

Harold Shepherd
Acting Executive Director
Red Rock Forests
P.O. Box 331
Moab, UT 84532
Telephone: 435.259.5640
FAX: 907.235.6668

Original to
Electronic Copy
Received
3/1/2010

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RIGHTS
STATE OF UTAH

TIMELY

In the Matter of
Change Applications a35402 (Water Rights
89-74, 89-128, and 89-1513) and a35874
(Water Right 09-462).
:
: **WRITTEN**
: **TESTIMONEY**
:
: March 1, 2010

Red Rock Forests (RRF), hereby provides this written testimony to supplement its objections to and PROTEST filed on November 4, 2008, and Protestor's oral testimony provided during hearing on January 12, 2010, pursuant to Utah Code Ann. §73-3-7, for the above noted Kane County and San Juan County Water Conservancy District (SJCWCD or Applicant) water right transfer applications 09-462 (A35874) and 89-74, 89-128, and 89-1513 (A35402) (Transfer Applications). Protestor is a "person interested" for the purposes of Title 73 Chapter 3 of the Utah Code which deals with appropriation of water.

I. The Transfer Applications Will Impair Existing Water Rights

a. Utah Code Ann. §73-3-8(1) dictates that applications must be rejected if approval would result in the impairment of existing water rights, or interfere with more beneficial uses of water -- such as stockwatering, municipal and agricultural uses, and providing habitat for state-sensitive fish and wildlife species and other fish and wildlife.

RECEIVED

MAR 10 2010 AA

WATER RIGHTS
SALT LAKE