

argument that UC § 73-3-8(1)(v) expressly prohibits the State Engineer from granting a water right when “the application was filed in good faith and not for purposes of *speculation or monopoly.*” (emphasis added).

As Protestors illustrated in their original Protest (Protest), there is no evidence that MRI intends to build a uranium mill, operate a uranium facility or any other industrial complex or that it will put the water to beneficial use. The speculative nature of Application is illustrated by the fact that immediately after MRI filed the water right application, it was bought out by Bluerock Resources Ltd. (BRL) who must put in a new application for the water right in question.

2. MRI provides that “the Protestors are less concerned about water rights than they are about uranium processing but have chosen to use a water right filing as a back-door method to achieve their political goals.” Hunt Letter. This, characterization, however, directly contradicts the duties of the State Engineer as mandated by Utah Code Ann. §73-3-8(1) which specifically provide that “[i]f the state engineer, because of information in his possession obtained either by his own investigation or otherwise, has reason to believe that an application to appropriate water will interfere with its more beneficial use for irrigation, domestic or culinary, stock watering . . . *or will unreasonably affect public recreation or the natural stream environment, or will prove detrimental to the public welfare, it is his duty to withhold his approval or rejection of the application until he has investigated the matter. If an application does not meet the requirement of this section, it shall be rejected.*” (emphasis added). MRI provides no basis for its conclusion that §73-3-8(1), does not authorize Protestors to discuss the very real concerns that the application

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