

Memorandum

To: BWCD BOARD OF DIRECTORS
From: ERIC MANGEOT *EM*
CC: CHRIS GEIGER
Date: JUNE 26, 2018
File: APPLICATION AND INCLUSION

Applicant Name: MM Brooks Family Trust

Type of Use: Domestic Commercial
 Industrial Agricultural

Amount: 0.6 AF 0.033 cfs 15 gpm

Location: Area A Area B Inclusion
 County: PITKIN Contiguous: No (to BWCD Boundary)
 BWCD Division: 6

Mid Valley Metro District Notice Required? Yes No

Blue Creek Water Rights Applied? Yes No

02CW77 Umbrella Plan Water Rights Applied? Yes No **Cost:** \$2,000

MM Brooks Family Trust (Applicant) is seeking a water allotment contract from the Basalt Water Conservancy District (District) for a single family home, ~400 square feet swimming pool, 5,000 square feet of irrigation, 64 square foot greenhouse, and evaporative losses from an open ditch system (up to 1,925 square feet). The Applicants owns a 1.52 acre parcel of land located southwest of Woody Creek in Pitkin County, Colorado. Total contract depletions are 0.537 acre-feet as shown on the attached tables.

The source of supply for the home, swimming pool, greenhouse, and 5,000 square feet of irrigation is the Brooks Well located in the SW1/4 SE1/4 of Section 16, Township 9 South, Range 85 West of the 6th P.M. at a point approximately 644 feet from the South section line and 2,430 feet from the East section line (UTM NAD83 Zone 13 Coordinates – Easting: 337212; Northing: 4347800).

The source of supply for the open ditch system is the Brooks Enlargement of the Brush Creek Ditch located in the NE1/4 NW1/4 of Section 21, Township 10 South, Range 85 West of the 6th P.M. at a point approximately 445 feet from the North section line and 2,665 feet from the West section line (UTM NAD83 Zone 13 Coordinates – Easting: 337114.7; Northing: 4347470.8). The Applicant is augmenting the open ditch system due to micro hydro power generation, an otherwise non-consumptive use.

An alternative source of supply for the swimming pool, greenhouse, and open ditch system is the Burns Springs 1-3. The decreed location of the springs is the SW1/4 SE1/4 of Section 16, Township 9 South, Range 85 West of the 6th P.M. at a point approximately 657 feet from the South section line and 2,516 feet from the East section line (UTM

NAD83 Zone 13 Coordinates – Easting: 337186.61; Northing: 4347803.05).

The Applicant is also seeking inclusion in to Division 6 of the District. The property (Parcel No. 264316400053) is located at 186 Woods Road near Woody Creek, Colorado and is approximately 1.52 acres in size. A vicinity map depicting the property is shown in **Figure 1**.

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

Water User	MM Brooks Family Trust
Analysis Date	June 26, 2018
District Area	A-3
Source Series	4
Maximum Demand:	15 0.033
	(GPM) (CFS)

