LRE Water
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: DECEMBER 29, 2021

File: AMENDMENT CONTRACT 297.2

Applicant Name: Nathan and Karyn Simmons

Type of Use: Domestic __X__ Commercial _____ **Previous Contract Amount = 0.4 AF**
Industrial _____ Agricultural _____

Amount: __12.3__AF _0.045_ cfs __20.3__ gpm

Location: Area A __X__ 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 contact amendment is to cover depletions associated with the following:

Existing Uses Covered under District's 01CW305 Batch Augmentation Plan

1. Single-family dwelling; and
2. 6,000 square feet of irrigation

Proposed Uses Covered under District's 02CW77 Umbrella Augmentation Plan

1. Additional 8,920 square feet of irrigation from existing well;
2. 1.23 Acres of Irrigation from either the Johnson Blue Creek Ditch or Johnson Slough Ditch; and
3. Evaporative losses associated with the Johnson Fish Ponds Nos. 2 and 4 (2.86 total surface acres).

Depletions will occur on a property owned by the Nathan and Karyn Simmons (Applicants) also known as Lot 2 of the Englund/Moore Subdivision (2nd Amended Plat). The Applicants' property totals approximately 6.28 acres and is in Garfield County (Parcel No. 229132201002). The physical address of the property is 16661 Highway 92, Carbondale. ***Figure 1*** shows the property location. Total contract depletions are 12.3 acre-feet (AF) as shown on the attached tables.

Contract 297 is currently within the District's 01CW305 Decree and also covers uses on Lot 1 of the Englund/ Moore Subdivision; however, each owner desires a sperate contract for billing purposes and meter records. In addition, the Applicants' have additional proposed uses to be covered under the District's 02CW77 Umbrella Augmentation Plan as

described above. Due to the history of this contract and because the contract is located in the 01CW305 Decree, LRE Water recommends that the contact be split in two as Contracts 297.1 for Lot 1 and 297.2 for Lot 2.

The sources of supply under the amended contract are as follows:

- Existing well (Permit No. 53595-F, 10 gpm) located in the SW1/4 NW1/4 of Section 32, Township 7 South, Range 87 West, of the 6th P.M. at a point 2,350 feet from the North section line and 1,315 feet from the West section line (UTM NAD83 Z13: 315889.8m E; 4363752.1m N). Covers single family home and 14,920 square feet (0.34 acres of irrigation). The Applicants will need to amend their well permit to cover the additional use.

- Johnson Blue Creek Ditch and Johnson Sough Ditch (10.3 gpm max evaporation rate). Covers evaporative losses from the Johnson Fish Ponds Nos. 2 and 4 (total of 2.86 surface acres) and irrigation of 1.23 acres (pumped separately from ponds).

The Johnson Fish Ponds Nos. 2 and 4 and the Johnson Blue Creek Ditch are on-channel and tributary to Blue Creek respectively. As such, the use of water from Blue Creek water under this amended contract is limited to free river conditions and during mainstem (Cameo) calls on the Colorado River only. This amended contract does cover the use of water from Blue Creek (including the Johnson Blue Creek Ditch) for local calls on Blue Creek. In the event of a local call on Blue Creek, diversions including evaporative losses from the ponds must be attributed to the Johnson Slough Ditch only which is tributary to Roaring Fork River. LRE Water recommends terms and conditions to the contract be added to reflect these limitations.

