

currently has a point of diversion on Lake Powell. Lake Powell is fed by three principal sources: the Green River, the Colorado River, and the San Juan River. Therefore, only a certain portion of the ~~Colorado River~~ relative to the flows of the Colorado and San Juan rivers into Lake Powell—could be said to have been “appropriated” under the existing right; only *that* portion should be allowed for transfer from Lake Powell to near the town of Green River. The difference between that portion and the requested volume of 29,600 acre-feet should be required to go through a new appropriation process. If there is not unappropriated water in the source equal to the difference, the application should be rejected as required by Utah law. Utah Code Ann. §73-3-8 (1) (a) (i) and §73-3-8 (1) (b) (ii).

Impair existing water rights

Furthermore, Utah law requires that a water application “will not impair existing rights.” Utah Code Ann. §73-3-8 (1) (a) (ii). We believe that a large water withdrawal upstream of our water right, as is proposed in the change application, could impair our water right, especially during periods of drought. We ask that the applicant reasonably demonstrate that our water right will not be impaired by the requested change, and that the State Engineer withhold approval until then. If it is demonstrated that our water right may be impaired by the application, we ask that the State Engineer reject the application as required by Utah law. Utah Code Ann. §73-3-8 (1) (b) (ii).

Interfere with the more beneficial use of the water

The referenced change application does not specify who will benefit from the power generated by the proposed nuclear power plant. We’ve heard that the power could be sold out of state. If that’s the case, then the water use may not be very beneficial for the state of Utah. The State Engineer oversees the state’s water resources and has the ability to distinguish between more and

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