




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: FEBRUARY 29, 2024  
File: APPLICATION

**Applicant Name:** James M Mindling 2012 Irrevocable Family Trust

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

**Amount:**   0.5   AF   0.034   cfs   15.1   gpm

**Location:** Area A   A-4   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 application is to cover depletions associated with associated with the Mindling Pond Well located on a property owned by James M Mindling 2012 Irrevocable Family Trust (Applicant). Total depletions are estimated at 0.5 acre-feet (AF) as shown on the attached calculation sheets.

The property is generally located in the W1/2 of Section 31, Township 7 South, Range 87 West, of the 6<sup>th</sup> P.M. as shown in **Figure 1** (attached). The physical address of the property is 30 Saint Finnbar Farm Road, Carbondale (Garfield County Parcel No. 239131318007; Lot 7 St. Finnbar Farm).

Diversions from the Middle Ditch will be used for the initial fill of the Mindling Pond Well and anytime it is in-priority under free river conditions. This application does not seek to augment any of the Middle Ditch usage. Groundwater will also come in from the Mindling Pond Well bottom. Due to the lack of dominion and control of the groundwater, evaporative loss from the entire surface area of the pond/well will be included in the contract. The Applicant also desires to have the ability to utilize a groundwater well to replace evaporative losses when surface diversions to the Mindling Pond Well are out-of-priority and in the shoulder seasons or anytime Miller Ditch is unavailable.

The Mindling Pond Well is in the NW1/4 SW1/4 of Section 31, Township 7 South, Range 87 West of the 6<sup>th</sup> P.M. at a point UTM NAD 83 Z13: 314105.46m E, 4363705.46m N. The maximum evaporation rate of the pond is 0.4 gpm.

Groundwater will be diverted into the pond/well either from an existing well or proposed well as follows:

- Existing Well (Permit No. 56625-F; 15 gpm) located in the NW1/4 SW1/4 of Section 31, Township 7 South, Range 87 West of the 6<sup>th</sup> P.M. at a point 2,715 feet from the north section line and 867 feet from the west

section line. The well permit currently includes domestic uses under BWCD Contract 324. The Applicant will apply for a new well permit that includes these domestic uses plus the replacement of evaporation that will be augmented under this new contract request.

Water User :	James M Mindling 2012 Irrevocable Family Trust	
Analysis Date :	February 29, 2024	
District Area:	A-4	
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	0.000	0.011	0.000	0.000	0.000	0.011	0.000	0.011	0.000	0.000	0.000	0.012	0.012	GNM
February	0.000	0.013	0.000	0.000	0.000	0.013	0.000	0.013	0.000	0.000	0.000	0.014	0.015	GNM
March	0.000	0.020	0.000	0.000	0.000	0.020	0.000	0.020	0.000	0.000	0.000	0.022	0.021	GNM
April	0.000	0.033	0.000	0.000	0.000	0.033	0.000	0.033	0.000	0.000	0.000	0.037	0.034	GNM
May	0.000	0.044	0.000	0.000	0.000	0.044	0.000	0.044	0.000	0.000	0.000	0.049	0.046	GNM
June	0.000	0.053	0.000	0.000	0.000	0.053	0.000	0.053	0.000	0.000	0.000	0.059	0.057	GNM
July	0.000	0.055	0.000	0.000	0.000	0.055	0.000	0.055	0.000	0.000	0.000	0.061	0.060	GNM
August	0.000	0.050	0.000	0.000	0.000	0.050	0.000	0.050	0.000	0.000	0.000	0.055	0.055	GNM
September	0.000	0.037	0.000	0.000	0.000	0.037	0.000	0.037	0.000	0.000	0.000	0.041	0.044	GNM
October	0.000	0.026	0.000	0.000	0.000	0.026	0.000	0.026	0.000	0.000	0.000	0.029	0.031	GNM
November	0.000	0.015	0.000	0.000	0.000	0.015	0.000	0.015	0.000	0.000	0.000	0.016	0.019	GNM
December	0.000	0.011	0.000	0.000	0.000	0.011	0.000	0.011	0.000	0.000	0.000	0.012	0.013	GNM
TOTALS -->	0.000	0.367	0.000	0.000	0.000	0.367	0.000	0.367	0.000	0.000	0.000	0.407	0.407	

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 (0.10 Surface Acres)	0.367 AF	(9)	% Lawn Irrig. Efficiency Consumption of Irrig. (af/ac)	80 N/A
(3)	Sq. Ft. of Lawn Irrigated Lawn Application Rate (af/ac)	0 N/A	(10)	% Crop Irrig. Efficiency Consumption of Irrig. (af/ac)	80 0.000
(4)	Acres of Crop Irrigated Crop Application Rate (af/ac)	0.00 0.000	(9-10)	Elevation (feet)	6240

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

Area A-4  
Roaring Fork River  
Individual Glover

**TABLE 1**  
**MINDLING POND WELL EVAPORATION CALCULATION**

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	3.0%	0.11	1.32	0.10	1.20	0.00	0.00	0.11	1.32	0.011
February	3.5%	0.13	1.54	0.09	1.03	0.00	0.00	0.13	1.54	0.013
March	5.5%	0.20	2.42	0.10	1.20	0.00	0.00	0.20	2.42	0.020
April	9.0%	0.33	3.96	0.10	1.24	0.00	0.00	0.33	3.96	0.033
May	12.0%	0.44	5.28	0.11	1.32	0.00	0.00	0.44	5.28	0.044
June	14.5%	0.53	6.38	0.11	1.30	0.00	0.00	0.53	6.38	0.053
July	15.0%	0.55	6.60	0.13	1.59	0.00	0.00	0.55	6.60	0.055
August	13.5%	0.50	5.94	0.14	1.71	0.00	0.00	0.50	5.94	0.050
September	10.0%	0.37	4.40	0.14	1.64	0.00	0.00	0.37	4.40	0.037
October	7.0%	0.26	3.08	0.12	1.38	0.00	0.00	0.26	3.08	0.026
November	4.0%	0.15	1.76	0.10	1.23	0.00	0.00	0.15	1.76	0.015
December	3.0%	0.11	1.32	0.10	1.25	0.00	0.00	0.11	1.32	0.011
	<b>100.0%</b>	<b>3.67</b>	<b>44.00</b>	<b>1.34</b>	<b>16.09</b>	<b>0.00</b>	<b>0.00</b>	<b>3.67</b>	<b>44.00</b>	<b>0.367</b>

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

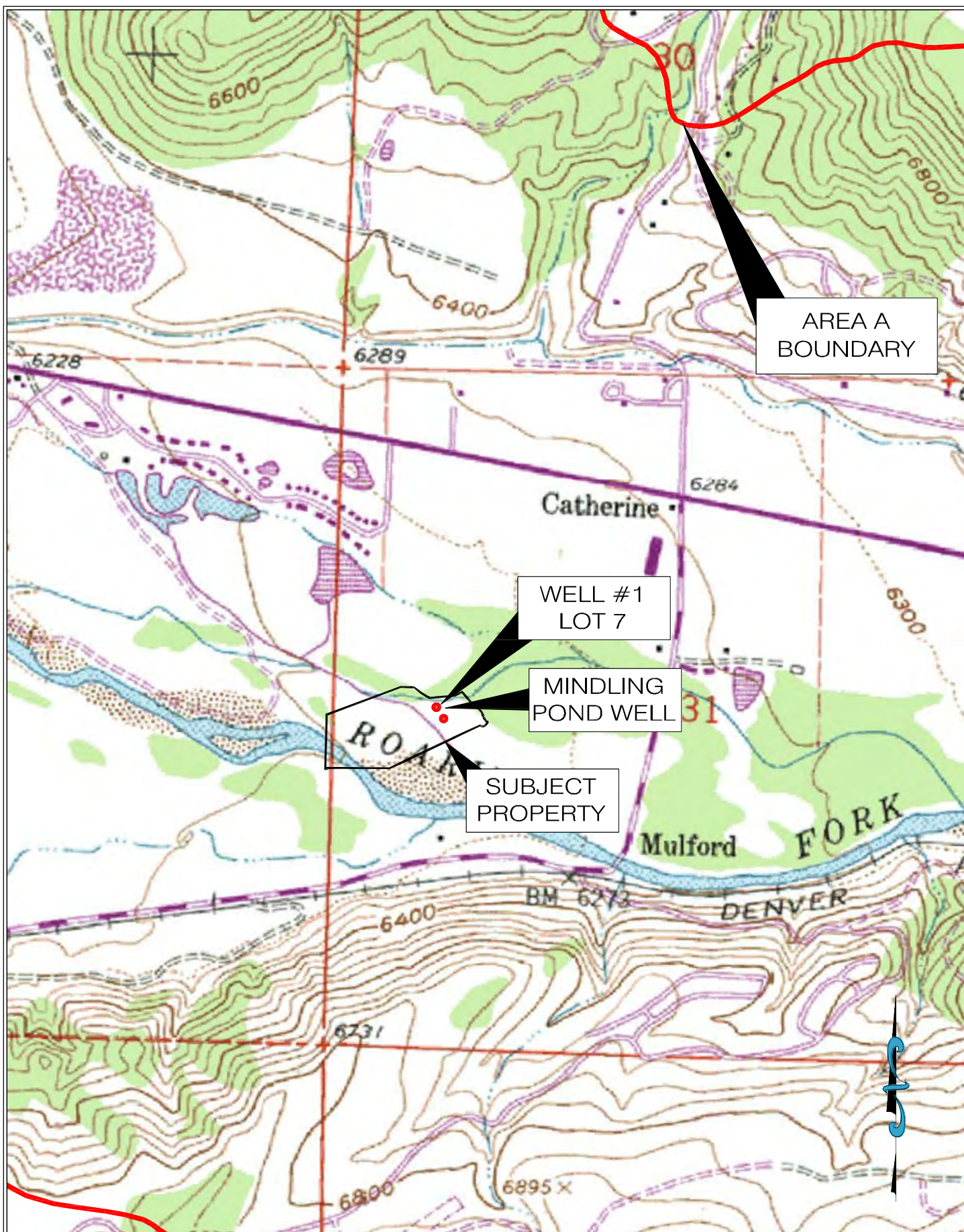
(2) = Monthly precipitation from local weather station.

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





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

1. Applicant(s) Contact Information

a. Name: **James M Mindling 2012 Irrevocable Family Trust**

b. Mailing Address: **32 Button Ball Lane  
Weston CT 06883**

c. Street Address: **30 Saint Finnbar Farm Road  
Carbondale, CO 81623**

d. Telephone Numbers: **(203) 216 1418**

e. Email Address: **mindling@gmail.com**

f. If Applicant is represented by an Attorney, please provide the Attorney's contact information, including name, address, telephone, and email:

**Scott C. Miller  
John M. Sittler  
229 Midland Ave  
Basalt, CO 81621  
(970) 920-1030  
[miller@waterlaw.com](mailto:miller@waterlaw.com)  
[sittler@waterlaw.com](mailto:sittler@waterlaw.com)**

g. Emergency Local Contact Information, including name, address, telephone, and email:

**Tom Zancanella  
Zancanella & Associates  
1011 Grand Ave  
Glenwood Springs, CO 81601  
(970) 945-5700**

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:

**Please send contract to Applicant c/o Scott Miller, with a copy to Tom Zancanella at the contact addresses above.**

2. Type of land use (development) proposed for water allotment contract (i.e. single family home, subdivision, gravel pit, etc.): **Single-family home. Contract will cover pond 0.10 acre surface area and 1.1 AF pond volume.**

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)\*:

**30 Saint Finnbar Farm Road, Carbondale, CO 81623. A map and title insurance with legal description are attached.**

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: **Fill Sources for the Mindling Pond on lot 7 will be from groundwater infiltration into an unlined pond well; (2) lateral ditches or pumps off the Middle Ditch and/or Lower Dich serving Lot 7.**

Type of Diversion: **Well/Pond and ditches.**

**Pond Location: UTM NAD83 Z13: Northing - 4363705.46, Easting - 314105.46**

**Well locations used for filling:**

**Well #1, Lot 7: Located in the NW ¼, SW ¼ Section 31, Township 7 South, Range 87 West, 6<sup>th</sup> P.M., at a point 2,715 feet from the north section line and 867 feet from the west section line (per BWCD Decree 01CW305 and BWCD Contract #3.3.5.324 - St. Finnbar Wells).**

This will be a supplemental contract in addition to BWCD Decree 01CW305 and BWCD Contract #3.3.5.324

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

**Pond well see attached**

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.

**Fill Ditch locations:**

**Middle Ditch:** The headgate is located on the north bank of said channel near the eastern line of the land claimed by Alexander Patterson, near the north Bank of the Roaring Fork River on or near Section 32, T 7 S, R 87 W of the 6<sup>th</sup> P.M.

UTM NAD83 Z13: Northing – 4363735, Easting – 315720.

Water will be used for flow through for irrigation. Evaporation water will be diverted from the well.

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)

**X** 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?

**Middle Ditch; Lower Ditch; Well #1, Lot 7.**

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

**Domestic and 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: _____
Mobile Home(s)	Number of Units: _____

Irrigation (lawns, parks, open space)

Total area to be irrigated \_\_\_\_\_ Sq. Ft. or \_\_\_\_\_ Acres

Type of irrigation system (please check)

\_\_\_\_\_ Sprinkler

\_\_\_\_\_ Flood (irrigation ditch)

Domestic stock watering (cattle, horses)

Number of animals:

Period of use (months):

Other domestic/municipal uses not listed:

**Pond filling and evaporation replacement. This application is for the initial fill of 0.10 acre-feet for the Mindling Pond well; and for replacement of pond evaporation from 0.10 acre of surface area.,**

VERIFICATION

STATE OF Connecticut )  
COUNTY OF Fairfield ) ss.

I, James M. Mindling (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:

1/31/2024

By:

James M. Mindling

Title: Grantor.

2024

Subscribed and sworn before me this 31<sup>st</sup> day of January by James Mindling

Witness my hand and seal.

[Signature]  
Notary Public

My commission expires:

James Ross Littlefield III  
Notary Public  
Connecticut  
My Commission Exp. August 31, 2025

