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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

JOEL FERRY      TERESA WILHELMSEN  
Executive Director      State Engineer/Division Director

## ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 92-695 (A83862)

MAY 1 2024

Application to Appropriate Water Number 92-695 (A83862) in the name of Blackstone Minerals NV LLC was filed on July 17, 2023, to appropriate 19 cubic feet per second (cfs) of water from points located: (1) Well - South 797 feet and West 402 feet from the NE Corner of Section 22, T21S, R16E, SLB&M (10-inch well, 8000-9000 feet deep); (2) Well - South 342 feet and West 162 feet from the NE Corner of Section 22, T21S, R16E, SLB&M (10-inch well, 8000-9000 feet deep); (3) Well - South 1169 feet and West 234 feet from the NE Corner of Section 22, T21S, R16E, SLB&M (10-inch well, 8000-9000 feet deep); (4) Well - North 963 feet and West 102 feet from the E $\frac{1}{4}$  Corner of Section 27, T21S, R16E, SLB&M (10-inch well, 8000-9000 feet deep); (5) Well - North 1225 feet and East 1028 feet from the S $\frac{1}{4}$  Corner of Section 22, T21S, R16E, SLB&M (10-inch well, 8000-9000 feet deep); (6) Well - South 1205 feet and West 882 feet from the NE Corner of Section 22, T21S, R16E, SLB&M (10-inch well, 8000-9000 feet deep). The water will be returned at the following points: (1) Return point - North 329 feet and East 1216 feet from the SW Corner of Section 14, T21S, R16E, SLB&M; (2) Return point - South 1481 feet and East 271 feet from the N $\frac{1}{4}$  Corner of Section 22, T21S, R16E, SLB&M; (3) Return point - South 205 feet and East 406 feet from the W $\frac{1}{4}$  Corner of Section 23, T21S, R16E, SLB&M; (4) Return point - South 1214 feet and East 246 feet from the NW Corner of Section 26, T21S, R16E, SLB&M; (5) Return point - North 150 feet and East 389 feet from the SW Corner of Section 14, T21S, R16E, SLB&M; (6) Return point - South 1193 feet and East 496 feet from the N $\frac{1}{4}$  Corner of Section 22, T21S, R16E, SLB&M. The water is to be used for the year-round purpose of lithium extraction. The water is to be used in all or portions of Sections 14, 22, 23, 26, & 27, T21S, R16E, SLB&M.

Notice of the application was published in the ETV News on August 16 and 23, 2023 and in The Moab Times-Independent on December 7 and 14, 2023, and protests were received from Holiday River Expeditions, Jeff & Trigg Gerber, Kelly Dunham, Trustee of the Nancy J. Dunham Trust, Gayna Salinas, Living Rivers and the Great Basin Water Network, and the Bureau of Reclamation (BOR). A hearing was held in Green River, Utah on November 14, 2023.

Protestants requested a second hearing but the nature of protests received after the November 14<sup>th</sup> hearing did not deviate significantly from those received and heard on the 14<sup>th</sup> and a second hearing was not held.

Action on change applications by the State Engineer is governed by the provisions of Utah Code § 73-3-3, which provides that change applications be limited and conditioned such that impairment of existing rights does not occur. Utah Code § 73-3-8(5)(a) requires the State Engineer follow the same procedures as provided for applications to appropriate water. The approval criteria for such applications are contained in Utah Code § 73-3-8(1), which states: