

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

1. Applicant(s) Name(s): Dan B. Turley, Jr.

Applicant(s) Mailing Address: 985 Reddoch Cove  
Memphis, TN 38119

Applicant(s) Street Address:

Applicant(s) Telephone No(s): 901-767-3424 Office  
901-409-6707 Cell

Applicant(s) E-mail Address: dturley@turleymaxwell.com

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

Emergency Contact Information (preferably local) (Name, Address, Telephone and Fax Nos.):

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: *Bill Blakeslee 970-379-0973*

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

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)\*: *Attached are the map and deed.*

4. Elevation zone of property: \_\_\_\_\_ 6-7,000 ft.,   X   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. 198624.

Is the well operational/active?  Yes,  No

Is there currently an operating well meter?  Yes,  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,  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

Septic tank/leachfield system

Evapotranspiration system

Other:

8. Proposed use of water (please check)

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: pending. (Note: Copy of the Resolution of other documentation evidencing such approval should be submitted with application.)

9. What other water rights are associated with or used on the property?

Irrigation ditch (ag.) NESBIT DITCH NO. 2

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: 1 + 1 ADU

Duplex(s)

Number of Units: \_\_\_\_\_

Condominium(s)

Number of Units: \_\_\_\_\_

Apartment(s)

Number of Units/Rooms: \_\_\_\_\_

Mobil Home(s)

Number of Units: \_\_\_\_\_

Irrigation (lawns, parks, open space)

Total area to be irrigated 6,000 Sq. Ft. or \_\_\_\_\_ Acres

Type of irrigation system (please check)

X Sprinkler

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

Domestic stock watering (cattle, horses)

Number of animals:

Period of use (months):

Other domestic/municipal uses not listed:

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**VERIFICATION**

STATE OF Tennessee )  
 ) ss.  
COUNTY OF Shelby )

I, Carolyn B. Powell (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: 5/14/08

By: [Signature]  
Print Name: Dan B. Turley Jr.

Title: Owner

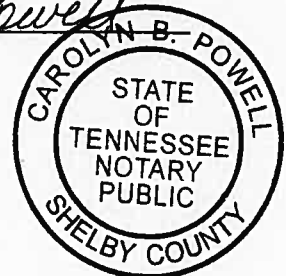
Subscribed and sworn before me this 14<sup>th</sup> day of May,  
2008 by Dan B. Turley Jr.

Witness my hand and seal.

[Signature]  
Notary Public

My commission expires:

My Commission Expires October 13, 2010



Daniel B. Turley, Jr.  
985 Reddoch Cove  
Memphis, TN 38119

**Legal Description:**

Parcel 2, Otto Creek Subdivision located in sections 6 and 7, Township 8 South, Range 85, West of the 6<sup>th</sup> Prime Meridian, Eagle County, Colorado.

WARRANTY DEED

211-

THIS DEED, made this 07 day of JANUARY 1997, between ALFRED W. GARDNER

OF THE COUNTY OF EAGLE, STATE OF CO GRANTOR, AND DANIEL B. TURLEY, JR.

GRANTEE

whose legal address is : 985 REDDOCH COVE MEMPHIS, TN 38119 COUNTY OF SHELBY, STATE OF TN

WITNESSETH, That for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the grantor has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey and confirm unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate and lying and being in the County of EAGLE, State of COLORADO, described as follows:

PARCEL 2, OTTO CREEK RANCH SUBDIVISION, according to the Plat thereof recorded November 8, 1979 in Book 294 at Page 464.



611983 01/13/1997 04:09P B716 P8 432 1 of 2 R 11.00 D 60.00 N 0.00 Eagle County Clerk

Pct 11003A

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor 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 the appurtenances, unto the grantee, his heirs and assigns forever. And the Grantor, for himself, his heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, his heirs and assigns, that at the time of the ensembling delivery of the 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 those matters as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

00242

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, 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, the plural the singular, and the use of gender shall be applicable to all genders.

ALFRED W. GARDNER  
ALFRED W. GARDNER

EXHIBIT "A"

1. Taxes for the year 1996 not yet due or payable.
2. Reservations and exceptions as set forth in the United States Patent of record.
3. Easement and right of way for electrical power lines and related facilities as set forth in instrument recorded December 3, 1909 in Book 69 at Page 360.
4. An undivided one-fourth of all oil, gas and other minerals in the subject lands, as set forth in instrument recorded May 7, 1953 in Book 135 at Page 455, and any and all assignments thereof.
5. Easement and right of way for an electric transmission or distribution line or system, as granted to Holy Cross Electric Association, Inc., in instrument recorded January 23, 1976 in Book 244 at Page 397.
6. Easement and right of way for County road and irrigation ditch as set forth on the recorded Plat in Book 294 at Page 464.
7. Terms, conditions, provisions and obligations as set forth in Easement Agreement recorded January 6, 1997 in Book 715 at Page 441.
8. Those terms, conditions, provisions, obligations, easements, restrictions, assessments and all matters as set forth in Protective Covenants for Otto Creek Subdivision recorded January 6, 1997 in Book 715 at Page 442, deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin.
9. Terms, conditions, provisions and obligations as set forth in Building Deed Restriction recorded January 6, 1997 in Book 715 at Page 443.
10. Terms, conditions, provisions and obligations as set forth in Access Easement Agreement recorded January 6, 1997 in Book 715 at Page 444.
11. Any question, dispute or adverse claim as to any loss or gain of land as a result of any change in the river bed location by other than natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the Frying Pan River lying within subject land; and any question as to the location of such center thread, bed, bank, bed or channel as a legal description monument or marker for the purposes of describing or locating subject lands.

