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March 30, 2009

Kent L. Jones, P.E.
Utah State Engineer
1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, UT 84114-6300

**Re: Response to Protests filed against Extension Requests 89-74, 89-1285,
and 89-1513**

Dear Mr. Jones:

The Kane County Water Conservancy District ("District") files this response to the protests against its extension requests filed September 25, 2008, regarding 29,600 acre-feet of water rights under Water Right Nos. 89-74, 89-1285 and 89-1513. In summary, the extension requests meet the statutory requirements and should be approved. Also, the protestants lack standing and the State Engineer may proceed to take action on the extension requests.

1. Protestants Lack Standing to File Protests. The extension request statute authorizes limited persons to file protests against extension requests. The only persons who may file protests are those who own a water right or hold an application from the water source of supply. § 73-3-12(2)(g). In this case, the water source of supply for the water rights is Lake Powell. None of the protestants own water rights or applications in Lake Powell. The only protestant claiming to own a water right is Bill Adams of Green River, Utah who asserts that he holds Water Right No. 91-334. But according to the records on file with the Division of Water Rights, Water Right No. 91-334 is for a water right out of the Green River held in the name of Henry Brown. A copy of the data print out for 91-334 is attached. Accordingly, none of the protestants own water rights in Lake Powell. The protestants lack standing to file and pursue their protests with the State Engineer.

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