



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

September 8, 2016

Duchesne City, Mayor's Office
Duchesne City Water Service District
165 South Center, Drawer 974
Duchesne, UT 84021

RE: SEAA 1308 Distribution Order

Dear Mayor Rowley,

The Division of Water Rights received The Duchesne City's water use plan starting in 2009. We appreciate the efforts in preparing the plan and forwarding a copy to our office. As long as the city receives delivery of its water through multiple sources, this schedule provides important information to the water commissioner with tracking and accounting of water deliveries and records on the Duchesne river system.

We appreciate the diligence to provide this plan to ensure that the water commissioner has appropriate information available to properly regulate your water deliveries. This letter affirms the original request for Duchesne City to provide annual updates for continued compliance and to keep SEAA 1308 from active enforcement. The water use plan should be submitted annually before the start of irrigation season, and not later than April 1 each year. If contracts are updated, please supply copies of those also.

For your review and records, attached are the Original SEAA 1308 Order and related letters, along with submittals as received from your office for 2009, 2010 and 2016. Note the 2016 submittal did not have the expected of detail for compliance, lacked a date, and appeared to be a "draft" version, causing some question to its credibility. The Division requests the 2016 submittal follow the previous submittals' format, be delivered on Duchesne City Letterhead, dated as a formal document. Once the signed document is received, the delivery schedule may remain perpetual, until superseded.

Thank you for attending to this matter in a timely fashion. If you have any questions, please contact Mike Silva, Distribution Engineer by phone at 801-538-7430 or by e-mail at MikeSilva@Utah.Gov.

Sincerely,

Mike Silva
Distribution Engineer

cc: Bob Leake, Regional Engineer
John Swasey, Water Commissioner





JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

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STATE OF UTAH

DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS,
JERRY D. OLDS
STATE ENGINEER,

Claimant

v.

Duchesne City Water Service District

Respondent

DISTRIBUTION ORDER

No. SEAA 1308

Water Right Nos. 43-180, 43-203, &
43-11416

TO: Duchesene City

The City's water rights and perhaps contracts or agreements with other water users allow the City to be delivered its water from several sources and points of diversion including:

- Knights Diversion (Orchard Mesa Canal)
- Rocky Point Canal
- Starvation Reservoir (treatment plant)

The water commissioner reports that he is unable to adequately regulate, measure, and record the amount of water delivered to the City because there is no set schedule indicating how water under these rights and agreements is to be delivered through each of these sources and points of diversion.

Therefore, as authorized under §73-5-8 UCA, the City is hereby requested to submit a water use plan for 2009 detailing the City's plan for diverting water from each of the sources and points of diversion listed above. The plan should show which water rights will be used at each source and point of diversion and how much water will be used from each water right at each source. If the City has agreements or contracts that provide for delivery of water to the City, those should also be included in the plan with the amounts that will be taken from each source under each contract or agreement. We would also appreciate receiving a copy of any contracts or agreements the City has of this nature; these will greatly assist the water commissioner to better regulate the distribution of water.

We request that the 2009 water use plan and the copies of the contracts and agreements be submitted to this office within 30 days from the date of this letter.



Page 2
April 27, 2009
Subject:

This request is being issued as a Distribution Order, which is enforceable under the provisions of §73-2-25 and §73-2-26 UCA. Failure to comply with this Order may result in State Engineer enforcement action as specified in the sections cited including an Order to Cease the Use of Water and financial penalties.

The need for this information will continue as long as the City receives delivery of its water through multiple sources and points of diversion. Therefore, the City will be required to submit a water use plan each year. A reminder letter will be sent each year with Distribution Orders issued as necessary.

We appreciate your assistance in helping us provide the information needed by the water commissioner to adequately regulate and distribute the waters of the Duchesne River Distribution System. If you have any questions concerning this request, please contact me by phone at 801-538-7430 or by e-mail at MikeSilva@utah.gov.

Dated this 27 day of April, 2009



Mike Silva
Distribution Engineer

cc: Bob Leake, Regional Engineer
John Swasey, Water Commissioner

Delivery Address:
Duchesne City
Duchesne City Water Service District
165 South Center, Drawer 974
Duchesne UT 84021



JON M. HUNTSMAN, JR.

