RESOURCE ENGINEERING INC

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

CC: CHRIS GEIGER

Date: APRIL 28, 2015

File: APPLICATION – MICHAEL G. ROSENBERG

Applicant Name: Michael G. Rosenberg

Type of Use Domestic __X__ Commercial _____
Industrial _____ Agricultural _____

Amount: __1.0__ AF __0.033__ cfs __15__ gpm

Location: Area A __A-4__ Area B _____ Inclusion _____
County: __GARFIELD__ Contiguous _____
BWCD Division __5__

Mid Valley Metro District Notice Required? Yes____ No__X__

Blue Creek Water Rights Applied? Yes____ No__X__

02CW77 Umbrella Plan Water Rights Applied? Yes__X__ No_____ **Cost:** __$1,200__

This application is to cover depletions associated with a single family dwelling and ADU (2 EQRs), 15,500 square feet of lawn and landscape irrigation, and 5 livestock (horses) for an existing lot owned by Michael G. Rosenberg (Applicant). The lot is located at 17665 Highway 82 in Garfield County (Parcel No. 239133300012) and is located in Division 5 of the District. Total depletions are 1.0 acre-feet (AF) as estimated by Resource Engineering, Inc.

Diversions are to be from an existing well (Permit No. 110772) located in the SW1/4 NE1/4 of Section 32, Township 7 South, Range 87 West, of the 6th P.M. at a point 2,310 feet from the North section line and 1,980 feet from the East section line. The Applicant is required to repermit the well as a "-F" well and install a totalizing flow meter once the contract is approved and is active.

Other uses on this property, such as the Palmer Pipeline and Corral Pond are included in BWCD Contact No. 144a and are associated with a private augmentation plan (Case No. 92CW349).

A copy of the water requirement table is attached along with a BWCD map showing the location of the property.

Water User :	Michael G. Rosenberg	
Analysis Date :	April 28, 2015	
District Area:	A	
Source Series:	4	
Maximum Demand:	15	0.033
	(GPM)	(CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)

	Total Demand						Consumptive Use							
Month	(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	*(12) TOTAL	*(13) Delayed Depletions	(13) Source of Aug/Replace
January	0.067	0.000	0.000	0.000	0.005	0.072	0.010	0.000	0.000	0.000	0.005	0.017	0.056	GNM
February	0.060	0.000	0.000	0.000	0.005	0.065	0.009	0.000	0.000	0.000	0.005	0.015	0.056	GNM
March	0.067	0.000	0.000	0.000	0.005	0.072	0.010	0.000	0.000	0.000	0.005	0.017	0.056	GNM
April	0.064	0.000	0.031	0.000	0.005	0.100	0.010	0.000	0.024	0.000	0.005	0.043	0.061	GNM
May	0.067	0.000	0.171	0.000	0.005	0.242	0.010	0.000	0.136	0.000	0.005	0.167	0.106	GNM
June	0.064	0.000	0.214	0.000	0.005	0.283	0.010	0.000	0.171	0.000	0.005	0.204	0.132	GNM
July	0.067	0.000	0.204	0.000	0.005	0.275	0.010	0.000	0.163	0.000	0.005	0.196	0.130	GNM
August	0.067	0.000	0.123	0.000	0.005	0.195	0.010	0.000	0.099	0.000	0.005	0.125	0.106	GNM
September	0.064	0.000	0.113	0.000	0.005	0.182	0.010	0.000	0.090	0.000	0.005	0.115	0.098	GNM
October	0.067	0.000	0.038	0.000	0.005	0.110	0.010	0.000	0.030	0.000	0.005	0.050	0.089	GNM
November	0.064	0.000	0.000	0.000	0.005	0.070	0.010	0.000	0.000	0.000	0.005	0.016	0.057	GNM
December	0.067	0.000	0.000	0.000	0.005	0.072	0.010	0.000	0.000	0.000	0.005	0.017	0.056	GNM
TOTALS -->	0.784	0.000	0.893	0.000	0.062	1.738	0.118	0.000	0.714	0.000	0.062	0.983	0.983	

