

**APPLICATION FOR WATER ALLOTMENT CONTRACT  
BASALT WATER CONSERVANCY DISTRICT**

1. Applicant(s) Name(s): Maria E. Maniscalchi and Richard Y. Neiley, Jr.

Applicant(s) Mailing Address: c/o Neiley & Alder, Attomeys, 201 North Mill Street, Suite 102, Aspen, Colorado 81611

Applicant(s) Street Address: same as above

Applicant(s) Telephone No(s): (970) 925-9393; (970) 948-9393

Applicant(s) E-mail Address: aspenlaw@sopris.net

Attorney Info (Name, Address, Telephone and Fax Nos., E-mail): see above

Emergency Contact Information (preferably local) (Name, Address, Telephone and Fax Nos.): Maria E. Maniscalchi and Richard Y. Neiley, Jr., 5157 County Road 154, Glenwood Springs, Colorado 81601, (970) 945-0989

Contact Information (Name, Address, Telephone and Fax Nos.) of any property manager, caretaker, irrigator, system operator or agent who should be provided a copy of this contract: n/a

2. Type of land use (development) proposed for water allotment contract (i.e. single family home, subdivision, gravel pit, etc.)

3-unit townhomes; total of 9 bedrooms; approximately 6,000 square feet of total residential development

3. Legal description of property on which District's water rights and/or contract water shall be used; Quarter, Quarter, Section, Township, Range (attach map and vesting deed with proof of ownership)\*:

See Attachment "A" – Warranty Deed with legal description

See Attachment "B" – Assessor's Map with proposed well location

4. Elevation zone of property: \_\_\_\_\_ x \_\_\_\_\_ 6-7,000 ft., \_\_\_\_\_ 7-8,000 ft., 8-9,000 ft.

5. Name and legal description of water supply diversion point(s): include Quarter Quarter, Section, Township, Range, bearing and distance from nearby Section corner. (Identify if well, spring, pipeline, etc.) If diversion point is a well, please provide the State Permit No.           n/a          .

Proposed well location: SW ¼ of SW ¼, Section 36, Township 6 S, Range 89 W of the 6<sup>th</sup> P.M. 491 feet from the south section line 254 from the west section line (See Attachment "C" - Well Permit Application)

Is the well operational/active?            Yes,   x   No

Is there currently an operating well meter?            Yes,   x   No

Notice: A valid well permit with operating well meter will be required under the contract.

6. Has Applicant applied with the Water Court for water rights, change of water rights and/or a water right plan for augmentation?            Yes,   x   No; If yes, what is the Water Court Case No.

7. Proposed waste water treatment system: (please check)

           Tap to central waste water treatment facility

  x   Septic tank/leachfield system

           Evapotranspiration system

           Other:

8. Proposed use of water (please check)

  x   Domestic/Municipal (single family home(s), duplex(s), condominium(s), mobile home(s), apartment). Please complete page three of this application.

           Commercial (hotel, office, warehouse, restaurant, bar, retail). Please complete page four of this application.

           Industrial (gravel pit, manufacturing). Please complete page four of this application.

           Agricultural (crop irrigation, stock watering). Please complete page five of this application.

Date on which the county or other applicable governmental entities approved the land use for which you seek legal water service:           n/a          . (Note: Copy of the Resolution of other documentation evidencing such approval should be submitted with application.)

Multi-family, residential is a use by right in the underlying Residential General Suburban Density Zone District.

**Basalt Water Conservancy District  
Water Allotment Application  
Page 3**

9. What other water rights are associated with or used on the property? none
10. What other uses of water occur on the property? none

Please complete this page if you checked domestic/municipal use on Page 2, No. 8

DOMESTIC/MUNICIPAL WATER USES

In-House

Single family residential home(s)                      Number of Units: \_\_\_\_\_  
Duplex(s)    Number of Units: \_\_\_\_\_  
Condominium(s)    Number of Units: 3 \_\_\_\_\_  
Apartment(s)    Number of Units/Rooms: \_\_\_\_\_  
Mobil Home(s)    Number of Units: \_\_\_\_\_

Irrigation (lawns, parks, open space)

Total area to be irrigated 15,000 Sq. Ft. or \_\_\_\_\_ Acres

Type of irrigation system (please check)

  x   Sprinkler

\_\_\_\_\_ Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals: \_\_\_\_\_ n/a

