

Brady Brammer (13411)
BRAMMER RANCK, LLP
3300 N. Triumph Blvd., Suite 100
Lehi, Utah 84043
Tel: (385) 746-1201
bbrammer@brfirm.com
Attorneys for Plaintiff

J. H. Brammer
SERVER J. H. Brammer
DATE 1-14-26 TIME 12:10
P/S Megan Libbey
ANDERSON ATTORNEY SERVICES #P101391
PO BOX 535, SLC, UT 84110 801-619-1110

IN THE FIRST JUDICIAL DISTRICT COURT
IN AND FOR BOX ELDER COUNTY, STATE OF UTAH

Mango – Spiral Jetty, LLC

Petitioner,

v.

TERESA WILHELMSEN, in her official
capacity as the Utah State Engineer,

Respondent.

SUMMONS

Case No. 260100003

Hon. Brandon Maynard

(Tier 2)

TO: Theresa Wilhelmsen
Utah State Engineer and
Director of the Utah Division of Water Rights
1594 West North Temple
Suite 220, P.O. Box 146300
Salt Lake City, Utah 84114

You are summoned and required to answer the attached Petition. Within twenty-one (21) days after service of this summons, you must file your written, signed answer with the clerk of the court at the court address shown above. A blank answer form is available on the court's website: www.utcourts.gov/howto/answer/.

Within that 21 days you must also mail or deliver a copy of your answer to the party or the party's attorney at the address shown above. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint or petition.

The court's Finding Legal Help web page (<https://www.utcourts.gov/en/legal-help/legal-help/finding-legal-help/legal-assist.html>) provides information about the ways you can get legal help, including the Self-

RECEIVED'

JAN 14 2026

SCANNED

WATER RIGHTS
SALT LAKE

Myf

Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

DATED: January 12, 2025

BRAMMER RANCK, LLP

By: */s/ Brady Brammer*
Brady Brammer
Attorneys for Plaintiff

Brady Brammer (13411)
BRAMMER RANCK, LLP
3300 N. Triumph Blvd., Suite 100
Lehi, Utah 84043
Tel: (385) 746-1201
bbrammer@brfirm.com
Attorneys for Plaintiff

IN THE FIRST JUDICIAL DISTRICT COURT
IN AND FOR BOX ELDER COUNTY, STATE OF UTAH

Mango – Spiral Jetty, LLC

Petitioner,

v.

TERESA WILHELMSEN, in her official capacity as the Utah State Engineer,

Respondent.

PETITION FOR JUDICIAL REVIEW

Case No. _____

Judge _____

(Tier 2)

Petitioner Mango – Spiral Jetty, LLC (“**Petitioner**”) petitions the Court for a de novo review of the Utah State Engineer’s orders (“**Orders**”)¹ rejecting the following applications to appropriate water: 13-4105 (A84064), 13-4106 (A84065), 13-4107 (A84066), 13-4108 (A84067), and 13-4110 (A84070) (collectively, the “**Applications**”).²

PARTIES

1. Petitioner is a Utah limited liability company based in Utah.

2. Respondent Teresa Wilhemsen is the Utah State Engineer and Director of the Utah Division of Water Rights (“**State Engineer**”). She is named in her official capacity only pursuant to Ann. §§ 63G-4-402(2)(a) and 73-3-14(2). The State Engineer’s mailing address is 1594 West North Temple, Suite 220, P.O. Box 146300, Salt Lake City, Utah 84114.

¹ Copies of the Orders are attached hereto as Exhibit A.

² Copies of the Applications are attached hereto as Exhibit B.

JURISDICTION & VENUE

1. This Court has jurisdiction because the Orders are a final agency action by the State Engineer in an informal adjudicative proceeding. *See Utah Code Ann. § 63G-4-402(l)(a)* (“...district courts have jurisdiction to review by trial de novo all final agency actions resulting from informal adjudicative proceedings.”); *see also id. § 73-3-14(l)(a)* (“A person aggrieved by an order of the state engineer may obtain judicial review in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and this section.”); *id. § 63G-4-402(2)(a)* (“petition for judicial review of informal adjudicative proceedings shall be a complaint governed by the Utah Rules of Civil Procedure...”).

2. Venue is proper in this Court because the water sources related to the Applications are in Box Elder County, Utah. *See id. § 73-3-14(l)(b)* (“Venue for judicial review of an informal adjudicative proceeding is in the county in which the water source or a portion of the water source is located.”).

3. Because Petitioner does not seek monetary relief, this matter has been designated as a Tier 2 discovery case under Utah Rule of Civil Procedure 26(c).

STANDARD OF REVIEW

In reviewing the Orders, the Court applies a de novo standard, giving no deference to the State Engineer’s determinations. *See id. § 63G-4-402(l)*. Moreover, the Court determines all factual and legal issues presented in the case. *See id. § 63G-4-402(3)(a)*. Thus, there is no administrative record on appeal, and the Court considers all facts and evidence anew in this proceeding. *See id.*

GENERAL ALLEGATIONS

1. Around 2018, Petitioner acquired certain real property (the “**Property**”) in the Rozel Flat in Box Elder County, Utah, on which multiple underground wells had been installed decades before, presumably without any approved water rights (collectively, the “**Existing Wells**”).

2. On the southern part of the Property, one of the existing wells (the “**Southern Well**”)

produces a continuous flow under artesian pressure that is not currently put to any beneficial use.

3. Petitioner operates a large local cattle ranch on the Property.

4. Petitioner could significantly expand its ranching operations if it were to irrigate the Property to produce additional feed for its cattle. However, producing feed on the Property would require Petitioner to secure additional water rights.

5. Around 2022, Petitioner consulted with the Northern Regional Office of the State Engineer, who confirmed that the State Engineer's policy for Water Right Area 13, the area in which the Rozel Flat is located, was that it is considered an "open basin" with available unappropriated water. The Regional Office suggested that, if Petitioner wanted to submit an application to appropriate water, Petitioner should submit multiple smaller applications instead of a single, consolidated application.

6. Indeed, the State Engineer's policy for Water Right Area 13, which was most recently updated on November 3, 2022, states, in relevant part, as follows: "Ground Water – Valley Locations are open for ground-water applications, canyon areas above full appropriated springs and streams are closed. However, there are some specific policies for certain areas which are mentioned below."

7. None of the "certain areas" referenced in the State Engineer's policy for Water Right Area 13 included the Rozel Flat.

8. Around this same time, a potential lessee approached Petitioner about using water from the Southern Well to assist in its proposed direct lithium extraction (DLE) processing facility.

9. Desiring to enhance its cattle ranching operations, expand the local economy, and put the water flowing under artesian pressure in the Southern Well to beneficial use, Petitioner filed the Applications on February 8, 2024.³

10. Specifically, three of the Applications (collectively, "**Irrigation Use Applications**")

³ Maps of the proposed well locations described in the Applications, together with maps of the broader general region in which those areas are situated, are provided in Exhibit C.

seek to use 720 acre-feet of water for irrigation to support Petitioner's local ranching business, while the remaining Applications (collectively, "**Mining Use Applications**") seek to use 300 acre-feet of water for local mineral extraction.

11. The Applications were publicly noticed and satisfied all statutory requirements.

12. Despite this, several parties protested the Applications, including, among others, the Friends of Great Salt Lake, Salt Lake City Department of Public Utilities, and Bear River Canal Co.

13. The protesters' primary concerns included the availability of unappropriated water, the potential impact on existing rights and public welfare, and the feasibility of the proposed water use.

14. Petitioner submitted a response on April 15, 2024, explaining that the protests were not well taken for many reasons, including the fact that: (1) both the State Engineer and the Northern Regional Office confirmed there is unappropriated water in the Rozel Flat area; (2) the protestants' arguments consisted primarily of theoretical, vague concerns and failed to show any meaningful impairment to an existing water rights; (3) the Applications seek to access water from significant depths, further mitigating any potential, attenuated impact to other existing water rights; (4) Petitioner already made many significant financial investments to develop infrastructure and other improvements to the Property; and (5) the proposed water use will allow Petitioner to expand its ranching operations and will contribute to local and regional economic development.

15. A hearing was held on the Applications on June 25, 2024, at which only half of the protestants appeared.

16. About fifteen months after the hearing, the State Engineer issued the Orders on October 31, 2025, rejecting each of the Applications.⁴

17. The Orders acknowledged that, while there is unappropriated water in the identified

⁴ Petitioner had another application to appropriate (13-4109), which was approved by the State Engineer. However, that application is not the subject of this Petition.

region, the State Engineer was “reluctant” to approve the Applications.

18. The basis for the State Engineer’s decision is unclear. However, the Orders indicate (1) the proposed point of diversion lies in an area that with an unknown quantity of groundwater that flows to the Great Salt Lake; (2) while Petitioner’s proposal to drill below the aquifer may reduce the potential impact to that flow, such pumping “can propagate rapidly” impacting well pressure miles away; and (3) Petitioner’s “stacking of applications to appropriate … is incompatible with the intent of the [local] water right policy” and raised a “concern” of monopolization.⁵

19. The Orders, however, contain multiple deficiencies, including the following: (1) the “concern” of monopolization is mere speculation and not well taken, as the water identified in the Applications are only a fraction of the water in the area; (2) Petitioner submitted the Applications in multiple parts based on the State Engineer’s Northern Regional Office’s own suggestion; (3) although the Applications sought to appropriate water for consumptive use, the reality is that a significant portion of the water identified in the Applications will return to the local hydrological systems after use as return flow;⁶ (4) one of the proposed points of diversion includes the Southern Well, which flows under artesian pressure and is not currently being put to beneficial use; and (5) the deeper drilling of the wells would mitigate any potential interference to other water right holders.

20. Additionally, the Orders are inconsistent with the State Engineer’s own water right policy for Water Right Area 13, as was demonstrated by other decisions that were recently made by the State Engineer in Water Right Area 13, which allowed others to appropriate water in other parts of the Rozel Flat (some of which are mere minutes away from the Property), even though many of those applications received similar third-party protests and raised similar arguments to defeat those protests.

⁵ See Exhibit A.

⁶ For example, the water identified in the Mining Use Applications were anticipated to be used to separate and wash certain minerals before being delivered to the mineral feed stream into the Great Salt Lake.

21. By way of example, a common protestant to water right applications argued against the granting of a similar application to appropriate water from the Rozel Flat (Water Right No. 13-4100) because that water is in the watershed of the Great Salt Lake. Despite this, the State Engineer granted the application. In this specific decision, the State Engineer observed there was unappropriated water in the Rozel Flat that can be developed, and it cited the applicant's argument that the withdrawals would not affect the Great Salt Lake due to the significant depth of the proposed wells.

22. Because of the State Engineer's inconsistent treatment of other similarly situated applications, its failure to follow its established policy for Water Right Area 13, and the deficiencies in its Orders, the State Engineer arbitrarily concluded the Applications should be rejected.

23. Mango filed a request for reconsideration on November 19, 2025, explaining that the Orders relied on irrelevant material, failed to consider evidence, and made findings contrary to the State Engineer's other decisions.⁷

24. Petitioner's potential lessee further elaborated on how the Applications satisfied the statutory requirements in a letter submitted in support of the Petitioner's request for reconsideration.⁸

25. However, Petitioner's request for reconsideration was deemed denied on December 9, 2025, after the State Engineer failed to take action on it.

FIRST CAUSE OF ACTION
(De Novo Review of State Engineer Orders)

26. Petitioner realleges the General Allegations as stated above as if set forth fully herein.

27. Under Utah Code § 73-3-8(1)(a), the State Engineer has a "duty...to approve an application [to appropriate water]" if *there is reason to believe* the following factors are met:

- a. there is unappropriated water in the proposed source;
- b. the proposed use will not impair existing rights or interfere with the more beneficial

⁷ See Exhibit E.

⁸ A copy of the letter submitted to the State Engineer is attached as Exhibit C.

use of the water;

- c. the proposed plan is physically and economically feasible, and would not prove detrimental to the public welfare;
- d. the applicant has the financial ability to complete the proposed works; and
- e. (if applicable) the application complies with the State Engineer's groundwater management plan.⁹

28. The proposed source is located in an "open basin" with available unappropriated water, which has been established by the State Engineer's own policy and reconfirmed by its Northern Regional Office on multiple instances.

29. There is clearly available water in the resource as demonstrated by the water from the Southern Well that flows under artesian pressure, which Petition cannot put to any meaningful beneficial use without an approved water right.

30. No other existing water rights have been identified that will be impaired by the use proposed in the Applications.

31. Petitioner has repeatedly demonstrated through its operations and investments that the proposed plan is physically and economically feasible, and it has the financial ability to complete the proposed works.

32. The proposed use identified in the Applications are consistent with any applicable groundwater management plan from the State Engineer.

33. Under Utah Code Ann. § 63G-4-404(l)(b), in granting this Petition, the Court may:

- a. order agency action required by law;
- b. order the agency to exercise its discretion as required by law;

⁹ See Utah Code § 73-3-8(1)(a) (emphasis added).

- c. set aside or modify agency action;
- d. enjoin or stay the effective date of agency action; or
- e. remand the matter to the agency for further proceedings.

34. In issuing the Orders, State Engineer acted contrary to statute, ignored substantial and significant evidence, failed to adequately support its decision, and behaved in a seemingly arbitrary manner when it treated the Applications differently than other applications that were submitted and considered under substantially similar conditions.

35. The State Engineer's own policy, the existence of significant water flowing under artesian pressure on the Property, previous State Engineer approvals of similar applications filed nearby the Property, and a proposed lease and/or use of water under the Irrigation Use Applications and the Mining Use Applications all demonstrate that the State Engineer had reason to believe that Petitioner's Applications should be approved.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for judgment in its favor and against the State Engineer as follows:

1. For complete approval of Applications.
2. For an award of costs, attorneys' fees, and interest where allowed by law; and
3. For such other relief as the Court deems just and reasonable under the circumstances.