Water User :	Nathan and Karyn Simmons	
Analysis Date :	December 29, 2021	
District Area:	A-4	
Source Series:	1	
Maximum Demand:	20.3	0.045
	(GPM)	(CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)
Contract 297.2 Amendment - Total Contract

	Total Demand						Consumptive Use							
Month	(1) Domestic In-house	(2) Pond Evap.	(3) Well Irrigation	(4) Ditch Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Pond Evap.	(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock	(12)* TOTAL	(13)* Delayed Depletions	(14) Source of Aug/Replace
January	0.033	0.089	0.000	0.000	0.000	0.123	0.005	0.089	0.000	0.000	0.000	0.105	0.131	RUE/GM
February	0.030	0.163	0.000	0.000	0.000	0.194	0.005	0.163	0.000	0.000	0.000	0.186	0.213	RUE/GM
March	0.033	0.368	0.000	0.000	0.000	0.402	0.005	0.368	0.000	0.000	0.000	0.414	0.441	RUE/GM
April	0.032	0.687	0.031	0.112	0.000	0.863	0.005	0.687	0.025	0.090	0.000	0.895	0.907	RUE/GM
May	0.033	0.973	0.165	0.594	0.000	1.765	0.005	0.973	0.132	0.475	0.000	1.758	1.720	RUE/GM
June	0.032	1.365	0.206	0.741	0.000	2.345	0.005	1.365	0.165	0.593	0.000	2.361	2.313	RUE/GM
July	0.033	1.336	0.197	0.707	0.000	2.273	0.005	1.336	0.157	0.565	0.000	2.289	2.245	RUE/GM
August	0.033	1.194	0.120	0.430	0.000	1.776	0.005	1.194	0.096	0.344	0.000	1.818	1.804	RUE/GM
September	0.032	0.792	0.109	0.392	0.000	1.325	0.005	0.792	0.087	0.314	0.000	1.328	1.316	RUE/GM
October	0.033	0.484	0.038	0.136	0.000	0.691	0.005	0.484	0.030	0.109	0.000	0.697	0.709	RUE/GM
November	0.032	0.203	0.000	0.000	0.000	0.235	0.005	0.203	0.000	0.000	0.000	0.230	0.257	RUE/GM
December	0.033	0.113	0.000	0.000	0.000	0.146	0.005	0.113	0.000	0.000	0.000	0.131	0.157	RUE/GM
TOTALS -->	0.392	7.767	0.867	3.112	0.000	**12.138**	0.059	7.767	0.693	2.489	0.000	**12.212**	**12.212**	

Assumptions

(1)	NUMBER OF RESIDENCES	1	(5)	# of Livestock @ 11 gals/day	0
	# persons/residence	3.5			
	# gallons/person/day	100	(7)	% CU for Domestic/Commercial	15
(2)	Pond Evaporation	7.767 AF	(9)	% Lawn Irrig. Efficiency	80
		2.86 Acres		Consumption of Irrig. (af/ac)	2.049
(3)	Sq. Ft. of Lawn Irrigated	14,920	(10)	% Crop Irrig. Efficiency	80
	Application Rate (af/ac)	2.562		Consumption of Irrig. (af/ac)	2.049
	Well Irrigationn				
(4)	Ditch Irrigation (Acres)	1.23	(9-10)	Elevation (feet)	6330
	Application Rate (af/ac)	2.562			

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

Area A-4
Exisiting Permit No. 53595-F
Roaring Fork River
Type A Well

Ditches
- Johnson Blue Creek Ditch
- Johnson Slough Ditch

Note:
Lagging for well diversions only.

Water User :	Nathan and Karyn Simmons	
Analysis Date :	December 29, 2021	
District Area:	A-4	
Source Series:	1	
Maximum Demand:	10.0	0.022
	(GPM)	(CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)
Contract 297.2 Amendment - 01CW305

