




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: MAY 25, 2023
File: APPLICATION

Applicant Name: IM & AY LLC

Type of Use: Domestic ☐ Commercial ☒
Industrial ☐ Agricultural ☐

Amount: 0.5 AF 0.049 cfs 22 gpm

Location: Area A A-4 Area B ☐ Inclusion ☐
County: GARFIELD Contiguous: ☐
BWCD Division: 1

Mid Valley Metro District Notice Required? Yes ☐ No ☒

Blue Creek Water Rights Applied? Yes ☐ No ☒

02CW77 Umbrella Plan Water Rights Applied? Yes ☒ No ☐ **Cost:** \$3,000

This application is to cover depletions associated with 14 apartments and 1 acre of irrigation lot owned by IM & AY LLC (Applicant). Total depletions are estimated at 3.4 acre-feet (AF) as shown on the attached calculation sheets.

The property is located in the SE1/4 of Section 1, Township 7 South, Range 89 West, of the 6th P.M. located near Thunder River Market as shown in **Figure 1** (attached). The physical address of the property is 6916 Highway 82 (Garfield County Parcel ID 239501400140).

Diversions associated with this contract would be from the proposed well located in the NE1/4 SE1/4 of Section 1, Township 7 South, Range 89 West, of the 6th P.M. at a point UTM NAD 83 Z13: 43716564m N, 304886m E. The Applicants will need to provide the District with a copy of the -F well permit.

Water User :	IM & AY LLC
Analysis Date :	May 25, 2023
District Area:	A-4
Source Series:	4
Maximum Demand:	22 0.049
	(GPM) (CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)

Month	Total Demand						Consumptive Use						(13)* Delayed Depletions	(14) Source of Aug/Replace
	(1) Domestic In-house	(2) Commercial / Other	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Commercial / Other	(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock	(12)* TOTAL		
January	0.542	0.000	0.000	0.000	0.000	0.542	0.081	0.000	0.000	0.000	0.000	0.090	0.200	GNM
February	0.490	0.000	0.000	0.000	0.000	0.490	0.073	0.000	0.000	0.000	0.000	0.082	0.193	GNM
March	0.542	0.000	0.000	0.000	0.000	0.542	0.081	0.000	0.000	0.000	0.000	0.090	0.190	GNM
April	0.525	0.000	0.116	0.000	0.000	0.641	0.079	0.000	0.093	0.000	0.000	0.191	0.207	GNM
May	0.542	0.000	0.497	0.000	0.000	1.039	0.081	0.000	0.398	0.000	0.000	0.532	0.288	GNM
June	0.525	0.000	0.608	0.000	0.000	1.133	0.079	0.000	0.486	0.000	0.000	0.628	0.380	GNM
July	0.542	0.000	0.585	0.000	0.000	1.127	0.081	0.000	0.468	0.000	0.000	0.610	0.417	GNM
August	0.542	0.000	0.360	0.000	0.000	0.902	0.081	0.000	0.288	0.000	0.000	0.410	0.394	GNM
September	0.525	0.000	0.328	0.000	0.000	0.852	0.079	0.000	0.262	0.000	0.000	0.379	0.360	GNM
October	0.542	0.000	0.128	0.000	0.000	0.670	0.081	0.000	0.103	0.000	0.000	0.204	0.305	GNM
November	0.525	0.000	0.000	0.000	0.000	0.525	0.079	0.000	0.000	0.000	0.000	0.087	0.244	GNM
December	0.542	0.000	0.000	0.000	0.000	0.542	0.081	0.000	0.000	0.000	0.000	0.090	0.214	GNM
TOTALS -->	6.384	0.000	2.621	0.000	0.000	9.005	0.958	0.000	2.097	0.000	0.000	3.394	3.394	

Assumptions						Area A-4 Roaring Fork River Type C Well	
(1)	NUMBER OF APARTMENTS	14		(5)	# of Livestock @ 11 gals/day	0	
	Average Day Demand (All)	5,700	gpd each	(7)	% CU for Domestic/Commercial	15	
(2)	Commercial/Other Demand (af)	0.000	Office	(9)	% Lawn Irrig. Efficiency	80	
					Consumption of Irrig. (af/ac)	2.097	
(3)	Sq. Ft. of Lawn Irrigated	43,560		(10)	% Crop Irrig. Efficiency	80	
	Lawn Application Rate (af/ac)	2.621			Consumption of Irrig. (af/ac)	0.000	
(4)	Acres of Crop Irrigated	0.00		(9-10)	Elevation (feet)	6032	
	Crop Application Rate (af/ac)	0.000					
				*(12)	Total Includes 5% Transit Loss 10% from Green Mtn.		



