

DISTRICT COURT, WATER DIVISION 5, COLORADO 109 8 th Street, Suite 104 Glenwood Springs, CO 81601	EFILED Document CO Garfield County District Court 9th JD Filing Date: Dec 28 2010 11:45AM MST Filing ID: 35080527 Review Clerk: Kathy Hall
CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF GRAND, COLORADO IN GRAND COUNTY, COLORADO	▲ Court Use Only ▲ Case No.: 2010CW <u>298</u>
David C. Taussig, #16606 Mitra M. Pemberton, #37833 Matthew L. Merrill, #37918 WHITE & JANKOWSKI, LLP 511 Sixteenth Street, #500 Denver, Colorado 80202 Tele: (303) 595-9441 Fax: (303) 825-5632 Davet@white-jankowski.com mitrap@white-jankowski.com matthewm@white-jankowski.com	
APPLICATION FOR SURFACE WATER RIGHTS FOR RECREATIONAL IN-CHANNEL DIVERSIONS	

1. Name, address and telephone number of applicant:

Board of Commissioners for the County of Grand, State of Colorado
 c/o Lurline Underbrink Curran, County Manager
 P.O. Box 264
 Hot Sulphur Springs, CO 80451
 (970) 725-3347

Please send copies of all pleadings to:

David C. Taussig, Mitra M. Pemberton, Matthew L. Merrill
 White & Jankowski, LLP
 511 Sixteenth Street, #500
 Denver, CO 80202

2. Introduction: As part of its ongoing effort to improve water-based recreational and economic opportunities for its citizens and the general public, the Board of County

Commissioners for the County of Grand, State of Colorado ("Grand County" or "Applicant") is applying for confirmation of conditional water rights associated with two whitewater parks in and on the Colorado River: the Hot Sulphur Springs Whitewater Park and the Gore Canyon Whitewater Park.

3. **Names of Structures:** Hot Sulphur Springs Whitewater Park and Gore Canyon Whitewater Park.

4. **Surface Water Right for Recreational In-Channel Diversion: Hot Sulphur Springs Whitewater Park.**

a. **Legal Description:** The Hot Sulphur Springs Whitewater Park will be located in and on the Colorado River in Pioneer Park near the Town of Hot Sulphur Springs, Colorado in part of the S½ of the SE¼ of Section 3, T. 1 N., R. 78 W., 6th P.M. The project boundaries for the Hot Sulphur Springs Whitewater Park are shown on the map attached as Exhibit A. The Hot Sulphur Springs Whitewater Park will include at least two control structures in the area identified on Exhibit A.

b. **Source:** Colorado River.

c. **Date of Appropriation:** December 21, 2010.

d. **How appropriation was initiated:** By formation of the requisite intent to appropriate combined with actions manifesting and providing notice of that intent, including but not limited to, the Applicant's Resolution No. 2010-12-33, December 21, 2010 and Resolution No. 2010-12-41, dated December 28, 2010, public meetings, posting notice of the appropriation at the Hot Sulphur Springs Whitewater Park, and the filing of this application.

e. **Date Water Applied to Beneficial Use:** Not applicable. This claim is for a conditional water right.

f. **Amounts Claimed (Conditional):**

Season	Flows
April 1 – October 15	Not to exceed 900 cfs

Applicant hereby reserves the right and gives notice to all interested parties that it will further refine the time periods and flow rates for the Hot Sulphur Springs Whitewater Park and provide such information to the CWCB and Objectors, but Applicant's water rights associated with the Hot Sulphur Springs Whitewater Park will not exceed the above-listed flow rate nor extend beyond the season listed.

- g. **Use:** All recreational uses in and on the Colorado River including without limitation, boating, rafting, kayaking, tubing, floating, canoeing, paddling, and all other non-motorized recreational uses.

