

Memorandum

To: BWCD BOARD OF DIRECTORS
From: ERIC MANGEOT *EM*
CC: CHRIS GEIGER
Date: APRIL 27, 2012
File: APPLICATION
Re: CATHRINE E. MARKLE

Applicant Name: Catherine E. Markle

Type of Use: Domestic Commercial
Industrial Agricultural

Amount: 0.3 AF 0.033 CFS 15.0 gpm (1.0 AF Minimum Contract)

Location: Area A Area B Inclusion
County: EAGLE/PITKIN Contiguous: No
BWCD Division: 6

Mid Valley Metro District Notice Required? Yes No

02CW77 Ruling 2 of 2 Rights Applied? Yes No

Comments: This application requests the use of District water to offset depletions associated with two single family dwellings, 2,500 square feet of lawn and irrigation, and 2,400 square feet for winter greenhouse irrigation on a 5.0 acre parcel located in the SW1/4 of Section 11, Township 8 South, Range 87 West, of the 6th P.M. The physical address of the property is 2277 Emma Road in Baslat, Colorado. If approved, the contract will be an Area A-4 contract in the District's 02CW77 Ruling 1 of 2 Umbrella Plan. The Umbrella Contract fee for this contract is \$1,200. The property is included within the District's Division 6 boundary. A BWCD map is attached showing the location of the property.

Diversions are to occur from an existing well (Permit No. 41048) located in the southwest corner of the property or the SW1/4 SE1/4 Section 11, Township 8 South, Range 87 West of the 6th P.M. at a point 164 feet from the south section line and 1,217 feet from the east section line. Total depletions are estimated at 0.3 acre-feet on the attached worksheet. Greenhouse irrigation was estimated by the Applicant based on an increase over current demand.

Water User :	Cathrine E. Markle
Analysis Date :	April 28, 2012
District Area :	A
Source Series :	4
Maximum Demand :	15 (GPM)
	0.033 (CFS)

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

Month	Total Demand				Consumptive Use				(12)* TOTAL	(13) Source of Aug/Replace	(14)* Delayed Depletion			
	(1) Domestic In-house	(2) Other	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Other				(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock
January	0.067	0.024	0.000	0.000	0.000	0.091	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.015
February	0.060	0.023	0.000	0.000	0.000	0.083	0.009	0.000	0.000	0.000	0.000	0.010	GNM	0.014
March	0.067	0.024	0.000	0.000	0.000	0.091	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.014
April	0.064	0.000	0.004	0.000	0.000	0.069	0.010	0.000	0.004	0.000	0.000	0.014	GNM	0.016
May	0.067	0.000	0.027	0.000	0.000	0.094	0.010	0.000	0.022	0.000	0.000	0.035	GNM	0.022
June	0.064	0.000	0.034	0.000	0.000	0.099	0.010	0.000	0.027	0.000	0.000	0.041	GNM	0.028
July	0.067	0.000	0.033	0.000	0.000	0.099	0.010	0.000	0.026	0.000	0.000	0.040	GNM	0.031
August	0.067	0.000	0.020	0.000	0.000	0.086	0.010	0.000	0.016	0.000	0.000	0.028	GNM	0.029
September	0.064	0.000	0.018	0.000	0.000	0.082	0.010	0.000	0.014	0.000	0.000	0.026	GNM	0.027
October	0.067	0.024	0.006	0.000	0.000	0.097	0.010	0.000	0.005	0.000	0.000	0.016	GNM	0.023
November	0.064	0.024	0.000	0.000	0.000	0.088	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.018
December	0.067	0.024	0.000	0.000	0.000	0.091	0.010	0.000	0.000	0.000	0.000	0.011	GNM	0.016
TOTALS -->	0.784	0.144	0.142	0.000	0.000	1.070	0.118	0.000	0.113	0.000	0.000	0.254		0.254

		Assumptions			Well Type C	
(1)	NUMBER OF RESIDENCES	2	(5)	# of Livestock @ 11 gals/day	0	
	# persons/residence	3.5	(7)	% CU for Domestic/Commercial	15	
	# gallons/person/day	100		% Lawn Irrig. Efficiency	80	
(2)	Commercial/Other Demand (af)	0.000	(9)	Consumption of Irrig. (af/ac)	1.997	
	Winter Greenhouse Use (26 weeks @ 1,800 gal/wk)			% Crop Irrig. Efficiency	80	
(3)	Sq. Ft. of Lawn Irrigated	2,500	(10)	Consumption of Irrig. (af/ac)	0.000	
	Lawn Application Rate (af/ac)	2.496	(9-10)	Elevation (feet)	6520	
(4)	Acres of Crop Irrigated	0.00				
	Crop Application Rate (af/ac)	0.000				

