

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

September 2nd, 2025

The **September** meeting of the Board of Directors of the Upper Black Squirrel Creek Ground Water Management District was called to order on **Tuesday, September 2nd, 2025**, at 6:02 P.M. at 1500 8th Street, Calhan (inside the conference room at Farmers State Bank) and by ZOOM, by President Doran.

Board Members in Attendance: President Dave Doran, Secretary Darrel Nily, Vice-President Dan Farmer, Treasurer Mitchell Baldwin

Board Members Absent: NA

Others in Attendance: In Person: Tracy Doran, John Hill

On Zoom: Attorney Luke O'Brien, Bradley Kershaw,
Attorney Lisa Thompson

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 determined a quorum was present.

2. Agenda for September 2nd, 2025:

Director Baldwin motioned to approve the agenda for September 2nd, 2025 with the addition of Preliminary 2026 budget. Director Nily seconded the motion. Motion carried (4-0)

3. Minutes for July 1st, 2025 & August 5th, 2025 Meetings:

Director Baldwin motioned to approve the July 1st, 2025 minutes as written. Director Nily seconded the motion. Motion carried (3-0) Director Farmer recused. Director Nily motioned to approve the August 5th, 2025 minutes as written. Director Farmer seconded the motion. Motion carried (3-0) Director Baldwin recused.

4. Treasurer Report & Any Bills Needing Board Approval:

Treasurer Baldwin went over the income and expenses for the month of August. Director Nily motioned to accept the August treasurer report and pay the attorney bill for \$4150.50. Director Farmer seconded the motion. Motion carried (4-0)

5. 2026 Preliminary Budget:

The board looked over the numbers for 2025 and the attorneys will look it over to give them a better idea on some of the fees for 2026 based on hearings. Director Baldwin motioned to set the budget hearing for November 4th, 2025. Director Nily seconded the motion. Motion carried (4-0)

VISITOR INPUT

NA

OLD BUSINESS

1. District Violations/Enforcement Actions:

President Doran went over the flooding that occurred in the basin this past week and the blow out of the detention pond by Big R. Discussion continued on a possible diversion and going against its normal path off of Judge Orr Rd near Stapleton and Curtis area. President Doran said there was significant damage to a driveway in Old West and we have been made aware of another illegal pond near Old West. The State has gotten involved with that and is sending out a letter. There was discussion about Falcon Highlands and letters being sent out to the Metro District and developer regarding needing a replacement plan. There was also some discussion about Falcon Marketplace.

2. USGS Monitoring Program/Water Quality Study:

President Doran reported that Zach from USGS will start gathering water levels after the irrigation season is over. There was discussion about Grandview and the significant water level drops and the need to now lower the transducers. Discussion also followed on getting on the Counties agenda and having USGS present their latest findings on the latest levels in the basin and giving them a copy of the final report.

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

Attorney O'Brien stated that Cherokee has filed an export application and we will be discussing this in executive session. There was discussion on the export fee, deadlines for publishing & objection period.

Discussion followed on Conservation forms and sending a letter to the State requesting a change to that and went over some of the changes the board would like to see. The board will see if there are other ground water districts who would be interested in supporting this.

4. Paint Brush Hills Determination of Water Right Objection:

Attorney O'Brien advised that Paint Brush Hills had sent a proposed stipulation and we will be discussing it in executive session.

5. Cherokee Change of Water Rights/Case Nos. 08GW78 & 09GW15:

Attorney O'Brien reported that Cherokee had filed their amended application and it was accepted by the Commission. As of the last status conference on August 7th, 2025 they were working on the publication. They intend to consolidate with the existing applications so they are all proceeding together not separately. There will be another status conference on October 2nd, 2025.

NEW BUSINESS:

Water Well Permit Applications:

1. Vanhorn:

The applicants are applying for a well permit under DWR REPLACEMENT PLAN No. 463-BD for 3 homes, irrigation was 27,125 acre-ft but was lined out, domestic animal watering, and livestock watering with 27.125 acres-feet in the Dawson aquifer underlying 43.97 acres.

2. Van Batum:

The applicants are applying for a well underlying 39.74 acres for 1 acre-foot in the Arapahoe aquifer, with 2 homes, 1 acre of lawn and garden irrigation, domestic watering and livestock watering.

3. Dina:

The applicants are applying for a well underlying 40 acres with 1 acre-ft in the Denver aquifer, with 3 homes, 1 acre of lawn and garden irrigation, domestic animal watering and livestock watering. They will only be allowed 2 homes per our rules.

Director Baldwin motioned to have #1 & #2 reviewed by counsel & make comments if necessary and approve #3 on consent. 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:

NA

El Paso County Reviews:

1. The Commons at Falcon Fields Filing No. 3:

This is a request for a Final Plat for 95 suburban residential lots. Water and waste water will be provided by Woodmen Hills Metro District.

2. 5255 S. Calhan Hwy-ADU Variance of Use:

The applicant currently has one principal residence and an existing additional dwelling unit (ADU) on his 35-acre property. He wishes to add a second ADU for his family, but would like it to have separate utilities and no size limit. The request is for a variance of use for a second addition dwelling unit (ADU) where only is permitted in the A-35 zoning district. I think we should have Luke comment as we only allow 2 homes per one well and it looks like he already has two.

Director Baldwin motioned to have counsel review #1 & #2 and comment if needed.
Director Nily seconded the motion. Motion carried (4-0)

Any Other Business the Board May Have:

President Doran talked to the board about an item he has been involved in with several other ground water management districts. The districts are thinking about hiring a well inspector. The State only has one well inspector & things are falling through the cracks. It would be co-shared by each district that wanted to partake, as well as the cost for the well inspector. The board will look into this further but are very interested.

Director Doran motioned to go into executive session at 7:41 PM to discuss Case No. 23GW06 & Cherokee Export Application-Poleson well. Director Baldwin seconded the motion. Motion carried (4-0). Director Baldwin motioned to go out of regular session and into executive session at 7:42 OM. Director Nily seconded the motion. Motion carried (4-0)

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(4)(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 2nd, 2025, regarding the following matters:

1. Case No 23GW06
2. Cherokee Export Application-Poleson Well

Director Baldwin motioned to come out of executive session and back into regular session at 8:44. Director Nily seconded the motion. Motion carried (4-0)

Executive Session Report:

Director Baldwin motioned to revise the Stipulation in Case No.23GW06 to say there will be no request for variance and that it has to meet the statutory requirement for Special Districts. Director Nily seconded the motion. Motion carried (4-0)

Next Meeting Date: October 7th, 2025, 2025

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 (3-0)

The meeting adjourned at 8:53 P.M.

Tracy Doran/Office Manager