



GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

BRIAN C. STEED  
Executive Director

TERESA WILHELMSSEN  
State Engineer/Division Director

NOV 17 2020

**ORDER OF THE STATE ENGINEER**  
**For Application to Appropriate Water Number 41-3747 (A81080)**

Application to Appropriate Water Number 41-3747 (A81080) in the names of Water Horse Resources, LLC and Stoel Rives, LLP, was filed on January 12, 2018, to appropriate and export 76.00 cubic foot per second (cfs) or 55,000.00 acre-feet (af) of water from points located: (1) Surface - South 285 feet and East 1,392 feet from the W<sup>1</sup>/<sub>4</sub> Corner of Section 31, T2N, R25E, SLB&M (Green River); (2) Surface - South 655 feet and East 1,685 feet from the W<sup>1</sup>/<sub>4</sub> Corner of Section 31, T2N, R25E, SLB&M (Green River). The water is to be used for an Undetermined Power Plant (hydroelectric, not rated, year-round use); and year-round other purposes (irrigation, stockwatering domestic, commercial, municipal, mining & industrial water supplies). The proposed place of use is the Colorado Front Range Corridor with an inline hydroelectric facility to be likely located along the pipeline corridor, likely in Wyoming. The water is to be used in all or portion(s) of Sections, Townships, and Ranges in the 6<sup>th</sup> Principal Meridian in Colorado.

Notice of the application was published in the Uintah Basin Standard on March 6 and 13, 2018; Emery County Progress on March 6 and 13, 2018; The Times Independent on March 8 and 15, 2018; Craig Daily Press on March 9 and 16, 2018; Desert News on March 9 and 16, 2018; Salt Lake Tribune on March 9 and 16, 2018; The Daily Herald on March 10 and 17, 2018; Denver Post on March 11 and 18, 2018; and Steamboat Pilot on March 11 and 18, 2018.

Letters in support of the application were received from the Central Colorado Water Conservancy District and from the Pipeliners Local Union 798. Protests were received from Terry Carwile, Utah Board of Water Resources, Division of Water Resources, American Whitewater, Central Utah Water Conservancy District, Uintah Water Conservancy District, Trout Unlimited, Washington County Water Conservancy District, Center for Biological Diversity, Western Resource Advocates, Colorado River District Colorado River Water Conservation District, Duchesne County Water Conservancy District, Bureau of Reclamation, Emery Water Conservancy District, Provo River Water Users Association, Save The Colorado, Department of the Interior CUPCA Office, Tim Vetere, Green River Companies, Utah Rivers Council and Other Groups (Utah Sierra Club, National Parks Conservation Association, Oneway Boat Works and Holiday River Expeditions), US Department of the Interior (on behalf of the US Bureau of Land Management, US National Park Service and the US Fish & Wildlife Service), Kane County Water Conservancy District, PacifiCorp, Wayne County Water Conservancy District, Living Rivers and Colorado Riverkeeper et al., Upper Yampa Water Conservancy District and from the San Juan Water Conservancy District.

The Pipeliners Local Union 798 wrote in support of the application and expressed enthusiasm for the creation of jobs and economic benefits that would result from the approval of the application. The Central Colorado Water Conservancy District wrote in support of this application as it could

potentially bring a new supply of water to the Front Range of Colorado and help create new storage.

Protestants requested that the State Engineer reject the application for a variety of reasons related to approval criteria. Protestants expressed the opinion that this application did not meet all the approval criteria of the export statute within Utah Code Section 73-3a-108 nor all the approval criteria within Utah Code Section 73-3-8.

### **SUMMARY OF HEARING**

An informal administrative hearing was held on the application November 7, 2018, in Salt Lake City, Utah. The applicants and many protestants to the application referred to the statutory criteria for approval or rejection of an application contained in Utah Code Ann. Sections §73-3a-108 and §73-3-8(1), provided their views of the approval criteria, and argued the application should or should not be approved.

At the conclusion of the hearing, the hearing officer indicated that a letter with additional questions would be sent from the State Engineer's Office to the applicants. The applicants would be given 60 days to respond to questions in the State Engineer's letter. Other parties would be allowed a 30-day period within which to respond to the additional information submitted by the applicants. The State Engineer's letter was sent December 10, 2018. The purpose of the request was for the applicants to provide information the State Engineer would need, "...to determine fully how this application meets the statutory criteria for an export application." Protestants were informed of the State Engineer's letter and were given time to address the applicants' response.