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

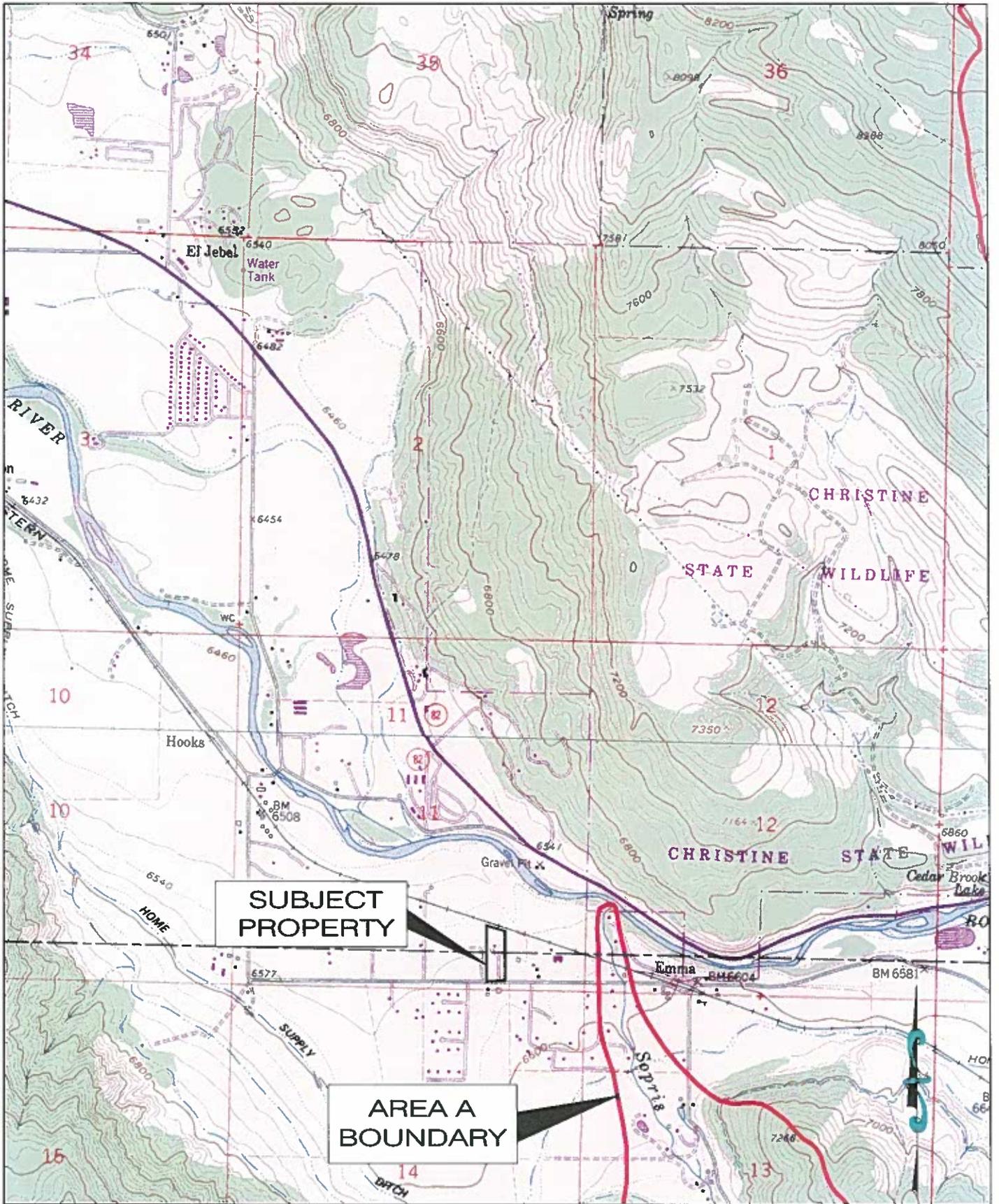


Figure 1: Catherine E. Markle

File: 033-7.2
Date: 04/27/12

Basalt Water Conservancy District



Scale: 1"=2,000'

RESOURCE ENGINEERING, INC.

