

APPLICATION FOR WATER ALLOTMENT CONTRACT  
BASALT WATER CONSERVANCY DISTRICT

1. Applicant(s) Name(s): F. PETER SIMMONS <sup>1</sup>/<sub>3</sub>  
DOROTHY M. SIMMONS

Applicant(s) Mailing Address:  
92 RIVER VIEW PL  
PARACHUTE, CO 81635 - 9642

Applicant(s) Street Address:  
6000 115 COUNTY ROAD  
GLENWOOD SPGS., CO 81601

Applicant(s) Telephone No(s):  
970 - 235 - 7575

Applicant(s) E-mail Address:

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

N/A

Emergency Contact Information (preferably local) (Name, Address, Telephone and Fax Nos.): JOHN KELLER 5000 COUNTY ROAD 115  
970 - 235 - 6161 GLENWOOD SPGS., CO 81601

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.)

SINGLE FAMILY HOME  
+ ADU

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)\*:

SE 1/4 SW 1/4 SECT. 28, T6S,  
R 83W, 6TH P.M.

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

7060

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. 139508.

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: ~~UNKNOWN~~ UNKNOWN (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?

N/A

10. What other uses of water occur on the property?

N/A

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 10,000 Sq. Ft. or \_\_\_\_\_ Acres

Type of irrigation system (please check)

\_\_\_\_\_ Sprinkler

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

Domestic stock watering (cattle, horses)

Number of animals: 1

Period of use (months): 12

Other domestic/municipal uses not listed:

POND EVAP. 6,320 ft<sup>2</sup> -OK- 0.157 ACRES

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:











WARRANTY DEED

BOOK 768 PAGE 833

THIS DEED, Made this 13th day of December 1989, between JAMES A. ZITO

of the Illinois \*County of and State of Colorado, grantor, and

GARFIELD DEC 13 1989 State Doc. Fee \$ 2.00

F. PETER SIMMONS AND DOROTHY M. SIMMONS

whose legal address is Red Canyon Ranch Red Canyon Road, Glenwood Springs, CO 81601

of the County of GARFIELD and State of Colorado, grantees:

WITNESS, that the grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION-----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 grantees, 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:

Doc Fee \$ 2.00

AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

RECORDED AT 3:02 O'CLOCK P.M. MAR 14 1990 REC. # 410611 MILDRED ALSDORF, COUNTY CLERK GARFIELD COUNTY, COLORADO

also known by street and number as Red Canyon Ranch, Red Canyon Road, Glenwood Springs, Colorado

TOGETHER with all and singular the hereditaments and appurtenances thereunto 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, 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 grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, 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 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 easements, restrictions, reservations and rights-of-way, all of record and real property taxes for the year 1989, not yet due or payable.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their 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 any gender shall be applicable to all genders. IN WITNESS WHEREOF the grantor has executed this deed on the date set forth above.

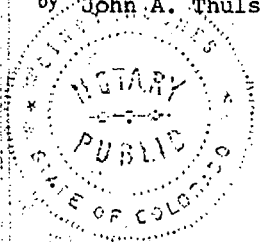
*[Signature]*  
\_\_\_\_\_  
JAMES A. ZITO BY JOHN A. THULSON  
AS HIS ATTORNEY IN FACT  
\_\_\_\_\_

STATE OF COLORADO }  
County of GARFIELD } ss.

The foregoing instrument was acknowledged before me this 13th day of December, 19 89, by John A. Thulson as attorney in fact for James A. Zito.

Witness my hand and official seal. My Commission expires May 17 19 91

*[Signature]*  
\_\_\_\_\_  
Notary Public



\*If in Denver, insert "City and."

THIS DEED IS BEING RE-RECORDED TO CORRECT AN ERROR IN THE DESCRIPTION OF THE EASEMENT.

