

Memorandum

To: BWCD BOARD OF DIRECTORS
From: ERIC MANGEOT 
CC: CHRIS GEIGER
Date: MAY 29, 2018
File: APPLICATION – AEI RORARING FORK, LLC

Applicant Name: AEI Roaring Fork, LLC

Type of Use: Domestic X Commercial _____
Industrial _____ Agricultural _____

Amount: 0.8 AF 0.022 cfs 10 gpm (2nd well covered by Contract No. 64b)

Location: Area A A-4 Area B _____ Inclusion _____
County: EAGLE/PITKIN Contiguous: _____
BWCD Division: 6

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:** \$3,000

This application is to provide for additional diversions and depletions associated with an existing 52 unit mobile home park (Roaring Fork Mobile Home Park) owned by AEI Roaring Fork, LLC (Applicant). The total demand associated with this contract is 13.98 acre-feet (AF) and total depletions are 0.77 AF. A copy of the water requirement table is attached. The land is located within Division 6 in Eagle and Pitkin counties at 101 Emma Road near Basalt as shown on *Figure 1*. The Town of Basalt provides sewer service. This application is for in-house use only and no irrigation is proposed under this contract.

The sources of supply are as follows:

- Fiou Myers Well No. 1 (10 gpm): located in the SW1/4 SE1/4 of Section 7, Township 8 South, Range 86 West, of the 6th P.M. at a point 250 feet from the South section line and 2,015 feet from the East section line. The current well permit number is 23542-F-R. Applicant will needs to amend their well permit to include Contract 64b and new contract (if approved).
- Fiou Myers Well No. 2 (10 gpm): located in the SW1/4 SE1/4 of Section 7, Township 8 South, Range 86 West, of the 6th P.M. at a point 539 feet from the South section line and 2,000 feet from the East section line. The current well permit number is 40097-F. Applicant will needs to amend their well permit to include Contract 64b and new contract (if approved).

Purpose and Need for Additional Contract

The District notified the Applicant in February 2017 of an overage based on the meter records. In response, the Applicant notified the District that Sopris Engineering and Hughes Excavating was in the process of designing and replacing the distribution lines that are believed to be leaking. The Applicant also indicated that they may install individual meters at each unit to help determine where there was continued excess usage. This answer satisfied the District last year and we were going to compare the diversion records from the 2017 to 2016 to see how things were progressing. These diversions were directly reported to the diversions to the Division of Water Resources (DWR); however, they were later obtained by the District.

In February 2018, the DWR also observed diversion overages and notified the Applicant to "...work with Basalt Water Conservancy District to revise the release schedule so there is adequate replacement water...".

Fiou Myers Well Nos. 1 and 2 allow for 10 gpm each. The well permits currently limit the annual amount of groundwater from both wells is limited to 17.0 acre-feet (AF) with up to 9.36 acres of irrigation. This is presumably the amount of water that is considered Green Mountain protected under the W-3530 and W-3531 decrees.

Additional legal water supply was obtained by the Roaring Fork Mobile Home Park, the original applicant, via Contract 64 in 1986. This contract provides a legal water supply for in house diversions for 52 mobile home units for up to 13.98 AF of diversions. For reasons unclear, this contract was never tied to the well permits although DWR inspection notes mention Contract 64.

In examining the meter records included in the DWR's 2/28/2018 email, total well diversions were 42.97 AF in WY2016 and 37.24 AF in WY201; therefore, the records show that some progress in the leaking is being made (5.73 AF reduction). However, the diversions are still well in excess of the 13.98 AF allowed under BWCD contract 64 and the 17.0 AF allowed under the current well permits. It is not clear if the current overage is related to additional system leaks, leaks within the mobile units themselves, and/or if it is related to an increase in indoor use demand (i.e. more than 3 people per unit).

