

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT, IN AND FOR
WAYNE COUNTY, STATE OF UTAH

IN THE GENERAL DETERMINATION OF ALL
THE RIGHTS TO THE USE OF WATER BOTH
SURFACE AND UNDERGROUND, WITHIN THE
DRAINAGE AREA OF THE COLORADO RIVER
IN UTAH AND EXCLUSIVE OF THE GREEN
RIVER AND THE VIRGIN RIVER.

STIPULATION ON WATER USER'S
CLAIMS NOS. 9, 12, 17 and 18

Civil No. 435

Comes now George Lawrence Durfey, Clea King Durfey, Joseph Golden Durfey, Esther Coombs Durfey and Orlo Durfey through their attorney Karl V. King and the State Engineer through his attorney, Dallin W. Jensen, Assistant Attorney General, this 25 day of July, 1963, and stipulate and agree as follows:

1. That this stipulation is made and entered into for the purpose of clarifying and determining the rights of the above named individuals to the use of water from Pleasant Creek for culinary purposes under Water User's Claim Nos. 9, 12, 17 and 18 all of which are within the drainage area of the Colorado River and subject to the present pending general adjudication in this area.

2. That said individuals or their predecessors established a right to the use of water from Pleasant Creek for the domestic requirements of two families with a priority of 1882 as is evidenced by the water user's claims these individuals have filed in this adjudication proceedings.

3. That the State Engineer has awarded to these individuals a right to the use of Pleasant Creek for year round domestic purposes with a priority of 1882 as a part of Water User's Claim Nos. 9, 12, 17 and 18. He did not propose an award of a specific flow for this use but states in the remarks column for each of said claims that the flow for domestic use is part of the flow for irrigation.

4. That since there is no specific flow awarded said claims for domestic purposes it is mutually agreed that these water users are entitled

to flow of water during the non-irrigation season sufficient to transport the water requirements for 6 families, which is 650 g.p.d. per family, to their place of use. This 650 g.p.d. is in addition to the stockwatering purposes as provided in the Proposed Determination of Water Rights. The exact flow of water to be awarded at the point of diversion from Pleasant Creek during this period is to be determined by measurement and will be the subject of a future report to the court. The water for the domestic requirements for these 6 families during the irrigation season is to be transported with and is considered a part of the irrigation award except for the amount actually consumed for domestic purposes at the place of use and for stockwatering purposes.

5. That this stipulation resolves all the issues between the parties by reason of that protest dated August 20, 1961 which these water users filed against the Proposed Determination of Water Rights.

6. That the court may enter an interlocutory order incorporating the provisions of this stipulation into the proposed determination.

KARL V. KING
ATTORNEY FOR PROTESTANTS

DALLIN W. JENSEN
ASSISTANT ATTORNEY GENERAL
ATTORNEY FOR STATE ENGINEER