Period of use (months):

Other domestic/municipal uses not listed: none

Please complete this page if you checked commercial or industrial use on Page 2, No. 8

**COMMERCIAL WATER USES**

In-House

Hotel: \_\_\_\_\_

Office(s), square footage: \_\_\_\_\_

Warehouse/distributor, square footage: \_\_\_\_\_

Retail, square footage: \_\_\_\_\_

Restaurant, number of seats: \_\_\_\_\_

Bar, number of seats: \_\_\_\_\_

Irrigation (lawns, parks, open space)

Total area to be irrigated \_\_\_\_\_ Sq. Ft. or \_\_\_\_\_ Acres

Type of irrigation system (please check)

\_\_\_\_\_ Sprinkler

\_\_\_\_\_ Flood (irrigation ditch)

Other Commercial Uses Not Listed:

**INDUSTRIAL WATER USES**

Please describe your industrial development in some detail:

Irrigation (lawns, parks, open space)

Total area to be irrigated \_\_\_\_\_ Sq. Ft. or \_\_\_\_\_ Acres

Type of irrigation system (please check)

\_\_\_\_\_ Sprinkler

\_\_\_\_\_ Flood (irrigation ditch)

Please complete this page if you checked agricultural use on Page 2, No. 8.

### AGRICULTURAL WATER USE

#### Irrigation

Type of crop(s) (pasture, alfalfa, beans, etc.) and irrigation system:

Crop: \_\_\_\_\_ Acres: \_\_\_\_\_ Sprinkler: \_\_\_\_\_ Flood:

Crop: \_\_\_\_\_ Acres: \_\_\_\_\_ Sprinkler: \_\_\_\_\_ Flood:

Crop: \_\_\_\_\_ Acres: \_\_\_\_\_ Sprinkler: \_\_\_\_\_ Flood:

Crop: \_\_\_\_\_ Acres: \_\_\_\_\_ Sprinkler: \_\_\_\_\_ Flood:

#### Stock Watering (cattle, horses)

Number of animals:

Months of use:

Other agricultural uses not listed:

**VERIFICATION**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF PITKIN        )

I, RICHARD Y. NEILEY, JR. (name of Applicant or Applicant's duly authorized representative), being first duly sworn, upon oath, depose and state as follows:

- 1) I am the Applicant or a duly authorized officer, manager, agent or attorney-in-fact for the Applicant for this Application for Water Allotment Contract;
- 2) I have read and know the contents of this Application;
- 3) The information contained herein is an accurate and complete description of the Applicant's intended use of the Basalt Water Conservancy District's water rights;
- 4) The Applicant acknowledges that the accuracy and truth of all statements in this Application are conditions of approval of this Application by the Basalt Water Conservancy District and of the Contract to be made pursuant to such approval; and
- 5) I acknowledge that this application shall be subject to the District's Water Allotment Contract as approved and issued by the District.

Date: 2/26/08

By: 

Print Name: Richard Y. Neiley, Jr.

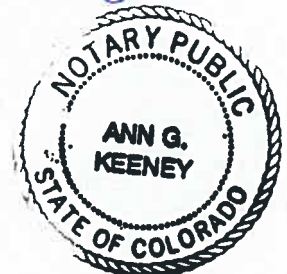
Title: Owner

Subscribed and sworn before me this 26 day of February, 2008, by RICHARD Y. NEILEY, JR.

