

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

1. Applicant(s) Name(s): **Tom R. & Bethel J. McLain**

Applicant(s) Mailing Address:
**P.O. Box 28070
El Jebel, Colorado 81623**

Applicant(s) Street Address:
**20 Lava Drive
El Jebel, Colorado 81623**

Applicant(s) Telephone No(s): **970-319-1977**

Applicant(s) E-mail Address: **mclainstombeth@juno.com**

Attorney Info (Name, Address, Telephone and Fax Nos., E-mail):
Not Applicable

Emergency Contact Information (preferably local)
(Name, Address, Telephone and Fax Nos.):
**Tom McLain, 20 Lava Drive, El Jebel, CO 81623
PH: 970-319-1977 / NO FAX**

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:
**Brad Crawford, P.O. Box 1236, Carbondale, CO 81623
PH: 970-618-0480 / FAX: 970-963-5173**

2. Type of land use (development) proposed for water allotment contract
(i.e. single family home, subdivision, gravel pit, etc.)
Proposed 3 Lot Subdivision – Single Family
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, SE 1/4, Section 34, T7S, R87W, 6th P.M.
4. Elevation zone of property: XX 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.

Revised permit will be submitted to the Division of Water Resources pending approval of contract. Well is located in the SE 1/4, SE 1/4, Section 34, Township 7 South, Range 84 West of the 6th P.M., at a point 518 feet from the East section line and 145 feet from the South section line of Section 34. State Permit No. 40496

Is the well operational/active? XX Yes, ___ No

Is there currently an operating well meter? ___ Yes, XX 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, XX 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: PENDING. (Note: Copy of the Resolution of other documentation evidencing such approval should be submitted with application.)

Basalt Water Conservancy District
Water Allotment Application
Page 3

9. What other water rights are associated with or used on the property?
94CW240

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: <u>THREE (3)</u>
Duplex(s)	Number of Units: <u>N/A</u>
Condominium(s)	Number of Units: <u>N/A</u>
Apartment(s)	Number of Units/Rooms: <u>N/A</u>
Mobil Home(s)	Number of Units: <u>N/A</u>

Irrigation (lawns, parks, open space)

Total area to be irrigated 21750.0 Sq. Ft. or 0.5 Acres

Type of irrigation system (please check)

XX Sprinkler

N/A Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals: **NONE**

Period of use (months): **Not Applicable**

Other domestic/municipal uses not listed: **NONE**

VERIFICATION

STATE OF Colorado)
) ss.
COUNTY OF GARFIELD)

I, **Brad Crawford** (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: 5/31/2011 By: [Signature]
Print Name: BRAD CRAWFORD
Title: REPRESENTATIVE

Subscribed and sworn before me this 31 day of May, 2011
by Brad Crawford.

Witness my hand and seal.

My commission expires:

[Signature]
Notary Public


Recorded at 10:00 o'clock A. M., February 5, 1974

Reception No. 129432 Maxwell R. Barz Recorder.

THIS DEED, Made this 10th day of January, 1974, between

SIDNEY MILLER and RHODA I. MILLER

of the County of Garfield and State of Colorado, of the first part, and

TOM R. McLAIN and BETHEL J. McLAIN

of the County of Eagle and State of Colorado, of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of

TEN DOLLARS and Other Good and Valuable Consideration-----~~XXXXXXXX~~

to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the following described lot or parcel of land, situate, lying and being in the County of Eagle and State of Colorado, to wit:

A tract of land situated in Lot 16 of Section 34, Township 7 South, Range 87 West of the Sixth Principal Meridian, lying southwesterly of the center line of a 30-foot road easement, said tract being described as follows:

Beginning at a point whence an iron post with a brass cap found in place and properly marked for the southeast corner of said Section 34 bears S. 81°54'15" E. 512.97 feet; thence N. 88°15'00" W. 207.78 feet; thence N. 00°01'00" E. 220.74 feet, to a point in the center of said road easement; thence S. 89°26'00" E. 114.44 feet along the center of said road easement; thence S. 60°27'00" E. 108.54 feet along the center of said road easement and thence S. 00°24'45" W. 172.43 feet to the point of beginning, containing 1.01 acres, more or less.

Together with an easement and right-of-way for access to and from the County Road over and across the existing roadway from the above-described tract to said County Road.

Excepting and reserving to the Sellers, any and all water rights and ditch rights appurtenant to or used upon or in connection with said lands.

Subject to existing easements and rights-of-way for roads, ditches and utilities.