The applicants submitted a written response to the State Engineer's letter on February 11, 2019. Letters adverse to the applicants' response were received from the Washington County Water Conservancy District, Western Resource Advocates, Utah Division of Water Resources, the Upper Yampa District and Colorado River Water Conservation District, the United States Bureau of Reclamation, Center for Biological Diversity and from the Duchesne County Water Conservancy District.

The applicants submitted additional documents on May 22, 2020. Parties were notified by the State Engineer of the new documents on June 17, 2020, and provided 60 days for comments on the information submitted. Additional comments were received and subsequently added to the application's file of record.

**SUMMARY OF INFORMATION RECEIVED**

**Applicants:**

The applicants provided testimony addressing the following points:

- They asserted that the application meets all criteria for approval.
- They indicated that they would like a “headgate” in the Green River and that the State of Utah would have control over the headgate.
- They discussed the Colorado River Compact<sup>1</sup> and the Upper Colorado River Compact.<sup>2</sup>
- They indicated that they were working with the State of Colorado and discussed Colorado’s right to develop water under the Colorado River Compact.
- They asserted that the State of Colorado was “open” to the idea of this application counting against their Compact allotment, but that no decision had been made.
- They claimed that Colorado’s decision was not needed until Water Horse was ready to deliver water.
- They discussed the recent drought contingency planning on the Colorado River and the regional benefit to the public welfare.
- They compared their project to the Lake Powell Pipeline project in Utah.
- They estimated that their project would cost between \$800 million to \$890 million and maybe up to \$1.1 billion.
- They asserted that the application was not speculative.
- They discussed the future need for an additional 500,000 acre-feet of water in Colorado and the limited supplies of water in that state.
- They discussed the letters of interest they had received in 2009 for their project and they indicated that demand had increased since that time.
- They estimated that the total water demand from the interested parties was approximately 345,000 acre-feet.
- They indicated that the project would be built in stages and include pump storage and energy storage along the pipeline route.
- They suggested that they might be able to use an existing pipeline along their proposed pipeline route.
- They indicated that the point of diversion on the Green River in Utah resulted from public scoping.
- They discussed the availability of water in the Green River and asserted that the US Bureau of Reclamation had identified 165,000 acre-feet of available water in the Green River.
- They discussed the Williams & Weiss river model that estimated the amount of available water in the Green River to be approximately 219,000 acre-feet.

---

<sup>1</sup> Utah Code §§ 73-12a-1 through 3.

<sup>2</sup> Utah Code §§ 73-13-9 through 12.

- They indicated that the 55,000 acre-feet diverted under this application would be derived from the 165,000 acre-feet identified by the Bureau of Reclamation.
- They asserted that the endangered species had been studied by the applicants and suggested that this application would help fish flows in the Green River.
- They claimed that the project would not divert water when fish flows were critical.
- They indicated that they would contract with the US Bureau of Reclamation for Flaming Gorge storage water if needed; claiming that the NEPA process would be concluded by 2020 or 2021.

**Protestants:**

The protestants expressed the following concerns (not necessarily in the order in which they appear below):

- They asserted that the application did not follow the State Engineer's Colorado River Policy nor the Policy for water rights in the 41-Area of the State of Utah.
- They claimed that there was no unappropriated water for this application in the Green River.
- They asserted that there was not enough available water in the Green River for an additional appropriation.
- They claimed that the application was speculative.
- They expressed concern over the lack of specific details and the incompleteness of the application and the feasibility of the application.
- They expressed concern over the uncertain manner in which the water diverted under this application would be administered by the States of Utah and Colorado.
- They asserted that the application would impair existing water rights and impair further water right development in Utah.
- They expressed concern over the effects this application would have on Colorado water users.
- They expressed concern over the effects the approval of this application would have on Utah's apportionment under the Colorado River Compact and the Upper Colorado River Compact.
- They highlighted the lack of evidence indicating the acceptance of this application by the State of Colorado as a part of Colorado's apportionment under the Colorado River Compact.
- They asserted that this application would be deemed speculative and rejected if it were filed in the State of Colorado.
- They claimed that the application would increase the likelihood of a Compact call on the Colorado River by the Lower Basin States.
- They expressed concern over the negative effects the approval of this application could have on compact negotiations with Native American Tribes.

