

# Snell & Wilmer

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May 8, 2023

VIA EMAIL and US MAIL

Teresa Wilhelmsen  
State Engineer  
Utah Division of Water Rights  
1594 W. North Temple, Suite 220  
PO Box 146300  
Salt Lake City, UT 84114-6300

Re: In the Matter of the Applications to Appropriate A81084 (29-4621), A81085 (29-4622), A81086 (29-4623), Filed by the Bear River Water Conservancy District

Dear State Engineer Wilhelmsen:

On behalf of Procter & Gamble Paper Products Company (“P&G”) and at the invitation of the Utah State Engineer per correspondence dated April 18, 2023, P&G responds to letters from the Bear River Water Conservancy District (“BRWCD”) dated April 14, 2023, and March 22, 2023. Specifically, BRWCD has requested the State Engineer to grant its above-stated applications to appropriate based on the Area 29 groundwater management policy adopted on April 30, 2018. P&G confirms that it continues to object to these applications which, if approved, would impair P&G’s senior water rights. P&G timely filed objections to BRWCD’s applications in 2018 and supported its position in argument and testimony at the hearing before the State Engineer on July 12, 2018. Following that hearing, P&G filed supplemental and responsive briefing. The matter has been fully briefed and argued by all parties to those proceedings based on the State Engineer’s Area 29 policies adopted on April 30, 2018.

On November 3, 2022, the Governor’s Office issued Proclamation 2022-01 which, suspends new appropriations in the Great Salt Lake Basin (“2022 Proclamation”). Water rights and appropriations existing prior to the 2022 Proclamation were exempted. State Engineer is proposing to revise the Area 29 groundwater management policy in response to the 2022 Proclamation and with limited exceptions, will no longer approve new appropriations of water. We understand that at this time, the new Area 29 policy is not proposed to be applied to applications to appropriate pending prior to the 2022 Proclamation. If this continues to be the policy, and if the State Engineer moves forward on BRWCD’s pending applications, P&G requests that the State Engineer consider P&G’s objections on the basis of the testimony and pleadings currently of record. Should the State Engineer apply an Area 29 groundwater management policy

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to the BRWCD's pending applications which is different than that adopted on April 30, 2018, P&G would appreciate an opportunity to supplement its objections to address the new policy.

We appreciate your consideration.

Very truly yours,

Snell & Wilmer



Denise A. Dragoo

DAD:mkm

cc:

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c/o Brent Shaffer  
15145 North 4800 West  
Garland, Utah 84312

Chesapeake Duck Club  
c/o J. Thomas Bowen  
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Colton Potter  
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Darvel N Garn Trust et al  
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