DATED: January 8, 2026

BRAMMER RANCK, LLP

By: */s/ Brady Brammer*
Brady Brammer
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I certify that on this 8th day of January 2026, I caused a true and correct copy of the foregoing PETITION FOR JUDICIAL REVIEW was served to the parties listed on the Court's electronic filing system.

/s/ Ashley Jimenez

Ashley Jimenez
Legal Assistant



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

OCT 31 2025

ORDER OF THE STATE ENGINEER
For Application to Appropriate Water Number 13-4105 (A84064)

Application to Appropriate Water Number 13-4105 (A84064) in the name of Mango-Spiral Jetty LLC was filed on February 8, 2024, to appropriate 240.0 acre-feet of water from the following point:

- 1) Well - North 2375 feet West 167 feet from the S $\frac{1}{4}$ Corner of Section 33, T9N, R7W, SLB&M (12-inch well, 50-500 feet deep)

The water is to be used for the following purpose:

- 1) Industrial - Mining, year round

The water is to be used in all or a portion of:

- 1) Section 31, T9N, R7W, SLB&M

Notice of the Application to Appropriate was published in The Tremonton Leader on February 28 and March 6, 2024, and protests were received from Salt Lake City Corporation, Bear River Canal Co. (BRCC), FRIENDS FRIENDS of Great Salt Lake, Farmland Reserve Inc., and Great Basin Water Network. A hearing was held on June 25, 2024.

Protestants stated that a greater understanding of groundwater contributions to the Great Salt Lake shows a 560,000 acre-feet groundwater contribution to the Great Salt Lake. They state that this amount is greater than understood before, and any well drilled will impact the Great Salt Lake regardless of depth drilled. The proposed pumping is likely to lead to the loss of more spring flow, phreatophytes, surface water, and groundwater. This will have an impact on lake elevations, wildlife, air quality, and other environmental factors. It will also lead to impacts on senior rights holders.

The applicant stated that they plan to drill the well deep enough to not have conductivity to the Great Salt Lake. They do not want to impair other water rights, and stated that the application would not impair those rights. Applicants believe this project is within the criteria for approval under the current water management policies and the statutory framework governing water rights in Utah. Applicant also believes that groundwater diversions at significant depth will not interact with the surface water systems that feed into or out of the Great Salt Lake, thus mitigating concerns regarding Great Salt Lake's levels and overall health.

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4105 (A84064)
Page 2

The proposed point of diversion is located in an area with a poorly understood hydrogeology, though important springs and shallow groundwater are known to exist on the playa adjacent to the uplands within the watershed. The average annual groundwater flow to the Great Salt Lake through this area is estimated at approximately 24,800 acre-feet,¹ but this figure carries significant uncertainty and considerable variation. This estimate was derived from wells with a median depth of 230 feet.

Pumping from much deeper wells, particularly in a confined aquifer, is less likely to directly affect surface flow in the immediate vicinity. However, a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distant wells and reducing spring flow many miles away, especially when large volumes of water are extracted.

For example, extensive groundwater pumping in the nearby Curlew Valley has led to declining groundwater levels and a substantial reduction in discharge from the Locomotive Springs complex, located roughly 15 miles away.¹ Within this drainage, numerous springs are situated within 7 miles of the proposed well site.

The applicant filed six consecutive Applications to Appropriate (13-4105 thru 13-4110) for a total of 1,260 acre-feet of water from two points of diversion. While the State Engineer is of the opinion that there is a limited amount of unappropriated water in this area, the State Engineer is presently reluctant to approve six applications to appropriate.

The concentration, or stacking of applications to appropriate in a limited groundwater district, is incompatible with the intent of the Area 13 water right policy. The State Engineer establishes water right policies to guide development of the state's water resources. These policies are developed with the input of local water users and the general public. Furthermore, policies are based on the best science available and the judgement of the State Engineer.² These policies provide the public with order and certainty, and allow the State Engineer to meet her statutory responsibilities.³ As such, applications that are contrary to area policy pose a reason to believe standard that quantity impairment of other water users will occur. Policy for this area notes that there is limited unappropriated water from underground resources. On the western slopes of the

¹ Zamora , H., and Inkenbrandt , P., 2024, Estimate of groundwater flow and salinity contribution to the Great Salt Lake using groundwater levels and spatial analysis: Geosites, v. 51, p. 1-24., doi: 10.31711/ugap.v51i.141.

² Crafts v Hansen, 667 P.2d 1068, 1081 (Utah 1983), "Great reliance must be placed upon expert judgment based on professional knowledge and training, familiarity with the geography, and as much accurate data as can be acquired in the process of making future projections. As we have emphasized throughout this opinion, we are not dealing so much with "facts" in these cases as with the opinion of experts about the accuracy and legitimacy of the projections based upon the available facts."

³ See Utah Code Ann. §73-2-1

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4105 (A84064)
Page 3

Promontory Mountains, applications are generally limited to a single family domestic supply, with larger filings reviewed on an individual basis. The approval of six consecutive applications to appropriate, split between two points of diversion and appropriating 1,260 acre-feet is incompatible with the State Engineer's policy for this area. The State Engineer's position is reinforced when one considers that an applicant may otherwise comply with the policy by acquiring, repurposing and moving an existing water right via change application.

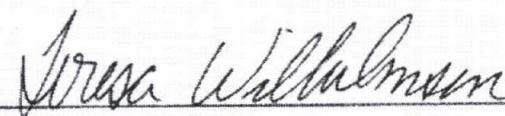
In addition to quantity impairment concerns, filing a consecutive series of applications to appropriate raises a concern of monopolization of a limited resource. For these reasons, the State Engineer believes rejection is warranted under Utah Code Ann. §§73-3-8(1)(a)(ii) and 73-3-8(1)(a)(v).

It is, therefore, **ORDERED**, and Application to Appropriate Water Number 13-4105 (A84064) is hereby **REJECTED**.

Your contact with this office, should you need it, is with the Northern Regional Office in Logan. The telephone number is (435) 752-8755.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 31 day of October, 2025


Teresa Wilhelmsen, P.E., State Engineer

SCANNED

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4105 (A84064)
Page 4

Mailed a copy of the foregoing Order this 31 day of October, 2025 to:

Mango-Spiral Jetty LLC
111 Broadway, Suite 900
Salt Lake City, Utah 84111

Bear River Canal Co. (BRCC)
c/o Emily E. Lewis, Attorney for BRCC
CLYDE SNOW 201 S Main, Ste 2200
Salt Lake City, UT 84111

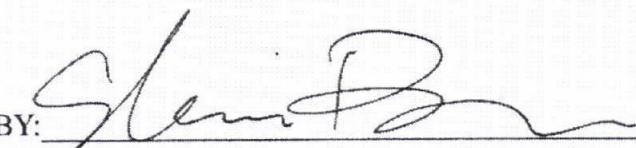
Farmland Reserve Inc.
60 E South Temple, Ste 1600
Salt Lake City, UT, 84111

Salt Lake City Corporation
c/o Tamara Prue
1530 South West Temple
Salt Lake City, UT, 84115

FRIENDS FRIENDS of Great Salt Lake
c/o Rob Dubuc
150 S 600 E, Ste 5D
Salt Lake City, UT 84102

Great Basin Water Network
PO BOX 75
Baker, NV, 89311

BY:


Sheridan Bronson, Applications/Records Secretary



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

OCT 31 2025

ORDER OF THE STATE ENGINEER
For Application to Appropriate Water Number 13-4106 (A84065)

Application to Appropriate Water Number 13-4106 (A84065) in the name of Mango-Sprial Jetty LLC was filed on February 8, 2024, to appropriate 60.0 acre-feet of water from the following point:

- 1) Well - North 2375 feet West 167 feet from the S $\frac{1}{4}$ Corner of Section 33, T9N, R7W, SLB&M (12-inch well, 50-500 feet deep)

The water is to be used for the following purpose:

- 1) Industrial - Mining, year round

The water is to be used in all or a portion of:

- 1) Section 31, T9N, R7W, SLB&M

Notice of the Application to Appropriate was published in The Tremonton Leader on February 28 and March 6, 2024, and protests were received from Great Basin Water Network, FRIENDS FRIENDS of Great Salt Lake, Farmland Reserve Inc., Bear River Canal Co. (BRCC), and Salt Lake City Corporation. A hearing was held on June 25, 2024.

Protestants stated that a greater understanding of groundwater contributions to the Great Salt Lake shows a 560,000 acre-feet groundwater contribution to the Great Salt Lake. They state that this amount is greater than understood before, and any well drilled will impact the Great Salt Lake regardless of depth drilled. The proposed pumping is likely to lead to the loss of more spring flow, phreatophytes, surface water, and groundwater. This will have an impact on lake elevations, wildlife, air quality, and other environmental factors. It will also lead to impacts on senior rights holders.

The applicant stated that they plan to drill the well deep enough to not have conductivity to the Great Salt Lake. They do not want to impair other water rights, and stated that the application would not impair those rights. Applicants believe this project is within the criteria for approval under the current water management policies and the statutory framework governing water rights in Utah. Applicant also believes that groundwater diversions at significant depth will not interact with the surface water systems that feed into or out of the Great Salt Lake, thus mitigating concerns regarding Great Salt Lake's levels and overall health.

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4106 (A84065)
Page 2

The proposed point of diversion is located in an area with a poorly understood hydrogeology, though important springs and shallow groundwater are known to exist on the playa adjacent to the uplands within the watershed. The average annual groundwater flow to the Great Salt Lake through this area is estimated at approximately 24,800 acre-feet,¹ but this figure carries significant uncertainty and considerable variation. This estimate was derived from wells with a median depth of 230 feet.

Pumping from much deeper wells, particularly in a confined aquifer, is less likely to directly affect surface flow in the immediate vicinity. However, a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distant wells and reducing spring flow many miles away, especially when large volumes of water are extracted.

For example, extensive groundwater pumping in the nearby Curlew Valley has led to declining groundwater levels and a substantial reduction in discharge from the Locomotive Springs complex, located roughly 15 miles away.¹ Within this drainage, numerous springs are situated within 7 miles of the proposed well site.

The applicant filed six consecutive Applications to Appropriate (13-4105 thru 13-4110) for a total of 1,260 acre-feet of water from two points of diversion. While the State Engineer is of the opinion that there is a limited amount of unappropriated water in this area, the State Engineer is presently reluctant to approve six applications to appropriate.

The concentration, or stacking of applications to appropriate in a limited groundwater district, is incompatible with the intent of the Area 13 water right policy. The State Engineer establishes water right policies to guide development of the state's water resources. These policies are developed with the input of local water users and the general public. Furthermore, policies are based on the best science available and the judgement of the State Engineer.² These policies provide the public with order and certainty and allow the State Engineer to meet her statutory responsibilities.³ As such, applications that are contrary to area policy pose a reason to believe standard that quantity impairment of other water users will occur. Policy for this area notes that there is limited unappropriated water from underground resources. On the western slopes of the

¹ Zamora , H., and Inkenbrandt , P., 2024, Estimate of groundwater flow and salinity contribution to the Great Salt Lake using groundwater levels and spatial analysis: Geosites, v. 51, p. 1-24, doi: 10.31711/ugap.v51i.141.

² Crafts v Hansen, 667 P.2d 1068, 1081 (Utah 1983), "Great reliance must be placed upon expert judgment based on professional knowledge and training, familiarity with the geography, and as much accurate data as can be acquired in the process of making future projections. As we have emphasized throughout this opinion, we are not dealing so much with "facts" in these cases as with the opinion of experts about the accuracy and legitimacy of the projections based upon the available facts."

³ See Utah Code Ann. §73-2-1

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4106 (A84065)
Page 3

Promontory Mountains, applications are generally limited to a single family domestic supply, with larger filings reviewed on an individual basis. The approval of six consecutive applications to appropriate, split between two points of diversion and appropriating 1,260 acre-feet is incompatible with the State Engineer's policy for this area. The State Engineer's position is reinforced when one considers that an applicant may otherwise comply with the policy by acquiring, repurposing and moving an existing water right via change application.

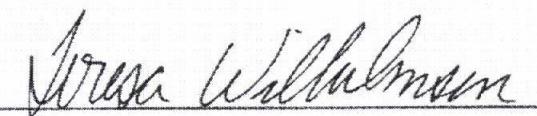
In addition to quantity impairment concerns, filing a consecutive series of applications to appropriate raises a concern of monopolization of a limited resource. For these reasons, the State Engineer believes rejection is warranted under Utah Code Ann. §§73-3-8(1)(a)(ii) and 73-3-8(1)(a)(v).

It is, therefore, **ORDERED**, and Application to Appropriate Water Number 13-4106 (A84065) is hereby **REJECTED**.

Your contact with this office, should you need it, is with the Northern Regional Office in Logan. The telephone number is (435) 752-8755.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 31 day of October, 2025


Teresa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4106 (A84065)
Page 4

Mailed a copy of the foregoing Order this 31 day of October, 2025 to:

Mango-Sprial Jetty LLC
111 Broadway, Suite 900
Salt Lake City, Utah 84111

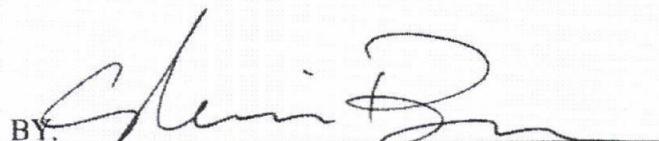
Great Basin Water Network
PO BOX 75
Baker, NV, 89311

FRIENDS FRIENDS of Great Salt Lake
c/o Rob Dubuc
150 S 600 E, Ste 5D
Salt Lake City, UT 84102

Farmland Reserve Inc.
60 E South Temple, Ste 1600
Salt Lake City, UT, 84111

Bear River Canal Co. (BRCC)
c/o Emily E. Lewis, Attorney for BRCC
CLYDE SNOW 201 S Main, Ste 2200
Salt Lake City, UT 84111

Salt Lake City Corporation
c/o Tamara Prue
1530 South West Temple
Salt Lake City, UT, 84115

BY: 
Sheridan Bronson, Applications/Records Secretary



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

OCT 31 2025

ORDER OF THE STATE ENGINEER
For Application to Appropriate Water Number 13-4107 (A84066)

Application to Appropriate Water Number 13-4107 (A84066) in the name of Mango-Spiral Jetty LLC was filed on February 8, 2024, to appropriate 240.0 acre-feet of water from the following point:

- 1) Well - North 2375 feet West 167 feet from the S $\frac{1}{4}$ Corner of Section 33, T9N, R7W, SLB&M (12-inch well, 50-500 feet deep)

The water is to be used for the following purpose:

- 1) Irrigation - Sole Supply: 80.0 acres, Group Total: 80.0 acres, from April 1 to October 31

The water is to be used in all or portions of:

- 1) Sections 31 & 32, T9N, R7W, SLB&M

Notice of the Application to Appropriate was published in The Tremonton Leader on February 28 and March 6, 2024, and protests were received from Great Basin Water Network, FRIENDS FRIENDS of Great Salt Lake, Salt Lake City Corporation, Bear River Canal Co. (BRCC), and Farmland Reserve Inc.. A hearing was held on June 25, 2024.