RECORDER'S STAMP

STATE DOCUMENTARY FEE

FEB 25, 1974

90.15

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Sidney Miller [SEAL]

Sidney Miller

[SEAL]

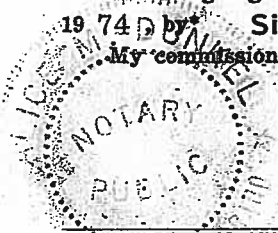
Rhoda I. Miller [SEAL]

Rhoda I. Miller

STATE OF COLORADO,
County of Garfield

ss.

The foregoing instrument was acknowledged before me this 13th day of February, 1974 by Sidney Miller and Rhoda I. Miller. My commission expires November 29, 1977. Witness my hand and official seal.



Alice M. Dunkel

Notary Public.

* If by natural person or persons here insert name or names; if by persons acting in representative or official capacity or as attorney-in-fact, then insert name of person as executor, attorney-in-fact or other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it.

129432

No.

WARRANTY DEED
JOINT TENANTS

SIDNEY MILLER and

RHODA I. MILLER

TO

TOM R. McLAIN and

BETHEL J. McLAIN

STATE OF COLORADO,

County of Eagle } ss.

I hereby certify that this instrument was filed for record in my office this 25th day of February, 1974, at 10:00 o'clock A.M., and duly recorded in Book 233 Page 538

Film No. Reception No.

Maxwell R. Bary Recorder

By Deputy

Fees, \$ 400.00

Mail to: N. S. MINGER
BOX 850
GLENWOOD, COLO.
81601

Send future tax statements to:

Tom R. McLain
Canonada, Colo

129432

No.

WARRANTY DEED
JOINT TENANTS

SIDNEY MILLER and

RHODA I. MILLER

TO

TOM R. McLAIN and

BETHEL J. McLAIN

STATE OF COLORADO, } ss.
County of Eagle

I hereby certify that this instrument was filed
for record in my office this 25th
day of February, 1974,
at 10:05 o'clock A.M., and duly recorded in
Book 233 Page 538

Film No. Reception No.

By *Maxwell Barry* Deputy
Recorder

Fees, \$ 40.00

Mail to: N. S. MINGER
(or return to) BOX 850
GLENWOOD, COLO.
81601

Send future tax statements to:

Tom R. McLain
Carbonado, Colo

BRADFORD PUBLISHING CO., DENVER

172.43 feet to the point of beginning, containing 1.01 acres, more or less.

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Excepting and reserving to the Sellers, any and all water rights and ditch rights appurtenant to or used upon or in connection with said lands.

Subject to existing easements and rights-of-way for roads, ditches and utilities.

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 said parties of the first part, 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 said parties of the second part, their heirs and assigns forever. And the said parties of the first part, for themselves their heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the ensembling and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and have 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 and incumbrances of whatever kind or nature, soever, except any and all liens and incumbrances incurred by the grantees and all taxes subsequent January 1, 1970,

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

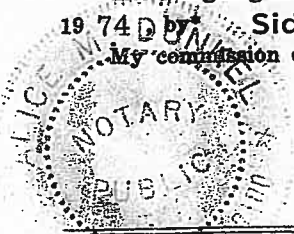
Sidney Miller [SEAL]
Sidney Miller

[SEAL]
Rhoda I. Miller [SEAL]
Rhoda I. Miller

STATE OF COLORADO,
County of Garfield

ss.

The foregoing instrument was acknowledged before me this 13th day of February, 1974 by Sidney Miller and Rhoda I. Miller
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Alice M. Dunkel
Notary Public

* If by natural person or persons here insert name or names; if by persons acting in representative or official capacity or as attorney-in-fact, then insert name of person as executor, attorney-in-fact or other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it.



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

Memorandum

To: BWCD BOARD OF DIRECTORS
From: ERIC MANGEOT *Em*
CC: CHRIS GEIGER
Date: JUNE 1, 2011
File: APPLICATION
Re: TOM R. & BETHEL J. MCLAIN

Applicant Name: Tom R. & Bethel J. McLain

Type of Use: Domestic X Commercial
Industrial Agricultural

Amount: 1.2 AF 0.067 CFS 30.0 gpm

Location: Area A X Area B Inclusion

County: EAGLE Contiguous:

BWCD Division: 6

Mid Valley Metro District Notice Required?

Yes X No

Blue Creek Water Rights Applied?

Yes No X

Comments: This application requests the use of District water to offset depletions associated with a proposed 3 lot subdivision consisting of 3 single family dwellings and 0.5 acres of lawn and landscape irrigation for a parcel of land located in the SE1/4 SE1/4 of Section 34, Township 7 South, Range 87 West, of the 6th P.M. The physical address of the property is 20 Lava Drive in El Jebel, Colorado, 81623. Total depletions are 1.2 acre-feet as calculated by Resource Engineering, Inc. (RESOURCE). A BWCD map is attached showing the location of the property.