Governor

GARY R. HERBERT

Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER

Executive Director

Division of Water Rights

KENT L. JONES

State Engineer/Division Director

June 25, 2009

Duchesne City
Duchesne City Water Service District
165 South Center, Drawer 974
Duchesne, UT 84021

SCAN TO SEAA 1308

RE: SEAA 1308 Distribution Order

Dear Mayor Park,

The Division of Water Rights is in receipt of The Duchesne City's contracts with water suppliers as your response to our Distribution Order. We appreciate your office forwarding a copy of these. However your response is inadequate in that it did not address the requirement to provide an explanation and schedule describing how water under these agreements will be delivered during the year

As requested in the Distribution Order dated April 27, 2009 we still require a written water use plan and schedule be submitted to our office indicating how water under these rights and agreements is to be delivered through each of these sources and points of diversion to allow adequate planning along with measurement and records for this water delivery. Please refer to the original letter for specific details of what is required in this request.

This information should include source, water right number, flow amount and total acre feet that will be used from each source.

You have until July 15, 2009, to submit this plan and schedule.

Sincerely,

Mike Silva

Distribution Engineer

cc: Bob Leake, Regional Engineer
John Swasey, Water Commissioner

CD DISTRICT 100N DUCHESNE RIVERLY THROUGH LOCAL FILES 2009/DISTRIBUTION ORDER 6/25/09
Duchesne City, UT

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • TTY (801) 538-7458 • www.waterrights.utah.gov





JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

August 11, 2009

Duchesene City
Duchesne City Water Service District
165 South Center, Drawer 974
Duchesne, UT 84021

RE: SEAA 1308 Distribution Order

Dear Mayor Park,

The Division of Water Rights is in receipt of The Duchesne City's water use plan. We appreciate your office preparing the plan and forwarding a copy to our office. As long as the city receives delivery of its water through multiple sources, this schedule and information provides important information to the water commissioner to track the water deliveries and manage records on the Duchesne river system.

We commend you and appreciate the diligence in your efforts to provide this plan and ensure that the water commissioner has appropriate information available to properly regulate your water deliveries. This letter serves to provide official notice of compliance and remove the SEAA from active enforcement at the present time.

To remain in compliance, this Water Use Plan and Schedule is required in writing before the start of irrigation season, and not later than April 1 each year. If contracts are updated, please supply copies of those also.

Thank you for your cooperation in attending to this matter in a timely fashion. If you have any questions, please contact Mike Silva, Distribution Engineer by phone at 801-538-7430 or by e-mail at MikeSilva@Utah.Gov.

Sincerely,

Mike Silva
Distribution Engineer

cc: Bob Leake, Regional Engineer
John Swasey, Water Commissioner



165 South Center
Duchesne, Utah 84021

DUCHESNE CITY

duchesne@ubtanet.com

435-738-2464
fax: 435-738-5394

July 1, 2009

SEAA 1308

Utah Division of Water Rights
Mike Silva
Distribution Engineer
PO Box 146300
Salt Lake City, Utah 84114-6300

2009 1/3

Distribution Order No. SEAA 1308
Water Rights Nos. 43-180, 43-203, & 43-11416

Dear Mr. Silva,

In response to the Distribution Order No. SEAA 1308, dated April 27, 2009, Duchesne City submits the following water use plan and schedule for Water Rights Nos. 43-180, 43-203, and 43-11416.

First, we would like to provide a brief explanation of the water rights that are the subject of the Distribution Order. Water Right No. 43-180 is for 5.0 cfs or 3619.8999 acre-feet from Duchesne River, and currently has one approved point of diversion: Knight Diversion Dam. Water Right No. 43-203 is for 8.0 cfs or 5791.83984 acre-feet from Duchesne River, and has two approved points of diversion: Knight Diversion Dam and Rocky Point Diversion Dam. This water right also has a point of rediversion, which is a Treatment Plant that diverts water from Starvation Reservoir. Water Right 43-11416 is for 2.0 cfs or 1447.95996 acre-feet from Duchesne River, and has one approved point of diversion: Knight Diversion Dam.

Second, a brief explanation of the points of diversion and rediversion. Water diverted at the Rocky Point Diversion Dam goes into the Rocky Point Ditch. Water diverted at the Knight Diversion Dam can be directed into two different canals. The water can be diverted into the Orchard Mesa Canal. Alternatively, the water can be diverted into the Feeder Canal, which conveys the water to Starvation Reservoir. This water can then be rediverted out of the Reservoir into the Treatment Plant.

As we were conducting research on the water rights, we discovered that the approved points of diversion presented a minor problem for how we would like the water to be diverted. To remedy the problem, the City has filed a Temporary Change Application on Water Right No. 43-180 to add Rocky Point Diversion Dam as an

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WATER RIGHTS
SALT LAKE

additional point of diversion. (A copy of the Temporary Change Application is attached for your review.) We anticipate that this Temporary Change Application will be approved shortly, thereby allowing the City to divert its water during 2009 as proposed in this letter.

