




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 31, 2023
File: APPLICATION AND INCLUSION

Applicant Name: Fevaag Ranch, LLC

Type of Use: Domestic X Commercial
Industrial Agricultural

Amount: 4.6 AF 0.067 cfs 30 gpm → Down to 1.1 AF after temporary irrigation established.

Location: Area A A-3 Area B Inclusion X
County: 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:** \$2,000

This application is to cover depletions associated with 2 single family dwellings, a swimming pool (0.02 surface acres, 0.06 AF Volume), and 1.72 acres of total irrigation on a lot owned by Fevaag Ranch, LLC (Applicant). Once the temporary irrigation areas are established, a total of 0.30 acres will be permanent. Total depletions are estimated at 4.6 acre-feet (AF) as shown on the attached calculation sheets. Within 5 years, the temporary irrigated areas will be established, and the contract amount can be reduced to 1.1 AF.

An engineering report May 8, 2023 was provided by SGM on behalf of the Applicant. The engineering provided was utilized by LRE for inclusion into the District's 02CW77 Umbrella Plan for Augmentation with the following exceptions.

- 1) There is not an assumed call period as the District is required to augment year round.
- 2) A maximum instantaneous pumping rate of 30 gallons per minute from the well was assumed.
- 3) There is no freezing period for the swimming pool; however, it is expected to be winterized (i.e. drained) from November through April.
- 4) An initial fill of 0.06 AF was added to the month of May.
- 5) Due to the uniqueness of the pumping demand for both the total and permanent irrigation, LRE conducted its own Glover analyses utilizing the 02CW77 decree engineering parameters.

The Applicant's property is approximately 22.09 acres and is in Tract 74 Section 27, Township 8 South, Range 86 West, of the 6th P.M. located near the confluence of Snowmass Creek and the Roaring Fork River as shown in **Figure 1** (Pitkin

County Parcel ID 246727200010). The property requires an inclusion as it is outside the Division 6 boundary. The property straddles the District's Service Area A and B boundary; however, the well (i.e. source of supply) will be located in Area A. District Resolution 2021-3 allows for contracts that a source of supply in Area A can have up to 1.0 AF of domestic diversions where depletions in Area B are 100 percent consumptive. However, in this instance, lagged depletions will accrue to Snowmass Creek below the Arbaney Ditch. The only remaining right is CWCD's Instream Flow Water Right, but return flows are a net gain to Snowmass Creek. Due to this, Caleb Foy (Assistant Division Engineer with the Division of Water Resources) agreed that only the in depletions from the in-house and irrigation needed to be augmented. In other words, Resolution 2021-3 does not apply in this instance. A copy of the email correspondence between the SGM and Caleb Foy is attached.

Diversions associated with this contract will be from the proposed Fevaag Well located in the SE1/4 NW1/4 of Section 27, Township 8 South, Range 86 West, of the 6th P.M. at a point UTM NAD 83 Z13: 4355370m N, 328739m E. The Applicants will need to provide the District with a copy of the -F well permit once obtained for the contract to be considered active. It is anticipated that the well will be able to produce up to 30 gallons per minute (gpm). However, in the event that the well produces less, the District will lower the diversion rate to the lesser rate in its database.

LRE Water recommends that a term and condition be added to the contract that requires the Applicant or its successors and assigns shall notify the District when only 0.30 acres of permanent irrigation are required. If there are more than 0.30 acres of permanent irrigation, the contractee shall amend the contract accordingly.

Water User :	Fevaag Ranch, LLC
Analysis Date :	May 31, 2023
District Area:	A-3
Source Series:	4
Maximum Demand:	30 0.067
	(GPM) (CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)