Month	Total Demand				Consumptive Use							*(13) Delayed Depletions	(14) Source of Aug/Replace	
	(1) Domestic In-house	(2A) Open Ditch Evap	(2B) Swimming Pool	(3) Domestic Irrigation	(4) Green House	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8A) Open Ditch Evap	(8B) Swimming Pool	(9) Domestic Irrigation			(10) Green House
January	0.033	0.002	0.000	0.000	0.001	0.000	0.036	0.005	0.002	0.000	0.000	0.001	0.000	0.009
February	0.030	0.005	0.001	0.000	0.001	0.000	0.036	0.005	0.005	0.001	0.000	0.001	0.000	0.012
March	0.033	0.009	0.002	0.000	0.001	0.000	0.045	0.005	0.009	0.000	0.000	0.001	0.000	0.019
April	0.032	0.014	0.003	0.002	0.001	0.000	0.051	0.005	0.014	0.003	0.001	0.001	0.000	0.026
May	0.033	0.019	0.038	0.049	0.001	0.000	0.140	0.005	0.019	0.038	0.039	0.001	0.000	0.112
June	0.032	0.023	0.005	0.066	0.001	0.000	0.127	0.005	0.023	0.005	0.052	0.001	0.000	0.095
July	0.033	0.024	0.005	0.061	0.001	0.000	0.124	0.005	0.024	0.005	0.049	0.001	0.000	0.092
August	0.033	0.020	0.004	0.035	0.001	0.000	0.093	0.005	0.020	0.004	0.028	0.001	0.000	0.064
September	0.032	0.017	0.003	0.033	0.001	0.000	0.086	0.005	0.017	0.003	0.026	0.001	0.000	0.057
October	0.033	0.011	0.002	0.006	0.001	0.000	0.054	0.005	0.011	0.002	0.005	0.001	0.000	0.027
November	0.032	0.006	0.001	0.000	0.001	0.000	0.041	0.005	0.006	0.001	0.000	0.001	0.000	0.014
December	0.033	0.002	0.000	0.000	0.001	0.000	0.037	0.005	0.002	0.000	0.000	0.001	0.000	0.010
TOTALS -->	0.392	0.151	0.065	0.251	0.012	0.000	0.871	0.059	0.151	0.065	0.201	0.012	0.000	0.537

(1)	Assumptions				(5)	(7) % CU for Domestic/Commercial	(8A) & (8B) % CU for Evaporation / Pool	(9) % Lawn Irrig Efficiency Consumption of Irrig (af/ac)	(10) % Green House Efficiency	(9-10) Elevation (feet)	*(12), (13) Total Includes 5% Transit Loss 10% from Green Mtn.
	NUMBER OF RESIDENCES # persons/residence	NUMBER OF RESIDENCES # gallons/person/day	1	3.5							
(2)	2A Open Ditch Evaporation 2B Swimming Pool Evap + May Fill	0.151	AF	0.151	AF	80	1,750	100			Individual Glover - Brooks Well (In-house, pool, and irrigation) Burns Springs 1-3 ins an alt source of supply for the pool.
(3)	Sq Ft of Lawn Irrigated Lawn Application Rate (af/ac)	5,000		2,187							Open Ditch Evaporation Brooks Enl. Of Brush Creek Ditch, or Burns Springs 1-3 (No Delayed Depletions) Greenhouse - uniform demand from spirings or well.
(4)	Green House 10.75 gpd demand from Applicant	0.012	AF	0.012	AF	7420					Area A-3 Roaring Fork River

**TABLE 1
EVAPORATION CALCULATION - >6,500 FEET OPEN DITCH SYSTEM**

Month	SEO Monthly Distribution	(1) Gross Lake Evaporation		(2) Average Precipitation		(3) Effective Precipitation		(4) Net Evaporation		(5) Total Evaporation (acre-feet)
		(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	
January	1.0%	0.03	0.41	0.07	0.84	0.00	0.00	0.03	0.41	0.002
February	3.0%	0.10	1.23	0.07	0.79	0.00	0.00	0.10	1.23	0.005
March	6.0%	0.21	2.46	0.05	0.58	0.00	0.00	0.21	2.46	0.009
April	9.0%	0.31	3.69	0.11	1.35	0.00	0.00	0.31	3.69	0.014
May	12.5%	0.43	5.13	0.09	1.02	0.00	0.00	0.43	5.13	0.019
June	15.5%	0.53	6.36	0.14	1.73	0.00	0.00	0.53	6.36	0.023
July	16.0%	0.55	6.56	0.10	1.14	0.00	0.00	0.55	6.56	0.024
August	13.0%	0.44	5.33	0.17	1.99	0.00	0.00	0.44	5.33	0.020
September	11.0%	0.38	4.51	0.16	1.96	0.00	0.00	0.38	4.51	0.017
October	7.5%	0.26	3.08	0.13	1.57	0.00	0.00	0.26	3.08	0.011
November	4.0%	0.14	1.64	0.07	0.80	0.00	0.00	0.14	1.64	0.006
December	1.5%	0.05	0.62	0.11	1.32	0.00	0.00	0.05	0.62	0.002
	100.0%	3.42	41.00	1.26	15.09	0.00	0.00	3.42	41.00	0.151

(1) = Monthly distribution of gross annual evaporation rate in accordance with SEO General Criteria.

