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

IN THE MATTER OF THE GENERAL)
DETERMINATION OF ALL THE)
RIGHTS TO THE USE OF WATER,) O R D E R
BOTH SURFACE AND UNDERGROUND,)
WITHIN THE DRAINAGE AREA OF)
THE UINTAH BASIN IN UTAH.) Civil No. 3070

Pursuant to the Motion of the State Engineer, dated July 9, 1976, requesting that the water from the Duchesne River System be distributed on the same basis during the 1976 irrigation season as it was in 1974 and 1975, and good cause appearing therefore, it is hereby

ORDERED that when the flow of the Duchesne River recedes to a point that it is necessary to place the River on a duty schedule for the 1976 irrigation season, the waters of the Duchesne River System will be distributed to all irrigation users at a rate of one c.f.s. of water for every seventy acres of irrigated land. Water shall only be delivered to land that is actually being irrigated during the 1976 irrigation season, and water shall not be delivered on the basis of the flow set forth in applications, certificates or other documents evidencing a water right. It is the intention of this Court to limit irrigation uses to those where the water is actually being beneficially used. It is further

ORDERED that when the flow of the River decreases to the point it will not supply all valid water rights, the Water Commissioner is directed to curtail the use of water in inverse order of priority of rights, so that the latest priority rights will be denied the use of water first. The Water Commissioner is ordered and directed to take all steps necessary to assure that no wasteful practices are maintained. It is further

ORDERED that all water users shall install and maintain adequate measuring devices and control structures to allow the Water Commissioner to properly distribute the waters of the Duchesne River System.

This Order is made and entered without prejudice to the claims or assertions of any of the parties in any subsequent proceedings in this action, and does not constitute a final determination by this Court of duty of water from the Duchesne River System. Further, this Order is only to govern the distribution of water in the Duchesne River System for the 1976 irrigation season, and the Court will further consider this matter prior to the beginning of the 1977 irrigation season. However, if any user believes that he is suffering undue hardship in the terms of this Order, he may petition this Court to further hearing at any time, subject only to giving reasonable notice to all counsel involved.

Dated this _____ day of July, 1976.

DISTRICT JUDGE