



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

February 28, 2012

Uranium Watch
c/o Sarah M. Fields, et al
PO Box 344
Moab, UT 84532

RE: Request for Reconsideration of Orders of the State Engineer dated January 20, 2012, approving Change Application Numbers 89-74 (a35402) and 09-462 (a35874)

Your request for reconsideration submitted to the Division of Water Rights on February 9, 2012, has been examined with respect to all of the issues it raises. The request expresses opinions about how the state engineer should approach his duties on these applications and asserts the state engineer did not consider certain pertinent facts in making the decisions referenced above. Considerable time and effort were expended in reviewing the applications as they relate to the requirements for approval of change applications contained in Utah Code Sections 73-3-3 and 73-3-8. After careful review of your request for reconsideration, I continue to have reason to believe that the decisions to approve the applications were correct.

With respect to the applicants' financial ability to complete the proposed works required by Section 73-3-8(1)(a)(iv), I am aware the decisions under Applicant's Statement (on page 12 of the Orders) restated the applicants' assertion that an agreement to secure funding from Lead Dog Capital was underway. I understand the applicants are no longer pursuing that funding source. Securing funding from a specific source was unnecessary to reach my decision and is, therefore, immaterial as an issue for reconsideration.

Further, my summary of the applicants' statements of financial ability in the orders approving the applications incorrectly states term sheets have been signed with 17 utilities representing 4500 Mwe of power. Since my conclusion regarding the financial ability of the applicants to construct the proposed works was not based on the mischaracterized information, however, my opinion remains unaltered. The applicants have demonstrated a financial ability to complete the proposed works commensurate with this stage of a process that ultimately seeks to put to beneficial use the water proposed in the applications.

It is, therefore, **ORDERED** that your request for reconsideration is hereby **DENIED** as of the date of this letter. Pursuant to the provisions R655-6-18, judicial review of the decisions referenced above may be obtained by following the procedures and requirements of Utah Code Ann. Sections 63G-4-401 and 402 and 73-3-14 and 15. A request for judicial review must be filed in the appropriate District Court within 30 days of the date of this denial.

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Sincerely,



Kent L. Jones, P.E.
Utah State Engineer

Mailed a copy of the foregoing Order this 28th day of February, 2012, to:

By Kelly K. Horne per
Sonia R. Nava, Applications/Records Secretary

Kane County Water Conservancy District
190 West Center Street, Suite 200
Kanab, UT 84741

Tom and Pamela Mooney
1231 West Cantamar
St. George, UT 84790

Jake and Jeni Shirley
1181 Whitlock Ave.
Salt Lake City, UT 84106-2728

Moab Local Green Party/Utah Green Party
c/o Herald Shepard
PO Box 15332
Fritz Creek, AK 99603-6332

Pamala R. Hackley
HC 64 Box 3208
Castle Valley, UT 84532

Charles and Kimberli Rosier
2076 East Vimont Avenue
Salt Lake City, UT 84109

Moki Mac River Expeditions, Inc.
c/o Bob Quist
PO Box 116
Green River, UT 84525

San Juan County Water Conservancy
District
PO Box 246
Blanding, UT 84511

Dasch Houdeshel
1064 Norris Place
Salt Lake City, UT 84102

Richard Spotts
1125 West Emerald Drive
St. George, UT 84770

Jeff and Penny Feldman
1058 Buffalo Ct.
Ivins, UT 84738

Stephanie Martini
PO Box 461205
Leeds, UT 84746

David H. Brown
1048 West 540 North
St. George, UT 84770

Lindsey Washkoviak
517 West Mesquite Blvd.
Mesquite, NV 89027

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Ellen Darger
183 West 625 North
La Verkin, UT 84745

