

PROTEST

PROTEST FEE PAID

\$15.00 23-04340

Fee Rec'd BY: ONLINE

September 12, 2023

Protestant: Bureau of Reclamation
302 East Lakeview Parkway
Provo, Utah, 84606-7317

RE: Protest of Water Right Application 92-695

A hearing is requested.

Please see the attached letter.

Bureau of Reclamation

Enclosure

RECEIVED

SEP 12 2023

WATER RIGHTS

ONLINE

SCANNED



United States Department of the Interior



BUREAU OF RECLAMATION
Provo Area Office
302 East Lakeview Parkway
Provo, UT 84606

IN REPLY REFER TO:

49-620-3
2.2.4.21

VIA UPLOAD TO THE DIVISION OF WATER RIGHTS

Ms. Teresa Wilhelmsen
State Engineer, Utah Division of Water Rights
1594 West North Temple
Salt Lake City, Utah 84114-6300

Subject: Protest Letter for Application to Appropriate A83862 (Water Right No. 92-695)

Dear Ms. Wilhelmsen:

The Application to Appropriate A83862 was filed on July 17, 2023, by Blackstone Minerals NV LLC. Water Right No. 92-695 proposes the appropriation of 19 cubic feet per second (13,755.37 acre-feet) for the non-consumptive use of brine water to be used for lithium extraction south of Green River, UT. This application is of concern to the Bureau of Reclamation (Reclamation).

Application to Appropriate A83862 proposes six points of diversion for non-consumptive use of brine water, with two points of diversion being in close proximity to the Green River. Due to the large quantity of diversion the application is proposing, Reclamation is concerned the applicant may draw water for their lithium extraction operations that would otherwise remain as water supply associated with the Green River. Due to the importance of the Green River and its tributaries in association with the Colorado River Storage Project, Reclamation is concerned with uses on or near the Green River that could negatively impact the Colorado River Storage Project's water supply.

Moreover, the applicant has not provided sufficient information to show the source of this large groundwater withdrawal and how it may impact the Green River and the aquifer to which it is hydrologically connected. Without this information, it is impossible for the State Engineer and the United States to fully evaluate this application or determine whether this proposal will require a contract with the United States or a separate contract with the State of Utah as outlined under the Green River Block Contract.

Due to the properties of lithium, Reclamation has additional concerns regarding contamination of the Green River resulting from the proposed operation. The applicant has not provided sufficient information to demonstrate that water returned to the hydrologic system following mineral extraction would not contaminate or otherwise affect nearby water sources or downstream users.

As it stands, Application to Appropriate A83862 will not meet the criteria as required by Utah Code 73-3-8 to "not impair existing rights or interfere with the more beneficial use of water," we respectfully request the State Engineer reject this application.

Reclamation requests that an Administrative Hearing be conducted to allow the concerns of protesting parties to be addressed by the applicant and State Engineer.

INTERIOR REGION 7 • UPPER COLORADO BASIN
COLORADO, NEW MEXICO, UTAH, WYOMING

SCANNED

If you have any questions regarding this request, please contact Mr. Tyson Roper at (801) 379-1193 or by email at troper@usbr.gov. For Text Telephone Relay Service access, call the Federal Relay System Text Telephone (TTY) number at (800) 877-8339.

Sincerely,



Digitally signed by RICK BAXTER
Date: 2023.09.12 14:35:42 -06'00'

Rick Baxter
Acting Area Manager

cc: susannah.thomas@sol.doi.gov

SCANNED