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**WATER RIGHTS
SALT LAKE**

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL)	PETITION TO APPROVE 1999
DETERMINATION OF ALL THE)	COMMISSIONER'S REPORT, 2000
RIGHTS TO THE USE OF WATER)	BUDGET AND SCHEDULE OF ASSESS-
BOTH SURFACE AND UNDERGROUND)	MENTS, 2000 SCHEDULE OF DIS-
WITHIN THE DRAINAGE AREA OF)	TRIBUTION AND REQUEST TO
THE UINTAH BASIN IN UTAH)	APPOINT THE 2000 RIVER COMMIS-
)	SIONER FOR THE LAKE FORK AND
)	YELLOWSTONE RIVERS
)	
)	Docket No. 3070
)	Judge John R. Anderson
)	

Petitioner and the Committee for the Lake Fork and Yellowstone Rivers, submit herewith the 1999 Annual Report of the Commissioner, the proposed 2000 Budget and Schedule of Assessments, and the 2000 proposed Schedule of Distribution, in accordance with the Interim Distribution Order signed by the Court on May 18, 1998. Petitioners, also, request the Appointment of the River Commissioner for the year 2000.

In support of this Petition, Petitioners represent to the Court that;

1. By its Interim Order dated May 18, 1998, a committee of water users for the Lake Fork and Yellowstone Rivers was organized under the direction of this Court. Petitioner Lynn Hansen, was Chairman of the committee appointed by this Court to support the River Commissioner and to aid in carrying out the orders of this Court, in connection with the distribution system for the waters of the Lake Fork and the Yellowstone River systems.

2. The Committee of the Lake Fork and Yellowstone Rivers met on January 27th of 2000 and Petitioner Lynn Hansen was elected Chairman of that committee and is authorized to file this Petition on behalf of said committee.

3. The committee received and approved the 1999 report of the administration of the waters of the Lake Fork and Yellowstone Rivers by William Christensen, the River Commissioner for the year 1999. A copy of that report is filed herewith.

4. The committee reviewed and approved a budget, with schedule of assessments, for the expenses of the River Commissioner for the year 2000. The Budget and Schedule of Assessments are attached hereto as "Exhibit A".

5. The committee has reviewed and approved, after consultation with the Utah State Engineer, a proposed Schedule of Distribution of the Waters of the Lake Fork and Yellowstone Rivers

and recommends it to the Court, for the year 2000. The proposed Schedule of Distribution is attached hereto as "Exhibit B".

6. The committee voted to recommend to the Court the appointment of Bill Christensen as River Commissioner of the Lake Fork and Yellowstone Rivers, for a term of one (1) year. Petitioner further alleges that Bill Christensen is a competent and qualified person to act as said Water Commissioner.

7. It is requested by the committee, if for any reason the River Commissioner does not complete his term of office or is unable to fulfill his obligations as River Commissioner, that the committee be authorized to select a temporary replacement River Commissioner.

8. The committee requests that the Interim Order entered for the irrigation year of 1998 be reaffirmed and made applicable for the 2000 irrigation year, in the following respects:

a. It is requested that the River Commissioner be allowed 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 waters, in accordance with the Decrees of the Federal District Court and state laws.

b. That the River Commissioner be directed to confer with the respective committees in developing a schedule for distribution

of water, specifically, the manner in which the waters of the Lake Fork and Yellowstone Rivers, and their tributaries, should be distributed, after consultation with the State Engineer, and shall submit for next year a recommended Interim Distribution Order to this Court for its consideration.

c. That the River Commissioner be directed to deliver and distribute the waters of such non-Federal water rights in the Lake Fork and Yellowstone 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 be required to work with the respective committees to prepare a recommended budget to be submitted to the Court for the next year. Said annual report and recommended budget are to contain assessments made, monies received, along with a report of expenditures. The Court, after receiving the proposed annual budget, shall provide a thirty (30) day period for objections to be filed.

f. Upon approval by the Court, the River Commissioner be authorized to manage the budget, to implement the ordered assessments and collection of 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 assessment.

g. Any person or entity, which 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 be 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. If a non-Federal water user fails to pay any assessments levied, when due, that water users further use of water is prohibited.

WHEREFORE, Petitioner prays as follows:

1. That the 1999 report of the administration of the waters of the Lake Fork and Yellowstone Rivers be approved, as submitted and filed herewith.