- They expressed concern over the lack of a storage contract with the United State Bureau of Reclamation for Flaming Gorge Reservoir.
- The Federal Government expressed concern over the effects this application would have on the undefined Federal Reserved Water Rights in downstream US National Monuments and Parks and the negative effects the approval of this application could have on eleven downstream National Park System Units.
- They expressed concern that the applicants had not obtained the necessary approvals from the BLM to proceed with the construction of new diversions on Federal land.
- They expressed concern that the applicants had not obtained the necessary approvals from the US Fish & Wildlife Service in order to divert and deplete water from the Green River.
- They expressed concern over the effect the approval of this application would have on the Green River with the pending Wild and Scenic Designation of the River by the Federal Government.<sup>3</sup>
- They expressed concern over the impacts the approval of this application could have on the natural stream environment, recreation on the Green River, and the recovery efforts of the four endangered fish species in the Green River System.

### **STATE ENGINEER'S INVESTIGATION**

Because this application proposes to divert water in Utah for use in another state (Colorado is stated in the application), approval of the application is subject to criteria in Utah Code Chapter 73-3a. Provisions of the Colorado River Compacts, which Utah has ratified and are part of Utah Code also are applicable to this application because it proposes to divert water from the Green River which is part of the Colorado River System.

In general, this application is at odds with the water policies the State Engineer has been pursuing for decades on the Green River for uses in Utah. Utah is a partner in the Upper Colorado River Endangered Fish Recovery Program and has adopted policies in the reach where the diversion is proposed to support recovery program objectives aimed at legally protecting habitat for the fish by limiting certain new appropriations. Utah's Colorado River Compact obligations also place a ceiling on depletions that may occur in Utah's Upper Colorado River Basin. While Utah's use of water is presently below compact thresholds, Utah has approved water rights far in excess of its compact entitlement. Consequently, policies have been implemented to limit additional appropriations to small amounts of water or approve new appropriations only on a fixed time basis so long as Utah remains below its compact entitlement.

Utah is home to federal reservations for Native Americans, national parks, and national monuments—many of which are located on the Colorado River or its major tributaries. Unresolved federal reserve water right claims, when quantified, likely will have a significant impact on additional water uses that may occur in Utah—both in terms of additional depletions

---

<sup>3</sup> Subsequent to the hearing, approximately 63 miles of the Green River were officially designated as part of the National Wild and Scenic Rivers System under the John Dingell, Jr. Act on March 12, 2019.

which must be accounted for in Utah's compact allocation and river conditions which must be maintained. While significant river flows on the Colorado and its tributaries can be observed in Utah, much of what remains visible is not necessarily available for consumptive use in Utah since water must continue to pass through to the lower Colorado River basin to meet compact obligations.

All of the previously mentioned factors together create uncertainty for existing water uses and cast doubt on the advisability of approving additional applications where large investments might be incurred without hope of a reliable water supply. The applicants, in the face of such objections, argue the State Engineer's cautious policy is wrong and that the applicants should be allowed to take chances on the basis of priority and its ability to negotiate resolution of other issues such as those relating to endangered fish. That opposing policy view is a major public interest consideration applicable to this application.

The applicants, in support of its application, have cited Article IX of the Upper Colorado River Compact as prohibiting the State Engineer from rejecting this application. The Upper Colorado River Compact, adopted as Utah Code Section 73-13-10, provides the following relevant instruction under Article IX(a):

*No State shall deny the right of the United States of America and, subject to the conditions hereinafter contained, no State shall deny the right of another signatory State, any person, or entity of any signatory State to acquire rights to the use of water or to construct or participate in the construction and use of diversion works and storage reservoirs with appurtenant works canals and conduits in one State for the purpose of diverting, conveying, storing, regulating and releasing water to satisfy the provisions of the Colorado River Compact relating to the obligation of the States of the Upper Division to make deliveries of water at Lee Ferry or for the purpose of diverting, conveying, storing, or regulating water in an upper signatory State for consumptive use in a lower signatory State, when such use is within the apportionment to such lower State made by this Compact. Such rights shall be subject to the rights of water users in a State in which such reservoirs or works are located, to receive and use water, the use of which is within the apportionment to such State by this Compact.*

The project, if constructed as indicated in the application, would result in the export of a large volume of water from the Green River in Utah to the front-range in Colorado, which is located within the Mississippi River drainage. While the applicants have applied to appropriate new water on the Green River in Utah, the applicants have asserted some of the effects of the new appropriation will be mitigated by altered releases from Flaming Gorge Reservoir under a contract being pursued with the United State Bureau of Reclamation. Reclamation argues that no such contract presently exists and any decision-making, which assumes the contents of such a contract, would be presumptuous. The State Engineer, as decision maker, concurs with the concerns expressed by Reclamation and will analyze this proposal absent any assumption that a Reclamation contract is, or will be, part of the project.