Assumptions

(1)	NUMBER OF RESIDENCES	2		(5)	# of Livestock @ 11 gals/day	5
	# persons/residence	3.5				
	# gallons/person/day	100		(7)	% CU for Domestic/Commercial	15
(2)	Commercial/Other Demand (af)	0.000	Office	(9)	% Lawn Irrig. Efficiency	80
					Consumption of Irrig. (af/ac)	2.030
(3)	Sq. Ft. of Lawn Irrigated	15,500		(10)	% Crop Irrig. Efficiency	80
	Lawn Application Rate (af/ac)	2.538			Consumption of Irrig. (af/ac)	0.000
(4)	Acres of Crop Irrigated	0.00		(9-10)	Elevation (feet)	6400
	Crop Application Rate (af/ac)	0.000				

Area A-4
Type A Alluvial Well
Roaring Fork River

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

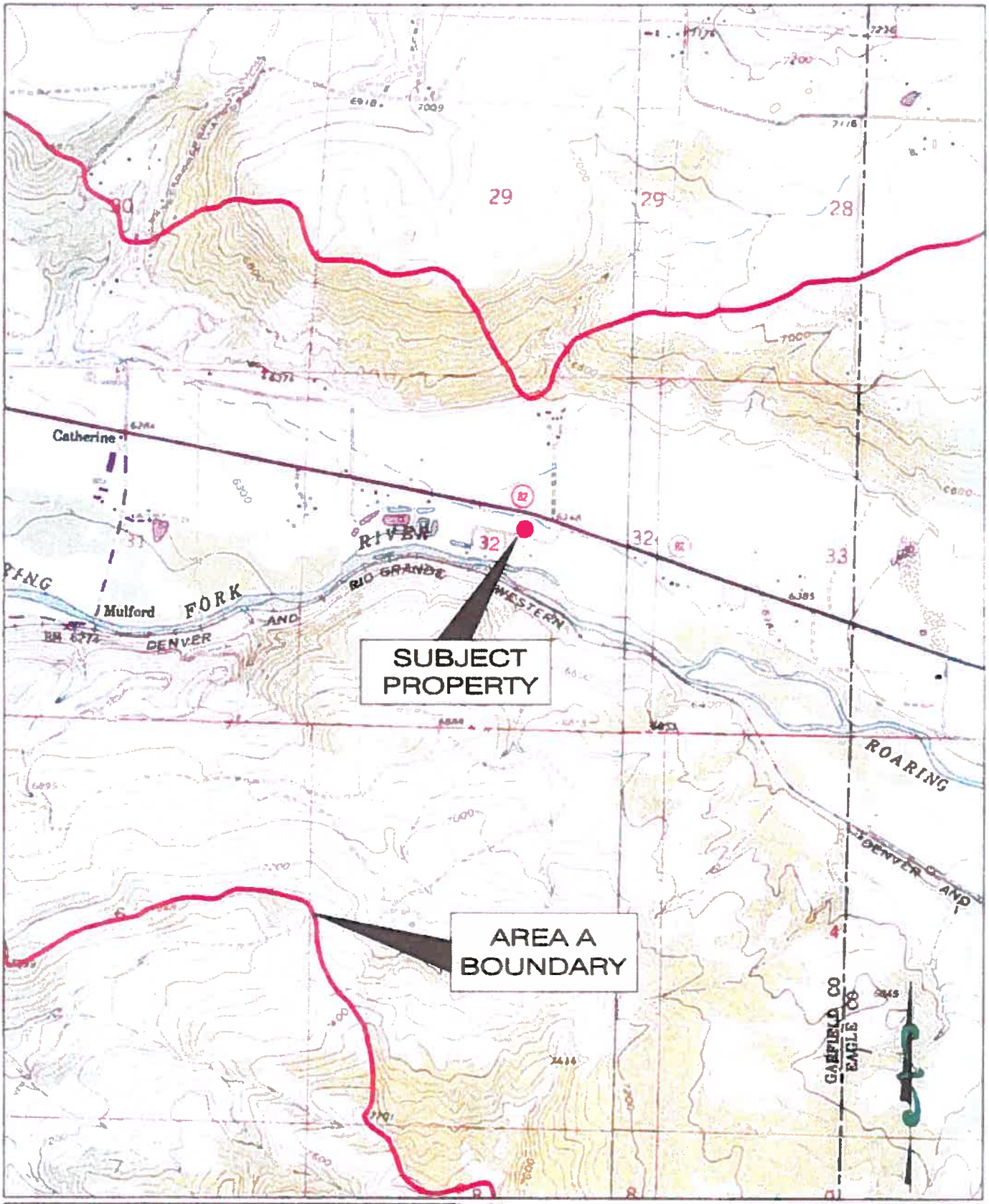

Figure 1: Michael G. Rosenberg

File: 833-7.2
Date: 04/28/15

Basalt Water Conservancy District

0 1,000 2,000 3,000

Scale: 1"=2,000'

RESOURCE ENGINEERING, INC.

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Rev 03/13

APPLICATION FOR WATER ALLOTMENT CONTRACT
BASALT WATER CONSERVANCY DISTRICT

1. Applicant(s) Contact Information

   a. Name: Michael G Rosenberg

   b. Mailing Address: 17665 Highway 82

      Carbondale, CO 81623

   c. Street Address:
      Same as above

   d. Telephone Numbers: 970-259-7501

   e. Email Address: mgr@lobo.net

   f. If Applicant is represented by an Attorney, please provide the Attorney's contact information, including name, address, telephone, and email: N/A

   g. Emergency Local Contact Information, including name, address, telephone, and email: Rachel I R Lyon
      1604 Secrest, Golden, CO 80401
      503 381 9423

   h. Contact Information of property manager, caretaker, irrigator, system operator, or agent who should be provided a copy of this contract, including name, address, telephone, and email: NA

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

3. Legal description and address of property on which District's water rights and/or contract water will be used (attach map and vesting deed with proof of ownership)*: 135 Flying Fish Rd
Carbondale CO 81623

4. Elevation of property: _X_____ 6–7,000 ft., _____ 7–8,000 ft., _____ 8–9,000 ft.

5. Name and legal description of water supply diversion point(s):

   Name of Diversion__Rosenberg Well_____.

   Type of Diversion Well_____ (e.g., a well, spring, ditch, pipeline, etc.)

   Legal Description: __SW____ Quarter, _NE_____ Quarter, Section 32 Township __7__ N /[S] Range _87____ E /[W] of the 6th Principal Meridian, at a location ___2310_____ feet from the ~~1980~~ N Section line and 1980 feet from the E Section line.

   UTM Coordinates (NAD 83):

   Northing: _____.

   Easting: _____.

   _____ Zone 12 / _____ Zone 13.

   If diversion point is a well, please provide the Well Permit No. ___110772
   .

Is the well operational/active? __X__ Yes, _____ 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.Legal Water Supply: (please check one)

__X__ Applicant requests consideration by the District to be included in the District's Umbrella Plan for Augmentation decreed in Case No. 02CW77.*

*Note: Certain applicants may qualify to be included in the District's Umbrella Plan at the District's discretion. In order to be included in the District's Umbrella Plan, the Applicant's depletions must occur within the District's defined "Area A" and the Applicant must reimburse the District its *pro rata* share of the District's expenses in obtaining the Umbrella Plan decree. Costs of reimbursement are contingent upon location and intensity of the uses, and range from $1,200 for contractees with less than 2 units (EQRs) in certain areas, to $5,000 for more than 8 EQRs in Area A-3 (generally the Roaring Fork drainage above its confluence with the Fryingpan Rivers).