	Total Demand						Consumptive Use							
Month	(1) Domestic In-house	(2) Pond Evap.	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Pond Evap.	(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock	(12)* TOTAL	(13)* Delayed Depletions	(14) Source of Aug/Replace
January	0.033	0.000	0.000	0.000	0.000	0.033	0.005	0.000	0.000	0.000	0.000	0.005	0.005	RUE
February	0.030	0.000	0.000	0.000	0.000	0.030	0.005	0.000	0.000	0.000	0.000	0.005	0.005	RUE
March	0.033	0.000	0.000	0.000	0.000	0.033	0.005	0.000	0.000	0.000	0.000	0.005	0.005	RUE
April	0.032	0.000	0.013	0.000	0.000	0.045	0.005	0.000	0.010	0.000	0.000	0.016	0.016	RUE
May	0.033	0.000	0.066	0.000	0.000	0.100	0.005	0.000	0.053	0.000	0.000	0.061	0.061	RUE
June	0.032	0.000	0.083	0.000	0.000	0.115	0.005	0.000	0.066	0.000	0.000	0.075	0.075	RUE
July	0.033	0.000	0.079	0.000	0.000	0.112	0.005	0.000	0.063	0.000	0.000	0.072	0.072	RUE
August	0.033	0.000	0.048	0.000	0.000	0.081	0.005	0.000	0.038	0.000	0.000	0.046	0.046	RUE
September	0.032	0.000	0.044	0.000	0.000	0.076	0.005	0.000	0.035	0.000	0.000	0.042	0.042	RUE
October	0.033	0.000	0.015	0.000	0.000	0.049	0.005	0.000	0.012	0.000	0.000	0.018	0.018	RUE
November	0.032	0.000	0.000	0.000	0.000	0.032	0.005	0.000	0.000	0.000	0.000	0.005	0.005	RUE
December	0.033	0.000	0.000	0.000	0.000	0.033	0.005	0.000	0.000	0.000	0.000	0.005	0.005	RUE
TOTALS -->	0.392	0.000	0.348	0.000	0.000	**0.740**	0.059	0.000	0.279	0.000	0.000	**0.355**	**0.355**	

Area A-4
Exisiting Permit No. 53595-F
Roaring Fork River
Type A Well

Assumptions

(1)	NUMBER OF RESIDENCES	1	(5)	# of Livestock @ 11 gals/day	0
	# persons/residence	3.5			
	# gallons/person/day	100	(7)	% CU for Domestic/Commercial	15
(2)	Pond Evaporation	AF	(9)	% Lawn Irrig. Efficiency	80
		Acres		Consumption of Irrig. (af/ac)	2.049
(3)	Sq. Ft. of Lawn Irrigated	6,000	(10)	% Crop Irrig. Efficiency	80
	Lawn Application Rate (af/ac)	2.562		Consumption of Irrig. (af/ac)	0.000
	Well Irrigation Only				
(4)	Acres of Crop Irrigated	0.00	(9-10)	Elevation (feet)	6330
	Crop Application Rate (af/ac)	0.000			

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

Water User :	Nathan and Karyn Simmons	
Analysis Date :	December 29, 2021	
District Area:	A-4	
Source Series:	4	
Maximum Demand:	20.3	0.045
	(GPM)	(CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)
Contract 297.2 Amendment - 02CW77 Portion

	Total Demand						Consumptive Use							
Month	(1) Domestic In-house	(2) Pond Evap.	(3) Well Irrigation	(4) Ditch Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Pond Evap.	(9) Well Irrigation	(10) Ditch Irrigation	(11) Livestock	(12)* TOTAL	(13)* Delayed Depletions	(14) Source of Aug/Replace
January	0.000	0.089	0.000	0.000	0.000	0.089	0.000	0.089	0.000	0.000	0.000	0.099	0.126	GNM
February	0.000	0.163	0.000	0.000	0.000	0.163	0.000	0.163	0.000	0.000	0.000	0.182	0.208	GNM
March	0.000	0.368	0.000	0.000	0.000	0.368	0.000	0.368	0.000	0.000	0.000	0.409	0.435	GNM
April	0.000	0.687	0.019	0.112	0.000	0.818	0.000	0.687	0.015	0.090	0.000	0.880	0.892	GNM
May	0.000	0.973	0.099	0.594	0.000	1.666	0.000	0.973	0.079	0.475	0.000	1.697	1.659	GNM
June	0.000	1.365	0.123	0.741	0.000	2.230	0.000	1.365	0.099	0.593	0.000	2.286	2.238	GNM
July	0.000	1.336	0.118	0.707	0.000	2.161	0.000	1.336	0.094	0.565	0.000	2.217	2.174	GNM
August	0.000	1.194	0.072	0.430	0.000	1.695	0.000	1.194	0.057	0.344	0.000	1.772	1.758	GNM
September	0.000	0.792	0.065	0.392	0.000	1.249	0.000	0.792	0.052	0.314	0.000	1.286	1.274	GNM
October	0.000	0.484	0.023	0.136	0.000	0.642	0.000	0.484	0.018	0.109	0.000	0.679	0.691	GNM
November	0.000	0.203	0.000	0.000	0.000	0.203	0.000	0.203	0.000	0.000	0.000	0.225	0.252	GNM
December	0.000	0.113	0.000	0.000	0.000	0.113	0.000	0.113	0.000	0.000	0.000	0.125	0.152	GNM
TOTALS -->	0.000	7.767	0.518	3.112	0.000	**11.397**	0.000	7.767	0.414	2.489	0.000	**11.857**	**11.857**	

