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WATER RIGHTS
SALT LAKE

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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)	PETITION TO APPROVE 2007
DETERMINATION OF ALL THE)	COMMISSIONER'S REPORT, 2008
RIGHTS TO THE USE OF WATER)	BUDGET AND SCHEDULE OF ASSESS-
BOTH SURFACE AND UNDERGROUND)	MENTS, 2008 SCHEDULE OF DIS-
WITHIN THE DRAINAGE AREA OF)	TRIBUTION AND REQUEST TO
THE UINTAH BASIN IN UTAH)	APPOINT THE 2008 RIVER COMMIS-
)	SIONER FOR THE UINTA AND
)	WHITEROCKS RIVERS
)	
)	Docket No. 560800056
)	Judge John R. Anderson
)	
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Petitioner and the Committee for the Uinta and Whiterocks Rivers, submit herewith the 2007 Annual Report of the Commissioner, the proposed 2008 Budget and Schedule of Assessments, and the 2008 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 2008.

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 Uinta and Whiterocks Rivers was organized under the direction of this Court. Petitioner Vaughn Parrish, 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 Uinta and Whiterocks River systems.

2. The Committee of the Uinta and Whiterocks Rivers met on December 18, 2007 and Petitioner, Vaughn Parrish, 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 2007 report of the administration of the waters of the Uinta and Whiterocks Rivers by Shane Hamblin, the River Commissioner for the year 2007. 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 2008. 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 Uinta and Whiterocks Rivers and recommends it to the Court, for the year 2008. The proposed Schedule of Distribution is attached hereto as "Exhibit B".

6. The committee voted to recommend to the Court the appointment of Shane Hamblin as River Commissioner of the Uinta and Whiterocks Rivers, for a term of one (1) year. Petitioner further alleges that Shane Hamblin is a competent and qualified person to act as said River 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 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 2008 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 Uinta and Whiterocks Rivers, and their tributaries, should be distributed, after consultation with the State Engineer, and shall submit annually 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 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 be required to work with the respective committees to prepare a recommended budget to be submitted to the Court along with a recommended annual budget. 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 be prohibited.

WHEREFORE, Petitioner prays as follows:

1. That the 2007 report of the administration of the waters of the Uinta and Whiterocks Rivers be approved, as submitted and filed herewith.

2. That the 2008 Budget and Schedule of Assessments, be approved, as submitted and attached hereto as "Exhibit A".

3. That the proposed 2008 Schedule of Distribution of Waters of the Uintah and Whiterocks Rivers be approved, as submitted and attached hereto as "Exhibit B".

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

5. That the Committee for the Uinta and Whiterocks 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 2008.

DATED this 6 day of March, 2008.

McKEACHNIE LAW OFFICES, P.C.
Attorneys for Petitioners

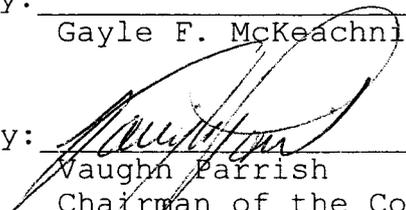
By: Gayle McKeachnie
Gayle R. McKeachnie

By: _____
Vaughn Parrish
Chairman of the Committee
for the Uintah and White-
rocks Rivers

DATED this 6 day of March, 2007.

McKEACHNIE LAW OFFICES, P.C.
Attorneys for Petitioners

By: _____
Gayle F. McKeachnie

By:  _____
Vaughn Parrish
Chairman of the Committee
for the Uintah and White-
rocks Rivers

MAILING CERTIFICATE

Tina L. Hemstreet, legal assistant of McKeachnie Law Offices, P.C., attorneys for Petitioners certifies that she served the attached PETITION TO APPROVE 2007 COMMISSIONER'S REPORT, 2008 BUDGET AND SCHEDULE OF ASSESSMENTS, 2008 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2008 RIVER COMMISSIONER FOR THE UINTA AND WHITEROCKS RIVERS by placing a true and correct copy in an envelope addressed to:

VAUGHN PARRISH
RIVER COMMITTEE CHAIRMAN
P O BOX 395
ROOSEVELT UT 84066

JOHN K MANGUM
ASSISTANT U S ATTORNEY
185 S STATE STE 400
SALT LAKE CITY UT 84111

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

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

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

WHITEROCKS IRRIGATION CO
P O BOX 301
LAPOINT UT 84039

VAUGHN PARRISH
OURAY PARK IRRIGATION CO
P O BOX 395
ROOSEVELT UTAH 84066

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

SHANE HAMBLIN
RT 1 BOX 1488
ROOSEVELT UT 84066

LYNN HANSEN
IRRIGATION SYSTEMS MANAGER
UINTAH AND OURAY AGENCY
P O BOX 130
FT DUCHESNE UT 84026

and deposited the same, sealed, with first class postage prepaid thereon, in the United States Mail at Vernal, Utah, on the 6 day of March, 2008.


