

GAYLE F. McKEACHNIE - 2200
CLARK B. ALLRED - 0055
NIELSEN & SENIOR
Attorneys for Uintah Basin
Irrigation Company
363 East Main Street
Vernal, Utah 84078
Telephone: (801) 789-4908

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MAR 27 1989

ATTORNEY GENERAL
NATL RESOURCE AGENCY

IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

IN THE MATTER OF THE)	
GENERAL DETERMINATION OF ALL)	OBJECTION TO MOTION OF
THE RIGHTS TO THE USE OF WATER,)	STATE ENGINEER FOR
BOTH SURFACE AND UNDERGROUND,)	ORDER OF DISTRIBUTION
WITHIN THE DRAINAGE AREA OF)	AND REQUEST FOR HEARING
THE UINTA BASIN IN UTAH.)	
)	
)	Civil No. 3070

The Uintah Basin Irrigation Company, by and through its attorney Gayle McKeachnie of the law firm of Nielsen & Senior, hereby enters its objection to the Motion dated March 22, 1989 of the State Engineer for Order of Distribution and respectfully requests that the Court schedule a hearing on this Motion prior to making a decision or signing the proposed Order.

The basis of this objection is that the schedule of distribution on the Duchesne River system, which the State Engineer has now proposed, varies substantially from the way in which the waters have heretofore been distributed to the water users of the Uintah Basin Irrigation Company and would result in an approximate 20% decrease in the amount of water delivered, during the coming season, as compared to what has traditionally been delivered. Furthermore, the proposed schedule does not

allow distribution to members of the Uintah Basin Irrigation Company the water to which they have a right under their filings and under Utah State Law. To allow the State Engineer, without hearing or presenting evidence to the Court and over the objection of the water users, to change the traditional method of distributing water and thereby deprive water users of their water right, would be unfair and shift to the water users of the Uintah Basin Irrigation Company to bear a burden to change the Order proposed by the State Engineer. The burden of making a change in the traditional way of distributing the water should be upon the State Engineer who is proposing the change not in the water users who contend that the water should be distributed as it has heretofore been distributed.

This protest is accompanied by the Affidavit of Loryn Ross of the Uintah Basin Irrigation Company.

Uintah Basin Irrigation Company respectfully requests that the Court set this matter for hearing to allow the Uintah Basin Irrigation Company to present evidence and argument in support its protest the proposed distribution schedule prior to making a decision on the Motion of the State Engineer.

RESPECTFULLY submitted this 24 day of March, 1989.

NIELSEN & SENIOR
Attorneys for Uintah Basin
Irrigation Company

By: Gayle McKeachnie
Gayle B. McKeachnie