Full Irrigation = 1.72 Acres; 1st 5 years of Contract

Month	Total Demand						Consumptive Use						(13)* Delayed Depletions	(14) Source of Aug/Replace
	(1) Domestic In-house	(2) Pool Evap. + Fill	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Pool Evap. + Fill	(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock	(12)* TOTAL		
January	0.071	0.000	0.000	0.000	0.000	0.071	0.011	0.000	0.000	0.000	0.000	0.012	0.051	GNM
February	0.064	0.000	0.000	0.000	0.000	0.064	0.010	0.000	0.000	0.000	0.000	0.011	0.052	GNM
March	0.071	0.000	0.000	0.000	0.000	0.071	0.011	0.000	0.000	0.000	0.000	0.012	0.053	GNM
April	0.069	0.000	0.023	0.000	0.000	0.092	0.010	0.000	0.017	0.000	0.000	0.031	0.069	GNM
May	0.071	0.069	0.872	0.000	0.000	1.013	0.011	0.069	0.654	0.000	0.000	0.816	0.693	GNM
June	0.069	0.011	1.469	0.000	0.000	1.550	0.010	0.011	1.102	0.000	0.000	1.248	1.147	GNM
July	0.071	0.012	1.263	0.000	0.000	1.346	0.011	0.012	0.947	0.000	0.000	1.077	1.007	GNM
August	0.071	0.010	0.712	0.000	0.000	0.792	0.011	0.010	0.534	0.000	0.000	0.616	0.615	GNM
September	0.069	0.008	0.551	0.000	0.000	0.628	0.010	0.008	0.413	0.000	0.000	0.480	0.485	GNM
October	0.071	0.005	0.275	0.000	0.000	0.352	0.011	0.005	0.207	0.000	0.000	0.248	0.278	GNM
November	0.069	0.000	0.000	0.000	0.000	0.069	0.010	0.000	0.000	0.000	0.000	0.011	0.071	GNM
December	0.071	0.000	0.000	0.000	0.000	0.071	0.011	0.000	0.000	0.000	0.000	0.012	0.052	GNM
TOTALS -->	0.839	0.115	5.165	0.000	0.000	6.120	0.126	0.115	3.874	0.000	0.000	4.572	4.572	

Assumptions						Area A-3 Roaring Fork River Individual Glover for Proposed Well		
(1)	DAILY DEMAND SGM Report Table 1			749	gpd	(5)	# of Livestock @ 11 gals/day	0
						(7)	% CU for Domestic/Commercial	15
(2)	Yearly Pool Fill and Evaporation.			0.133	AF	(9)	% Lawn Irrig. Efficiency	75
(3)	Sq. Ft. of Lawn Irrig. (Total)			75,000	(1.72 Acre)	(10)	% Crop Irrig. Efficiency	75
	Sq. Ft. of Lawn Irrig. (Permanent)			12,956	(0.30 Acre)		Consumption of Irrig. (af/ac)	0.000
	Lawn Application Rate (af/ac)			3.000				
(4)	Acres of Crop Irrigated			0.00		(9-10)	Elevation (feet)	6390
	Crop Application Rate (af/ac)			0.000				
						*(12)	Total Includes 5% Transit Loss 10% from Green Mtn.	

TABLE 1
EVAPORATION CALCULATION - FEVAAG RANCH, LLC (>6,500 feet)

Month	SEO Monthly Distribution	(1) Gross Lake Evaporation		(2) Average Precipitation		(3) Effective Precipitation		(4) Net Evaporation		(5) Total Pond Evaporation
		(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	(feet)	(inches)	(acre-feet)
January	1.0%	0.04	0.43	0.10	1.20	0.00	0.00	0.04	0.43	0.0007
February	3.0%	0.11	1.29	0.09	1.03	0.00	0.00	0.11	1.29	0.0022
March	6.0%	0.22	2.58	0.10	1.20	0.00	0.00	0.22	2.58	0.0044
April	9.0%	0.32	3.87	0.10	1.24	0.00	0.00	0.32	3.87	0.0066
May	12.5%	0.45	5.38	0.11	1.32	0.00	0.00	0.45	5.38	0.0092
June	15.5%	0.56	6.67	0.11	1.30	0.00	0.00	0.56	6.67	0.0113
July	16.0%	0.57	6.88	0.13	1.59	0.00	0.00	0.57	6.88	0.0117
August	13.0%	0.47	5.59	0.14	1.71	0.00	0.00	0.47	5.59	0.0095
September	11.0%	0.39	4.73	0.14	1.64	0.00	0.00	0.39	4.73	0.0081
October	7.5%	0.27	3.23	0.12	1.38	0.00	0.00	0.27	3.23	0.0055
November	4.0%	0.14	1.72	0.10	1.23	0.00	0.00	0.14	1.72	0.0029
December	1.5%	0.05	0.65	0.10	1.25	0.00	0.00	0.05	0.65	0.0011
	100.0%	3.58	43.00	1.34	16.09	0.00	0.00	3.58	43.00	0.0732

(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 (0.02 acres) x Column (4) in feet.

890 square feet

Water User :	Fevaag Ranch, LLC
Analysis Date :	May 31, 2023
District Area:	A-3
Source Series:	4
Maximum Demand:	30 0.067
	(GPM) (CFS)

BASALT WATER CONSERVANCY DISTRICT
WATER REQUIREMENTS
(acre feet)
(Permanent Irrigation Only)

Month	Total Demand						Consumptive Use						(13)* Delayed Depletions	(14) Source of Aug/Replace
	(1) Domestic In-house	(2) Pool Evap. + Fill	(3) Lawn Irrigation	(4) Crop Irrigation	(5) Livestock	(6) TOTAL	(7) Domestic In-house	(8) Pool Evap. + Fill	(9) Lawn Irrigation	(10) Crop Irrigation	(11) Livestock	(12)* TOTAL		
January	0.071	0.000	0.000	0.000	0.000	0.071	0.011	0.000	0.000	0.000	0.000	0.012	0.038	GNM
February	0.064	0.000	0.000	0.000	0.000	0.064	0.010	0.000	0.000	0.000	0.000	0.011	0.038	GNM
March	0.071	0.000	0.000	0.000	0.000	0.071	0.011	0.000	0.000	0.000	0.000	0.012	0.038	GNM
April	0.069	0.000	0.004	0.000	0.000	0.073	0.010	0.000	0.003	0.000	0.000	0.015	0.041	GNM
May	0.071	0.069	0.151	0.000	0.000	0.291	0.011	0.069	0.113	0.000	0.000	0.214	0.148	GNM
June	0.069	0.011	0.254	0.000	0.000	0.334	0.010	0.011	0.190	0.000	0.000	0.236	0.184	GNM
July	0.071	0.012	0.218	0.000	0.000	0.301	0.011	0.012	0.164	0.000	0.000	0.207	0.164	GNM
August	0.071	0.010	0.123	0.000	0.000	0.204	0.011	0.010	0.092	0.000	0.000	0.125	0.114	GNM
September	0.069	0.008	0.095	0.000	0.000	0.172	0.010	0.008	0.071	0.000	0.000	0.100	0.097	GNM
October	0.071	0.005	0.048	0.000	0.000	0.124	0.011	0.005	0.036	0.000	0.000	0.058	0.070	GNM
November	0.069	0.000	0.000	0.000	0.000	0.069	0.010	0.000	0.000	0.000	0.000	0.011	0.041	GNM
December	0.071	0.000	0.000	0.000	0.000	0.071	0.011	0.000	0.000	0.000	0.000	0.012	0.038	GNM
TOTALS -->	0.839	0.115	0.892	0.000	0.000	1.847	0.126	0.115	0.669	0.000	0.000	1.011	1.011	

Assumptions						Area A-3 Roaring Fork River Individual Glover for Proposed Well	
(1)	DAILY DEMAND SGM Report Table 1 749 gpd			(5)	# of Livestock @ 11 gals/day	0	
				(7)	% CU for Domestic/Commercial	15	
(2)	Yearly Pool Fill and Evaporation. 0.133 AF			(9)	% Lawn Irrig. Efficiency Consumption of Irrig. (af/ac)	75 2.250	
(3)	Sq. Ft. of Lawn Irrig. (Total) 75,000 (1.72 Acre)			(10)	% Crop Irrig. Efficiency Consumption of Irrig. (af/ac)	75 0.000	
	Sq. Ft. of Lawn Irrig. (Permanent) 12,956 (0.30 Acre)						
	Lawn Application Rate (af/ac) 3.000						
(4)	Acres of Crop Irrigated 0.00			(9-10)	Elevation (feet)	6390	
	Crop Application Rate (af/ac) 0.000						
				*(12)	Total Includes 5% Transit Loss 10% from Green Mtn.		

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April	9.0%	0.32	3.87	0.10	1.24	0.00	0.00	0.32	3.87	0.0066
May	12.5%	0.45	5.38	0.11	1.32	0.00	0.00	0.45	5.38	0.0092
June	15.5%	0.56	6.67	0.11	1.30	0.00	0.00	0.56	6.67	0.0113
July	16.0%	0.57	6.88	0.13	1.59	0.00	0.00	0.57	6.88	0.0117
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September	11.0%	0.39	4.73	0.14	1.64	0.00	0.00	0.39	4.73	0.0081
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890 square feet

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

1. Applicant(s) Contact Information

- a. Name: Fevaag Ranch LLC, c/o Alexander Kelloff
- b. Mailing Address: 235 Puppy Smith Street, PO Box 3454, Aspen, CO 81612
- c. Street Address: TBD Snowmass Creek Road, Snowmass, CO 81654
- d. Telephone Numbers: (917) 974-5140
- e. Email Address: alex.kelloff@gmail.com
- 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, P.O. Drawer 2030, Glenwood Springs, CO 81602 / 970-945-2261/ mjs@mountainlawfirm.com
- g. Emergency Local Contact Information, including name, address, telephone, and email: Ryan Koster (303) 817-8663
- 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 and Caretaker Unit

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)*: TBD Snowmass Creek Road, Snowmass, CO 81654. Legal description of the property is included in the attached Warranty Deed. Map of property and well location is also shown in "Attachment A" of the attached Fevaag Ranch Well Augmentation Plan memorandum.

