

Lee

R. PAUL VAN DAM, No. 3312
UTAH ATTORNEY GENERAL
Michael M. Quealy, No. 2667
John H. Mabey, Jr., No. 4625
Assistant Attorneys General
ATTORNEYS FOR UTAH STATE ENGINEER
1636 West North Temple, Suite 300
SALT LAKE CITY UT 84116
Telephone: (801) 538-7227

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

IN THE MATTER OF THE GENERAL DETER-)
MINATION OF ALL THE RIGHTS TO THE) MOTION OF STATE ENGINEER
USE OF WATER, BOTH SURFACE AND UN-) FOR ORDER OF DISTRIBUTION
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 has been ratified by the Utah Legislature. 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 this matter is being actively pursued by those parties. Also, it is anticipated that legislation will be introduced in the present session of Congress to ratify a revised Compact by the United States and otherwise settle the water right claims of the Ute Tribe. If the Compact is revised, 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 1990 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, 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.

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 is 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. Therefore, the proposed 1990 distribution schedule has been amended from past years to reflect a duty of 4.5 acre-feet per acre.

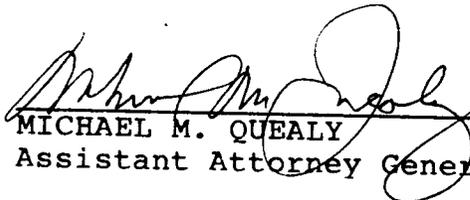
A copy of the proposed interim distribution schedule for 1990 is attached hereto as Exhibit "A", and the State Engineer believes that water should be distributed in accordance with this schedule.

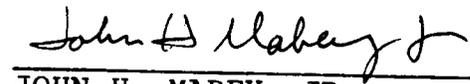
The State Engineer respectfully moves this Court for an Order adopting the attached distribution schedule to govern distribution of water on the Duchesne-Strawberry River System pending a

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 14th day of February, 1990.

R. PAUL VAN DAM
UTAH ATTORNEY GENERAL


MICHAEL M. QUEALY
Assistant Attorney General


JOHN H. MABEY, JR.
Assistant Attorney General

ATTORNEYS FOR UTAH STATE ENGINEER
1636 West North Temple, Suite 300
SALT LAKE CITY UT 84116

EXHIBIT "A"

Proposed Delivery Schedule for Zone I* Duchesne River

May 10 - October 15, 4.5 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	1/70	0.02834	0.170	0.17
May 16-31	16	1/50	0.03967	0.634	0.80
June 1-15	15	1/50	0.03967	0.595	1.40
June 16-30	15	1/55	0.03606	0.541	1.94
July 1-15	15	1/60	0.03306	0.496	2.44
July 16-31	16	1/70	0.02834	0.453	2.89
Aug. 1-15	15	1/70	0.02834	0.425	3.31
Aug. 16-31	16	1/75	0.02645	0.423	3.74
Sept. 1-15	15	1/85	0.02333	0.350	4.09
Sept. 16-30	15	1/130	0.01526	0.229	4.32
Oct. 1-15	15	1/170	0.01167	0.175	4.49

*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, 4.5 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	1/130	0.01526	0.168	0.17
May 1-15	15	1/85	0.02333	0.350	0.52
May 16-31	16	1/75	0.02645	0.423	0.94
June 1-15	15	1/55	0.03606	0.541	1.48
June 16-30	15	1/55	0.03606	0.541	2.02
July 1-15	15	1/65	0.03051	0.458	2.48
July 16-31	16	1/70	0.02834	0.453	2.93
Aug. 1-15	15	1/70	0.02834	0.425	3.36
Aug. 16-31	16	1/75	0.02645	0.423	3.78
Sept. 1-15	15	1/90	0.02204	0.331	4.11
Sept. 16-30	15	1/130	0.01526	0.229	4.34
Oct. 1-15	15	1/180	0.01102	0.165	4.51

*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, 4.5 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	1/140	0.01417	0.213	0.21
Apr. 16-30	15	1/140	0.01417	0.213	0.43
May 1-10	10	1/110	0.01803	0.180	0.61
May 11-20	10	1/80	0.02479	0.248	0.85
May 21-31	11	1/70	0.02834	0.312	1.17
June 1-10	10	1/60	0.03306	0.331	1.50
June 11-20	10	1/60	0.03306	0.331	1.83
June 21-30	10	1/65	0.03051	0.305	2.13
July 1-10	10	1/70	0.02834	0.283	2.42
July 11-20	10	1/70	0.02834	0.283	2.70
July 21-31	11	1/70	0.02834	0.312	3.01
Aug. 1-15	15	1/75	0.02645	0.397	3.41
Aug. 16-31	16	1/80	0.02479	0.397	3.81
Sept. 1-15	15	1/90	0.02204	0.331	4.14
Sept. 16-30	15	1/130	0.01526	0.229	4.37
Oct. 1-15	15	1/220	0.00902	0.135	4.50

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