In order, to meet the DWR's request to provide for adequate replacement water an additional water allotment contract is sought. The Applicant is seeking an additional 13.98 AF of diversions allowed under the new contract to ensure that this requirement is met. However, in an effort not to contract water for system leaks, RESOURCE recommends that a term and condition under the new contract be added to require the Applicant to further explore system or in-house leaks, educate / inform Applicants to not wastefully use water, check for leaky toilets, etc., and evaluate if more than 9.36 acres of irrigation is occurring. This should occur immediately after issuance of the new contract so that the monthly diversions can be examined. We also recommend that in November 2020 the Applicant be required to submit a summary of their findings and amend or cancel the new contract accordingly.

Water User :	AEI Roaring Fork, LLC
Analysis Date :	May 29, 2018
District Area:	A
Source Series:	4
Maximum Demand:	10 0.022 (GPM) (CFS)

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

Month	Total Demand				Consumptive Use				(12)* TOTAL	(13) 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	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
February	1.072	0.000	0.000	0.000	0.000	1.072	0.054	0.000	0.000	0.000	0.000	0.059	GNM
March	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
April	1.149	0.000	0.000	0.000	0.000	1.149	0.057	0.000	0.000	0.000	0.000	0.063	GNM
May	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
June	1.149	0.000	0.000	0.000	0.000	1.149	0.057	0.000	0.000	0.000	0.000	0.063	GNM
July	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
August	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
September	1.149	0.000	0.000	0.000	0.000	1.149	0.057	0.000	0.000	0.000	0.000	0.063	GNM
October	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
November	1.149	0.000	0.000	0.000	0.000	1.149	0.057	0.000	0.000	0.000	0.000	0.063	GNM
December	1.187	0.000	0.000	0.000	0.000	1.187	0.059	0.000	0.000	0.000	0.000	0.065	GNM
TOTALS -->	13.977	0.000	0.000	0.000	0.000	13.977	0.699	0.000	0.000	0.000	0.000	0.769	

Assumptions

(1)	NUMBER OF RESIDENCES	52	(5)	# of Livestock @ 11 gals/day	0	Fiou Myers Well Nos. 1 & 2 Uniform Depletion Factor (No Delayed Depletions) Area A-4 Roaring Fork River
	# persons/residence	3	(7)	% CU for Domestic/Commercial	5	
	# gallons/person/day	80	(9)	% Lawn Irrig. Efficiency Consumption of Irrig. (af/ac)	80 0.000	
(2)	Commercial/Other Demand (af)	0.000	(10)	% Crop Irrig. Efficiency Consumption of Irrig. (af/ac)	80 0.000	
(3)	Sq. Ft. of Lawn Irrigated Lawn Application Rate (af/ac)	0 0.000	(9-10)	Elevation (feet)	6600	
(4)	Acres of Crop Irrigated Crop Application Rate (af/ac)	0.00 0.000	(6) (12)	Total Includes 5% Transit Loss 10% from Green Mtn.		