A tract of land situate in Lots 10 and 15 and the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 28, Township 6 South, Range 88 West of the 6th P.M., being more particularly described as follows:

Beginning at a point on the west line of said Lot 15, whence a No. 5 rebar with plastic cap marked LS 3317 set for the southwest corner of said Lot 15 bears S. 00°31'58" E. 1403.99 feet;  
 thence N. 00°31'58" W. 981.56 feet along the west line of said Lots 10 and 15 to a rebar and cap found in place;  
 thence S. 42°50'25" E. 238.36 feet to a rebar and cap found in place;  
 thence S. 34°28'36" E. 168.96 feet to a rebar and cap found in place;  
 thence N. 51°16'24" E. 475.07 feet to a rebar and cap found in place;  
 thence N. 51°16'24" E. 30.06 feet to the center of a county road as described in Reception No. 273436 in Book 486 at page 584 of the records of the Clerk and Recorder of Garfield County, Colorado;  
 thence along said road centerline the following courses:  
 S. 34°32'00" E. 64.75 feet;  
 thence 152.08 feet along the arc of a 303.08 foot radius curve to the right, having a central angle of 28°45'00" and subtending a chord bearing S. 20°09'30" E. 150.49 feet;  
 thence S. 05°47'00" E. 118.48 feet;  
 thence 1032.05 feet along the arc of a 2132.17 foot radius curve to the left having a central angle of 27°44'00" and subtending a chord bearing S. 19°39'00" E. 1022.00 feet;  
 thence S. 33°31'00" E. 1201.66 feet;  
 thence 143.94 feet along the arc of a 669.34 foot radius curve to the left having a central angle of 12°19'15" and subtending a chord bearing S. 39°40'38" E. 143.66 feet to the south line of said SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ ;  
 thence N. 90°00'00" W. 609.38 feet along said south line;  
 thence N. 00°00'00" E. 325.12 feet;  
 thence N. 55°32'41" W. 917.77 feet to a No. 4 rebar;  
 thence N. 23°28'34" W. 302.81 feet to a No. 4 rebar;  
 thence N. 00°31'58" W. 281.84 feet;  
 thence N. 90°00'00" W. 352.70 feet to the point of beginning.

Subject to an access easement situate in Lots 10 and 15 and the SE $\frac{1}{4}$  of Section 15, Township 6 South, Range 88 West of the 6th Principal Meridian, being 30 feet in width and lying 15 feet on each side of the following described centerline:

Beginning at a point on the south line of said SE $\frac{1}{4}$  of Section 28 whence a No. 5 rebar with plastic cap marked LS 3317 found in place for the southwest corner of said Lot 15 bears N. 90°00'00" W. 1736.46 feet; thence N. 50°46'02" W. 175.99 feet; thence N. 56°59'13" W. 158.05 feet; thence N. 75°50'52" W. 352.68 feet; thence N. 50°11'53" W. 146.68 feet; thence N. 45°09'19" W. 103.65 feet; thence N. 68°30'39" W. 90.70 feet; thence N. 73°27'39" W. 107.38 feet; thence N. 47°00'26" W. 117.80 feet; thence N. 44°16'32" W. 282.98 feet; thence N. 38°39'27" W. 132.34 feet; thence N. 26°03'39" W. 88.25 feet; thence N. 63°26'06" W. 44.72 feet; thence N. 26°33'54" W. 44.72 feet; thence N. 17°18'36" W. 152.97 feet; thence N. 21°02'15" W. 139.28 feet; thence N. 20°15'57" W. 277.15 feet; thence N. 21°46'46" E. 482.44 feet; thence N. 51°26'12" W. 69.60 feet to the point of ending whence said southwest corner of Lot 15 bears S. 06°29'14" W. 2084.73 feet. The sidelines of the above described easement being lengthened or shortened on the southerly end to terminate on said south line of the SE $\frac{1}{4}$ .

