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IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETER-)	MOTION OF STATE ENGINEER
MINATION OF ALL THE RIGHTS TO THE)	FOR ORDER OF DISTRIBUTION
USE OF WATER, BOTH SURFACE AND UN-)	
DERGROUND, WITHIN THE DRAINAGE AREA)	
OF THE UINTA BASIN IN UTAH.)	Civil No. 3070

During those irrigation seasons when there has been insufficient water to satisfy existing rights, the waters of the Duchesne-Strawberry River System have been distributed pursuant to Orders from this Court. These Orders have been without prejudice to the claims of the parties in any subsequent proceedings in this action, and have been considered an interim distribution practice while the State Engineer and the parties gathered additional data concerning the duty of water and addressed other issues encompassed within this statutory adjudication of water rights. Progress has been made on certain of these matters, but there still remain unresolved issues such as the rights claimed by the Ute Indian Tribe. The State of Utah and the Ute Indian

Tribe have attempted to quantify the Tribe's water rights by Compact. This Compact was ratified by the Utah Legislature in 1980. During this past year, intensive negotiations between the State, the Tribe, the Central Utah Water Conservancy District and the United States have taken place, and a revised Compact has been tentatively agreed to. Legislation has been introduced in the present session of Congress to ratify the revised Compact by the United States and otherwise settle the water right claims of the Ute Tribe. If the revised Compact is ratified by Congress, it will require re-ratification by the Utah Legislature and the Ute Tribe.

The flows in the Duchesne-Strawberry River System in 1982, 1983, 1984 and 1986 were sufficient to satisfy existing demands, and it was not necessary during those years to place the system on a delivery schedule. However, after consultation with the Duchesne River Commissioner and after reviewing snowpack data, the State Engineer believes that it will be necessary to place the system under regulation for the 1991 irrigation season.

In past dry years, water has been distributed to all users based on a single distribution schedule prepared by the State Engineer and adopted by this Court in 1980, 1981, 1985, 1987 and 1988. In 1989 and 1990, based on additional data and information, and pursuant to input received by the State Engineer from

the water users of the Duchesne-Strawberry Distribution System, the State Engineer slightly modified the distribution schedule, providing for the division of the River into three "zones" for more efficient distribution. The State Engineer proposes to continue with that modification for this year. The water users have not objected to such modifications.

In both 1988 and 1989, certain water users on the lower portion of the Duchesne System actively protested the State Engineer's interim distribution schedule on the grounds that the four (4) acre-foot irrigation duty provided for therein was not adequate for their needs. While the State Engineer believes that a four (4) acre-foot duty is both reasonable and proper, he was willing to recommend a 4.5 acre-foot duty for the 1990 irrigation season on an experimental basis as part of his overall data gathering process in the General Adjudication action. However, after a hearing before the Court on May 21, 1990, the Court ruled that such experimentation would not be useful when weighed against possible detriment to other water users. Therefore, the Court ordered that water be distributed on the basis of 4.0 acre-feet per acre for the 1990 season.

Based on the Court's ruling in 1990, and since the State Engineer is still of the opinion that a four (4) acre-foot duty is both reasonable and proper, the State Engineer is recommending

a four (4) acre-foot duty for the 1991 irrigation season.

A copy of the proposed interim distribution schedule for the 1991 irrigation season is attached hereto as Exhibit "A", and the State Engineer believes that water should be distributed in accordance with this schedule.

During the past year, the State Engineer has had discussion with representatives of the United States Bureau of Reclamation and the Central Utah Water Conservancy District regarding the use of Starvation Reservoir as a regulating device to allow direct flow water users (upon making appropriate arrangements with the District) to use their water more efficiently by retaining water in Starvation Reservoir on a short-term basis when such users are cutting hay or harvesting crops. The State Engineer requests that the Court allow for such practice, to be administered by the River Commissioner, so long as other rights are not impaired, and so long as such users have in place adequate measuring devices approved by the State Engineer.

The State Engineer respectfully moves this Court for an Order adopting the attached distribution schedule to govern distribution of water on the Duchesne-Strawberry River System pending a Hearing on any objections which may be subsequently filed in opposition to said schedule, and directing the Duchesne River Commissioner to distribute the waters of said system in

accordance with the attached schedule as proposed by the State
Engineer.