2. That the 2000 Budget and Schedule of Assessments, be approved, as submitted and attached hereto as "Exhibit A".

3. That the proposed 2000 Schedule of Distribution of Waters of the Lake Fork and Yellowstone Rivers be approved, as submitted and attached hereto as "Exhibit B".

4. That Bill Christensen be appointed to serve as River Commissioner of the Lake Fork and Yellowstone Rivers, for a period of one (1) year.

5. That the Committee for the Lake Fork and Yellowstone Rivers be authorized to appoint a temporary replacement should the River Commissioner be unable to complete the one (1) year term.

6. That the applicable provisions of the 1998 Interim Order, as presented herein, be reaffirmed and made effective for the year 2000.

DATED this 30th day of March, 2000.

McKEACHNIE, ALLRED,
McCLELLAN & TROTTER, P.C.
Attorneys for Petitioners

By: Gayle McKeachnie
Gayle F. McKeachnie

By: Lynn Hansen
Lynn Hansen
Chairman of the Committee
for the Lake Fork and
Yellowstone Rivers

Lake Fork and Yellowstone
River Commissioner's
2000 Budget

Salary	\$ 32,430.00	
Mileage	\$ 3,500.00	
F.I.C.A.	\$ 2,480.00	
Workers' Comp. Ins.	\$ 950.00	
Unemployment	\$ 40.00	
Office Supply	\$ 100.00	
Association of Water Users ¹	\$ 1,375.00	
Recorders, Repairs, etc.	\$ 2,000.00	
Publish Annual Report	\$ 135.00	
Phone	\$ 200.00	
Office O & M	\$ 650.00	
Property and Misc.	\$ 100.00	
Retirement	\$ 2,000.00	
Legal Fees	\$ 800.00	

Expense Total	\$ 46,760.00	
Funds on hand		\$29,586.24
TOTAL BUDGET EXPENSES and FUNDS ON HAND		\$76,346.24 =====

¹The committee has elected to utilize the services of the Associated Water users Association of the Lake Fork and Yellowstone River drainage for secretarial work, as well as, the collection of assessments from their members.

"EXHIBIT A"

Lake Fork and Yellowstone
River Commissioner's
2000 Schedule of Assessments

Funds on hand at the beginning
of the year carried forward from
unused 1999 budgeted funds

\$29,586.24

Crystal Ranch	\$	44.89
Dry Gulch Irr.	\$	22,078.20
Farnsworth Canal & Irrigation	\$	8,438.77
Hansen, Gordon	\$	21.98
J. Bruce Hartman	\$	98.20
Lake Fork Irrigation Co.	\$	1,183.96
Lake Fork Western Irr. Co.	\$	1,541.21
Lusty Cattle Inc.	\$	99.60
Monarch Can. & Res.	\$	0.00
Rowley Ditch	\$	40.21
Sandwash Irr. Co.	\$	433.93
South Boneta Ditch Co.	\$	370.81
T. N. Dodd Irr. Co.	\$	0.00
Uteland	\$	728.52
Ute Indian Irr. Project	\$	<u>11,679.72</u>
Total Assessments	\$	46,760.00

TOTAL ASSESSMENTS AND FUNDS
ON HAND

\$76,346.24
=====

**APPLICATIONS FOR APPROPRIATIONS OF WATER
FROM LAKEFORK RIVER**

Appl. Number	Appropriator	Cert. No.	Flow C.F.S.	Period of Use	Proof Acres	Canal - Comments
359	U.S. Indian Irr. Service	1213	62.20	5-1 to 10-15	4,247.79	Dry Gulch Federal Court
385	"	1220	5.81	5-1 to 10-15	393.42	Dry Gulch Decree (Docket
403	"	1228	3.30	5-1 to 10-15	230.36	Dry Gulch No. 4418) refers
359-a	"	1214	21.05	Modified by	8.750.64	Red Cap to the Cert. Nos.
366	"	1217	110.00	"	Supp'l	Red Cap as here listed
360	"	1231	140.06	"	9,701.43	Lakefork and gives total of
402	"	1171	17.58	Court Decree	1,230.76	Lk. Ext'n 25,071.60 acres
360-a	"	1215	1.89	Court Decree	493.20	Payne Irrigated and
403-a	"	1229	6.00	Court Decree	Supp'l	Payne 358.18 sec. ft. as
402-a	"	1175	0.33	to 3-1 to 11-1	22.90	Uteland max water right
	Totals		368.22		25,070.50	
416	Dry Gulch Irrigation Co.	2059	42.00	4-1 to 10-31	5,827.37	Limited to 1.0 acre feet per
416-a-1	"	2061	14.20	4-1 to 10-31	1,920.18	acre for total of 19,995.71
416-a	"	2060	19.00	4-1 to 10-31	2,660.78	acres
416-b	"	2045	68.50	4-1 to 10-31	9,587.38	
438	"	2069	103.71	4-1 to 10-31	12,523.71	Limited to 0.50 ac. ft. per ac.
438-a	"	2070	98.40	4-1 to 10-31	11,656.93	For 24,180.64 acres
460	"	2265	57.00	4-1 to 10-31	23,379.32	Supp'l to prior Co. Appls.
416-b-1	Lakefork Irrigation Co.	2071	13.50	4-1 to 9-30	1,008.51	2.00 ac. ft. per acre
416-c	"	1669	1-4/7	4-1 to 11-1	117.70	3.00 ac. ft. per acre