COUNTY OF GARFIELD  
 STATE OF COLORADO



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1 of 2 R 11.00 D 15.00 N 0.00 GARFIELD CLERK

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**WARRANTY DEED**

**F. PETER SIMMONS** and **DOROTHY M. SIMMONS**, Grantors, whose address is Red Canyon Ranch, Glenwood Springs, Colorado, 81601, for the consideration of Ten Dollars and other good and valuable consideration, in hand paid, hereby sell and convey to **TERRELL H. TANKERSLEY** and **PATRICIA S. TANKERSLEY**, Grantees, as joint tenants, whose address is Rt. 1, Box 966, Ellijay, Georgia, 30540, the following real property in the County of Garfield and State of Colorado, to wit:

A parcel of land situated in the SW ¼ of Section 24, Township 5 South, Range 90 West of the Sixth Principal Meridian, County of Garfield, State of Colorado, said parcel of land being more particularly described as follows:

Commencing at the center quarter corner of Section 24, a BLM aluminum cap found in place, the true point of beginning; thence S. 02°14'35" E. along the North-South Centerline of said Section 24 748.89 feet; thence leaving said North-South Centerline S. 88°37'35" W. 862.92 feet; thence N. 68°10'28" W. 65.85 feet to a point in the centerline of Canyon Creek; thence the following eight (8) courses along said centerline:

- (1) N. 39°04'27" E. 44.01 feet;
- (2) N. 00°26'44" W. 43.35 feet;
- (3) N. 50°18'10" E. 206.98 feet;
- (4) N. 59°31'29" E. 78.73 feet;
- (5) N. 07°58'55" E. 176.22 feet;
- (6) N. 21°50'57" W. 120.21 feet;
- (7) N. 48°45'09" W. 96.79 feet;
- (8) N. 01°15'04" W. 127.34 feet to a point on the East-West Centerline of said Section 24; thence leaving the centerline of said Canyon Creek N. 88°37'35" E. along said East-West Centerline 736.01 feet to the true point of beginning.

Also known as Parcel 1, Simmons Subdivision Exemption Plat according to the plat thereof recorded May 15, 1996, as Reception No. 493004.

COUNTY OF GARFIELD  
STATE OF COLORADO

also known as (street address of property): 2000 County Road No. 137, Glenwood Springs, Colorado, 81601;



Gw 22259a

F. PETER SIMMONS - DOROTHY M. SIMMONS Survey Description Prepared By: High Country Engineering, Inc.

AFTER RECORDING, RETURN TO:  
Land Title Guarantee Company  
817 Colorado Avenue, Suite 102  
Glenwood Springs, CO 81601





EXHIBIT A

Order Number: 97026443

LEGAL DESCRIPTION

A parcel of land situate in Lot 15, Section 28, Township 6 South, Range 88 West of the 6th P.M., being more particularly described as follows;

Beginning at the southwest corner of said Lot 15;  
thence N. 00 degrees 31'58" W. 1048.81 feet along the west line of said Lot 15;  
thence N. 80 degrees 19'41" E. 280.84 feet;  
thence S. 06 degrees 47'34" E. 244.02;  
thence S. 01 degrees 24'22" W. 853.90 feet to a point on the south line of said Lot 15;  
thence N. 90 degrees 00'00" W. 275.00 feet along said south line to the point of beginning.

ALSO KNOWN AS  
LOT 2  
SIMMONS EXEMPTION PLAT  
Recorded February 5, 1991 as Reception No. 420965.

COUNTY OF GARFIELD  
STATE OF COLORADO

PURPORTED PARCEL NO. AS PROVIDED BY THE GARFIELD COUNTY ASSESSOR, AND IS PROVIDED FOR INFORMATION PURPOSES ONLY AND WITHOUT WARRANTIES OR GUARANTEES  
2187-283-00-039

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2 of 3 R 16.00 D 24.00 N 0.00 GARFIELD COUNTY CLE

