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Application for Surface Water Rights in Summit County, Colorado. Case No. 00CW281 (Water Division 5, Dec. 28, 2000). Applicant: Town of Breckenridge (Attys. Glen E. Porzak and P. Fritz Holleman, Porzak, Browning & Bushong, L.L.P.).

Tiffany Turner

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APPLICATION FOR SURFACE WATER RIGHTS IN SUMMIT COUNTY, COLORADO. Case No. 00CW281 (Water Division 5, Dec. 28, 2000). Applicant: Town of Breckenridge (Attys. Glen E. Porzak and P. Fritz Holleman, Porzak Browning & Bushong, L.L.P.).

1. Application

The Town of Breckenridge ("Breckenridge") seeks confirmation of a conditional water right for flow deflector and control structures on the Blue River that form the Breckenridge Whitewater Park ("Park"). The Park will modify the existing channel of the Blue River with a number of different dam and deflector structures. The structures will control, concentrate, and direct the flow of the Blue River for use by kayaks, canoes, rafts, and other forms of recreational boating and floating. The structures will also establish fish habitat.

Breckenridge requests conditional water rights in the following amounts: April—39 c.f.s; May—281 c.f.s; June—524 c.f.s; July—343 c.f.s; August—205 c.f.s; September—82 c.f.s; October—51 c.f.s; and November— 27 c.f.s., for each of the fifteen proposed structures included in the Park. The Park will stretch approximately 1800 feet within the existing channel of the Blue River, a tributary of the Colorado River, in Breckenridge.

The construction of the Park is proposed to occur in two phases. Phase one will consist of eight structures. The phase one structures are located in the NW1/4 SW1/4 and SW1/4 SW1/4 of Section 30, Township 6 South, Range 77 West, the 6th P.M. Structure one is a "U" shaped dam in the channel of the Blue River at a point approximately 1240 feet from the west line and 1000 feet from the south line of said Section 30. Structure two is a "V" shaped dam in the channel of the Blue River at a point approximately 1190 feet from the west line and 1090 feet from the south line of said Section 30. Structure three would consist of two opposing rock deflector dams on either side of the channel of the Blue River located approximately 1160 feet from the west line and 1230 feet from the south line of said Section 30. Structure four would have two opposing rock deflector dams on either side of the channel of the Blue River located approximately 1130 feet from the west line and 1310 feet from the south line of said Section 30. Structure five is a "U" shaped dam in the channel of the Blue River at a point approximately 1110 feet from the west line and 1400 feet from the south line of said Section 30. Structure six would encompass two opposing rock deflector dams on either side of the channel of the Blue River located approximately 1120 feet from the west line and 1530 feet from the south line of said Section 30. Structure seven would be comprised of two offset "V" dams on either side of the channel of the Blue River located approximately 1120 feet from the west line and 1560 feet from the south line of said Section 30. Structure eight is a "U" shaped dam in the channel of the Blue River at a point approximately 1120 feet from the west line and 1610 feet from the south line of said Section 30.

The seven structures comprising phase two are located in the SW1/4 SW1/4 of Section 30, Township 6 South, Range 77 West of the 6th P.M., and are labeled structures nine through fifteen. Structure nine is composed of two opposing rock deflector dams on either side of the channel of the Blue River located approximately 1230 feet from the west line and 370 feet from the south line of said Section 30. Structure ten is a "U" shaped dam in the channel of the Blue River at a point approximately 1180 feet from the west line and 430 feet from the south line of said Section 30. Structure eleven is a "U" shaped dam in the channel of the Blue River at a point approximately 1140 feet from the west line and 490 feet from the south line of said Section 30. Structure twelve includes a "U" shaped dam in the channel of the Blue River at a point approximately 1130 feet from the west line and 590 feet from the south line of said Section 30. Structure thirteen is comprised of a "U" shaped dam in the channel of the Blue River at a point approximately 1170 feet from the west line and 660 feet from the south line of said Section 30. Structure fourteen is two opposing rock deflector dams on either side of the channel of the Blue River located approximately 1270 feet from the west line and 770 feet from the south line of said Section 30. Structure fifteen is two opposing rock deflector dams on either side of the channel of the Blue River located approximately 1250 feet from the west line and 880 feet from the south line of said Section 30.

Breckenridge Town Council's authorization for the City to file a Section 404 Dredge and Fill Permit with the United States Army Corps of Engineers evidences Breckenridge's intent to appropriate the water.

2. Opposition

No letters of opposition have been filed against the Application at this time.

Tiffany Turner