

Rev. 04/07

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

1. Applicant(s) Name(s):

MARY McCARNEY

Applicant(s) Mailing Address:

PO BOX 685
PAONIA, CO 81428

Applicant(s) Street Address:

535 COUNTY ROAD 106
CARBONDALE, CO 81623

Applicant(s) Telephone No(s):

970-527-5292

Applicant(s) E-mail Address:

livingland1@paonia.com

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

NONE

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

ROBERT ORLANDO
PO BOX 628
PAONIA COLO 81428

970-527-5293 - FAX
970-274-8765 cell

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:

ROBERT ORLANDO
PO BOX 628
PAONIA, COLO 81428

970-527-5293 FAX
970-274-8765 cell
970-527-5292

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

MIXED COMMERCIAL USE

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)*:

SW 1/4 NW 1/4 SEC 28 Twp 7
S1 RANGE 88 W of 6th P.M.

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

2613
EP

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. NA YET SW 1/4 NW 1/4 SEC 28 T3P 7S R. 88W CR. P.M. 3200 Ft From Sth 500 Ft From W Section LN'

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
- 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: NA. (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?

NONE

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

EXEMPT WELL FOR RESIDENCES

PERMIT # 282511 SEE ATTACHED COPY

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: _____

520 ϕ

0.6 EQR/1,000 SF

Warehouse/distributor, square footage: _____

1200 ϕ

0.3 EQR/1,000 SF

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)

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

WELL PERMIT NUMBER 282511 - A
DIV. 5 WD 38 DES. BASIN MD

APPLICANT

MARY MCCARNEY
PO BOX 685
PAONIA, CO 81428-

(970) 527-5292

PERMIT TO CONSTRUCT A WELL

APPROVED WELL LOCATION

GARFIELD COUNTY
SW 1/4 NW 1/4 Section 28
Township 7 S Range 88 W Sixth P.M.

DISTANCES FROM SECTION LINES

3200 Ft. from South Section Line
500 Ft. from West Section Line

UTM COORDINATES (Meters, Zone:13,NAD83)

Easting: Northing:

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 this permit does not ensure 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)(c) for the relocation of an existing well, permit no. 282511. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety (90) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) Approved as a well on a tract of land of 2 acres described as that portion of the SW 1/4 of the NW 1/4, Sec. 28, Twp. 7 South, Rng. 88 West, 6th P.M., Garfield County, more particularly described on the attached exhibit A. Further identified as 0541 County Road 106, Carbondale, CO 81623.
- 5) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than two (2) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than 35,000 square feet of home gardens and lawns.
- 6) The pumping rate of this well shall not exceed 35 GPM.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTICE: This permit has been approved for the historic use as noted above. The original permit application stated historic use of water in a commercial shop which could not be approved for conjunctive use of residential and commercial water supply. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

NOTE: Parcel Identification Number (PIN): 23-2393-282-00-010

NOTE: Assessor Tax Schedule Number: R111271

DMW
02/01/2010

APPROVED
DMW

Diak Wolfe

State Engineer

Digit M. Switche

By

Receipt No. 9503343B

DATE ISSUED 02-01-2010

EXPIRATION DATE 02-01-2012

SCHEDULE A

PROPERTY DESCRIPTION

ORDER NO: 93021720

LOT THIRTY (30) OF SECTION TWENTY-EIGHT (28) IN TOWNSHIP 7
SOUTH, RANGE 88 WEST OF THE 6TH P.M.

EXCEPTING THEREFROM:

A tract or parcel of Land No. 111 of the State Department of Highways, Division of Highways, State of Colorado, Project No. S 0130 (10) Section 2, in Lot 30 of Section 28, Township 7 South, Range 88 West, of the Sixth Principal Meridian, in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the West line of Lot 30, Section 28, from which point the W1/4 corner of Section 28 bears S. 28 degrees 07' 30" W. a distance of 712.2 feet;

1. thence S. 35 degrees 48' E. a distance of 374.8 feet;
2. thence along the arc of a curve to the left having a radius of 1,472.5 feet a distance of 21.8 feet (the chord of this arc bears S. 36 degrees 13' 30" E. a distance of 21.8 feet) to a South line of Lot 30, Section 28;
3. thence East along a South line of Lot 30, Section 28, a distance of 92.1 feet to an East line of Lot 30;
4. thence North along an East line of Lot 30, Section 28, a distance of 353.5 feet to the North line of Lot 30;
5. thence West along the North line of Lot 30, Section 28, a distance of 324.2 feet to the West line of Lot 30;
6. thence South along the West line of Lot 30, Section 28, a distance of 31.9 feet, more or less, to the Point of Beginning.

COUNTY OF GARFIELD
STATE OF COLORADO.

EXHIBIT "B"

RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.

EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.

DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, AND ANY FACTS WHICH A CORRECT SURVEY AND INSPECTION OF THE PREMISES WOULD DISCLOSE AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.