EXHIBIT "B"

460-a	"	1850	7.50	4-1 to 9-30	613.26	1.85 ac. ft. per acre
4203	"	1749	12.00	4-1 to 11-1	1,061.67	1.85 ac. ft. per acre
1711-b	Farmers Irrigation Co.	1747	4.00	4-1 to 12-1	261.28	2 ac. ft. limit Farmers Irr.
1759	"	1422	28.50	4-1 to 10-31	2,050.60	3 " " Co. merged
2091	"	1411	9.00	4-1 to 11-1	633.70	3 " " with Dry
2883	"	1746	2-2/3	4-15 to 10-15	305.95	2 " " Gulch Irr.
3369	"	1745	42.00	4-1 to 10-31	2,860.91	2 " "
1931	Farnsworth Canal & Res'r Co.	1464	111.78	4-1 to 10-15	7,825.00	Farnsworth Canal
2609	"	3152	25.22	5-1 to 10-31	10,950.73	Farnsworth Supp'l
17978	Moon Lake Water Users Assn		300.00	3-1 to 11-30		Lake Fork & Yellowstone Rivers
9133	Utah Water & Power Board		57.00	1-1 to 12-31		Lake Fork River
491	H.C. Means	153	2.00	5-1 to 9-30	128.86	Hamilton Ditch
498	Peter O. Madsen (L.W. Irr. Co.)	389	1.97	4-1 to 10-31	158.00	Boneta
883	E.K. Purdy	425	3.80	3-15 to 11-15	228.90	Purdy. Abandoned.
883-a	L.J. Gilbert (U.D. Co.)	460	.74	3-15 to 11-15	44.40	Uteland
1178	Mikkel Knudsen	994	51.70	3-15 to 11-15	51.11	Knudsen Ditch
1226	Lakefork Western Irr. Co.	880	28.00	3-15 to 11-15	2,151.00	Boneta
1881	George T. Smith	488	1.20	3-1 to 11-1	102.20	Uteland
2040	J.T. Murdock, R.J. Gill, W.E. Foy	999	2.00	4-1 to 11-1	129.33	Murdock
2548	John Holfeltz et. al.	836	7.11	4-1 to 10-15	499.90	Uteland
2797	Irrigated Farms Mortgage Co.	540	1-5/7	4-15 to 10-15	120.90	Uteland
3198	Clark W. & Ada M. Lusty	398	1.08	5-1 to 10-15	76.06	Lakefork Hamilton Ditch

EXHIBIT "B"

