

May 26, 2009

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Ruby Ranch
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LATE PROTEST

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

In RE: Application for Permanent Change :
of Water (a35402) on water right 89-74 :
by Curtis and Kerry Rozman : PROTEST
In Emery County :

I. Introduction

We hereby file a protest on change application a35402 filed by the Kane County Water Conservancy District (the "District") to relocate the point of diversion on 29,600 acre-feet of water from Lake Powell to near the town of Green River, Utah. The application is for 100% depletion of this amount of water from the proposed point of diversion.

II. Protesting Party

We operate the Ruby Ranch south of the town of Green River. We hold several water rights, including water right #92-39 for 2,981.84 acre-feet per year. The point of extraction on our water right is downstream of the proposed point of diversion as described in the change application.

III. Legal Framework

Unappropriated water in the source

We believe there may not be unappropriated water in the Green River sufficient to support the proposed water use in the application. Water right 89-74, as referenced in the application,

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WATER RIGHTS
SALT LAKE