There is an existing well associated with the property (Permit No. 40496) known as the McLain Well that will cover all uses under the proposed subdivision. The well has an absolute water right in Case No. 94CW240 for 30 gpm with a date of appropriation of March 1, 1970. The well is located in the SE1/4 SE1/4 of Section 34, Township 7 South, Range 87 West, of the 6th P.M., at a point 518 feet west of the east section line and 145 feet north of the south section line. The subdivision will add an additional residential home.

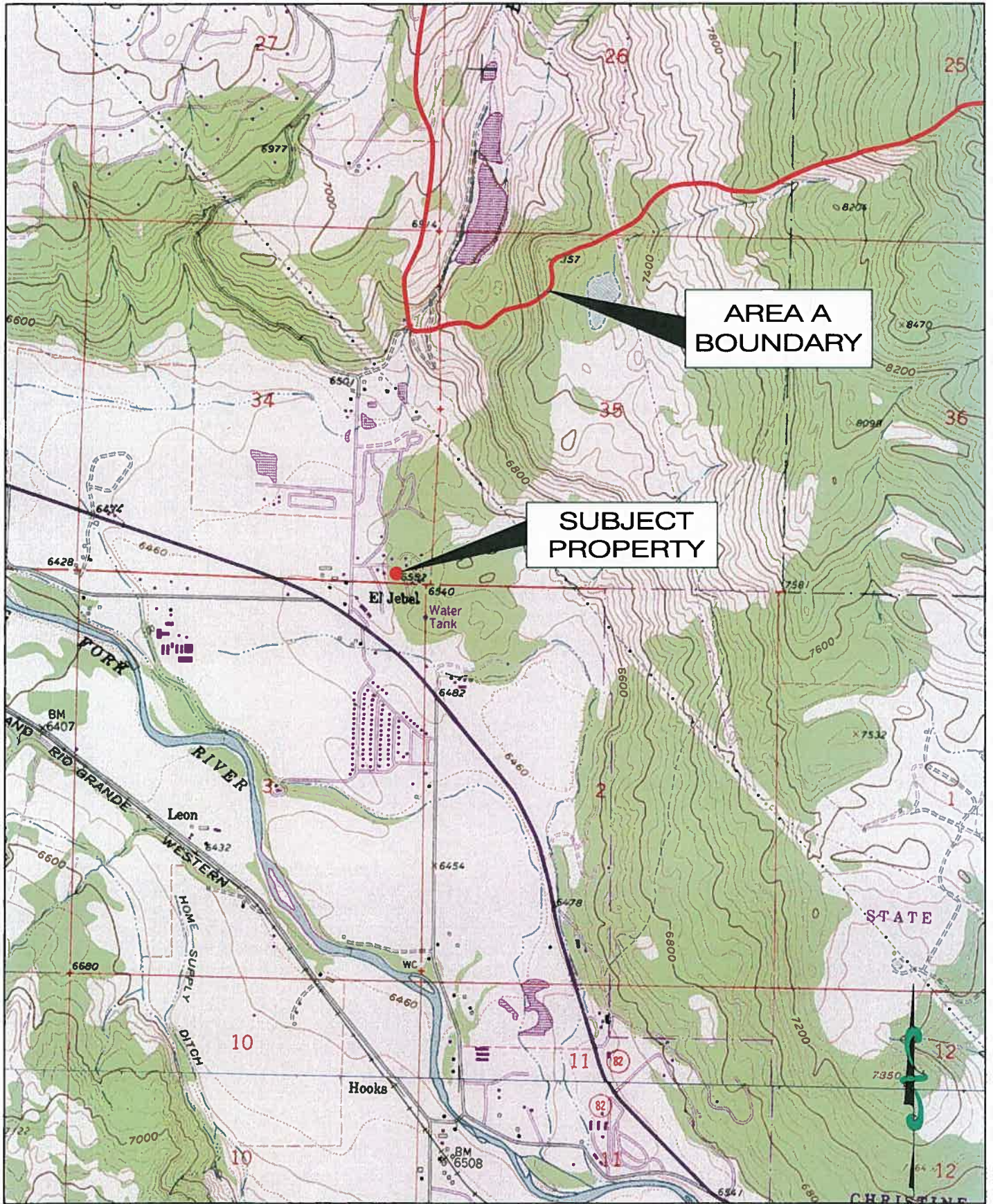
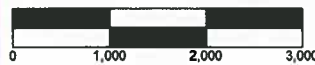


Figure 1: Tom R. & Bethel J. McLain

File: Q33-7.2
Date: 08/23/11

Basalt Water Conservancy District



Scale: 1"=2,000'

RESOURCE ENGINEERING, INC.

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