**Lot 2, Simmons Subdivision Exemption**  
**Covenants, Conditions, and Restrictions**

1. All future utilities must be underground.
2. Construction of one additional single-family residence on the property with a minimum square footage of 1,600 feet subject to all Garfield County rules and regulations concerning building heights, square footage and accessory dwelling units, and applicable Covenants, Conditions, and Restrictions on the property shall be permitted.
3. No mobile homes, or homes of modular construction, will be permitted.
4. Domestic animals, including household pets and horses, must be fenced and restricted to owner's property.
5. Construction of a shed/barn of approximately 1,000 square feet is permitted.
6. Any future expansion of the existing residence will be subject to height limitations of 27 feet, measured as follows: From the peak of the structure to the grade immediately below the peak.
7. Storage of horse trailers and other duly licensed, registered and operational vehicles on the property so long as such vehicles are owned by occupants of the property and are not visible to the Seller's residence at Red Canyon Ranch is permissible. No inoperable or "junk" vehicles or any unlicensed or unregistered vehicles of any kind will be stored on the property.

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3 of 3 R 16.00 D 24.00 N 0.00 GARFIELD COUNTY CLE



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### DECLARATION OF WELL-SHARING AGREEMENT

THIS DECLARATION OF WELL-SHARING AGREEMENT is made and entered this 12th day of September, 1997, by F. Peter Simmons and Dorothy M. Simmons (hereinafter collectively "Developer"), WITNESSETH:

WHEREAS, Developer is the owner of certain real property in Garfield County, Colorado, described as a parcel of land situated in the SW ¼ of Section 24, Township 5 South, Range 90 West of the Sixth Principal Meridian; said Parcel being more particularly described as follows:

Commencing at the West quarter corner of said Section 24, a BLM aluminum cap in place, the True Point of Beginning; thence N. 88°37'35" E. along the East-West centerline of said Section 24, 2,599.01 feet to the center quarter corner of said Section 24, a BLM aluminum cap in place; thence S. 02°14'35" E. along the North-South centerline of said Section 24, 748.89 feet to the Northwest corner of that property described in Reception No. 416366 of the Garfield County Clerk and Recorder's office; thence leaving said North-South centerline the following (5) five courses along the Northerly line of that property described in said Reception No. 416366:

- 1) S. 88°37'35" W. 862.92 feet;
- 2) W. 68°10'28" W. 853.79 feet;
- 3) S. 88°37'35" W. 500.00 feet;
- 4) S. 01°22'25" E. 385.00 feet;
- 5) S. 88°37'35" W. 476.71 feet to a point on the Westerly line of said Section 24;

thence N. 00°22'00" W. along said Westerly line 797.59 feet to The True Point of Beginning (the "Property"); and

WHEREAS, Developer has received the approval of Garfield County to create from the Property three lots to be known as Parcel Nos. 1, 2 and 3, as depicted on the Simmons Subdivision Exemption Plat recorded on May 15, 1996, as Reception No. 493004 in the records of the Clerk and Recorder of Garfield County, Colorado (hereinafter the "Exemption Plat"); and

WHEREAS, a water well (hereinafter "Well") has been constructed on Parcel No. 2, pursuant to Colorado Division of Water Resources Approval No. 177790A; and

WHEREAS, the Well will provide up to 15 gallons per minute of water to Parcel Nos. 1, 2 and 3 for ordinary household purposes, fire protection, the watering of poultry, domestic animals and livestock, and for the irrigation of not over one acre of homes, gardens and lawns.

NOW, THEREFORE, Developer hereby makes, declares, and establishes the following covenants, conditions, restrictions, and easements (the "Declaration") concerning the future ownership, maintenance, operation, repair, replacement, and use of the Well and appurtenant facilities, and related matters. From this day forward, the Property shall be held, sold and conveyed subject to this Declaration.

