

Application will clearly impact the ESA listed species in the Upper Basin is illustrated by the fact that, since the early 1900s "the installation of dams, *removal of water for human use*, and introduction of nonnative sport fishes like northern pike, bass and catfish have contributed to the decline of native fish species." *Id.* (emphasis added).

5. MRI states that Protestors "raise the Wayne County water right as a problem for surface and ground water issues. As with many of their comments, this application has no bearing on this application." Page Letter at 2. According to the federal Bureau of Land Management, however, the Wayne County application would threaten to dry up about 54 acre-feet of water (an acre-foot can supply one Utah household with water for a year) that it draws from downstream springs and underground wells near Hanksville.

In addition, MRI itself, admits that, in relation to the Wayne County Permit, Protesters "could claim the cumulative effect of recent approvals of water rights in the same general area." Page Letter at 2. Indeed, new wells proposed in the Wayne County Permit near Hanksville could intercept water before it reaches the Fremont and Dirty Devil rivers, tributaries that flow to the Colorado. Finally, MRI, apparently, claims that the Wayne County Permit does not apply in this case because "the ground water part of the Wayne County application is in the Hanksville area." *Id.* This, however, is contrary to reports from the BLM which provide that the Wayne County application could cause the Fremont to dry up before it reaches Capitol Reef National Park and pose unacceptable risks to federally listed threatened and endangered species.

CONCLUSION

Protestors request that the State Engineer reject application - F77918 (Water Right No. 91-5150) as it will impair existing rights, interfere with more beneficial uses of

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