NOTE: There are no documents in the land records of the Office of the Clerk and Recorded of Pitkin County, Colorado accurately locating past or present location(s) of the center thread, bank, bed, or channel of the above River or indicating any alterations of the same as from time to time may have occurred.

AND

Any rights, interest or easements in favor of the riparian owners, the State of Colorado, The United States of America, or the general public, which exist, have existed, or are claimed to exist in and over the waters and present and past bed and banks of the Frying Pan River.



Resource Engineering, Inc.  
909 Colorado Avenue  
Glenwood Springs, CO 81601  
(970)-945-6777 Voice  
(970)-945-1137 Facsimile

CSL 6/18/07 ✓

# Memorandum

Pre-1972 well permit  
6,000 sq ft lawn + house? ADU

**To:** BWCD BOARD OF DIRECTORS  
**From:** ERIC MANGEOT *EM*  
**CC:** CHRIS GEIGER  
**Date:** MAY 27, 2008  
**File:** APPLICATION AND INCLUSION  
**Re:** DAN B. TURLEY, JR.

**Applicant Name:** Dan B. Turley, Jr.

**Type of Use:** Domestic X Commercial \_\_\_\_  
Industrial \_\_\_\_ Agricultural \_\_\_\_

**Amount:** 0.5 AF 0.033 CFS 15 gpm

**Location:** Area A X Area B \_\_\_\_ Inclusion X

County: EAGLE Contiguous: No

BWCD Division: 7

**Mid Valley Metro District Notice Required?:** Yes \_\_\_\_ No X

**Blue Creek Water Rights Applied?** Yes \_\_\_\_ No X

**Comments:** This application and inclusion seeks to offset depletions associated with a single family dwelling, accessory dwelling unit (ADU), and 6,000 square feet of lawn and landscape irrigation for a 22.33 acre property located off of Fryingpan Road (Parcel ID 246906400005), Eagle County, Colorado. The property is also known as Parcel 2 of the Otto Creek Subdivision. A vicinity map is provided as Figure 1. Based on the property location, it is within the BWCD Division 7 Boundary. Total depletions will be approximately 0.5 AF as calculated by Resource Engineering, Inc.

The property is currently served by an existing indoor use only well (Permit No. 198624) located in the SE1/4 SE1/4 Section 6, Township 8 South, Range 85 West of the 6<sup>th</sup> P.M. at a point 450 from the south Section Line and 1000 feet from the east Section Line. The well permit will need to be converted to a "-F" well and a meter installed if the application is approved.



Water User :	Turley
Analysis Date :	March 28, 2012
District Area :	A
Source Santes :	4
Maximum Demand :	15 0.033 (GPM) (CFS)

