



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 Clinton Nielson, 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 March 21, 2006 and Petitioner, Clinton Nielson, 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 2005 report of the administration of the waters of the Uinta and Whiterocks Rivers by Shane Hamblin, the River Commissioner for the year 2005. 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 2006. 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 2006. 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 2006 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 2005 report of the administration of the waters of the Uinta and Whiterocks Rivers be approved, as submitted and filed herewith.

2. That the 2006 Budget and Schedule of Assessments, be approved, as submitted and attached hereto as "Exhibit A".
3. That the proposed 2006 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 2006.

DATED this 4 day of 13, 2006.

McKEACHNIE LAW OFFICES, P.C.  
Attorneys for Petitioners

By: Gayle F. McKeachnie  
Gayle F. McKeachnie

By: Clinton Nielson  
Clinton Nielson  
Chairman of the Committee  
for the Uintah and White-  
rocks Rivers

**COMMITTEE MEETING FOR THE  
UINTA AND WHITEROCKS RIVERS  
OF MARCH 21, 2006, 3:00 P.M.  
MINUTES**

**Present:** Shane Hamblin, River Commissioner for the Uinta and Whiterocks Rivers; Lynn Hansen, Uintah Indian Irrigation Project; Randy Crozier, Associated Water Users Association; and Clinton Nielson, Whiterocks Irrigation Company.

**Minutes From 2005 Committee Meeting**

The minutes from the 2005 Committee were read and approved with the exception of one correction. Randy Crozier said that the lines from the minutes that read as follows: "Association claiming "in kind" services for cost sharing of 2025 Challenge Grant. Claiming \$10,000 of Shane Hamblin's time and \$20,000 of Randy Crozier's time," should read "Claiming \$10,000 of Shane Hamblin's time and \$20,000 of Duchesne County Water Conservancy District Staff's time collectively.

**Budget Expended in 2005**

We went over the 2005 expended budget and noted the over expenditures and under expenditures. The mileage was over expended in part due to problems with the automated gate at the Uintah Canal. A new computer was purchased under the automation line item along with the DSL line into Lynn Hansen's office. There was some question on who was paying for phone line into the Dry Gulch Building—Randy Crozier thought Franson and Nobel Engineers. Phone service used for the server was counted in the automation budget. Because of the exceptional water year it was not necessary to fund much for reservoir inspection. The phone budget was over expended but should be reduced in the future now that the canal headings that had used cell phone service had been switched over to radios and the Internet. We hadn't expended the full budget for automation, but it was to be carried over into the new budget. I had proposed we budget the full \$10,000 of matching funds this year because the budget is based on the acre feet of water used and all the users had used an abundance of water on this wet year. It was agreed however to again use \$4,000 from River Funds and only budget \$6,000 in the new budget. It was commented that we don't want to waste the River Funds, but this is a good thing to spend them on. With interest rates going up it was questioned if the River Funds were in accounts that would yield better interest rates. The River Funds are in a time account and a "business market rate public funds" account.

**Web Page and Servers**

The phone line issue led to a discussion about how the Duchesne River Commissioner is apposed to sharing a web site and servers with the Lake Fork and Uintah River Commissioners. Lynn Hansen commented that where he is concerned with all three of the river commissioner's river systems, he would prefer to only have to access one web site. The Committee agreed that we should think about what is best for the water users and what will be best for the future—which means we should try to work together. Right now we are receiving a lot of support from the Bureau of Reclamation, but, when the present administration and technicians are gone, it may be harder to get support with several server sites in operation. It was agreed that the server running in the river commissioner office next door was uncomfortably noisy and should be moved into a small building all of its own—but not an ugly cargo container like they have used down in Emery County.

### Automation Work

There is a lot of money running through the Provo office for automation right now and for the time being we should contract to get as much done as possible while we have the funding. It was mentioned that the Duchesne River Commissioner hadn't felt he was getting as much benefit from the grant monies coming down, but Randy Crozier had explained to him that we had not spent Water 2025 money until now. The monies used up to this point on the Lakefork and Uinta Rivers were from a previous grant written for the Lakefork and Uinta Rivers. Also, the Central Utah Water Project had picked up much of the costs on work completed on the Lakefork River projects last year. We have this new money to expend if we can get the Bureau out here to do the work. Right now we are competing with other water districts in the State for help from the Bureau. We have a need to train up others to do the work if the Bureau goes away. Our system had gone down recently and we had to bring up a guy from Stonefly Technology in Saint George to repair it. It could be cost effective to find someone locally with abilities to service the equipment. There had also been an issue raised about the Duchesne County Water Conservancy District crossing county lines in some of their project work. In the past the Duchesne County Water Conservancy District had been the only ones representing people on west side of Uintah County. The Rural Water Technology Alliance Training held February 21-23 was insightful for the River Commissioner. It was learned that even though the data is now available over Internet for many sites, it was learned that the server can be set up to have phone access of flow rates also. This information would not be real time, but based on the last collected reading within an hour. This technology would be advantageous for our system and it was decided we need to push for phone access.

