




LRE Water  
909 Colorado Avenue  
Glenwood Springs, CO 81601  
(970)-945-6777 Voice  
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# Memorandum

**To:** BWCD BOARD OF DIRECTORS  
**From:** ERIC MANGEOT   
**CC:** CHRIS GEIGER  
**Date:** JUNE 9, 2023  
**File:** APPLICATION AND INCLUSION

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**Applicant Name:** MBMH, LLC

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

**Amount:**   1.0   AF   0.033   cfs   15   gpm

**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 1 single family dwelling, a swimming pool, spa, and water feature (1,600 square feet and 0.07 acre-feet volume ), and 5,600 square feet of irrigation on a lot owned by MBMH, LLC (Applicant). Total depletions are estimated at 0.60 acre-feet (AF) as shown on the attached calculation sheets.

The Applicant's property is approximately 2.50 acres and is located in Block 9, Lot 5, Filing 1 of the Brush Creek Village Subdivision. The property is also located in the SW1/4 NE1/4 of Section 28, Township 9 South, Range 85 West, of the 6<sup>th</sup> P.M. as shown in **Figure 1** (Pitkin County Parcel ID 246727200010). The property requires an inclusion as it is outside the Division 6 boundary.

The source of supply will be an existing well, Permit No. 297672, SW1/4 NE1/4 of Section 28, Township 9 South, Range 85 West, of the 6<sup>th</sup> P.M. at a point UTM NAD 83 Z13: 4346825.8m N, 335554.7 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.

Water User :	MBHC, LLC	
Analysis Date :	June 9, 2023	
District Area:	A-3	
Source Series:	4	
Maximum Demand:	15	0.033
	(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) 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		
January	0.033	0.001	0.000	0.000	0.000	0.035	0.005	0.001	0.000	0.000	0.000	0.007	0.048	GNM
February	0.030	0.004	0.000	0.000	0.000	0.034	0.005	0.004	0.000	0.000	0.000	0.010	0.047	GNM
March	0.033	0.008	0.000	0.000	0.000	0.042	0.005	0.008	0.000	0.000	0.000	0.015	0.045	GNM
April	0.032	0.012	0.000	0.000	0.000	0.045	0.005	0.012	0.000	0.000	0.000	0.019	0.045	GNM
May	0.033	0.087	0.040	0.000	0.000	0.161	0.005	0.087	0.032	0.000	0.000	0.138	0.045	GNM
June	0.032	0.021	0.069	0.000	0.000	0.123	0.005	0.021	0.055	0.000	0.000	0.090	0.047	GNM
July	0.033	0.092	0.063	0.000	0.000	0.188	0.005	0.092	0.050	0.000	0.000	0.164	0.050	GNM
August	0.033	0.018	0.036	0.000	0.000	0.087	0.005	0.018	0.029	0.000	0.000	0.057	0.053	GNM
September	0.032	0.015	0.033	0.000	0.000	0.080	0.005	0.015	0.026	0.000	0.000	0.051	0.053	GNM
October	0.033	0.010	0.003	0.000	0.000	0.047	0.005	0.010	0.002	0.000	0.000	0.020	0.053	GNM
November	0.032	0.006	0.000	0.000	0.000	0.038	0.005	0.006	0.000	0.000	0.000	0.011	0.053	GNM
December	0.033	0.002	0.000	0.000	0.000	0.035	0.005	0.002	0.000	0.000	0.000	0.008	0.051	GNM
TOTALS -->	0.392	0.278	0.244	0.000	0.000	0.913	0.059	0.278	0.195	0.000	0.000	0.591	0.591	

Assumptions					
(1)	NUMBER OF RESIDENCES	1	(5)	# of Livestock @ 11 gals/day	0
	# persons/residence	3.5	(7)	% CU for Domestic/Commercial	15
	# gallons/person/day	100			
(2)	Evaporation		(9)	% Lawn Irrig. Efficiency	80
	Pool, spa, and water feature.	1600 square feet		Consumption of Irrig. (af/ac)	1.516
	Volume (fill in May and refill in July)	.07 AF			
(3)	Sq. Ft. of Lawn Irrigated	5,600	(10)	% Crop Irrig. Efficiency	80
	Lawn Application Rate (af/ac)	1.895		Consumption of Irrig. (af/ac)	0.000
(4)	Acres of Crop Irrigated	0.00	(9-10)	Elevation (feet)	8200
	Crop Application Rate (af/ac)	0.000			