The effect of inclusions in any general or specific water conservancy, fire protection, soil conservation or other district or inclusion in any water service or street improvement area.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States, all coal, oil, gas, and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June

1, 1938. This patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located along the boundaries of said land. Reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of said land for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063), and subject to the conditions and limitations of Section 24 of said Act, as amended by the Act of August 26, 1935 (49 Stat. 846), as contained in Patent recorded October 3, 1955 in Book 287 at Page 577 as Reception No. 191669.

Easement and right-of-way for Cooper Toll Road as shown in Road Viewers Report, recorded December 11, 1886 in Road Book 1 at Page 77 as Reception No. 3425.

Easement and right-of-way for Highway as shown on Map, recorded September 5, 1936 as Reception No. 125071, and as contained in Deed recorded in Book 387 at Page 239 as Reception No. 238786.

Memorandum

To: BWCD BOARD OF DIRECTORS
From: ERIC MANGEOT *EM*
CC: CHRIS GEIGER
Date: MAY 26, 2010
File: APPLICATION
Re: MARY McCARNEY

Applicant Name: Mary McCamey

Type of Use: Domestic Commercial
Industrial Agricultural

Amount: 1.0 AF 0.033 CFS 15.0 gpm

Location: Area A Area B Inclusion

County: GARFIELD Contiguous: _____

BWCD Division: 3

Mid Valley Metro District Notice Required? Yes No

Blue Creek Water Rights Applied? Yes No

Comments: This application requests the use of District water to offset depletions associated with a 500 square foot office (0.4 EQR), 1,200 square foot warehouse (0.4 EQR), 0.2 EQR allowance for potential expansion of the commercial buildings and 17,500 square feet of irrigation for a 2.0 acre parcel of land located in the SW1/4 NW1/4 of Section 28, Township 7 South, Range 88 West, of the 6th P.M. The physical address of the property is 0541 County Road 106 in Carbondale, Colorado, 81623. Total depletions are 1.0 acre-feet as calculated by Resource Engineering, Inc. A BWCD map is attached showing the location of the property.

There is an existing well associated with the property (Permit No. 282511-A) that covers domestic use on the property for up to 2 single family dwellings and 35,000 square feet of irrigation. These uses are HUP protected and the Applicant will drill a second well on the property for the commercial uses. The location of the new well has not yet been determined.

Water User :	Mary McCamey
Analysis Date :	May 26, 2010
District Area :	A
Source Series :	4
Maximum Demand:	15 0.033
	(GPM) (CFS)

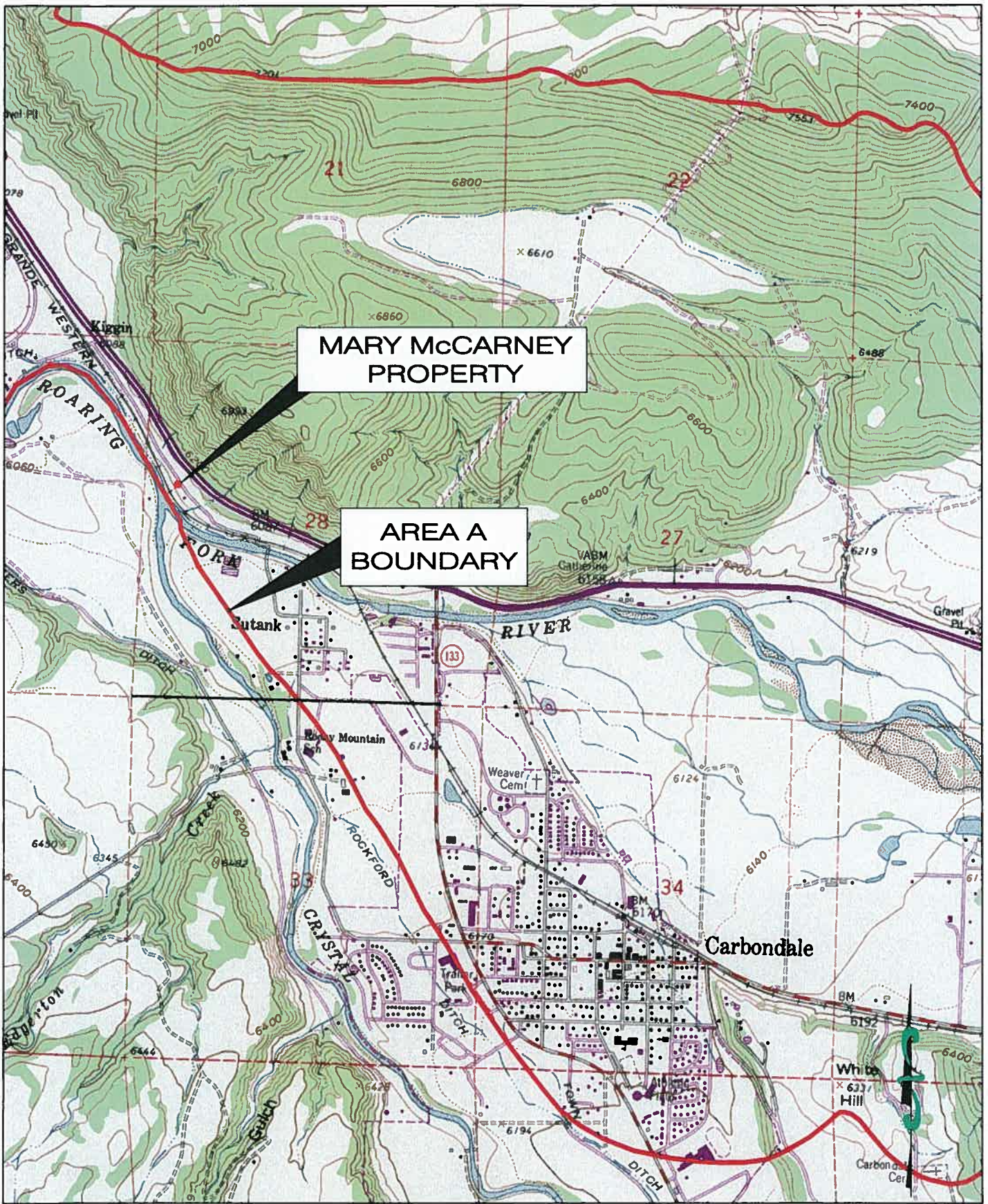
**BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)**

