



Grand County Colorado

Press Release

Colorado River Gains Recreational Flow Rights for Whitewater Parks

January 22, 2014 - Hot Sulphur Springs, CO. The Grand County Board of County Commissioners was awarded historic water rights for two whitewater parks on the Colorado River in a recent water decree entered by Judge Boyd in Division 5 Water Court. The Hot Sulphur Springs Whitewater Park was granted water rights for flows ranging from 250 to 850 cfs. The Gore Canyon Whitewater Park was granted water rights for flows ranging from 860 to 1500 cfs. Uniquely, the decree also protects deliveries of water up to 2,500 cfs to the Gore Canyon Whitewater Park.

“This decree represents a significant investment by Grand County to gain water rights for recreational use by river rafters and kayakers, which is a huge economic driver in the area,” Commissioner Gary Bumgarner said. These water rights were part of an agreement reached in the Colorado River Cooperative Agreement with Denver Water and the Windy Gap Firming Project Intergovernmental Agreement with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. “Although there was a lot of pushing and shoving to get these water rights through water court, the decree represents a good balance of the multiple uses that are made of water in our state” said Commissioner Merrit Linke. “We had 25 objectors in our case, but were able to reach a settlement with everyone,” Commissioner James Newberry said.

Recreational in-channel diversions (RICDs) have had a controversial history due to concerns that RICDs “tie-up” stream systems and impede more traditional, consumptive uses of water. As a result, the Colorado General Assembly substantially revamped the law in 2006 to require the Colorado Water Conservation Board (CWCB) provide findings that RICDs: 1) will not impair Colorado’s ability to develop water under its compacts; 2) will promote maximum utilization of waters of the State; and 3) will not injure CWCB’s instream flow water rights. The CWCB made favorable findings on the Grand County RICDs in March 2012.

“This is the first RICD decree entered under the new statutes,” noted David Taussig, an attorney with White & Jankowski, LLP in Denver who represents Grand County on water matters. “It is the largest RICD water right decreed in Colorado and the only one on the Colorado River mainstem to date,” he said. “The beauty of Colorado water law is its ability to accommodate new uses of water and to fit them into the prior appropriation system,” Taussig said.

Grand County is presently planning construction of the Gore Canyon Whitewater Park, with hopes to begin construction as early as this fall. Grand County has secured a grant from the CWCB for \$500,000. Eagle County has pledged to contribute \$340,000, and the County is raising the remainder of funds for the \$1.2M project. Contributions to complete the project may be made to the Grand Foundation at <http://www.grandfoundation.com/page/49/gore-canyon->

[whitewater-park/](#).

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