director Baldwin motioned to set the 2025 Budget Hearing for November 5<sup>th</sup>, 2024. Director Nily seconded the motion. Motion carried (4-0)

## **VISITOR INPUT**

John Hill advised that he had heard from a Calhan Town trustee that one of the three annexations in town did not meet the required net volume of water for land use applications. Discussion followed on the Denver Basin waters and paper water.

## **OLD BUSINESS**

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

Attorney O'Brien advised that we still do not have a signed Order and we are just waiting.

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

President Doran reported that they have started draining ponds on Old West and that two have supposedly been successfully drained. He further advised that the State is going to do a field visit on October 2<sup>nd</sup>, 2024 and that they also want to look at the Bent Grass detention ponds and re-channelization.

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

President Doran stated they are working on the draft report.

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

Attorney O'Brien went over the denial Order that the Hearing Officer issued today, Mr. O'Brien stated "the Hearing Officer issued the attached order denying Cherokee's motion for summary judgment in the Poleson change case, 24GW01, which requested a finding that the subject water right has not been abandoned.

The Hearing Officer agreed with our argument that the issue of abandonment cannot be resolved on summary judgment because it turns on disputed material facts and requires him to weigh competing sources of evidence regarding Mr. Poleson's intent to abandon the water right. The Hearing Officer determined that the question of abandonment must be resolved at the hearing."

Discussion followed with director Farmer on Mr. Poleson's ability to use the land when he does not own it anymore. Attorney O'Brien went over the timeline and deadlines.

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

Attorney O'Brien updated the board on the updated application and upcoming deadlines. There was further discussion that the applicant sent notices to over 209 individuals and that the district may get phone calls from some of them on how to file objections.

6. **Election:**

The board discussed putting in an article on why the district is seeking to end term limits. Further discussion on ballot language. President Doran read the Designated Election official resolution into the record. Director Doran motioned to appoint Tracy Doran as the 2025 Designated Election Official. Director Farmer seconded the motion. Motion carried (4-0)

## **NEW BUSINESS:**

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

1. **Aalbu, Saunders, Case, Johnson:**

The applicant is applying for a well permit for 3 homes, 1 acre of lawn and garden irrigation, domestic animal watering, 1 acre-foot in the Denver aquifer underlying 41.85 acres. They will only be allowed 2 homes per our rules and regulations.

2. **FOB Dixie LLC:**

The applicant is applying for a well permit for commercial, residential, and irrigation for 1.33 acre-feet in the Arapahoe aquifer underlying 2.5 acres in Meadow Lake Airport under determination of water right no. 9-BD. Mike Matz from the State has requested a couple items from the State regarding spacing and the water deed and has not received them yet.

3. **Trevizo:**

The applicant is applying for a well permit for 2 homes, 1 acre of lawn and garden irrigation, domestic animal watering and livestock watering, with 1 acre-foot in the Laramie-Fox Hills aquifer underlying 35.08 acres.

Director Baldwin motioned to approve 1 & 3 and have attorney O'Brien review and comment on #2. Director Nily 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. **Knecht:**

The applicant is applying for determination of water rights in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying 1.08 acres. The beneficial uses they are seeking are: domestic, irrigation, livestock watering, and replacement. The water from these allocations will be used on a contiguous

19.98 parcel owned by the applicant, which is subject to the DWR NO. 3557-BD, which has the beneficial uses of domestic, irrigation, livestock watering, and replacement. There will be a reduction in the Denver aquifer due to well no. 77690. Suggest letting counsel review and comment.

**2. 2 Brothers Properties LLC:**

The applicant is applying for determination of water right for the Denver aquifer underlying 38.77 acres. The beneficial uses being sought are: residential use, including in=house, domestic, commercial, industrial, irrigation, fire protection, and replacement in support of such uses, either directly or after storage. Suggest counsel review and comment on storage.

Director Baldwin motioned to have attorney O'Brien to review and comment on 1 & 2. Director Nily seconded the motion. Motion carried (4-0)

**El Paso County Reviews:**

**1. Mary Jane Ranch Minor Subdivision:**

The applicant is looking to rezone the property from A=35 to the RR-5 zone in order to subdivide the property to 4 nine or ten acre lots.

**2. Falcon Marketplace:**

The applicant is seeking final plat approval. The site is proposed to consist of eleven total commercial lots and two tracts.

**3. Knecht Minor Final Plat:**

The applicant intends to subdivide the two existing parcels north of Black Squirrel Creek into four lots. Additionally, the existing parcel will be platted as a one-acre parcel based on the approved Board of Adjustment Variance for lot size already approved. This platting will allow the existing lot to become a legally conforming lot. A total of five lots are proposed with this application.

Director Baldwin motioned to have Mike Wireman write comments to the County for 1-3 about water quality and septic systems. Director Nily seconded the motion. Motion carried (4-0)

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

NA

**Executive Session:**

NA

**Executive Session Report:**

NA

**Next Meeting Date: November 5<sup>th</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 6:47 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

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