Month	Total Demand				Consumptive Use				(12)* TOTAL	(13)* Delayed Depl.	(14) Source of Aug/Replace			
	(1) Domestic In-house	(2) Commercial or Other	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Commercial or Other				(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock
January	0.000	0.033	0.000	0.000	0.000	0.033	0.000	0.005	0.000	0.000	0.000	0.005	0.056	GNM
February	0.000	0.030	0.000	0.000	0.000	0.030	0.000	0.005	0.000	0.000	0.000	0.005	0.056	GNM
March	0.000	0.033	0.000	0.000	0.000	0.033	0.000	0.005	0.000	0.000	0.000	0.005	0.056	GNM
April	0.000	0.032	0.043	0.000	0.000	0.076	0.000	0.035	0.000	0.000	0.000	0.043	0.061	GNM
May	0.000	0.033	0.198	0.000	0.000	0.231	0.000	0.158	0.000	0.000	0.000	0.179	0.106	GNM
June	0.000	0.032	0.244	0.000	0.000	0.276	0.000	0.195	0.000	0.000	0.000	0.220	0.131	GNM
July	0.000	0.033	0.234	0.000	0.000	0.267	0.000	0.187	0.000	0.000	0.000	0.211	0.129	GNM
August	0.000	0.033	0.143	0.000	0.000	0.176	0.000	0.115	0.000	0.000	0.000	0.131	0.106	GNM
September	0.000	0.032	0.130	0.000	0.000	0.163	0.000	0.104	0.000	0.000	0.000	0.120	0.098	GNM
October	0.000	0.033	0.049	0.000	0.000	0.082	0.000	0.039	0.000	0.000	0.000	0.049	0.069	GNM
November	0.000	0.032	0.000	0.000	0.000	0.032	0.000	0.000	0.000	0.000	0.000	0.005	0.057	GNM
December	0.000	0.033	0.000	0.000	0.000	0.033	0.000	0.005	0.000	0.000	0.000	0.005	0.056	GNM
TOTALS -->	0.000	0.392	1.041	0.000	0.000	1.433	0.000	0.833	0.000	0.000	0.000	0.981	0.981	

Assumptions

(1)	NUMBER OF RESIDENCES	0	(5)	# of Livestock @ 11 gals/day	0	Well Is Category A ~ 180 feet from RFR
	# persons/residence	3.5	(7)	% CU for Domestic/Commercial	15	
(2)	Commercial/Other Demand (af) Office 0.4 EQR	0.392	(9)	% Lawn Irrig. Efficiency Consumption of Irrig. (af/ac)	80 2.104	
(3)	Warehouse 0.4 EQR Sq. Ft. of Lawn Irrigated	17,500	(10)	% Crop Irrig. Efficiency Consumption of Irrig. (af/ac)	80 0.000	
(4)	Acres of Crop Irrigated Crop Application Rate (af/ac)	0.00 0.000	(9-10)	Elevation (feet)	6130	

*(12), (13) Total Includes 5% Transit Loss
10% from Green Mtn.



**MARY MCCARNEY
PROPERTY**

**AREA A
BOUNDARY**

Figure 1: Mary McCarney

File: 033-7.2
Date: 05/28/10

Basalt Water Conservancy District



Scale: 1"=2,000'

**RESOURCE
ENGINEERING, INC.**

909 Colorado Avenue
Glenwood Springs, CO 81801
(970) 848-6777 Voice 945-1137 Facsimile