MOUNTAIN CROSS ENGINEERING, INC.

Civil and Environmental Consulting and Design
826 1/2 Grand Avenue Glenwood Springs, CO 81601
ph 970.945.5544 fx 970.945.5558 www.mountaincross-eng.com

WATER DEMAND CALCULATIONS, for
Mind Springs Apartments, Garfield County, CO
3/21/2023

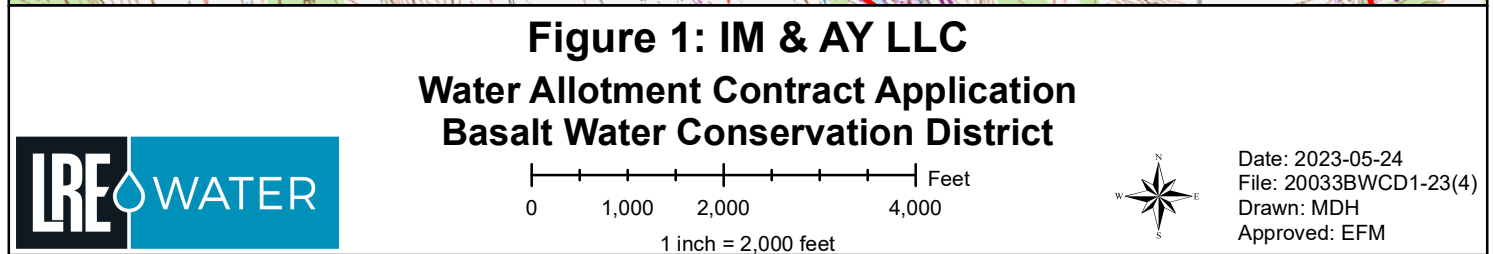
Step 1: Flows

	Units	People/unit	GPPPD
One Bedroom	2	2	400
Two Bedroom	6	3.5	2100
Three Bedroom	4	5	2000
Four Bedroom	2	6	1200

5,700 gallons - average day
11,400 gallons - peak day = avg * 2
22,800 gallons - peak hour = avg * 4

5.9 average day in gallons per minute
11.9 peak day in gallons per minute
23.8 peak hour in gallons per minute

EXHIBIT B



CORONA

WATER LAW

Craig V. Corona, Esq.
1018 Lauren Lane
Basalt, CO 81621
(970) 948-6523
cc@craigcoronalaw.com

Via U.S. Mail

May 22, 2023

Ms. Melody Morris
Basalt Water Conservancy District
909 Colorado Ave.
Glenwood Springs, CO 81601

RE: BWCD Contract Application for IM & AY LLC

Dear Melody,

Enclosed please find the original signed copy of the allotment contract application for IM & AY LLC for their property at 6916 CO 82, Glenwood Springs, the former Mind Springs building. Also enclosed is a check in the amount of six hundred dollars for the application fee.

Thank you and please feel free to call me with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Craig V. Corona", is written over a horizontal line.

Craig V. Corona

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

1. Applicant's Contact Information:

- a. Name: **IM & AY LLC**
- b. Mailing Address: **17774 Preston Road
Dallas, TX 75252**
- c. Street Address: **6916 CO 82
Glenwood Springs, CO 81601**
- d. Telephone Numbers: **(970) 948-6523 (Craig Corona);
(903) 944-5284 (Maarjan Hashmi)**
- e. Email Address: cc@craigcoronalaw.com
maarjan@tcfuels.com
- f. Attorney's contact information, including name, address, telephone, and email:

**Craig V. Corona
Corona Water Law
1018 Lauren Ln.
Basalt, CO 81621
(970) 948-6523
cc@craigcoronalaw.com**

g. Emergency Local Contact Information:

**Zach Shaffer
Soho Construction
zach@soho-construction.com
(479) 925-6462
405 Apple Dr.
Newcastle CO 81647**

h. Contact Information of property manager:

See g. above

Summary of Application

IM & AY LLC owns the property at 6916 CO Hwy 82 in Glenwood Springs. This property was formerly owned by CQG, Inc. who also held a Basalt District allotment contract that, to our

understanding, has been cancelled. IM & AY also holds well permit no. 32058-A for the property. The permit currently allows for drinking and sanitary facilities in an individual commercial business.