### Responsibilities of River Commissioner

Lynn Hansen made mention that since the Indian Irrigation had contracted everything over to a company now they, the company, wondered how come they must pay so much to the River Commissioner. When he takes the budget back, they are going to ask "what do we get for that?" Last year during highwater they spent a large amount on flood prevention, some of which paid for work they did not believe involved irrigation—protecting bridges for example, and equipment work that took too much water away and then made it necessary to pay to get it back. Some from the company board had gotten it into their heads that the River Commissioner is obligated to physically get into the river with equipment to move the water. Lynn Hansen had shown them the court order to prove otherwise, but some still read that meaning into the wording of the order which states "that the River Commissioners are hereby ordered to distribute the waters of the streams and reservoirs involved in accordance with this Court's interim orders, 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". Lynn Hansen said as he understood it the only place one could legally be in the river was at a proper diversion. Randy Crozier mentioned how some flood control work of directing heavy equipment in the river had been done claiming it was at the River Commissioner's bequest, when it had not been so. There had been a standing agreement between the Counties regarding flood control that did not involve the River Commissioner. Randy Crozier said that the Associated Water Users Association had also been asked to pay for flood control, but he reminded them that their obligation stops at the county line. He had recommended that they bill the individual companies. The question was raised of who is responsible for necessary river work? Each entity only has a right to protect its on diversion at that site. It can be difficult and take time to get permission to put a cat in the river. It was agreed that it should not be just one entity responsible for river work. Lynn Hansen said Indian Irrigation was only committed to that point if Indian water was being lost and so it was their our water they were retrieving. It was agreed among the Committee that the River Commissioner was not obligated, nor does he have the authority, to maintain the river with heavy equipment in any fashion.

### **Water Rights Served and Pipelines**

The River Commissioner sought clarification on the delivery of Indian Project water into the Fausett pond. Those shares of Indian Project water are to be delivered only out of the pipeline and all water from the Moffat canal into the Fausett pond is to be credited to the Moffat Irrigation Company. We were also informed about a secondary water filing serviced through Henry Jim canal for a Mr. Scott. There was a discussion of pipelines and their pros and cons. Problems can arise with poorly designed pipelines with downsized pipe. High Pressures can cause problems in pipelines and are best when designed with static pressure because you can't count on friction loss. Irrigators must be taught how to work with pipelines.

### **River Report**

Randy Crozier expressed the need to receive the river report earlier in the year. He requested that he receive at least the water usage part of the report by the Associated Water Users meeting in November so that the water can be accounted for. Randy Crozier couldn't tell them anything this year. It is helpful to plan budgets if the report information is available. This years report was made more difficult because of the extended high water period. With the addition of more data collection sites it should be easier to make report.

### **High Mountain Reservoirs**

We will have to wait and see what kind of snow-pack we will have to know if the high mountain reservoirs will fill. Dry Gulch Irrigation Company had held half of the hydraulic head in Atwood Lake and Lower Chain Lake, and Whiterocks Irrigation held some water over in Paradise Reservoir. (Crescent lake has a leak and won't hold water.) The last storms should have helped the water outlook for the coming irrigation season. The snow back by Whiterocks Lake was so powdery back in February that it made it impossible to get back with a snowmobile to close it and they were forced to hire a helicopter to get it closed.

### **Chairman of the Committee**

It was decided that Clinton Nielson would be the chairman of the committee for the Uinta and Whiterocks Rivers again this year. Both Lynn Hansen and Randy Crozier had served in this capacity in previous years.

**UINTA AND WHITEROCKS RIVER COMMISSIONER'S  
2006 BUDGET**

<u>BUDGET ITEM</u>	<u>BUDGET</u>
SALARY:	\$35,650.00
MILEAGE:	\$10,000.00
F.I.C.A.:	\$2,727.24
WORKERS COMPENSATION:	\$1,300.00
OFFICE EXPENSES:	\$1,000.00
ASS. WATER USERS (SEC.)	\$1,375.00
AUTOMATION:	\$6,000.00
PUBLISH ANNUAL REPORT:	\$125.00
MNT. RES. INSPECTION:	\$1,000.00
PHONE:	\$1,500.00
MISCELLANEOUS:	\$500.00
RETIREMENT:	\$2,000.00
ANNUAL LEAGAL FEES:	\$850.00
COMPUTER ACCESSORIES AND UPGRADES:	\$300.00
HEALTH INSURANCE:	\$1,134.63
<b>BUDGET EXPENSES:</b>	<b>\$65,461.87</b>
MINUS UNEXPEN. BUDG. 2005:	\$1,222.63
<b>ADJ. BUDGET EXPENSES:</b>	<b>\$64,239.24</b>
BUDGETED COST SHARE FOR AUTOMAT. ROLLED OVER TO YEAR 2006 FROM YEAR 2005:	\$3,548.06
<u>RIVER FUND</u>	
COST SHARE FOR AUTOMAT. ROLLED OVER TO YEAR 2006 FROM YEAR 2003:	\$2,466.17
2025 CHALLENGE GRANT COST SHARE ROLLED OVER FROM YEAR 2005:	\$4,000.00
2025 CHALLENGE GRANT COST SHARE FOR 2006:	\$4,000.00
<b>TOTAL BUDGET EXPENSES:</b>	<b>\$78,253.47</b>