Protestants stated that a greater understanding of groundwater contributions to the Great Salt Lake shows a 560,000 acre-feet groundwater contribution to the Great Salt Lake. They state that this amount is greater than understood before, and any well drilled will impact the Great Salt Lake regardless of depth drilled. The proposed pumping is likely to lead to the loss of more spring flow, phreatophytes, surface water, and groundwater. This will have an impact on lake elevations, wildlife, air quality, and other environmental factors. It will also lead to impacts on senior rights holders.

The applicant stated that they plan to drill the well deep enough to not have conductivity to the Great Salt Lake. They do not want to impair other water rights, and stated that the application would not impair those rights. Applicants believe this project is within the criteria for approval under the current water management policies and the statutory framework governing water rights in Utah. Applicant also believes that groundwater diversions at significant depth will not interact with the surface water systems that feed into or out of the Great Salt Lake, thus mitigating concerns regarding Great Salt Lake's levels and overall health.

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4107 (A84066)
Page 2

The proposed point of diversion is located in an area with a poorly understood hydrogeology, though important springs and shallow groundwater are known to exist on the playa adjacent to the uplands within the watershed. The average annual groundwater flow to the Great Salt Lake through this area is estimated at approximately 24,800 acre-feet,¹ but this figure carries significant uncertainty and considerable variation. This estimate was derived from wells with a median depth of 230 feet.

Pumping from much deeper wells, particularly in a confined aquifer, is less likely to directly affect surface flow in the immediate vicinity. However, a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distant wells and reducing spring flow many miles away, especially when large volumes of water are extracted.

For example, extensive groundwater pumping in the nearby Curlew Valley has led to declining groundwater levels and a substantial reduction in discharge from the Locomotive Springs complex, located roughly 15 miles away.¹ Within this drainage, numerous springs are situated within 7 miles of the proposed well site.

The applicant filed six consecutive Applications to Appropriate (13-4105 thru 13-4110) for a total of 1,260 acre-feet of water from two points of diversion. While the State Engineer is of the opinion that there is a limited amount of unappropriated water in this area, the State Engineer is presently reluctant to approve six applications to appropriate.

The concentration, or stacking of applications to appropriate in a limited groundwater district, is incompatible with the intent of the Area 13 water right policy. The State Engineer establishes water right policies to guide development of the state's water resources. These policies are developed with the input of local water users and the general public. Furthermore, policies are based on the best science available and the judgement of the State Engineer.² These policies provide the public with order and certainty and allow the State Engineer to meet her statutory responsibilities.³ As such, applications that are contrary to area policy pose a reason to believe standard that quantity impairment of other water users will occur. Policy for this area notes that there is limited unappropriated water from underground resources. On the western slopes of the

¹ Zamora , H., and Inkenbrandt , P., 2024, Estimate of groundwater flow and salinity contribution to the Great Salt Lake using groundwater levels and spatial analysis: Geosites, v. 51, p. 1-24., doi: 10.31711/ugap.v51i.141.

² Crafts v Hansen, 667 P.2d 1068, 1081 (Utah 1983), "Great reliance must be placed upon expert judgment based on professional knowledge and training, familiarity with the geography, and as much accurate data as can be acquired in the process of making future projections. As we have emphasized throughout this opinion, we are not dealing so much with "facts" in these cases as with the opinion of experts about the accuracy and legitimacy of the projections based upon the available facts."

³ See Utah Code Ann. §73-2-1

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4107 (A84066)
Page 3

Promontory Mountains, applications are generally limited to a single family domestic supply, with larger filings reviewed on an individual basis. The approval of six consecutive applications to appropriate, split between two points of diversion and appropriating 1,260 acre-feet is incompatible with the State Engineer's policy for this area. The State Engineer's position is reinforced when one considers that an applicant may otherwise comply with the policy by acquiring, repurposing and moving an existing water right via change application.

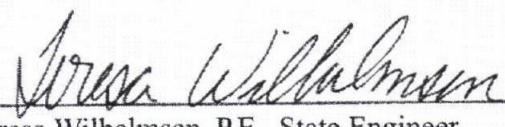
In addition to quantity impairment concerns, filing a consecutive series of applications to appropriate raises a concern of monopolization of a limited resource. For these reasons, the State Engineer believes rejection is warranted under Utah Code Ann. §§73-3-8(1)(a)(ii) and 73-3-8(1)(a)(v).

It is, therefore, **ORDERED**, and Application to Appropriate Water Number 13-4107 (A84066) is hereby **REJECTED**.

Your contact with this office, should you need it, is with the Northern Regional Office in Logan. The telephone number is (435) 752-8755.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 31 day of October, 2025


Teresa Wilhelmsen, P.E., State Engineer

SCANNED

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4107 (A84066)
Page 4

Mailed a copy of the foregoing Order this 31 day of October, 2025 to:

Mango-Spiral Jetty LLC
111 Broadway, Suite 900
Salt Lake City, Utah 84111

Great Basin Water Network
PO BOX 75
Baker, NV, 89311

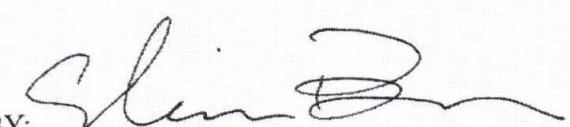
FRIENDS FRIENDS of Great Salt Lake
c/o Rob Dubuc
150 S 600 E, Ste 5D
Salt Lake City, UT 84102

Salt Lake City Corporation
c/o Tamara Prue
1530 South West Temple
Salt Lake City, UT, 84115

Bear River Canal Co. (BRCC)
c/o Emily E. Lewis, Attorney for BRCC
CLYDE SNOW 201 S Main, Ste 2200
Salt Lake City, UT 84111

Farmland Reserve Inc.
60 E South Temple, Ste 1600
Salt Lake City, UT, 84111

BY:


Sheridan Bronson, Applications/Records Secretary

SCANNED



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

OCT 31 2025

ORDER OF THE STATE ENGINEER
For Application to Appropriate Water Number 13-4108 (A84067)

Application to Appropriate Water Number 13-4108 (A84067) in the name of Mango-Spiral Jetty LLC was filed on February 8, 2024, to appropriate 240.0 acre-feet of water from the following point:

- 1) Well - North 2375 feet West 167 feet from the S $\frac{1}{4}$ Corner of Section 33, T9N, R7W, SLB&M (12-inch well, 50-500 feet deep)

The water is to be used for the following purpose:

- 1) Irrigation - Sole Supply: 80.0 acres, Group Total: 80.0 acres, from April 1 to October 31

The water is to be used in all or portions of:

- 1) Sections 31 & 32, T9N, R7W, SLB&M

Notice of the Application to Appropriate was published in The Tremonton Leader on February 28 and March 6, 2024, and protests were received from Great Basin Water Network, Bear River Canal Co. (BRCC), FRIENDS FRIENDS of Great Salt Lake, Farmland Reserve Inc., and Salt Lake City Corporation. A hearing was held on June 25, 2024.

Protestants stated that a greater understanding of groundwater contributions to the Great Salt Lake shows a 560,000 acre-feet groundwater contribution to the Great Salt Lake. They state that this amount is greater than understood before, and any well drilled will impact the Great Salt Lake regardless of depth drilled. The proposed pumping is likely to lead to the loss of more spring flow, phreatophytes, surface water, and groundwater. This will have an impact on lake elevations, wildlife, air quality, and other environmental factors. It will also lead to impacts on senior rights holders.

The applicant stated that they plan to drill the well deep enough to not have conductivity to the Great Salt Lake. They do not want to impair other water rights, and stated that the application would not impair those rights. Applicants believe this project is within the criteria for approval under the current water management policies and the statutory framework governing water rights in Utah. Applicant also believes that groundwater diversions at significant depth will not interact with the surface water systems that feed into or out of the Great Salt Lake, thus mitigating concerns regarding Great Salt Lake's levels and overall health.

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4108 (A84067)
Page 2

The proposed point of diversion is located in an area with a poorly understood hydrogeology, though important springs and shallow groundwater are known to exist on the playa adjacent to the uplands within the watershed. The average annual groundwater flow to the Great Salt Lake through this area is estimated at approximately 24,800 acre-feet,¹ but this figure carries significant uncertainty and considerable variation. This estimate was derived from wells with a median depth of 230 feet.

Pumping from much deeper wells, particularly in a confined aquifer, is less likely to directly affect surface flow in the immediate vicinity. However, a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distant wells and reducing spring flow many miles away, especially when large volumes of water are extracted.

For example, extensive groundwater pumping in the nearby Curlew Valley has led to declining groundwater levels and a substantial reduction in discharge from the Locomotive Springs complex, located roughly 15 miles away.¹ Within this drainage, numerous springs are situated within 7 miles of the proposed well site.

The applicant filed six consecutive Applications to Appropriate (13-4105 thru 13-4110) for a total of 1,260 acre-feet of water from two points of diversion. While the State Engineer is of the opinion that there is a limited amount of unappropriated water in this area, the State Engineer is presently reluctant to approve six applications to appropriate.

The concentration, or stacking of applications to appropriate in a limited groundwater district, is incompatible with the intent of the Area 13 water right policy. The State Engineer establishes water right policies to guide development of the state's water resources. These policies are developed with the input of local water users and the general public. Furthermore, policies are based on the best science available and the judgement of the State Engineer.² These policies provide the public with order and certainty and allow the State Engineer to meet her statutory responsibilities.³ As such, applications that are contrary to area policy pose a reason to believe standard that quantity impairment of other water users will occur. Policy for this area notes that there is limited unappropriated water from underground resources. On the western slopes of the

¹ Zamora , H., and Inkenbrandt , P., 2024, Estimate of groundwater flow and salinity contribution to the Great Salt Lake using groundwater levels and spatial analysis: Geosites, v. 51, p. 1-24., doi: 10.31711/ugap.v51i.141.

² Crafts v Hansen, 667 P.2d 1068, 1081 (Utah 1983), "Great reliance must be placed upon expert judgment based on professional knowledge and training, familiarity with the geography, and as much accurate data as can be acquired in the process of making future projections. As we have emphasized throughout this opinion, we are not dealing so much with "facts" in these cases as with the opinion of experts about the accuracy and legitimacy of the projections based upon the available facts."

³ See Utah Code Ann. §73-2-1

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4108 (A84067)
Page 3

Promontory Mountains, applications are generally limited to a single family domestic supply, with larger filings reviewed on an individual basis. The approval of six consecutive applications to appropriate, split between two points of diversion and appropriating 1,260 acre-feet is incompatible with the State Engineer's policy for this area. The State Engineer's position is reinforced when one considers that an applicant may otherwise comply with the policy by acquiring, repurposing and moving an existing water right via change application.

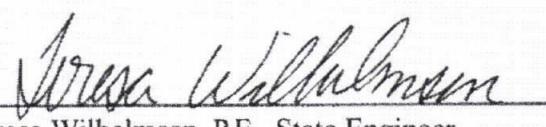
In addition to quantity impairment concerns, filing a consecutive series of applications to appropriate raises a concern of monopolization of a limited resource. For these reasons, the State Engineer believes rejection is warranted under Utah Code Ann. §§73-3-8(1)(a)(ii) and 73-3-8(1)(a)(v).

It is, therefore, **ORDERED**, and Application to Appropriate Water Number 13-4108 (A84067) is hereby **REJECTED**.

Your contact with this office, should you need it, is with the Northern Regional Office in Logan. The telephone number is (435) 752-8755.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 31 day of October, 2025



Teresa Wilhelmsen
Teresa Wilhelmsen, P.E., State Engineer

SCANNED

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4108 (A84067)
Page 4

Mailed a copy of the foregoing Order this 31 day of October, 2025 to:

Mango-Spiral Jetty LLC
111 Broadway, Suite 900
Salt Lake City, Utah 84111

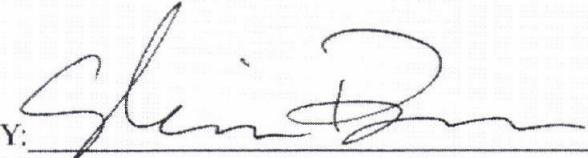
Bear River Canal Co. (BRCC)
c/o Emily E. Lewis, Attorney for BRCC
CLYDE SNOW 201 S Main, Ste 2200
Salt Lake City, UT 84111

Farmland Reserve Inc.
60 E South Temple, Ste 1600
Salt Lake City, UT, 84111

Great Basin Water Network
PO BOX 75
Baker, NV, 89311

FRIENDS FRIENDS of Great Salt Lake
c/o Rob Dubuc
150 S 600 E, Ste 5D
Salt Lake City, UT 84102

Salt Lake City Corporation
c/o Tamara Prue
1530 South West Temple
Salt Lake City, UT, 84115

BY: 

Sheridan Bronson, Applications/Records Secretary

SCANNED



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

OCT 31 2025

ORDER OF THE STATE ENGINEER
For Application to Appropriate Water Number 13-4110 (A84070)

Application to Appropriate Water Number 13-4110 (A84070) in the name of Mango-Spiral Jetty LLC was filed on February 8, 2024, to appropriate 240.0 acre-feet of water from the following point:

- 1) Well - South 1923 feet East 189 feet from the N $\frac{1}{4}$ Corner of Section 9, T9N, R7W, SLB&M (12-inch well, 50-500 feet deep)

The water is to be used for the following purpose:

- 1) Irrigation - Sole Supply: 80.0 acres, Group Total: 80.0 acres, from April 1 to October 31

The water is to be used in all or portions of:

- 1) Sections 3, 4, 9, & 10, T9N, R7W, SLB&M

Notice of the Application to Appropriate was published in The Tremonton Leader on February 28 and March 6, 2024, and protests were received from FRIENDS FRIENDS of Great Salt Lake, Great Basin Water Network, Bear River Canal Co. (BRCC), and Farmland Reserve Inc.. A hearing was held on June 25, 2024.

