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## MEMORANDUM

TO: Bob Morgan  
John Mabey  
Lee Sim  
Jim Riley

FROM: Special Investigations

SUBJECT: Redraft of the Proposed Distribution Plan for the Utah  
Lake Drainage Basin

DATE: September 12, 1991

Attached is a redraft of the distribution plan for the Utah Lake drainage basin. In redrafting this document we have tried to incorporate the applicable suggestions and concerns that were submitted in the comments. Please review this document very carefully and give us and any suggestions or comments which you may have by Wednesday, September 25.

We are working towards sending a packet to the water users around October 1. In addition to the proposed distribution plan, we are putting some of the basic water use and water supply data together and will include it as part of the packet. We will be submitting this data for your review in the near future.

If you have any questions or would like to meet and discuss any issue contained in the plan, please feel free to contact us.

/wk

DISTRIBUTION OF WATER WITHIN THE  
UTAH LAKE DRAINAGE BASIN

1.0 Introduction

1 Utah is experiencing significant growth in those counties  
2 located along the Wasatch Front. Associated with this growth we  
3 are seeing more demands being placed on our limited water resources  
4 and conversion from irrigation to municipal water use.

5 With the projects currently under construction and those  
6 planned for the future, it would appear that Utah Lake and its  
7 major tributaries will be facing a number of changes in the manner  
8 in which these systems have historically been operated. This is  
9 not to imply that such changes will have a negative impact, rather  
10 with proper planning these changing water use practices can be  
11 handled and existing water rights protected. In addition, there  
12 are a number of major transbasin diversions into the Utah Lake  
13 drainage which need to be better regulated. Diversions between the  
14 basins or sub-basins presently total over 300,000 acre-feet  
15 annually.

16 Within recent years, there have been a number of requests made  
17 of the State Engineer to make decisions on matters which  
18 significantly affect water rights in the Utah Lake drainage basin.  
19 After reviewing this matter, it appears that some direction is  
20 needed to better define the relationship between water rights in

1 the basin, such as storage rights in Utah Lake and storage rights  
2 on the upstream tributaries. The State Engineer believes that in  
3 order for the river commissioners to properly administer the  
4 numerous diversions, the extent of the rights and their  
5 relationship, one with another, needs to be established. In simple  
6 terms, we need to begin to manage the water rights on the Provo  
7 River, Spanish Fork River, Utah Lake, Jordan River, and other  
8 sources in the basin as one system. The objective is not to remove  
9 local control or involvement in the management of the waters.  
10 Rather, the objective is to ensure the equitable distribution of  
11 water, according to the respective water rights, and to address  
12 problems from a more regional point of view.

13 The State Engineer is submitting this proposed distribution  
14 plan under authority of sections 73-2-1, 73-5-1, -3, and -4, Utah  
15 Code Annotated 1953, to distribute the waters in the Utah Lake  
16 drainage basin. We realize that some of the issues which are  
17 presented in this document are beyond our administrative authority  
18 in distribution matters, and it is not our intent to resolve such  
19 issues in implementing this plan. Such items will be addressed in  
20 the adjudication process as set forth under Chapter 4, Title 73,  
21 Utah Code Annotated.

22 This document is intended to establish a general framework  
23 within which the respective rights could be administered. We  
24 realize that flexibility will be required as the plan is

1 implemented, and many problems that arise will need to be handled  
2 on a case-by-case basis. We also note that there are many  
3 agreements between water users and such agreements will be taken  
4 into account, when appropriate. There are many complex issues  
5 involved in the implementation of this distribution plan which  
6 require an understanding of the water rights and water supply  
7 conditions on a number of the major river systems in the State.  
8 The State Engineer is committed to spend the necessary time and  
9 resources to ensure that the water users have an opportunity to  
10 thoroughly understand the distribution plan before it is  
11 implemented.

12 This proposal applies only to the natural waters in the Utah  
13 Lake drainage. Trans-basin diversions (imported water) into the  
14 Utah Lake drainage will be administered in accordance with the  
15 individual water right.

16 The issues presented in this document have been divided into  
17 five subject areas:

- 18 ○ Water rights in Utah Lake
- 19 ○ Relationship between storage rights in Utah Lake and  
20 upstream reservoirs
- 21 ○ Direct flow water rights
- 22 ○ Other distribution issues
- 23 ○ Issues to be resolved through the adjudication procedure

1 For each subject there is a background section and a distribution  
2 guidelines section. The background section is intended to give the  
3 reader some general information about the issue and some  
4 justification for the distribution guidelines.

## 5 2.0 Water Rights in Utah Lake

### 6 2.1 Background

7 There does not appear to be a good definition for the existing  
8 storage water rights in Utah Lake of how the uses relate to the  
9 quantity of storage and the relationship of one right to another.  
10 The approach set forth in this document looks at the water rights  
11 served from Utah Lake in terms of beneficial use, which is referred  
12 to as the "annual diversion requirement." Water in Utah Lake is  
13 stored in order for the users to meet their diversion requirement.  
14 Thus, the storage capacity of Utah Lake does not define the water  
15 rights. Rather, it is the quantity of water necessary to satisfy  
16 the beneficial uses that is the limit and measure of the water  
17 rights.

18 The water rights in Utah Lake were defined in both the Morse  
19 (1901) and Booth (1908) decrees. The Morse decree defined two  
20 groups of water rights: 1) Direct flow rights on the Jordan River;  
21 and 2) Storage rights in Utah Lake. The Booth decree (1908)  
22 allowed for additional appropriations of water from Utah Lake and  
23 set a maximum limit on the diversions under the storage rights that

1 were set forth in the Morse decree. This maximum limit was 185,000  
2 acre-feet annually and appears to be based upon a 3.0 acre-feet per  
3 acre duty. In this proposed distribution plan, we refer to the  
4 rights that were defined in the Morse decree as primary storage  
5 rights, and all subsequent rights established under applications to  
6 appropriate water and confirmed by the Booth decree as secondary  
7 storage rights.

8 The total storage capacity of Utah Lake at compromise  
9 elevation (4489.045 feet) is approximately 870,000 acre-feet. Of  
10 this, approximately 128,300 acre-feet is inactive storage (verbal  
11 communication, Brad Gardner, Utah Lake-Jordan River Commissioner).  
12 The inactive storage elevation is 9.20 feet below compromise  
13 elevation. The average annual inflow (1951-90) to Utah Lake from  
14 all sources is about 726,000 acre-feet. Of this, 346,000 acre-feet  
15 is discharged to the Jordan River and about 380,000 acre-feet is  
16 lost to evaporation.

17 In 1989 the State Engineer approved a number of change  
18 applications, in conjunction with the so-called Welby Jacob  
19 exchange, to transfer the use of water under the primary and  
20 secondary storage rights in Utah Lake. In evaluating these change  
21 applications the sole supply irrigated acreage for each water right  
22 was determined. For the purposes of this document these acreages,  
23 as set forth in the respective memorandum decision, will be used.

1           In the "Proposed Determination of Water Rights in Utah Lake  
2 and Jordan River Drainage Area, Salt Lake County, West Division"  
3 (Proposed Determination), the State Engineer has recommended an  
4 irrigation duty of 5.0 acre-feet per acre and this duty also  
5 appears reasonable for those lands located east of the Jordan  
6 River. This figure does not include potential conveyance losses  
7 for canals over one mile in length and such losses are to be  
8 determined in a supplemental report to the court in conjunction  
9 with the general adjudication proceedings. Since the potential  
10 conveyance losses have not been finalized, a diversion requirement  
11 of 5.0 acre-feet per acre is used to determine the total annual  
12 diversion requirement for the irrigation rights.

13           2.2 Distribution Guidelines

14           In distributing the waters of Utah Lake among the primary and  
15 secondary storage rights in the Lake, the following guidelines will  
16 be followed:

17           2.2.1 The annual diversion requirement for the primary and  
18 secondary storage rights in Utah Lake are as set forth in Table 1.

19           2.2.2 The water users of Utah Lake are responsible to maintain the  
20 pumps and channels to allow water to be withdrawn from the Lake  
21 down to 9.20 feet below compromise elevation.

22           2.2.3 In order to protect the primary storage rights during

1 consecutive years of drought, the first 125,000 acre-feet of active  
2 storage capacity in Utah Lake shall be dedicated solely for the use  
3 of the primary storage rights when all other active storage has  
4 been used. Such 125,000 acre-feet of storage is hereafter  
5 referred to as "primary storage".