909 Colorado Avenue
Glenwood Springs, CO 81601
(970) 945-5777 Voice 945-1137 Facsimile

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

1. Applicant(s) Name(s): *Catherine E. Markle*

Applicant(s) Mailing Address:

*P.O. Box 2227
Basalt, CO 81621*

Applicant(s) Street Address:

*2227 Emma Road
Basalt, CO 81621*

Applicant(s) Telephone No(s):

*970-927-2227
Cell - 970-379-3996*

Applicant(s) E-mail Address:

alpinedp@sopris.net

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

Emergency Contact Information (preferably local) (Name, Address, Telephone and Fax Nos.): *Ed Foran 970-948-5704*

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:

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

*accessory dwelling unit
greenhouse*

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)*:

Tract 60, Section 11, Township 8 South, Range 87 West

4. Elevation zone of property: 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. 75551. 41018 PER 4/28/12 PHONE CALL w/ RUTH JOHNS. ETC.

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: 7/19/1974. (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?

Home Supply Ditch Co., Inc. 2000 shares

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

irrigation of hay field

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: 2 ^{1 existing} 1 proposed

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 1500 +/- Sq. Ft. or _____ Acres

Type of irrigation system (please check)

^{EXISTING} Sprinkler From ditch, existing +/- 1500 SF

Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals:

Period of use (months):

Other domestic/municipal uses not listed:

Proposed drip & sprinkler for vegetable
coop production
when ditch not running.

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: vegetables Acres: 1/2 - 1 ac. Sprinkler: ✓ Drip Flood:

Crop: ^{fruit} tree Acres: N/A Sprinkler: Drip only Flood:

Crop: _____ Acres: _____ Sprinkler: _____ Flood:

Crop: _____ Acres: _____ Sprinkler: _____ Flood:

Stock Watering (cattle, horses)

Number of animals:

Months of use:

Other agricultural uses not listed:

greenhouse - vegetables, flower

w/ Home Supply DITCH
PER 4/25/12 TELECON W/ RUTH KING.
EK

WARRANTY DEED

State Doc Fee: \$60.00

THIS DEED, is dated the 17 day of June, 2011, and is made between Edward J. Podolak and Vicki L. Podolak

(whether one, or more than one), the "Grantor," of the County of Eagle and State of Colorado, and

Catherine E. Markle

(whether one, or more than one), the "Grantee," whose legal address is: 002227 Emma Road, Basalt CO 81621 of the County of Eagle and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of (\$645,000.00) Six Hundred Forty Five Thousand dollars and Zero cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with improvements thereon, located in the County of Eagle and Pitkin and State of Colorado described as follows:

See "Exhibit A" attached hereto also known by street and number as: 002227 Emma Road, Basalt, CO 81621

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the 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 and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns, that at the time of the enrolling and delivery of these presents, the Grantor is well seized of the premises above described; 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 and subject to:

Those exceptions as shown on the attached Exhibit "B"

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Edward J. Podolak

Edward J. Podolak by Vicki L. Podolak his attorney in fact

State of Colorado)

) ss.

County of Garfield)

Vicki L. Podolak

Vicki L. Podolak

The foregoing instrument was acknowledged before me this 17th day of June, 2011, by Edward J. Podolak by Vicki L. Podolak his attorney in fact and Vicki L. Podolak

Witness my hand and official seal.

Mary L. Scheurich

Notary Public: Mary L. Scheurich

My commission expires: May 22, 2013



My Commission Expires 05/22/2013

EXHIBIT A

Order Number: 937815-C9

LEGAL DESCRIPTION

A tract of land in Tract 60, Section 11, Township 8 South, Range 87 West of the 6th Principal Meridian described as follows:

Beginning at a point whence the Southeast corner of that portion of Tract 60 in said Section 11, bears North $89^{\circ}01'$ East 1419.08 feet;
thence South $89^{\circ}01'$ West 276.26 feet;
thence North 833.12 feet to the Southerly ROW line of the D. & R. G. W. Railroad;
thence along said ROW line South $72^{\circ}58'50''$ East 288.87 feet;
thence South 743.83 feet to the **Point of Beginning**;

COUNTIES OF PITKIN AND EAGLE
STATE OF COLORADO.