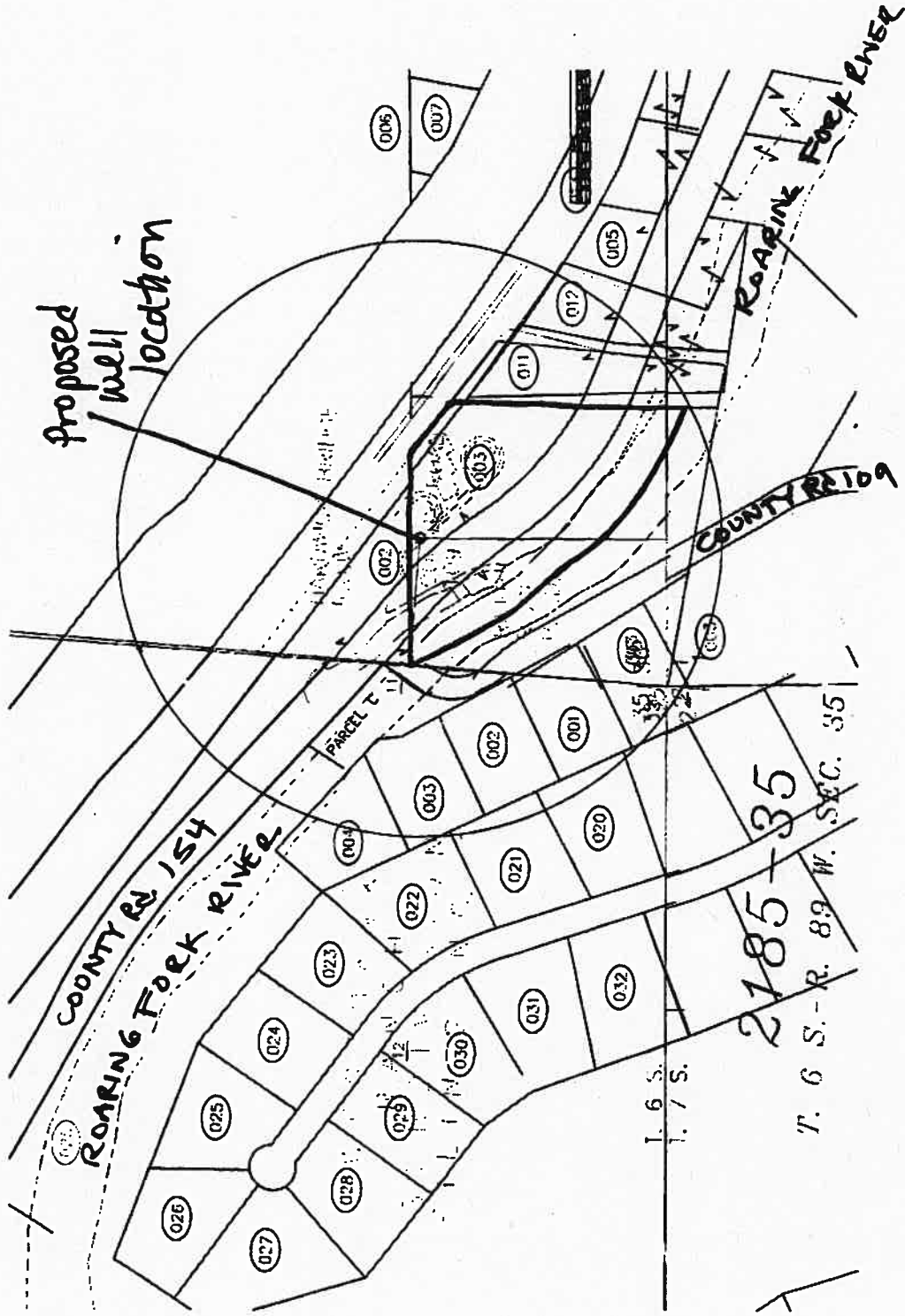
Witness my hand and seal.

  
Notary Public

My commission expires: 5/14/2008



ATTACHMENT "B"





# Memorandum

**To:** BWCD BOARD OF DIRECTORS  
**From:** ERIC MANGEOT *EM*  
**CC:** CHRIS GEIGER  
**Date:** FEBRUARY 27, 2008  
**File:** APPLICATION  
**Re:** RICHARD Y. NEILEY, JR & MARIA E. MANISCALCHI



**Applicant Name:** RICHARD Y. NEILEY, JR & MARIA E. MANISCALCHI

**Type of Use:** Domestic  Commercial   
 Industrial  Agricultural

**Amount:** 1.0 AF 0.027 CFS 12 gpm

**Location:** Area A  Area B  Inclusion

County: GARFIELD Contiguous:

BWCD Division: 1

*K 550*

**Mid Valley Metro District Notice Required?:** Yes  No

**Blue Creek Water Rights Applied?:** Yes  No

**Comments:** This application seeks a contract to cover depletions associated with three townhomes and 13,000 square feet of irrigation including lawn and landscape areas from a proposed well. Total depletions will be approximately 1.0 AF as calculated by Resource Engineering, Inc.