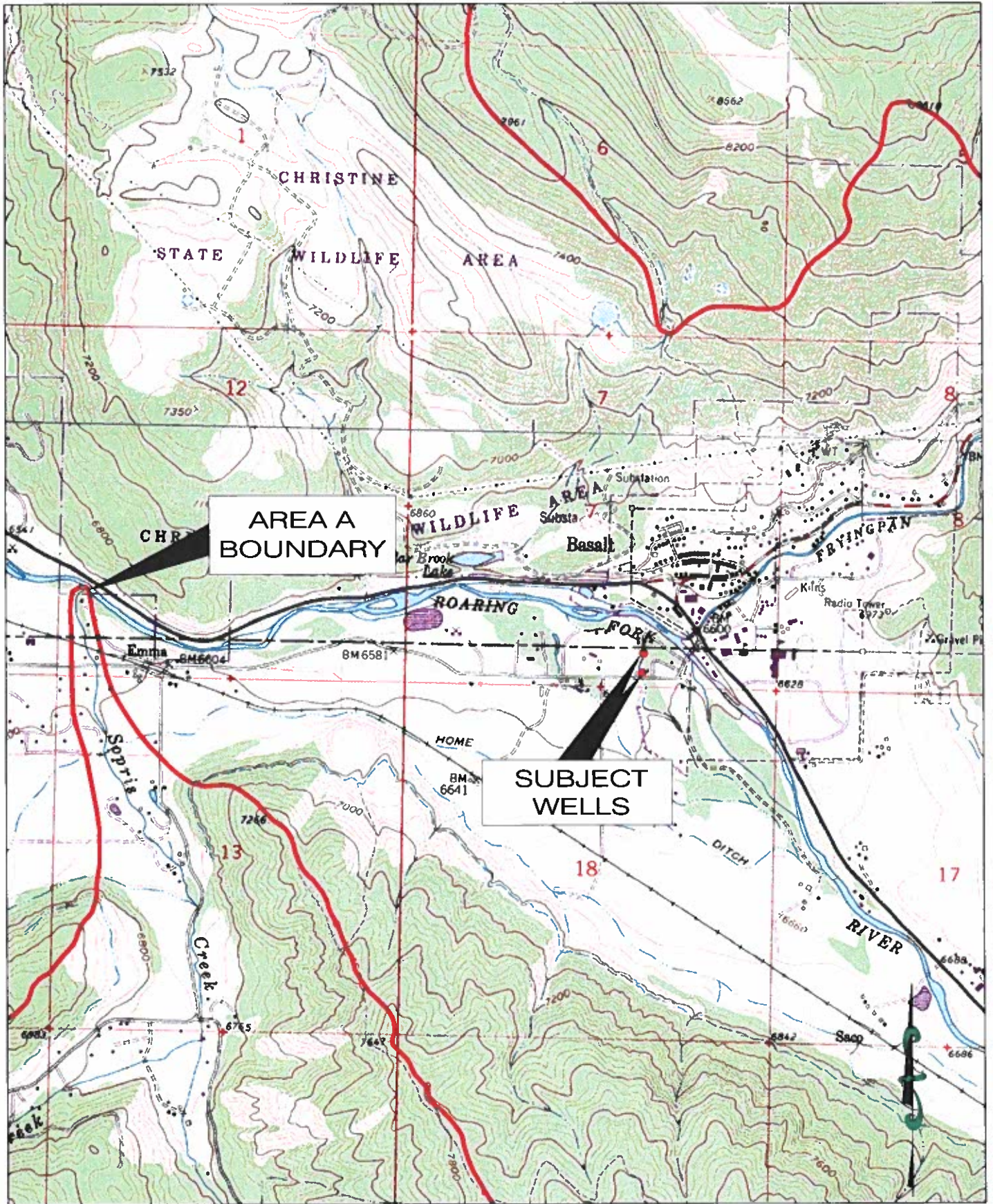


Figure 1: AEI Roaring Fork, LLC

File: 033-7.2
Date: 05/29/2018

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

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

1. Applicant(s) Contact Information

- a. Name: AEI Roaring Fork, LLC
- b. Mailing Address: John Camarena, Vice President
1100 Santa Monica Blvd., Ste. 206
Los Angeles, CA 90025
- c. Street Address: 101 Emma Road
Basalt, CO 81621
- d. Telephone Numbers: 760-207-9080 (Kyle Stoner)
- e. Email Address: kstoner@stonerconsultinginc.com
- f. If Applicant is represented by an Attorney, please provide the Attorney's contact information, including name, address, telephone, and email:
Scott Grosscup, Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546; sgrosscup@balcombgreen.com
- g. Emergency Local Contact Information, including name, address, telephone, and email:
- 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: Kyle Stoner; kstoner@stonerconsultinginc.com ;

2. Type of land use (development) proposed for water allotment contract (i.e. single family home, subdivision, gravel pit, etc.): Mobile Home Park – Applicant's diversions at the Roaring Fork Mobile Home Park are in excess of those that were contemplated under the existing Basalt Water Conservancy District Contract # 64b augmented per Case No. 87CW155. Applicant wishes to double the amount of partially augmented domestic diversions through the two wells.

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)*: Tract 47, Section 7, Township 8 South, Range 86 W. 6th PM at appoint whence the South Quarter Corner of said Section 7 bears S. 50°33'30" W 847.27 feet.

