

The Order of the Court is stated below:

Dated: May 12, 2020  
11:59:25 AM

/s/ SAMUEL P. CHIARA  
District Court Judge



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IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

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 UINTAH BASIN IN UTAH

ORDER APPROVING THE 2019  
COMMISSIONER'S REPORT, 2020  
BUDGET, 2020 SCHEDULE OF  
DISTRIBUTION AND APPOINTING THE  
2020 RIVER COMMISSIONER FOR THE  
LAKE FORK RIVER, YELLOWSTONE  
RIVER AND SAND WASH CREEK

Docket No. 560800056  
Judge Samuel Chiara

This matter came before the Court on the PETITION TO APPROVE 2019 COMMISSIONER'S REPORT, 2020 BUDGET AND SCHEDULE OF ASSESSMENTS, 2020 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2020 RIVER COMMISSIONER FOR THE LAKE FORK RIVER AND YELLOWSTONE RIVER AND SAND WASH CREEK, filed by Rodger Ames, Chairman of the Committee for the Lake Fork River, Yellowstone River and Sand Wash Creek, pursuant to Utah Code Ann. §73-5-1 et. seq., petitioning the Court to approve the committee's 2019 report, 2020 budget, appoint a River Commissioner for 2020, authorize it to appoint an interim River Commissioner and approve its

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2020 Schedule of Distribution of Waters of Lake Fork River, Yellowstone River and Sand Wash Creek. The Court having considered the matter, notice having been given to affected parties, and the Court being fully informed in this matter, enters this order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the 2019 report of the administration of the waters of the Lake Fork River, Yellowstone River and Sand Wash Creek is approved, as submitted and filed herewith.

That the 2020 budget, with schedule of assessments, is approved, as submitted and attached hereto as "Exhibit A".

That Leland L. Carter is appointed to serve as River Commissioner of the Lake Fork River, Yellowstone River, and Sand Wash Creek, for a period of one (1) year.

That the Committee for the Lake Fork River, Yellowstone River, Sand Wash Creek is authorized to appoint a temporary replacement should the River Commissioner be unable to complete the one (1) year term.

That the proposed 2020 Schedule of Distribution of Waters of the Lake Fork River, Yellowstone River, and Sand Wash Creek is approved, as submitted and attached hereto as "Exhibit B".

That the following provisions set forth in the 1998 Interim Order be reaffirmed and made effective for the year 2020:

That the River Commissioner be directed 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

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with the Decrees of the Federal District Court and state laws.

That the River Commissioner is directed to confer with the committee in developing a schedule for distribution of water, specifically, the manner in which the waters of the Lake Fork River, Yellowstone River and Sand Wash Creek, and their tributaries, should be distributed, after consultation with the State Engineer, and shall submit an annual Interim Distribution Order to this Court for its consideration.

That the River Commissioner is directed to deliver and distribute the waters of such non-Federal water rights in the Lake Fork River, Yellowstone River, and Sand Wash Creek, in accordance with the proposed Schedule of Distribution, attached hereto as "Exhibit B".

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.

That the River Commissioner is instructed to work with the committee to prepare a recommended budget for the next year. Said recommended budget is to contain assessments to be made, monies to be received, along with a report of expenditures.

That the River Commissioner is 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 assessments.

That any person or entity, that is a water user in the subject rivers, or otherwise affected

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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 is 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.

That if a non-Federal water user fails to pay any assessments levied, when due, that water users further use of water be prohibited.

The job description of the River Commissioner shall include duties and responsibilities as follows:

The Water Commissioner should acquire knowledge of all water rights under his jurisdiction. These water rights will then be distributed to water companies in a timely and fair manner. All water delivery will need to be recorded and presented as requested by water users and state entities with the inclusion of a final year end report.

The River Commissioner is responsible for all water changes and must be available on a daily basis. The River Commissioner will physically open head gates and make sure that measuring devices are accurate and that recording devices are working properly. He will periodically check recording devices as required throughout the season, or more often if necessary.

The River Commissioner will monitor rivers in his jurisdiction to determine when flows

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need to be changed. All canal companies' use, no matter where the water comes from, needs to be recorded and reported weekly.

The Commissioner will be responsible for payment of bills. All checks must be cosigned by a member of his River Committee. Any purchase over \$200.00 must be pre-approved by the River Committee.

A weekly report of water usage for each company should be mailed to the company or made available on the internet.

The River Commissioner may find inappropriate water usage on the river. It is his responsibility to reduce this and, if possible, eliminate it. This may include resolving conflicts with individuals, getting help from the River Committee, involving the State Engineer's help or ultimately involving the State District Court. The methods used to resolve the problems should start easy and simple and pleasant as possible and go on to the next stage only as needed.

The year end report needs to be accurate and complete for all companies and ready for the River Committee budget meeting no later than December 1st.

That the Commissioner be authorized to deal with the Rowley diversion by arranging to pay for replacement or new diversion works and assess the water users of those diversions the cost if the water users do not make the improvements to the Commissioner's satisfaction.

**Executed and entered by the Court as indicated by the date and seal at the top of this document.**

SCANNED