Tina L. Hemstreet

**COMMITTEE MEETING FOR THE
UINTA AND WHITEROCKS RIVERS
DECEMBER 18, 2007, 4:00 P.M.
MINUTES**

Present: Shane Hamblin-River Commissioner for the Uinta and Whiterocks Rivers; Lynn Hansen-Uintah Indian Irrigation Project; Steve Hanberg-Associated Water Users Association; and Vaughn Parrish-Ouray Park Irrigation Company.

Minutes:

Shane Hamblin gave an overview of the minutes of the committee meeting for the Uinta and Whiterocks Rivers held February 28, 2007. Steve Hanberg moved that the minutes be approved as correct. Lynn Hansen seconded the motion. All voted aye.

2007 Expended budget:

The committee reviewed a spread sheet of expenditures of the 2007 Budget. Explanations were given for expenditures in the miscellaneous budget item and questions regarding the F.I.C.A.

Automation Expenditures:

The automation expenses were explained that had to do with work the Duchesne County Water Conservancy District had done in collaboration with the Bureau of Reclamation. It was mentioned how much of the automation work done by the Duchesne County Water Conservancy District was actually completed in Uintah County. However, the Uinta and Whiterocks River systems both begin in Duchesne County. It was further noted that the two water districts have begun to do more cooperative work recently.

Mountain Reservoir Inspection:

The "mountain reservoir inspection" expenses had been way over expended due to the fact that a helicopter had been used to check the mountain reservoirs in April when the Indian Irrigation Project water was distributed as the primary water right. Also, it had been necessary to make four trips back on a snowmobile to check Chapeata and Paradise reservoirs in order to gauge how much water was stored that rightfully would have been natural flow water and should have gone to the primary water right.

Phone Expenses:

The phone expenses had been under budget in part due to the fact that there are no remote sites left that use cell phones for communication.

Annual Legal Fees:

The "annual legal fees" were reviewed with the explanations from the attorneys office.

2008 Budget:

It was noted that the members of the committee had given their approval to budget \$5000 for matching funds for another Water 2025 grant.

The salary amount would include a 3% raise starting with the new budget in November of 2007.

The office expenses for 2007 were reviewed. The expenses had been greater than normal due to the fact that new windows had been installed in the building and a new Xerox machine had been purchased. The fee amount was questioned however. The building expenses are divided into percentages between the Dry Gulch Irrigation Company, Moonlake Water Users and the River Commissioner. It appeared that the amount billed to the Uinta and Whiterocks Commissioner and the Lake Fork Commissioner needed to be divided in half.

Mountain Reservoir Inspection:

It was recommended and approved that the "mountain reservoir Inspection" budget amount be raised to \$4,000 to cover the need for increased monitoring of the reservoirs in the mountains. It was also recommended that the automation work include monitoring devices installed on the high mountain reservoirs to facilitate the monitoring of these reservoirs. It was made mentioned how new Forest Service wilderness proposals may make the installation of monitoring equipment more difficult in the future and should give more urgency to complete this work as soon as possible. Because of the remote locations of the reservoirs mentioned, it may be necessary to use satellites to relay the data. Even the use of monitoring equipment that was not real time, but could have data downloaded later, would be advantageous. It was pointed out how last year the storage water had been allocated and distributed better because it had been monitored closer.

Unexpended 2007 Budget:

It was recommended and approved that the surplus budget that had not been expended in 2007 be used to reduce the 2008 budget.

Budget Approved:

A motion was made by Lynn Hansen to approve the proposed 2008 budget, with the possible change of the office expenses for the 2007 budget, which would increase the amount of unexpended budget, which in turn would be used to reduce the 2008 budget. It was seconded by Steve Hanberg.

Committee Chairman:

Vaughn Parrish was nominated to be the committee chairman by Steve Hanberg and the motion was seconded by Lynn Hansen.

