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IN THE OFFICE OF THE UTAH STATE ENGINEER

UTAH DIVISION OF WATER RIGHTS

In the Matter of the)	
Application for Permit)	
Salt Lake County Water)	Protest of Lower Jordan River
Conservancy District, Applicant)	Water Users Association
Application No. a19609 (59-5513))	Protestant

The Lower Jordan River Water Users ("Protestant"), a group of water rights owners composed of private waterfowl hunting clubs, private irrigators, and PacifiCorp, owning water rights on the lower Jordan River, hereby protests the above-referenced application for permit of Salt Lake County Water Conservancy District ("District"), and states as follows:

1. Please send all correspondence and notices regarding the above referenced application to:

Jody L. Williams, Attorney for
Lower Jordan River Water Users Assn.
Kruse, Landa & Maycock
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

2. Protestant owns diligence claims, approved applications, and certificated water rights in the Jordan River used for irrigation, waterfowl habitat, power generation, water contract supply and other beneficial purposes.

3. The Salt Lake County Water Conservancy District ("District") filed Change Application a19609 (59-5513) seeking to change the point of diversion, type of use, and place of use of 5,000 a.f. of water it was conveyed by Kennecott Utah Copper Corporation.

4. The District's water right was segregated from a water right owned by Kennecott ("the Kennecott Right") which is subject to a court order requiring delivery of 25% of the Kennecott Right back into the Jordan River during the irrigation season when the flow at the Jordan River gauging station located at 2100 South and Redwood Road measures 325 c.f.s. or less flow.

5. Protestant's members were litigants in the action resulting in the order described in paragraph 4 of this Protest.

6. The District's water right for which the change is sought is a Jordan River water right, relying on accretions and return flows to the Jordan River.

7. The District's change cannot be approved without first deducting 25% of its 11.78 c.f.s. flow to be delivered at the 2100 South Jordan River gauge at times when the flow of the river at that location is 325 c.f.s. or lower. Without Utah Lake storage, during times of extremely low Utah Lake elevations and extremely low Jordan River flows, delivery through Utah Lake to the Jordan River at 2100 South may be impossible.

8. During low flow periods, the District's 5,000 a.f. water right may not receive a full supply in priority from the Jordan River. Allowing a transfer to wells in Utah County may result in an enlargement of the underlying water right and a further depletion on the Utah Lake/Jordan River basin unless the District is required to shut off its wells when water is not available in priority in the Jordan River or when the District should be delivering 25% of its supply to the Protestant.

9. PacifiCorp is a member of the Protestant. Its Jordan River water rights for the 241 MW Gadsby Steam Electric generating station would be impaired by the District's change application. Gadsby generates 485 million kilowatt hours annually, enough to serve 68,000 homes and businesses. Built in 1949, Gadsby's power generation would cost millions of dollars to replace in today's market, if it could be replaced at all.

10. Approval of the District's Change Application would be detrimental to the public interest in maintaining the important wetland ecosystem associated with the Great Salt Lake. This wetland complex consists of 150,000 acres of developed, managed wetlands, 40,000 of which are managed by private hunting clubs, including several of Protestant's members. In many years, sufficient water to protect these wetlands and marshes is unavailable. The ecosystem hosts 23 species of amphibians and reptiles, over 250 avian species and 64 species of mammals. Two endangered species, the peregrine falcon and bald eagle, and 19 sensitive species use the wetland area. Several avian species are found in their highest known concentrations in the Great Salt Lake ecosystem. For many others, it is their primary staging ground. Approving the District's

application without insuring that downstream water rights for the marshes and wetlands are protected would violate the public interest.

WHEREFORE, Protestant requests that Change Application No. 59-5513 (a19609) be rejected and that the matter be set for hearing pursuant to Rule 655-6-7(B).

DATED this 10th day of April, 1996.

LOWER JORDAN RIVER
WATER USERS ASSOCIATION

By Jody L. Williams

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Kruse, Landa & Maycock, L.L.C.
50 West Broadway, 8th Floor
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MAILING CERTIFICATE

On this 10th day of April, 1996, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

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