The application supporting documents identify the front range of Colorado as the intended market for the water diverted under the application. The applicants do not propose to be the parties to place the water to beneficial use, but instead have provided letters of interest without commitment from other parties who indicate they might be interested in purchasing water from the applicants if pricing and other details align with their interests at a future time when details are more certain. The applicants have supplied water demand forecasts for the front range area that suggest a demand for new water will persist into the future without addressing how cost of water (which will be significant under this proposal) might affect those growth scenarios.

The State of Colorado and/or its representatives, in correspondence related to the project, have indicated a project like the one proposed might be advantageous to Colorado, but no correspondence related to the application commits Colorado to include depletion from use of water under the application under Colorado's Colorado River allocation. The applicants argue that if the water is used in Colorado, terms of the Upper Colorado River Compact require it to be accounted as Colorado depletion, and decision makers in Utah need no further assurance from Colorado regarding compact accounting. Available Upper Colorado River depletion reporting suggests Colorado may not be using its full apportionment of Colorado River water such that uses under this application could be construed as water within Colorado's apportionment under Article IX of the Upper Colorado River Compact. However, since the Utah State Engineer is not privy to Colorado's compact accounting and water use planning process, having the State Engineer arrive at any conclusion about how this application relates to Colorado's compact allocation would be presumptuous and inappropriate.

In July of 2018, L. James Eklund of Colorado wrote a letter regarding this export application to Eric Millis of the Utah Division of Water Resources. At the time of the letter, Mr. Eklund was the Colorado Commissioner to the Upper Colorado River Commission and Mr. Millis was the Utah Commissioner to the Upper Colorado Commission and the director of the Utah Division of Water Resources. The Utah Division of Water Resources has incorporated the letter as part of the information provided in support of their protest to the application.

Mr. Eklund's letter was written "...to provide and clarify information related to the Utah Export Water Rights application #A81080 (41-3747)." Mr. Eklund noted that, "By sending this letter, Colorado is not filing a protest pursuant to Utah Code §73-3-7. Colorado does not take a position on Utah's water application process and does not intend to avail itself of Utah jurisdiction regarding the subject application at this time."

Mr. Eklund's letter further states:

*"Colorado recognizes and respects that the applicant must comply with Utah water law before it can appropriate and divert water from Utah's Green River Basin. Because use of the subject water is projected to occur in Colorado, the applicant must comply with relevant laws and procedures for water rights administration in Colorado. Moreover, the subject water falls within the Upper Colorado Basin. As such, its appropriation and*

*diversion must be consistent with the requirements and considerations set forth in the Colorado River Compact and the Upper Colorado River Basin Compact among other elements of the Law of the River. Accordingly, a decision issued by Utah's State Engineer as to the subject application does not, by itself, complete the process for putting the water to use in Colorado or accounting for such use under the Upper Colorado River Basin Compact.*

*"Only the State of Colorado, pursuant to its state sovereignty and the Upper Colorado River Commission (UCRC) pursuant to the Upper Colorado River Basin Compact have authority to make determinations as to Colorado's compact apportionments. The Colorado State Engineer has the authority to regulate deliveries of water to enable Colorado to meet its compact commitments. The Water Rights Determination Act provides Colorado's statutory framework for implementing the right to divert and the State's authority to administer and distribute waters. In order to place any water to beneficial use in Colorado, water users must comply with these statutory provisions to ensure that water is appropriated pursuant to a decree that can be administered in accordance with state water laws, rules and regulations...."*

*"Under this framework, Colorado maintains that water from the Upper Colorado River Basin shall not be considered or accounted for as part of Colorado's compact apportionment unless and until proceedings for placing water to beneficial use in Colorado have been followed and completed, and the Upper Colorado River Commission has found such use to fall within the provisions of the Upper Colorado River Basin Compact. By noting this position, Colorado does not mean to influence or interfere with the State Engineer's process for considering and deciding on water rights applications in Utah. Rather, similar to Utah wanting to preserve its rights and interests as a pipeline project involving the Colorado River Basin progresses, it is Colorado's intent to provide a record of the full context as it relates to Colorado's rights and interests regarding use of Colorado River water within its boundaries."*

All of the information presented by the applicants indicates that this is a private proposal where the use of water is largely dependent on market forces rather than an application constrained by specific use obligations or a specific beneficial use that the applicants are directly involved in developing.