3268	Uintah Power & Light Co.	1102	25.0	1-1 to 12-31	0	Lakefork Hamilton Ditch
3466	C.H. Morehouse	1584	5.26	3-1 to 10-31	368.18	Uteland
3575	South Boneta Irrigation Co.	1499	8.80	4-1 to 10-31	616.73	
3800	C.B. Farnsworth	949	.83	4-1 to 12-1	57.93	Uteland
3945	I. Warren Odekirk	2173	1.80	4-1 to 10-31	86.00	"
4872	James S. Crystal	474	1.50	5-1 to 9-30	101.90	Crystal Ditch
4614	Arthur Barney	868	.36	4-15 to 9-15	25.10	"
5061	Paul W. Curry	1617	.26	3-25 to 11-1	18.40	Murdock
7130	H. Calvert & R.E. Waugh	1017	.15	4-1 to 11-15	18.60	Purdy Ditch
9383	Ralph Rowley	2272	2-2/7	4-1 to 10-1	42.90	Rowley Ditch Lakefork River
9384	Ralph Rowley	2273	.75	4-1 to 10-1	18.50	Spring Creek Lakefork River
10124	Carl R. Johnson	2050	.59	5-15 to 9-15	37.49	Purdy
13412	Myton City		2.00	1-1 to 12-31		
3652	Moon Lake Water Users Assn.			11-1 to 7-1 14,000		Moon Lake
7104	"			10-1 to 7-1 25,000		"
4684	"	2010		11-1 to 5-31	730	Clement Lake
6353	"	2251		5-1 to 7-1	759	Brown Duck Lake Cap. 324 ac. ft.
6355	"	2252		5-1 to 7-1	851.2	Island Lake
6356	"	2253		5-1 to 7-1	1,500	Kidney Lake
7901	"	2254		1-1 to 7-1	1,700	Kidney Lake
7644	"	1863		10-15 to 4-15	334	Farmers Lake
7645	"	1864		10-15 to 4-15	115	Water Lily Lake
8298	"			10-1 to 7-1 400		Superior Lake
8299	"			10-1 to 7-1 250		Tungston Lake
8300	"			10-1 to 7-1 500		Five Point Lake

EXHIBIT "B"

8315	"		10-1 to 7-1	200		North Star Lake
8386-a	"		4-1 to 7-1	1,350		Twin Pots
8532	"		10-1 to 7-1	2,500		Twin Pots
9628	"	1865	10-31 to 6-15		104	Deer Lake
9796	"	1866	11-1 to 10-31		30	White Miller Lake
9799	"		1-1 to 12-31	640		Drift, Bluebell & Spider
13900	"			1,850		Timothy & Carroll Lakes
9095	Utah Water & Power Board			1,000		Filing on W. Fk. Lakefork
9097	"			2,500		"
9099	"			10,000		"
9115	"			250,000		Lk. Fk., Rk. Ck., Duchesne
9116	"			5,000		East Fork Lakefork
12934	CO River-Great Basin W.U. Assn		1-1 to 12-31	1,500,000		Use 3-15 to 10-15
18043	U.S. Bureau of Reclamation		1-1 to 12-31	800,000		Use 1-1 to 12-31

MAILING CERTIFICATE

STATE OF UTAH)
)
COUNTY OF DUCHESNE) ss.

Shanna L. Riding, being duly sworn, says:

That she is employed in the office of McKEACHNIE, ALLRED, McCLELLAN & TROTTER, P. C. attorneys for Petitioners, herein; that she served the attached PETITION TO APPROVE THE 1999 COMMISSIONER'S REPORT, 2000 BUDGET AND SCHEDULE OF ASSESSMENTS, 2000 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2000 RIVER COMMISSIONER FOR THE LAKE FORK AND YELLOWSTONE RIVERS, by placing a true and correct copy thereon in an envelope addressed to:

Lynn Hansen
Bureau of Indian Affairs
P O Box 130
Ft. Duchesne, UT 84026

Stephen Roth
Assistant U.S. Attorney
185 South State, Suite 400
Salt Lake City, UT 84111

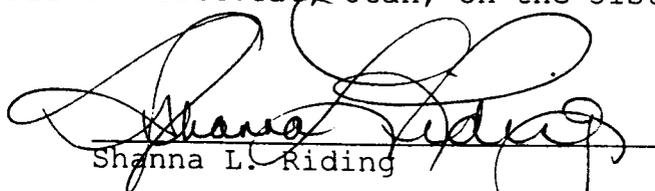
William R. McConkie
Office of the Solicitor
125 South State Street
Salt Lake City, UT 84138

Michael Queally
Assistant Attorney General
1594 West North Temple, #300
Salt Lake City, UT 84114-6300

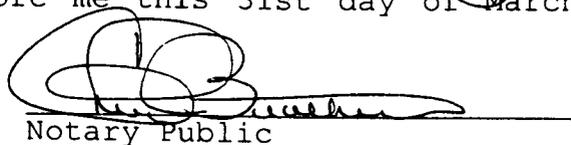
Associated Water Users
Dry Gulch Irrigation
P O Box 265
Roosevelt, Utah 84066

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 Roosevelt, Utah, on the 31st day of March, 2000.


Shanna L. Riding

Subscribed and sworn to before me this 31st day of March, 2000.


Notary Public

