



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 01-1183 (A78992)

Application to Appropriate Water Number 01-1183 (A78992), in the names of Robert and Diane Norman, was filed on November 18, 2010, to appropriate 5.73 acre-feet (af) of water from a well proposed to be located North 87 feet and West 111 feet from the S $\frac{1}{4}$ Corner of Section 14, T24S, R19E, SLB&M. The water is to be used for year-round commercial purposes (potash exploration mining).

Notice of the application was published in The Times-Independent on December 9 and 16, 2010. Protests were received from US Department of the Interior, Regional Solicitor, National Park Service (protest withdrawn), and Living Rivers. A hearing was held on January 12, 2012.

Protestants expressed concern about impairment to air and water quality and depletion of groundwater which may dewater nearby springs and seeps. The BLM expressed concern about impairment of existing water rights held by the BLM and possible impacts to wildlife, recreation, and floodplain stability. The BLM indicated the project would be located on federal land managed by BLM and applicant does not have any land use authorization for it.

The State Engineer has reviewed the application, the information provided in the various submittals prepared in protest of the proposed project, the information provided at the hearing, and the water rights of record. It is apparent from the protests and from the hearing that the applicant does not have authorization to access federal lands for this project from the Bureau of Land Management. Therefore, the application cannot be developed and is not feasible.

It is the opinion of the State Engineer that this application fails to meet the criteria of Utah Code Ann. §73-3-8(1) because it is not feasible and must be rejected.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 01-1183 (A78992) is hereby **REJECTED**.

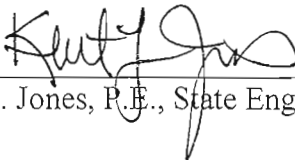
Your contact with this office, should you need it, is with the Southeastern Regional Office. The telephone number is 435-613-3750.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
01-1183 (A78992)
Page 2

date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 27th day of December, 2012.


Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 27th day of December, 2012 to:

Robert and Diane Norman
PO Box 1300
Moab, UT 84532

US Department of the Interior, Regional Solicitor
c/o James E. Karkut
125 South State Street, Suite 6201
Salt Lake City, UT 84138

National Park Service
c/o James Harte
1201 Oakridge Drive, Suite 250
Fort Collins, CO 82525

Living Rivers
c/o John Weisheit
PO Box 466
Moab, UT 84532

BY: 
Sonia R. Nava, Applications/Records Secretary

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
01-1183 (A78992)
Page 6

LIVING RIVERS
C/O JOHN WEISHEIT
PO BOX 466
MOAB UT 84532

- - - - -