Assumptions

(1)	NUMBER OF RESIDENCES	0	(5)	# of Livestock @ 11 gals/day	0
	# persons/residence	3.5			
	# gallons/person/day	100	(7)	% CU for Domestic/Commercial	15
(2)	Pond Evaporation	7.767 AF	(9)	% Lawn Irrig. Efficiency	80
		2.86 Acres		Consumption of Irrig. (af/ac)	2.049
(3)	Sq. Ft. of Lawn Irrigated	8,920	(10)	% Crop Irrig. Efficiency	80
	Lawn Application Rate (af/ac)	2.562		Consumption of Irrig. (af/ac)	2.049
	Well Irrigation				
(4)	Ditch Irrigation (Acres)	1.23	(9-10)	Elevation (feet)	6330
	Application Rate (af/ac)	2.562			

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

Area A-4
Exisiting Permit No. 53595-F
Roaring Fork River
Type A Well

Ditches
- Johnson Blue Creek Ditch
- Johnson Slough Ditch

Note:
Lagging for well diversions only.

TABLE 1
EVAPORATION CALCULATION - SIMMONS (6,330 feet)
JOHNSON FISH PONDS 2 AND 4

		(1)		(2)		(3)		(4)		(5)
	SEO Monthly	Gross Lake Evaporation		Average Precipitation		Effective Precipitation		Net Evaporation		Total Pond Evaporation
Month	Distribution	(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	(acre-feet)
January	3.0%	0.11	1.32	0.11	1.35	0.08	0.95	0.03	0.38	0.09
February	3.5%	0.13	1.54	0.10	1.22	0.07	0.85	0.06	0.69	0.16
March	5.5%	0.20	2.42	0.10	1.25	0.07	0.88	0.13	1.55	0.37
April	9.0%	0.33	3.96	0.13	1.54	0.09	1.08	0.24	2.88	0.69
May	12.0%	0.44	5.28	0.14	1.71	0.10	1.20	0.34	4.08	0.97
June	14.5%	0.53	6.38	0.08	0.93	0.05	0.65	0.48	5.73	1.37
July	15.0%	0.55	6.60	0.12	1.42	0.08	0.99	0.47	5.61	1.34
August	13.5%	0.50	5.94	0.11	1.33	0.08	0.93	0.42	5.01	1.19
September	10.0%	0.37	4.40	0.13	1.54	0.09	1.08	0.28	3.32	0.79
October	7.0%	0.26	3.08	0.13	1.50	0.09	1.05	0.17	2.03	0.48
November	4.0%	0.15	1.76	0.11	1.30	0.08	0.91	0.07	0.85	0.20
December	3.0%	0.11	1.32	0.10	1.21	0.07	0.85	0.04	0.47	0.11
	100.0%	**3.67**	**44.00**	**1.36**	**16.30**	**0.95**	**11.41**	**2.72**	**32.59**	**7.77**

(1) = Monthly distribution of gross annual evaporation rate in accordance with SEO General Criteria.
(2) = Monthly precipitation from PRISM.
(3) = Equal to 70% of Column (2) per State Policy No. 2004-3.
(4) = Net Evaporation = Column (1) - Column (3)
(5) = Column (4) x Open Water Surface Area (2.86 acres) x Column (4) in feet.

