

DISTRICT COURT, WATER DIVISION NO. 4,
COLORADO

Montrose County Justice Center
1200 North Grand Avenue, Bin A
Montrose, CO 81401-3146
970.249.2859

CONCERNING THE APPLICATION FOR WATER
RIGHTS OF UPPER GUNNISON RIVER WATER
CONSERVANCY DISTRICT

IN GUNNISON COUNTY

Attorneys for applicant:
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▲ COURT USE ONLY ▲

Case Number: 02CW__

**APPLICATION FOR SURFACE WATER RIGHTS FOR RECREATIONAL IN-
CHANNEL USES**

1. Name, address, and telephone number of applicant:

Upper Gunnison River Water Conservancy District
c/o Kathleen E. Curry, Manager
200 East Virginia Avenue
Gunnison, CO 81230
970.641.6065

2. Name of structures:

Gunnison River Whitewater Course: The Gunnison River Whitewater Course, to be located in the Gunnison Whitewater Park, will consist of six separate dam structures and water deflector devices which will concentrate and control the flows of the Gunnison River for beneficial use. Although water rights are sought for each of the six structures, these separate structures are collectively referred to herein as the Gunnison River Whitewater Course (also referred to herein as the "Course").

3. Legal Description of Structures:

The Course will be located downstream of Highway 50, near the City of Gunnison within the channel of the Gunnison River in Sections 2 and 3, Township 49 North, Range 1 West of the New Mexico Principal Meridian, County of Gunnison, State of Colorado. The Course will be made up of six structures (consisting of three dams and three offset deflector structures), each of which is designed to control, concentrate and direct the stream flow for the beneficial uses described below. The approximate locations of the six structures which constitute the Course are as follows:

Structure 1: A "V" dam located within the channel of the Gunnison River located North 2 degrees East, a distance of 880 feet from the southwest corner of Section 2.

Structure 2: Offset deflectors located at points within the channel of the Gunnison River located North 5 degrees West, a distance of 610 feet from the southeast corner of Section 3.

Structure 3: Offset deflectors located at points within the channel of the Gunnison River located North 20 degrees West, a distance of 470 feet from the southeast corner of Section 3.

Structure 4: Offset deflectors located at points within the channel of the Gunnison River located North 31 degrees West, a distance of 470 feet from the southeast corner of Section 3.

Structure 5: A "V" dam located within the channel of the Gunnison River located North 50 degrees West, a distance of 510 feet from the southeast corner of Section 3.

Structure 6: A "V" dam located within the channel of the Gunnison River located North 67 degrees West, a distance of 660 feet from the southeast corner of Section 3.

The Course will extend approximately one-quarter mile within the channel of the Gunnison River. A map depicting the location of the Course is attached as Exhibit A, and a design drawing of the Course is attached as Exhibit B. Both exhibits are incorporated herein by this reference. Although the precise location of the structures may, upon construction, be somewhat different from the locations described above, the structures will generally be distributed evenly through the stream reach described above. Provided that the locations of all the structures remain within the stream reach described above, any variation in structure location from the locations described herein will be simply described in the decree entered herein or, if such decree is entered before construction of any or all of the structures, in subsequent applications for diligence or applications to make absolute the water rights claimed herein.

4. Source: Gunnison River, tributary to the Colorado River.

5. Appropriation:

- A. Date of Initiation of Appropriation: October 20, 1998, or such other date as the court may find.

- B. How Appropriation Was Initiated: The appropriation was initiated by formation of the requisite intent to appropriate coupled with actions manifesting such an intent sufficient to put third parties on notice, including but not limited to, discussions in public meetings of the Applicant’s provision of water rights for the Course, design of the Course by Gunnison County, negotiation and execution of an Intergovernmental Agreement between Gunnison County and Applicant, and Applicant’s authorization in a public meeting to proceed with an application for water rights for the Course in order to implement the Board’s policy of improving water supplies for recreational purposes, to ensure protection of Gunnison County’s investments in the Course and to ensure that the purpose and function of the Gunnison River Whitewater Park can be maintained in the future, notwithstanding development of other water rights on the Gunnison River.

- C. Date Water First Applied to Beneficial Use: Not applicable.

6. Amount claimed: Applicant requests water rights for the following amounts, **CONDITIONAL**, in cubic feet per second for each of the specified semi-monthly time periods for each of the structures which makes up the Course:

May 1-15	May 16-31	June 1-15	June 16-30	July 1-15	July 16-31	August 1-15	August 16-31	Sept. 1-15	Sept. 16-30
570	1190	1460	1500	1100	530	460	390	300	270

Applicant has determined that the foregoing amounts are the minimum amounts necessary to provide a reasonable recreation experience during each of the above time periods, taking into consideration other current and potential demands on the water supply.

- 7. Beneficial Uses for Course Water Rights: Boating (including but not limited to kayaking, rafting, and canoeing) and general recreational uses.

- 8. Name and Address of Owner of Land on which Structures Are Located: Gunnison County, Colorado, c/o County Manager, 200 East Virginia, Gunnison, CO 81230.

- 9. Remarks: Applicant intends to appropriate and beneficially use all of the water herein appropriated, *provided*, however, that when and to the extent releases made for recreational purposes from Taylor Park Reservoir reach the Course, Applicant shall deduct the amount of such water reaching the Course from any call it places for the water rights herein applied for.

WHEREFORE, Applicant requests the Court to enter a decree granting the conditional water rights claimed herein for the Gunnison River Whitewater Course and granting such other relief as may be appropriate.

Respectfully submitted this _____ day of March, 2002.

Cynthia F. Covell, #10169
Gilbert Y. Marchand, Jr., #19870

VERIFICATION

STATE OF COLORADO)
)
COUNTY OF GUNNISON) ss.

James E. Slattery, being first duly sworn upon his oath, deposes and says that he is the water rights consultant and water engineer for the Upper Gunnison River Water Conservancy District, applicant herein, that he has read the foregoing Application, knows the contents thereof, and that the same is true to the best of his knowledge and belief.

James E. Slattery

SUBSCRIBED AND SWORN to before me this _____ day of March, 2002.
Witness my hand and official seal.

Notary Public

Address: _____

My commission expires:
