

SNOW  
CHRISTENSEN  
& MARTINEAU

Shawn E. Draney  
LAWYER  
Direct: 801.322.9138  
Cell: 801.560.9852  
sed@scmlaw.com

April 4, 2018

**HAND-DELIVERED**

Kent L. Jones, P.E.  
Utah State Engineer  
Utah Division of Water Rights  
1594 West North Temple, #220  
Salt Lake City, Utah 84116-3156

PROTEST FEE PAID  
18-016006 ml  
\$15.00

**RE: Application to Appropriate Number: A81080 (41-3747)**  
**Applicants: Water Horse Resources, LLC (Aaron Million)**  
**Protestant: Emery Water Conservancy District**

Dear Mr. Jones:

This protest letter is submitted on behalf of the Emery Water Conservancy District ("District"), 20 South 100 East Suite 300, PO Box 998 Castle Dale, Utah 84513. The District protests the above-referenced application on the following grounds:

The District is a Utah water conservancy district organized in 1961 as the project sponsor for the Emery Project. The Project serves irrigation, municipal, and industrial water to a variety of users throughout Emery County. The Project is integral to the Emery County, and surrounding areas, economy. Project features include the Joe's Valley Dam and Reservoir, the Huntington North Dam and Reservoir, and an extensive series of pipelines and canals. Project water rights include Water Right No. 93-952 (Cottonwood Creek), Water Right No. 93-953 (Huntington Creek), and Water Right 93-980 (Seely Creek). Needless to say, all three of these creeks are substantial tributaries to the Green River. Any alterations of Project operations and assets, including water rights, are of paramount concern and strongly resisted by the District.

The application does not meet the requirements of the relevant parts of the Utah Water Code, including sections 73-3a-108, and 73-3-8. The District references and adopts as fully stated herein the following points and arguments made in the State of Utah, Division of Water Resources protest letter, dated April 2, 2018.

- Michael R. Carlston
- Samuel Alba
- Jody K Burnett
- Shawn E. Draney
- Rodney R. Parker
- Richard A. Van Wagoner
- Andrew M. Morse
- Robert C. Keller
- Daniel D. Hill
- Camille N. Johnson
- Elizabeth L. Willey
- E. Scott Awerkamp
- Korey D. Rasmussen
- David L. Pinkston
- Brian P. Miller
- Keith A. Call
- Heather S. White
- Robert W. Thompson
- Scott H. Martin
- Maralyn M. English
- Bradley R. Blackham
- D. Jason Hawkins
- Richard A. Vazquez
- P. Matthew Cox
- Derek J. Williams
- Steven W. Beckstrom
- Scott Young
- Nathan A. Crane
- Scott C. Powers
- Timothy J. Bywater
- Christopher W. Droubay
- Nathan R. Skeen
- Dani N. Cepernich
- Robert T. Denny
- Adam M. Pace
- Nathanael J. Mitchell
- Matthew B. Purcell
- Margaret B. Vu
- Erik R. Hamblin
- Scott A. Elder
- Andrew L. Roth
- Amanda B. Mendenhall
- Rachel E. Phillips
- OF COUNSEL
- A. Dennis Norton
- John E. Gates
- Kim R. Wilson
- Max D. Wheeler
- Michael T. Lowe
- David W. Slaughter
- Dennis V. Dahle
- Judith D. Wolferts

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APR 04 2018  
WATER RIGHTS  
SALT LAKE

Kent L. Jones, P.E.  
April 4, 2018  
Page 2

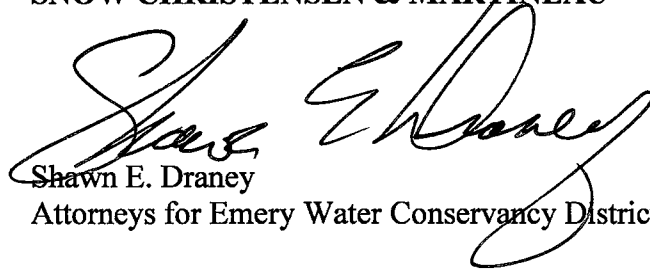
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The District does not request a hearing but would appreciate notice if one is scheduled.

Thank you for your attention to this matter.

Very truly yours,

**SNOW CHRISTENSEN & MARTINEAU**



Shawn E. Draney  
Attorneys for Emery Water Conservancy District

SED:mlr

cc: Emery Water Conservancy District

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**APR 04 2018**

WATER RIGHTS  
SALT LAKE

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## SUMMARY

The Association is a Utah nonprofit corporation organized in 1935 for the purpose of providing a supplemental water supply to its shareholders comprising six metropolitan water districts, one conservation district, several mutual irrigation companies and two small farming companies. The Association contracted with the United States Bureau of Reclamation for the construction of the Deer Creek Division of the Provo River Project. The Project includes, among other things, the Deer Creek Dam and Reservoir, the enlarged Provo Reservoir Canal, the enlarged Weber-Provo Diversion Canal and the Duchesne Tunnel. The Association is entitled to use the storage capacity of Deer Creek Reservoir, together with the total yield of storage water there from and a permanent right to the exclusive use of the water made available by the Project under the water rights standing in the name of Reclamation, which include, but are not limited to:

Water Right Nos. 55-7060 (a1902) and 55-7061 (a1903) covering the right to store 3,400 acre-feet ("AF") at a rate of 9.33 cubic feet per second ("cfs") annually of Provo River water in Deer Creek Reservoir during the irrigation season.

Water Right No. 55-295 (A16642) covering the right to store 100,000 AF annually of Provo River water in Deer Creek Reservoir during the entire year.

Water Right No. 55-262 (A12144) covering the right to store 17,410 AF of Provo River water in Deer Creek Reservoir annually by exchange during the following year for return flows of Project foreign water stored in Utah Lake.

Water Right No. 35-8737 (A9569) covering the right to divert 136,500 AF of water at a rate of 1,000 cfs annually from the Weber River for storage in Deer Creek Reservoir during the entire year.

Water Right No. 35-8756 (A12141) covering the right to divert 37,200 AF of Weber River water annually at a rate of 1,000 cfs for storage in Utah Lake and storage of like quantities of Provo River water in Deer Creek Reservoir by exchange during the following year.

Water Right Nos. 43-341 (A12230) and 43-343 (A12229) covering the collective diversions of 55,000 AF of Duchesne River waters at a combined rate of 600 cfs for storage in Deer Creek Reservoir during the entire year.

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Scott H. Martin  
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Direct: 801.322.9161  
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April 5, 2018

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Utah State Engineer  
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The application does not meet the requirements of the relevant parts of the Utah Water Code, including sections 73-3a-108, and 73-3-8. The District references and adopts as fully stated herein the following points and arguments made in the State of Utah, Division of Water Resources protest letter, dated April 2, 2018.

Further, the District wishes to emphasize that its water rights must not be compromised or affected in any way due advanced needs for protection or management of fish species generated by this application. To this end, the District

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requests that before this application is considered by the State Engineer, the Green River and all its tributaries be fully modeled to determine if there is indeed water available for such an appropriation off the Green River within Utah's borders, and if such an appropriation would have (or not have) detrimental effects on power generation, fish management and recovery, downstream priorities, current and future Indian water rights settlements and compacts, and in-place reclamation projects. Absent such modeling, any decision made on this application would be premature and misinformed.

The District does not request a hearing but would appreciate notice if one is scheduled.

Thank you for your attention to this matter.

Very truly yours,

**SNOW CHRISTENSEN & MARTINEAU**



Scott H. Martin  
Attorneys for Emery Water Conservancy District

SHM  
cc: Emery Water Conservancy District

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