4. Elevation of property: 6,900 ft 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 Fevaag Well.

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

Legal Description: SE Quarter, NW Quarter, Section 27, Township 8 S N /
S, Range 86 W E / W, of the 6th Principal Meridian, at a location 1710 feet
from the N Section line and 1305 feet from the W Section line.

UTM Coordinates (NAD 83):

Northing: 4355370.

Easting: 328739.

 Zone 12 / X Zone 13.

If diversion point is a well, please provide the Well Permit No. n/a-Permit has
been submitted concurrent with this allotment contract application.

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.

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
- ☒ 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: N/A. (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?

None.

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

Domestic, lawn and shrub irrigation, pool evaporation

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: <u>2</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 75,000 Sq. Ft. or 1.72 Acres

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: Pool evaporation

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:

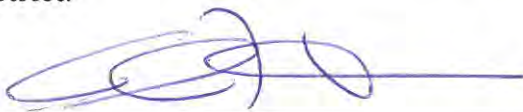
VERIFICATION

STATE OF Colorado)
) ss.
COUNTY OF Garfield)

I, Andrew Straub-Heidke (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 16, 2023

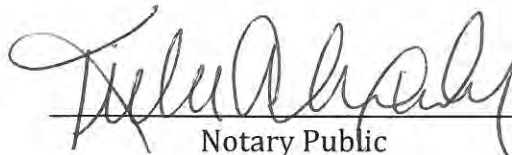
By: 

Print Name: Andrew Straub-Heidke

Title: Water Resources Consultant

Subscribed and sworn before me this 16th day of May, 2023 by
Andrew Straub-Heidke.

Witness my hand and seal.


Notary Public

My commission expires:

April 13, 2026

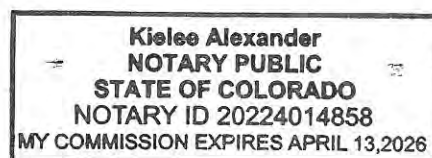


EXHIBIT "A"
Attached to and forming a part of
WARRANTY DEED
between

GRANTOR: **RED TAIL, LLC, A COLORADO LIMITED LIABILITY COMPANY**

GRANTEE: **FEVAAG RANCH LLC, A COLORADO LIMITED LIABILITY COMPANY**

LEGAL DESCRIPTION

Parcel A:

A Tract of land situated in Tract 74, Section 27, Township 8 South, Range 86 West of the Sixth Principal Meridian and more fully described as follows:

Beginning at a point on the Southerly line of State Highway No. 82 whence corner No. 2 of said Tract 74 bears N. 2° 40'W. 108.3 feet;
Thence S 2° 40'E. 1212.00 feet;
Thence S 4° 13'W. 610.00 feet;
Thence N 88° 13'E. 784.7 feet to the Westerly line of County Road;
Thence N 7° 50'W. 575.9 feet along the Westerly line of County Road;
Thence N 10° 17'E. 302.3 feet along the Westerly line of County Road;
Thence N 6° 16'W. 149.5 feet along the Westerly line of County Road;
Thence N 14° 41'W. 245.4 feet along the Westerly line of County Road;
Thence N 5° 21'E. 120.2 feet along the Westerly line of County Road;
Thence N 17° 7'E. 142.2 feet along the Westerly line of County Road to the Southerly line of State Highway No. 82;
Thence N 69° 6'W. 798.54 feet along the Southerly line of State Highway No. 82 to the Point of Beginning. County of Pitkin, State of Colorado.

Parcel B:

An easement for ingress and egress as set forth in Rule and Order recorded December 20, 2002 at Reception No. 476296.

County of Pitkin,
State of Colorado.

County of Pitkin, State of Colorado.

also known by street and number as: **TBD Snowmass Creek Rd, Snowmass, CO 81654**



TITLE COMPANY
of the rockies

GENERAL WARRANTY DEED -

7000910

July 22, 2021
9:24 AM