

Bob. Here is a copy of our protest to the  
court - Hope it can be worked out to  
benefit all - Bob.

Duchesne-Strawberry Water Users  
Duchesne, Utah 84021  
March 16, 1990

Honorable Dennis Draney  
District Judge, 8th District Court  
Duchesne, Utah 84021-0270

Dear Judge Draney:

At the annual meeting of the Duchesne-Strawberry Water Users held March 2, 1990 a motion was past to protest the Utah State Engineer Order of Distribution of Water, Order, Civil #3070.

This order would grant 4.5 acre feet of water per acre for the water users on the Duchesne River drainage. Historically, the Duchesne water shed will not produce enough water to satisfy all water rights with 4.5 acre feet on an average year. On a short water year the shortage would be greater. During the 1989 irrigation season, in August, water was limited to those filings which were earlier than 1910, and this when the order was set for 4 acre feet per acre. To increase the amount of water per acre during a time of shortage would be disastrous to any filings dated after 1910. The greater amount of the filings prior to 1910 are Indian water filings and they have already (years ago) agreed to 4 acre feet. At our annual meeting in 1989, Raymond Murray, as a representative for the Ute Indian Tribe, Stated that the tribe was content with 4 acre feet per acre and that it was ample for their needs.

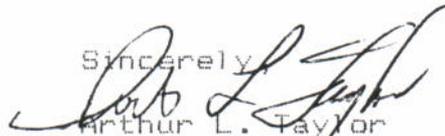
We feel to approve such an order would create undue hardship and feelings among neighbors who have different filing priorities, many within the same canal system.

Furthermore, we protest the duty schedule for Zone III which allows 1/140 CFS/acres from April 1 through April 30 and not much better through May 10th. This is a very critical period of heavy need for water in this area to get grain started and to assure a good first crop of hay. We request the amount be increased during that period of time, then decrease the amount during late summer. We are not suggesting an increase of more than 4 acre feet per acre, only an adjustment in the schedule.

We also feel it was an inexcusable oversight on the part of the State Engineer in not consulting any of the directors or officers of the Duchesne-Strawberry Water Users before presenting his order to the court. If he had even informed the Duchesne River commissioner of his intentions on the matter, we would have been able to take action of protesting at an earlier date.

We trust at this late date that this protest will be considered.

Sincerely,



Arthur L. Taylor

Vice President & Director  
Duchesne-Strawberry Water Users