

David L. Wilkinson, No. 3472
UTAH ATTORNEY GENERAL
Dallin W. Jensen, No. 1669
Solicitor General
Michael M. Quealy, No. 2667
Assistant Attorney 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 SEVENTH 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 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, but is still awaiting action by members of the Ute Tribe. During this past

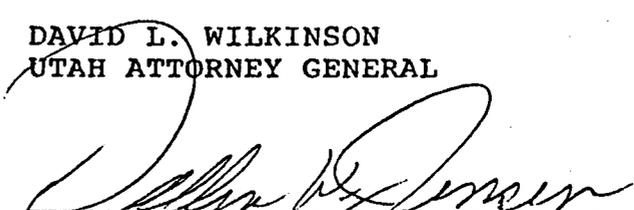
year, additional discussions between the State, the Tribe, the local water users and the United States have taken place, and this matter is being actively pursued by the parties.

The flows in the Duchesne 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, the State Engineer has been advised by the Duchesne River Commissioner that the flows in the System are dropping rapidly, and it is necessary to place the System under regulation for the 1988 irrigation season. Based upon available data and information, the State Engineer believes that water should be distributed to all irrigation users in accordance with the interim Distribution Schedule previously prepared by the State Engineer and adopted by this Court in 1980, 1981, 1985 and 1987, a copy of which is attached hereto as Exhibit A, and by this reference is made a part of this Motion. This interim Distribution Schedule for 1988 was approved at the annual meeting of the water users of the Duchesne-Strawberry Distribution System held at Duchesne, Utah, on February 23, 1988.

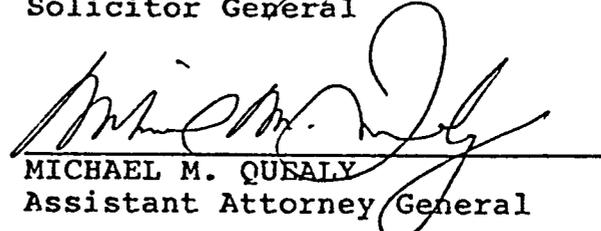
The State Engineer respectfully moves this Court for an Order adopting the attached Distribution Schedule to govern distribution of water on the Duchesne River System pending a Hearing on any objections which may be subsequently filed in opposition to said Schedule, and directing the Duchesne River Commissioner to distribute the waters of said System in accordance with the attached Schedule as proposed by the State Engineer.

DATED this 14th day of April, 1988.

DAVID L. WILKINSON
UTAH ATTORNEY GENERAL



DALLIN W. JENSEN
Solicitor General



MICHAEL M. QUEALY
Assistant Attorney General

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