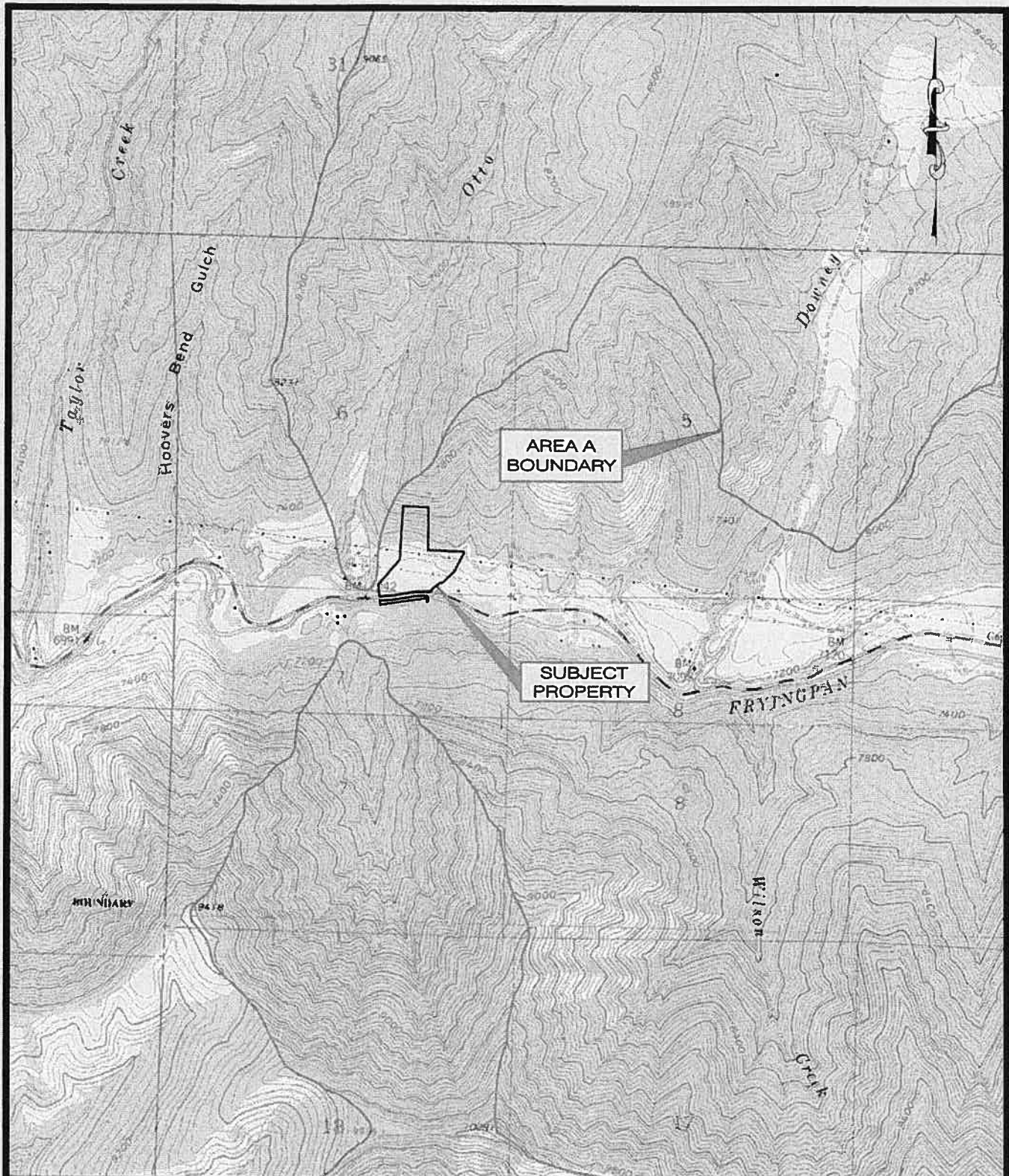
**BASALT WATER CONSERVANCY DISTRICT  
WATER REQUIREMENTS  
(acre feet)  
Contract 558**

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	(8) Commercial or Other	(9) Lawn Irrigation	(10) Crop Irrigation			
January	0.067	0.000	0.000	0.000	0.073	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.023
February	0.060	0.000	0.000	0.000	0.066	0.009	0.000	0.000	0.000	0.000	0.010	GNM	0.023
March	0.067	0.000	0.000	0.000	0.073	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.023
April	0.064	0.000	0.005	0.000	0.077	0.010	0.000	0.004	0.000	0.000	0.015	GNM	0.025
May	0.067	0.000	0.061	0.000	0.141	0.010	0.000	0.049	0.000	0.000	0.065	GNM	0.044
June	0.064	0.000	0.080	0.000	0.159	0.010	0.000	0.064	0.000	0.000	0.081	GNM	0.055
July	0.067	0.000	0.075	0.000	0.156	0.010	0.000	0.060	0.000	0.000	0.077	GNM	0.054
August	0.067	0.000	0.045	0.000	0.122	0.010	0.000	0.036	0.000	0.000	0.050	GNM	0.044
September	0.064	0.000	0.041	0.000	0.116	0.010	0.000	0.033	0.000	0.000	0.047	GNM	0.041
October	0.067	0.000	0.010	0.000	0.084	0.010	0.000	0.008	0.000	0.000	0.020	GNM	0.029
November	0.064	0.000	0.000	0.000	0.071	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.024
December	0.067	0.000	0.000	0.000	0.073	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.023
TOTALS -->	0.784	0.000	0.318	0.000	1.212	0.118	0.000	0.254	0.000	0.000	0.409		0.409

**Assumptions**

(1)	NUMBER OF RESIDENCES	(2)	(5)	Area A-2
	# persons/residence	3.5	# of Livestock @ 11 gals/day	Alluvial Wells (Type A)
	# gallons/person/day	100	(7)	Fryingpan River
(2)	Commercial/Other Demand (af)	0.000	(9)	
(3)	Sq. Ft. of Lawn Irrigated Lawn Application Rate (af/ac)	6.000 2.314	(10)	
(4)	Acres of Crop Irrigated Crop Application Rate (af/ac)	0.00 0.000	(9-10)	

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



DATE: 5/22/08

JOB NUMBER: 033-7.2

CHECKED BY: RSF

SCALE: 1"=2000'

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

Daniel B. Turley, Jr.  
Location Map

FIGURE  
1