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

Area A-3  
Brush Creek  
Type B Well  
Well Permit 297672

**TABLE 1**  
**EVAPORATION CALCULATION - MBMH, LLC**

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	0.45	0.10	1.20	0.00	0.00	0.04	0.45	0.0014
February	3.0%	0.11	1.35	0.09	1.03	0.00	0.00	0.11	1.35	0.0041
March	6.0%	0.23	2.70	0.10	1.20	0.00	0.00	0.23	2.70	0.0083
April	9.0%	0.34	4.05	0.10	1.24	0.00	0.00	0.34	4.05	0.0124
May	12.5%	0.47	5.63	0.11	1.32	0.00	0.00	0.47	5.63	0.0172
June	15.5%	0.58	6.98	0.11	1.30	0.00	0.00	0.58	6.98	0.0213
July	16.0%	0.60	7.20	0.13	1.59	0.00	0.00	0.60	7.20	0.0220
August	13.0%	0.49	5.85	0.14	1.71	0.00	0.00	0.49	5.85	0.0179
September	11.0%	0.41	4.95	0.14	1.64	0.00	0.00	0.41	4.95	0.0152
October	7.5%	0.28	3.38	0.12	1.38	0.00	0.00	0.28	3.38	0.0103
November	4.0%	0.15	1.80	0.10	1.23	0.00	0.00	0.15	1.80	0.0055
December	1.5%	0.06	0.68	0.10	1.25	0.00	0.00	0.06	0.68	0.0021
	<b>100.0%</b>	<b>3.75</b>	<b>45.00</b>	<b>1.34</b>	<b>16.09</b>	<b>0.00</b>	<b>0.00</b>	<b>3.75</b>	<b>45.00</b>	<b>0.1377</b>

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

(2) = Monthly precipitation from local weather station.

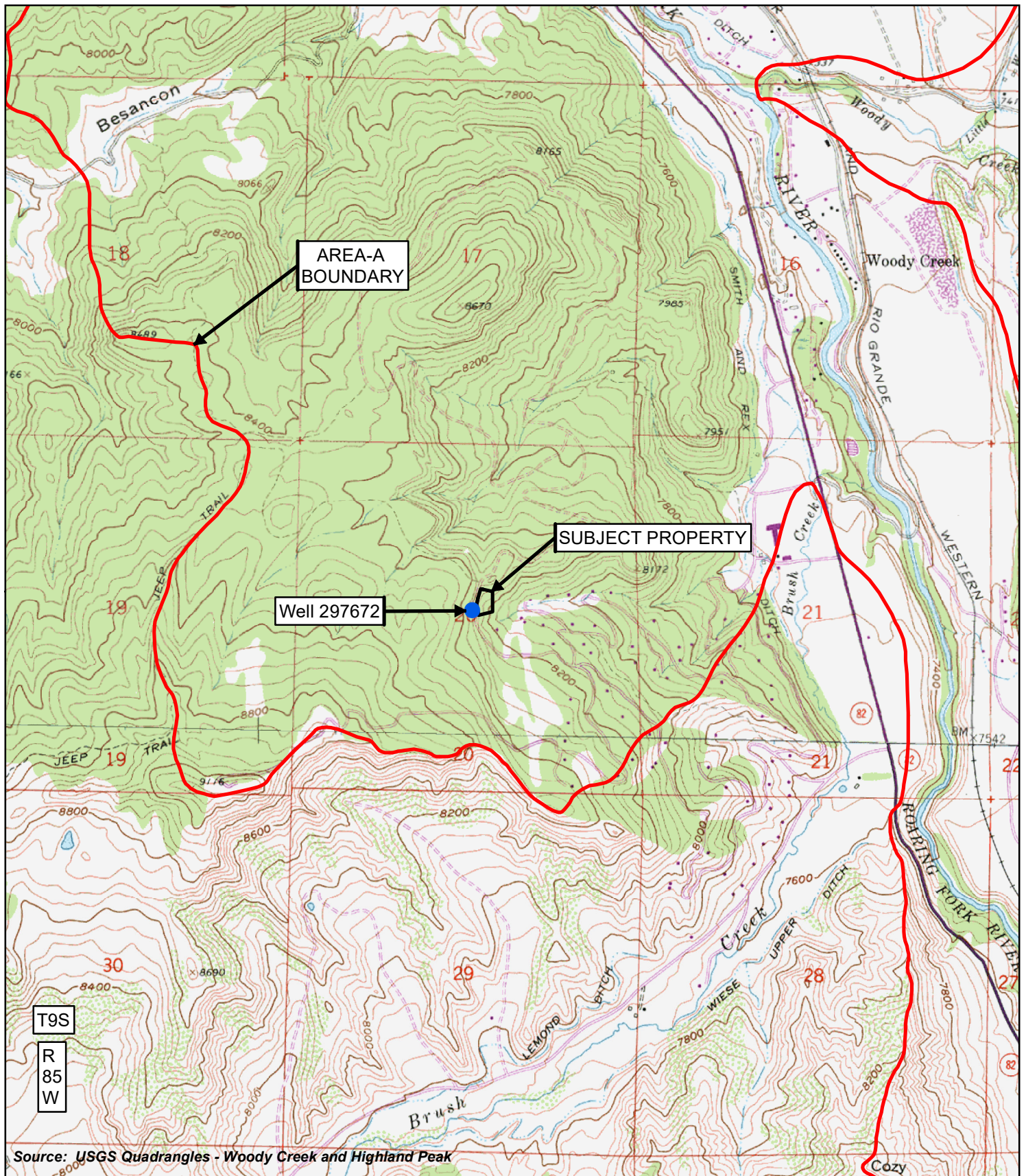
(3) = Equal to 0 per State Policy No. 2004-3.

