

IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY, UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF UTAH LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT, WASATCH, SANPETE AND JUAB COUNTIES

Strawberry Water Users Ass'n v. United States of America,
Civil No. 360057298 (51-1-1)

TO ALL CLAIMANTS TO THE USE OF RETURN FLOW FROM STRAWBERRY VALLEY PROJECT WATER:

The Strawberry Valley Project (SVP) is a U.S. Bureau of Reclamation project that collects and stores water from the Strawberry River and its tributaries in the Uinta Basin in Utah under Water Rights Nos. 43-3001, 43-3102, 43-1259, and 51-2259. Water Rights Nos. 43-3001, 43-3102, and 43-1259 are certificated in the name of the United States in the amounts of 100,000 acre-feet, 60,000 acre-feet and 6,779 acre-feet, respectively. Underground Water Right No. 51-2259 is certificated in the name of the Strawberry Water Users Association in the amount of 7.0 cubic feet per second. Water diverted under the SVP water rights is released from storage in the Uinta basin and conveyed through tunnels, canals, and natural streams into Utah Valley in the Utah Lake-Jordan River drainage system, where it is used for SVP purposes. After such use, return flows from SVP diversions eventually commingle with water in Utah Lake. Consistent with the Utah Supreme Court's instructions in Strawberry Water Users Association v. Bureau of Reclamation, 2006 UT 19, this Court shall address the following issue pursuant to Utah Code Ann. §73-4-24 in this general adjudication of water rights: Whether the SVP is entitled to a credit under Utah law allowing subsequent use, either directly or by exchange, of the identifiable return flow from the additional water imported from the Uinta basin under the SVP water rights after the return flows have commingled with the water naturally occurring in Utah Lake.

You are hereby notified that the action is commencing as directed by the Utah Supreme Court. Upon service of this notice upon you, you and any potentially affected water rights that you may claim will be subject to the jurisdiction of the Third Judicial District Court. If you determine any water rights that you claim may be affected by this action and you desire to protect your interest, it will be your responsibility to participate in this action. You may be added to the master notice list in this action by returning a Statement of Interest to the Office of the State Engineer within 60 days of service of this notice upon you. Thereafter, you will be copied with all future pleadings, orders, and other materials filed in this action, including the State Engineer's recommendation on the above issue. You may choose to receive further notice by regular mail or by e-mail. Notice by e-mail is preferable because of the cost savings to all participants. It will be your continuing responsibility to monitor the case and determine what further action, if any, is necessary in order to protect your interests in accordance with applicable law, the Utah Rules of Civil Procedure, and such orders as may be entered by the Court. You shall also be responsible for providing the Court and all other parties with a notice of any change in address. All water users and/or claimants who are served notice of this action will be bound by the Court's decision, regardless whether they actively participate in this action.

You may obtain a Statement of Interest form and additional information concerning this action on the web page of the Utah Division of Water Rights at www.waterrights.utah.gov/strawberryreturnflow. You may also obtain a Statement of Interest form by calling 1-866-882-4426. The Court's mailing and street address is: Third Judicial District Court, 450 South State Street, P.O. Box 1860, Salt Lake City, Utah 84114-1860. Pleadings and orders filed in this action may also be inspected at the Court.

Dated this 6th day of June, 2008.

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