There are significant questions relating to Utah's jurisdiction over, and lack of control of, uses of water under this application once the water leaves the state. If uses eventually prove not to be in Colorado, or not to be in compliance with compact provisions, Utah, as the state approving the appropriation, would be forced to account for the depletion within Utah's allocation under the Colorado River compacts. This would be untenable. Instead, the State Engineer believes that the signatory state where use of the water is made must express support for the project and agree that depletion will be accounted for in that State. This includes specific and explicit confirmation by the state that the use contemplated under the application would be considered a beneficial use under the state's water right laws and, if approved, would be accounted for as part of the state's

Colorado River allocation. Article IX(a) of the Upper Colorado River Compact speaks of the right of a "person" to acquire rights to the use of water for consumptive use in "an upper signatory State for consumptive use in a lower signatory state, when such use is within the apportionment to such lower State made by this Compact." The State Engineer does not have reason to believe this application constitutes a viable request under Article IX absent assurances explicitly made by the State of Colorado that the water appropriated would be within Colorado's apportionment and that Colorado would account for the depletion attributed to its use.

### STATE ENGINEER'S ANALYSIS

Action on an application to export water by the Utah State Engineer is governed by the provisions of Chapter 73-3a in the Utah Code which allows approval if certain criteria are met. Utah Code Section 73-3a-108, which governs State Engineer approval of export applications, reads as follows:

- (1) *The state engineer shall:*
  - (a) *undertake an investigation of any application made under this chapter; and*
  - (b) *approve the application, if he finds that:*
    - (i) *the proposed appropriation or change:*
      - (A) *satisfies Section 73-3-3, 73-3-5.5, or 73-3-8, whichever is applicable;*
      - (B) *is consistent with Utah's reasonable water conservation policies or objectives;*
      - (C) *is not contrary to the public welfare; and*
      - (D) *does not impair the ability of the state of Utah to comply with its obligation under any interstate compact or judicial decree which apportions water among Utah and other states; and*
    - (ii) *the water can be transported, measured, delivered, and beneficially used in the recipient state.*
- (2) *In reviewing the criteria of Subsections (1)(b)(i)(B) and (1)(b)(i)(C), the state engineer shall consider the following factors:*
  - (a) *the supply and quality of water available to the state of Utah;*
  - (b) *the current and reasonably anticipated water demands of the state of Utah;*
  - (c) *whether there are current or reasonably anticipated water shortages within Utah;*
  - (d) *whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated water shortages within Utah;*
  - (e) *the alternative supply and sources of water available to the applicant in the state where the applicant intends to use the water; and*
  - (f) *the demands placed on the applicant's alternate water supply in the state where the applicant intends to use the water.*
- (3) *If any application fails to meet any criteria of Subsection (1), it shall be rejected.*

The State Engineer has carefully reviewed the application, the information provided in the various submittals prepared in support and in protest of the proposed project, the information provided at the hearing, post-hearing documents and other pertinent information, and has conducted additional

investigation as directed by statute. The standard by which the State Engineer evaluates applications seeking approval is the “reason to believe standard” outlined in *Searle v. Milburn Irrigation Co.*, 2006 UT 16, 133 P.3d 382.

### **STATE ENGINEER’S CONCLUSIONS**

Lacking another state’s explicit commitment to include depletion from use of water diverted under this application as part of its Colorado River allocation, the State Engineer is left to analyze the application as if the consumptive uses would be accounted for as a portion of Utah’s allocation under the Colorado River Compacts. Considered in that context, the State Engineer makes the following conclusions:

**The application is not consistent with Utah’s reasonable water conservation policies or objectives.** The export and use of Utah’s allocation of the Colorado River in a different state contradicts the conservation strategies adopted by the State of Utah as defined in the State Water Policy under Utah Code Section 73-1-21. One of the overarching premises of the State Water Policy is the development of Utah’s allocation of the Colorado River,<sup>4,5</sup> coupled with ongoing conservation efforts,<sup>6</sup> to satisfy the growing demands within the state in years to come. The approval and use of Utah’s Colorado River water in a different state would undermine the fundamental elements of Utah’s conservation policies and objectives and place the State Engineer at odds with the Legislature’s mandate.<sup>7</sup> Consequently, the application fails to meet the statutory criterion for approval in Utah Code 73-3a-108(1)(b)(i)(B).

