

214 fully described at the state engineer's office.

215 Section 5. Section **73-21-105** is enacted to read:

216 **73-21-105. Tabulation of Ute Indian Water Rights.**

217 PURPOSE

218 This tabulation of Ute Indian Water Rights is prepared pursuant to and in accordance  
219 with the Ute Indian Water Compact of 1990 between the Ute Indian Tribe of the Uintah and  
220 Ouray Indian Reservation, Utah, the State of Utah and the United States of America concerning  
221 the water rights of the Ute Indian Tribe. The purpose of this Tabulation is to fully identify and  
222 define all federal reserved water rights of the Ute Indian Tribe.

223 FORWARD

224 In December, 1960 the Ute Tribe submitted to the Utah State Engineer a report entitled  
225 Water Right Claims, Uintah and Ouray Indian Reservation, Utah, prepared by E.L. Decker,  
226 tribal engineer, and commonly referred to as the Decker Report. This report was prepared to  
227 identify both the Tribe's present irrigated acreage and also those lands that are susceptible to  
228 irrigation, for which a water right was claimed under the doctrine expressed in Winters v.  
229 United States, 207, U.S. 546 (1908). The acreages listed in the Decker report, as amended,  
230 were used as a basis for this Tabulation.

231 The Decker Report divided the lands into seven different groups for identification  
232 purposes, which are incorporated herein:

233 Group (1): Lands included within the Uintah Indian Irrigation Project, the water right to  
234 which has been certificated by the State of Utah and included within Federal Court Decrees  
235 adjudicating water rights of the Lakefork, Yellowstone, Uinta and Whiterock Rivers.

236 Group (2): Lands included in the Uintah Indian Irrigation Project, the water right to  
237 which has been certificated by the State of Utah, served from the ~~H~~→ [Duschense] Duchesne ←~~H~~  
237a River, including  
238 the townsites of ~~H~~→ [Duschense] Duchesne ←~~H~~ , Randlett and Myton.

239 Group (3): Lands that are or can be served from the ~~H~~→ [Duschense] Duchesne ←~~H~~ River  
239a through the  
240 facilities of the Uintah Indian Irrigation Project which lands have not been certificated by the  
241 State of Utah.

242 Group (4): Lands which have been found to be productive and economically feasible to  
243 irrigate from privately constructed ditch systems on the ~~H~~→ [Duschense] Duchesne ←~~H~~ River  
243a or its tributaries  
244 above the Pahcease Canal.

245 Group (5): Lands which have been found to be susceptible to irrigation and are  
 246 proposed to be developed within the Central Utah Project.

247 Group (6): Lands lying east of the Green River served from the White River for which  
 248 Applications to Appropriate Water were once filed with the State of Utah.

249 Group (7): Lands lying east of the Green River which have been found to be productive  
 250 and economically feasible to irrigate from privately constructed ditch systems now in operation  
 251 or to be constructed along the Green River, White River, Willow Creek, Bitter Creek, Sweet  
 252 Water Creek and Hill Creek.

253 A summary of the Ute Indian Tribe's total irrigable acreage, maximum allowable  
 254 depletion and diversion requirement for each of the land groups, by streams, are contained in  
 255 tables 1, 2, and 3, respectively.

256 Delivery schedules specifying the quantity of water to be diverted from the various  
 257 streams are shown in tables 4 through 7. The quantity of water to be diverted into the various  
 258 canals and/or ditches shall be determined based on the irrigable acreage as shown in the  
 259 acreage tabulation, times the flow rate per acre corresponding to the period of time on the  
 260 appropriate delivery schedule. The delivery schedules may be modified by mutual consent of  
 261 the Tribe, State and other affected water users or through the pending general adjudication  
 262 process. No delivery of water shall be made to lands until the lands are developed or an  
 263 appropriate change application is filed and approved. For the Group 1 lands the diversion  
 264 requirement was established at 3.40 acre-feet per acre under the 1980 Ute Indian Water  
 265 Compact, of which 3.00 acre-feet per acre was to have been supplied from direct streamflow in  
 266 accordance with the appropriate delivery schedule and the remaining 0.40 acre-feet per acre  
 267 was to have been supplied from storage under the proposed Uintah and Upalco Units of the  
 268 Central Utah Project. Such water delivered from storage (0.40 acre-feet per acre) was to  
 269 assume, or if developed in the future will assume, the priority date of the Bureau of  
 270 Reclamation water rights to accomplish the equitable allocation of water to all subscribers of  
 271 the projects. Under the 1990 Compact such water will not be developed or delivered under the  
 272 Upalco and Uintah Units. Nevertheless, this tabulation leaves in place the diversion and  
 273 depletion quantities with respect to these Group 1 lands established under the 1980 Compact.

274 Within the group 1 lands there are 9,300 acres commonly referred to as Midview  
 275 Exchange lands. As a result of this exchange these lands are now served from the

275a Ĥ→ [Duschesne] Duchesne ←Ĥ