Protestant:	_____
Date:	_____
Address:	_____ _____
Phone: **Email:**	_____ _____
Re:	Protest of [Application No.] _____

I. Introduction

Pursuant to Utah Code § 73-3-7, Protestant submits this protest to oppose the above referenced application ("Application"). The Application must be rejected under Utah code § 73-3-8 unless the applicant proves every applicable statutory requirement for approval. Protestant requests a hearing.

II. Protestant Interest and Injury

Protestant is a "person interested" under Utah Code § 73-3-7 because of their interest in or potential injury to the following water-related interests.
Check and complete all that apply. Feel free to add comments.

☐ **I have an interest in the Great Salt Lake wetlands, wildlife habitat, watershed, recreation, research, education, or organizational interest.** *Describe how approval would impact your interest.*

_____
_____
_____

☐ **I own a water right, well, spring, irrigation supply, stockwatering source, domestic supply, or other water supply.** *Describe how approval would impact your interest.*

_____
_____
_____

☐ **I own a residence, farm, ranch, business, conservation land, or other interest.**
Describe how approval would impact your interest.

_____
_____
_____

☐ **Other particularized water-related injury.** *Describe how approval would impact your interest.*

_____
_____
_____

III. Grounds for Rejection

The Application should be rejected on the following grounds. The applicant bears the burden of proving that all applicable statutory requirements are satisfied. If the applicant cannot meet that burden, the State Engineer must reject the Application.

☐ **Water availability and lawful extent of the right have not been shown.**

The applicant has not proven that the water supply supporting the Application is legally and physically available for the proposed use. The applicant bears the burden of persuasion throughout the application process to show a reason to believe that approval will not impair vested water rights. *Searle v. Milburn Irr. Co.*, 133 P.3d 382 (2006). Approval should be denied unless the record establishes that the proposed water supply is available without unlawful depletion or enlargement of the underlying right. *E. Bench Irrigation Co. v. State*, 5 Utah 2d 235, 243–44, 300 P.2d 603 (1956).

☐ **The Application impairs existing rights and water supplies.**

The proposed use may impair rights by reducing quantity, changing the timing or location of availability, reducing groundwater recharge or spring discharge, increasing depletion, degrading water quality, changing water temperature or chemistry, or altering historic return flows. Water right owners hold vested rights to both the quality and quantity of water they have beneficially used. *HEAL Utah v. Kane County Water Conservancy District*, 378 P.3d 1246 (2016).

The State Engineer should require hydrologic, engineering, and water-quality evidence sufficient to prove no impairment. The State Engineer must determine that a proposed change will not impair any vested right, which encompasses both reductions in quantity and degradation of water quality. *Salt Lake City v. Boundary Springs Water Users Ass'n*, 2 Utah 2d 141 (1954). If the evidence produced by a protestant is compelling enough to undermine the reasonableness of the assertion that the proposed change in water rights will not impair vested rights, the State Engineer should reject the application. *HEAL Utah v. Kane County Water Conservancy District*, 378 P.3d 1246 (2016).

☐ **The Application enlarges depletion beyond lawful historic beneficial use.**

The Application may not be used to enlarge any water right, convert unproven water into a new supply, or increase depletion beyond the lawful measure of the water available to the applicant. Approval should be denied unless the applicant proves that consumptive losses and net depletion will not exceed the proven historic beneficial use. *East Bench Irr. Co. v. Deseret Irr. Co.*, 2 Utah 2d 170 (1954); *Water Horse Resources, LLC v. Wilhelmsen*, 579 P.3d 317 (2025).

☐ **Return flows must be protected in quantity, quality, timing, and location.**

The applicant may not rely on a general statement that water will return to the hydrologic system. Altered or degraded return flows impair existing rights, reduce water availability, increase net depletion, or harm water quality for downstream users, connected wetlands, and Great Salt Lake. Failure to maintain records of the specific amount of water returning to a system is fatal to a change application. *Piute Reservoir & Irr. Co. v. West Panguitch Irr. & Reservoir Co.*, 13 Utah 2d 6 (1962).

☐ **Feasibility, financial ability, and good faith have not been shown.**

The applicant must prove physical feasibility, economic feasibility, financial ability to complete the works, and that the Application was filed in good faith for a concrete, present beneficial use. Approval should be denied if the Application is speculative, segmented, filed to reserve water for uncertain future development, filed for monopoly, or unsupported by a concrete beneficial use and feasible project. *Western Water, LLC v. Olds*, 2008 UT 18, 184 P.3d 578.

☐ **Approval would be detrimental to water-related public welfare.**

Public welfare must be evaluated within the limits of Utah Code § 73-3-8. The State Engineer only considers issues directly related to beneficial use of water or the quantity, quality, or availability of water in Utah. Approval should be denied unless the applicant proves the Application will not harm water-related public welfare. *HEAL Utah v. Kane County Water Conservancy District*, 378 P.3d 1246 (2016).

IV. Relief Requested

Protestant respectfully requests that the State Engineer:

- Reject the Application under Utah Code § 73-3-8 because the applicant has not satisfied all applicable statutory requirements;
- In the alternative, withhold approval, hold a hearing, require the applicant to provide complete evidence addressing all statutory approval criteria, and allow Protestant a meaningful opportunity to review and respond before any final decision;
- Consider the Application together with related applications, amendments, replacement filings, affiliated entities, and cumulative project demand to the extent allowed by law;
- Grant Protestant notice of all proceedings, a meaningful opportunity to review and respond to the applicant's evidence, and recognition as a timely protestant with the right to participate in any hearing, investigation, or review; and
- If approval is considered, impose enforceable conditions sufficient to prevent impairment of existing rights, enlargement of depletion, altered or degraded return flows, water-quality degradation, or reduced water availability, including metering, monitoring, reporting, depletion limits, return-flow verification, water-quality protections, and mitigation as necessary.

I submit this protest in good faith based on personal knowledge or belief.

Signature: _____