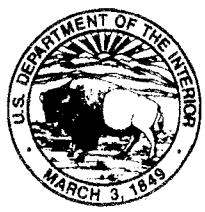


exhibit Q



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

RECEIVED
APR 19 2010 TO
WATER RIGHTS
SALT LAKE