**UINTAH AND WHITEROCKS RIVER COMMISSIONER 2005 ANNUAL REPORT**

<u>APPROPRIATOR</u>	<u>AMOUNT CHARGED ACRE FT.</u>	<u>PERCENT OF CHARGED</u>	<u>ASSESSMENT</u>
<b>UINTAH IRRIGATION PROJECT</b>			
UINTAH	21,068.82		
COLTHORP	241.89		
UINTAH #1(+UPPER)	13,948.80		
HARMES	2,152.42		
A-DITCH	401.54		
B-DITCH	385.60		
C-DITCH	66.42		
D-DITCH	1,413.20		
BENCH	21,724.42		
U. S. WHITEROCKS	13,290.70		
U. S. FARMCREEK	4,984.03		
U. S. DEEPCREEK	16,155.60		
PARK	2,422.43		
MILITARY	932.15		
FAUSETT	590.42		
HENRY JIM	<u>4,419.14</u>		
	104,197.58		
		47.3377	\$30,409.38
<b>DRY GULCH</b>			
CEDARVIEW	14,963.52		
T. N. DODD	1,643.99		
UINTAH	8,579.95		
UINTAH#1	14,091.30		
BENCH	<u>3,113.96</u>		
	42,392.72		
		19.25931	\$12,372.04
T. N. DODD	3,255.47		
LARSON	206.05	1.478983	\$950.09
INDEPENDENT	5,705.89	0.09361	\$60.13
KEITH BASTIAN (ALLRED/COLTHORP)	489.64	2.592226	\$1,665.23
HOWARD HORROCKS (COLTHORP)	177.95	0.222447	\$142.90
KEITH BASTIAN (KIEL)	88.23	0.080844	\$51.93
HOWARD HORROCKS (KIEL)	262.43	0.040084	\$25.75
BIG SIX	61.84	0.119224	\$76.59
DURIGAN	252.72	0.028094	\$18.05
HALL AND LEE	42.56	0.114812	\$73.75
		0.019335	\$12.42
MARIMON	258.37		
PARK EXTENSION	13,903.92	0.117379	\$75.40
PARK	25,310.21	6.316649	\$4,057.77
MOFFAT	6,016.13	11.49861	\$7,386.62
MCKEE	<u>457.92</u>	2.73317	\$1,755.77
		<u>0.208036</u>	<u>\$133.64</u>
<b>TOTAL ASSOCIATED WATER USERS</b>	98,882.05		
		44.92281	\$28,858.07
<b>WHITEROCKS IRRIGATION</b>	<u>17,035.81</u>		
		<u>7.739489</u>	<u>\$4,971.79</u>
<b>TOTAL ENTIRE SYSTEM</b>	<b>220,115.44</b>	<b>100</b>	<b>\$64,239.24</b>

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 2005 COMMISSIONER'S REPORT, 2006 BUDGET AND SCHEDULE OF ASSESSMENTS, 2006 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2006 RIVER COMMISSIONER FOR THE UINTA AND WHITEROCKS RIVERS by placing a true and correct copy in an envelope addressed to:

CLINTON NIELSON  
RIVER COMMITTEE CHAIRMAN  
BOX 126  
LAPOINT UTAH 84039

STEPHEN ROTH  
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

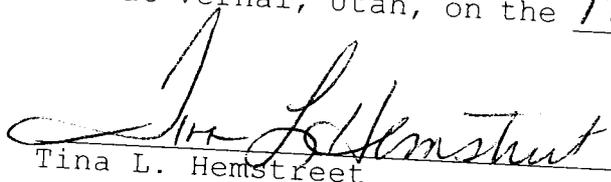
DAVID MURRAY  
WHITEROCKS IRRIGATION CO  
P O BOX 146  
LAPOINT UT 84039

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

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

and deposited the same, sealed, with first class postage prepaid thereon, in the United States Mail at Vernal, Utah, on the 17 day of April, 2006.

  
Tina L. Hemstreet