Barring unforeseen circumstances, the City plans to divert water under Water Right Nos. 43-180, 43-203, and 43-11416 as described below:

2009 2/3

Water Right No. 43-180

Source: Duchesne River

Flow Amount: 5.0 cfs

Acre-feet: 3619.8999

Points of Diversion: Knights Diversion Dam (Orchard Mesa Canal): 2.0 cfs
Rocky Point Diversion Dam: 3.0 cfs

Water Right No. 43-203

Source: Duchesne River

Flow Amount: 8.0 cfs

Acre-feet: 5791.83984

Point of Diversion: Rocky Point Diversion Dam: 5.0 cfs
Knight Diversion Dam (into Feeder Canal, to be rediverted at Treatment Plant): 3.0 cfs

Water Right No. 43-11416

Source: Duchesne River

Source Amount: 2.0 cfs

Acre-feet: 1447.95996

Point of Diversion: Knight Diversion Dam (into Orchard Mesa Canal): 2.0 cfs

These diversions are summarized in the following table:

	43-180	43-203	43-11416	TOTAL
Knight Diversion Dam (into Orchard Mesa Canal)	2 cfs		2 cfs	4 cfs
Rocky Point Diversion Dam (into Rocky Point Ditch)	3 cfs	5 cfs		8 cfs
Knight Diversion Dam (into Feeder Canal, rediverted at Treatment Plant)		3 cfs		3 cfs
TOTAL	5 cfs	8 cfs	2 cfs	15 cfs

If you have any questions or concerns regarding this response please contact me by phone at 435-738-2464 or by e-mail at Duchesne@ubtanet.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Clinton Park". The signature is written in a cursive, flowing style.

Clinton Park
Mayor

2009 3/3

Cc: Central Utah Water
Tom Bruton

165 South Center
Duchesne, Utah 84021
www.duchesnecity.com



435-738-2464
435-738-5394 fax
duchesne@ubtanet.com

July 28, 2010

Utah Division of Water Rights
Mike Silva
Distribution Engineer
PO Box 146300
Salt Lake City, Utah 84114-6300

2010
1/2

Distribution Order No. SEAA 1308
Water Rights Nos. 43-180, 43-203, & 43-11416

Dear Mr. Silva,

In response to the Distribution Order No. SEAA 1308, dated April 27, 2009, Duchesne City submits the following water use plan and schedule for Water Rights Nos. 43-180, 43-203, and 43-11416.

First, we would like to provide a brief explanation of the water rights that are the subject of the Distribution Order. Water Right No. 43-180 is for 5.0 cfs or 3619.8999 acre-feet from Duchesne River, and currently has one approved point of diversion: Knight Diversion Dam. Water Right No. 43-203 is for 8.0 cfs or 5791.83984 acre-feet from Duchesne River, and has two approved points of diversion: Knight Diversion Dam and Rocky Point Diversion Dam. This water right also has a point of redirection, which is a Treatment Plant that diverts water from Starvation Reservoir. Water Right 43-11416 is for 2.0 cfs or 1447.95996 acre-feet from Duchesne River, and has one approved point of diversion: Knight Diversion Dam.

Second, a brief explanation of the points of diversion and redirection. Water diverted at the Rocky Point Diversion Dam goes into the Rocky Point Ditch. Water diverted at the Knight Diversion Dam can be directed into two different canals. The water can be diverted into the Orchard Mesa Canal. Alternatively, the water can be diverted into the Feeder Canal, which conveys the water to Starvation Reservoir. This water can then be redirected out of the Reservoir into the Treatment Plant.

As we were conducting research on the water rights, we discovered that the approved points of diversion presented a minor problem for how we would like the water to be diverted. To remedy the problem, the City has filed a Temporary Change Application on Water Right No. 43-180 to add Rocky Point Diversion Dam as an additional point of diversion. (A copy of the Temporary Change Application is attached for your review.) We anticipate that this Temporary Change Application will be approved shortly, thereby allowing the City to divert its water during 2009 as proposed in this letter.