ETP by VLP
CHP

**EXHIBIT B
EXCEPTIONS**

1. Taxes for the year 2011 and subsequent years not yet due and payable.
2. Reservations or exceptions contained in U.S. Patent, or in Acts authorizing the issuance thereof, recorded in Book 48 at Page 368, reserving 1) Rights of the proprietor of a vein or lode to extract and remove his ore therefrom and 2) rights of way for ditches and canals constructed under the authority of the United States. Eagle County records and United States Patent recorded May 24, 1902 in Book 55 at Page 106 as Reception No. 67368. Pitkin County records
3. Protective Covenants recorded March 30, 1967 in Book 226 at Page 181 as Reception No. 126953. Pitkin County records and , recorded April 26, 1967 in Book 201 at Page 397 as Reception No. 105836 and recorded April 11, 1968 in Book 212 at Page 677 as Reception No. 108064. Eagle County records
4. Right of way for the uninterrupted flow of the Home Supply Ditch, as it may affect subject property.

EDP
by VHP

JUL 23 1970
WRJ-25-69

GREENHOUSE
900 FT → 2,400 FT
FOR 6 MONTHS
675 6 IN
Ent 12556

1395 TYPE C WELL

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER

RECEIVED

JUL - 8 1970
GROUND WATER
COLLECTOR
STATE ENGINEER

ELEV. 6520

Index No. 615
ID# 5-38
Use _____
Registered _____

MAP AND STATEMENT FOR WATER WELL FILING

PERMIT NUMBER 41018

STATE OF COLORADO)
COUNTY OF PITKIN) SS

Know all men by these presents: That the undersigned

Herbert R. Nightingale

claimant(s), whose address is _____

City Basalt, Co, states: _____

Claimant(s) is (are) the owner(s) of the well described hereon; the
total number of acres of land irrigated from this well is _____;
work was commenced on this well by actual construction 1
day of MAY, 19 70;
the yield from said well is 20 (gpm), for
which claim is hereby made for Domestic purposes;
that the average annual amount of water to be diverted is

_____ acre-feet; and that the aforementioned
statements are made and this map and statement are filed in
compliance with the law.

X
Claimant(s)
Subscribed before me on this _____ day of
_____, 19 _____.

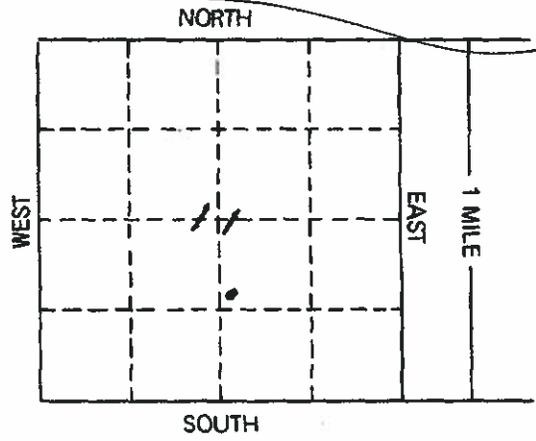
My commission expires _____

Notary Public

WELL DATA

Date Completed 5-5-70
Static Water Level 49'
Total Depth 94'

WELL LOCATION 49
PITKIN County
SW 1/4 of SE 1/4, sec. 11
T. 8 S R. 87 W 6 P.M.
164' FROM S. 1,217' FROM E
INDICATE WELL LOCATION ON DIAGRAM



WELL SHALL BE LOCATED WITH REFERENCE TO
GOVERNMENT SURVEY CORNERS OR MONUMENTS,
OR SECTION LINES BY DISTANCE AND BEARING.

_____ ft. from _____ section line.
(North or South)

_____ ft. from _____ section line.
(East or West)

Ground Water Basin _____

Water Management
District _____

Domestic wells may be located by the following:

LOT _____, BLOCK _____

SUBDIVISION _____

FILING # _____

ACCEPTED FOR FILING IN THE OFFICE OF THE STATE ENGINEER OF COLORADO ON THIS
_____ DAY OF _____, 19 _____.

State Engineer

FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM MUST BE AN ORIGINAL COPY ON BOTH SIDES AND SIGNED.
WHITE copy & GREEN copy must be filed with the State Engineer within 30 days after well is completed: PINK copy
is for the Owner & YELLOW copy is for the Driller.