4. Elevation 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):

Name of Diversion: Fiou Myers Well No. 1 and Fiou Myers Well No. 2.

Type of Diversion: 2 WELLS (e.g., a well, spring, ditch, pipeline, etc.):

Well Permit No. 23542-F-R: Legal Description: SW Quarter, SE Quarter, Section 7, Township 8 S, Range 86 W, of the 6th Principal Meridian, at a location 250 feet from the SOUTH Section line and 2015 feet from the EAST Section line.

UTM Coordinates (NAD 83) Northing: 4359284.5 Easting: 324582.3

Well Permit No. 40097-F: Legal Description: SW Quarter, SE Quarter, Section 7, Township 8 S, Range 86 W, of the 6th Principal Meridian, at a location 539 feet from the SOUTH Section line and 2000 feet from the EAST Section line.

UTM Coordinates (NAD 83): Northing: 4359372.6 Easting: 324589.4

Zone 12 / Zone 13.

If diversion point is a well, please provide the Well Permit Nos. 23542-F-R and 40097-F.

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. Legal Water Supply: (please check one)

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
 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 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: _____. (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?

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

The property is an existing mobile home park. Water from the two wells is used for domestic uses within 52 units. Water is also used from the wells for irrigation purposes under decrees entered in cases W-3530 and W-3531. Water use at the mobile home park exceeds existing permitted diversion amounts. Applicant wishes to supplement the exiting contract 64b with a similar one acre foot contract for augmentation water and right to divert an additional 14 acre feet of Basalt Conduit rights at the two wells.

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: _____
Duplex(s)	Number of Units: _____
Condominium(s)	Number of Units: _____
Apartment(s)	Number of Units/Rooms: _____
Mobile Home(s)	Number of Units: <u>52 existing</u>

Irrigation (lawns, parks, open space)

Total area to be irrigated 0 Sq. Ft. or _____ Acres

Type of irrigation system (please check)

_____ Sprinkler

_____ Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals:

Period of use (months):

Other domestic/municipal uses not listed:

Please complete this page if you selected commercial use on Page 3, 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:

Please complete this page if you selected industrial use on Page 3, No. 8

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 selected agricultural use on Page 3, No. 8.

AGRICULTURAL WATER USE

Irrigation

Type of crop(s) (pasture, alfalfa, beans, etc.) and irrigation system:

Crop: _____ Acres: _____ Sprinkler: _____ Flood:

Crop: _____ Acres: _____ Sprinkler: _____ Flood:

Crop: _____ Acres: _____ Sprinkler: _____ Flood:

Crop: _____ Acres: _____ Sprinkler: _____ Flood:

Stock Watering (cattle, horses)

Number of animals:

Months of use:

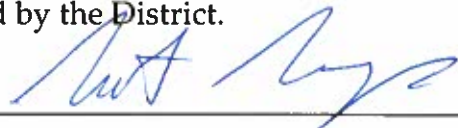
Other agricultural uses not listed:

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

I, Scott Grosscup, Attorney for Applicant (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.

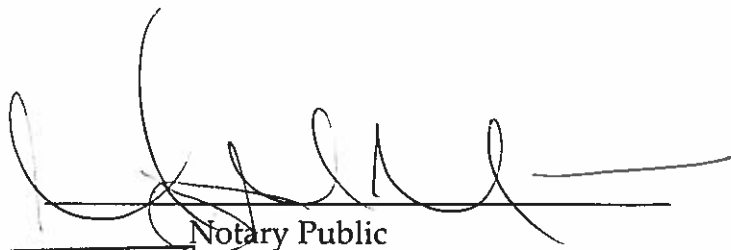
Date: May 24, 2018 By: 

Print Name: Scott Grosscup

Title: Attorney

Subscribed and sworn before me this 24th day of May, 2018 by Scott Grosscup, Attorney for AEI Roaring Fork, LLC.

Witness my hand and seal.



Notary Public

My commission expires: **MELODY MORRIS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964009424
MY COMMISSION EXPIRES JUNE 28, 2020**