



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: MAY 2, 2018
File: APPLICATION

Applicant Name: Gary and Lynne Haynes

Type of Use: Domestic Commercial _____
 Industrial _____ Agricultural _____

Amount: 1.0 AF 0.033 cfs 15 gpm

Location: Area A Area B _____ Inclusion _____
 County: EAGLE Contiguous: _____
 BWCD Division: 2

Mid Valley Metro District Notice Required? Yes _____ No

Blue Creek Water Rights Applied? Yes No _____

02CW77 Umbrella Plan Water Rights Applied? Yes No _____ **Cost:** \$1,200

This application is to cover depletions associated with a single family dwelling, 0.5 acres of lawn and landscape irrigation, and 2 livestock on a 4.63 acre property owned by Gary and Lynne Haynes (Applicants). Total contract depletions are 1.0 acre-feet as shown on the attached table. The water supply is from a proposed well located in the SE1/4 NE1/4 of Section 27, Township 7 South, Range 87 West of the 6th P.M. at a point 1,917 feet from the North section line and 354 feet from the East section line. The Applicant will apply for a "-F" well permit with the Division of Water Resource if the contract is approved.

The property is located within the Division 2 boundary and is located at 7 Blue Creek Overlook in Eagle County (Parcel No. 2391-271-07-008) and is also known as Lot 18, Mountain Meadow Ranch Filing 2. A BWCD map is also attached showing the location of the property.

The property is currently served by BWCD Contract No. 377 as one of three lots on a shared well (Permit No. 55410-F) and is covered by the District's 98CW26 and 98CW89 (Consolidated) plan for augmentation. Due to a dispute over an easement to the well, Haynes is unable to connect to the well. As such, the Applicants have elected to drill their own well and obtain their own BWCD water allotment contract. It is important to note that the District's Area A/B line bisects the property; however, the well will be drilled in Area A. The Applicants believe that since the property was previously reviewed by the District and the Division of Water Resources (DWR) as part of the Consolidated plan, a new contract would be eligible for inclusion into the District's 02CW77 Umbrella Augmentation Plan. Resource Engineering, Inc. (RESOURCE) recommends approval of this proposed contract so long as Contract 377 is effectively amended downward and if the DWR concurs.

Given that Contract 377 is not being amended downward concurrently with this application, the District may want to table or conditionally approve the proposed contract. RESOURCE spoke with the attorney for the other Contract 377 parties and he indicated that his clients would be amenable to amending Contract 377.

Water User :	Gary and Lynne Haynes	
Analysis Date :	May 2, 2018	
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						(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	(12) TOTAL		*(13) Delayed Depletions
January	0.033	0.000	0.000	0.000	0.002	0.035	0.005	0.000	0.000	0.000	0.002	0.007	0.081	GNM
February	0.030	0.000	0.000	0.000	0.002	0.032	0.005	0.000	0.000	0.000	0.002	0.006	0.082	GNM
March	0.033	0.000	0.000	0.000	0.002	0.035	0.005	0.000	0.000	0.000	0.002	0.007	0.082	GNM
April	0.032	0.000	0.012	0.000	0.002	0.046	0.005	0.000	0.009	0.000	0.002	0.016	0.082	GNM
May	0.033	0.000	0.217	0.000	0.002	0.252	0.005	0.000	0.174	0.000	0.002	0.181	0.082	GNM
June	0.032	0.000	0.288	0.000	0.002	0.323	0.005	0.000	0.231	0.000	0.002	0.238	0.082	GNM
July	0.033	0.000	0.268	0.000	0.002	0.303	0.005	0.000	0.214	0.000	0.002	0.222	0.081	GNM
August	0.033	0.000	0.157	0.000	0.002	0.193	0.005	0.000	0.126	0.000	0.002	0.133	0.081	GNM
September	0.032	0.000	0.144	0.000	0.002	0.178	0.005	0.000	0.115	0.000	0.002	0.122	0.081	GNM
October	0.033	0.000	0.030	0.000	0.002	0.066	0.005	0.000	0.024	0.000	0.002	0.031	0.081	GNM
November	0.032	0.000	0.000	0.000	0.002	0.034	0.005	0.000	0.000	0.000	0.002	0.007	0.080	GNM
December	0.033	0.000	0.000	0.000	0.002	0.035	0.005	0.000	0.000	0.000	0.002	0.007	0.081	GNM
TOTALS -->	0.392	0.000	1.117	0.000	0.025	1.534	0.059	0.000	0.894	0.000	0.025	0.977	0.977	