Barring unforeseen circumstances, the City plans to divert water under Water Right Nos. 43-180, 43-203, and 43-11416 as described below:

Water Right No. 43-180

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WATER RIGHTS
SALT LAKE

Source: Duchesne River
 Flow Amount: 5.0 cfs
 Acre-feet: 3619.8999
 Points of Diversion: Knights Diversion Dam (Orchard Mesa Canal): 2.0 cfs
 Rocky Point Diversion Dam: 3.0 cfs

Water Right No. 43-203

Source: Duchesne River
 Flow Amount: 8.0 cfs
 Acre-feet: 5791.83984
 Point of Diversion: Rocky Point Diversion Dam: 5.0 cfs
 Knight Diversion Dam (into Feeder Canal, to be rediverted at Treatment Plant): 3.0 cfs

2010 2/2

Water Right No. 43-11416

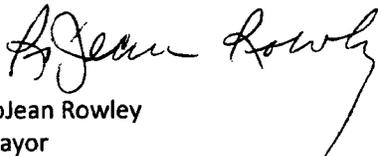
Source: Duchesne River
 Source Amount: 2.0 cfs
 Acre-feet: 1447.95996
 Point of Diversion: Knight Diversion Dam (into Orchard Mesa Canal): 2.0 cfs

These diversions are summarized in the following table:

	43-180	43-203	43-11416	TOTAL
Knight Diversion Dam (into Orchard Mesa Canal)	2 cfs		2 cfs	4 cfs
Rocky Point Diversion Dam (into Rocky Point Ditch)	3 cfs	5 cfs		8 cfs
Knight Diversion Dam (into Feeder Canal, rediverted at Treatment Plant)		3 cfs		3 cfs
TOTAL	5 cfs	8 cfs	2 cfs	15 cfs

If you have any questions or concerns regarding this response please contact me by phone at 435-738-2464 or by e-mail at Duchesne@ubtanet.com.

Sincerely,



RoJean Rowley
 Mayor

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 AUG 02 2010
 WATER RIGHTS
 SALT LAKE

January ??, 2016

Utah Division of Water Rights
Attn: Mike Silva
PO Box 146300
Salt Lake City, Utah 84114-6300

2016
1/2

RE: Water Use Plan for Duchesne City Water Rights Nos. 43-180 (5 cfs), 43-203 (8 cfs), and 43-11416 (2 cfs)

Dear Mr. Silva:

Duchesne City wishes to establish a water use plan for the subject water rights beginning with the 2016 water delivery season and forward until modified by submission of a subsequent water use plan. With the completion of Phase 1 construction of the Victory Pipeline in Duchesne County by the Duchesne County Water Conservancy District (DCWCD), Duchesne City now needs to specifically obligate these water rights for usage at the Central Utah Water Conservancy District's (CUWCD) Duchesne Valley Water Treatment Plant (DVWTP) and in Duchesne City's city-wide, secondary, irrigation systems.

The following table is Duchesne City's plan for distribution of the subject water rights for the period of November 1 through March 31 (all values are in cfs):

Point of Diversion	WR 43-180 (5 cfs)	WR 43-203 (8 cfs)	WR 43-11416 (2 cfs)	Total
Knight Diversion Dam - Starvation Conduit (to DVWTP) ¹	5	8	2	15
Knight Diversion Dam - Orchard Mesa Canal (to south-side Duchesne City secondary irrigation system)				
Rocky Point Diversion Dam (to north-side Duchesne City secondary irrigation system)				
Total	5	8	2	15

The following table is Duchesne City's plan for distribution of the subject water rights for the period of April 1 through October 31 (all values are in cfs):

2016 2/2

Point of Diversion	WR 43-180 (5 cfs)	WR 43-203 (8 cfs)	WR 43-11416 (2 cfs)	Total
Knight Diversion Dam - Starvation Conduit (to DVWTP) ¹	5	6		11
Knight Diversion Dam - Orchard Mesa Canal (to south-side Duchesne City secondary irrigation system)			2	2
Rocky Point Diversion Dam (to north-side Duchesne City secondary irrigation system)		2		2
Total	5	8	2	15

¹Diversions up to the listed amounts through Starvation Conduit via Knight Diversion Dam will be allowed on a space-available basis in cooperation with CUWCD for processing at the DVWTP as granted per third-party contracts. Currently, third-party contracts using Duchesne City water only allow up to 9 cfs to be delivered to the DVWTP. No storage space is available for these diversions; just flow-through to the DVWTP.

Measurement of diversions, and assigning to a specific water right, will be made on a weekly basis and reported to the Duchesne/Strawberry River Commissioner in coordination with CUWCD.

Sincerely,

RoJean Rowley
Mayor

pc: Tom Bruton, CUWCD