Kelly Squires
2546 East Canyon Ranch Drive
Washington, UT 84780

Helen McMahan
PO Box 213
Springdale, UT 84767

Margot Ford
83 North 100 West, Apt. 15
Cedar City, UT 84720

Meghan Taylor
921 West Pedregosa Street
Santa Barbara, CA 93101

Lisa Rutherford and Paul Van Dam
173 Painted Hills Drive
Ivins, UT 84738

Norm Guice
5 South 500 West, Unit 312
Salt Lake City, UT 84101

Carol Martin
210 North Mall Drive, #130
St. George, UT 84790

Kristin White
2350 East Murray Holladay, #B
Salt Lake City, UT 84117

Martha Smythe
930 Marshall Street
Charlottesville, VA 22901-3929

Amy and Matt Trebella
190 Nautical Drive
Stansbury Park, UT 84074

Naomi Franklin
1411 Utah Street, #4
Salt Lake City, UT 84104

Christine Oravec
1845 Canyon View Drive, Apt. 323
St. George, UT 84770

Kathleen Corr
PO Box 613
Springdale, UT 84767

Judy Wheeler
448 East Telegraph Street, #79
Washington, UT 84780

Center for Biological Diversity
c/o Rob Mrowka
4261 Lily Glen Ct.
Las Vegas, NV 89032

Red Rock Forests and Center for Water
Advocacy
c/o Terry Shepherd
76 South Main Street, Suite 20
Moab, UT 84532

Green River Companies
c/o Nancy Stark
9746 South Roberts Road
Palos Hills, IL 60465-1470

Uintah Water Conservancy District
c/o Scott Ruppe
78 West 3325 North
Vernal, UT 84078

Center for Advocacy
c/o Harold Shepherd
PO Box 15332
Fritz Creek, AK 99603-6332

Gregory and Alison Sayers
HC 64 Box 1812
Moab, UT 84532

Elfreda Lou Mortensen
PO Box 66
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Mark and Tammy Dalton
2132 West 11970 South
Riverton, UT 84065

Waid and Cheryl A. Reynolds
4983 Bonita Bay Drive
St. George, UT 84790

United States Department of the Interior
c/o Megan A. Estep
PO Box 25486 Denver Federal Center
Denver, CO 80225-0486

Nancy Dunham
PO Box 540
Green River, UT 84525

Chris Dunham
PO Box 193
Green River, UT 84525

Green River Canal Company
c/o Dean King
PO Box 84
Green River, UT 84525

Curtis and Kerry Rozman
PO Box 416
Green River, UT 84525-0416

Kathryn Baker
PO Box 5093
Snowmass Village, CO 81615

Center for Biological Diversity
c/o Rob Mrowka
4261 Lily Glen Ct.
North Las Vegas, NV 89032

Green River Cooperative
c/o Von Bowerman
PO Box 88
Green River, UT 84525

Utah Rivers Council
c/o Ted Wilson
1055 East 2100 South
Salt Lake City, UT 84108

United States Bureau of Reclamation
c/o Provo Office Director
302 East 1860 South
Provo, UT 84606-7317

HEAL Utah
c/o Christopher Thomas
68 South Main Street, Suite 400
Salt Lake City, UT 84101

Uintah Water Conservancy District
c/o N. Gawain Snow
78 West 3325 North
Vernal, UT 84078

Living Rivers and Uranium Watch
c/o John Weisheit
PO Box 466
Moab, UT 84532

Holiday Expeditions, Inc.
c/o Dee Holladay
544 East 3900 South
Salt Lake City, UT 84107

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9746 South Roberts Road
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The Sierra Club Utah Chapter
c/o Daniel R. Mayhew
2159 South 700 East, Suite 210
Salt Lake City, UT 84106

Lee Thayn
PO Box 447
Green River, UT 84525

Red Rock Forests
c/o Harold Shepherd
PO Box 2069
Homer, AK 99603-2069

David Erley
328 Castle Valley Drive
Castle Valley, UT 84532

Pamala R. Hackley
HC 64 Box 3208
Castle Valley, UT 84532

Western Resource Advocates
C/O Bart Miller
2260 Baseline Road, #200
Boulder, CO 80302

Grand County Council Members
c/o Robert Greenberg
125 East Center Street
Moab, UT 84532

HEAL Utah
c/o Christopher Thomas, et al
824 South 400 West, Suite B111
Salt Lake City, UT 84101



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Heal Utah et. al.
c/o Flitton & Swensen
1840 Sun Peak Drive, Suite B-102
Park City, UT 84098

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