IM & AY intend to re-develop the property and construct a multi-unit apartment complex. Current plans are for the building to have fourteen apartments. For that, they will need to amend the well permit to allow for commercial and residential uses. An estimate of the water supply demands for the project is included with this application.

2. Type of land use (development) proposed for water allotment contract:

Commercial and residential in a 14-unit apartment building.

3. Legal description and address of property on which District's water rights and/or contract water will be used:

Address: 6916 CO 82, Glenwood Springs, CO 81601

See deed and map attached here as Exhibit A.

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 points (a map of the well locations is attached as **Exhibit A**):

- a. Name of Diversion: Un-named well permitted under 32058-A.

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

Legal Description: NE Quarter, SE Quarter, Section 1, Township 7 S,
Range 89 W, of the 6TH^h Principal Meridian, at a location feet
from the Section line and feet from the Section line.

UTM Coordinates (NAD 83):

Northing: 4371656.

Easting: 304886.

 Zone 12 / X Zone 13.

If diversion point is a well, please provide the Well Permit No.: **32058-A**

Is the well operational/active? X Yes, No

Is there currently an operating well meter? Yes, x No

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.*

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: **Applicant is working to submit to Garfield County and needs the water allotment contract to permit the well for its County application.**

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

10. What other uses of water occur on the property? **One acre of lawn and landscape irrigation.**

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: 14
Mobile Home(s)	Number of Units: _____

Irrigation (lawns, parks, open space):

Total area to be irrigated: **approximately 1_ Acre**

Type of irrigation system (please check)

_____ x _____ Sprinkler

_____ Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals: _____ N/A

Period of use (months): N/A

Other domestic/municipal uses not listed:

See sheet attached as Exhibit B for details of project water demands.

VERIFICATION

STATE OF Texas)
COUNTY OF COLLIN) ss.

I, Marc Ganzi, 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: 5/1/23

By: [Signature]

Print Name: Maarjan Hashmi

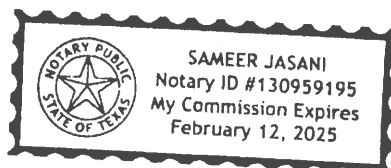
Title: Project Manager

Subscribed and sworn before me this 1 day of May, 2023
by Maarjan Hashmi.

Witness my hand and seal.

[Signature]
Notary Public

My commission expires:





State Documentary Fee
Date: November 23, 2021
\$145.00

Special Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(b))

Grantor(s), **ROARING FORK COMMONS LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **9123 ATWATER CV, AUSTIN, TX 78733**, City or Town of **AUSTIN**, County of **Travis** and State of **Texas**, for the consideration of **(\$1,450,000.00) ***One Million Four Hundred Fifty Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **IM & AY LLC, A TEXAS LIMITED LIABILITY COMPANY**, whose street address is **17774 PRESTON ROAD, DALLAS, TX 75252**, City or Town of **DALLAS**, County of **Collin** and State of **Texas**, the following real property in the County of **Garfield** and State of **Colorado**, to wit:

See attached "Exhibit A"

also known by street and number as: **6916 HIGHWAY 82, GLENWOOD SPRINGS, CO 81601**

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

Signed this day of **November 23, 2021**. (SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: **IM & AY LLC, A TEXAS LIMITED LIABILITY COMPANY**
17774 PRESTON ROAD, DALLAS, TX 75252



