

Dallin W. Jensen
Michael M. Quealy
Assistants Attorney General
Attorneys for State Engineer
301 Empire Building
231 East Fourth South
Salt Lake City, UT 84111
Telephone: (801) 533-4446

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ATTORNEY GENERAL
NATURAL RESOURCE AGENCIES

IN THE DISTRICT COURT OF THE FOURTH 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 the past few irrigation seasons, water from the Duchesne River System has been distributed pursuant to Order from this Court. Past distribution programs have been without prejudice to the claims of the parties in any subsequent proceedings in this action, and have been considered to be interim distribution practices while the State Engineer and the parties gathered additional data concerning the duty of water. From a review and evaluation of the existing snow surveys and climatological data presently available to the Utah State Engineer, it appears that the water supply available from the Duchesne River System during the 1981 irrigation season is going to be considerably below normal. Consequently, it seems that it will be necessary to place the Duchesne River System on regulation much earlier this year than during a normal water year.

Also, the State Engineer's Office has recently spent a substantial amount of time reviewing and evaluating the claims of the Ute Indian Tribe from the Duchesne River System and certain other sources in this area. The data and information derived from this study has been made available to the users on the System, and formed the basis for a proposed Compact with the Ute Indian Tribe which quantifies the Tribe's water rights from the Duchesne River System. This Compact was enacted by the 1980 Utah Legislature, and is presently awaiting official considera-

FILED
District Court Duchesne
County - State of Utah
MAY 8 1981

JANET GOWAN, Clerk
By: M.P. Deputy

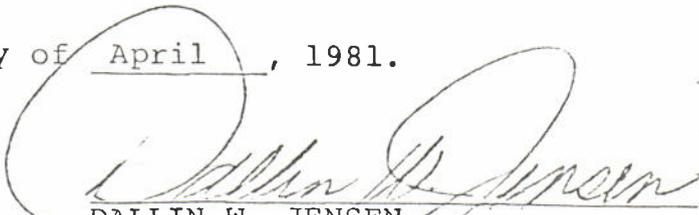
tion by the members of the Ute Indian Tribe. The State Engineer has also now substantially completed his studies relating to return flow, canal losses and proposed duty of water for the Duchesne River System.

Further, there has recently been filed herein by the Tabby Irrigation Company, et al., a "Petition for Determination of Disputes" involving a number of comprehensive issues relating to the statutory adjudication of water rights in the Uinta Basin and also raising certain issues concerning the distribution of water from the Duchesne River.

Based on existing water supply conditions and the results of the above-mentioned studies, the State Engineer has prepared a proposed Schedule of Distribution (which is attached hereto as Exhibit A). The State Engineer believes that water should be distributed to all irrigation users in accordance with that Schedule.

Therefore, the State Engineer respectfully moves this Court for an Order adopting the attached Distribution Schedule to govern the 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 a Hearing on the "Petition for Determination of Disputes" filed by Tabby Irrigation Company, et al., herein; and—pending any such Hearing—directing the Duchesne River Commissioner to distribute the waters of said System according to the attached Schedule as proposed by the State Engineer.

DATED this 30th day of April, 1981.


DALLIN W. JENSEN
Assistant Attorney General

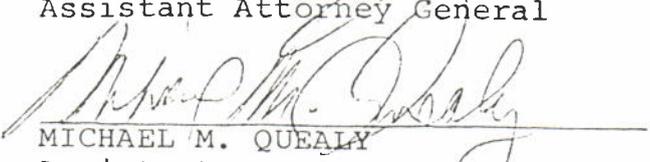

MICHAEL M. QUEALY
Assistant Attorney General
ATTORNEYS FOR UTAH STATE ENGINEER
301 Empire Building
231 East Fourth South
Salt Lake City, UT 84111

EXHIBIT A1981 DUCHESNE RIVER DISTRIBUTION SCHEDULE

Period		Duty		Delivery	
Date (1)	No. Days (2)	CFS/Acres (3)	Ac.Ft./Day (4)	Ac.Ft./Period (5)	Accum. Ac. Ft. (6)
Apr. 1-15	15	1/250	.00793	.119	.119
Apr. 16-30	15	1/200	.00992	.149	.268
May 1-10	10	1/125	.01586	.159	.426
May 11-20	10	1/90	.02203	.220	.647
May 21-31	11	1/80	.02479	.273	.919
June 1-10	10	1/70	.02834	.283	1.203
June 11-20	10	1/70	.02834	.283	1.486
June 21-30	10	1/75	.02645	.265	1.751
July 1-10	10	1/75	.02645	.265	2.015
July 11-20	10	1/80	.02479	.248	2.263
July 21-31	11	1/80	.02479	.273	2.536
Aug. 1-15	15	1/80	.02479	.372	2.908
Aug. 16-31	16	1/85	.02333	.373	3.281
Sept. 1-15	15	1/100	.01983	.297	3.578
Sept. 16-30	15	1/150	.01322	.198	3.777
Oct. 1-15	15	1/250	.00793	.119	3.895
Oct. 16-31	16	1/300	.00661	.106	4.001