The River Committee and Committee Meetings:

It was noted that the River Committee is comprised of representatives from the Bureau of Indian Affairs, the Associated Water Users, and the irrigation companies of Whiterocks Irrigation and Ouray Park Irrigation who are water users from the Whiterocks River. Vaughn Parrish raised the question of whether someone from the general public, such as a person from the Whiterocks Irrigation Company when they do not have a representative as a committee member, would be welcome to sit in on our committee meeting. The committee could not find a reason to disallow the general public from being invited to attend the committee meetings. Lynn Hansen observed that the committee had always tried to make decisions that would benefit all of the water users. It was also noted that any party has the right to petition the court.

UINTA WHITEROCKS RIVER COMMISSION
2008 BUDGET

<u>BUDGET ITEM</u>	<u>2008 BUDGET</u>
SALARY:	\$39,024.64
MILEAGE:	\$10,000.00
F.I.C.A.:	\$2,985.38
WORKERS COMPENSATION:	\$1,500.00
OFFICE EXPENSES:	\$1,000.00
ASS. WATER USERS (SEC.)	\$1,375.00
AUTOMATION:	\$5,000.00
PUBLISH ANNUAL REPORT:	\$125.00
MNT. RES. INSPECTION:	\$4,000.00
PHONE:	\$1,500.00
MISCELLANEOUS:	\$500.00
RETIREMENT:	\$2,000.00
ANNUAL LEGAL FEES:	\$850.00
COMPUTER ACCESSORIES AND UPGRADES:	\$300.00
BUDGET EXPENSES:	\$70,160.02
MINUS UNEXPEN. BUDG. 2006:	\$2,492.16
ADJ. BUDGET EXPENSES:	\$67,667.86
2025 CHALLENGE GRANT COST SHARE ROLLED OVER FROM YEAR 2005:	\$1,747.92
2025 CHALLENGE GRANT COST SHARE FOR 2006:	\$4,000.00
TOTAL BUDGET EXPENSES:	\$73,415.78

UINTAH AND WHITEROCKS RIVER COMMISSIONER 2007 ANNUAL REPORT

<u>APPROPRIATOR</u>	<u>AMOUNT CHARGED ACRE FT.</u>	<u>PERCENT OF CHARGED</u>	<u>ASSESSMNT</u>
UINTAH IRRIGATION PROJECT			
UINTAH	15,178.97		
COLTHORP	242.10		
UINTAH #1(+UPPER)	10,295.60		
HARMES	1,702.44		
A-DITCH	419.70		
B-DITCH	459.57		
C-DITCH	120.66		
D-DITCH	1,019.77		
BENCH	15,195.59		
U. S. WHITEROCKS	10,541.83		
U. S. FARMCREEK	2,984.01		
U. S. DEEPCREEK	11,419.46		
PARK	2,921.21		
MILITARY	162.15		
FAUSETT	54.27		
HENRY JIM	<u>3,063.63</u>		
	75,780.96	69.39559	\$46,958.51
DRY GULCH			
CEDARVIEW	565.58		
T. N. DODD	1,025.23		
UINTAH	1,380.70		
UINTAH#1	6,454.56		
BENCH	<u>1,721.97</u>		
	11,148.04	10.2087	\$6,908.01
T. N. DODD	86.98	0.079651	\$53.90
LARSON	0.00	0	\$0.00
INDEPENDENT	100.82	0.092325	\$62.47
KEITH BASTIAN (ALLRED/COLTHORP)	39.84	0.036483	\$24.69
HOWARD HORROCKS (COLTHORP)	13.29	0.01217	\$8.24
KEITH BASTIAN (KIEL)	6.97	0.006383	\$4.32
HOWARD HORROCKS (KIEL)	20.72	0.018974	\$12.84
BIG SIX	19.44	0.017802	\$12.05
DURIGAN	207.53	0.190043	\$128.60
HALL AND LEE	0.00	0	\$0.00
MARIMON	0.00	0	\$0.00
PARK EXTENSION	3,754.27	3.437932	\$2,326.38
PARK	8,682.65	7.951043	\$5,380.30
MOFFAT	1,184.30	1.08451	\$733.86
MCKEE	<u>0.00</u>	<u>0</u>	<u>\$0.00</u>
	14,116.81		
TOTAL ASSOCIATED WATER USERS	25,264.85	23.13602	\$19,839.07
WHITEROCKS IRRIGATION	8,155.59	<u>7.468393</u>	<u>\$5,053.70</u>
TOTAL ENTIRE SYSTEM	109,201.40	100	\$67,667.86