**The application is contrary to Utah’s public welfare.** Decades of effort have been expended to secure and implement Colorado River compacts, which assure allocations to individual states rather than putting the states at odds with each other and requiring them to compete on a first-in-time-first-in-right basis on the river system. The use of Utah’s allocation in another state is inconsistent with Utah’s understanding of these compacts and fundamentally incompatible with Utah’s public welfare. Accordingly, approval of this application by the State Engineer would constitute a serious breach of public trust duties owed to Utah citizens and would therefore be contrary to the public welfare requirements necessary for approval under Utah Code 73-3a-108(1)(b)(i)(C).

**The application impairs Utah’s ability to comply with its obligation under the Colorado River Compacts.** Since the point of diversion on the application is within the Upper Colorado River Basin, compliance with the Colorado River Compacts is essential for approval. The compacts contemplate that use of waters from the Colorado River is divided between the states and consumptive use limitations apportioned to each Upper Basin state. The Upper Colorado River Compact allows diversion and storage of water outside of a state that is accounted for as

---

<sup>4</sup> Utah Code §73-1-21(1)(b)(ii)

<sup>5</sup> Utah Code §73-1-21(1)(b)(xiv)

<sup>6</sup> Utah Code §73-1-21(1)(b)(i)

<sup>7</sup> Utah Code §73-1-21(2)

depletion based on consumptive uses within the state where the water is used. This, however, must be accomplished on a state-to-state basis.

Utah has an obligation under the compact to deplete only its allocation of water under the Colorado River Compacts based on uses of water within the State of Utah. The applicants' intent here is to use water diverted in Utah outside of the state borders; however, no other state has explicitly expressed responsibility to account for the depletion of water exported to the respective state. Since the State Engineer has no assurance that the depletion of water under this application will be accounted for within Colorado's allocation of Colorado River water, Utah's ability to ensure compliance with its obligations under the Upper Colorado River Compact is impaired. Consequently, the application fails to satisfy the requirements for approval under Utah Code 73-3a-108(1)(b)(i)(D).

In sum, the application lacks an unambiguous guarantee from a state signatory to the Colorado River compacts that depletion of water diverted and used under this application will be accounted for from a signatory state's Colorado River allocation. Without that guarantee, the Utah State Engineer must base her evaluation upon the premise that the application would result in a new appropriation charged against Utah's Colorado River allocation. Consequently, the State Engineer's analysis has resulted in the foregoing conclusions and has, all matters considered, resulted in the deficiencies described above.

The State Engineer considers these deficiencies to be of such significance that she need not consider and analyze other approval criteria contained in applicable sections of the Utah Code.

#### **STATE ENGINEER'S DECISION**

It is, therefore, **ORDERED** and Application to Appropriate Water Number 41-3747 (A81080) is hereby **REJECTED** since it is inconsistent with Utah's conservation policies and objectives, is contrary to the public welfare in Utah, and it impairs Utah's ability to comply with its obligations under the Colorado River Compacts.

Your contact with this office, should you need it, is with the Eastern Regional Office. The telephone number is 435-247-1514.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email address for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is

ORDER OF THE STATE ENGINEER  
Application to Appropriate Water Number  
41-3747 (A81080)  
Page 12

denied. A Request for Reconsideration is considered denied if no action is taken 20 days after the Request is filed.

Dated this 17 day of November, 2020.