Protestants stated that a greater understanding of groundwater contributions to the Great Salt Lake shows a 560,000 acre-feet groundwater contribution to the Great Salt Lake. They state that this amount is greater than understood before, and any well drilled will impact the Great Salt Lake regardless of depth drilled. The proposed pumping is likely to lead to the loss of more spring flow, phreatophytes, surface water, and groundwater. This will have an impact on lake elevations, wildlife, air quality, and other environmental factors. It will also lead to impacts on senior rights holders.

The applicant stated that they plan to drill the well deep enough to not have conductivity to the Great Salt Lake. They do not want to impair other water rights, and stated that the application would not impair those rights. Applicants believe this project is within the criteria for approval under the current water management policies and the statutory framework governing water rights in Utah. Applicant also believes that groundwater diversions at significant depth will not interact with the surface water systems that feed into or out of the Great Salt Lake, thus mitigating concerns regarding Great Salt Lake's levels and overall health.

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4110 (A84070)
Page 2

The proposed point of diversion is located in an area with a poorly understood hydrogeology, though important springs and shallow groundwater are known to exist on the playa adjacent to the uplands within the watershed. The average annual groundwater flow to the Great Salt Lake through this area is estimated at approximately 24,800 acre-feet,¹ but this figure carries significant uncertainty and considerable variation. This estimate was derived from wells with a median depth of 230 feet.

Pumping from much deeper wells, particularly in a confined aquifer, is less likely to directly affect surface flow in the immediate vicinity. However, a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distant wells and reducing spring flow many miles away, especially when large volumes of water are extracted.

For example, extensive groundwater pumping in the nearby Curlew Valley has led to declining groundwater levels and a substantial reduction in discharge from the Locomotive Springs complex, located roughly 15 miles away.¹ Within this drainage, numerous springs are situated within 7 miles of the proposed well site.

The applicant filed six consecutive Applications to Appropriate (13-4105 thru 13-4110) for a total of 1,260 acre-feet of water from two points of diversion. While the State Engineer is of the opinion that there is a limited amount of unappropriated water in this area, the State Engineer is presently reluctant to approve six applications to appropriate.

The concentration, or stacking of applications to appropriate in a limited groundwater district, is incompatible with the intent of the Area 13 water right policy. The State Engineer establishes water right policies to guide development of the state's water resources. These policies are developed with the input of local water users and the general public. Furthermore, policies are based on the best science available and the judgement of the State Engineer.² These policies provide the public with order and certainty and allow the State Engineer to meet her statutory responsibilities.³ As such, applications that are contrary to area policy pose a reason to believe standard that quantity impairment of other water users will occur. Policy for this area notes that there is limited unappropriated water from underground resources. On the western slopes of the

¹ Zamora , H., and Inkenbrandt , P., 2024, Estimate of groundwater flow and salinity contribution to the Great Salt Lake using groundwater levels and spatial analysis: Geosites, v. 51, p. 1-24., doi: 10.31711/ugap.v51i.141.

² Crafts v Hansen, 667 P.2d 1068, 1081 (Utah 1983), "Great reliance must be placed upon expert judgment based on professional knowledge and training, familiarity with the geography, and as much accurate data as can be acquired in the process of making future projections. As we have emphasized throughout this opinion, we are not dealing so much with "facts" in these cases as with the opinion of experts about the accuracy and legitimacy of the projections based upon the available facts."

³ See Utah Code Ann. §73-2-1

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4110 (A84070)
Page 3

Promontory Mountains, applications are generally limited to a single family domestic supply, with larger filings reviewed on an individual basis. The approval of six consecutive applications to appropriate, split between two points of diversion and appropriating 1,260 acre-feet is incompatible with the State Engineer's policy for this area. The State Engineer's position is reinforced when one considers that an applicant may otherwise comply with the policy by acquiring, repurposing and moving an existing water right via change application.

In addition to quantity impairment concerns, filing a consecutive series of applications to appropriate raises a concern of monopolization of a limited resource. For these reasons, the State Engineer believes rejection is warranted under Utah Code Ann. §§73-3-8(1)(a)(ii) and 73-3-8(1)(a)(v).

It is, therefore, **ORDERED**, and Application to Appropriate Water Number 13-4110 (A84070) is hereby **REJECTED**.

Your contact with this office, should you need it, is with the Northern Regional Office in Logan. The telephone number is (435) 752-8755.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

ORDER OF THE STATE ENGINEER
Application to Appropriate Water Number
13-4110 (A84070)
Page 4

Dated this 31 day of October, 2025

Teresa Wilhelmsen
Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 31 day of October, 2025 to:

Mango-Spiral Jetty LLC
111 Broadway, Suite 900
Salt Lake City, Utah 84111

FRIENDS FRIENDS of Great Salt Lake
c/o Rob Dubuc
150 S 600 E, Ste 5D
Salt Lake City, UT 84102

Great Basin Water Network
PO BOX 75
Baker, NV, 89311

Bear River Canal Co. (BRCC)
c/o Emily E. Lewis, Attorney for BRCC
CLYDE SNOW 201 S Main, Ste 2200
Salt Lake City, UT 84111

Farmland Reserve Inc.
60 E South Temple, Ste 1600
Salt Lake City, UT, 84111

BY: Sheridan Bronson
Sheridan Bronson, Applications/Records Secretary

FILING FOR WATER IN THE STATE OF UTAH

APPLICATION TO APPROPRIATE WATER

Received By: Visa 0893G

Fee Amount: \$250.00 MD

Receipt: # 24-00724

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Title 73, Chapter 3, Utah Code Annotated 1953, as amended.

Water Right:

Water Right Number: 13-4105 A84064
(00-6360, TDEAN)

(Document created on Feb 8, 2024 by TDEAN)

Owners:

Name: Mango-Spiral Jetty LLC
Address: 111 broadway, Suite 900
Salt Lake City, Utah 84111

Interest:

Remarks:

Dates:

Filed: 02/08/2024

Priority: 02/08/2024

General:

Quantity of Water: 240 ACFT

Source: Underground Water Well
County: Box Elder

Common Description: Rozel Flat

Land Owned by Appl.: Yes

County Tax Id#: 03-008-0049

Points of Diversion:

Points of Diversion - Underground:

(1) N 2375 ft. W 167 ft. from S4 corner, Sec 33 T 9N R 7W SLBM

Well Diameter: 12 in.	Depth: 50 to 500 ft.	Year Drilled:	Well Log:	Well Id#:
Elevation:		UTM: 0, 0 (NAD83)		
Source/Cmnt:				

RECEIVED

FEB 08 2024

MD

Water Uses:

Water Uses - Group Number: 893976

Water Use Types:

Industrial: Mining

Acre Feet Contributed by this Right for this Use: 240

Period of Use: 01/01 to 12/31

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 31 T 1N R 1E SLBM			X														
Sec 31 T 1N R 1E SLBM	Lot 2																
Sec 31 T 1N R 1E SLBM	Lot 3																
Sec 31 T 1N R 1E SLBM	Lot 4																
Group Acreage Total :																	

Use Totals:

Other sole-supply total: 240 acft

Appropriate

SCANNED MD

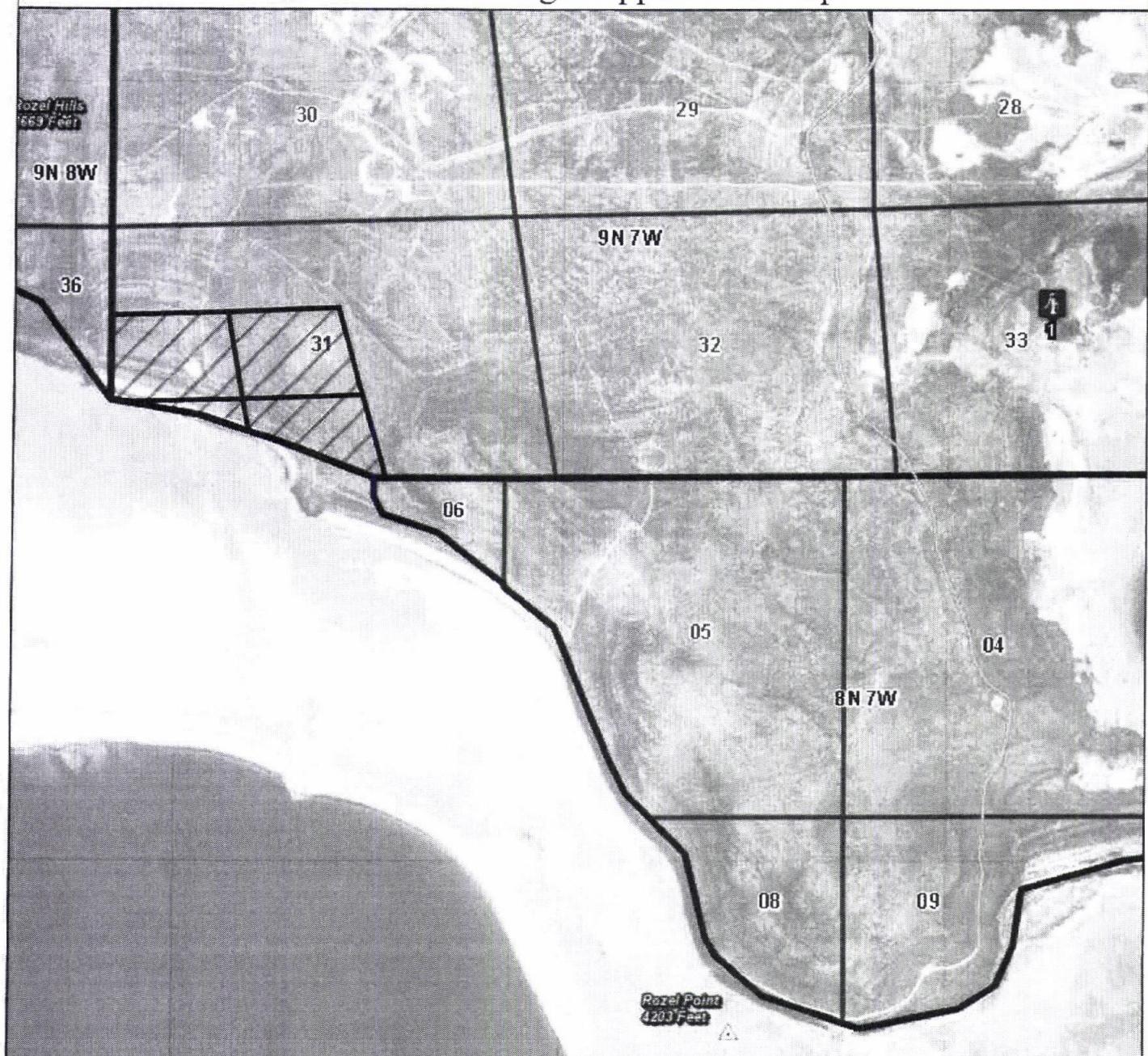
Signature of Applicant:

The applicant hereby acknowledges that he/she is a citizen of the United States of America or intends to become such a citizen. The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant.



Mango-Spiral Jetty LLC

Utah Water Right Application Map



0 0.2 0.4mi



Legend

Place of use  Point of diversion

(1) N 2375 ft, W 167 ft, from S4 cor, Sec 33, T 9N, R 7W, SL B&M (UTM-83: 362390.4, 4591824.4)

FILING FOR WATER IN THE STATE OF UTAH

APPLICATION TO APPROPRIATE WATER

Received By: VISA 08193G

Fee Amount: \$200.00 MD

Receipt #: 24-00724

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Title 73, Chapter 3, Utah Code Annotated 1953, as amended.