Exhibit A

A PARCEL OF LAND,
SITUATE IN LOT 20,
AND LOT 36,
SECTION 1,
TOWNSHIP 7 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON POST WITH A BRASS CAP FOUND IN PLACE,
FOR THE NORTHEAST CORNER OF SAID LOT 20;
THENCE ALONG THE EAST LINE OF SAID SECTION 1,
SOUTH 00°15'00" WEST 239.20, FEET,
TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND,
DESCRIBED IN BOOK 375 AT PAGE 400,
OF THE RECORDS OF THE GARFIELD COUNTY CLERK AND RECORDER;
THENCE ALONG SAID NORTH LINE SOUTH 90°00'00" WEST 110.22 FEET,
TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 82;
THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE NORTH 37°23'00" WEST 430.71 FEET;
THENCE SOUTH 88°15'00" EAST 373.34 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 1;
THENCE ALONG THE EAST LINE OF SAID SECTION 1 SOUTH 00°15'00" WEST 91.64 FEET TO THE POINT OF BEGINNING.

BEARINGS CONTAINED HEREIN ARE RELATIVE TO A BEARING OF NORTH 00°15'00" EAST,
BETWEEN AN IRON POST WITH A BRASS CAP FOUND IN PLACE,
FOR THE NORTHEAST CORNER OF SAID LOT 20,
AND AN IRON POST WITH A BRASS CAP FOUND IN PLACE,
FOR THE EAST 1/4 CORNER OF SAID SECTION 1.
COUNTY OF GARFIELD,
STATE OF COLORADO.

Special Warranty Deed with Statutory Exceptions

SIGNATURE PAGE

967029 11/24/2021 09:46:00 AM Page 3 of 3
Jean Alberico, Garfield County, Colorado
Rec Fee: \$23.00 Doc Fee: \$145.00 eRecord

ROARING FORK COMMONS LLC, A COLORADO
LIMITED LIABILITY COMPANY

By: Tamara Johnson
Tamara Johnson, Manager

By: Jeremy Johnson
Jeremy Johnson, Manager

State of ~~Colorado~~ Texas)
County of Travis) ss.

The foregoing instrument was acknowledged before me on this day of November 23rd, 2021 by TAMARA JOHNSON AND JEREMY JOHNSON, MANAGER OF ROARING FORK COMMONS LLC, A COLORADO LIMITED LIABILITY COMPANY