6 2.2.4 The remaining 620,000 acre-feet of active storage in Utah  
7 Lake up to compromise level, plus any additional upstream storage  
8 water that is subject to call by Utah Lake rights (section \_\_\_\_ of  
9 this document), shall be referred to as "system storage". System  
10 storage is to be used to supply the annual diversion requirements  
11 of both primary and secondary storage rights. The relationship  
12 between storage rights in Utah Lake, to those in upstream  
13 reservoirs is set forth under section \_\_\_\_\_ of this proposal.

1 **Table 1** - Annual diversion requirement for primary and secondary  
 2 storage rights in Utah Lake. The quantities of water for the  
 3 irrigation rights are based on the irrigated acreages (sole supply  
 4 acreage) set forth in the Welby-Jacob memorandum decisions and an  
 5 irrigation duty of 5.0 acre-feet per acre. For the municipal and  
 6 industrial rights the allowable annual diversion as set forth under  
 7 the water right(s) was used.

WR NUMBER	Primary Storage Rights (1870)	Irrigated Acreage	Acre-feet
59-3499	Utah and Salt Lake Canal	7,063.65	35,318
59-5269	SLCWCD <sup>2</sup> - Salt Lake County Water Conservancy District	2,071.01	10,355
59-3500	South Jordan Canal	4,850.05	24,250
59-5270	SLCWCD <sup>2</sup>	1,076.92	5,385
57-7637	East Jordan Canal	8,092.96	40,465
59-5268	SLCWCD <sup>2</sup>	1,587.04	7,935
59-3496	North Jordan Canal	1,069.99	5,350
57-5272	SLCWCD	2,099.72	10,499
5722	SLCWCD <sup>2</sup>		
57-7624	Salt Lake City Corp	Municipal	11,000
59-7624	CUWCD	Municipal	25,000
59-3517	Kennecott	Ind	13,750
Total for Primary Rights			189,307
Secondary Storage Rights		Acreage	Acre-feet
59-13	Utah Lake Distribution Co. 1908	7,945.37	39,727
59-5271	SLCWCD <sup>2</sup>	687.81	3,439
57-23	Draper Irrigation Co. 1908	2,100	10,500
59-5273	SLCWCD	400	2,000
59-14, 15 & 20	Central Utah Water Conservancy Dist. (Kenn. Storage Rights) 1912 <sup>1</sup>	Ind	57,073
Total for Secondary Rights			112,739
Overall Total			302,046

<sup>1</sup> Does not include any storage which may be claimed/allowed under 59-23

<sup>2</sup> Rights/shares held by respective irrigation companies in behalf of Salt Lake County Water Conservancy District by agreement dated October, 1989.

1 2.2.5 When all the system storage in Utah Lake has been used, the  
2 secondary rights shall cease diversions. At such time, the active  
3 storage in Utah Lake shall be at or below 125,000 acre-feet.

4 2.2.6 All waters stored upstream and which is subject to call  
5 under the priority of the Utah Lake rights shall be delivered to  
6 Utah Lake, according to priority, before the secondary rights are  
7 cut.

8 2.2.7 After all of the system storage in Utah Lake has been used  
9 and secondary rights have ceased diversions, the primary storage  
10 shall be allocated to the primary rights in the following  
11 percentages and will be available on demand within the constraints  
12 of the respective water rights:

13	WATER RIGHT NUMBER(S)	OWNER	
14	59-3499	Utah and Salt Lake Canal	17.1%
15	59-3500	South Jordan	12.8%
16	75-7637	East Jordan	21.4%
17	59-3496	North Jordan	2.8%
18	57-7624	Salt Lake City	5.8%
19	59-5268-5273, 5722	Salt Lake County Water Conservancy District	18.1%
20	57-7624	Central Utah Water Conservancy District	13.2%
21	59-3517	Kennecott	7.3%

1                                    3.0 Relationship of Storage Rights in  
2                                    Utah Lake and Upstream Reservoirs

3        3.1 Background

4                The relationship between upstream storage water rights and  
5 storage rights in Utah Lake must be determined so all of the  
6 storage reservoirs within the Utah Lake drainage basin can be  
7 regulated in accordance with their respective priority dates. In  
8 reviewing the water rights in the basin it appears that the  
9 upstream storage reservoirs have a unique relationship with the  
10 Utah Lake storage rights. Therefore, this section addresses only  
11 the storage rights. Direct flow rights are addressed independently  
12 in section 4.

13                The upstream storage rights are, in general, later in priority  
14 than the Utah Lake storage rights, with only a few exceptions.  
15 However, in analyzing the storage rights within the basin, it  
16 appears that in most years, the existing storage reservoirs can  
17 divert and use water without impairing the prior rights in Utah  
18 Lake. Although during drought years, this may not be the case.

19                The State Engineer has studied the historical practices and  
20 water supply conditions in the basin. From these studies it  
21 appears that adequate safe guards can be developed to allow  
22 upstream reservoirs to divert and store water during most periods  
23 of time without impairing prior water rights. Predicting whether

1 the rights in Utah Lake will receive their full annual diversion  
2 requirement is difficult early in the year. As the year  
3 progresses, and the water supply conditions become more apparent,  
4 these predictions can be made with a higher degree of confidence.  
5 It is proposed that later priority upstream rights be allowed to  
6 store water but it shall be held as system storage, subject to call  
7 by Utah Lake, until it is apparent the prior storage rights in Utah  
8 Lake will be satisfied. Criteria need~~s~~ to be set to determine if  
9 the rights in Utah Lake will likely be satisfied. Also, provisions  
10 to replace or exchange water to Utah Lake during drought periods to  
11 allow storage upstream will need to be considered.

12 As set forth in Section 2.2.4, the so-called system storage in  
13 Utah Lake is the top 620,000 acre-feet of active storage capacity.  
14 To facilitate upstream storage, it is proposed in this section that  
15 water stored in upstream reservoirs that is subject to call by Utah  
16 Lake rights be also accounted for as system storage. All upstream  
17 system storage would be subject to call by the rights in Utah Lake,  
18 according to the provisions set forth in this document.

19 The predetermined criteria mentioned above, which indicate  
20 with a high degree of certainty that the rights in Utah Lake will  
21 be satisfied, would dictate when the upstream reservoirs would be  
22 allowed to convert their system storage to what is referred to as  
23 priority storage. After the water was converted to priority  
24 storage it would no longer be subject to call and could be diverted

1 for use.

2 The irrigation season in much of the Utah Lake drainage runs  
3 from about April through October, except in the higher elevations.  
4 During the non-irrigation season the water demand is much lower  
5 than during the irrigation season and generally the storage season  
6 begins in November. Therefore, under this proposal storage waters  
7 will be accounted for based on a November through October period.

8 3.2 Distribution Guidelines

9 In order to maximize the beneficial use of the water and still  
10 protect prior rights, the State Engineer is proposing the following  
11 criteria to govern the distribution of water between storage rights  
12 in Utah Lake and reservoirs on upstream tributaries.

13 3.2.1 Upstream storage rights junior to Utah Lake water rights may  
14 store water under their respective priority dates relative to each  
15 other and subject to the conditions set forth in this section.

WHAT DOES  
THIS  
MEAN?

16 3.2.2 System storage is defined as the top 620,000 acre-feet of  
17 active storage capacity in Utah Lake used to satisfy the diversion  
18 requirement of both primary and secondary rights. Any water stored  
19 upstream which is subject to call by Utah Lake as provided for  
20 under paragraph 3.2.7 shall also be accounted for as system  
21 storage.

1 3.2.3 Priority storage is defined to be the legal storage under a  
2 reservoirs' water right and is not subject to call by any other  
3 water right.

4 3.2.4 Any water stored by junior appropriators before the total  
5 available system storage in Utah Lake exceeds the quantities set  
6 forth in Table 2, is subject to call by the rights served from Utah  
7 Lake.

8 3.2.5 Any water stored in upstream reservoirs that is subject to  
9 call by the Utah Lake rights shall be accounted for as "system  
10 storage".

11 3.2.6 System storage held in upstream reservoirs shall not be  
12 diverted for use and must be held in storage and available for  
13 release to Utah Lake, until such storage is converted to priority  
14 storage or replacement water is provided.

15 3.2.7 Whenever the total system storage exceeds the values set  
16 forth in Table 2, any excess system storage shall be converted to  
17 priority storage. Water is converted from system to priority  
18 storage according to the priority dates of the respective rights,  
19 and in accordance with any other restrictions applicable to a  
20 particular water right.

21 3.2.8 Once water has been converted to priority storage or is

1 designated priority storage at the time it is stored, it can be  
2 released from the reservoir and used as provided for under the  
3 respective water right.

4 3.2.9 Any time the storage capacity in Utah Lake drops below the  
5 primary storage capacity (the first 125,000 acre-feet of active  
6 storage capacity), upstream storage rights with later priority  
7 dates will not be allowed to divert and store water.

8 3.2.10 Any time the active storage capacity in Utah Lake drops  
9 below the primary storage level (125,000 acre-feet), or the  
10 diversion requirements of the rights on Utah Lake are not  
11 satisfied, the Utah Lake rights may call on the system storage  
12 water which has been held upstream by junior appropriators. The  
13 quantity subject to call will be limited to the lesser of either  
14 the quantity of upstream system storage or the amount needed to  
15 satisfy the diversion requirements and bring Utah Lake up to the  
16 primary storage level.

17 **Table 2** - Quantity of total system storage required before junior  
18 priority upstream storage reservoirs can convert their system  
19 storage to priority storage.

Date	System storage in Utah Lake and/or Upstream Reservoirs (units: ac-ft)
November 1	620,000
December 15	620,000

1	January 15	620,000
2	February 15	620,000
3	March 15	615,000
4	April 15	575,000
5	May 15	475,000
6	June 15	400,000
7	July 15	350,000
8	August 15	250,000
9	September 15	200,000
10	October 31	125,000

11 NOTE: Values can be interpolated from the table to determine system storage on any particular day.

12 3.2.11 System storage in upstream reservoirs can be replaced in  
13 Utah Lake with waters from other sources or other rights. Once  
14 such replacement is made a like quantity of system storage can be  
15 converted to priority storage and used. Such replacement or  
16 exchange of water shall have prior approval of the State Engineer.

#### 17 4.0 Direct Flow Rights

##### 18 4.1 Background

19 One of the objectives of this proposed distribution plan is to  
20 administer the waters within the basin as one system. In so doing,  
21 we need to take into account what the affects of diversion and  
22 water use on a source may have on other rights in the basin. The  
23 distribution of water between all rights, except those classes of

1 rights specifically denoted in section 2 and 3 as among themselves,  
2 shall be done based upon priority. This approach is clearly within  
3 existing water law and will not significantly change the  
4 distribution of water from historical practices.

#### 5 4.2 Distribution Guidelines

6 In distributing water among the water rights in the basin,  
7 except those rights addressed in section 2 and 3 as among  
8 themselves, the following guidelines will be used:

9 4.2.1 The direct flow water rights on all tributaries will be  
10 administered according to the respective priority dates and taking  
11 into account the affect that diversions on one source may have on  
12 diversions from another source.

13 4.2.2 The direct flow rights on the Jordan River as set forth in  
14 the Morse decree shall have call on Utah Lake water if the  
15 accretionary flows to the Jordan River are insufficient to satisfy  
16 their rights.

### 17 5.0 Other Distribution Issues

#### 18 5.1 Background

19 The State Engineer believes that there are several other  
20 issues that should be considered when examining better ways to

1 manage and distribute water in the basin.

2 Most of these issues are directly related to improving the  
3 record keeping of imported water and enhancing the communication  
4 between the five river commissioners who are affected by this plan.  
5 One issue that deserves special discussion is the proposed 5,000  
6 acre-feet regulation pool in Jordanelle Reservoir to be used by the  
7 Provo River commissioner in distributing water. Based upon past  
8 experiences, calculating the natural flow of the Provo River from  
9 reservoir stage readings at Deer Creek Reservoir has presented  
10 numerous problems for the commissioners. It is important the river  
11 commissioner not waste his limited resources trying to distribute  
12 water, without adequate resources. Because the direct flow rights  
13 on the Provo River are senior to the storage rights it is necessary  
14 for the commissioner to compute natural flow in the river. The  
15 precision of reservoir content measurements on Deer Creek, and  
16 presumably on Jordanelle, are inadequate for daily calculation of  
17 natural flow based on changes in reservoir content. Just .01 foot  
18 error in measurement when Deer Creek Reservoir is nearly full  
19 represents \_\_\_\_\_ acre-feet. Thus, if the wind is blowing it can  
20 substantially affect the natural flow calculation. The result is  
21 a wide fluctuation in the natural flow available to the class A  
22 rights on the Lower Provo River. With Jordanelle Reservoir now  
23 being built it will complicate the natural flow computation for  
24 both Heber Valley rights and the Lower Provo River. If the  
25 commissioner had a regulation pool he could smooth out the natural

1 flow bypasses as they should be.

2 The future water quality of Utah Lake is an important issue  
3 that must be considered. Currently there are many unknowns over  
4 what the future operation of Utah Lake and upstream storage  
5 reservoir will be. This makes it very difficult to predict the  
6 future salinity concentrations in the Lake. Under Utah water law,  
7 a water user is entitled to have his right protected in both  
8 quantity and quality. We believe that the Central Utah Water  
9 Conservancy District and the Bureau of Reclamation could  
10 significantly affect the future salinity levels of Utah Lake by the  
11 decisions they will be making in the near future. It appears they  
12 are very aware of this problem and are looking at alternatives to  
13 control the salinity level of Utah Lake.

## 14 5.2 Distribution Guidelines

15 The State Engineer is proposing that the following  
16 recommendations be implemented to facilitate the distribution of  
17 water:

18 5.2.1 All exports of water from a river system shall be regulated  
19 by the duly appointed river commissioner for the system from which  
20 the export is made.

21 5.2.2. River commissioners shall report diversions on all systems  
22 on a water rights basis.

1 5.2.3 All transbasin diversions shall be equipped with real-time  
2 gages. Such data shall be accessible via a computer using a modem  
3 or other method as approved by the State Engineer.

4 5.2.4 The State Engineer is recommending that a 5,000 acre-foot  
5 regulation pool be established in Jordanelle Reservoir to be used  
6 by the commissioner for distribution system regulation. Such a  
7 regulation pool would be subject to space availability.

## 8 6.0 Adjudication Issues

### 9 6.1 Background

10 There are a number of issues that are beyond the scope of the  
11 distribution plan and will need to be addressed in the general  
12 adjudication. The reason for presenting the issues in this  
13 document is to apprise the water users of them, because ultimately  
14 the actions taken in the adjudication will affect the distribution  
15 of water.

16 On the Provo River system there are no priority dates assigned  
17 to the class A rights on the Lower Provo River or class 1 through  
18 17 on the Upper Provo River. The distribution of water has worked  
19 well under this system for over 70 years, and if conditions did not  
20 change we could continue to operate under the class system.  
21 However, we are beginning to see significant changes in the water

1 use practices within the drainage basin, especially on the Provo  
2 River. To assess the potential impact as a result of a change in  
3 water use, it is imperative that the respective priority dates  
4 between the water rights be established. Therefore, as part of the  
5 general adjudication process, the State Engineer is proposing that  
6 priority dates for all water rights in the basin be determined.

7 Another issue that needs to be carefully analyzed and  
8 considered is the irrigation diversion requirement (duty) for  
9 irrigated lands in the basin. In conjunction with the proposed  
10 determination of water rights that the State Engineer must submit  
11 to the court for its consideration, an irrigation duty is  
12 recommended. In making this recommendation the State Engineer  
13 calculates the consumptive use requirements of the crops and  
14 considers the on-farm efficiency, canal losses and other related  
15 factors. The irrigation duty is expressed in terms of acre-feet  
16 per acre.

17 Related closely to the issue of duty is the issue of whether  
18 a delivery schedule should be implemented to specify an allowable  
19 diversion rate ( $1 \text{ ft}^3/\text{sec}$  per 80 acres) during any period of the  
20 irrigation season. The total volume of water that can be diverted  
21 under the delivery schedule is the annual irrigation duty that is  
22 established.

1     6.2   Recommendations for the Adjudication

2             The State Engineer will consider the following recommendations  
3     in his report to the court for the general adjudication:

4     6.2.1   All water rights within the basin shall have a priority date  
5     determined and assigned to it as part of the adjudication process.

6     6.2.2   An irrigation diversion requirement and delivery schedule  
7     shall be determined and submitted to the court for each subbasin or  
8     distribution system.