Water Right:

Water Right Number: 13-4106 A84065
(00-6361, TDEAN)

(Document created on Feb 8, 2024 by TDEAN)

Owners:

Name: Mango-Spriai Jetty LLC
Address: 111 Broadway, Suite 900
Salt Lake City, Utah 84111

Interest:

Remarks:

Dates:

Filed: 02/08/2024

Priority: 02/08/2024

General:

Quantity of Water: 60 ACFT
Source: Underground Water Well
County: Box Elder
Common Description: Rozel Flat
Land Owned by Appl.: Yes

County Tax Id#: 03-008-0049

Points of Diversion:

Points of Diversion - Underground:

(1) N 2375 ft. W 167 ft. from S4 corner, Sec 33 T 9N R 7W SLBM

Well Diameter: 12 in.	Depth: 50 to 500 ft.	Year Drilled:	Well Log:	Well Id#:
Elevation:		UTM: 0, 0 (NAD83)		
Source/Cmnt:				

RECEIVED

MD

Water Uses:

Water Uses - Group Number: 893977

Water Use Types:

Industrial: Mining

Acre Feet Contributed by this Right for this Use: 60

Period of Use: 01/01 to 12/31

WATER RIGHTS
LOGAN

Place Of Use:

	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 31 T 9N R 7W SLBM			X														
Sec 31 T 9N R 7W SLBM	Lot 2																
Sec 31 T 9N R 7W SLBM	Lot 3																
Sec 31 T 9N R 7W SLBM	Lot 4																
Group Acreage Total :																	

Use Totals:

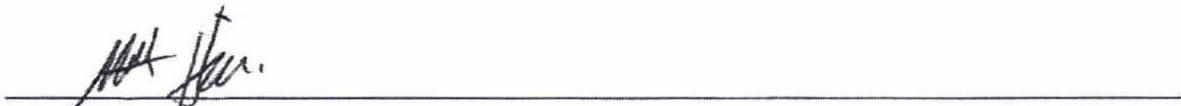
Other sole-supply total: 60 acft

Appropriate

SCANNED MD

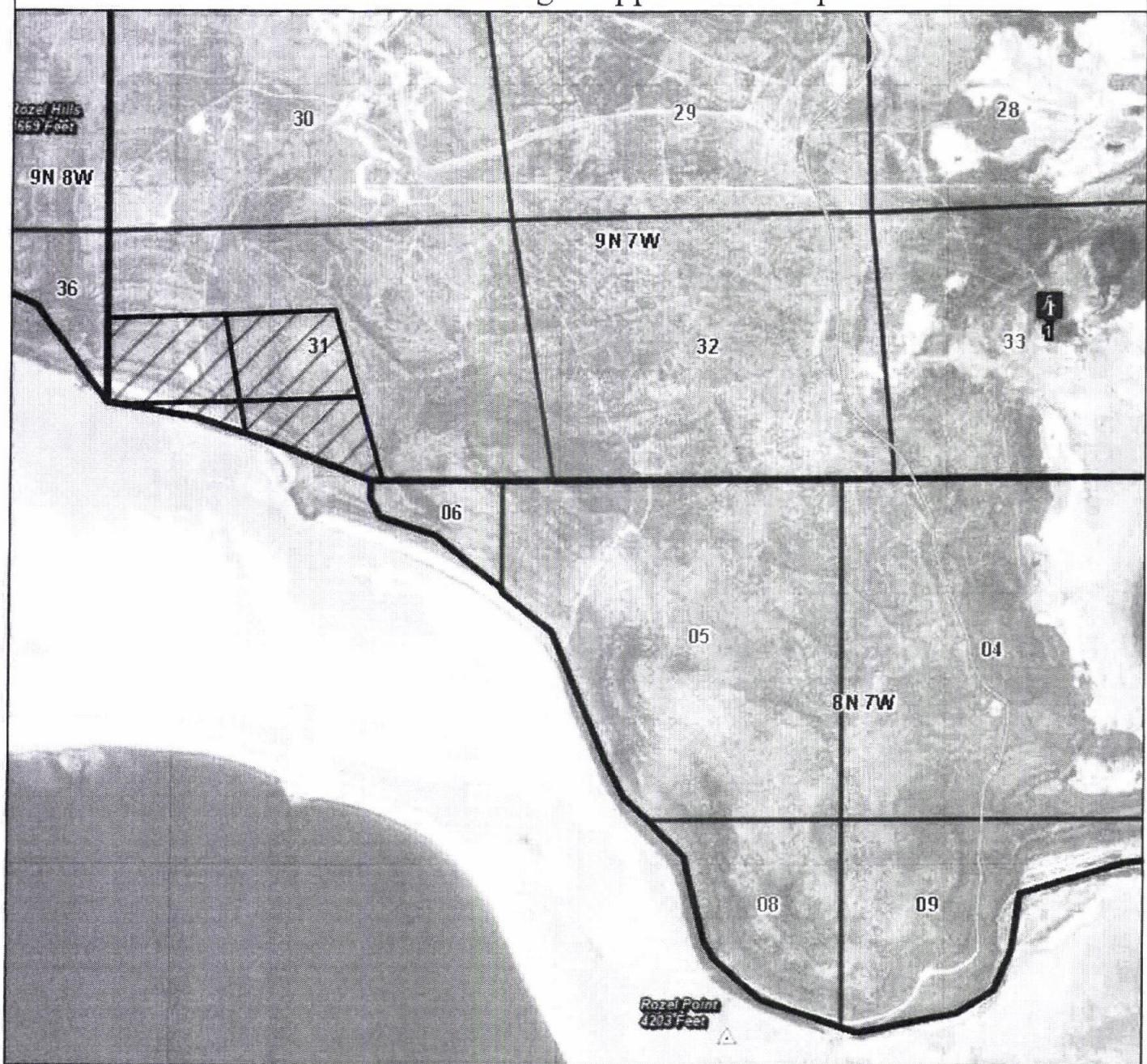
Signature of Applicant:

The applicant hereby acknowledges that he/she is a citizen of the United States of America or intends to become such a citizen. The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant.



Mango-Sprial Jetty LLC

Utah Water Right Application Map



(1) N 2375 ft, W 167 ft, from S4 cor, Sec 33, T 9N, R 7W, SL B&M (UTM-83: 362390.4, 4591824.4)

FILING FOR WATER IN THE STATE OF UTAH

APPLICATION TO APPROPRIATE WATER

Received By: Visa 08193G

Fee Amount: \$250.00 MD

Receipt #: 24-00724

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Title 73, Chapter 3, Utah Code Annotated 1953, as amended.

Water Right:

(Document created on Feb 8, 2024 by TDEAN)

Water Right Number: 13-4107 A84066
(00-6362, TDEAN)

Owners:

Name: Mango-Spiral Jetty LLC
Address: 111 Broadway, Suite 900
Salt Lake City, Utah 84111

Interest:

Remarks:

Dates:

Filed: 02/08/2024

Priority: 02/08/2024

General:

Quantity of Water: 240 ACFT

Source: Underground Water Well

County: Box Elder

Common Description: Rozel Flat

Land Owned by Appl.: Yes

County Tax Id#: 03-008-0049

Points of Diversion:

Points of Diversion - Underground:

(1) N 2375 ft. W 167 ft. from S4 corner, Sec 33 T 9N R 7W SLBM

Well Diameter: 12 in. Depth: 50 to 500 ft. Year Drilled: Well Log: Well Id#:
Elevation: UTM: 0, 0 (NAD83)
Source/Cmnt:

RECEIVED

FEB 08 2024 MD

WATER RIGHTS
LOGAN

Water Uses:

Water Uses - Group Number: 893978

Water Use Types:

Irrigation-Beneficial Use Amount: 80 acres Group Total: 80 Period of Use: 04/01 to 10/31

Place Of Use:

	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 31 T 9N R 7W SLBM	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	80
Sec 32 T 9N R 7W SLBM	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	80
Group Acreage Total :																160	

Use Totals:

Irrigation sole-supply total: 80 acres

for a group total of: 80 acres

Appropriate

SCANNED MD

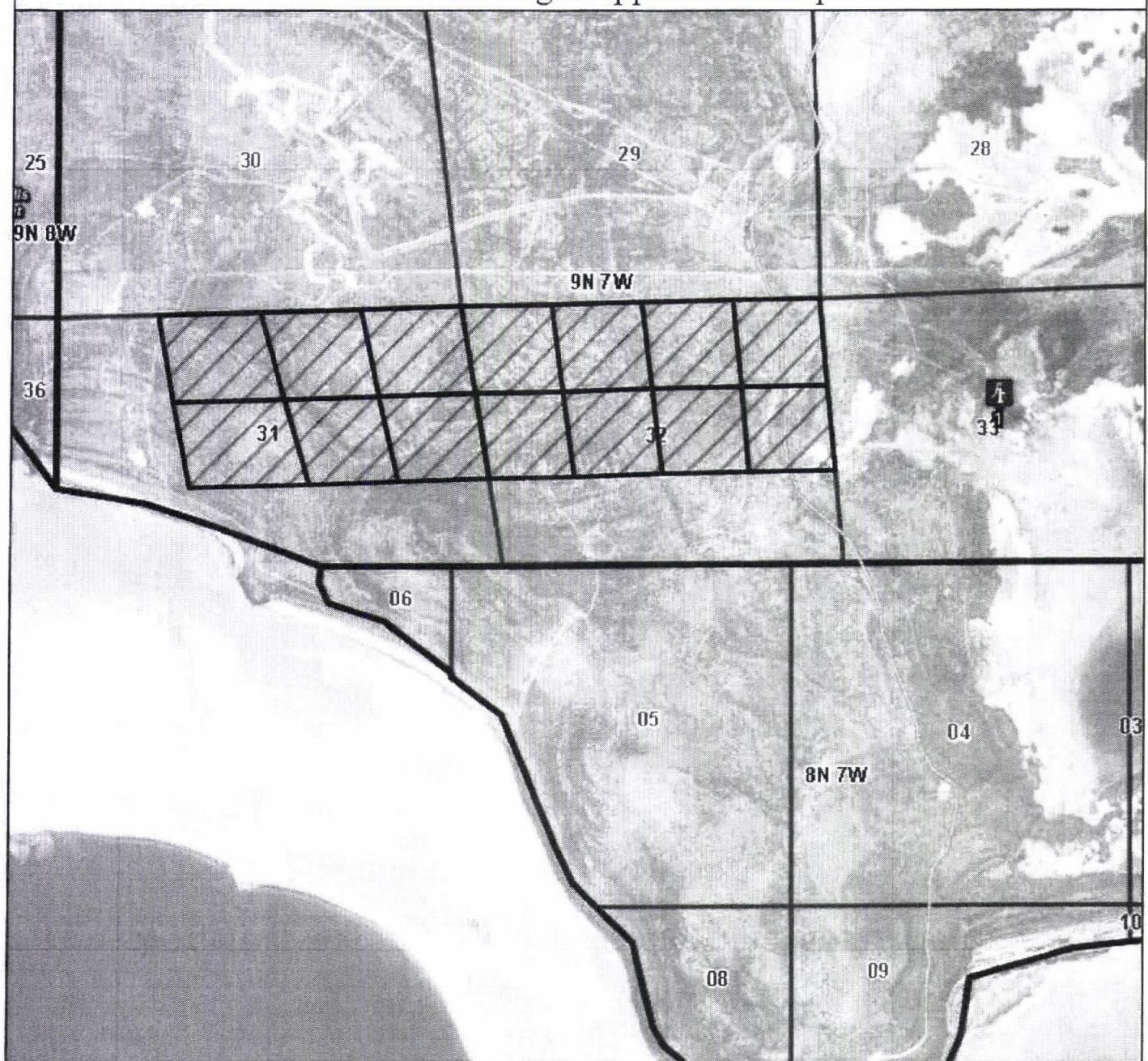
Signature of Applicant:

The applicant hereby acknowledges that he/she is a citizen of the United States of America or intends to become such a citizen. The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant.



Mango-Spiral Jetty LLC

Utah Water Right Application Map



0 0.2 0.4mi



Legend

Place of use Point of diversion

(1) N 2375 ft, W 167 ft, from S4 cor, Sec 33, T 9N, R 7W, SL B&M (UTM-83: 362390.4, 4591824.4)

FILING FOR WATER IN THE STATE OF UTAH

APPLICATION TO APPROPRIATE WATER

Received By: Visa 08193G

Fee Amount: \$250.00 **MD**

Receipt #: 24-00724

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Title 73, Chapter 3, Utah Code Annotated 1953, as amended.

Water Right:

Water Right Number: 13-4108 **A84067**
(00-6363, TDEAN)

(Document created on Feb 8, 2024 by TDEAN)

Owners:

Name: Mango-Spiral Jetty LLC
Address: 111 Broadway, Suite 900
Salt Lake City, Utah 84111

Interest:

Remarks:

Dates:

Filed: 02/08/2024

Priority: 02/08/2024

General:

Quantity of Water: 240 ACFT

Source: Underground Water Well
County: Box Elder

Common Description: Rozel Flat

Land Owned by Appl.:

County Tax Id#: 03-008-0049

Points of Diversion:

Points of Diversion - Underground:

(1) N 2375 ft. W 167 ft. from S4 corner, Sec 33 T 9N R 7W SLBM

Well Diameter: 12 in. Depth: 50 to 500 ft. Year Drilled: Well Log: Well Id#:
Elevation: UTM: 0, 0 (NAD83)
Source/Cmnt:

RECEIVED

MD

FEB 08 2024

WATER RIGHTS
LOGAN

Water Uses:

Water Uses - Group Number: 893979

Water Use Types:

Irrigation-Beneficial Use Amount: 80 acres Group Total: 80 Period of Use: 04/01 to 10/31

Place Of Use:

	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 31 T 9N R 7W SLBM	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	80
Sec 32 T 9N R 7W SLBM	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	80
Group Acreage Total:																160	

Use Totals:

Irrigation sole-supply total: 80 acres

for a group total of: 80 acres

Appropriate

SCANNED MD

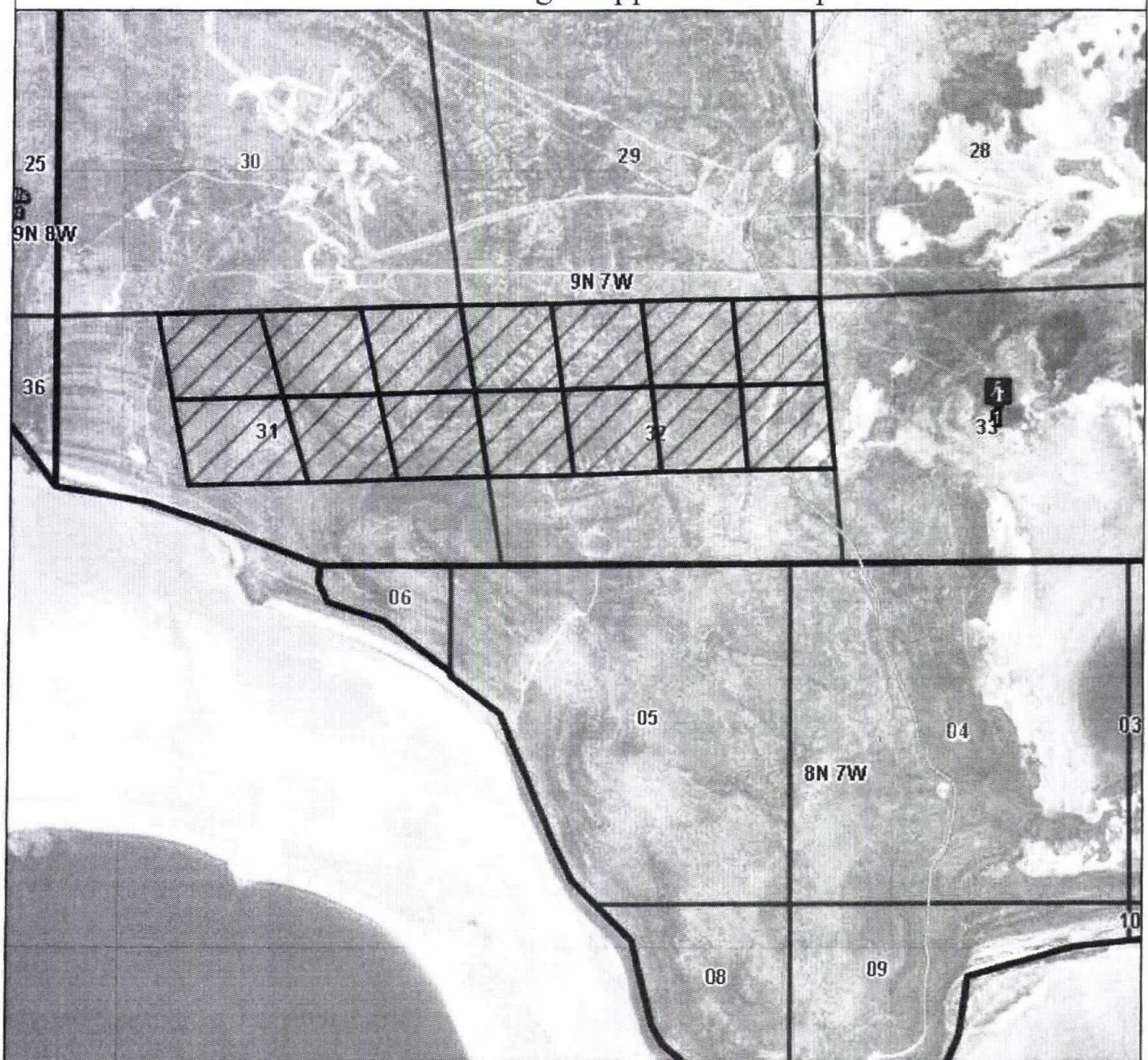
Signature of Applicant:

The applicant hereby acknowledges that he/she is a citizen of the United States of America or intends to become such a citizen. The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant.



Mango-Spiral Jetty LLC

Utah Water Right Application Map



0 0.2 0.4mi



Legend

Place of use  Point of diversion

(1) N 2375 ft, W 167 ft, from S4 cor, Sec 33, T 9N, R 7W, SL B&M (UTM-83: 362390.4, 4591824.4)

FILING FOR WATER IN THE STATE OF UTAH

APPLICATION TO APPROPRIATE WATER

Received By: VISA 081936

Fee Amount: \$250.00 MD

Receipt #: 24-00724

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Title 73, Chapter 3, Utah Code Annotated 1953, as amended.

Water Right:

Water Right Number: 13-4110 A84070
(00-6366, TDEAN)

(Document created on Feb 8, 2024 by TDEAN)

Owners:

Name: Mango-Spiral Jetty LLC
Address: 111 Broadway, Suite 900
Salt Lake City, Utah 84111

Interest:

Remarks:

Dates:

Filed: 02/08/2022

Priority: 02/08/2022

General:

Quantity of Water: 240 ACFT

Source: Underground Water Well
County: Box Elder

Common Description: Rozel Flat

Land Owned by Appl.: Yes

County Tax Id#: 03-008-0010

Points of Diversion:

Points of Diversion - Underground:

(1) S 1923 ft. E 189 ft. from N4 corner, Sec 9 T 9N R 7W SLBM

Well Diameter: 12 in. Depth: 50 to 500 ft. Year Drilled: Well Log: Well Id#:
Elevation: UTM: 0, 0 (NAD83)
Source/Cmnt: RECEIVED

MD

Water Uses:

FEB 08 2024

Water Uses - Group Number: 893983

WATER RIGHTS
LOGAN

Water Use Types:

Irrigation-Beneficial Use Amount: 80 acres Group Total: 80 Period of Use: 04/01 to 10/31

Place Of Use:

	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 3 T 9N R 7W SLBM			X						X		X	X					
Sec 4 T 9N R 7W SLBM									X	X	X	X	X	X	X	X	
Sec 9 T 9N R 7W SLBM	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sec 10 T 9N R 7W SLBM	X	X	X	X					X	X	X	X					
Group Acreage Total :																	

Use Totals:

Irrigation sole-supply total: 80 acres

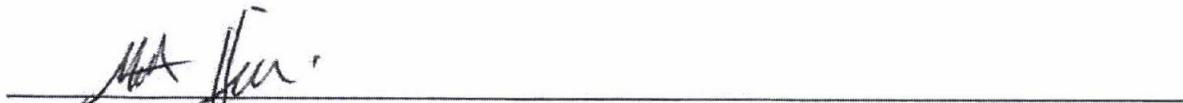
for a group total of: 80 acres

Appropriate

SCANNED MD

Signature of Applicant:

The applicant hereby acknowledges that he/she is a citizen of the United States of America or intends to become such a citizen. The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described. The undersigned hereby acknowledges that even though he/she may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including any maps and other documents attached, at the time of filing, rests with the applicant.



Mango-Spiral Jetty LLC

Utah Water Right Application Map

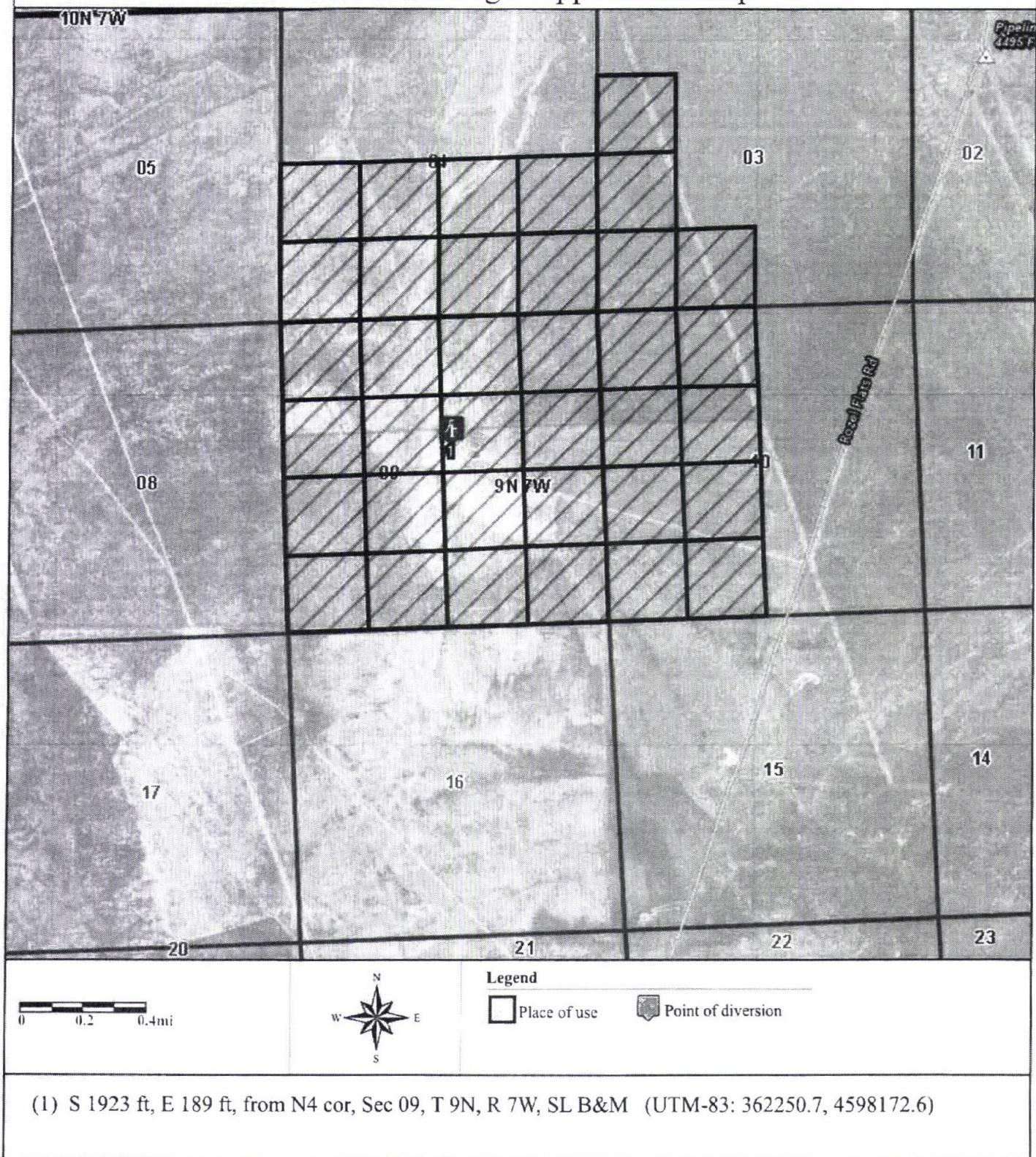
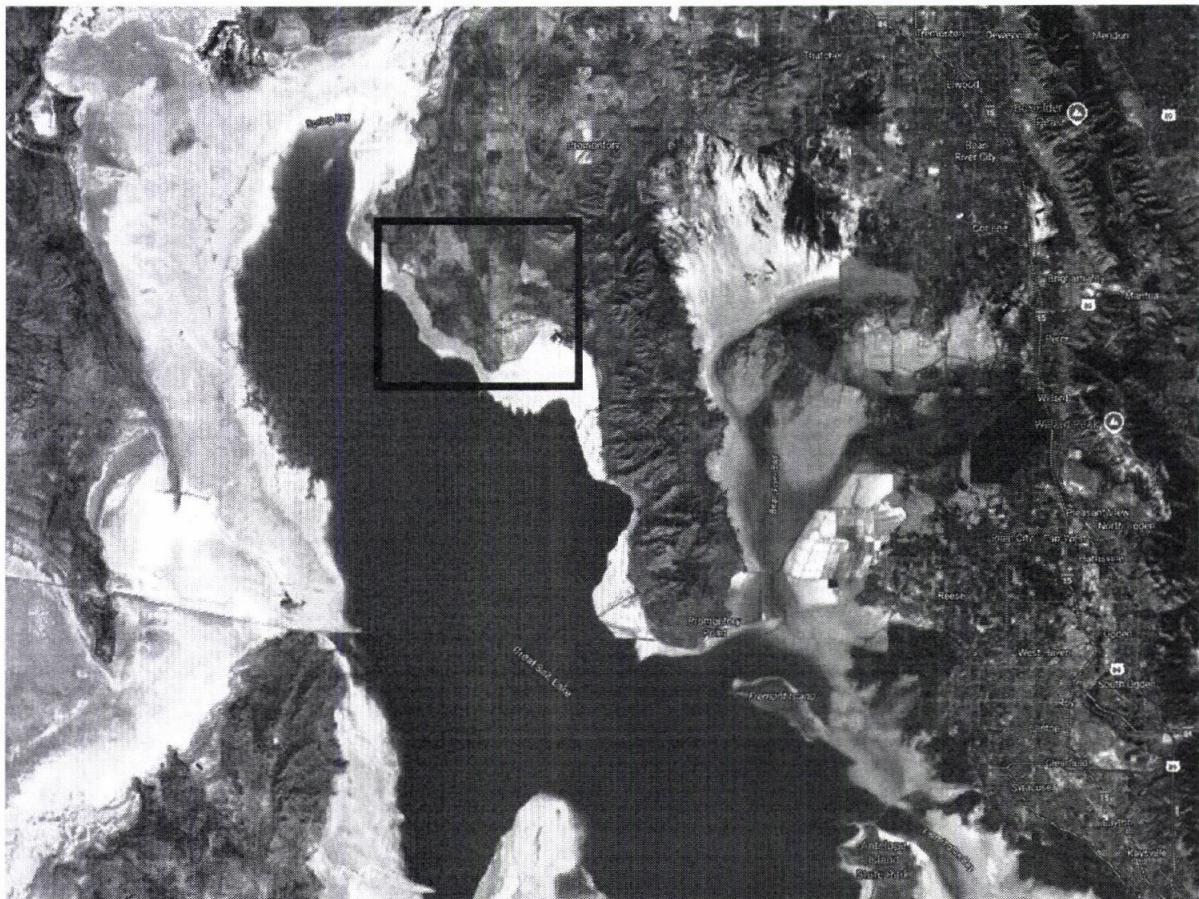
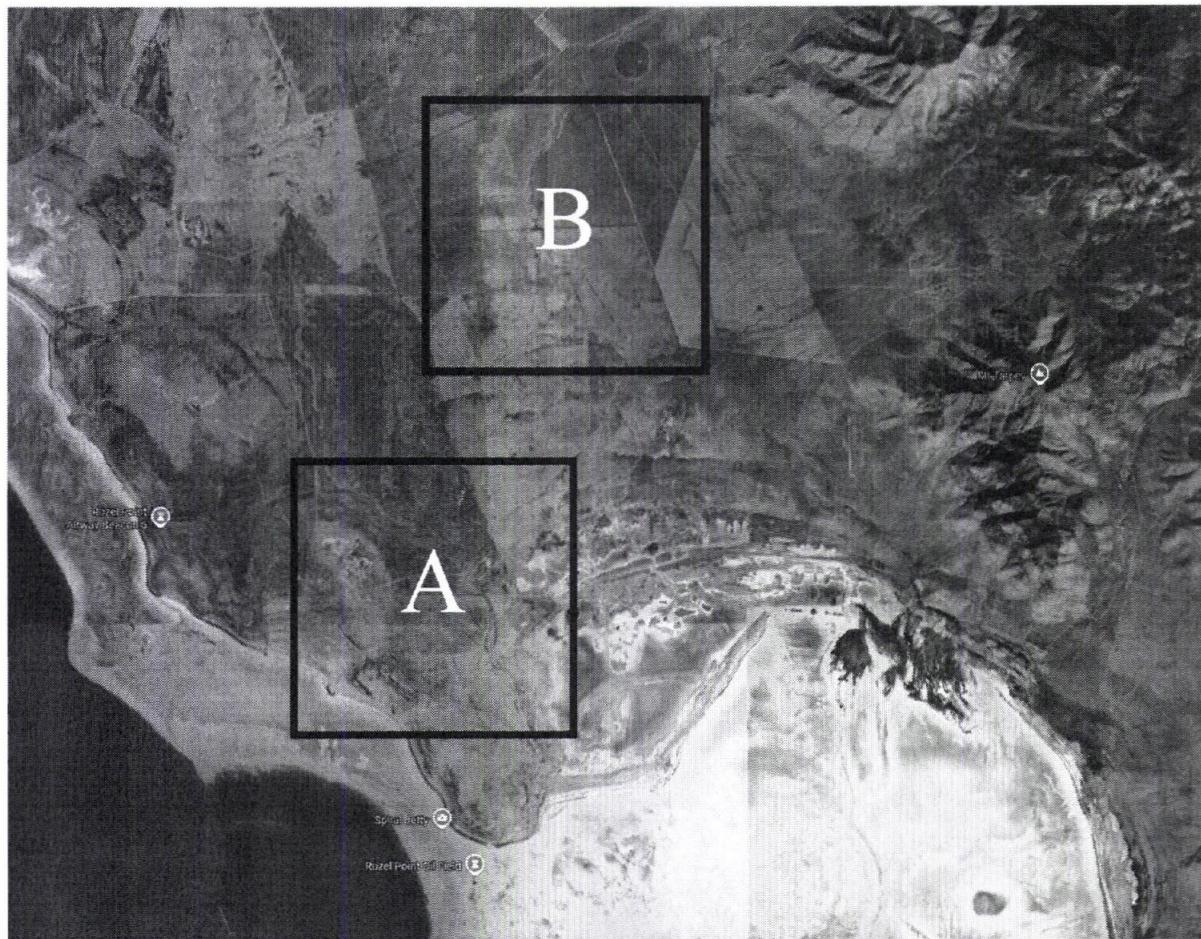


