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IN THE EIGHTH JUDICIAL DISTRICT COURT, DUCHESNE COUNTY

STATE OF UTAH

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IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE RIGHTS  
TO THE USE OF WATER, BOTH  
SURFACE AND UNDERGROUND,  
WITHIN THE DRAINAGE AREA OF THE  
UINTA BASIN IN UTAH

**NOTICE OF NO CHANGE TO ORDER  
OF DISTRIBUTION**

Civil No. 560800056CV

JUDGE EDWIN T. PETERSON

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Kent L. Jones, Utah State Engineer, by and through counsel, respectfully notifies this Court that the State Engineer will not seek to amend the Order of Distribution governing the distribution of water on the combined Duchesne River and Strawberry River system for the 2013 irrigation season.

On June 23, 2011, this Court entered an Order of Distribution governing the distribution of water on the Duchesne-Strawberry River system. The Order included the following

provision:

This Order of Distribution shall continue in effect from year to year, as needed, until amended or vacated by this Court. This Distribution Order may be amended or vacated by order of this Court pursuant to motion and upon proper notice.

In meetings between the State Engineer and water users on the Duchesne-Strawberry River System in March, 2013, the water users indicated there is no need to amend the Distribution Schedule for the 2013 irrigation season. The State Engineer therefore notifies the Court that as of the date of this Notice, the existing Distribution Schedule should remain in place through the 2013 irrigation season. In accordance with the Order of Distribution, this notice does not prejudice the rights of any water users whose water rights are affected by the Order of Distribution from filing an objection at any time.

The State Engineer is not requesting a hearing regarding this Notice. The State Engineer is, however, willing to appear before the Court if the Court determines it is appropriate or helpful or if any water user files an objection to the Distribution Order and Distribution Schedule.

Dated this 27<sup>th</sup> day of March, 2013.

JOHN E. SWALLOW  
UTAH ATTORNEY GENERAL

/s/ L. Ward Wagstaff  
L. WARD WAGSTAFF  
NORMAN K. JOHNSON  
MICHAEL M. QUEALY  
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ATTORNEYS FOR UTAH STATE ENGINEER  
1594 West North Temple, #300  
SALT LAKE CITY, UT 84116

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the NOTICE OF NO CHANGE TO ORDER OF DISTRIBUTION was served by mailing, first class postage prepaid, this 27<sup>th</sup> day of March, 2013, to the following:

John Swasey  
Duchesne River Commissioner  
HC 1 Box 145  
DUCHESNE UT 84021

David Frandsen  
U.S. Bureau of Reclamation  
302 East 1860 South  
PROVO UT 84606-7317

Shawn E. Draney  
Snow, Christensen & Martineau  
10 Exchange Place, 11<sup>th</sup> Floor  
SALT LAKE CITY UT 84145

Steven E. Clyde  
Clyde Snow Sessions & Swenson  
One Utah Center  
201 South Main, 13<sup>th</sup> Floor  
SALT LAKE CITY UT 84111

Roland Uresk  
47 North 200 East  
ROOSEVELT UT 84066

Duchesne and Strawberry Rivers Water  
Users Association  
Art Taylor, Chairman  
Box 123  
DUCHESNE UT 84021

Grant L. Vaughn  
Office of the Solicitor  
U.S. Department of the Interior  
125 South State Street, Suite 6201  
SALT LAKE CITY UT 84138

Ute Indian Tribe  
P.O. Box 190  
Fort Duchesne, UT 84026

Gayle F. McKeachnie  
McKeachnie Law Offices, P.C.  
P.O. Box 340  
2575 West Hwy 40  
VERNAL UT 84078

Guy L. Taylor and Ben D. Mitchell  
HC 2 Box 40  
DUCHESNE UT 84021

Red Creek Irrigation Company  
P.O. Box 270178  
FRUITLAND UT 84027

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SEQUIM WA 98382

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DUCHESNE UT 84021

Parley Turnbow  
Turnbow Ranching Company  
5221 West 11200 North  
AMERICAN FORK, UT 84003

Lynn Hansen  
Irrigation Systems Manager  
Uintah and Ouray Agency  
U.S. Bureau of Indian Affairs  
988 South 7500 East  
P.O. Box 130  
FT DUCHESNE UT 84026

/s/ L. Ward Wagstaff