124581.6 square feet
2.860 acres

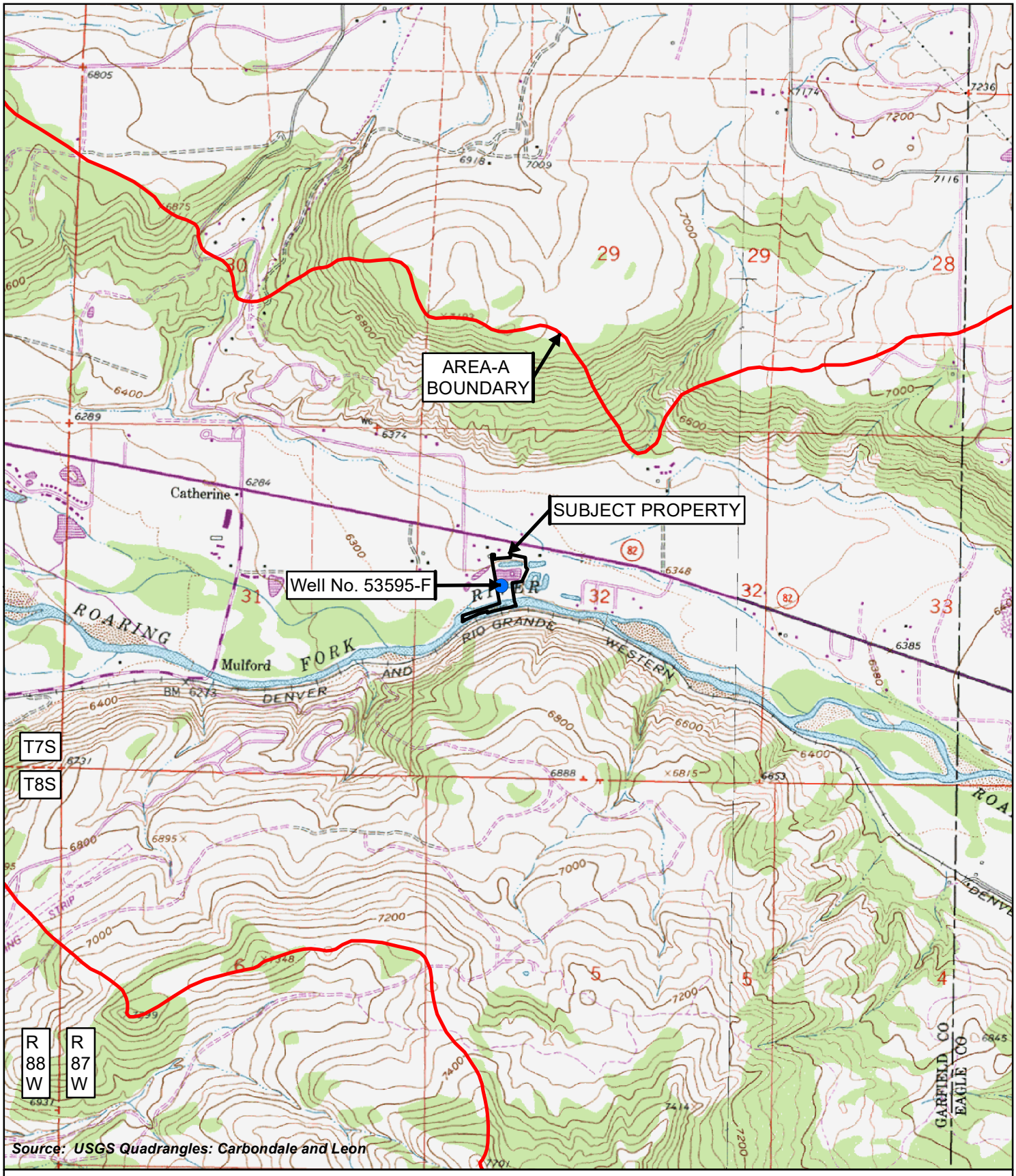

Figure 1: Simmons, Nathan and Karyn

Water Allotment Contract Application

Basalt Water Conservation District

LRE WATER

0 1,000 2,000 4,000 Feet

1 inch = 2,000 feet

Date: 2021-12-17
File: 20033BWCD1-21(4)
Drawn: MDH
Approved: EFM

Rev. 03/13

APPLICATION FOR WATER ALLOTMENT CONTRACT
BASALT WATER CONSERVANCY DISTRICT

1. Applicant(s) Contact Information

   a. Name: ~~**Nate Simmons**~~ Nathan & Karyn Simmons

   b. Mailing Address: **16661 Highway 82, Carbondale, CO 81623**

   c. Street Address: **16661 Highway 82, Carbondale, CO 81623 (Garfield County Assessors Parcel ID: 239132201002)**

   d. Telephone Numbers: **970-948-6186**

   e. Email Address: **nate.simmons@backbone.media**

   f. If Applicant is represented by an Attorney, please provide the Attorney's contact information, including name, address, telephone, and email:
   Michael Sawyer
   201 14th Street, Suite 200
   Glenwood Springs, CO 81602
   970-945-2261 ext 117
   mjs@mountainlawfirm.com

   g. Emergency Local Contact Information, including name, address, telephone, and email: **Same as Applicant**

   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.):
   Mr. Simmons currently holds a BWCD contract # 297 which covers both his and the neighboring property wells. Mr. Simmons wishes to sever this contract and

be issued a new contract for his property only. The following uses will be covered by the contract:

- **1 single family home**
- **1.57 acres of irrigation**
- **2.86 acres of evaporation surface area**

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)*:

   Section: 32 Township: 7 Range: 87 Subdivision: ENGLUND/MOORE SUBDIVISION Lot: 2 2ND AMENDED PLAT 6.28 ACRES

   16661 Highway 82, Carbondale, CO 81623 (Garfield County Assessors Parcel ID: 239132201002)