The property is approximately 3 acres located south of Glenwood Springs along the bank of the Roaring Fork River and near the intersection of County Road 109 and County Road 154 as shown on Figure 1. The physical address of the property is T.B.D. County Road 154. Based on the property location, it is within the BWCD Division 1 Boundary.

Diversions are to be from a proposed well located in the SW1/4 SW1/4 of Section 36, Township 6 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 491 feet from the South Section Line and 254 feet from the West Section Line.

Water User :	Neiley & Maniscalchi
Analysis Date :	March 28, 2012
District Area:	A
Source Series:	4
Maximum Demand:	12.2 0.027
	(GPM) (CFS)

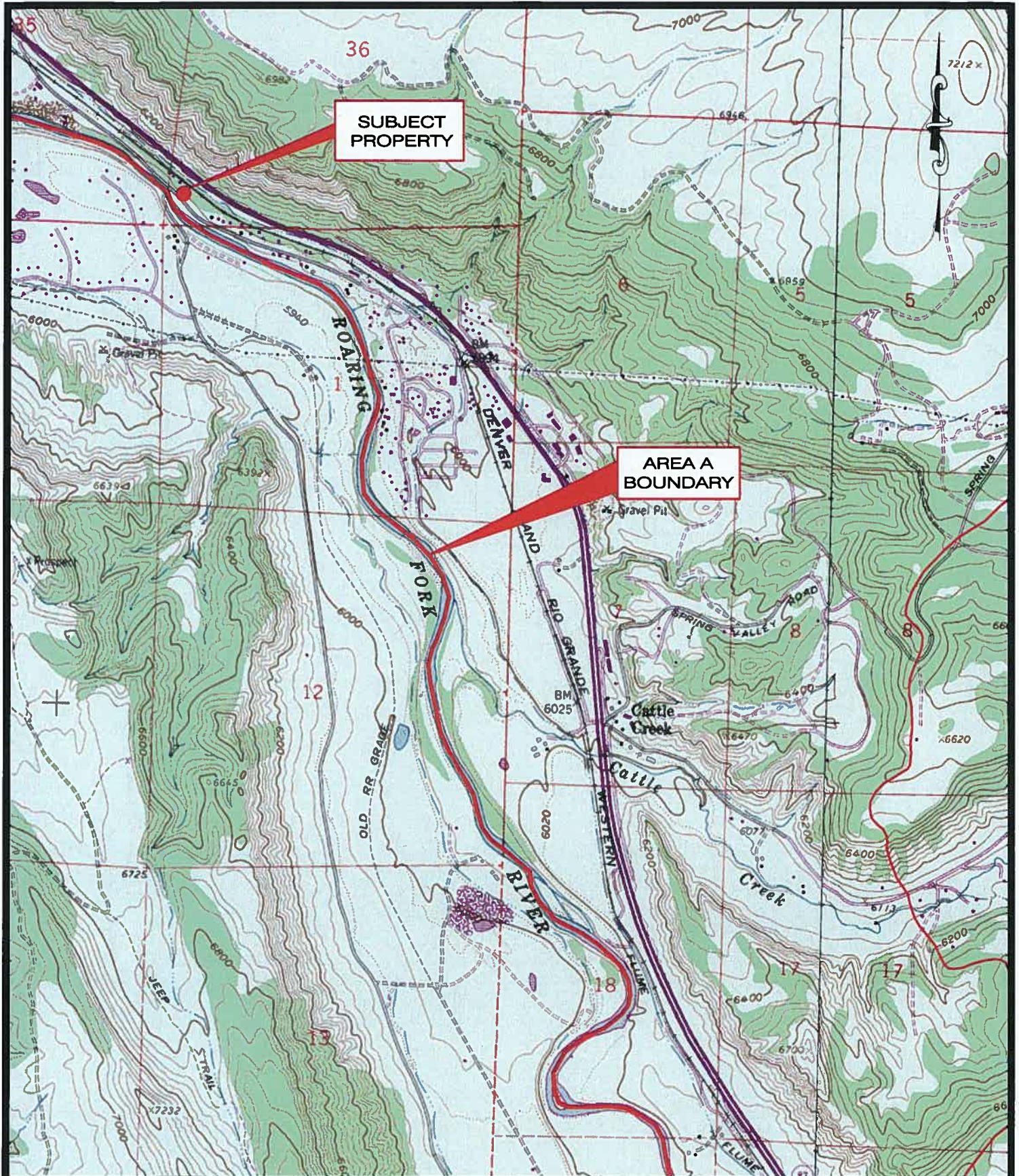
**BASALT WATER CONSERVANCY DISTRICT  
WATER REQUIREMENTS  
(acre feet)  
Contract 550**

