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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

IN AND FOR THE COUNTY OF WASHINGTON, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE VIRGIN RIVER IN WASHINGTON, IRON, AND KANE COUNTIES IN UTAH	**INTERLOCUTORY DECREE**
ZION NATIONAL PARK DIVISION AREA 81, BOOK 6	**CIVIL NO. 800507596 (81-6)** JUDGE JAMES L. SHUMATE

This matter having come before the Court on the State Engineer's MOTION FOR ENTRY OF INTERLOCUTORY DECREE, the Court having reviewed the pleadings and files and duly considered the matter, hereby finds and decrees as follows:

I. PARTIES AND COUNSEL OF RECORD

The parties and counsel of record in this part of the adjudication are:

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II. JURISDICTION

This action was filed pursuant to Chapter 4, Title 73, Utah Code Ann. (1989), to determine all of the surface and underground water rights within the Zion National Park Division of the General Adjudication for the Virgin River, Area 81 Book 6. Jurisdiction has not been contested. The Court therefore has jurisdiction over the subject matter of this action and venue lies in this district.

III. APPROVAL AND CONFIRMATION OF RIGHTS

Pursuant to Utah Code Annotated Chapter 4, Title 73, the Court on April 18, 1980, entered an order directing the State Engineer to proceed with the general adjudication of water rights within the Virgin River Basin in Washington, Iron, and Kane Counties in Utah. To facilitate administration of the adjudication, the State Engineer divided the Virgin River drainage area into divisions covering major drainages, and assigned each division a code number. The Virgin River drainage is Area 81. The Zion National Park Division is Area 81, Book 6. The Proposed Determination for the Zion National Park Division covers only the water rights of the United States within the boundaries of Zion National Park.

The Zion National Park Water Rights Settlement Agreement is the product of extensive negotiations between the State of Utah, the United States, the Washington County Water Conservancy District, and the Kane County Water Conservancy District. It was signed by Governor Michael O. Leavitt, Secretary of the Interior Bruce Babbitt, and other officials on December 4, 1996. The main body of the Proposed Determination of Water Rights for the Zion National Park Division consists of the Agreement and its appendices. The Proposed Determination is included in this Interlocutory Decree as Attachment 1.

The Proposed Determination establishes the federal reserved

water rights and the state appropriative water rights of the United States for use within the boundaries of Zion National Park. It sets forth the federal reserved water rights for administrative and other purposes. The Proposed Determination provides that the federal reserved water rights for other than administrative purposes are subordinate and junior to all perfected state appropriative water rights and approved water right applications within the Virgin River drainage with priority dates prior to January 1, 1996.

The Court approved the Proposed Determination for publication on September 27, 2000. The Proposed Determination was served by mail on all water users with recorded water rights within the drainage area of the Virgin River in Utah, excluding the drainage area of the Santa Clara River and Beaver Dam Wash. In addition to serving the Proposed Determination, the Court authorized publication of notice in local newspapers in Washington, Kane, and Iron Counties, informing any water users with unrecorded water rights that the Proposed Determination was available. Six objections to the Proposed Determination were filed, but all objections were later withdrawn. The Proposed Determination is therefore uncontested. Pursuant to Utah Code Ann. § 73-4-12 (1989), the Court is authorized to enter a decree in accordance with the Proposed Determination.

NOW, THEREFORE, IT IS ORDERED that the federal reserved water rights and the state appropriative water rights described in the Proposed Determination of Water Rights for the Zion National Park Division of the Virgin River General Adjudication, Area 81 Book 6, included in this Interlocutory Decree as Attachment 1, are decreed to be valid existing water rights, and are approved and confirmed as set forth in the Proposed Determination. The conditions and limitations established in the Proposed Determination are hereby adopted and decreed, including the right of the United States to federal reserved water rights for Zion National Park, with the right to develop up to 466 acre feet of its federal reserved water rights for administrative purposes; the respective priorities of the federal reserved water rights as described in the Proposed Determination; the subordination of federal reserved water rights for other than administrative purposes to all perfected state appropriative water rights and approved applications with priority dates prior to January 1, 1996; the right of the United States to state appropriative water rights for Zion National Park, with the priorities provided in the Proposed Determination; the allowances, limitations and restrictions on new reservoirs and flood control structures upstream from Zion National Park; the allowances, limitations and restrictions on new groundwater withdrawals up gradient from Zion National Park; the allowances, limitations,

restrictions, and in-stream flow requirements for new diversions within the drainage areas of the North Fork of the Virgin River, the East Fork of the Virgin River, and on other streams upstream from Zion National Park as described in the Proposed Determination; and other specific provisions of the Zion National Park Water Rights Settlement Agreement and its Appendices as contained in the Proposed Determination and made a part of this Interlocutory Decree as Attachment 1.

IV. CORRECTIONS

The State Engineer has not discovered any clerical errors in the Proposed Determination. Such errors, if any, would not affect the water rights in any substantive way. The Court may correct such clerical errors upon motion by the parties to the Agreement.

X. FINAL DECREE

At the time the Final Decree in the Virgin River General Adjudication is entered, the Court may, upon proper notice, modify this Interlocutory Decree to conform it to the Final Decree, but any such modifications shall not affect the substance of the water rights hereby decreed or the conditions and limitations that are established in the Proposed Determination and its Appendices.

Dated this 29 day of Nov, 2001.

Judge James L. Shumate