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**IN THE FIFTH JUDICIAL DISTRICT COURT  
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH**

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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

**ZION NATIONAL PARK DIVISION  
AREA 81, BOOK 6**

**JOINT MOTION TO CORRECT  
CLERICAL ERROR**

Civil No. 800507596 (81-6)

Judge James L. Shumate

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The State of Utah, the United States of America, the Washington County Water Conservancy District, and the Kane County Water Conservancy District (collectively the "Parties"), by and through their undersigned counsel, hereby move the Court for an Order to correct a clerical error in Appendix D of the Zion National Park Water Settlement Agreement (hereinafter "Settlement Agreement"), which formed the basis of the Court's Interlocutory Decree in this proceeding.

The grounds for this motion are as follows:

1. On December 4, 1996, the State of Utah, the United States, the Washington County Water Conservancy District and the Kane County Water Conservancy District signed the Zion National Park Water Settlement Agreement, which quantified the federal reserved water rights and other water rights for Zion National Park. A copy of the Settlement Agreement is attached hereto as **Exhibit A**.
2. After submission of the Settlement Agreement to the Court, and proper notice to affected water users, the Court approved the Settlement Agreement by the entry of an Interlocutory Decree for the Zion National Park Subdivision of the Virgin River General Adjudication on November 29, 2001. A copy of the Interlocutory Decree is attached hereto as **Exhibit B**.
3. Section IV of the Interlocutory Decree provides: "The Utah 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."
4. Under Article II.A. of the Settlement Agreement, the non-administrative reserved water rights for Zion National Park are subordinated to "all valid existing perfected water rights and approved applications with priority dates prior to January 1, 1996." In addition, the non-administrative reserved water rights are further subordinated to "new diversions and depletions

from surface and ground water sources of up to but not to exceed a total depletion of 6,000 AFY, with no more than 2,500 AFY occurring from surface water, within the composite comprising the drainage basin in the North Fork above the southern boundary of Zion National Park near Springdale, Utah, and the portions of the drainage basins of Ash Creek, La Verkin Creek, North Creek, and Shunes Creek located upstream of Zion National Park,” distributed as described in Article II.C. of the Settlement Agreement

5. The text of Article II.C. of the Settlement Agreement accurately reflects the intent of the Parties, and need not be corrected or amended. However, the effect of the text of Article II.C. was illustrated in a map which is Appendix D to the Settlement Agreement (herein “original Appendix D”). See Article II.C.1. The Parties have recently discovered a minor clerical error in the map which is original Appendix D, and it is this error, in the form of omissions, which requires correction.

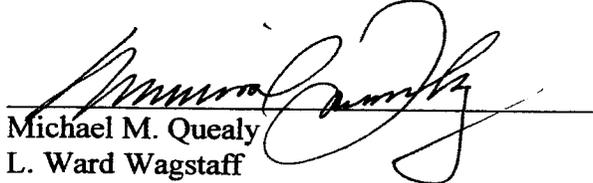
6. More specifically, the original Appendix D map illustrates the drainage areas upstream from the Park which are subject to the subordination provision of Article II.C. The relevant areas are shown in blue. The Parties have recently discovered that Appendix D inadvertently failed to include several small tributary drainages to the west and upstream from the Park boundaries. These excluded small drainages are located on North Creek, La Verkin Creek and Ash Creek, and should be included on Appendix D so as to more accurately depict the provisions of Article II.C. of the Settlement Agreement.

7. To that end, the National Park Service has generated a new map (herein “revised Appendix D”) showing the additional areas which should have been depicted on the original Appendix D to the Settlement Agreement. The Parties agree that the inadvertent omission of those areas from the original Appendix D was a clerical error and does not affect the Parties’ water rights or the Settlement Agreement in any substantive way. The revised Appendix D is only for the purpose of more accurately depicting the intention of the Parties as set forth in Article II.C. of the Settlement Agreement and to correct any possible inconsistencies between the text of the Settlement Agreement and the original Appendix D. A copy of the revised Appendix D Map is attached hereto as **Exhibit C**.

Wherefore, the Parties move the Court for an Order, substituting the revised Appendix D for the original Appendix D to the Settlement Agreement.

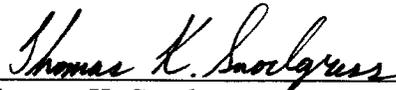
DATED this 10<sup>th</sup> day of May, 2010.

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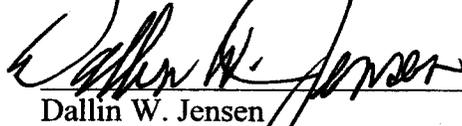
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United States Department of Justice  
Environmental and Natural Resources Division  
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Dallin W. Jensen  
Attorney for the Washington County  
Water Conservancy District and the  
Kane County Water Conservancy District

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 10<sup>th</sup> day of May, 2010, I had delivered a true and correct copy of the foregoing Joint Motion to Correct Clerical Errors, first-class mail, postage prepaid to the following:

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