Month	Total Demand				(6)* TOTAL	Consumptive Use					(12)* TOTAL	(13) Source of Aug/Replace	(14)* Delayed Depletion
	(1) Domestic In-house	(2) Commercial or Other	(3) Lawn Irrigation	(4) Crop Irrigation		(5) Livestock	(7) Domestic In-house	(6) Commercial or Other	(9) Lawn Irrigation	(10) Crop Irrigation			
January	0.100	0.000	0.000	0.000	0.105	0.015	0.000	0.000	0.000	0.000	0.016	GNM	0.057
February	0.090	0.000	0.000	0.000	0.095	0.014	0.000	0.000	0.000	0.000	0.015	GNM	0.057
March	0.100	0.000	0.000	0.000	0.105	0.015	0.000	0.000	0.000	0.000	0.016	GNM	0.057
April	0.097	0.000	0.043	0.000	0.147	0.014	0.000	0.035	0.000	0.000	0.054	GNM	0.062
May	0.100	0.000	0.173	0.000	0.287	0.015	0.000	0.138	0.000	0.000	0.169	GNM	0.108
June	0.097	0.000	0.210	0.000	0.327	0.014	0.000	0.168	0.000	0.000	0.201	GNM	0.134
July	0.100	0.000	0.202	0.000	0.318	0.015	0.000	0.162	0.000	0.000	0.195	GNM	0.132
August	0.100	0.000	0.125	0.000	0.236	0.015	0.000	0.100	0.000	0.000	0.127	GNM	0.108
September	0.097	0.000	0.114	0.000	0.221	0.014	0.000	0.091	0.000	0.000	0.116	GNM	0.100
October	0.100	0.000	0.047	0.000	0.154	0.015	0.000	0.037	0.000	0.000	0.057	GNM	0.070
November	0.097	0.000	0.000	0.000	0.102	0.014	0.000	0.000	0.000	0.000	0.016	GNM	0.058
December	0.100	0.000	0.000	0.000	0.105	0.015	0.000	0.000	0.000	0.000	0.016	GNM	0.057
TOTALS →	1.176	0.000	0.914	0.000	2.196	0.176	0.000	0.731	0.000	0.000	0.999		0.999

Assumptions			
(1)	(5)	(7)	(9)
NUMBER OF RESIDENCES	3	# of Livestock @ 11 gals/day	0
# persons/residence	3.5	% CJU for Domestic/Commercial	15
# gallons/person/day	100	% Lawn Irrig. Efficiency	80
Commercial/Other Demand (af)	0.000	Consumption of Irrig. (af/ac)	2.162
Sq. Ft. of Lawn Irrigated	15,000	% Crop Irrig. Efficiency	80
Lawn Application Rate (af/ac)	2.703	Consumption of Irrig. (af/ac)	0.000
Acres of Crop Irrigated	0.00	Elevation (feet)	5920
Crop Application Rate (af/ac)	0.000		

\* = Total Includes 5% Transit Loss  
10% from Green Mtn.

Area A-4  
Alluvial Well (Type A)  
Roaring Fork River



DATE: 2/27/08

JOB NUMBER: 033-7.2

CHECKED BY: RSF

SCALE: 1"=2000'

**RESOURCE**  
ENGINEERING, INC.  
909 COLORADO AVE. ■ GLENWOOD SPRINGS, CO 81601  
(970) 945-6777 ■ FAX (970) 945-1137

Richard Y. Neiley, Jr. & Maria E.  
Maniscalchi Location Map

FIGURE  
1

Reception#: 715324  
01/17/2007 11:01:07 AM B:1884 P:0849 Jean Aibarico  
1 of 3 Rec Fee:\$16.00 Doc Fee:50.00-GARFIELD COUNTY CO

o'clock M. RECORDER  
By: DEPUTY.