1. Ownership of Appurtenant Facilities. The owners of Parcel Nos. 1, 2 and 3 shall each own an undivided one-third interest in and to the Well, pump, meters, and associated facilities for the withdrawal of and storage of water from the Well. The owner of Parcel No. 2 shall be the sole owner of the pipeline necessary to deliver the water from the Well to the residence to be located on Parcel No. 2. The owners of Parcel Nos. 1 and 3 shall each own an undivided one-half interest in the pipeline which delivers water from the Well to the point on Parcel No. 2 at which the individual pipelines which deliver water to the residence on Parcel No. 1 and the residence on Parcel No. 3 diverge. The owner of Parcel No. 1 shall be the sole

GW22592



owner of the pipeline from the aforesaid point of divergence to the residence to be constructed on Parcel No. 1. The owner of Parcel No. 3 shall be the sole owner of the pipeline from the aforesaid point of divergence to the residence to be located on Parcel No. 3. Each owner shall install an individual water storage tank on such owner's parcel, which tank shall be a minimum of 1,000 gallons in capacity.

2. Easements. Subject to a reservation for the benefit of other owners of Parcels, Developer shall convey to each buyer of a Parcel the nonexclusive easements as shown on the Exemption Plat for the installation, operation and maintenance of a water pipeline for the benefit of the respective owners of Parcel Nos. 1, 2 and 3. Should any owner desire a more specific legal description of the alignment of the pipeline and easement, such owner may, at such owner's sole cost and expense, survey the pipeline alignment, and the owners hereto agree to execute any necessary quit claim deeds in order to accomplish such purpose.

3. Operation, Maintenance and Repair Costs. Operation, maintenance and repair costs associated with the Well, the pump, meter and associated facilities for the withdrawal of water from the Well shall be shared equally among the owners of Parcel Nos. 1, 2 and 3. **However, no owner of Parcels 1, 2 or 3 shall be responsible to pay any costs of operation, maintenance, repair or replacement of the above water system until such owner has connected to that system.** The owners of Parcel Nos. 1, 2 and 3 shall be solely responsible for the costs of maintenance, operation, repair, and replacement of any facilities used solely by that owner, including individual service lines. The owners agree to cooperate in any maintenance, operation, repair, replacement, or improvement of common facilities. In the event the owners are unable to agree upon any required maintenance, repair or replacement, any owner shall be entitled to undertake the minimal maintenance, repair, replacement or improvement necessary and essential for proper functioning of the common facilities. In the event an owner determines to undertake such work unilaterally, such owner shall notify the other owners in writing. The owner undertaking the work shall upon completion provide the other owners with a written statement of the work performed and the other owner's proportionate share of the costs of same.

4. Operational Costs. Each owner shall install at such owner's own expense a meter on such owner's individual service line to measure water use. The monthly cost of power to operate the Well shall be divided among the owners of Parcel Nos 1, 2 and 3 in proportion to the amount of water each owner used during the preceding month.

5. Payment of Common Expenses. The owner of Parcel No. 2 shall be responsible for collection each owner's share of common expenses. Each owner shall pay such owner's proportionate share of common expenses within 30 days from the date a statement of expenses is presented for payment. In the event an owner fails to pay such owner's share within 30 days of presentment, interest on the unpaid amount shall accrue at twelve percent (12%) per annum, beginning 30 days after presentment. In the event an owner fails to pay any amounts due with interest thereon, within sixty (60) days from the date of presentment for payment, the owner which has paid such costs and expenses shall be entitled to pursue any remedy available at law or in equity for a breach of this Declaration.

6. Use of Water. Each owner shall be entitled to use such owner's undivided one-third interest in the water right for any use authorized by the well permit. Irrigation use shall be limited to no more the 14,520 square feet of lawn and garden on each Parcel.

7. Waste. No owner shall waste water, and each owner shall exercise prudence and conservation in the use of water in order to allow for the efficient and beneficial use of the Well. Unless otherwise agreed to among the owners of Parcel Nos. 1, 2 and 3, no owner shall use more than one-third of the water physically available at the Well.

8. Fees. Each owner shall also bear such owner's own attorneys' fees incurred in the implementation of this Declaration. However, in the event litigation is necessary to enforce the rights of the owners hereto, as between themselves, the prevailing owner in such litigation shall be entitled to reasonable attorneys' fees and costs of suit actually incurred.