_____ Applicant will obtain its own plan for augmentation by applying to the Water Court, Water Division 5 within 2 years of this application. If Applicant has already applied for its own change/approval of plan for augmentation, the Water Court Case Number is: _____.

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 four of this application.

_____ Commercial (hotel, office, warehouse, restaurant, bar, retail). Please complete page five of this application.

_____ Industrial (gravel pit, manufacturing). Please complete page six of this application.

_____ Agricultural (crop irrigation, stock watering). Please complete page seven 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 at this time.
(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?
Palmer Pipeline, Corral Pound, BWCD Contract # 144
92-CW-274
92-CW-349
93-CW-319
04-CW-093
92-CW-348

10. What other uses of water occur on the property?
Irrigation, pond evaporation covered under other water rights above.

Please complete the section below if you selected domestic/municipal use on Page 3, No. 8

DOMESTIC/MUNICIPAL WATER USES

In-House

Single family residential home(s) Number of Units: 1 home & 1 ADU

Duplex(s) Number of Units: _____

Condominium(s) Number of Units: _____

Apartment(s) Number of Units/Rooms: _____

Mobile Home(s) Number of Units: _____

Irrigation (lawns, parks, open space)

Total area to be irrigated 15,500 Sq. Ft. or _____ Acres

Type of irrigation system (please check)

X Sprinkler

_____ Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals: 5 horses

Period of use (months): 12

Other domestic/municipal uses not listed:

VERIFICATION

STATE OF COLORADO_____)
) ss.
COUNTY OF EAGLE_____)

I, __MICHAEL G. ROSNEBERG_____ (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: 4/27/15 By: _____

Print Name: *MICHAEL G. ROSENBERG*

Title: *OWNER*

Subscribed and sworn before me this 27 day of April, 2015 by __MICHAEL G ROSENBERG_____.

Witness my hand and seal.

Notary Public

My commission expires:

09/27/2016

MAYDA C TORRES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124059580
MY COMMISSION EXPIRES SEPTEMBER 27, 2016

699109 06/01/2006 03:56P B1805 P913 M ALSDORF
1 of 2 R 11.00 D 0.00 GARFIELD COUNTY CO

CORRECTION WARRANTY DEED

THIS DEED, is made this 26 day of May 2006, between MICHAEL HENRY PALMER, whose legal address is 138 Flying Fish Road, Carbondale, Colorado 81623 (herein the "Grantor") and, MICHAEL G. ROSENBERG, AS TRUSTEE OF THE OMNI UNIVERSAL TRUST UNDER AGREEMENT DATED DECEMBER 21, 1994 - 50%; MICHAEL G. ROSENBERG, AS TRUSTEE OF THE SARAH HANNAH ROSENBERG TRUST CREATED UNDER THAT CERTAIN IRREVOCABLE TRUST AGREEMENT DATED SEPTEMBER 19, 1991 CREATED BY HOMER E. ROSENBERG AND JOAN G. ROSENBERG, AS DONOR - 16.66%; MICHAEL G. ROSENBERG, AS TRUSTEE OF THE RACHEL IRENE ROSENBERG TRUST CREATED UNDER THAT CERTAIN IRREVOCABLE TRUST AGREEMENT DATED SEPTEMBER 19, 1991 CREATED BY HOMER E. ROSENBERG AND JOAN G. ROSENBERG, AS DONOR - 16.66%; AND MICHAEL G. ROSENBERG, AS TRUSTEE OF THE ELAINE LOUISE ROSENBERG TRUST CREATED UNDER THAT CERTAIN IRREVOCABLE TRUST AGREEMENT DATED SEPTEMBER 19, 1991 CREATED BY HOMER E. ROSENBERG AND JOAN G. ROSENBERG, AS DONOR - 16.66%, whose legal address is 10400 Academy Road, NE, #202, Albuquerque, New Mexico 87111 (herein the "Grantees").