Witness my hand and official seal

My Commission expires: 08/30/2025 Reynaldo Lopez
Notary Public

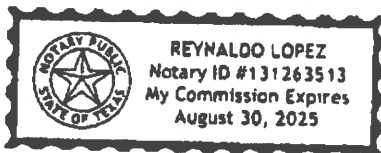


EXHIBIT A MAP - PROPERTY

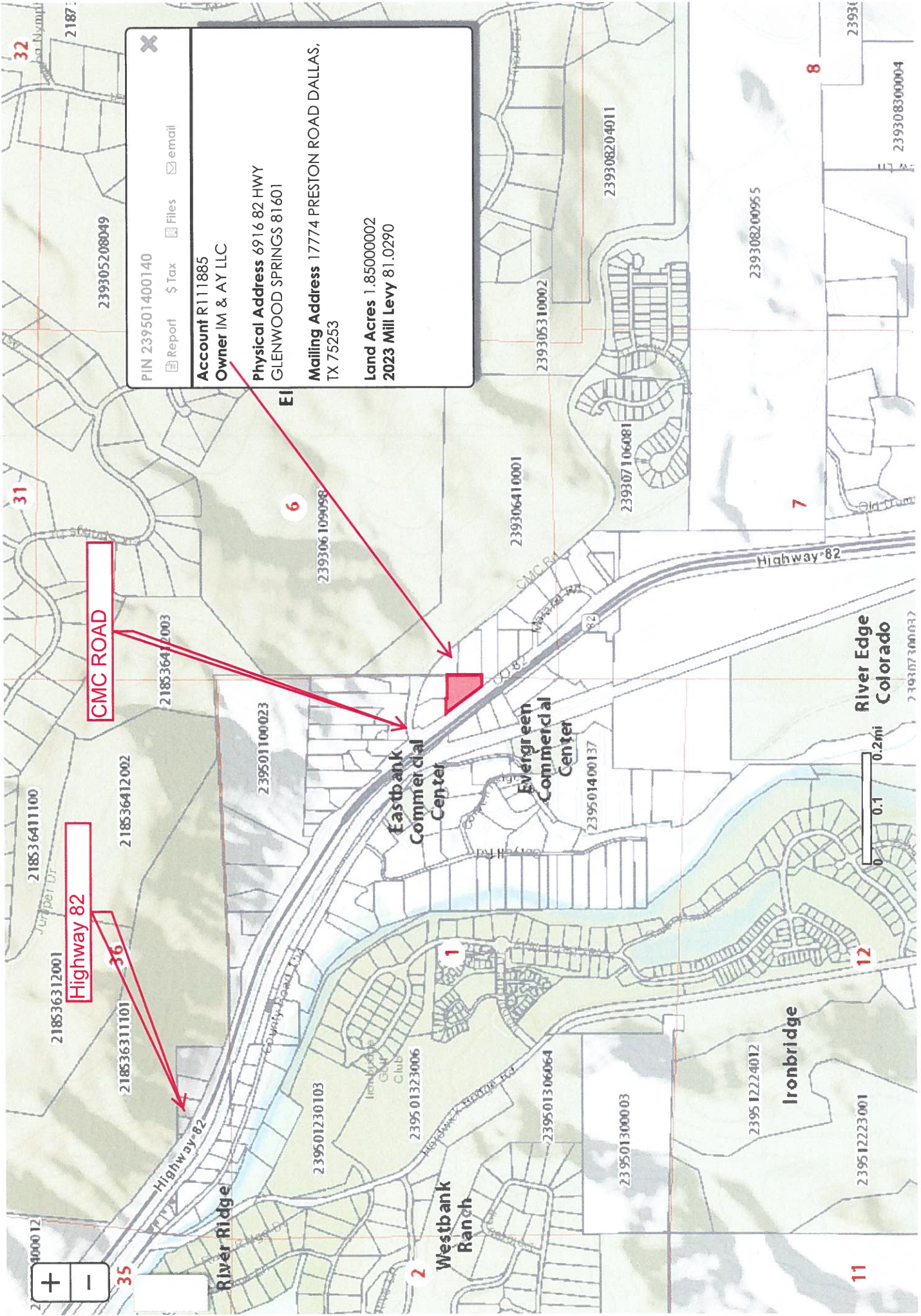
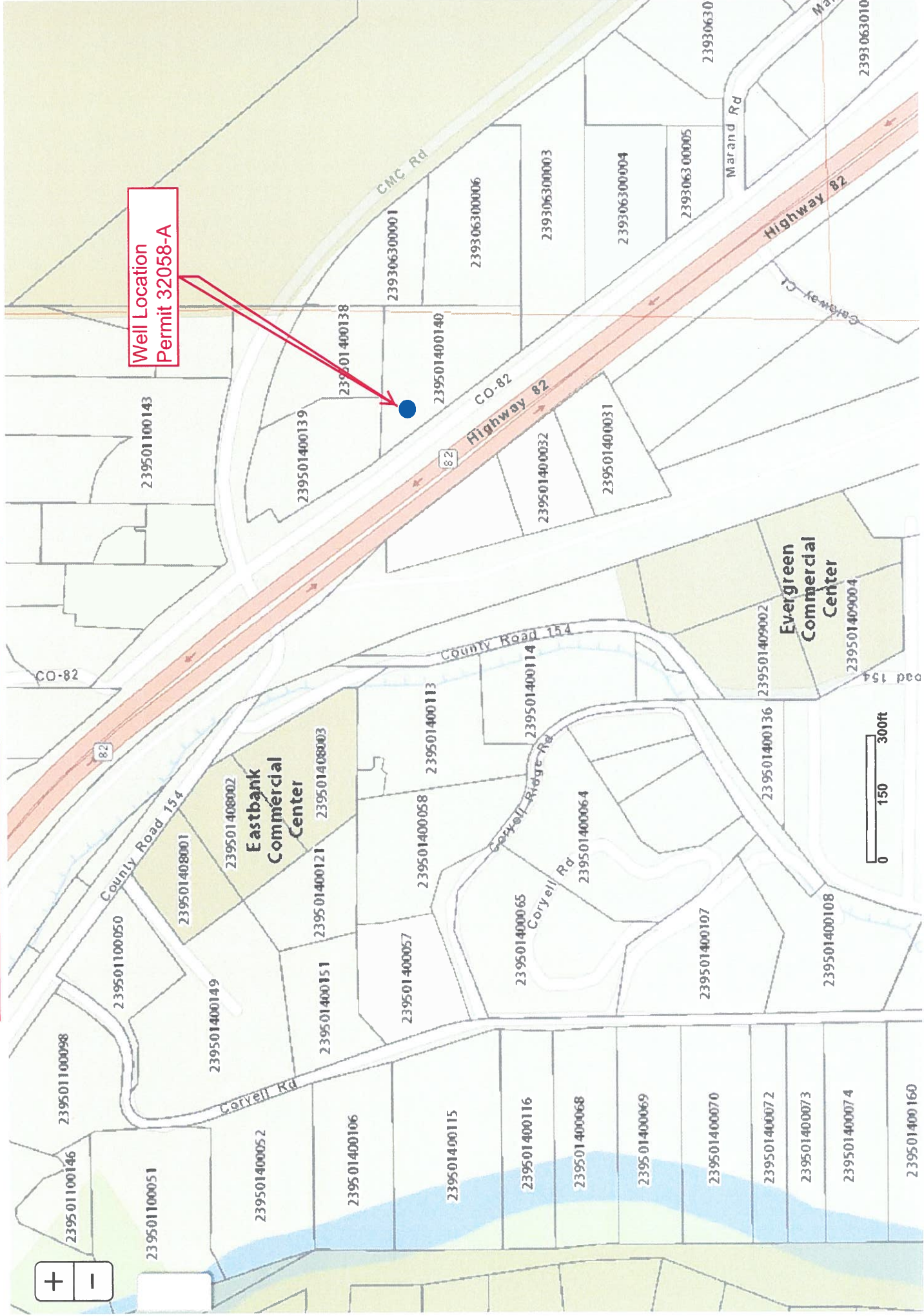