# Memorandum

**To:** BWCD BOARD OF DIRECTORS  
**From:** ERIC MANGEOT *EM*  
**CC:** CHRIS GEIGER  
**Date:** MARCH 4, 2009  
**File:** APPLICATION  
**Re:** F. PETER AND DOROTHY M. SIMMONS

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**Applicant Name:** F. Peter and Dorothy M. Simmons

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

**Amount:** 1.3 AF 0.033 CFS 15 gpm

**Location:** Area A  Area B  Inclusion

County: GARFIELD Contiguous:

BWCD Division: 1

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

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

**Comments:** This application seeks a water allotment contract to offset evaporative depletions from a small pond (0.157 acres), a single family dwelling and accessory dwelling unit (ADU), 10,000 square feet of lawn and landscape irrigation, and one horse on a 30.455 acre property located at 6000 County Road 115, Glenwood Springs, Colorado, located in Spring Valley. The property is also known as Lot 1 of Red Canyon Ranch.

Water for current and proposed uses on the property are supplied from an existing exempt well, Permit No. 189508 located in the SE1/4 SW1/4 Section 28, Township 6 South, Range 88 West of the 6<sup>th</sup> P.M. as shown on Figure 1. The applicant has been informed that if the contract is approved they will need

Mr. Chris Geiger  
BWCD Application – F. Peter and Dorothy M. Simmons  
March 4, 2009  
Page 2 of 2

to convert the well to a non-exempt 'F' well with the Division of Water Resources.

Total depletions are 1.3 AF as calculated by Resource with pond data supplied by the Applicant. Based on the property location, it is within Division 1.

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

**BASALT WATER CONSERVANCY DISTRICT  
WATER REQUIREMENTS  
(acre feet)  
Contract 569b**

Month	Total Demand				Consumptive Use						(13) Source of Aug/Replace	(14)* Delayed Depletion		
	(1) Domestic In-house	(2) Pond Evap.	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6)* TOTAL	(7) Domestic In-house	(8) Pond Evap.	(9) Lawn Irrigation	(10) Crop Irrigation			(11) Livestock	(12)* TOTAL
January	0.067	0.006	0.000	0.000	0.001	0.081	0.010	0.006	0.000	0.000	0.001	0.019	GNM	0.058
February	0.060	0.018	0.000	0.000	0.001	0.087	0.009	0.018	0.000	0.000	0.001	0.031	GNM	0.071
March	0.067	0.035	0.000	0.000	0.001	0.113	0.010	0.035	0.000	0.000	0.001	0.051	GNM	0.089
April	0.064	0.053	0.009	0.000	0.001	0.140	0.010	0.053	0.000	0.000	0.001	0.078	GNM	0.108
May	0.067	0.073	0.102	0.000	0.001	0.267	0.010	0.073	0.000	0.000	0.001	0.182	GNM	0.130
June	0.064	0.091	0.134	0.000	0.001	0.320	0.010	0.091	0.000	0.000	0.001	0.230	GNM	0.149
July	0.067	0.084	0.125	0.000	0.001	0.316	0.010	0.094	0.000	0.000	0.001	0.226	GNM	0.153
August	0.067	0.076	0.074	0.000	0.001	0.239	0.010	0.076	0.000	0.000	0.001	0.161	GNM	0.133
September	0.064	0.065	0.068	0.000	0.001	0.218	0.010	0.065	0.000	0.000	0.001	0.143	GNM	0.122
October	0.067	0.044	0.016	0.000	0.001	0.141	0.010	0.044	0.000	0.000	0.001	0.075	GNM	0.100
November	0.064	0.023	0.000	0.000	0.001	0.097	0.010	0.023	0.000	0.000	0.001	0.037	GNM	0.078
December	0.067	0.009	0.000	0.000	0.001	0.084	0.010	0.009	0.000	0.000	0.001	0.022	GNM	0.063
TOTALS -->	0.784	0.587	0.529	0.000	0.012	2.103	0.118	0.587	0.423	0.000	0.012	1.254		1.254

