



United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317

PROTEST FEE PAID

09-03903 TG

IN REPLY REFER TO:

PRO-751
WTR-4.10

OCT 09 2009

Kent L. Jones, P.E.
State Engineer, Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, UT 84116-3154

Subject: Change Application No. a35874 (09-462)

Dear Mr. Olds:

The subject change application has been filed by the San Juan County Water Conservancy District. The purpose of the application is to change the point of diversion, place of use, nature of use, and reservoir storage of 24,000.0 acre-feet of water as evidenced by Water Right No. 09-462.

We note that Water Right No. 09-462 (A37287a) has the relatively junior priority date of November 3, 1967. This priority date is junior to both the Central Utah Project and Flaming Gorge water rights and would likely be restricted if there were ever a Colorado River compact call in Utah.

Additionally, on the Green River, Change Application No. a35874 would have the priority date of August 27, 2009. Reclamation stores the entire Green River flow at Flaming Gorge Dam under a 1958 priority water right. We assert that the stored water is delivered to Lake Powell each year pursuant to the Colorado River Storage Project authorization and our notice to the State Engineer in the annual operating plan. Any right to use stored water released from Flaming Gorge Reservoir must be based on a water service contract with Reclamation. Without this water service contract, Change Application No. a35874 is only entitled to divert Green River accretion below Flaming Gorge Dam and, with a 2009 priority date, there will likely be many years when there is no water available for this change application.

We do not request a hearing. Please provide us with a copy of your decision for our review and files.

Sincerely,

Bruce C. Barrett
Area Manager

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WATER RIGHTS
SALT LAKE