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__ MOORE/ENGLUND WELL LOT 2_____.

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

   Legal Description: __**SW**___ Quarter, __**NW**__ Quarter, Section _**32**_, Township __**7**__ N / **S**, Range __**87**__ E / **W**, of the 6th Principal Meridian, at a location __**2350**_ feet from the __**North**__ Section line and _**1315**_ feet from the __**West**__ Section line.

   UTM Coordinates (NAD 83):

   Northing: **4363752.1**

   Easting: **315889.8**

   Zone 13.

   If diversion point is a well, please provide the Well Permit No. _**53595-F**____.

   Is the well operational/active? ___Yes, ___**X**___ No

Is there currently an operating well meter? _____ Yes, ___X___ No
Meter will be installed once home construction is started

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: _____. (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?
Johnson Fish Ponds 2 & 4
Johnson Blue Creek Ditch – 12 cfs BC
Johnson Slough Ditch – 12 cfs RFR

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

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

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 _____ Sq. Ft. or 1.57 Acres

Type of irrigation system (please check)

0.34 ACRES FROM WELL. REMAINDER FROM DITCHES.

X Sprinkler

_____ Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals:

Period of use (months):

Other domestic/municipal uses not listed:
Pond Evaporation

VERIFICATION

STATE OF Colorado)
) ss.
COUNTY OF Garfield)

I, Nathan Simmons (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: 8/12/2021 By: _____

Print Name: Nathan Simmons

Title: Owner

Subscribed and sworn before me this 12th day of August, 2021 by Nathan Simmons.

Witness my hand and seal.

_____
Notary Public

My commission expires:
02/24/2024

PAUL JANEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074013586
MY COMMISSION EXPIRES FEBRUARY 24, 2024