5. Surface Water Right for Recreational In-Channel Diversion: Gore Canyon Whitewater Park

- a. **Legal Description:** The Gore Canyon Whitewater Park will be located in and on the Colorado River below Big Gore Canyon in parts of the W½ of Section 7, T. 1 S., R. 81 W., 6th P.M. and the E½ of Section 12, T. 1 S., R. 82 W., 6th P.M. The project boundaries for the Gore Canyon Whitewater Park are shown on the map attached as Exhibit B. The Gore Canyon Whitewater Park will include at least two control structures in the area identified on Exhibit B.
- b. **Source:** Colorado River.
- c. **Date of Appropriation:** December 21, 2010.
- d. **How appropriation was initiated:** By formation of the requisite intent to appropriate combined with actions manifesting and providing notice of that intent, including but not limited to, the Applicant's Resolution No. 2010-12-33, dated December 21, 2010 and Resolution No. 2010-12-41, dated December 28, 2010, public meetings, posting notice of the appropriation at the Gore Canyon Whitewater Park, and the filing of this application.
- e. **Date Water Applied to Beneficial Use:** Not applicable. This claim is for a conditional water right.
- f. **Amounts Claimed (Conditional):**

Season	Flows
April 1 – October 15	Not to exceed 2,500 cfs

Applicant hereby reserves the right and gives notice to all interested parties that it will further refine the time periods and flow rates for the Gore Canyon Whitewater Park and provide such information to the CWCB and Objectors, but Applicant's water rights associated with the Gore Canyon Whitewater Park will not exceed the above-listed flow rate nor extend beyond the season listed.

- g. **Use:** All recreational uses in and on the Colorado River including without limitation, boating, rafting, kayaking, tubing, floating, canoeing, paddling, and all other non-motorized recreational uses.

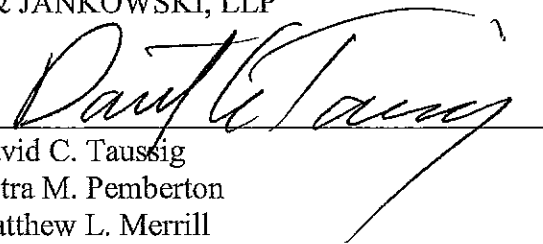
6. General Remarks:

- a. On information and belief and based upon the Grand County Assessor records, the names and addresses of owners of land upon which the Whitewater Parks will be located are:
 - i. Gore Canyon Whitewater Park: Bureau of Land Management, Kremmling Field Office, 2103 E. Park Avenue, P.O. Box 68, Kremmling, Colorado 80459.
 - ii. Hot Sulphur Springs Whitewater Park: Town of Hot Sulphur Springs, 513 Aspen St, Box 116, Hot Sulphur Springs, Colorado 80451.
- b. This application is made pursuant to, *inter alia*, Colo. Const. Art. XVI, § 5 Art. XVI, § 6, and C.R.S. §§ 37-92-101, et seq. Pursuant to C.R.S. § 37-92-102(5), within 30 days of filing this application, Applicant will submit a copy of the application to Colorado Water Conservation Board for review.

Respectfully submitted this 28th day of December, 2010.

WHITE & JANKOWSKI, LLP

By: *S/


*David C. Taussig
Mitra M. Pemberton
Matthew L. Merrill

Efiled per C.R.C.P. 121

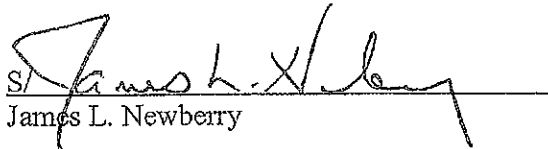
Duly signed copy on file at White & Jankowski, LLP

ATTORNEYS FOR BOARD OF COUNTY
COMMISSIONERS FOR GRAND COUNTY,
COLORADO

VERIFICATION

STATE OF COLORADO)
)
COUNTY OF GRAND) SS

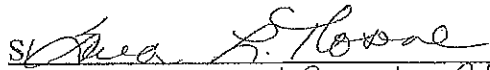
I, James L. Newberry, Chairman for the Board of County Commissioners for the County of Grand, State of Colorado state under oath that I have read this Application and verify its content.


James L. Newberry

E-filed per C.R.C.P. 121
Duly signed original on file at White & Jankowski, LLP

Subscribed under oath before me on December 28, 2010

My commission expires: n/a


Notary Public Grand County Clerk + Recorder

E-filed per C.R.C.P. 121
Duly signed original on file at White & Jankowski, LLP

Address: P.O. Box 120
Hot Sulphur Springs, CO
80451

R78W

T1N

Hot Sulphur Springs
Whitewater Park

Colorado River

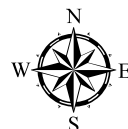


Date: Dec. 20, 2010
Job No. 0502.00

Legend

- Whitewater Park
- Project Area
- Township & Range

**Exhibit A
Hot Sulphur Springs
Whitewater Park**



1 inch = 1,000 feet

0 500 1,000 Feet

Overview Map