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

(5) = Column (4) x Open Water Surface Area (0.017 acres) x Column (4) in feet.

1600 square feet total for water feature, pool, and spa.





**Figure 1: MBMH, LLC**  
**Water Allotment Contract Application**  
**Basalt Water Conservation District**



0 1,000 2,000 4,000 Feet  
 1 inch = 2,000 feet



Date: 2023-05-10  
 File: 20033BWCD1-23(4)  
 Drawn: MDH  
 Approved: EFM

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

1. Applicant Contact Information

- a. Name: **MBMH, LLC.**
- b. Mailing Address: **3372 Route 30  
Cornwall VT 05753**
- c. Street Address: **TBD Medicine Bow Road  
Aspen, CO 81611**
- d. Telephone Numbers: **616-485-7599**
- e. Email Address: [patrickianphair@gmail.com](mailto:patrickianphair@gmail.com)
- f. If Applicant is represented by an Attorney, please provide the Attorney's contact information, including name, address, telephone, and email:

Scott Miller  
Lisa Claxton  
Patrick, Miller & Noto, P.C.  
229 Midland Ave.  
Basalt, CO 81621  
(970) 920-1030  
[miller@waterlaw.com](mailto:miller@waterlaw.com)  
[claxton@waterlaw.com](mailto:claxton@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.**

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)\*:

The physical address of the property is TBD Medicine Bow Road, Aspen CO 81611.  
The legal description of the property is as follows:

Lot 5, Block 9, Filing 1, Brush Creek Village Subdivision, Pitkin County.

A map of the property is attached as **Exhibit A**. The vesting deed with proof of ownership is attached as **Exhibit B**.

4. Elevation of property: \_\_\_\_\_ 6–7,000 ft., \_\_\_\_\_ 7–8,000 ft.,   X   8–9,000 ft.
5. Name and legal description of water supply diversion point(s):

Name of Diversion: **N/A**.

Type of Diversion: **Well**.

Legal Description: SW Quarter, NE Quarter, Section 20, Township 9.0 S, Range 85.0 W, of the 6<sup>th</sup> Principal Meridian, at a location 2,500 feet from the North Section line and 2,500 feet from the East Section line.

UTM Coordinates (NAD 83):

Northing: **4346825.8**.

Easting: **335554.7**.

\_\_\_\_\_ Zone 12 /   X   Zone 13.

If diversion point is a well, please provide the Well Permit No.   297672  .

Is the well operational/active?   X   Yes, \_\_\_\_\_ 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  
  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: **The Pitkin County Planning and Zoning Commission approved the plat for the Brush Creek Village Subdivision on June 17, 1966. The plat is attached as Exhibit C.** (Note: Copy of the Resolution or other documentation evidencing such approval should be submitted with 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? 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: <u>1</u>
Duplex(s)	Number of Units: <u>N/A</u>
Condominium(s)	Number of Units: <u>N/A</u>
Apartment(s)	Number of Units/Rooms: <u>N/A</u>
Mobile Home(s)	Number of Units: <u>N/A</u>

#### Irrigation (lawns, parks, open space)

Total area to be irrigated 5,600 Sq. Ft. or \_\_\_\_\_ 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, spa, and water feature.**

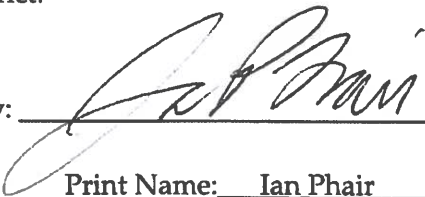
VERIFICATION

STATE OF Vermont )  
 ) ss.  
COUNTY OF Addison )

I, Ian Phair, 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 2, 2023

By: 

Print Name: Ian Phair

Title: Individual

Subscribed and sworn before me this 2nd day of May, 2023 by \_\_\_\_\_.

Witness my hand and seal.

  
Notary Public

My commission expires: 1/31/25