  
Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 17 day of November, 2020 to:

Stoel Rives, LLP  
ATTN: Richard R. Hall, Agent  
201 S Main Street, Suite 1100  
Salt Lake City, UT 84111

Water Horse Resources, LLC  
ATTN: Aaron P. Million, Managing Member  
1436 West Oak Street  
Ft. Collins, Colorado 80521

Terry Carwile  
37451 North Hwy 13  
Craig, CO 81625

Utah Board of Water Resources  
c/o Charles Holmgren  
PO Box 146201  
Salt :Lake City Utah 84114-6201

Nathan Fey  
c/o American Whitewater  
1601 Longs Peak Ave  
Longmont, CO 80501

Gary Wockner  
c/o Save The Colorado  
PO Box 1066  
Fort Collins, CO 80522

Central Utah Water Conservancy District  
c/o Steven E. Clyde, Attorney  
201 South Main Street, 13th Floor  
Salt Lake City UT 84111

Center for Biological Diversity  
c/o Lisa Belenky, Senior Attorney  
1212 Broadway, Suite 800  
Oakland, CA 94612  
Washington County Water Conservancy District  
c/o Wendy Bowden Crowther Attorney  
201 South Main Street #1800  
Salt Lake City, UT 84111

Bureau of Reclamation  
302 East 1860 South  
Provo, Utah 84606

Department of the Interior CUPCA Office  
c/o Lee Baxter  
302 East 1860 South  
Provo, Utah 84606

Division of Water Resources  
c/o Eric Millis  
1594 West North Temple Suite 310  
Salt Lake City, UT 84114

SCANNED RC

ORDER OF THE STATE ENGINEER  
Application to Appropriate Water Number  
41-3747 (A81080)  
Page 13

Uintah Water Conservancy District  
c/o N. Gawain Snow  
78 West 3325 North  
Vernal UT 84078

Paul Burnett  
c/o Trout Unlimited  
5279 South 150 East  
Ogden, UT 84405

Uintah Water Conservancy District  
c/o Shawn L. Draney, Attorney  
10 Exchange Place 11th Floor  
Salt Lake City UT 84111

Emery Water Conservancy District  
c/o Shawn L. Draney, Attorney  
10 Exchange Place 11th Floor  
Salt Lake City UT 84111

Provo River Water Users Association  
c/o Shawn L. Draney, Attorney  
10 Exchange Place 11th Floor  
Salt Lake City UT 84111

Western Resource Advocates  
c/o Ariel Calmes, Esq.  
307 W 200 S Ste. 2000  
Salt Lake City, UT 84101-1285

Duchesne County Water Conservancy District  
c/o Hansen Allen and Luce  
859 West South Jordan Parkway, Suite 200  
South Jordan, UT 84095

Pipeliners Local Union 798  
PO Box 470798  
Tulsa, OK 74147-0798

US Department of the Interior  
c/o James E. Karkut  
125 South State Street, Suite 6201  
Salt Lake City, UT 84138

PacifiCorp  
c/o Buffi Morris  
1407 W. North Temple, #110  
Salt Lake City, UT 84116

Living Rivers and Colorado Riverkeeper et al.  
c/o John Weisheit  
PO Box 466  
Moab, UT 84532

Wayne County Water Conservancy District  
c/o John H. Mabey Jr., Attorney  
175 South Main Street, Suite 1330  
Salt Lake City, UT 84111

Emery Water Conservancy District  
c/o Scott H. Martin Attorney  
10 Exchange Place 11th Floor  
Salt Lake City UT 84111

Provo River Water Users Association  
c/o Scott H. Martin Attorney  
10 Exchange Place 11th Floor  
Salt Lake City UT 84111

Colorado River District Colorado River Water  
Conservation District  
c/o John Currier, Chief Engineer  
P.O. Box 1120  
Glenwood Springs, CO 81602

Tim Vetere  
PO Box 404  
Green River UT 84525

Green River Companies  
PO Box 404  
Green River UT 84525

Utah Rivers Council and Other Groups  
c/o Nick Schou  
1055 E. 2100 S. Ste. 201  
Salt Lake City, Utah 84106

Kane County Water Conservancy District  
c/o Mabey Wright and James  
175 Main Street, Suite 1330  
Salt Lake City, UT 84111

San Juan Water Conservancy District  
Po Box 246  
Blanding, UT 84511

SCANNED RC

ORDER OF THE STATE ENGINEER  
Application to Appropriate Water Number  
41-3747 (A81080)  
Page 14

Upper Yampa Water Conservancy District  
c/o Graham J. Gilbert Attorney  
15 West South Temple , Suite 1200  
Salt Lake City, UT 84101

BY: Doralee Cannon  
Doralee Cannon, Applications/Records Secretary

SCANNED RC