**Assumptions**

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
NUMBER OF RESIDENCES	2												
# persons/residence	3.5												
# gallons/person/day	100												
Commercial/Other Demand (af)	0.000												
Sq. Ft. of Lawn Irrigated	10,000												
Lawn Application Rate (af/ac)	2.311												
Acres of Crop Irrigated	0.00												
Crop Application Rate (af/ac)	0.000												

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

Area A-4  
Formation Well (Type D)  
Red Canyon Creek  
Permit No. 69083-F

**POND EVAPORATION - F. Peter and Dorothy M. Simmons**

Month	SEO Monthly Distribution	Gross Lake		Net Pond		Total Pond	
		Evaporation (feet)	Evaporation (inches)	Evaporation (feet)	Evaporation (inches)	Evaporation (acre-feet)	Evaporation (acre-feet)
January	1.0%	0.04	0.45	0.04	0.45	0.006	0.018
February	3.0%	0.11	1.35	0.11	1.35	0.035	0.053
March	6.0%	0.23	2.70	0.23	2.70	0.091	0.094
April	9.0%	0.34	4.05	0.34	4.05	0.076	0.065
May	12.5%	0.47	5.63	0.47	5.63	0.044	0.023
June	15.5%	0.58	6.98	0.58	6.98	0.009	0.009
July	16.0%	0.60	7.20	0.60	7.20	0.065	0.065
August	13.0%	0.49	5.85	0.49	5.85	0.044	0.044
September	11.0%	0.41	4.95	0.41	4.95	0.023	0.023
October	7.5%	0.28	3.38	0.28	3.38	0.009	0.009
November	4.0%	0.15	1.80	0.15	1.80		
December	1.5%	0.06	0.68	0.06	0.68		
	<b>100.0%</b>	<b>3.75</b>	<b>45.00</b>	<b>3.75</b>	<b>45.00</b>		

Total Pond Area (acres) = **0.157**

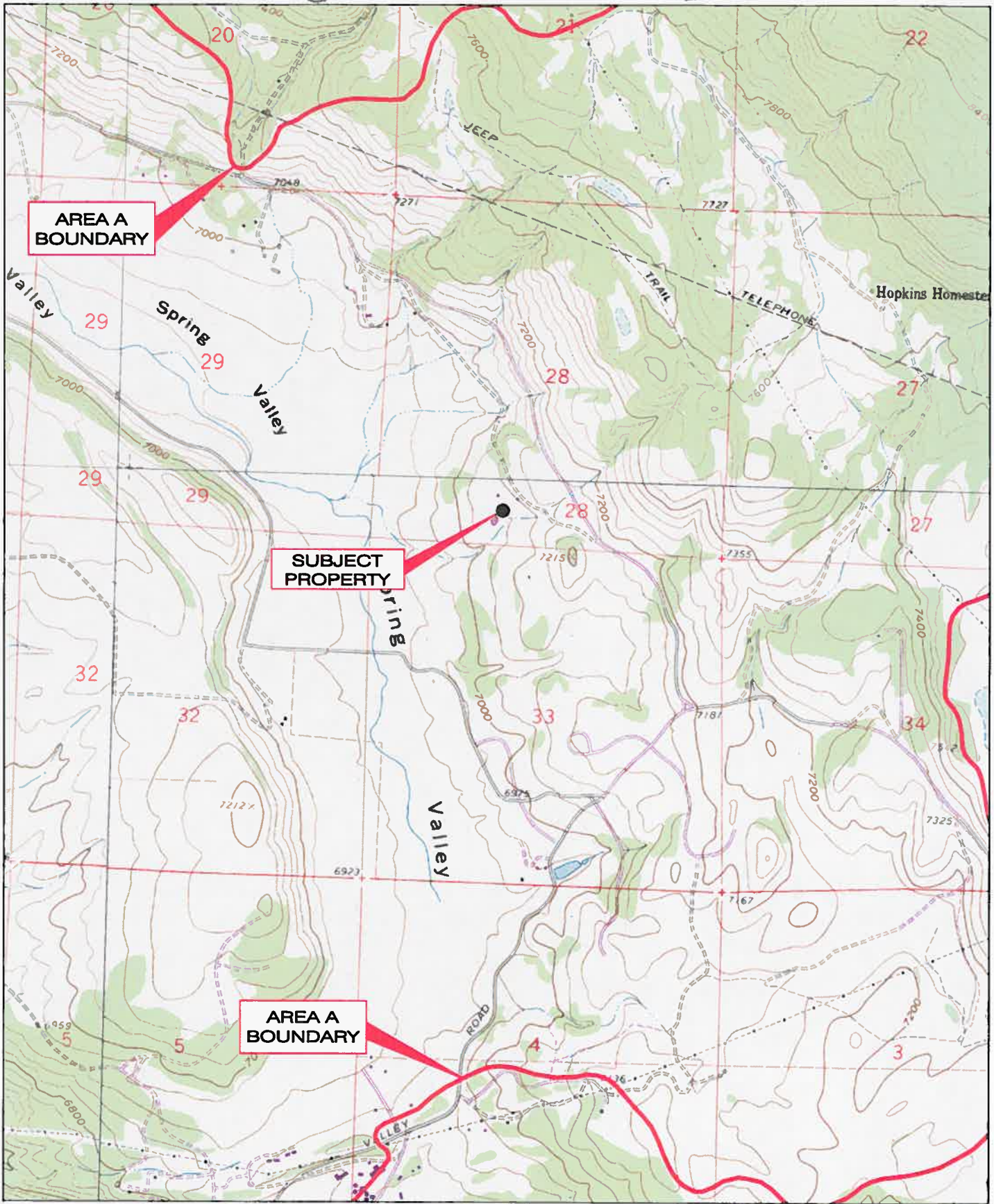
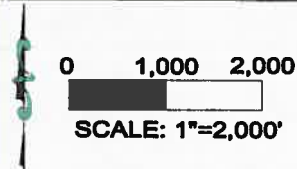