DATED this ^{5th}~~4th~~ day of April, 1991.

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EXHIBIT "A"

Proposed Delivery Schedule for Zone I* Duchesne River

May 1 - October 15, 4.0 Acre-Feet per Acre.

PERIOD		DUTY		DELIVERY	
Date	No. Days	CFS/Acres	Ac. Ft. Day	Ac. Ft. Period	Accum. Ac. Ft.
(1)	(2)	(3)	(4)	(5)	(6)
May 1-15	15	1/100	0.01983	0.298	0.30
May 16-31	16	1/60	0.03306	0.529	0.83
June 1-15	15	1/60	0.03306	0.496	1.32
June 16-30	15	1/65	0.03051	0.458	1.78
July 1-15	15	1/70	0.02834	0.425	2.21
July 16-31	16	1/80	0.02479	0.397	2.60
Aug. 1-15	15	1/80	0.02479	0.372	2.98
Aug. 16-31	16	1/85	0.02333	0.373	3.35
Sept. 1-15	15	1/100	0.01983	0.298	3.65
Sept. 16-30	15	1/150	0.01322	0.198	3.84
Oct. 1-15	15	1/200	0.00991	0.149	3.99

*Zone I includes the lands irrigated between the headwaters of the Duchesne River and the bridge (locally known as Williams Bridge) on State Route 35 just above the confluence of Rock Creek with the Duchesne River.

EXHIBIT "A"

Proposed Delivery Schedule for Zone II* Duchesne River

April 20 - October 15, 4.0 Acre-Feet per Acre.

PERIOD		DUTY		DELIVERY	
Date	No. Days	CFS/Acres	Ac. Ft. Day	Ac. Ft. Period	Accum. Ac. Ft.
(1)	(2)	(3)	(4)	(5)	(6)
Apr. 20-30	11	1/145	0.01368	0.150	0.15
May 1-15	15	1/100	0.01983	0.298	0.45
May 16-31	16	1/85	0.02333	0.373	0.82
June 1-15	15	1/60	0.03306	0.496	1.32
June 16-30	15	1/65	0.03051	0.458	1.78
July 1-15	15	1/70	0.02834	0.425	2.21
July 16-31	16	1/80	0.02479	0.397	2.61
Aug. 1-15	15	1/80	0.02479	0.373	2.98
Aug. 16-31	16	1/85	0.02333	0.373	3.35
Sept. 1-15	15	1/100	0.01983	0.298	3.65
Sept. 16-30	15	1/150	0.01322	0.198	3.85
Oct. 1-15	15	1/200	0.00991	0.149	4.00

*Zone II includes the lands irrigated between the bridge (locally known as Williams Bridge) on State Route 35 just above the confluence of Rock Creek and the Duchesne River and down to the confluence of the Strawberry River with the Duchesne River.

Proposed Delivery Schedule for Zone III* Duchesne River

April 1 - October 15, 4.0 Acre-Feet per Acre.

PERIOD		DUTY		DELIVERY	
Date	No. Days	CFS/Acres	Ac. Ft. Day	Ac. Ft. Period	Accum. Ac. Ft.
(1)	(2)	(3)	(4)	(5)	(6)
Apr. 1-15	15	1/160	0.01240	0.186	0.186
Apr. 16-30	15	1/160	0.01240	0.186	0.372
May 1-10	10	1/125	0.01587	0.159	0.531
May 11-20	10	1/90	0.02204	0.220	0.751
May 21-31	11	1/80	0.02479	0.273	1.024
June 1-10	10	1/70	0.02834	0.283	1.307
June 11-20	10	1/70	0.02834	0.283	1.590
June 21-30	10	1/75	0.02645	0.265	1.855
July 1-10	10	1/75	0.02645	0.265	2.120
July 11-20	10	1/80	0.02479	0.248	2.368
July 21-31	11	1/80	0.02479	0.273	2.641
Aug. 1-15	15	1/80	0.02479	0.372	3.013
Aug. 16-31	16	1/85	0.02333	0.373	3.386
Sept. 1-15	15	1/100	0.01983	0.297	3.683
Sept. 16-30	15	1/150	0.01322	0.198	3.881
Oct. 1-15	15	1/250	0.00793	0.119	4.000

*Zone III includes the all the lands irrigated below the confluence of the Strawberry River with the Duchesne River.