Recorded to Correct Deed Recorded as Reception # 698139

WITNESSETH that the Grantor, 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, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantees, their heirs, successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in Garfield, Colorado described as follows:

A tract of land situated in Lots 9 and 18 of Section 32, Township 7 South, Range 87 West of the 6th P.M., more fully 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 Section 33, in said Township and Range bears South 66°56'42" East 7923.014 feet;
thence South 02°46'00" West 1334.56 feet;
thence North 82°38'00" West 156.32 feet;
thence North 02°38'09" East 1334.809 feet;
thence South 82°38'00" East 159.38 feet to the point of beginning.

TOGETHER with all and singular the hereditaments and appurtenances thereto 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 premises above bargained and described, with the appurtenances, unto the Grantees, their heirs, successors and assigns forever. And the Grantor, for himself and his heirs, successors and assigns does covenant, grant, bargain, and agree to and with the Grantees, their heirs, successors and assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, and it 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: taxes not yet due or payable, and,

1. Undivided one half interest in and to any and all oil, gas, coal and minerals lying in, under or upon the subject property with the right to explore for, extract, mine and remove the same and with the further right to ingress and egress from said premises for that purpose. The said parties of the first part also reserved the right to lay all necessary pipelines and erect such gasoline storage tanks and other equipment and facilities as may be required for the development and operations of the oil, and gas and mineral rights reserved by them herein. However, no such developments or operations shall unduly interest with the improvements existing at the time upon said premises, as recited in Warranty Deed from Vera S. Herin and Rudolph Herin to Charles O. Farris and Agnes B. Farris recorded in Book 255 at Page 148.

2. Restrictions, which do not contain a forfeiture or reverter clause, (deleting any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex handicap, familial status or national origin) as contained in the instrument recorded June 25, 1968 in Book 398 at Page 66.

3. An easement for pipeline purposes as granted to Rocky Mountain Natural Gas Company, Inc. in the instrument recorded October 19, 1961 in Book 337 at Page 241.

4. Road Easement for ingress and egress, 30 feet in width, for the benefit of properties to the West, including but not limited to those properties described in the Warranty Deed recorded November 10, 1969 in Book 405 at Page 519 and in the Warranty Deed recorded July 2, 1976 in Book 486 at Page 340, said easement is described in the Quit Claim Deed recorded September 29, 1977 in Book 501 at Page 214 and in Warranty Deed recorded November 7, 1977 in Book 502 at Page 530.

651
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699109 06/01/2006 03:56P B1805 P914 M ALSDORF
2 of 2 R 11.00 D 0.00 GARFIELD COUNTY CO

WARRANTY DEED
PALMER TO ROSENBERG ET AL

5. Right of way of the Denver and Rio Grande Western Railroad as recorded in Book 19 at Page 39.

6. Right of way for the continuous flow of Basin Ditch as recorded in Book 9 at Page 512.

7. Right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or interesect the subject property as reserved in the United States Patent recorded May 8, 1895 in Book 12 at Page 363.

8. Right of way for ditches and canals constructed by the authority of the United States as reserved in the United States Patent recorded May 8, 1895 in Book 12 at Page 363.

9. Terms, conditions, obligations and provisions as contained in Resolution No. 94-068 recorded June 21, 1994 in Book 906 at Page 560.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantees, their heirs successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, MICHAEL HENRY PALMER, has executed and delivered this WARRANTY DEED this 26 day of May 2006

MICHAEL HENRY PALMER

State of Colorado)
) ss.
County of Pitkin)

The foregoing CORRECTION WARRANTY DEED was duly executed before me this 26 day of May 2006, by MICHAEL HENRY PALMER.

Witness my hand and official seal.
My commission expires:

SERENA ROBINSON NOTARY PUBLIC STATE OF COLORADO
My Commission Expires 04/04/2010

Notary Public