Assumptions						
(1)	NUMBER OF RESIDENCES	1	(5)	# of Livestock @ 11 gals/day	2	
	# persons/residence	3.5	(7)	% CU for Domestic/Commercial	15	
	# gallons/person/day	100				
(2)	Commercial/Other Demand (af)	0.000	Office	(9)	% Lawn Irrig. Efficiency	80
					Consumption of Irrig. (af/ac)	1.788
(3)	Sq. Ft. of Lawn Irrigated	21,780	(0.5 Acres)	(10)	% Crop Irrig. Efficiency	80
	Lawn Application Rate (af/ac)	2.235			Consumption of Irrig. (af/ac)	0.000
(4)	Acres of Crop Irrigated	0.00		(9-10)	Elevation (feet)	7280
	Crop Application Rate (af/ac)	0.000				

**Well Type E
(Proposed)
Tributary to Blue Creek**

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

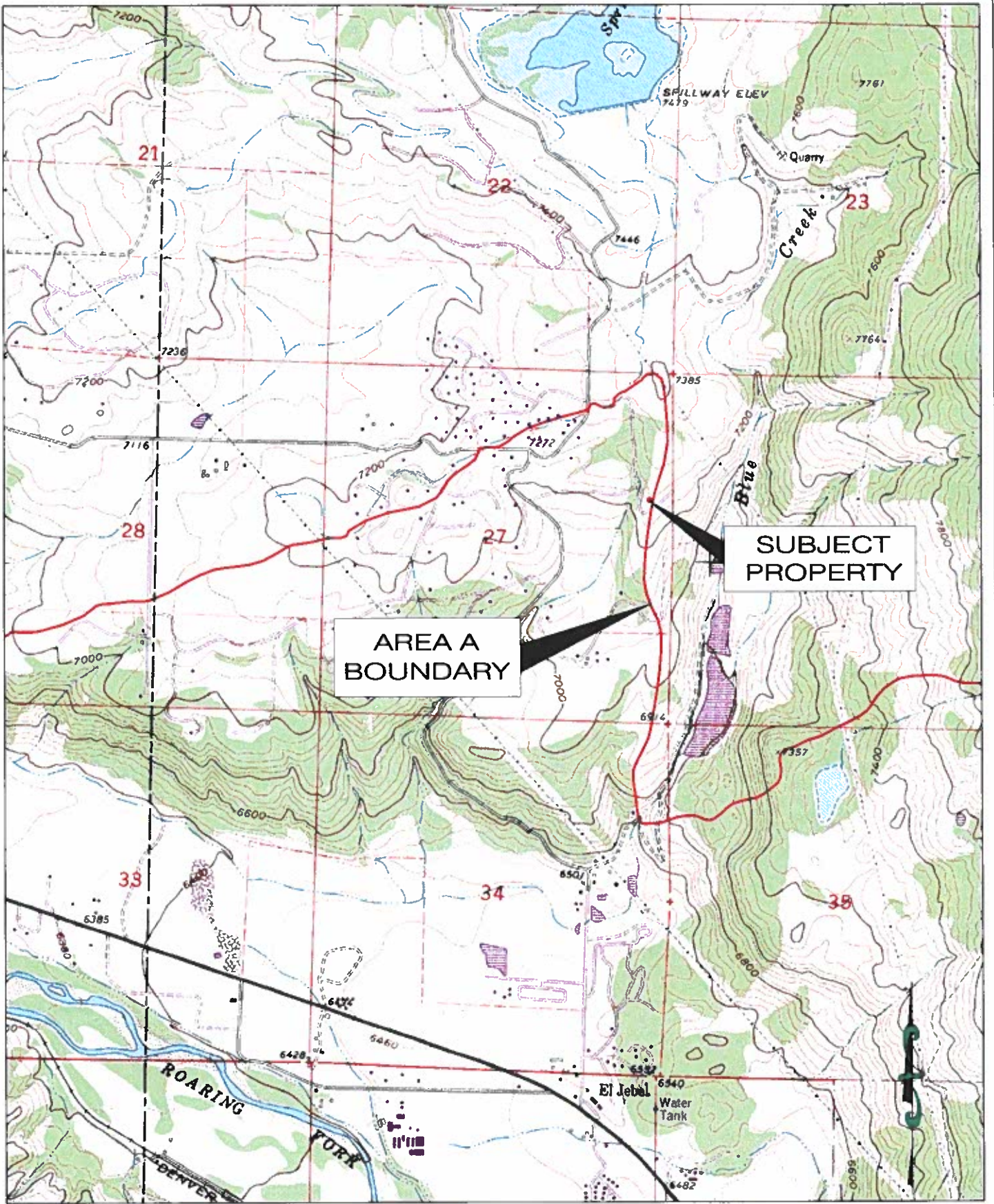
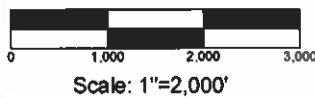


Figure 1: Gary and Lynne Haynes

File: 033-7.2
Date: 05/02/2018

Basalt Water Conservancy District



**RESOURCE
ENGINEERING, INC.**

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

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

1. Applicant(s) Contact Information

a. Name: Gary L. Haynes and Lynne U. Haynes

b. Mailing Address:

3202 Elk Lane
Basalt, CO 81621

c. Street Address:

7 Blue Creek Overlook
Carbondale, CO 81623

d. Telephone Numbers:

(970) 920-4800

e. Email Address:

Gary.haynes@everbank.com

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

PATRICK, MILLER & NOTO, P.C.
Kevin Patrick
229 Midland Ave
Basalt, CO 81621
(970) 920-1030
patrick@waterlaw.com

g. Emergency Local Contact Information, including name, address, telephone, and email:

Kevin Patrick
Patrick, Miller & Noto, P.C.
229 Midland Ave
Basalt, CO 81621
(970) 920-1030
patrick@waterlaw.com

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

Single family home

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)*:

Lot 18, Mountain Meadow Ranch Subdivision, Second Filing according to the Plat filed as Document No. 18566 at Book 277, Page 266, Eagle County

7 Blue Creek Overlook, Carbondale, CO 81623

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

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

Name of Diversion Haynes Well.

Type of Diversion: Well

Legal Description: SE Quarter, NE Quarter, Section 27, Township 7S, Range 87W, of the 6th Principal Meridian, at a location _____ feet from the _____ Section line and _____ feet from the _____ Section line.

UTM Coordinates (NAD 83):

Northing: 4365372.

Easting: 320323

Zone 13.

The exact location will be provided upon construction of the well.

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

Is the well operational/active? YES

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 Fryngpan 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:

April 6, 1989, Plat Book 506, Page 699. That book is reference on the attached deed.

- 9. What other water rights are associated with or used on the property?**

This lot is currently served by BWCD Allotment Contract No. 377 as one of three lots on a shared well (Well Permit No. 55410-F). Despite a well-sharing agreement, the owner of the lot on which the well is located has refused to grant an easement allowing Applicant to connect to the well. The owner is outside of the country, making it difficult to secure service on them to sue and enforce the well sharing agreement. Therefore, Applicant has elected to get his own well and BWCD allotment contract. Applicant has applied for one-third of the uses authorized by Allotment Contract No. 377 with the addition of one additional horse.

- 10. What other uses of water occur on the property? See paragraph 9.**

I, John M. Sittler, 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: 5/1/18

By: 

Print Name: John M. Sittler

Title: Attorney for Applicant

Subscribed and sworn before me this 1st day of May, 2018 by John Sittler, Attorney for Applicant.

Witness my hand and seal.



Notary Public

My commission expires:

June 18, 2019

