

* The proposed use will not impair existing rights.

If a nuclear generating facility is ever built, the need for the water is required – not flexible due to safety reasons for cooling etc- such that senior users would not be able to receive their respective shares.

*The proposed use will not interfere with the more beneficial use of the water.

Agricultural uses – such as farming and grazing - are more important locally, regionally and even nationally for sustainable economies. As stated, nearly 100% depletion may occur. Melon farmers, recent Community Supported Agriculture ventures, drinking water for the Town of Green River are just a few of the beneficial uses that would be adversely affected if the Green River were depleted due to the proposed plan.

*The proposed plan is physically feasible.

The District or TPD cannot demonstrate the physical feasibility of the proposed plan because there is no plan.

*The proposed plan is economically feasible.

The District or TPD cannot demonstrate the economic feasibility of the proposed plan because there is no plan.

*The proposed plan will not be detrimental to the public welfare.

The District or TPD cannot demonstrate that the public welfare will not be harmed by the proposed plan because there is no plan.

*The applicant has the financial ability to complete the proposed works.

The District nor TPD have provided DWR with any information to support the conclusion that there is financial backing in place for permitting process, successful completion, operation, de-commissioning of a nuclear facility (TPD has alluded to 2 reactors). Millions of dollars are needed for these steps to be achieved.

*The application was filed in good faith and not for purposes of speculation or monopoly.

The District nor TPD have provided enough information for this metric to be addressed, let alone answered definitively. These facilities would be the first on the Colorado and in the Intermountain west.

*The appropriation will not unreasonably affect public recreation.

Lower flows that will occur due to this large appropriation will definitely affect the rafting outfitter business, private boaters, fishers, and all those who use the river corridor for travel and recreation. Low flows or depletion will make navigation for most craft impossible. Recreational boating contributes a significant portion of tourist economy in Green River, Moab and greater region. Loss of recreational boating would therefore adversely affect local economies. The applicant(s) have provided no sociological studies to support a conclusion that public recreation would be unreasonably affected.

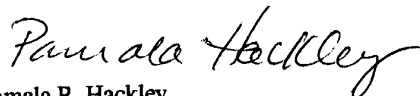
*The appropriation will not unreasonably affect the natural stream environment.

Lower flows and the prospect of depletion would be long term (for the life of the reactors). Impacts to riverine health, such as riparian corridor integrity, threatened and endangered fish, macroinvertebrate populations, would invariably be harmed. These resources cannot withstand long term low flows and certainly not depletion. The applicant(s) have not provided scientific studies to support a conclusion that the natural stream environment would be unreasonably affected.

I encourage you to find that this application is lacking and does not meet the requirements found at Utah Code 73-3-8, therefore it must be rejected.

I would also like to request that the Department conduct public hearings on this application in Green River and Moab.

Thank you for the opportunity to comment.



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RECEIVED

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WATER RIGHTS
SALT LAKE

