

RECEIVED

MAY 25 2005

WATER RIGHTS
SALT LAKE

GAYLE F. McKEACHNIE - 2200
McKEACHNIE LAW OFFICES, P.C.
Attorneys for Petitioners
121 West Main Street
Vernal, Utah 84078
Telephone (435)789-4908

IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL)	ORDER APPROVING THE 2004
DETERMINATION OF ALL THE)	COMMISSIONER'S REPORT, 2005
RIGHTS TO THE USE OF WATER)	BUDGET AND APPOINTING THE 2005
BOTH SURFACE AND UNDERGROUND)	RIVER COMMISSIONER FOR THE
WITHIN THE DRAINAGE AREA OF)	LAKE FORK RIVER, YELLOWSTONE
THE UINTAH BASIN IN UTAH)	RIVER AND SAND WASH CREEK
)	
)	Docket No. 3070
)	Judge John R. Anderson
)	

This matter came before the Court on the PETITION TO APPROVE 2004 COMMISSIONER'S REPORT, 2005 BUDGET AND SCHEDULE OF ASSESSMENTS, 2005 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2005 RIVER COMMISSIONER FOR THE LAKE FORK RIVER AND YELLOWSTONE RIVER AND SAND WASH CREEK, filed by Lynn Burton, Chairman of the Committee for the Lake Fork River, Yellowstone River and Sand Wash Creek, pursuant to Utah Code Ann. §73-5-1 et. seq., petitioning the Court to approve the committee's 2004 report, 2005 budget, appoint a River Commissioner for 2005, authorize it to appoint an interim River Commissioner and approve its 2005 Schedule of Distribution of Waters of Lake Fork River, Yellowstone River and Sand Wash Creek.

RECEIVED

MAY 25 2005

WATER RIGHTS
SALT LAKE

The Court having considered the matter, notice having been given to affected parties, and the Court being fully informed in this matter, enters this order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the 2004 report of the administration of the waters of the Lake Fork River, Yellowstone River and Sand Wash Creek is approved, as submitted and filed herewith.

2. That the 2005 budget, with schedule of assessments, is approved, as submitted and attached hereto as "Exhibit A".

3. That William Christensen is appointed to serve as River Commissioner of the Lake Fork River, Yellowstone River, and Sand Wash Creek, for a period of one (1) year.

4. That the Committee for the Lake Fork River, Yellowstone River, Sand Wash Creek is authorized to appoint a temporary replacement should the River Commissioner be unable to complete the one (1) year term.

5. That the proposed 2005 Schedule of Distribution of Waters of the Lake Fork River, Yellowstone River, and Sand Wash Creek is approved, as submitted and attached hereto as "Exhibit B".

6. That the following provisions set forth in the 1998 Interim Order be reaffirmed and made effective for the year 2004:

a. That the River Commissioner be directed to distribute the water of the streams and reservoirs involved in accordance with this Court's Interim Order and to do all things necessary for the

RECEIVED

MAY 25 2005

WATER RIGHTS
SALT LAKE

proper and correct measurement, diversion and distribution of said waters, in accordance with the Decrees of the Federal District Court and state laws.

b. That the River Commissioner is directed to confer with the committee in developing a schedule for distribution of water, specifically, the manner in which the waters of the Lake Fork River, Yellowstone River and Sand Wash Creek, and their tributaries, should be distributed, after consultation with the State Engineer, and shall submit an annual Interim Distribution Order to this Court for its consideration.

c. That the River Commissioner is directed to deliver and distribute the waters of such non-Federal water rights in the Lake Fork River, Yellowstone River, and Sand Wash Creek, in accordance with the proposed Schedule of Distribution, attached hereto as "Exhibit B".

d. That the waters for the Federal and non-Federal water rights be distributed in accordance with the terms and limitations of the 1923 Federal Court Decrees in cases numbered 4437 and 4418.

e. That the River Commissioner is instructed to work with the committee to prepare a recommended budget for the next year. Said recommended budget is to contain assessments to be made, monies to be received, along with a report of expenditures.

f. That the River Commissioner is authorized to manage the budget, to implement the ordered assessments and collection of

RECEIVED

MAY 25 2005

WATER RIGHTS
SALT LAKE

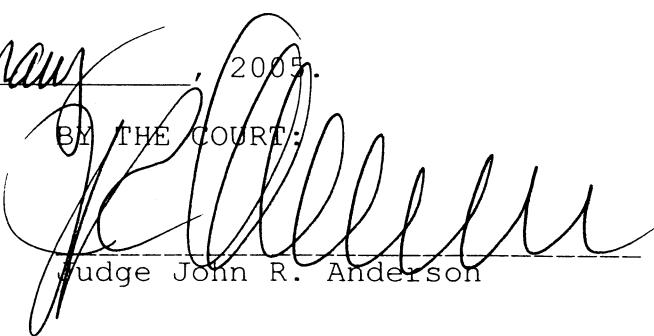
assessed amounts from the non-Federal water user organizations or water users, and request assessment and collection from the Bureau of Indian Affairs on the Uintah Indian Irrigation Project, in accordance with the approved budget and schedule of assessments.

g. That any person or entity, that is a water user in the subject rivers, or otherwise affected by the actions of the River Commissioner, may petition and appear before this Court (about the assessment amounts, the manner in which the water is distributed and/or any other claim relating to the distribution of water). In the event there is a violation of the Court's Order or any part of this Petition or, in the opinion of the River Commissioner, the occurrence of the unauthorized use of water, the River Commissioner is directed to recommend to this Court a solution to the problem, including any remedy to be imposed on the unauthorized water user or violator of the Order.

h. That if a non-Federal water user fails to pay any assessments levied, when due, that water users further use of water be prohibited.

DATED this 23 day of May, 2005.

BY THE COURT:



Judge John R. Anderson

MAILING CERTIFICATE

I, Tina L. Hemstreet, am employed by the office of McKEACHNIE, LAW OFFICES, P. C. attorneys for Petitioners herein and hereby certify that I served the attached ORDER APPROVING THE 2004 COMMISSIONER'S REPORT, 2005 BUDGET, AND APPOINTING THE 2005 RIVER COMMISSIONER FOR THE LAKE FORK RIVER, YELLOWSTONE RIVER AND SAND WASH CREEK by placing a true and correct copy thereon in an envelope addressed to:

LYNN BURTON
COMMITTEE CHAIRMAN
STAR ROUTE BOX 140
TALMAGE UT 84073

STEPHEN ROTH
ASSISTANT U S ATTORNEY
185 SOUTH STATE SUITE 400
SALT LAKE CITY UT 84111

WILLIAM R MCCONKIE
OFFICE OF THE SOLICITOR
125 SOUTH STATE STREET
SALT LAKE CITY UT 84138

NORMAN JOHNSON
ASSISTANT ATTORNEY GENERAL
1594 WEST NORTH TEMPLE #300
SALT LAKE CITY UT 84114-6300

ASSOCIATED WATER USERS
DRY GULCH IRRIGATION
P O BOX 265
ROOSEVELT UT 84066

LEE SIMMS
WATER RIGHTS DIVISION
P O BOX 146300
SALT LAKE CITY UT 84114-6300

and deposited the same, sealed, with first class postage prepaid thereon, in the United States mail at Vernal, Utah, on the 24 day of May, 2005.


Tina L. Hemstreet