

Garland City
Municipal Corporation
72 North Main - P.O. Box 129
Garland, UT 84312
(435)257-3118

PROTEST FEE PAID

10-01136 SN

March 30, 2010

Utah State Engineer
P.O. Box 146300
Salt Lake City, UT 84114-6300

Dear Sir:

An official protest of the proposed Tremonton City underground water right diversion associated with W.R. 29-4476 (A78780) by Garland City is based on the following:

1. The proposed large diversion of underground water is upgradient and northeasterly 3,390 feet from the point in which the Garland City's main culinary water springs surface on the east side of the Bear River. The piezometric surface of the aquifer easterly of the springs is known to slope downward from east to west towards said Garland City's main springs which produce 3.0 cfs of culinary water for the community water system.
2. A search of the records of the State Engineer found that there was no existing well driller's log on the well so that an evaluation by our City Engineer and his hydrogeological consultants couldn't be made as to a potential impact of 3.34 cfs diversion from a deep underground well that is upgradient of the piezometric water surface of the mountain front aquifer which slopes from east to west towards the valley in the Deweyville area.
3. Because there is a reasonable belief from Garland City's position that there may be a potential negative impact on Garland's primary culinary water source due to the proximal relationship of the well location to Garland's springs sources, Garland City requests that if the water right diversion is approved any future confirmed negative impact upon Garland's spring source will result in an order to cease pumping of the subject well source and/or replace any lost production of Garland's spring source.

A pdf map image illustrating the relationship between the proposed well source water right is attached to document Garland City's stated position.

Sincerely,



Arlon Bennett
Garland City Mayor

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10-06251 SN

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

In the matter of
Application to Appropriate

29-4476 (A78780)

Filed by:

Tremonton City

PROTEST OF:

The Bear River Club Company

Now comes the Bear River Club Company, owner of a very senior water right which diverts from the Bear River, to protest and object to the granting of the above referenced application to appropriate in the Bear River Drainage. It is proposed under this application to divert a large amount of groundwater from a well in a sensitive groundwater area above the Bear River. The groundwater to be intercepted by the application is tributary to the Bear River and makes up a portion of protestant's water supply. The application is for consumptive uses and will deplete waters from the system.

The Bear River Club Company owns water right 29-3739 with the right to divert 75.2 cfs from the Bear River with a 1902 priority. During the irrigation season, in most years, protestant is not able to receive its full senior water right. Approval of a new application to appropriate and

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BEAR RIVER CLUB COMPANY

Post Office Box 543

Brigham City, Utah 84302

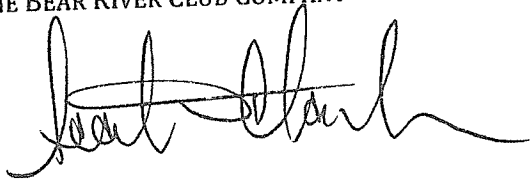
435-744-2420



deplete new water from the basin upstream of the Bear River Club Company's senior water right will impact its ability to divert its water.

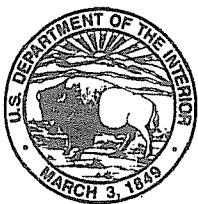
The Bear River Club Company is extremely concerned about this and similar new applications to appropriate. We kindly request a hearing before the State Engineer to further voice our concerns and ask that the State Engineer deny this application.

THE BEAR RIVER CLUB COMPANY

A handwritten signature in black ink, appearing to read "Scott H. Clark". The signature is fluid and cursive, with a long horizontal stroke across the middle.

Scott H Clark, P.G.

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PROTEST ~~FE~~ PAID SN

10-01370

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

BA WTR
WR UT
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

APR 13 2010

Jerry D. Olds, State Engineer
Utah Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, Utah 84114-6300

LATE PROTEST

FAX: 801 538 7467
VOICE: 801 538 7240

RE: Protest against Application to Appropriate Water No. 29-4476, A78780

Dear Mr. Olds:

The U.S. Fish and Wildlife Service (Service) protests Application to Appropriate Water No. 29-4438, out of concern the new diversion and depletion will injure senior Bear River water rights appurtenant to the Bear River Migratory Bird Refuge (Refuge). These Bear River rights are: 29-3485, priority 1902, for 17.75 cfs; 29-3698, priority 1902, for 2,000 acre-feet per year; and 29-1014, priority November 11, 1928, for 1,000 cfs. The applicant, Tremonton City, seeks to divert ground water year-round at a rate of 3.34 cfs and a volume of 2,420 acre-feet per year for municipal use. The proposed point of diversion is about 15 miles north of the Refuge and most-likely in Bear River valley alluvium. The proposed use will be highly depletive and a large percentage of the ground-water withdrawals will not return to the Bear River system. Summertime flows currently do not supply Refuge senior rights and a new large appropriation such as this will stress the river further, possibly requiring calls to limit junior diversions.

If you have questions concerning this protest, please call me at (303) 236-4491.

Sincerely,

Megan A. Ester
Chief, Division of Water Resources

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