WARRANTY DEED

THIS DEED, Made on this day of January 16, 2007, between  
GOLDEN BUFF ENTERPRISES, A PARTNERSHIP

of the \_\_\_\_\_ County of GARFIELD and State of COLORADO, of the Grantor(s), and  
MARIA E. MANISCALCHI AND RICHARD Y. NEILEY, JR.

whose legal address is : C/O NEILEY & ALDER, ATTORNEYS, 201 NORTH MILL STREET, SUITE 102 ASPE  
of the \_\_\_\_\_ County of PITKIN and State of COLORADO, of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of (\$500,000.00 )

\*\*\* Five Hundred Thousand and 00/100 \*\*\*

DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the \_\_\_\_\_ County of GARFIELD and State of Colorado, described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

also known as street number TBD COUNTY ROAD 154, GLENWOOD SPRINGS, CO 81601

TOGETHER with all and singular hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), their heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, EXCEPT GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2007 AND SUBSEQUENT YEARS AND SUBJECT TO THOSE ITEMS AS SET FORTH ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN.

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

GOLDEN BUFF ENTERPRISES, A PARTNERSHIP

By: Kenneth K. Kriz  
KENNETH K. KRIZ, MANAGING PARTNER

STATE OF COLORADO )  
County of GARFIELD )ss.

JESSICA REED  
NOTARY PUBLIC  
STATE OF COLORADO

My Commission Expires Aug. 2, 2007

The foregoing instrument was acknowledged before me on this day of January 16, 2007  
by KENNETH K. KRIZ, MANAGING PARTNER OF GOLDEN BUFF ENTERPRISES, A PARTNERSHIP

My commission expires 8/2/07  
Witness my hand and official seal.

Jessica Reed  
Notary Public

Name and Address of Person Creating Newly Created Legal Description ( 38-35-106.5, C.R.S.)

Escrow# GW250617 When Recorded Return to: NEILEY & ALDER ATTORNEYS

Title# GW250617  
201 NORTH MILL STREET, SUITE 202, ASPEN,  
COLORADO 81611

Form 95 08/29/04 WDJT.OPEN (Joint Tenants)

(4326183)

40.00 7 42

Reception#: 715324  
01/17/2007 11:01:07 AM B:1984 P:0850 Jean Alberico  
2 of 3 Rec Fee:\$16.00 Doc Fee:50.00 GARFIELD COUNTY CO

**EXHIBIT A**

TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH P.M.  
SECTION 36: THAT PART OF LOT 3 LYING SOUTHWESTERLY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT OF WAY AND NORTHEASTERLY OF THE CENTER LINE OF THE ROARING FORK RIVER. EXCEPTING THEREFROM THAT PORTION COVERED BY THE RIGHT OF WAY FOR COLORADO HIGHWAY NO. 82 AS SAME CROSSES SUBJECT PROPERTY.

TOWNSHIP 7 SOUTH, RANGE 89 WEST OF THE 6TH P.M.  
SECTION 1: THAT PART OF LOT 5 LYING NORTHEASTERLY OF THE CENTERLINE OF THE ROARING FORK RIVER.

COUNTY OF GARFIELD  
STATE OF COLORADO.

Reception#: 715324  
01/17/2007 11:01:07 AM B:1884 P:0851 Jean Alberico  
3 of 3 Rec Fee:\$16.00 Doc Fee:50.00 GARFIELD COUNTY CO

**EXHIBIT B**

**RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED MAY 19, 1899, IN BOOK 12 AT PAGE 508.**

**RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED MAY 19, 1899, IN BOOK 12 AT PAGE 508.**

**UNDIVIDED ONE HALF INTEREST IN ALL OIL, GAS, AND OTHER MINERALS AS RESERVED IN INSTRUMENT RECORDED OCTOBER 27, 1950 IN BOOK 254 AT PAGE 556.**

**EASEMENTS AND RIGHTS OF WAY FOR COUNTY ROAD AS CONSTRUCTED AND IN PLACE.**

**ANY QUESTION, DISPUTE OR ADVERSE CLAIMS AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY NATURAL OR OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ANY CAUSE, NATURAL OR UNNATURAL, OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE ROARING FORK RIVER RIVER LYING WITHIN SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION MONUMENT OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING SUBJECT LANDS.**

**EASEMENTS, RIGHTS OF WAY AND ALL OTHER MATTERS OF THE GLENWOOD DITCH.**