(2) = Monthly precipitation from local weather station.

(3) = Equal to 0 per State Policy No. 2004-3.

(4) = Net Evaporation = Column (1) - Column (3)

(5) = Column (4) x Open Water Surface Area (0.044 acres) x Column (4) in feet.

Surface Area = 1,925.00 square feet
0.044 acres

**TABLE 2
EVAPORATION CALCULATION - >6,500 FEET SWIMMING POOL**

Month	SEO Monthly Distribution	(1) Gross Lake Evaporation		(2) Average Precipitation		(3) Effective Precipitation		(4) Net Evaporation		(5) Total Evaporation (acre-feet)
		(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	
January	1.0%	0.03	0.41	0.07	0.84	0.00	0.00	0.03	0.41	0.000
February	3.0%	0.10	1.23	0.07	0.79	0.00	0.00	0.10	1.23	0.001
March	6.0%	0.21	2.46	0.05	0.58	0.00	0.00	0.21	2.46	0.002
April	9.0%	0.31	3.69	0.11	1.35	0.00	0.00	0.31	3.69	0.003
May	12.5%	0.43	5.13	0.09	1.02	0.00	0.00	0.43	5.13	0.004
June	15.5%	0.53	6.36	0.14	1.73	0.00	0.00	0.53	6.36	0.005
July	16.0%	0.55	6.56	0.10	1.14	0.00	0.00	0.55	6.56	0.005
August	13.0%	0.44	5.33	0.17	1.99	0.00	0.00	0.44	5.33	0.004
September	11.0%	0.38	4.51	0.16	1.96	0.00	0.00	0.38	4.51	0.003
October	7.5%	0.26	3.08	0.13	1.57	0.00	0.00	0.26	3.08	0.002
November	4.0%	0.14	1.64	0.07	0.80	0.00	0.00	0.14	1.64	0.001
December	1.5%	0.05	0.62	0.11	1.32	0.00	0.00	0.05	0.62	0.000
	100.0%	3.42	41.00	1.26	15.09	0.00	0.00	3.42	41.00	0.031

(1) = Monthly distribution of gross annual evaporation rate in accordance with SEO General Criteria.

(2) = Monthly precipitation from local weather station.

(3) = Equal to 0 per State Policy No. 2004-3.

(4) = Net Evaporation = Column (1) - Column (3)

(5) = Column (4) x Open Water Surface Area (0.001 acres) x Column (4) in feet.