WELL LOG

From	To	Type of Material	Water Loc.
0	6	DIRT	
6	74	CLAY + Boulders	
74	94	SAND + GRAVELS	74-94

Use additional paper if necessary to complete log.

WELL DATA

Type Drilling Cable Tool

HOLE DIAMETER:

6 5/8 in. from 0 ft. to 94
 _____ in. from _____ ft. to _____
 _____ in. from _____ ft. to _____

CASING RECORD

Plain Casing

Size 6 5/8 kind _____ from 0 ft. to 64
 Size _____, kind _____ from _____ ft. to _____
 Size _____, kind _____ from _____ ft. to _____

Perforated Casing

Size 6 5/8 kind 2 5/8 from 64 ft. to 93 f
 Size _____, kind _____ from _____ ft. to _____
 Size _____, kind _____ from _____ ft. to _____

GROUTING RECORD

Material CLAY
 Intervals While Drilling
 Placement Method GRAVITY - BULLET

GRAVEL PACK RECORD

Size _____ Interval _____

TEST DATA

Date Tested 5-5-70
 Type of Pump BALLET
 Length of Test 2 hr
 Constant Yield 15 GPM
 Drawdown 15'

WELL DRILLERS STATEMENT

The undersigned, being duly sworn, deposes and says: he is the driller of the well hereon described; he has read the statement made hereon knows the content thereof, and the same is true of his own knowledge.

X Thomas Lawrence

License No. 661

State of Colorado, County of _____) ss

Subscribed and sworn to before me this _____ day of _____, 19____

My Commission expires _____, 19____.

Notary Public

STATE OF COLORADO DIVISION OF WATER RESOURCES

RECEIVED
APR 29 1970
GROUND WATER SECTION
COLORADO
STATE ENGINEER

- APPLICATION FOR:
- A PERMIT TO USE GROUND WATER
 - A PERMIT TO CONSTRUCT A WELL
 - REPLACEMENT FOR NO. _____
 - A PERMIT TO INSTALL A PUMP
 - OTHER *H.P.*

PRINT OR TYPE

LOCATION OF WELL

APPLICANT Herbert K. Nightingale

COUNTY PITKIN

Street Address _____

SW 1/4, SE 1/4, sec. 11

City & State Basalt, Colo

T. 8 S, R. 87 W, 6 P.M.

Use of ground water Domestic

Street or Lot & Block _____

Owner of land on which well is located Same

City or Subdivision _____

Number of acres to be irrigated _____

Ground Water Basin _____

Legal description of irrigated land _____

Water Management District _____

Other water rights on this land _____

LOCATE WELL ON THE BACK OF THIS SHEET

Owner of irrigated land _____

Driller Alpine Drilling Co. No. 661

Aquifer(s) ground water is to be obtained from Gravel

Driller's Address Basalt, Colo

Storage capacity _____ AF

Herbert K. Nightingale
Signature of Applicant

THE FOLLOWING TWO FIGURES ARE MAXIMUMS AND CANNOT BE EXCEEDED IN FINAL USE.

MAXIMUM PUMPING RATE 20 GPM

AVERAGE ANNUAL AMOUNT OF GROUND WATER TO BE APPROPRIATED _____ Acre-Feet

CONDITIONS OF APPROVAL

ESTIMATED WELL DATA

Anticipated start of drilling 4 1970

Anticipated start of use 5 1970

Hole Diameter:

7 in. from 0 ft. to 90 ft.
_____ in. from _____ ft. to _____ ft.

Casing:

Plain 7 in. from 0 ft. to 70 ft.
_____ in. from _____ ft. to _____ ft.

Perf. 7 in. from 70 ft. to 89 ft.
_____ in. from _____ ft. to _____ ft.

ESTIMATED PUMP DATA

Type Sub HP 3/4 Outlet Size 1"

APPLICATION APPROVED:
VALID FOR ONE (1) YEAR AFTER DATE ISSUED
UNLESS EXTENDED FOR GOOD CAUSE SHOWN TO
THE ISSUING AGENCY

