

United States Department of the Interior

OFFICE OF THE SECRETARY
Central Utah Project Completion Act Office
302 East 1860 South
Provo, UT 84606-7317

APR 6 - 2018

CA-1200
WTR-4.10/2.2.4.21

Kent L. Jones, P.E.
State Engineer
Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, Utah 84116-3154

Subject: Protest of Application to Appropriate No. A81080 (41-3747) – Section 201(e) –
Central Utah Project Completion Act

Dear Mr. Jones:

The subject application has been filed by Stoel Rives, LLP and Water Horse Resources, LLC to appropriate 76 cubic feet per second or 55,000 acre-feet from the Green River below Flaming Gorge Reservoir. Application No. A81080 is an application to appropriate and export water to the Front Range in Colorado. Under this application, it is proposed to divert water within the state boundaries of Utah and convey water represented as being part of Colorado's allocation of Colorado River water for use in Colorado outside the Colorado River drainage.

Our concerns about this application are twofold.

Lower Basin Deliveries and ESA Flows. In order to facilitate the comprehensive development of consumptive water use in the Upper Basin States, stored water is released from Flaming Gorge Reservoir to meet the Lower Basin Compact Obligations and to meet instream flow requirements set by the Upper Colorado River Endangered Fish Recovery Program and the Endangered Species Act (ESA). By meeting Compact and ESA obligations, Flaming Gorge Reservoir serves a vital role in protecting Upper Basin State's water resources including all Utah's water rights tributary to the Green and Colorado Rivers, even for those water users who never receive stored water from this reservoir. We believe that Application to Appropriate No. 81080 (41-3747) could affect this operation, thus potentially harming Central Utah Project operations.

Ute Indian Rights Settlement. Title V of the Central Utah Project Completion Act (CUPCA), the Ute Indian Rights Settlement, contains a variety of provisions for the benefit of the Ute Indian Tribe, and is administered by the CUPCA office. The 1990 version of the Ute Indian Water Compact, formerly ratified by Congress and recently ratified by the State of Utah, recognized Federal Reserved Water Rights in the Uintah basin as having a pre-statehood priority

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WATER RIGHTS
SALT LAKE

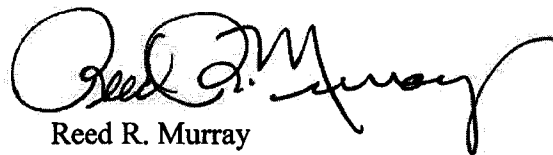
date, which makes them some of the most senior water rights in the area. The 1990 Compact also provides that the Tribe can take from the Green River in excess of 50,000 acre-feet of depletion. Implementation of the Ute Indian Right settlement and tribal development of these Federal Reserved water rights will result in significantly increased demand on the Green River in this area.

Water rights held in the name of the United States for project purposes which may be adversely impacted if this application is approved include Water Right Nos. 43-3822 for the Central Utah Project and 41-2963 for Colorado River Storage Project.

We request a hearing in order to more fully understand this application. Please provide us with a copy of your decision for our review and files.

If you have any questions, please contact Mr. Lee Baxter at 801-379-1174.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed R. Murray". The signature is fluid and cursive, with a large initial "R" and "M".

Reed R. Murray
Program Director

cc: Mr. Gene Shawcroft
General Manager/CEO
Central Utah Water
Conservancy District
Attention: Mr. Rich Tullis and Mr. Jared Hansen
355 West University Parkway
Orem, Utah 84058-7303



waterrights DNR <waterrights@utah.gov>

Protest of Application to Appropriate A81080

1 message

Musil, Rachel <rmusil@usbr.gov>

Fri, Apr 6, 2018 at 1:51 PM

To: waterrights@utah.gov

Please see attached letter for protest of A81080 from the CUPCA office.

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Rachel Musil, P.E.
Civil Engineer
Bureau of Reclamation
Provo Area Office
(801)379-1245

 **20180406 Protest Application No. A81080 (41-3747).pdf**
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