Surface Area = 400.00 square feet
0.009 acres

Volume = 11,000 gallons
0.034 AF

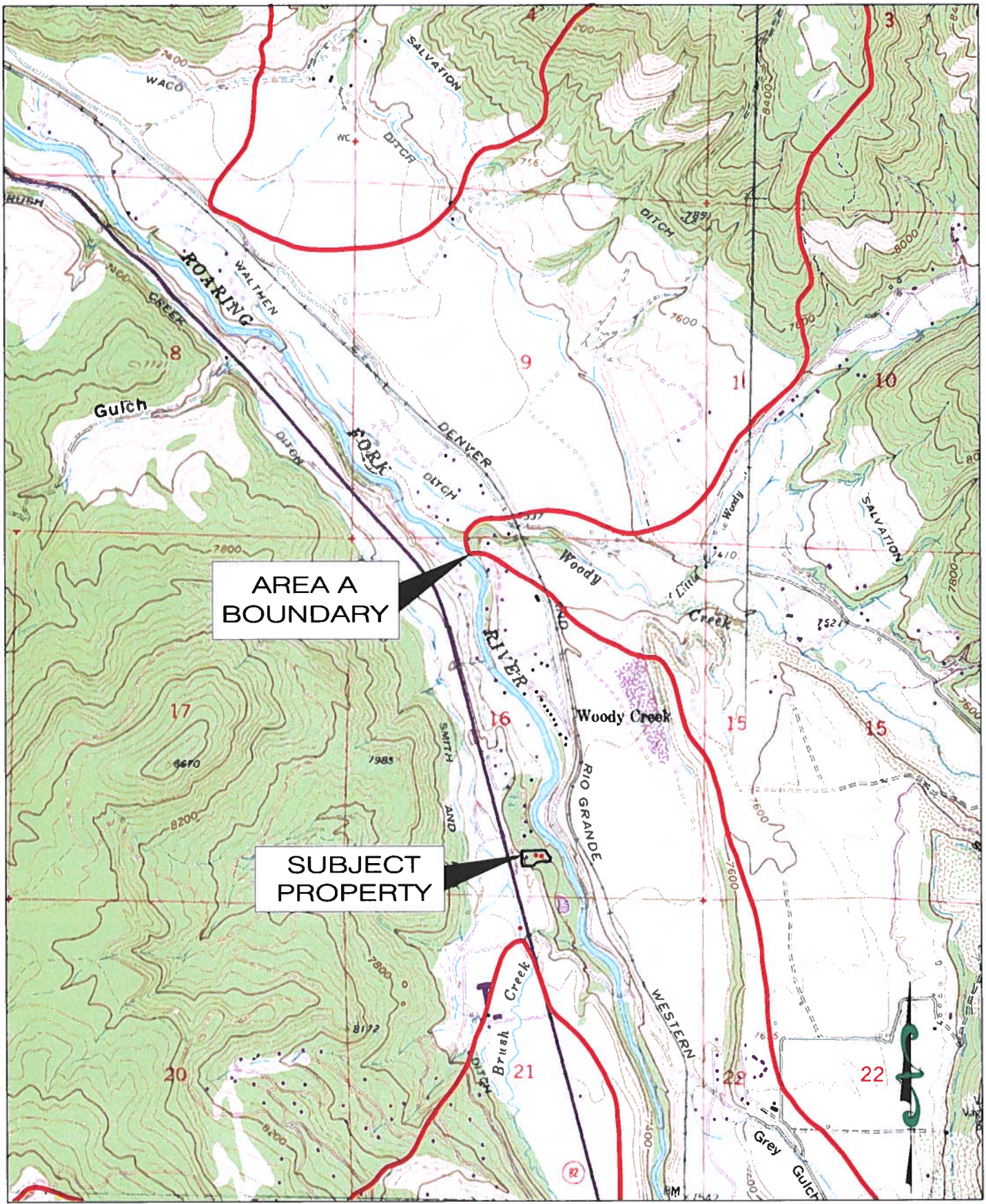


Figure 1: MM Brooks Family Trust

File: 033-72
Date: 06/26/2018

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: MM Brooks Family Trust
- b. Mailing Address: Molly Brooks
186 Woods Road
Woody Creek, CO 81656
- c. Street Address: Same as mailing.
- d. Telephone Number: 970-948-6048
- e. Email Address: mollymatheson@mac.com
- f. If Applicant is represented by an Attorney, please provide the Attorney's contact information, including name, address, telephone, and email:

Kevin L. Patrick, Esq.
Patrick, Miller & Noto, P.C.
229 Midland Ave.
Basalt, CO 81621
970-920-1030
patrick@waterlaw.com
- g. Emergency Local Contact Information, including name, address, telephone, and email: N/A
- 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: N/A

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

Single family home site.

3. Legal description and address of properties on which District's water rights and/or contract water will be used (attach map and vesting deed with proof of ownership):

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A parcel map and warranty deed with included legal description for the property are enclosed.

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):

a. Name of Diversion: Burns Springs 1-3.

Type of Diversion: Spring

Legal Description: The spring is located at a point whence the Southeast corner of Section 16, Township 9 South, Range 85 West of the Sixth P.M. bears South 75 25 East a distance of 2,563.48 feet.

Supplemental: The point of diversion for the Burns Springs is located in the SW ¼ SE ¼ of Section 16, Township 9 South, Range 85 West of the 6th P.M. at a point approximately 657 feet from the south section line and 2516 feet from the east section line of Section 16 (Pitkin County).