EXHIBIT A
SPIRAL JETTY APPLICATION LOCATIONS



SCANNED



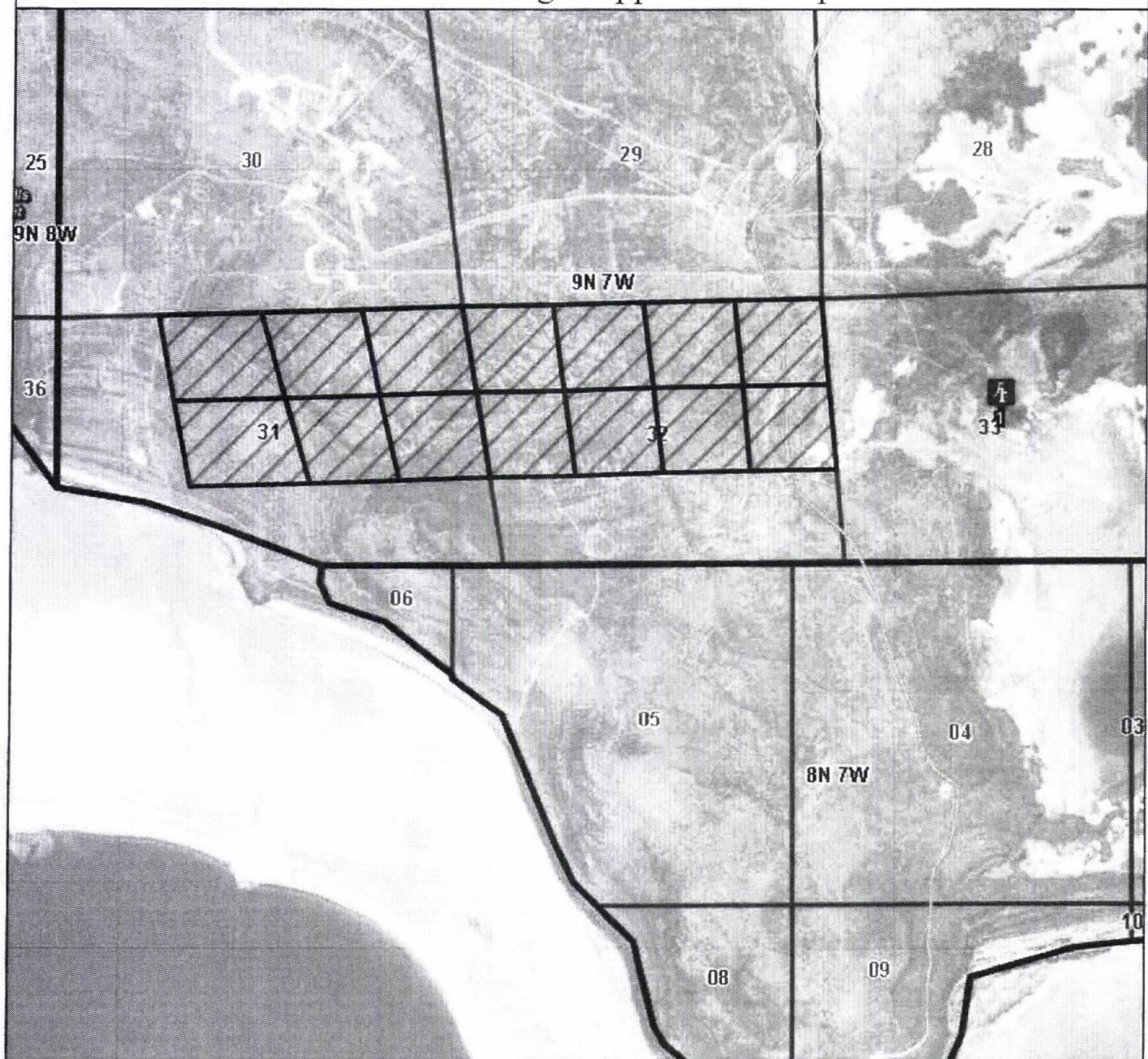
SCANNED

AREA “A”

FIRST WELL

LOCATION

Utah Water Right Application Map



0 0.2 0.4mi



Legend

-
- Place of use
-
- Point of diversion

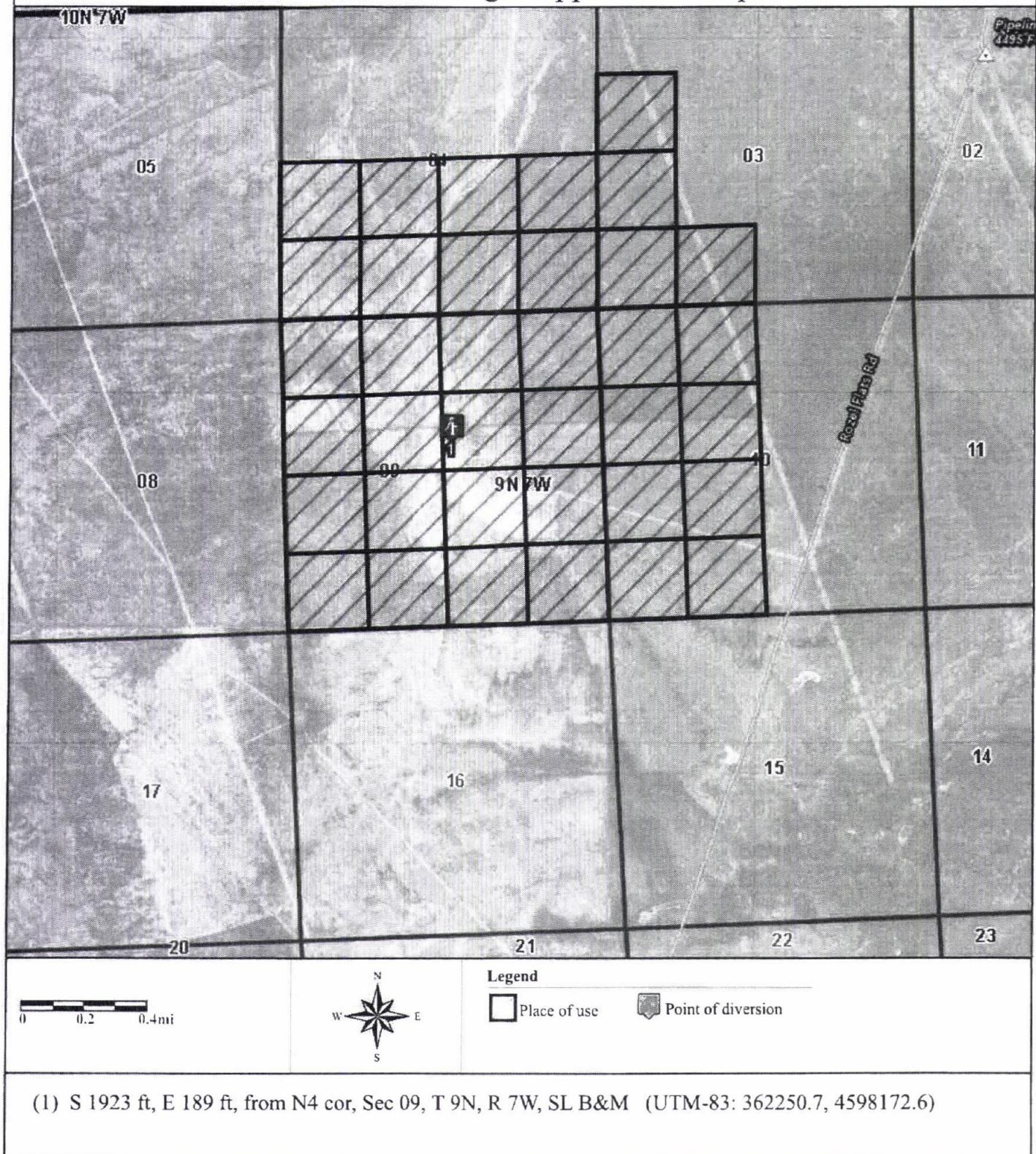
(1) N 2375 ft, W 167 ft, from S4 cor, Sec 33, T 9N, R 7W, SL B&M (UTM-83: 362390.4, 4591824.4)

AREA “B”

FIRST WELL

LOCATION

Utah Water Right Application Map



Brenton Ranck (15907)
Brammer Ranck, LLP
3300 N. Triumph Blvd.
Lehi, Utah 84043
Telephone (385) 746-1202
branck@brfirm.com
Attorneys for Mango-Spiral Jetty, LLC

**BEFORE THE STATE ENGINEER OF THE
STATE OF UTAH**

IN THE MATTER OF APPLICATION TO APPROPRIATE WATER NUMBER 13- 4105 (A84064); 13-4106 (A84065); 13-4107 (A84066); 13-4108 (A84067); and 13-4110 (A84070)	REQUEST FOR RECONSIDERATION
---	------------------------------------

Pursuant to Rule 655-6-17 of the Utah Administrative Code, Mango-Spiral Jetty, LLC (“**Mango**”) respectfully requests reconsideration of the Order of the State Engineer (“**Order**”) dated October 31, 2025, for the following Applications to Appropriate Water: 13-4105 (A84064), 13-4106 (A84065), 13-4107 (A84066), 13-4108 (A84067), and 13-4110 (A84070) (collectively, the “**Applications**”) to allow use of the water identified therein, consistent with the State Engineer’s other decisions regarding the use of water in the region.

FACTS

Mango filed the Applications on February 8, 2024 to appropriate water from two 12-inch, 50-500 ft. wells. Specifically, Application Nos. 13-4105 and 13-4106 (collectively, the “**Mining Use Applications**”) sought to use 300 acre-feet of water from the first well¹ for mineral extraction in the region, and Application Nos. 13-4107, 13-4108, and 13-4110 (collectively, the “**Irrigation Use Applications**”) sought to use 240 acre-feet of water from the first well² for local irrigation

¹ The first well will be located North 2375 feet West 167 feet from the S $\frac{1}{4}$ Corner of Section 33, T9N, R7W, SLB&M.

² Mango filed another application to appropriate 240 acre-feet of water from this same point of diversion (13-4109), which was approved on October 31, 2025. That application is not part of this request for reconsideration.

and 480 acre-feet of water from the second well for that same purpose.³ The State Engineer held a hearing on all the Applications on July 25, 2024 (“**Hearing**”) and issued the Order rejecting them on October 31, 2025.

In the Order, the State Engineer acknowledged that while there is unappropriated water in the identified region, it was “reluctant to approve six applications” because (1) “the proposed point of diversion is located in an area with poorly understood hydrogeology” and the identified area carries groundwater flow to the Great Salt Lake, (2) “the stacking of applications to appropriate ... is incompatible with the intent of the [local] water right policy”, and (3) although Mango proposed to address potential impact to existing users by drilling deeper wells, such a proposal was insufficient because “a pressure drop caused by such pumping can propagate rapidly, impacting pressure head in distance wells and reducing spring flow many miles away, especially when large volumes of water are extracted.”

ARGUMENT

Rule 655-6-17 of the Utah Administrative Code provides that an “aggrieved party may file a Request for Reconsideration by following the procedures of Section 63G-4-302 [of the Utah Code].” Section 63G-4-302 states that “any party may file a written request for reconsideration with the agency, stating the specific grounds upon which relief is requested.”