EXHIBIT A MAP - WELL





MOUNTAIN CROSS ENGINEERING, INC.

Civil and Environmental Consulting and Design
826 1/2 Grand Avenue Glenwood Springs, CO 81601
ph 970.945.5544 fx 970.945.5558 www.mountaincross-eng.com

WATER DEMAND CALCULATIONS, for
Mind Springs Apartments, Garfield County, CO
3/21/2023

Step 1: Flows

	Units	People/unit	GPPPD
One Bedroom	2	2	400
Two Bedroom	6	3.5	2100
Three Bedroom	4	5	2000
Four Bedroom	2	6	1200

5,700 gallons - average day
11,400 gallons - peak day = avg * 2
22,800 gallons - peak hour = avg * 4

5.9 average day in gallons per minute
11.9 peak day in gallons per minute
23.8 peak hour in gallons per minute

EXHIBIT B

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initiated.

() A PERMIT TO USE GROUND WATER
() A PERMIT TO CONSTRUCT A WELL
FOR: () A PERMIT TO INSTALL A PUMP

(X) REPLACEMENT FOR NO. 32058

() OTHER _____

WATER COURT CASE NO. 11/11/82

RECEIVED

NOV 08 1982

WATER RESOURCES
STATE - ENGINEER
DOLA

RECEIVED

DEC 16 1982

(1) APPLICANT - mailing address

NAME Western Slope Communications, Ltd
STREET P. O. Box 8685
CITY Aspen Colorado 81612
(State) (Zip)
TELEPHONE NO. 925-4848

(2) LOCATION OF PROPOSED WELL

County Garfield
NE 1/4 of the SE 1/4, Section 1
Twp. 7 S. Rng. 89 W. 6th P.M.
(N.S) (E.W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15 GPM (Peak)

Average annual amount of ground water to be appropriated (acre-feet): 1.5

Number of acres to be irrigated: 2,000 sq. ft.

