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8th District Court Duchesne
State of Utah

JUN 6 1990

By Roger K. Maret, Deputy
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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-) **AMENDED ORDER**
MINATION OF ALL THE RIGHTS TO THE) **OF DISTRIBUTION**
USE OF WATER, BOTH SURFACE AND UN-)
DERGROUND, WITHIN THE DRAINAGE AREA)
OF THE UINTA BASIN IN UTAH.) Civil No. 3070

This matter came before the Court on May 21, 1990, for hearing on certain objections to the 1990 interim Distribution Order heretofore entered by the Court on March 14, 1990. Objections were filed by Central Utah Water Conservancy District, Provo River Water Users' Association, Mr. Guy L. Taylor, et al., and the Duchesne and Strawberry Rivers Water Users Association. The Utah State Engineer was represented by Michael M. Quealy and John H. Mabey, Jr.; Central Utah Water Conservancy District was represented by Edward W. Clyde; Provo River Water Users Association was represented by Marc T Wangsgard; Uintah Basin Irrigation Company was represented by Gayle F. McKeachnie; Guy L. Taylor appeared pro se representing his own interests only; and the

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Duchesne and Strawberry Rivers Water Users Association was not represented by counsel at the hearing.

The Court has reviewed the file and the objections and memoranda of the parties and has heard oral arguments. The State Engineer has recommended a 4.5 acre-foot duty for this year as an experiment in order to gather additional data for the General Adjudication. In past years when a distribution schedule was necessary, the State Engineer has recommended, and this Court has adopted, a duty of 4.0 acre-feet per acre. After due consideration, the Court is of the opinion that due to the extremely dry conditions existing at the present time, this is not a good year to experiment with the duty of water in order to gather data. Further, the Court is unconvinced that the data the State Engineer hopes to generate would be beneficial when weighed against the possible impact a higher duty may have on many water users. The Court is of the opinion that an equitable and proper duty of water for this year, given current conditions, is 4.0 acre-feet per acre.

Therefore, it is hereby ORDERED that the Order of Distribution of this Court dated March 14, 1990, is hereby amended as follows:

1. As of May 21, 1990, the Duchesne River Commissioner is to distribute the waters of the Duchesne-Strawberry system on the

basis of 4.0 acre-feet per acre for the remainder of the 1990 irrigation season, according to the distribution schedule attached hereto as Exhibit A (which is the same schedule adopted by this Court for the 1989 irrigation season), pending further Order of this Court;

2. Any water diverted by or delivered to water users in excess of the 4.0 acre-foot-per-acre delivery schedule prior to 3:00 p.m. on May 21, 1990, shall not be calculated into the total annual diversions allowed under the Distribution Schedule herein adopted;

3. This Order is made and entered without prejudice to the claims or assertions of any of the parties in any subsequent proceedings in this action, and does not constitute a final determination by this Court on the rights of the parties or the final duty of water from this source; and,

4. The parties shall bear their own costs.

DATED this 4th day of June, 1990.

BY THE COURT:


DENNIS L. DRANEY, DISTRICT JUDGE

EXHIBIT A

Proposed Delivery Schedule for Zone I* Duchesne River

May 10 - 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 10-15	6	1/80	0.02480	0.149	0.15
May 16-31	16	1/55	0.03606	0.577	0.73
June 1-15	15	1/55	0.03606	0.541	1.27
June 16-30	15	1/60	0.03306	0.496	1.77
July 1-15	15	1/70	0.02834	0.425	2.20
July 16-31	16	1/80	0.02479	0.397	2.60
Aug. 1-15	15	1/80	0.02479	0.372	2.97
Aug. 16-31	16	1/85	0.02333	0.373	3.34
Sept. 1-15	15	1/100	0.01983	0.298	3.64
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 confluence of Rock Creek with the Duchesne River.

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 confluence of Rock Creek and 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.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing proposed
AMENDED ORDER OF DISTRIBUTION was served, prior to signature and
entry, by mailing the same, first class postage prepaid, this
24th day of May, 1990, to:

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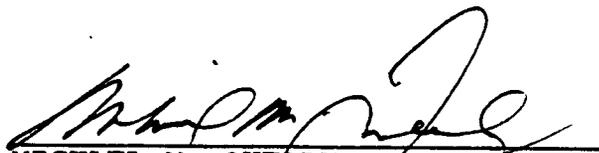
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