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IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

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|                              |   |                                |
|------------------------------|---|--------------------------------|
| 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  | ) | UINTA AND WHITEROCKS RIVERS    |
| THE UINTAH BASIN IN UTAH     | ) |                                |
|                              | ) |                                |
|                              | ) | Docket No. 3070                |
|                              | ) | Judge John R. Anderson         |
|                              | ) |                                |

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This matter came before the Court on the PETITION TO APPROVE 2004 COMMISSIONER'S REPORT, 2004 BUDGET AND SCHEDULE OF ASSESSMENTS, 2005 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2005 RIVER COMMISSIONER FOR THE UINTA AND WHITEROCKS RIVERS, filed by Shane Hamblin, Chairman of the Committee for the Uinta and Whiterocks Rivers, 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 2004 Schedule of Distribution of Waters of Uinta and Whiterocks. The Court having considered the matter, notice having been given to affected

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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 Uinta and Whiterocks Rivers 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 Shane Hamblin is appointed to serve as River Commissioner of the Uinta and Whiterocks Rivers, for a period of one (1) year.

4. That the Committee for the Uinta and Whiterocks Rivers 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 Uintah and Whiterocks Rivers 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 2005:

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 proper and correct measurement, diversion and distribution of said

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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 Uinta and Whiterocks Rivers, 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 Uinta and Whiterocks Rivers, 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 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 assessed amounts from the non-Federal water user organizations or

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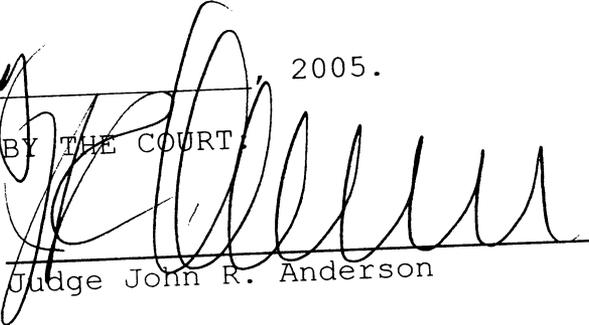
water users, and request assessment and collection from the Bureau of Indian Affairs on the Uintah Indian Irrigation Project, in accordance with the approved budget and schedule of assessments.

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

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MAILING CERTIFICATE

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I, Tina L. Hemstreet, am employed by McKEACHNIE LAW OF SALT LAKE CITY, 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 UINTA AND WHITEROCKS RIVERS by placing a true and correct copy thereon in an envelope addressed to:

CLINTON NIELSON  
RIVER COMMITTEE CHAIRMAN  
BOX 126  
LAPOINT UT 84039

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

SHANE FROST  
OURAY PARK IRRIGATION CO  
HCR 69 BOX 166  
RANDLETT UT 84063

DAVID MURRAY  
WHITEROCKS IRRIGATION CO  
P O BOX 146  
LAPOINT UT 84039

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

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

SHANE HAMBLIN  
RT 1 BOX 1488  
ROOSEVELT UT 84066

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