

SNOW
CHRISTENSEN
& MARTINEAU

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April 4, 2018

HAND-DELIVERED

PROTEST FEE PAID

18-01604 ml
\$15.00

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

**RE: Application to Appropriate Number: A81080 (41-3747)
Applicants: Water Horse Resources, LLC (Aaron Million)
Protestant: Provo River Water Users Association**

Dear Mr. Jones:

This protest letter is submitted on behalf of the Provo River Water Users Association ("Association"), 285 West 1100 North, Pleasant Grove, Utah 84062. The Association protests the above-referenced application on the following grounds:

The Association is a Utah nonprofit corporation organized in 1935 for the purpose of providing a supplemental water supply to its shareholders. The Association contracted with the United States Bureau of Reclamation for the construction of the Deer Creek Division of the Provo River Project. 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. 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. Needless to say, the Duchesne River is a substantial tributary to the Green River.

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 Association 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
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MD APR 04 2018

WATER RIGHTS
SALT LAKE

SCANNED MD

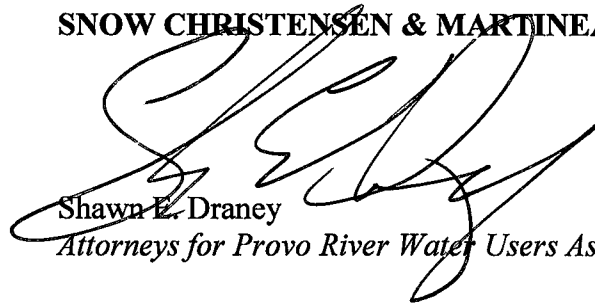
Kent L. Jones, P.E.
April 4, 2018
Page 2

The Association 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 Provo River Water Users Association

SED:mlr

cc: Provo River Water Users Association

RECEIVED

APR 04 2018

SCANNED MD

**WATER RIGHTS
SALT LAKE**

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.

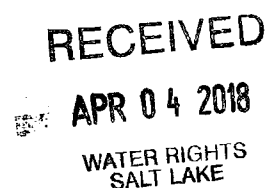
Water Right No. 55-295 (A16642) covering the right to store 100,000 AF annually of Provo River water in Deer Creek Reservoir during the entire year.

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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April 5, 2018

HAND-DELIVERED

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

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Re: Application to Appropriate Number: A81080 (41-3747)
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Protestant: Provo River Water Users Association

Dear Mr. Jones:

This protest letter is submitted on behalf of the Provo River Water Users Association ("Association"), 285 West 1100 North, Pleasant Grove, Utah 84062. The Association protests the above-referenced application on the following grounds:

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 Provo River Aqueduct, 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. 43-341 (A12230), 43-343 (A12229), and 43-344 (A16063), covering the collective diversions of 55,000 AF of Duchesne River waters at a combined rate of 621 cfs. Needless to say, the Duchesne River is a substantial tributary to the Green River.

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 Association 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.

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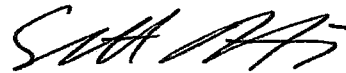
Further, the Association wishes to emphasize that its Provo River Project water rights, including those from the Duchesne River drainage, must not be compromised or affected in any way due to advanced needs for protection or management of fish species generated by this application. To this end, the Association 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 Association 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 Provo River Water Users Association

SHM:mlr
cc: Provo River Water Users Association

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