UTM Coordinates (NAD 83):

 Northing: 4347803.05

 Easting: 337186.61

NOTE: The point of diversion for the Burns Springs is located centrally on the MM Brooks Family Trust property, 186 Woods Road, Aspen, CO 81611, at a point approximately 423 feet west of the west bank of the Roaring Fork River (Pitkin County).

The Burns Springs have been in continuous use to supply the residential demands of this property since before October, 1977 and hence is a beneficiary of the Green Mountain reservoir Historic Users Pool.

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

a. Name of Diversion: Brooks Well.

Type of Diversion: Well

Legal Description: The well is located in the SW¼ of the SE¼, of Section 16, Township 9 South, Range 85 West of the Sixth P.M. at a point 644 feet from

the South section line and 2,430 feet from the East section line of Section 16 (Pitkin County).

UTM Coordinates (NAD 83):

Northing: 4347800

Easting: 337212

NOTE: The well will be centrally located on the MM Brooks Family Trust property, 186 Woods Road, Aspen, CO 81611.

If diversion point is a well, please provide the Well Permit No.: An application for a well permit is pending with the State Engineer's Office.

Is the well operational/active? _____ Yes, X 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.

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

a. Name of Diversion: Brooks Enlargement of the Brush Creek Ditch.

Type of Diversion: Surface Ditch

Legal Description: The point of diversion for the Brush Creek Ditch is located in the NE ¼ of the NW ¼ of Section 21, Township 9 South, Range 85 West of the 6th P.M. at a point approximately 445 feet from the north section line and 2665 feet from the west section line of section 21 (Pitkin County). (Pitkin County).

Supplemental: The point of diversion for the Brush Creek Ditch is located in the median of Highway 82, at a point approximately 108 feet north of the intersection of Highway 82 and Smith Way/Juniper Hill Road and 38 feet west of the northbound lane of Highway 82 (Pitkin County).

UTM Coordinates (NAD 83):

Northing: 4347470.8

Easting: 337114.7

NOTE: The existing Brush Creek Ditch diverts from Brush Creek within the median of Colorado Highway 82. Water will be diverted and delivered through existing infrastructure to the MM Brooks Family Trust property, 186 Woods Road, Aspen, CO 81611.

Applicant is requesting that the difference between the minimum contract amount and the consumptive use amount for the single family dwelling (and associated 5,000 square feet of lawn irrigation) be allocated to replace evaporative losses from the open ditch system which will, in part, be used to generate electricity, an otherwise non-consumptive use. The open surface area for the ditch system is estimated to be 1,925 square feet (1.0'w x 1,925') or 0.04 acres).

8. Legal Water Supply:

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:

9. Proposed waste water treatment system:

- _____ Tap to central waste water treatment facility
- Septic tank/leachfield system
- _____ Evapotranspiration system
- _____ Other:

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- 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.
11. Date on which the county or other applicable governmental entities approved the land use for which you seek legal water service: on or about 1973.
12. What other water rights are associated with or used on the property? N/A
13. What other uses of water occur on the property? N/A

DOMESTIC/MUNICIPAL WATER USES

In-House:

Single family residential home(s)	Number of Units: <u>1</u>
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 5,000 Sq. Ft. or _____ Acre

Type of irrigation system (please check)

 X Sprinkler

 Flood (irrigation ditch)

Domestic stock watering (cattle, horses): N/A

Number of animals:

Period of use (months):

Other domestic/municipal uses not listed: An 8' x 8' Greenhouse, evaporation associated with a pool with approximately 400sqft of surface area, and evaporation associated with 1,925 open water surface, for the ditch as described in paragraph 7, above.

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

I, Molly Brooks (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: 6/14/2018

By: Molly Brooks

Print Name: Molly Brooks

Title: Applicant

Subscribed and sworn before me this 14th day of June, 2018 by Applicant, Molly Brooks

Witness my hand and seal.

H. Mink
Notary Public

My commission expires:

June 18, 2019