The State Engineer should amend the Order to allow the proposed use of water identified in the Applications because (1) there is unappropriated water in the region that can be developed, (2) Mango filed the Applications in the form requested by the regional engineer’s office; and (3) amending the Order would resolve an inconsistency in the State Engineer’s concurrent

³ The second well will be located South 1923 feet East 189 feet from the N $\frac{1}{4}$ corner of Section 9, T9N, R7W, SLB&M.

determinations for water use on other recent applications to appropriate water in the region and not cause Mango to be treated differently than other applicants.

First, the Order indicates Mango's proposed water use may improperly impact groundwater flow to the Great Salt Lake. However, this concern is unfounded. As the Order acknowledges, the estimates of groundwater flow to the Great Salt Lake were derived from wells with a median depth of 230 feet, but Mango's application seeks to divert water from a significantly deeper location (i.e., below the aquifer). Due to the depth of the wells, diversions from this location are unlikely to affect the Great Salt Lake's water levels. In fact, because this water is likely separate from the groundwater flow to the Great Salt Lake, any return flow from Mango's proposed use may increase the flow to that region.

Although the Mining Use Applications have been identified as consumptive use, Mango anticipates a significant amount of the identified water will be delivered to Great Salt Lake upon its usage. Mango is engaged with a potential lessee, whose designs and plans indicate the water will be used in a mineral production operation to separate and wash certain minerals before going to the Great Salt Lake as part of the mineral feed stream.

While the Irrigation Use Applications will not be directly placed in the Great Salt Lake as proposed with the Mining Use Applications, all return flow will become part of the hydrological system. Additionally, the proposed use will have other important benefits, such as helping provide critical feed to Mango's livestock.

Next, the Order criticizes the Applications as being contrary to policy and suggests Mango may be attempting to engage in some type of improper purpose by filing multiple applications on the basis of speculation or to create a monopoly. This assertion is incorrect. Before filing the Applications, Mango contacted the State Engineer's regional office in Logan, explaining that it

desired to apply for the appropriation of water from two separate points of diversion, some of which would be used for local mineral extraction, and the rest of which would be used as part of a specific plan to irrigate 320 acres of Mango's land through the use of two pivots. Upon receiving this information, the regional office directed Mango to file four separate applications for the proposed irrigation use, and two applications for applications for the proposed mining use. Mango did as the regional office directed. There is no improper motivation on Mango's part as it presented a specific deliverable plan for the proposed use of water and followed the direction of the regional engineer's office to file a series of applications to complete the proposed appropriation of water. This, coupled with the amount of other water in use and available in the region,⁴ is a far cry from the monopoly mentioned in the Order.

Finally, the Order criticizes Mango's proposal to extract and use water from deeper wells because that practice may "propagate rapidly" and impact other's use of water many miles away. However, this statement is also incorrect. One of the proposed points of diversion is located at an existing well that was installed prior to Mango's ownership of the adjoining property. This well flows continuously under artesian pressure and simply creates a swampy marsh around the well. Rather than allow this water to continue to flow under artesian pressure and not be placed to beneficial use, Mango's Applications seek to utilize this water and place it to beneficial use for irrigation purposes. Further, the nearest points of diversion are located at a significant distance from Mango's proposed points of diversion. The State Engineer acknowledged these facts in other approved applications in the region. One application that is significantly similar to Mango's Applications is application no. 13-4100. In its order on that application (which was issued only a few months before the current Order on Mango's Applications), the State Engineer observed that

⁴ See e.g., application to appropriate water nos. 13-4100 (for 278.35 acre-feet) and 13-4113 (for 125.6 acre-feet).

the applicant faced similar protests as those presented in this matter, including concerns that the water “is very likely within the true watershed of the Great Salt Lake and that water used by the applicant would have an effect on the Great Salt Lake.” However, the State Engineer ultimately granted the application, observing that there was unappropriated water in the area, and citing the applicant’s argument that (1) the withdrawals would not affect the Great Salt Lake due to the well depth, (2) applications are not included in the Governor’s Proclamation area, and (3) any return flow would go to the Great Salt Lake, while the water from the deep well would not.

Mango’s Applications are very similar in nature to application no. 13-4100. The proposed wells in Mango’s Applications are as deep as the wells identified in that application and are also likely to provide a return flow of water that would otherwise not go to the Great Salt Lake. Mango’s Applications are also excluded from the Governor’s Proclamation area, located only minutes away from the point of diversion identified in application no. 13-4100. Furthermore, other recent decisions by the State Engineer suggest the water available for irrigation and other uses in the region has still not been exhausted (*see e.g.* order on application no. 13-4113). Mango should be treated similarly to these other applicants and be allowed to engage in its proposed use.

In sum, the Order errs in that it suggests that no water is available in the region, that Mango is seeking water for an improper purpose, and that water pulled from deeper wells will impermissibly impact the Great Salt Lake. The State Engineer has rejected similar arguments in its recent approval of other applications filed in the region.⁵

⁵ If the State Engineer determines it is reasonably necessary, Mango would not object to a reasonable plan for monitoring groundwater levels and sharing that information with the State Engineer.

CONCLUSION

For the reasons set forth above, Mango respectfully requests that the State Engineer grant this Request for Reconsideration and grant the proposed water uses identified in the Applications. Mango does not request a rehearing.

RESPECTFULLY SUBMITTED this 19th day of November, 2025.

Brammer Ranck, LLP

/s/ Breenton Ranck

Attorneys for Mango-Spiral Jetty, LLC

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing REQUEST FOR RECONSIDERATION was electronically delivered to the Division of Water Rights, and I caused a true and correct copy to be served via U.S. Mail, postage-paid, on November 19, 2025, to the following:

Farmland Reserve, Inc. 60 E South Temple, Ste 1600 Salt Lake City, UT 84111	Great Basin Water Network PO BOX 75 Baker, NV 89311
FRIENDS OF FRIENDS of Great Salt Lake c/o Rob Dubuc 150 S 600 E, Ste 5D Salt Lake City, Utah 84102	Bear River Canal Co. (BRCC) c/o Emily E. Lewis, Attorney for BRCC CLYDE SNOW 201 S. Main, Ste 2200 Salt Lake City, UT 84111
Salt Lake City Corporation c/o Tamara Prue 1530 South West Temple Salt Lake City, UT 84115	

/s/ Brenton Ranck _____



Waterleaf Phase 1, LLC
9350 S 150 East #710
Sandy Utah 84070

Date: 12.05.2025

Utah State Engineer
Utah Division of Water Rights
P.O. Box 146300
Salt Lake City, Utah 84114-6300

RE: Letter of Support for Mango Spiral Jetty – Groundwater Water Right Applications
Beneficiary: Waterleaf Phase 1, LLC (Subsidiary of Lilac Solutions)

Dear State Engineer:

On behalf of Waterleaf Phase 1, LLC, a subsidiary of Lilac Solutions, Inc., this letter is submitted to formally express our full support for the approval of Utah Water Right Application No(s). 13-4105 and 13-4106 (the “Water Rights”) filed by Mango-Spiral Jetty, LLC (the “Applicant”).

Waterleaf intends to lease the Water Rights under a pending commercial water-use agreement with Mango Spiral Jetty. Upon execution of that agreement, Waterleaf will be authorized to use the approved groundwater diversions exclusively to support direct lithium extraction (“DLE”) operations associated with Great Salt Lake brine resources.

The proposed groundwater use qualifies as a valid beneficial use under Utah law and directly supports the Division of Forestry, Fire and State Lands (“FFSL”) Great Salt Lake management framework, including the responsible development of critical mineral resources that maintain public trust values while fostering economic development. Lithium is a federally recognized **critical mineral** essential to advanced manufacturing, energy storage, and domestic supply-chain security.

Waterleaf’s DLE process is specifically designed to be non-consumptive with respect to Great Salt Lake brines. Local groundwater sourced from the Water Rights will be utilized for operational process support, after which the treated water will be discharged into the Great Salt Lake in full compliance with Waterleaf’s Utah Pollutant Discharge Elimination System (UPDES) permit requirements, ensuring water quality protection and consistency with approved discharge parameters. The end destination of all groundwater diversions under the Water Rights

Waterleaf Phase 1, LLC

1

RECEIVED

DEC 05 2025

SCANNED

WATER RIGHTS
SALT LAKE



will be Great Salt Lake, subject to continuous regulatory oversight by the Utah Division of Water Quality.

Approval of Mango Spiral Jetty's groundwater applications will enable a project that:

- Advances Utah's position in domestic critical-mineral production and supply-chain resilience;
- Supports regional economic development in the Box Elder County area;
- Implements innovative, low-impact, environmentally responsible technologies;
- Maintains non-consumptive lake water management objectives by returning treated water to the lake under UPDES compliance; and
- Aligns with the State of Utah's statutory definition of beneficial use.

Waterleaf affirms that any water developed pursuant to these applications will be managed and used in strict accordance with DWRe approvals, UPDES permit conditions, Utah administrative rules, and applicable state and federal statutes. We remain committed to close coordination with your office and all relevant agencies throughout the permitting, construction, and operational phases of the project.

Thank you for your consideration of the Water Right applications and for your continued stewardship of Utah's water resources. Should the Division require any additional technical detail regarding Waterleaf's role as beneficiary, operational water flows, or discharge compliance, we stand ready to provide supporting documentation.

Respectfully submitted,

Steve Morrey

Waterleaf Phase 1, LLC

Waterleaf Phase 1, LLC



Waterrights DNR <waterrights@utah.gov>

Waterleaf Letter of Support

1 message

Steve Morrey <Steve.Morrey@lilacsolutions.com>
To: "waterrights@utah.gov" <waterrights@utah.gov>

Fri, Dec 5, 2025 at 4:03 PM

Good Afternoon

Please see attached letter of support for pending water rights approval of 13-4105 and 13-4106 for Mango Spiral Jetty.

Thanks

Steve

Steve Morrey

Sr. Project Director.

Lilac Solutions, Inc.

Steve.morrey@lilacsolutions.com

www.lilacsolutions.com

Mobile: +1-801-694-2245

LILAC

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure.

 [Water rights letter of Support.pdf](#)
177K

SCANNED



Waterleaf Phase 1, LLC
9350 S 150 East #710
Sandy Utah 84070

Date: 12.05.2025

Utah State Engineer
Utah Division of Water Rights
P.O. Box 146300
Salt Lake City, Utah 84114-6300

RE: Letter of Support for Mango Spiral Jetty – Groundwater Water Right Applications
Beneficiary: Waterleaf Phase 1, LLC (Subsidiary of Lilac Solutions)

Dear State Engineer:

On behalf of Waterleaf Phase 1, LLC, a subsidiary of Lilac Solutions, Inc., this letter is submitted to formally express our full support for the approval of Utah Water Right Application No(s). 13-4105 and 13-4106 (the “Water Rights”) filed by Mango-Spiral Jetty, LLC (the “Applicant”).

Waterleaf intends to lease the Water Rights under a pending commercial water-use agreement with Mango Spiral Jetty. Upon execution of that agreement, Waterleaf will be authorized to use the approved groundwater diversions exclusively to support direct lithium extraction (“DLE”) operations associated with Great Salt Lake brine resources.

The proposed groundwater use qualifies as a valid beneficial use under Utah law and directly supports the Division of Forestry, Fire and State Lands (“FFSL”) Great Salt Lake management framework, including the responsible development of critical mineral resources that maintain public trust values while fostering economic development. Lithium is a federally recognized **critical mineral** essential to advanced manufacturing, energy storage, and domestic supply-chain security.

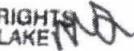
Waterleaf’s DLE process is specifically designed to be non-consumptive with respect to Great Salt Lake brines. Local groundwater sourced from the Water Rights will be utilized for operational process support, after which the treated water will be discharged into the Great Salt Lake in full compliance with Waterleaf’s Utah Pollutant Discharge Elimination System (UPDES) permit requirements, ensuring water quality protection and consistency with approved discharge parameters. The end destination of all groundwater diversions under the Water Rights

Waterleaf Phase 1, LLC

1

RECEIVED

DEC 05 2025

SCANNED 
WATER RIGHTS
SALT LAKE



will be Great Salt Lake, subject to continuous regulatory oversight by the Utah Division of Water Quality.

Approval of Mango Spiral Jetty's groundwater applications will enable a project that:

- Advances Utah's position in domestic critical-mineral production and supply-chain resilience;
- Supports regional economic development in the Box Elder County area;
- Implements innovative, low-impact, environmentally responsible technologies;
- Maintains non-consumptive lake water management objectives by returning treated water to the lake under UPDES compliance; and
- Aligns with the State of Utah's statutory definition of beneficial use.

Waterleaf affirms that any water developed pursuant to these applications will be managed and used in strict accordance with DWRe approvals, UPDES permit conditions, Utah administrative rules, and applicable state and federal statutes. We remain committed to close coordination with your office and all relevant agencies throughout the permitting, construction, and operational phases of the project.

Thank you for your consideration of the Water Right applications and for your continued stewardship of Utah's water resources. Should the Division require any additional technical detail regarding Waterleaf's role as beneficiary, operational water flows, or discharge compliance, we stand ready to provide supporting documentation.

Respectfully submitted,

Steve Morrey

Waterleaf Phase 1, LLC

Waterleaf Phase 1, LLC



Waterrights DNR <waterrights@utah.gov>

Waterleaf Letter of Support

1 message

Steve Morrey <Steve.Morrey@lilacsolutions.com>
To: "waterrights@utah.gov" <waterrights@utah.gov>

Fri, Dec 5, 2025 at 4:03 PM

Good Afternoon

Please see attached letter of support for pending water rights approval of 13-4105 and 13-4106 for Mango Spiral Jetty.

Thanks

Steve

Steve Morrey

Sr. Project Director.

Lilac Solutions, Inc.

Steve.morrey@lilacsolutions.com

www.lilacsolutions.com

Mobile: +1-801-694-2245

LILAC

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure.

 Water rights letter of Support.pdf
177K

SCANNED