Proposed total depth (feet): 130±

Aquifer ground water is to be obtained from:

Gravels

Owner's well designation WSC #1

GROUND WATER TO BE USED FOR:

() HOUSEHOLD USE ONLY - no irrigation (0)
() DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (8)
(X) COMMERCIAL (4) () MUNICIPAL (8)
() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Bodie Collins
Street P. O. Box 375
City Carbondale, Colorado 81623
(State) (Zip)
Telephone No. 963-2812 Lic. No. 634

FOR OFFICE USE ONLY: DO NOT WRITE IN THESE SPACES

Receipt No. 31719 / 08186

Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPROVED AS A REPLACEMENT OF WELL NO. 32058. THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE REVISED AND AMENDED RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS. THE ENCLOSED AFFIDAVIT MUST BE SUBMITTED WITHIN SIXTY (60) DAYS AFTER THE CONSTRUCTION OF THE NEW WELL, AFFIRMING THAT WELL NO. 32058 WAS PLUGGED AND ABANDONED.

APPROVED FOR DRINKING AND SANITARY FACILITIES IN AN INDIVIDUAL COMMERCIAL BUSINESS INCLUDING THE IRRIGATION OF NO MORE THAN 2000 SQUARE FEET OF LAWNS AND GARDENS.

APPLICATION APPROVED

PERMIT NUMBER 32058-A

DATE ISSUED JAN 10 1983

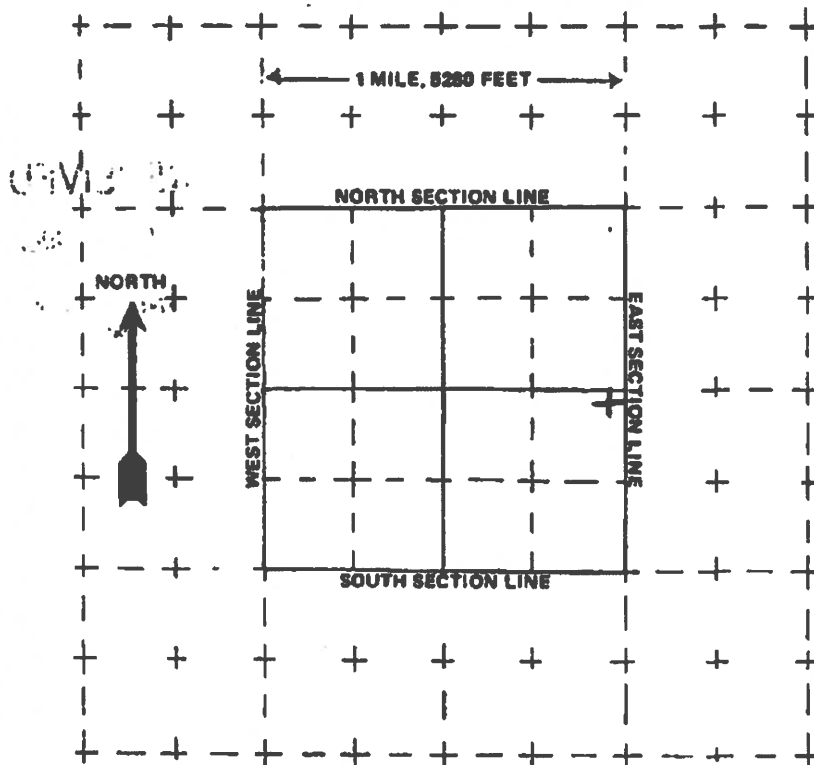
EXPIRATION DATE JAN 10 1985

Robert G. Langenbaugh
Assistant (STATE ENGINEER)

BY [Signature]

I.D. 5-38 COUNTY 23

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the **CENTER SECTION** (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) ... 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot ... 43,560 cubic feet ... 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

441 ft. from North sec. line
(north or south)

175 ft. from East sec. line
(east or west)

LOT - BLOCK - FILING # -

SUBDIVISION -

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: W.S.C., Ltd.

No. of acres 2.274 Will this be the only well on this tract? yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing

6-5/8 in. from 0 ft. to 110 ft.

- in. from - ft. to - ft.

Perforated casing

6-5/8 in. from 110 ft. to 130 ft.

- in. from - ft. to - ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

100 feet north. Remove valve and cover, plug 6" O casing with concrete.

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Western Slope Communications, Ltd. No. of acres: 2.274

Legal description: (see attached survey)

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

In-building sanitary for a television communications facility,
with less than one acre of site irrigation.

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

none

-

-

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

SIGNATURE OF APPLICANT(S)

Michael Strang
Michael Strang
Western Slope Communications