Figure 1: F. Peter Simmons and Dorthy M. Simmons Location Map

Basalt Water Conservancy District

File: 033-7.2  
Date: 03/04/09



**RESOURCE**  
ENGINEERING, INC.

909 Colorado Avenue  
Glenwood Springs, CO 81801  
(970) 945-6777 Voice 945-1137 Facsimile



Form No.  
GWS-25

OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 868-3881

LIC

WELL PERMIT NUMBER 189508

DIV. 5 CNTY. 23 WD 38 DES. BASIN MD

APPLICANT

Lot: Block: Filing: Subdiv:

F PETER SIMMONS  
RED CANYON RANCH  
RED CANYON ROAD  
GLNWD SPRINGS CO 81801-

(970)945-0900

PERMIT TO CONSTRUCT A WELL

APPROVED WELL LOCATION  
GARFIELD COUNTY

SE 1/4 SW 1/4 Section 28  
Twp 6 S RANGE 88 W 6th P.M.

DISTANCES FROM SECTION LINES

550 Ft. from South Section Line  
3295 Ft. from East Section Line

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT  
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(1)(A) as the only well on a tract of land of 42.6 acres described as that portion of the S 1/2 of Sec. 28, Twp. 6 South, Rng. 88 West of the 6th P.M., Garfield County, being more particularly described on the attached exhibit 'A'.
- 4) The use of ground water from this well is limited to ordinary household purposes inside three (3) single family dwellings, fire protection, the watering of poultry, domestic animals, and livestock on a farm or ranch, and the irrigation of not over one (1) acre of home gardens and lawns.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

JD 823-95

480/1000 X 4

~~1 expliter for existing well~~  
~~3 " new wells~~

area of Pond  
6820 sq ft  
0.157 Acres

APPROVED  
JD2

Hal D. Simpson  
State Engineer

Receipt No. 0386574

DATE ISSUED AUG 23 1995

Jay Deaton  
By

EXPIRATION DATE AUG 23 1997