

THE ATTORNEY GENERAL



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July 2, 1976

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Re: Distribution of the  
Duchesne River System

Gentlemen:

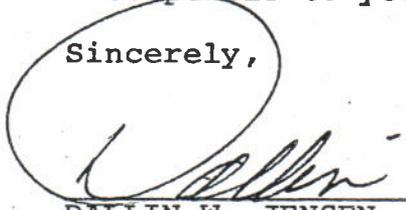
You will recall that during the 1975 irrigation season the State Engineer continued his study of return flow on the Duchesne River System. He expected to submit his report to the parties early this Spring, but, in assembling and evaluating the field data which had been gathered, he found it necessary to double-check certain of the facts. This has delayed the finalization of his report. However, I am now advised that the report is just about completed and will be submitted to the parties before the end of July. I am further advised that the State Engineer feels this is about the best data he can assemble within his budget and staff limitations, and that he therefore intends to undertake no further field investigation—other than a few spot checks—concerning this matter. However, if any of the parties feel it would be useful to explore additional avenues on this problem, he would certainly be happy to discuss any possibilities. I realize, of course, that until you have the opportunity to read and analyze the forthcoming report, you and your clients will not be in a position to make such a judgment. But, since the high water is about over on this system for this year, it seemed to me that I should write to advise you of the status of the State Engineer's report and to propose a method of distribution for the remainder of the 1976 irrigation season.

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The State Engineer suggests that the waters of this system be distributed in the same manner as in 1974 and 1975. I have prepared a proposed Motion and Order to implement that suggestion, a copy of which is enclosed herewith for your information and review. Unless I hear from any of you to the contrary, I will submit this Motion and Order to the Court for consideration on Tuesday, July 13th.

However, I do not propose that we simply drop this matter there. It would be my recommendation that following some reasonable period for evaluation of the State Engineer's return flow study, a meeting be held with all parties concerned and a decision be made either to proceed with the adjudication and a determination of the duty issue or some alternative course of action which seems appropriate. I would undertake to set up such a meeting if this course of action seems acceptable to you.

Sincerely,



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DALLIN W. JENSEN  
Assistant Attorney General

DWJ/jr

Enclosures

pc: Donald C. Norseth  
pc: Bob Guy