Water Rights

Protest Filing Process Q&A

(Informal Proceedings)

How do I file a protest to an application?

1. **By Mail** - Send your protest to any Division of Water Rights office with the applicable filing fee. Office locations are listed at www.waterrights.utah.gov/contact.asp.
2. **In Person** - Hand-deliver your protest to any Division of Water Rights office with the applicable filing fee. Office locations are listed at www.waterrights.utah.gov/contact.asp.
3. **Online** - Submit your protest using the Division's online protest interface: https://waterrights.utah.gov/protestOfApplication/protestOfApplication.asp

What should my protest include?

Identify the application you are protesting, provide your name and mailing address, and explain your reasons for protesting. Include relevant facts supporting your concerns and state whether you are requesting a hearing. Providing a telephone number and email address also helps the Division contact you. Complete all required fields when filing online.

When can a protest be filed?

Protests must be filed no later than 20 days after the advertising period ends. Anyone with genuine concerns about the application may file. Late protests will be included in the file, but filing a late protest does not make the person a party to the proceeding.

Is there a fee for filing a protest?

Yes, there is a nonrefundable $15 filing fee for each application protested. Payment of the required fee is part of completing the protest filing process. Submitting correspondence that protests the application without the required fee will be considered a "Letter of concern".

What is the difference between a "Protest" and a "Letter of concern"?

Protest

A formal objection to a water right application. The filing fee is $15 and is nonrefundable. Filing a protest makes you a party to the administrative review of the application. You will be notified of any administrative hearing and of the State Engineer's decision. Your protest should explain your concerns

and identify the legal requirements for approval that you believe the application does not satisfy, along with supporting facts. If you want a hearing, include that request in your protest.

Letter of concern

An informal comment. It shares information with the State Engineer, but does not make you a party to administrative review. There is no fee to submit a letter of concern. A letter of concern does not substitute for a timely filed protest or provide the procedural rights associated with party status.

What other rules are applicable to the administrative process?

The rules applicable to the Division of Water Rights' actions in informal proceedings may be found in Utah Administrative Rule R655-6.

How do I submit a protest or other documents?

- If you want to file a protest, follow the Division's protest filing instructions, including the applicable deadline and fee requirements.
- Other correspondence should be submitted to waterrights@utah.gov. Include the applicable water right or application number to ensure proper filing.