PERMIT NO. 41018 CONDITIONAL

DATE ISSUED APR 29 1970

E. J. Snider
STATE ENGINEER or CHAIRMAN GROUND WATER COMMISSION

By Donlan W. Esher

APPLICATION MUST BE COMPLETED SATISFACTORILY BEFORE ACCEPTANCE

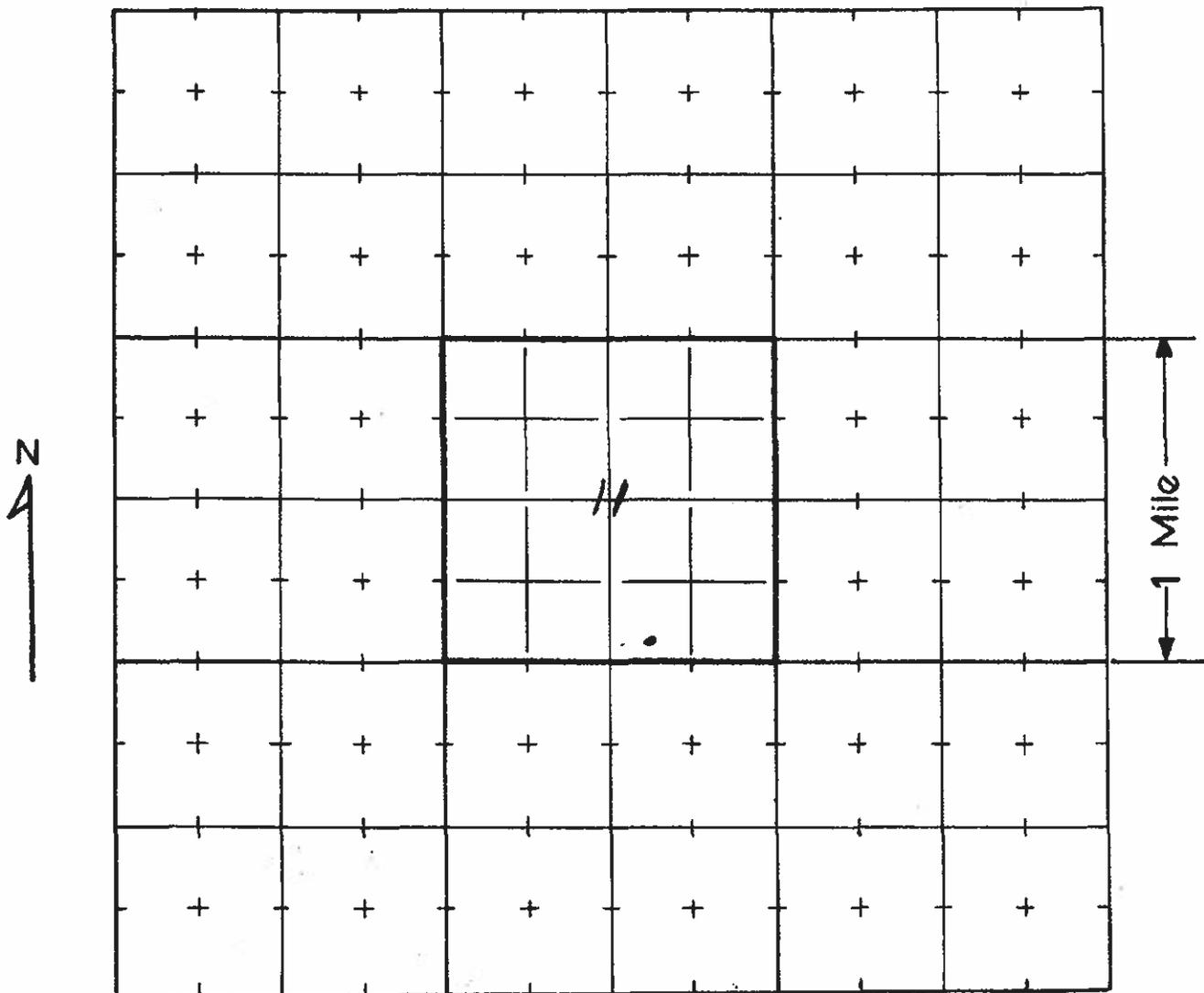
THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW WITH REFERENCE TO SECTION LINES OR GOVERNMENT SURVEY CORNERS OR MONUMENTS.

_____ feet from _____ (North or South) section line

_____ feet from _____ (East or West) section line

IF WELL IS FOR IRRIGATION, THE AREA TO BE IRRIGATED MUST BE SHADED OR CROSS-HATCHED.

This diagram represents nine (9) sections. Use the CENTER SQUARE (one section) to indicate the location of the well.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE