



WATER-RIGHT DOCKET

Zion National Park

Docket No: 14

FEDERAL RESERVED WATER RIGHTS

State Water Rights Documentation

06-09-2010: Correspondence regarding Update on ZION & Natural Bridges



"Snodgrass, Thomas
(ENRD)"
<Thomas.Snodgrass@usdoj.
gov>

06/09/2010 05:16 PM AST

To <Bill_Hansen@nps.gov>

cc <Jeff_Hughes@nps.gov>

bcc

Subject RE: Update -- Zion National Park and Natural Bridges

Bill, here you go. Let me know if you'd like a color copy of the map.
Thanks.

Tom

-----Original Message-----

From: Bill_Hansen@nps.gov [mailto:Bill_Hansen@nps.gov]

Sent: Wednesday, June 09, 2010 8:50 AM

To: Snodgrass, Thomas (ENRD)

Cc: Jeff_Hughes@nps.gov

Subject: Re: Update -- Zion National Park and Natural Bridges

Tom - great news on both accounts. Can you send me a copy of the final
motion (including the map) submitted to the Court so we can have a copy for
our files. Thanks

Bill Hansen, P.H., C.P.E.S.C.
Program Leader, Adjudications and Information Mgmt. Group
Water Rights Branch, National Park Service
(970) 225-3532; fax (970) 225-9965
email: bill_hansen@nps.gov

"Snodgrass,
Thomas (ENRD)"
<Thomas.Snodgrass
@usdoj.gov>

06/04/2010 10:23
AM

<Bill_Hansen@nps.gov>,
<James_Harte@nps.gov>,
<james.karkut@sol.doi.gov>

To

cc

Subject

Update -- Zion National Park and
Natural Bridges

Hello all,

Good news. The court has approved the parties' motion to amend the Zion
reserved water rights agreement to substitute the new Exhibit D. I've
attached a copy of the order (which I received while out on travel).

Also, the Natural Bridges proposed settlement has been transmitted up the chain, with a request for a decision by June 22. I hope to have a final decision by then.

Hope all is well,

Tom



DENVER-#286865-v1-Virgin_River-Motion_to_Amend_Zion_Res_Water_Rights_Agt-As_Filed.PDF

98-1-2-1256
orig: sm
cc: TS

**COPY FOR YOUR
INFORMATION**

MICHAEL M. QUEALY, 2667
L. WARD WAGSTAFF, 5554
Assistant Attorneys General
MARK L. SHURTLEFF, 4666
UTAH ATTORNEY GENERAL
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116
Telephone: (801) 538-7227

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO
2010 MAY 12 AM 11:02

Attorneys for the Utah State Engineer

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

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

**JOINT MOTION TO CORRECT
CLERICAL ERROR**

Civil No. 800507596 (81-6)

Judge James L. Shumate

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.

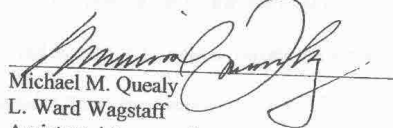
6. More specifically, the original Appendix D map illustrates the drainage areas upstream from the Park which are subject to the subordination provision of Article II.C. The relevant areas are shown in blue. The Parties have recently discovered that Appendix D inadvertently failed to include several 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.

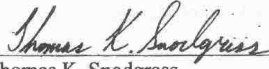
DATED this 10th day of May, 2010.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL


Michael M. Quealy
L. Ward Wagstaff
Assistant Attorneys General
Attorneys for the Utah State Engineer

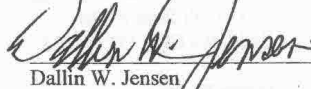
IGNACIA S. MORENO
Assistant Attorney General

IGNACIA S. MORENO
Assistant Attorney General



Thomas K. Snodgrass
United States Department of Justice
Environmental and Natural Resources Division
Natural Resources Section
Attorneys for the United States

PARSONS, BEHLE & LATIMER



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 10th 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:

Thomas K. Snodgrass
U.S. Department of Justice
Environmental and Natural Resources
1961 Stout Street, 8th Floor
Denver, CO 80294

James Karkut
U.S. Department of the Interior
125 South State # 6201
Salt Lake City, UT 84138

Dallin W. Jensen
Parsons, Behle, & Latimer
201 South Main Street, Suite 1800
P.O. Box 45898
Salt Lake City, UT 84145

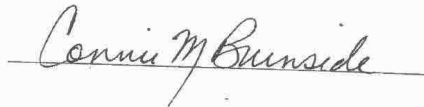
A handwritten signature in cursive script, reading "Connie M. Buonside", is written over a horizontal line.

EXHIBIT A

2 This Agreement is made and entered into by and among the United States of
3 America (United States), the State of Utah (Utah), the Washington County Water
4 Conservancy District (Washington District), and the Kane County Water
5 Conservancy District (Kane District).

7 A. Utah, pursuant to Chapter 4, Title 73, Utah Code Ann. 1953, as amended,
8 initiated a statutory adjudication of water rights on July 21, 1980, in the Fifth
9 Judicial District Court of the State of Utah in and for Washington County, Civil No.
10 800507596, which encompasses all the rights to the use of water, both surface
11 and underground, within the drainage area of the Virgin River and its tributaries in
12 Utah.

13 B. The United States has been joined as a party to this statutory adjudication
14 pursuant to the provisions of 43 U.S.C. § 666. A "Statement of Water User's
15 Claims on behalf of the United States of America on Lands Administered by the
16 Department of the Interior, National Park Service, for Division No. 3," was filed on
17 May 18, 1987.

18 C. In order to remove causes of present and future controversy over the waters
19 of the Virgin River system without further litigation, the United States, Utah and
20 the Washington and Kane Districts have conducted extensive negotiations regarding

1 the settlement of reserved water right claims filed by the United States for Zion
2 National Park (or Park).

3 D. These negotiations have resulted in the recognition of the reserved water
4 rights of the United States for Zion National Park and also the agreement of the
5 United States to subordinate its reserved water rights to existing State water
6 rights, and to allow for some potential future development of water above Zion
7 National Park, as set forth herein.

8 E. Pursuant to the terms of this Agreement, the Washington District has agreed
9 to abandon two major reservoir sites above Zion National Park, the Bullock site on
10 the Upper North Fork Virgin River and a site in the Barracks area of Parunuweap
11 Canyon on the East Fork Virgin River (East Fork). Steps have also been taken
12 which have resulted in the elimination of a proposal to divert water out of the Virgin
13 River Basin from points above the Park. The Washington District has identified
14 potential projects below the Park, which include: (1) the Sand Hollow Reservoir
15 Project; (2) a collection system and pipeline to divert the flows of Pah Tempe (La
16 Verkin) Springs; (3) securing a reduction in the minimum flows required in the
17 Virgin River from 86 to 50 cubic feet per second (cfs) during the period of
18 November 1 to March 31; and (4) the Ash Creek Project. A more detailed
19 description of each of these four projects is set forth in the draft Virgin River
20 Management Plan dated May 2, 1996.

21 F. The terms and provisions of the Zion National Park Settlement Agreement are
22 set forth below.

NOW, THEREFORE, based on the mutual promises contained herein, the parties agree as follows:

AGREEMENT

Article I: Federal Reserved Water Rights for Zion National Park

A. To fulfill the purposes for which lands now comprising Zion National Park were reserved from the public domain, the United States has water rights for all federal lands within the present boundaries of Zion National Park that were reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States. This federal reserved water right originates and is defined in federal law. The aliquot part descriptions of these reserved lands are set forth in the applicable proclamations, executive orders, and legislation identified below and in Appendix A. The United States has a reserved right to all water underlying, originating within or flowing through Zion National Park, including perennial, intermittent, and ephemeral streams, springs, seeps, lakes, ponds, ground water, and other natural sources of water, pertaining or belonging to the reserved lands, that was unappropriated as of the dates of reservation of the lands now within the boundaries of the park, which waters are to remain in a free flowing condition, subject to present and future administrative uses necessary to fulfill reservation purposes. The date of priority for either in-stream or administrative uses of the United States' federal reserved water rights for Zion National Park will be the date on which the place of use was first reserved from the public domain.

1 B. By virtue of mesne conveyances and appropriations, the United States also
2 holds state appropriative rights in wells, springs and surface diversions on streams,
3 at the locations, in the amounts, and for the uses indicated in the table attached as
4 Appendix B. Water diverted and used for present and future administrative
5 purposes necessary to fulfill reservation purposes will first be satisfied from existing
6 state appropriative rights held by the United States for Zion National Park. In
7 addition to the water provided by the state appropriative rights listed in Appendix B,
8 at least 466 acre-feet per year (AFY) may be diverted and used from those waters
9 reserved for Park purposes, in order to satisfy the administrative needs of the Park.
10 At least 180 days prior to placing any increment of this federal reserved water right
11 for administrative purposes to use or changing the use thereof, the United States
12 agrees to provide notice to the State Engineer concerning the location and means of
13 diversion, the source, quantity, and diversion rate of water, depth and diameter of
14 well (if applicable), the nature of use, the anticipated effective date, and a map
15 depicting the existing system and proposed modifications. This information will be
16 publicly available. The total amount of water available for Park administrative
17 purposes under state and federal reserved rights combined shall not exceed 1295
18 AFY. The state appropriative rights identified in this paragraph and in Appendix B,
19 and the federal reserved water rights for administrative purposes identified in this
20 paragraph, are not subject to the subordination set forth in Article II.
21 C. The purposes for which Zion National Park was established and priority dates
22 to water reserved therefor are as identified in Presidential Proclamation No. 877, 36

Stat. 2498, dated July 31, 1909; Presidential Proclamation No. 1435, 40 Stat.
2 1760, dated March 18, 1918; the Act of November 19, 1919, 41 Stat. 356;
3 Executive Order No. 4181, dated March 24, 1925; Executive Order No. 5037,
4 dated January 28, 1929; the Act of June 13, 1930; 46 Stat. 582; Presidential
5 Proclamation No. 2221, 50 Stat. 1809, dated January 22, 1937; the Act of July
6 11, 1956, 70 Stat. 527; the Act of February 20, 1960, 74 Stat. 4; the Antiquities
7 Act of June 8, 1906, 59 Stat. 225, 16 U.S.C. § 431; the Act of October 21,
8 1976, 90 Stat. 2732; and the National Park Service Establishment Act, 64 Stat.
9 535, 16 U.S.C. § 1. The purposes and uses of the reserved water rights include
10 the preservation of extraordinary examples of canyon erosion, preservation of the
11 area for scientific research, protection of objects of historic and scientific interest
and, pursuant to the National Park Service Establishment Act, conservation of "the
13 scenery and the natural and historic objects and the wild life therein and to provide
14 for the enjoyment of the same in such manner and by such means as will leave
15 them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1.
16 Accordingly, for enforcement purposes, the federal reserved water right for Zion
17 National Park shall be deemed to comprise those waters in the Virgin River Basin as
18 set forth in Article I.A. and I.B., less those quantities subject to the subordinations
19 set forth below. The federal reserved water rights recognized hereby include all
20 water rights of every nature and description derived from the reserved water rights
21 doctrine, from all sources of water, both surface and underground, and includes all

1 types and kinds of uses whatsoever, and encompasses all claims asserted by or
2 through the United States for Zion National Park as now constituted.

3 Article II. Subordination of Federal Reserved Water Rights

4 A. The United States subordinates the non-administrative federal reserved water
5 rights described in Article I.A., subject to the limitations contained herein, to all
6 valid existing perfected water rights and approved applications with priority dates
7 prior to January 1, 1996, and to certain new diversions and depletions, as set forth
8 more specifically below.

9 B. Generally

10 1. No reservoir shall be located upstream of Zion National Park on the main
11 stems of the East Fork, the North Fork of the Virgin River (North Fork), La Verkin
12 Creek, Deep Creek, Crystal Creek, or on any tributary of the North Fork or East
13 Fork, except as specifically provided herein.

14 2. Any flood control structure constructed upstream of the Park shall be
15 designed only to attenuate high flows which are dangerous to life or property. The
16 parties agree to consult on flood control proposals and will develop operational
17 guidelines by mutual consent which are consistent with this Agreement and which
18 will protect the resources of Zion National Park.

19 3. A ground water protection zone shall be established as shown in Appendix
20 C for the drainage basins of the East and North Forks, located up gradient and

within 2 miles of the park boundary. Development of ground water within this zone shall be limited to a diversion rate of 35 gallons per minute (gpm) or less per well, shall withdraw no more than 15 AFY per well, and is subject to the overall limitations on depletions contained in Articles II.C.1. and II.D.1., respectively.

C. North Fork of the Virgin River and Certain Other Streams

1. Subject to the limitations contained herein, the United States' subordination extends 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 of 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 (see Appendix D), distributed as described below.

a) There may be up to 3,750 AFY of new depletion in the drainage basin of the Upper North Fork (North Fork Virgin River above the confluence with Deep Creek), Crystal Creek, Deep Creek, and Kolob Creek, with no more than 1,000 AFY occurring in each the Upper North Fork and Crystal Creek, no more than 2,000 AFY in Kolob Creek, and no more than 750 AFY in Deep Creek (excluding Crystal Creek) with a maximum of 250 AFY being taken from surface water in Deep Creek, resulting from the new development of water resources, except that

i) if the Washington District develops a project which diverts Crystal Creek flows to Kolob Reservoir (Water Right Number 81-355, A29398 or

1 other subsequent application filed to cover this project) and such diversions exceed
2 1,000 AFY, then no other new depletions within the Crystal Creek drainage are
3 allowed. All depletion of water attributable to the Crystal Creek/Kolob Reservoir
4 project shall be charged against the overall depletion limit of 6,000 AFY for the
5 drainage basin of the North Fork Virgin River and other streams set forth in Article
6 II.C.1.,

7 ii) the maximum diversion rate from Crystal Creek to Kolob
8 Reservoir shall not exceed 50 cfs,

9 iii) the average annual diversion from Crystal Creek to Kolob
10 Reservoir shall not exceed 4,000 acre-feet (AF) less any amounts exchanged to
11 ground water development, based on a 5-year moving average,

12 iv) the maximum annual diversion from Crystal Creek shall not
13 exceed 6,000 AF, less any amounts exchanged to ground water development,

14 v) the active storage capacity of Kolob Reservoir shall not be
15 increased beyond its present capacity by more than 4,000 AF,

16 vi) the flow of Crystal Creek immediately below its confluence
17 with Spanish Hollow shall be maintained at no less than 0.5 cfs when diversions
18 are being made from Crystal Creek,

19 vii) new surface water diversions from Deep Creek and its
20 tributaries downstream of the confluence of Deep Creek and Crystal Creek shall not
21 cumulatively exceed 1 cfs,

viii) new surface water diversions on the Upper North Fork shall
not exceed the lesser of a) one-half of the existing flow, measured immediately
upstream of the diversion, or b) that rate of diversion which maintains a flow of 2
cfs in the channel immediately below the diversion,

ix) the regulated discharge from Kolob Reservoir shall not
exceed 35 cfs, except for matters involving dam safety.

b) There may be up to 750 AFY of new depletion per drainage, with
no more than 250 AFY per drainage from surface water, from La Verkin Creek,
North Creek, and Orderville Canyon, and up to 250 AFY of new depletion per
drainage from surface and groundwater combined, from Camp Creek, Clear Creek,
Goose Creek, Echo Canyon, Shunes Creek, and Taylor Creek.

c) No new reservoirs upstream of the Park with individual total storage
capacities of more than 20 AF shall be constructed in any of the drainages covered
by Article II.C., with the exception of the proposed enlargement of Kolob Reservoir.

d) New reservoirs upstream of the Park with individual total storage
capacities which are less than or equal to 20 AF and located in any of the drainages
covered by Article II.C. shall not be limited as to number but shall be subject to the
overall limitation upon depletion contained in Article II.C.1.

D. East Fork of the Virgin River

1. Subject to the limitations contained herein, the United States'
subordination also extends to new diversions and depletions from surface and
ground water sources in the East Fork upstream or up gradient of the eastern

1 boundary of Zion National Park, of up to but not to exceed a total depletion of
2 5,000 AFY (see Appendix D), with no more than 3,250 AFY occurring from surface
3 water, as set forth more specifically below.

4 a) One or more new reservoirs with cumulative active storage capacity
5 of up to but not to exceed 6,750 AF may be constructed on Stout Creek, Lydia's
6 Canyon, Muddy Creek or Cove Canyon (not both), East Fork above Stout Canyon,
7 and on other tributaries of the East Fork upstream of Glendale (see Appendix E).

8 b) The number of new reservoirs at the locations described in Article
9 II.D.1.a) above, having individual total storage capacities greater than 20 AF, shall
10 not exceed 10.

11 c) New reservoirs with individual total storage capacities which are
12 less than or equal to 20 AF shall not be limited as to number but shall be subject to
13 the overall limitation upon depletion in Article II.D.1.

14 2. New surface water diversions on the East Fork or its tributaries shall not
15 cumulatively exceed 60 cfs.

16 3. The existing flow or 2 cfs, whichever is less, shall be maintained
17 immediately below any new surface water diversion to reservoirs constructed on
18 streams defined in Article II.D.1.a).

19 4. The existing flow or 1 cfs (including seepage), which ever is less, shall be
20 maintained immediately below any new reservoir constructed on streams defined in
21 II.D.1.a).

5. Cumulative releases from new reservoirs constructed on streams defined in II.D.1.a) above, shall not increase the flow measured at the U.S. Geological Survey (USGS) gage on the East Fork Virgin River near Springdale (USGS No. 09404900), by more than 25 cfs during any 7-day period and shall not exceed the long-term monthly average at the Springdale gage by more than 15 cfs. As measured at said gage, the maximum instantaneous flow attributable to releases from such reservoirs shall not exceed 50 cfs, except for matters involving dam safety.

6. Surface water diversions to new reservoirs described in II.D.1.a) above shall not occur except during the period from November 1 to May 31, subject to the by-pass flow requirements described above.

Article III: Other Provisions

A. During the month of March each year, a meeting will be scheduled between Zion National Park and the Washington District to discuss forecasted runoff, water levels in Kolob Reservoir and the anticipated schedule and duration for that year's reservoir releases. Other details concerning Kolob Reservoir releases will be worked out by separate agreement, if necessary.

B. This Agreement shall be effective immediately upon the completion of a land exchange between the U.S. Bureau of Land Management (BLM) and the Washington District, whereby the Washington District acquires title to BLM public lands at the site of the proposed Sand Hollow Reservoir.

1 C. If any federal legislative or administrative action hereafter prevents the State of
2 Utah from permitting development and use of water in any drainage or subdrainage
3 subject to the subordination of the United States' federal reserved water right for
4 Zion National Park herein contained, the undeveloped remainder of the water herein
5 listed as available for future development in such drainage or subdrainage shall be
6 made available in one or more other drainages covered by this Agreement. In the
7 event of such federal legislative or administrative action, the parties hereto shall
8 attempt to agree as to the drainage or drainages in which any such relocated
9 quantity may be developed and how the limitations of the United States'
10 subordination will be modified to facilitate the transfer of such water, provided that
11 such development must occur within the drainages herein identified, and that no
12 party will unreasonably withhold consent to such relocation.

13 D. The subordination to listed quantities and locations of future water development
14 shall not be effective to the extent and upon proof that specific wells have caused,
15 are causing, or may cause specific and significant adverse impacts to an identifiable
16 resource or resources of Zion National Park. This notwithstanding, the provisions
17 of this paragraph shall not apply to any groundwater rights presently perfected or
18 approved under State law, with priority dates prior to January 1, 1996.

19 E. If any provision of this Agreement is found to be unlawful and of no effect, the
20 remaining provisions shall remain in effect and fully binding on the parties, and if
21 necessary, the parties hereto shall resume negotiations to revise any such unlawful
22 provision.

F. Upon a proper showing of necessity, the provisions of this Agreement may be modified, with proper notice and concurrence of the Court, only upon the mutual consent of the parties to this Agreement, which consent shall not be unreasonably withheld.

G. Because of the unique nature of Zion National Park, nothing in this Agreement shall constitute an admission, waiver or precedent as to any party for any other federal reserved water right claim in the State of Utah.

H. Nothing in this Agreement shall be construed or interpreted to:

1. in any way affect the water rights of the United States in the Virgin River Basin for agencies and interests other than Zion National Park;

2. establish any standard to be used for the quantification of federal reserved water rights in any other judicial or administrative proceeding;

3. limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Agreement;

4. restrict the power of the United States to reserve water in the future, or to acquire additional rights to the use of water under the laws of the State of Utah; or

5. restrict the power of the State of Utah or the State Engineer in allocating, administering or distributing the waters of the State.

I. Upon becoming effective, this Agreement will be the subject of a separate proposed determination of water rights issued by the State Engineer specifically covering the portion of the Virgin River Basin encompassing Zion National Park, and

1 the parties hereto will cooperate to obtain an interlocutory decree covering same. If
2 the parties hereto are not successful in securing such interlocutory decree, this
3 Agreement shall nevertheless remain binding as among the parties hereto until a
4 final decree issues covering these water rights. The water rights of the United
5 States, as set forth and quantified herein, shall be protected under State law in the
6 same manner as any water right originating under State law, without losing its
7 character as or the attributes of a federal reserved water right as provided under
8 federal law.

9 J. The provisions of this Agreement, and particularly the provisions of Article II
10 hereof, shall be taken into consideration by the State Engineer in acting upon
11 applications, under State law, for new appropriations or change applications
12 upstream or up gradient of Zion National Park and shall be afforded the same
13 consideration in such proceedings as state appropriative rights; however, the United
14 States shall have the primary responsibility for protecting its own rights and for
15 filing appropriate protests in any proceedings before the State Engineer.

16 K. Upon entry of a decree covering the water rights of the United States for Zion
17 National Park, the East Entrance Well and the Taylor Creek Well, described in
18 Appendix F, will be administered with priority dates of June 13, 1930, and January
19 22, 1937, respectively, pursuant to the terms of Article I.A., and the State
20 appropriative water rights thereon will be withdrawn.

L. Upon written request from the United States, the State Engineer will provide information regarding new diversions and total depletions of water in the respective drainages above the Park pursuant to Article II of this Agreement.

M. Depletion amounts attributable to specific diversions, as well as to usage and storage patterns, shall be determined by procedures approved by the parties hereto.

N. This Agreement is executed in quintuplicate. Each of the five copies bearing original signatures shall be deemed an original.

Article IV: Definitions

Acre-foot - The amount of water necessary to cover one acre of land to a depth of one foot, equivalent to 43,560 cubic feet or 325,851 gallons.

Active Storage Capacity - The volume of water available for release from a reservoir between the bottom of the outlet and the bottom of the spillway. This shall not include any storage designated as dead storage or a conservation pool.

Annual - Period of time which begins on October 1 and ends on September 30 (water year).

Depletion - The amount of water which is consumptively used by any action or process or otherwise removed from a drainage basin and not returned thereto.

1 **Diversion** - The removal of water from its natural source by means of a dam, ditch,
2 canal, flume, bypass, pipeline, conduit, well, pump, or other act of man, that
3 results in a decrease in the amount of water in the source at the point of such
4 removal.

5 **Existing Flow** - Annual, monthly and daily flows which exist as of the effective date
6 of this Agreement, which reflect historical diversions and depletions associated
7 with existing perfected water rights and approved applications (except for Water
8 Right No. 81-355, A29398 on Crystal Creek), as determined from available stream
9 gage records and accepted hydrologic methods.

10 **Ground Water** - Water beneath the surface of the earth in pores, crevices, and
11 spaces in rock and soil, under saturated conditions and in sufficient quantities to
12 supply water to wells, springs, seeps, rivers, streams, creeks, and natural lakes.

13 **New** - After January 1, 1996.

14 **Reservoir** - A man-made impoundment for storing water from which water may be
15 withdrawn for beneficial purposes. Impoundments constructed solely for flood
16 control or sediment retention are specifically excluded.

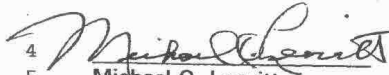
Surface Water - Water on the surface of the earth in rivers, streams, creeks,
2 channels, lakes, reservoirs and other water bodies. Wells within the 500-year
3 floodplain of the East and North Forks of the Virgin River, Camp Creek, Clear Creek,
4 Crystal Creek, Deep Creek, Echo Canyon, Goose Creek, Kolob Creek, La Verkin
5 Creek, Orderville Canyon, Shunes Creek, or Taylor Creek, which are less than 100
6 feet in depth, shall be considered to draw from surface water.

7 **Year** - A calendar year commencing January 1 and ending December 31.

1 It being resolved and agreed to as delineated above, the undersigned parties
2 express their mutual agreement hereto this 4th day of December, 1996.

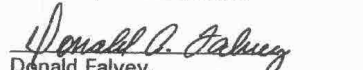
3 For the State of Utah:

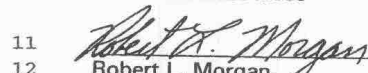
For the United States:

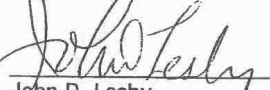
4 
5 Michael O. Leavitt
6 Governor, State of Utah

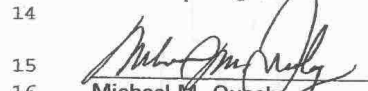

Bruce Babbitt
Secretary of the Interior

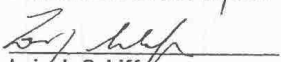
7 
8 Ted Stewart
9 Director, Utah Department
10 of Natural Resources

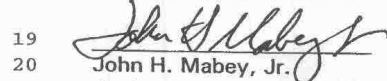

Donald Falvey,
Superintendent, Zion National Park

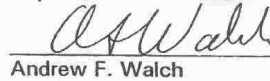
11 
12 Robert L. Morgan,
13 Utah State Engineer


John D. Leshy
Solicitor
Department of the Interior

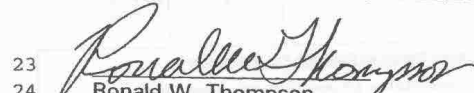
15 
16 Michael M. Quealy
17 Chief, Natural Resources
18 Attorney General's Office


Lois J. Schiffer
Assistant Attorney General
Department of Justice

19 
20 John H. Mabey, Jr.
21 Assistant Attorney General


Andrew F. Walch
Department of Justice

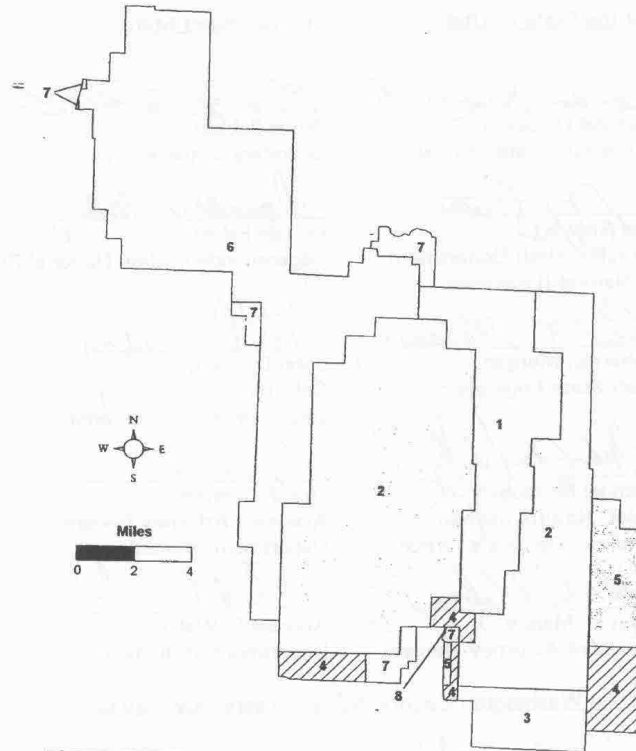
22 For the Washington County Water Conservancy District:

23 
24 Ronald W. Thompson

25 For the Kane County Water Conservancy District:

26 
27 Todd Macfarlane

APPENDIX A DATES OF LAND RESERVATIONS ZION NATIONAL PARK



LEGEND: Lands Reserved from the Public Domain

- | | |
|---|--|
| 1 | National Monument withdrawal by Presidential Proc. 877, dated July 31, 1909 (36 Stat. 2498).
Designated a National Park by the Act of November 19, 1919 (41 Stat. 356). |
| 2 | National Monument withdrawal by Presidential Proc. 1435, dated March 18, 1918 (40 Stat. 1760).
Designated a National Park by the Act of November 19, 1919 (41 Stat. 356). |
| 3 | National Monument withdrawal by Executive Order 4181, dated March 24, 1925.
Designated a National Park by the Act of June 13, 1930 (46 Stat. 582). |
| 4 | National Monument withdrawal by Executive Order 5037, dated January 28, 1929.
Designated a National Park by the Act of June 13, 1930. (46 Stat. 582) |
| 5 | Withdrawal for National Park by the Act of June 13, 1930 (46 Stat. 582). |
| 6 | National Monument withdrawal by Presidential Proc. 2221, dated January 22, 1937 (50 Stat. 1609).
Designated a National Park by Act of July 11, 1956 (70 Stat. 527). |
| 7 | Added to and made part of the National Park by the Act of February 20, 1960 (74 Stat. 4). |
| 8 | Added to and made part of the National Park by the Act of October 21, 1976 (90 Stat. 2732). |

**APPEAL X B
STATE APPROPRIATIVE WATER RIGHTS
ZION NATIONAL PARK**

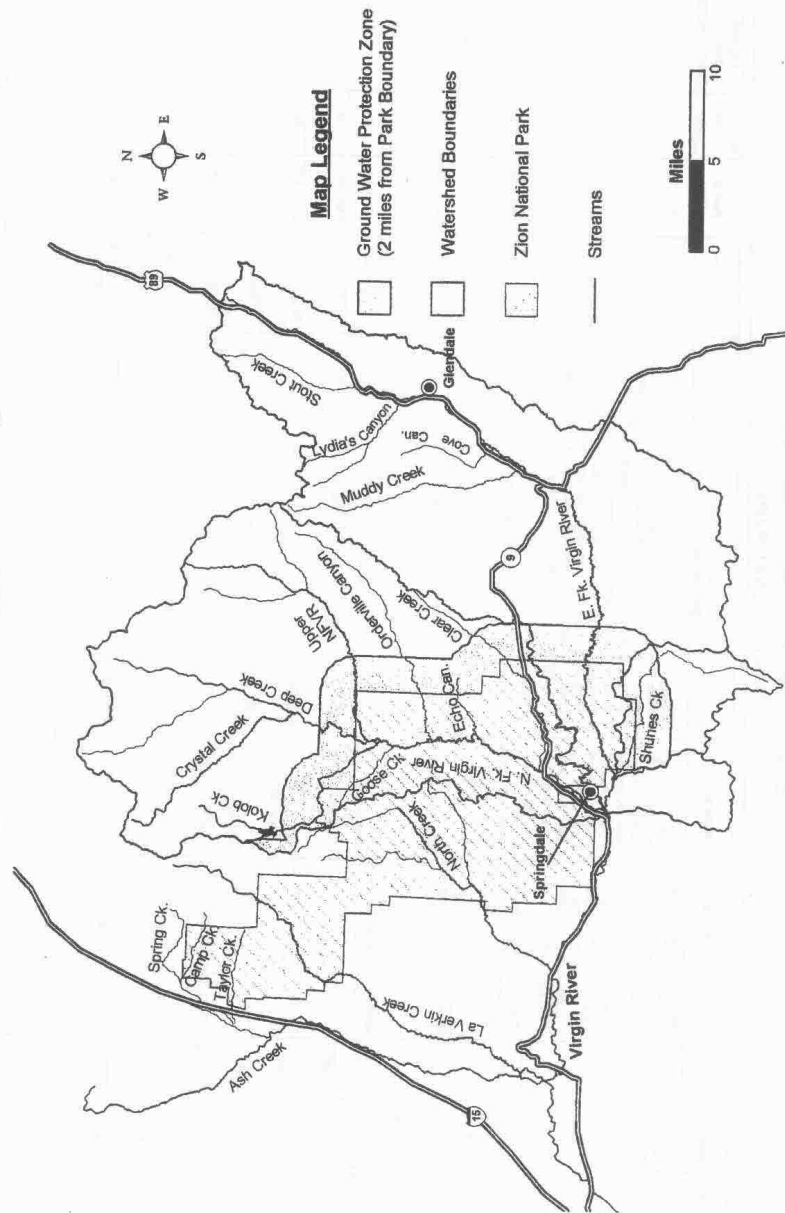
ZION NATIONAL PARK										
WUC. No.	Right Evidenced By:	Priority Date	Diversion Works	Water Source	Legal Location (Salt Lake Basin & Meridian)	Type of Use	Period of Use	Diversion Rate (cfs)	Irrigated Acres in Original Decree	Volume of Use** (acre-feet)
81-1128	CERT. a222, Award No. 66 of the Virgin River Decree	1877	[Zion Canyon Water System] [†] CRAWFORD DITCH GIFFORD DITCH OAK CK. SPG. AREA BIRCH CK. SPG. AREA SINAWAVA SPRINGS SCOUT LKOUT PIPELINE UPPER GROTTO SPG. A. LOWER GROTTO SPG. A. WYLLIE RETREAT SPG. A.	North Fk. Virgin R. North Fk. Virgin R. Oak Ck. Springs Birch Ck. Springs Sinawava Spgs Scout Lkout Spgs Upper Grotto Spgs Lower Grotto Spgs Wyllie Retreat Spgs	N 50 deg. 25' E. 1988 ft. from NE Cor. Sec. 21, T41S, R10W N 41deg 28' 46" E. 1433.80 ft. from NE Corner, Sec. 21, T41S, R10W S 88deg 56' E. 9151.95 ft. from NE Corner, Sec. 21, T41S, R10W N 21deg 43' E. 27001.20 ft. from NE Corner, Sec. 21, T41S, R10W N 18deg 43' E. 27901.20 ft. from NE Corner, Sec. 21, T41S, R10W N 18deg 59' E. 25095.34 ft. from NE Corner, Sec. 21, T41S, R10W N 29deg 47' E. 17059.55 ft. from NE Corner, Sec. 21, T41S, R10W N 31deg 38' E. 18223.11 ft. from NE Corner, Sec. 21, T41S, R10W N 32deg 25' 25" E. 13167.50 ft. from NE Corner, Sec. 21, T41S, R10W	MUNICIPAL	01/01-12/31	1.21	66.7	266.8
81-1124	CERT. a224, Award No. 63 of the Virgin River Decree	1881	[Zion Canyon Water System] [†] Same As Cert. a222	Same As Cert. a222	Same As Cert. a222	MUNICIPAL	01/01-12/31	0.53	29.4	117.6
81-1129	CERT. a223, Award No. 65 of the Virgin River Decree	1884	[Zion Canyon Water System] [†] Same As Cert. a222	Same As Cert. a222	Same As Cert. a222	MUNICIPAL	01/01-12/31	0.53	29.0	116
81-117	A10618 CERT. a221	05/31/29	[Zion Canyon Water System] [†] Same As Cert. a222	Same As Cert. a222	Same As Cert. a222	MUNICIPAL	01/01-12/31	0.01	—	3.15
81-3508	Award No. 67 of the Virgin River Decree	1880	FLANIGAN DITCH	North Fk. Virgin R.	S. 550 ft. and E. 850 ft. from the NW Corner, Sec. 22, T41N, R10W	IRRIGATION	01/01-12/31	1.38	75.9	303.6
81-728	DILIGENCE CLAIM No. 1031	1900	—	EARL SPRING	S. 340 ft. and E. 900 ft. from NW Corner, Sec. 9, T40S, R11W	DOMESTIC & STOCKWATER	03/01-11/30	0.082	—	1.73
81-113	A3113 CERT. 1197	05/24/19	—	UNNAMED SPRING	S. 957 ft. and W. 841.5 ft. from NE Corner, Sec. 5, T40S, R11W	DOMESTIC	01/01-12/31	0.0002	—	0.14
81-327	A28355 NPR	07/18/56	10 INCH DIAMETER WELL 68 FEET DEEP	SPENDLOVE WELL	N. 1700 ft. and W. 600 ft. from SE Corner, Sec. 8, T40S, R11W	DOMESTIC	03/01-11/30	0.015	—	0.34
81-514	A34269 a10851 Cert. 10754	05/03/62	8 INCH DIAMETER WELL 925 FEET DEEP	EAST ENTRANCE WELL	S. 75 deg. 54' 20" W., 6382 ft. from N 1/4 cor Sec. 21 T41S, R9W	IRRIGATION, STOCKWATER, DOMESTIC & OTHER	01/01-12/31	0.0223	—	10
81-1373	A36328a a7522 Cert. 9697	08/13/64	7 INCH DIAMETER WELL 387 FEET DEEP	HAMILTON WELL	S. 2810.7 ft. and E. 1857.4 ft. from E 1/4 cor Sec. 8, T40S, R11W	IRRIGATION & DOMESTIC	01/01-12/31	—	0.25	1.73
81-662	A36782 Approved Proof filed 10/14/92	02/23/65	6 INCH DIAMETER WELL 206 FEET DEEP	TAYLOR CREEK WELL	N. 3348 ft. and E. 2873 ft. from SW Corner, Sec. 28, T38S, R12W	DOMESTIC & OTHER	01/01-12/31	0.0688	—	7.94
									Total Volume: 829 acre-feet	

* -- Water is diverted from various sources and commingled in the ZION CANYON WATER SYSTEM. The water rights, as described in each of the individual certificates, entitles the United States to "...divert the water at any, each, or all of the... described points of diversion..."

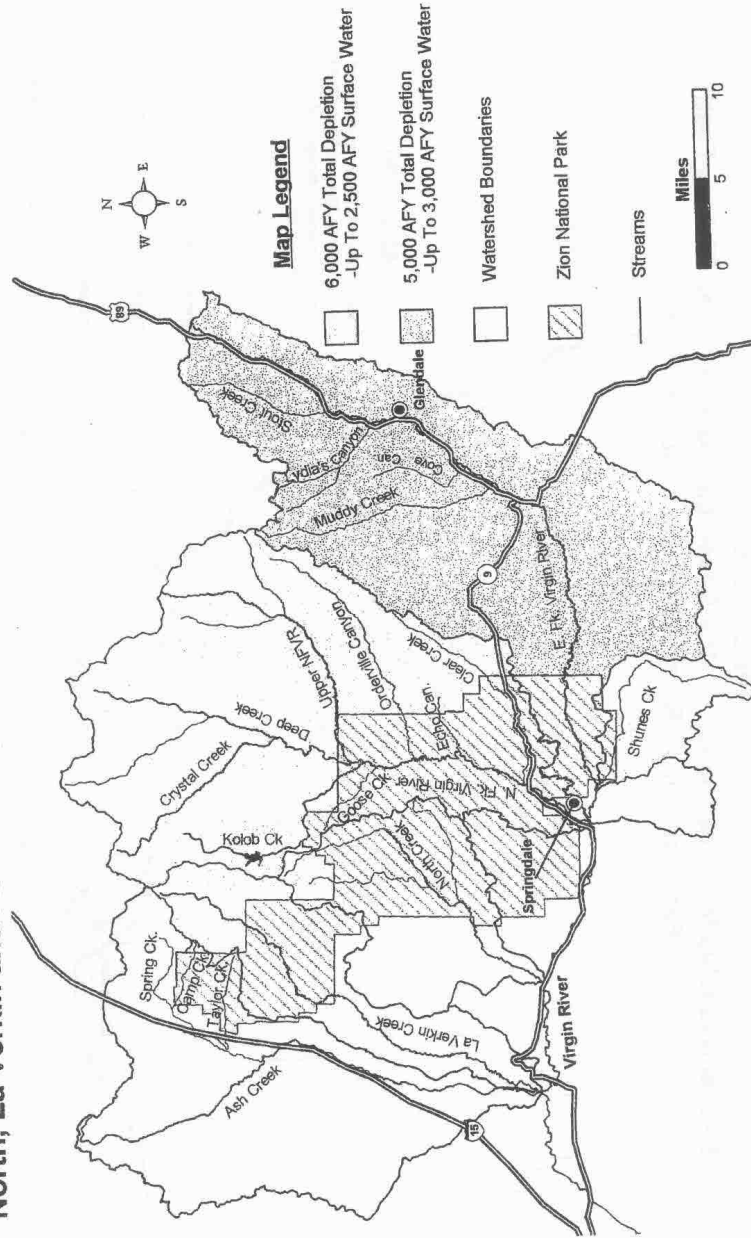
** -- Water Right Volumes are calculated using the following assumptions:

- a water duty of 4 ac-ft. per acre is used for irrigable land
- a value of 0.45 ac-ft. per family of four is used for domestic use
- a value of 10 gallons per visitor is used for use by park visitors (EPA-370-9-89-004)
- a value of 2.8 ac-ft. per one-hundred head of livestock is used for stockwater use

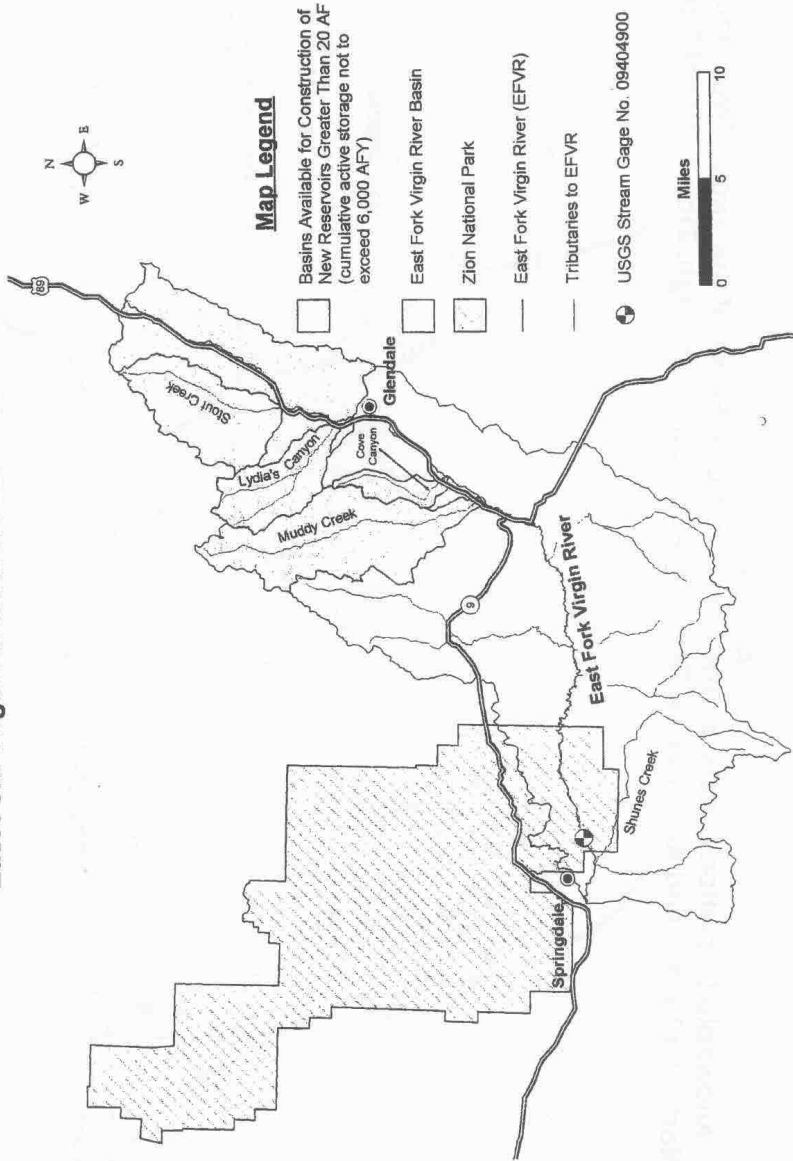
APPENDIX C
GROUND WATER PROTECTION ZONE
East and North Forks of the Virgin River



APPENDIX D
Allowable Depletion Levels for the East and North Forks of the Virgin River, and
North, La Verkin and Ash Creeks, Draining Above, and Through, Zion National Park



APPENDIX E **Basins Available for Construction of New Reservoirs (Greater Than 20 Acre-Feet)** **East Fork Virgin River Above Zion National Park**



APPENDIX F
DIVERSION WORKS ASSOCIATED WITH FEDERAL RESERVED WATER RIGHTS
ZION NATIONAL PARK

Water Source	Diversion Works	Priority Date	Legal Location (Salt Lake Basin & Meridian)	Type of Use	Period of Use	Diversion Rate (cfs)
EAST ENTRANCE WELL	8 INCH DIAMETER WELL 925 FEET DEEP	06/13/30	S.75 deg.54'20" W., 6382 ft. from N 1/4 cor Sec. 21 T41S, R9W	IRRIGATION, STOCKWATER, DOMESTIC & OTHER	01/01-12/31	0.0223
TAYLOR CREEK WELL	6 INCH DIAMETER WELL 206 FEET DEEP	01/22/37	N. 3348 ft. and E. 2873 ft. from SW Corner, Sec. 29, T38S, R12W	IRRIGATION, DOMESTIC & OTHER	01/01-12/31	0.0688

EXHIBIT B

COPY

MICHAEL M. QUEALY, No. 2667
L. WARD WAGSTAFF, No. 5554
Assistant Attorneys General
MARK L. SHURTLEFF, No. 4666
UTAH ATTORNEY GENERAL
ATTORNEYS FOR UTAH STATE ENGINEER
1594 West North Temple, Suite 300
SALT LAKE CITY, UT 84114-0855
Telephone: (801) 538-7227

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	)	INTERLOCUTORY DECREE
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	)	
	)	
	)	
	)	CIVIL NO. 800507596 (81-6)
ZION NATIONAL PARK DIVISION	)	
AREA 81, BOOK 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:

Michael M. Quealy
L. Ward Wagstaff
Assistant Attorneys General
1594 West North Temple, Suite 300
Salt Lake City, Utah 84114-0855
For the State Engineer

Andrew F. Walch
General Litigation Section
Environment and Natural Resources Div.
999 18th Street, Suite 945
Denver, CO 80202
For the United States

Dallin W. Jensen
Parsons Behle & Latimer
201 South Main
P.O. Box 45898
Salt Lake City, UT 84145
For Washington County Water Conservancy District

Eric S. Lind
34 North Main
Kanab, UT 84741
For Kane County Water Conservancy District

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.

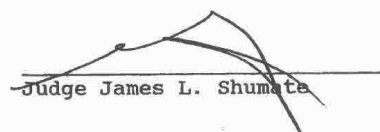
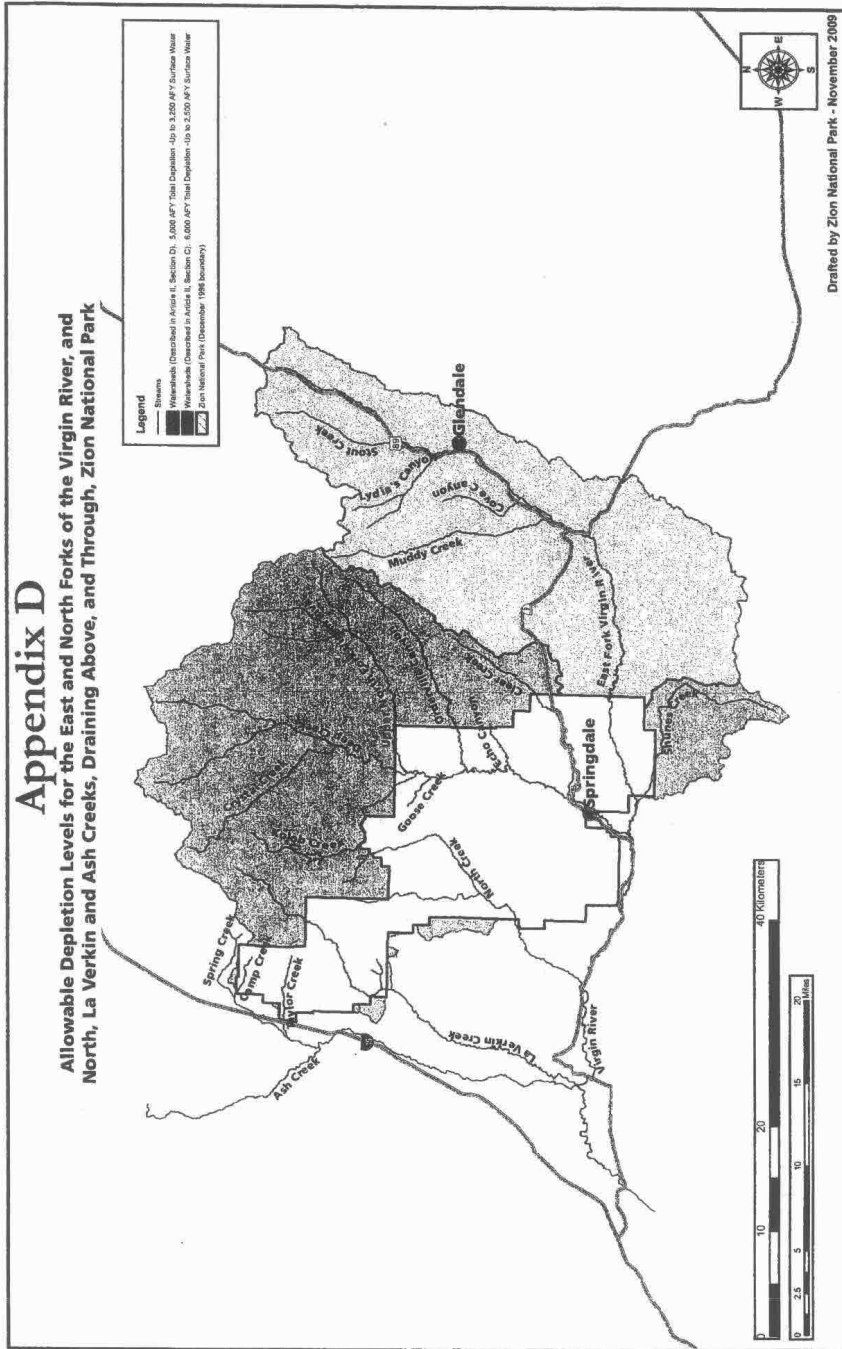

~~Judge James L. Shumate~~

EXHIBIT C



BY _____

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

I. PARTIES AND COUNSEL OF RECORD

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

Michael M. Quealy
L. Ward Wagstaff
Assistant Attorneys General
1594 West North Temple, Suite 300
Salt Lake City, Utah 84114-0855
For the State Engineer

Andrew F. Walch
General Litigation Section
Environment and Natural Resources Div.
999 18th Street, Suite 945
Denver, CO 80202
For the United States

Dallin W. Jensen
Parsons Behle & Latimer
201 South Main
P.O. Box 45898
Salt Lake City, UT 84145
For Washington County Water Conservancy District

Eric S. Lind
34 North Main
Kanab, UT 84741
For Kane County Water Conservancy District

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.

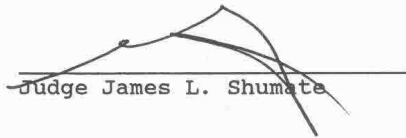
IV. CORRECTIONS

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

ZION NATIONAL PARK WATER RIGHTS SETTLEMENT AGREEMENT

This Agreement is made and entered into by and among the United States of America (United States), the State of Utah (Utah), the Washington County Water Conservancy District (Washington District), and the Kane County Water Conservancy District (Kane District).

RECITALS

A. Utah, pursuant to Chapter 4, Title 73, Utah Code Ann. 1953, as amended, initiated a statutory adjudication of water rights on July 21, 1980, in the Fifth Judicial District Court of the State of Utah in and for Washington County, Civil No. 800507596, which encompasses all the rights to the use of water, both surface and underground, within the drainage area of the Virgin River and its tributaries in Utah.

B. The United States has been joined as a party to this statutory adjudication pursuant to the provisions of 43 U.S.C. § 666. A "Statement of Water User's Claims on behalf of the United States of America on Lands Administered by the Department of the Interior, National Park Service, for Division No. 3," was filed on May 18, 1987.

C. In order to remove causes of present and future controversy over the waters of the Virgin River system without further litigation, the United States, Utah and the Washington and Kane Districts have conducted extensive negotiations regarding

1 the settlement of reserved water right claims filed by the United States for Zion
2 National Park (or Park).

3 D. These negotiations have resulted in the recognition of the reserved water
4 rights of the United States for Zion National Park and also the agreement of the
5 United States to subordinate its reserved water rights to existing State water
6 rights, and to allow for some potential future development of water above Zion
7 National Park, as set forth herein.

8 E. Pursuant to the terms of this Agreement, the Washington District has agreed
9 to abandon two major reservoir sites above Zion National Park, the Bullock site on
10 the Upper North Fork Virgin River and a site in the Barracks area of Parunuweap
11 Canyon on the East Fork Virgin River (East Fork). Steps have also been taken
12 which have resulted in the elimination of a proposal to divert water out of the Virgin
13 River Basin from points above the Park. The Washington District has identified
14 potential projects below the Park, which include: (1) the Sand Hollow Reservoir
15 Project; (2) a collection system and pipeline to divert the flows of Pah Tempe (La
16 Verkin) Springs; (3) securing a reduction in the minimum flows required in the
17 Virgin River from 86 to 50 cubic feet per second (cfs) during the period of
18 November 1 to March 31; and (4) the Ash Creek Project. A more detailed
19 description of each of these four projects is set forth in the draft Virgin River
20 Management Plan dated May 2, 1996.

21 F. The terms and provisions of the Zion National Park Settlement Agreement are
22 set forth below.

4 Article I: Federal Reserved Water Rights for Zion National Park

3

1 B. By virtue of mesne conveyances and appropriations, the United States also
2 holds state appropriative rights in wells, springs and surface diversions on streams,
3 at the locations, in the amounts, and for the uses indicated in the table attached as
4 Appendix B. Water diverted and used for present and future administrative
5 purposes necessary to fulfill reservation purposes will first be satisfied from existing
6 state appropriative rights held by the United States for Zion National Park. In
7 addition to the water provided by the state appropriative rights listed in Appendix B,
8 at least 466 acre-feet per year (AFY) may be diverted and used from those waters
9 reserved for Park purposes, in order to satisfy the administrative needs of the Park.
10 At least 180 days prior to placing any increment of this federal reserved water right
11 for administrative purposes to use or changing the use thereof, the United States
12 agrees to provide notice to the State Engineer concerning the location and means of
13 diversion, the source, quantity, and diversion rate of water, depth and diameter of
14 well (if applicable), the nature of use, the anticipated effective date, and a map
15 depicting the existing system and proposed modifications. This information will be
16 publicly available. The total amount of water available for Park administrative
17 purposes under state and federal reserved rights combined shall not exceed 1295
18 AFY. The state appropriative rights identified in this paragraph and in Appendix B,
19 and the federal reserved water rights for administrative purposes identified in this
20 paragraph, are not subject to the subordination set forth in Article II.
21 C. The purposes for which Zion National Park was established and priority dates
22 to water reserved therefor are as identified in Presidential Proclamation No. 877, 36

1 Stat. 2498, dated July 31, 1909; Presidential Proclamation No. 1435, 40 Stat.
2 1760, dated March 18, 1918; the Act of November 19, 1919, 41 Stat. 356;
3 Executive Order No. 4181, dated March 24, 1925; Executive Order No. 5037,
4 dated January 28, 1929; the Act of June 13, 1930; 46 Stat. 582; Presidential
5 Proclamation No. 2221, 50 Stat. 1809, dated January 22, 1937; the Act of July
6 11, 1956, 70 Stat. 527; the Act of February 20, 1960, 74 Stat. 4; the Antiquities
7 Act of June 8, 1906, 59 Stat. 225, 16 U.S.C. § 431; the Act of October 21,
8 1976, 90 Stat. 2732; and the National Park Service Establishment Act, 64 Stat.
9 535, 16 U.S.C. § 1. The purposes and uses of the reserved water rights include
10 the preservation of extraordinary examples of canyon erosion, preservation of the
11 area for scientific research, protection of objects of historic and scientific interest
12 and, pursuant to the National Park Service Establishment Act, conservation of "the
13 scenery and the natural and historic objects and the wild life therein and to provide
14 for the enjoyment of the same in such manner and by such means as will leave
15 them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1.
16 Accordingly, for enforcement purposes, the federal reserved water right for Zion
17 National Park shall be deemed to comprise those waters in the Virgin River Basin as
18 set forth in Article I.A. and I.B., less those quantities subject to the subordinations
19 set forth below. The federal reserved water rights recognized hereby include all
20 water rights of every nature and description derived from the reserved water rights
21 doctrine, from all sources of water, both surface and underground, and includes all

1 types and kinds of uses whatsoever, and encompasses all claims asserted by or
2 through the United States for Zion National Park as now constituted.

3 Article II. Subordination of Federal Reserved Water Rights

4 A. The United States subordinates the non-administrative federal reserved water
5 rights described in Article I.A., subject to the limitations contained herein, to all
6 valid existing perfected water rights and approved applications with priority dates
7 prior to January 1, 1996, and to certain new diversions and depletions, as set forth
8 more specifically below.

9 B. Generally

10 1. No reservoir shall be located upstream of Zion National Park on the main
11 stems of the East Fork, the North Fork of the Virgin River (North Fork), La Verkin
12 Creek, Deep Creek, Crystal Creek, or on any tributary of the North Fork or East
13 Fork, except as specifically provided herein.

14 2. Any flood control structure constructed upstream of the Park shall be
15 designed only to attenuate high flows which are dangerous to life or property. The
16 parties agree to consult on flood control proposals and will develop operational
17 guidelines by mutual consent which are consistent with this Agreement and which
18 will protect the resources of Zion National Park.

19 3. A ground water protection zone shall be established as shown in Appendix
20 C for the drainage basins of the East and North Forks, located up gradient and

1 within 2 miles of the park boundary. Development of ground water within this
2 zone shall be limited to a diversion rate of 35 gallons per minute (gpm) or less per
3 well, shall withdraw no more than 15 AFY per well, and is subject to the overall
4 limitations on depletions contained in Articles II.C.1. and II.D.1., respectively.

5 C. North Fork of the Virgin River and Certain Other Streams

6 1. Subject to the limitations contained herein, the United States'
7 subordination extends to new diversions and depletions from surface and ground
8 water sources of up to but not to exceed a total depletion of 6,000 AFY, with no
9 more than 2,500 AFY occurring from surface water, within the composite
10 comprising the drainage basin of the North Fork above the southern boundary of
11 Zion National Park near Springdale, Utah, and the portions of the drainage basins of
12 Ash Creek, La Verkin Creek, North Creek, and Shunes Creek located upstream of
13 Zion National Park (see Appendix D), distributed as described below.

14 a) There may be up to 3,750 AFY of new depletion in the drainage
15 basin of the Upper North Fork (North Fork Virgin River above the confluence with
16 Deep Creek), Crystal Creek, Deep Creek, and Kolob Creek, with no more than
17 1,000 AFY occurring in each the Upper North Fork and Crystal Creek, no more than
18 2,000 AFY in Kolob Creek, and no more than 750 AFY in Deep Creek (excluding
19 Crystal Creek) with a maximum of 250 AFY being taken from surface water in
20 Deep Creek, resulting from the new development of water resources, except that

21 i) if the Washington District develops a project which diverts
22 Crystal Creek flows to Kolob Reservoir (Water Right Number 81-355, A29398 or

1 other subsequent application filed to cover this project) and such diversions exceed
2 1,000 AFY, then no other new depletions within the Crystal Creek drainage are
3 allowed. All depletion of water attributable to the Crystal Creek/Kolob Reservoir
4 project shall be charged against the overall depletion limit of 6,000 AFY for the
5 drainage basin of the North Fork Virgin River and other streams set forth in Article
6 II.C.1.,

7 ii) the maximum diversion rate from Crystal Creek to Kolob
8 Reservoir shall not exceed 50 cfs,

9 iii) the average annual diversion from Crystal Creek to Kolob
10 Reservoir shall not exceed 4,000 acre-feet (AF) less any amounts exchanged to
11 ground water development, based on a 5-year moving average,

12 iv) the maximum annual diversion from Crystal Creek shall not
13 exceed 6,000 AF, less any amounts exchanged to ground water development,

14 v) the active storage capacity of Kolob Reservoir shall not be
15 increased beyond its present capacity by more than 4,000 AF,

16 vi) the flow of Crystal Creek immediately below its confluence
17 with Spanish Hollow shall be maintained at no less than 0.5 cfs when diversions
18 are being made from Crystal Creek,

19 vii) new surface water diversions from Deep Creek and its
20 tributaries downstream of the confluence of Deep Creek and Crystal Creek shall not
21 cumulatively exceed 1 cfs,

1 viii) new surface water diversions on the Upper North Fork shall
2 not exceed the lesser of a) one-half of the existing flow, measured immediately
3 upstream of the diversion, or b) that rate of diversion which maintains a flow of 2
4 cfs in the channel immediately below the diversion,

5 ix) the regulated discharge from Kolob Reservoir shall not
6 exceed 35 cfs, except for matters involving dam safety.

7 b) There may be up to 750 AFY of new depletion per drainage, with
8 no more than 250 AFY per drainage from surface water, from La Verkin Creek,
9 North Creek, and Orderville Canyon, and up to 250 AFY of new depletion per
10 drainage from surface and groundwater combined, from Camp Creek, Clear Creek,
11 Goose Creek, Echo Canyon, Shunes Creek, and Taylor Creek.

12 c) No new reservoirs upstream of the Park with individual total storage
13 capacities of more than 20 AF shall be constructed in any of the drainages covered
14 by Article II.C., with the exception of the proposed enlargement of Kolob Reservoir.

15 d) New reservoirs upstream of the Park with individual total storage
16 capacities which are less than or equal to 20 AF and located in any of the drainages
17 covered by Article II.C. shall not be limited as to number but shall be subject to the
18 overall limitation upon depletion contained in Article II.C.1.

19 D. East Fork of the Virgin River

20 1. Subject to the limitations contained herein, the United States'
21 subordination also extends to new diversions and depletions from surface and
22 ground water sources in the East Fork upstream or up gradient of the eastern

1 boundary of Zion National Park, of up to but not to exceed a total depletion of
2 5,000 AFY (see Appendix D), with no more than 3,250 AFY occurring from surface
3 water, as set forth more specifically below.

4 a) One or more new reservoirs with cumulative active storage capacity
5 of up to but not to exceed 6,750 AF may be constructed on Stout Creek, Lydia's
6 Canyon, Muddy Creek or Cove Canyon (not both), East Fork above Stout Canyon,
7 and on other tributaries of the East Fork upstream of Glendale (see Appendix E).

8 b) The number of new reservoirs at the locations described in Article
9 II.D.1.a) above, having individual total storage capacities greater than 20 AF, shall
10 not exceed 10.

11 c) New reservoirs with individual total storage capacities which are
12 less than or equal to 20 AF shall not be limited as to number but shall be subject to
13 the overall limitation upon depletion in Article II.D.1.

14 2. New surface water diversions on the East Fork or its tributaries shall not
15 cumulatively exceed 60 cfs.

16 3. The existing flow or 2 cfs, whichever is less, shall be maintained
17 immediately below any new surface water diversion to reservoirs constructed on
18 streams defined in Article II.D.1.a).

19 4. The existing flow or 1 cfs (including seepage), which ever is less, shall be
20 maintained immediately below any new reservoir constructed on streams defined in
21 II.D.1.a).

1 5. Cumulative releases from new reservoirs constructed on streams defined
2 in II.D.1.a) above, shall not increase the flow measured at the U.S. Geological
3 Survey (USGS) gage on the East Fork Virgin River near Springdale (USGS No.
4 09404900), by more than 25 cfs during any 7-day period and shall not exceed the
5 long-term monthly average at the Springdale gage by more than 15 cfs. As
6 measured at said gage, the maximum instantaneous flow attributable to releases
7 from such reservoirs shall not exceed 50 cfs, except for matters involving dam
8 safety.

9 6. Surface water diversions to new reservoirs described in II.D.1.a) above
10 shall not occur except during the period from November 1 to May 31, subject to
11 the by-pass flow requirements described above.

12 Article III: Other Provisions

13 A. During the month of March each year, a meeting will be scheduled between
14 Zion National Park and the Washington District to discuss forecasted runoff, water
15 levels in Kolob Reservoir and the anticipated schedule and duration for that year's
16 reservoir releases. Other details concerning Kolob Reservoir releases will be worked
17 out by separate agreement, if necessary.

18 B. This Agreement shall be effective immediately upon the completion of a land
19 exchange between the U.S. Bureau of Land Management (BLM) and the
20 Washington District, whereby the Washington District acquires title to BLM public
21 lands at the site of the proposed Sand Hollow Reservoir.

1 C. If any federal legislative or administrative action hereafter prevents the State of
2 Utah from permitting development and use of water in any drainage or subdrainage
3 subject to the subordination of the United States' federal reserved water right for
4 Zion National Park herein contained, the undeveloped remainder of the water herein
5 listed as available for future development in such drainage or subdrainage shall be
6 made available in one or more other drainages covered by this Agreement. In the
7 event of such federal legislative or administrative action, the parties hereto shall
8 attempt to agree as to the drainage or drainages in which any such relocated
9 quantity may be developed and how the limitations of the United States'
10 subordination will be modified to facilitate the transfer of such water, provided that
11 such development must occur within the drainages herein identified, and that no
12 party will unreasonably withhold consent to such relocation.

13 D. The subordination to listed quantities and locations of future water development
14 shall not be effective to the extent and upon proof that specific wells have caused,
15 are causing, or may cause specific and significant adverse impacts to an identifiable
16 resource or resources of Zion National Park. This notwithstanding, the provisions
17 of this paragraph shall not apply to any groundwater rights presently perfected or
18 approved under State law, with priority dates prior to January 1, 1996.

19 E. If any provision of this Agreement is found to be unlawful and of no effect, the
20 remaining provisions shall remain in effect and fully binding on the parties, and if
21 necessary, the parties hereto shall resume negotiations to revise any such unlawful
22 provision.

1 F. Upon a proper showing of necessity, the provisions of this Agreement may be
2 modified, with proper notice and concurrence of the Court, only upon the mutual
3 consent of the parties to this Agreement, which consent shall not be unreasonably
4 withheld.

5 G. Because of the unique nature of Zion National Park, nothing in this Agreement
6 shall constitute an admission, waiver or precedent as to any party for any other
7 federal reserved water right claim in the State of Utah.

8 H. Nothing in this Agreement shall be construed or interpreted to:

9 1. in any way affect the water rights of the United States in the Virgin River
10 Basin for agencies and interests other than Zion National Park;

11 2. establish any standard to be used for the quantification of federal reserved
12 water rights in any other judicial or administrative proceeding;

13 3. limit in any way the rights of the parties or any person to litigate any issue
14 or question not resolved by this Agreement;

15 4. restrict the power of the United States to reserve water in the future, or
16 to acquire additional rights to the use of water under the laws of the State of Utah;
17 or

18 5. restrict the power of the State of Utah or the State Engineer in allocating,
19 administering or distributing the waters of the State.

20 I. Upon becoming effective, this Agreement will be the subject of a separate
21 proposed determination of water rights issued by the State Engineer specifically
22 covering the portion of the Virgin River Basin encompassing Zion National Park, and

1 the parties hereto will cooperate to obtain an interlocutory decree covering same. If
2 the parties hereto are not successful in securing such interlocutory decree, this
3 Agreement shall nevertheless remain binding as among the parties hereto until a
4 final decree issues covering these water rights. The water rights of the United
5 States, as set forth and quantified herein, shall be protected under State law in the
6 same manner as any water right originating under State law, without losing its
7 character as or the attributes of a federal reserved water right as provided under
8 federal law.

9 J. The provisions of this Agreement, and particularly the provisions of Article II
10 hereof, shall be taken into consideration by the State Engineer in acting upon
11 applications, under State law, for new appropriations or change applications
12 upstream or up gradient of Zion National Park and shall be afforded the same
13 consideration in such proceedings as state appropriative rights; however, the United
14 States shall have the primary responsibility for protecting its own rights and for
15 filing appropriate protests in any proceedings before the State Engineer.

16 K. Upon entry of a decree covering the water rights of the United States for Zion
17 National Park, the East Entrance Well and the Taylor Creek Well, described in
18 Appendix F, will be administered with priority dates of June 13, 1930, and January
19 22, 1937, respectively, pursuant to the terms of Article I.A., and the State
20 appropriative water rights thereon will be withdrawn.

1 L. Upon written request from the United States, the State Engineer will provide
2 information regarding new diversions and total depletions of water in the respective
3 drainages above the Park pursuant to Article II of this Agreement.

4 M. Depletion amounts attributable to specific diversions, as well as to usage and
5 storage patterns, shall be determined by procedures approved by the parties hereto.

6 N. This Agreement is executed in quintuplicate. Each of the five copies bearing
7 original signatures shall be deemed an original.

8 Article IV: Definitions

9 **Acre-foot** - The amount of water necessary to cover one acre of land to a depth of
10 one foot, equivalent to 43,560 cubic feet or 325,851 gallons.

11 **Active Storage Capacity** - The volume of water available for release from a reservoir
12 between the bottom of the outlet and the bottom of the spillway. This shall not
13 include any storage designated as dead storage or a conservation pool.

14 **Annual** - Period of time which begins on October 1 and ends on September 30
15 (water year).

16 **Depletion** - The amount of water which is consumptively used by any action or
17 process or otherwise removed from a drainage basin and not returned thereto.

1 **Diversion** - The removal of water from its natural source by means of a dam, ditch,
2 canal, flume, bypass, pipeline, conduit, well, pump, or other act of man, that
3 results in a decrease in the amount of water in the source at the point of such
4 removal.

5 **Existing Flow** - Annual, monthly and daily flows which exist as of the effective date
6 of this Agreement, which reflect historical diversions and depletions associated
7 with existing perfected water rights and approved applications (except for Water
8 Right No. 81-355, A29398 on Crystal Creek), as determined from available stream
9 gage records and accepted hydrologic methods.

10 **Ground Water** - Water beneath the surface of the earth in pores, crevices, and
11 spaces in rock and soil, under saturated conditions and in sufficient quantities to
12 supply water to wells, springs, seeps, rivers, streams, creeks, and natural lakes.

13 **New** - After January 1, 1996.

14 **Reservoir** - A man-made impoundment for storing water from which water may be
15 withdrawn for beneficial purposes. Impoundments constructed solely for flood
16 control or sediment retention are specifically excluded.

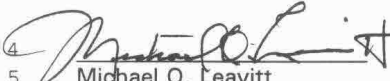
1 **Surface Water** - Water on the surface of the earth in rivers, streams, creeks,
2 channels, lakes, reservoirs and other water bodies. Wells within the 500-year
3 floodplain of the East and North Forks of the Virgin River, Camp Creek, Clear Creek,
4 Crystal Creek, Deep Creek, Echo Canyon, Goose Creek, Kolob Creek, La Verkin
5 Creek, Orderville Canyon, Shunes Creek, or Taylor Creek, which are less than 100
6 feet in depth, shall be considered to draw from surface water.

7 **Year** - A calendar year commencing January 1 and ending December 31.

1 It being resolved and agreed to as delineated above, the undersigned parties
2 express their mutual agreement hereto this 4th day of December, 1996.

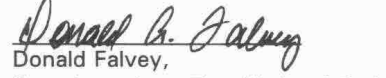
3 For the State of Utah:

For the United States:

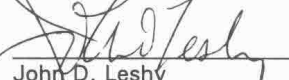
4 
5 Michael O. Leavitt
6 Governor, State of Utah

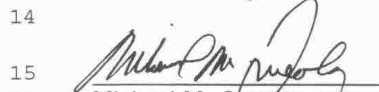

Bruce Babbitt
Secretary of the Interior

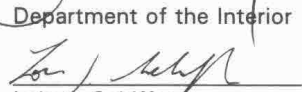
7 
8 Ted Stewart
9 Director, Utah Department
10 of Natural Resources

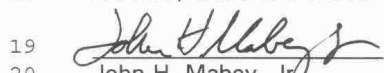

Donald Falvey,
Superintendent, Zion National Park

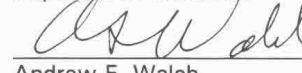
11 
12 Robert L. Morgan,
13 Utah State Engineer


John D. Leshy
Solicitor
Department of the Interior

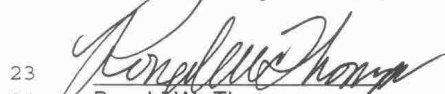
15 
16 Michael M. Quealy
17 Chief, Natural Resources
18 Attorney General's Office


Lois J. Schiffer
Assistant Attorney General
Department of Justice

19 
20 John H. Mabey, Jr.
21 Assistant Attorney General


Andrew F. Walch
Department of Justice

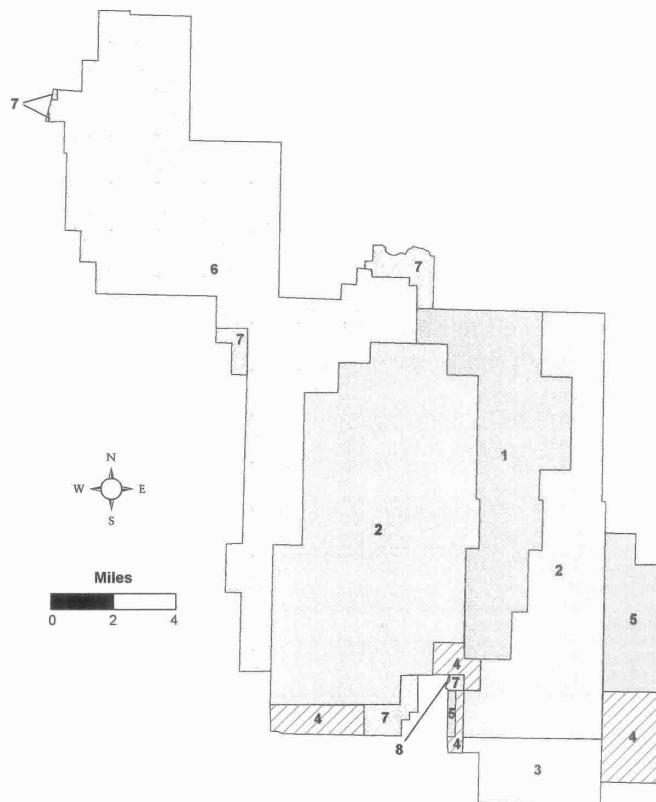
22 For the Washington County Water Conservancy District:

23 
24 Ronald W. Thompson

25 For the Kane County Water Conservancy District:

26 
27 Todd MacFarlane

APPENDIX A **DATES OF LAND RESERVATIONS** **ZION NATIONAL PARK**



LEGEND: Lands Reserved from the Public Domain

- | | |
|---|--|
| 1 | National Monument withdrawal by Presidential Proc. 877, dated July 31, 1909 (36 Stat. 2498).
Designated a National Park by the Act of November 19, 1919 (41 Stat. 356). |
| 2 | National Monument withdrawal by Presidential Proc. 1435, dated March 18, 1918 (40 Stat. 1760).
Designated a National Park by the Act of November 19, 1919 (41 Stat. 356). |
| 3 | National Monument withdrawal by Executive Order 4181, dated March 24, 1925.
Designated a National Park by the Act of June 13, 1930 (46 Stat. 582). |
| 4 | National Monument withdrawal by Executive Order 5037, dated January 28, 1929.
Designated a National Park by the Act of June 13, 1930. (46 Stat. 582) |
| 5 | Withdrawal for National Park by the Act of June 13, 1930 (46 Stat. 582). |
| 6 | National Monument withdrawal by Presidential Proc. 2221, dated January 22, 1937 (50 Stat. 1809).
Designated a National Park by Act of July 11, 1956 (70 Stat. 527). |
| 7 | Added to and made part of the National Park by the Act of February 20, 1980 (74 Stat. 4). |
| 8 | Added to and made part of the National Park by the Act of October 21, 1976 (90 Stat. 2732). |

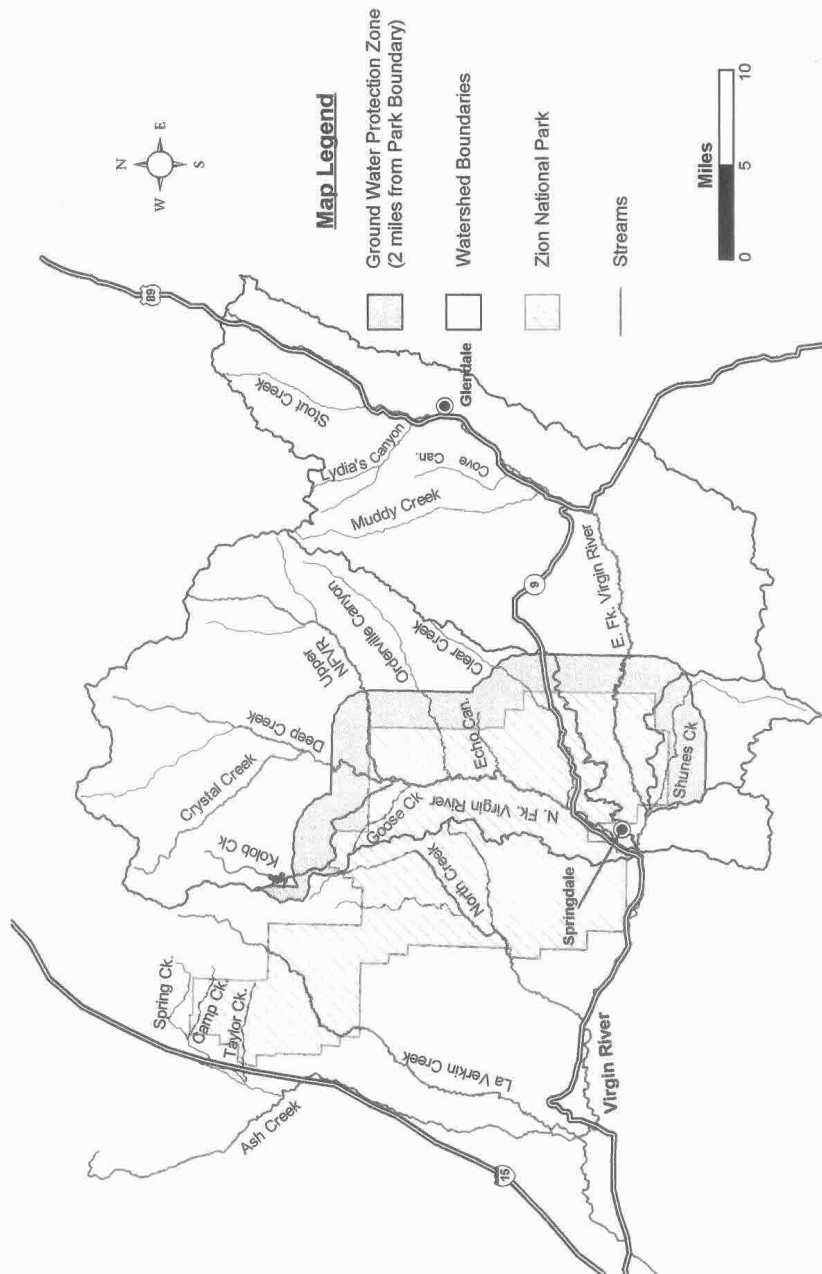
APPENDIX B
STATE APPROPRIATE WATER RIGHTS
ZION NATIONAL PARK

WUC. No.	Right Evidenced By:	Priority Date	Diversion Works	Water Source	Legal Location (Salt Lake Basin & Meridian)	Type of Use	Diversion Rate [cfs]	Irrigated Acres in Original Decree	Volume of Use** (acre-feet)
81-1128	CERT. a222, Award No. 66 of the Virgin River Decree	1877	[Zion Canyon Water System]* CRAWFORD DITCH GIFFORD DITCH OAK CK. SPG. AREA BIRCH CK. SPG. AREA SINAWAVA SPRINGS SCOUT LOOKOUT PIPELINE UPPER GROTTO SPG. A. LOWER GROTTO SPG. WYLIE RETRT. SPG. A.	North Fk. Virgin R. North Fk. Virgin R. Oak Ck. Springs Birch Ck. Springs Sinawava Spg Scout Lookout Spg. Upper Grotto Spg. Lower Grotto Spg. Wylie Retreat Spg.	N 50 deg. 29' E. 1998 ft. from NE Cor., Sec. 21, T41S, R10W N 41deg 28'45" E. 4233.80 ft. from NE Corner, Sec.21, T41S, R10W S 86deg 23' W. 8633.70 ft. from NE Corner, Sec. 21, T41S, R10W N 21deg 56' E. 9151.95 ft. from NE Corner, Sec. 21, T41S, R10W N 18deg 43' E. 27901.20 ft. from NE Corner, Sec. 21, T41S, R10W N 16deg 59' E. 25095.34 ft. from NE Corner, Sec. 21, T41S, R10W N 28deg 47' E. 17059.55 ft. from NE Corner, Sec. 21, T41S, R10W N 31deg 39' E. 18223.11 ft. from NE Corner, Sec. 21, T41S, R10W N 32deg 25'25" E. 13167.50 ft. from NE Corner, Sec. 21, T41S, R10W	MUNICIPAL	1.21	66.7	266.8
81-1124	CERT. a224, Award No. 63 of the Virgin River Decree	1881	[Zion Canyon Water System]* Same As Cert. a222	Same As Cert. a222	Same As Cert. a222	MUNICIPAL	0.53	29.4	117.6
81-1129	CERT. a223, Award No. 65 of the Virgin River Decree	1894	[Zion Canyon Water System]* Same As Cert. a222	Same As Cert. a222	Same As Cert. a222	MUNICIPAL	0.53	29.0	116
81-117	A10618 at1657 CERT. a221	05/31/29	[Zion Canyon Water System]* Same As Cert. a222	Same As Cert. a222	Same As Cert. a222	MUNICIPAL	0.01	---	3.15
81-3608	Award No. 67 of the Virgin River Decree	1880	FLANIGAN DITCH	North Fk. Virgin R.	S. 550 ft. and E. 950 ft. from the NW Corner, Sec. 22, T41N, R10W	IRRIGATION	1.38	75.9	303.6
81-728	DILIGENCE CLAIM No. 1031	1900	-----	EARL SPRING	S. 340 ft. and E. 900 ft. from NW Corner, Sec. 9, T40S, R11W	DOMESTIC & STOCKWATER	0.092	---	1.73
81-113	A8113 CERT. 1197	05/24/19	-----	UNNAMED SPRING	S. 957 ft. and W. 841.5 ft. from NE Corner, Sec. 5, T40S, R11W	DOMESTIC	0.0002	---	0.14
81-327	A28355 NPR	07/18/56	10 INCH DIAMETER WELL 68 FEET DEEP	SPENDLOVE WELL	N. 1700 ft. and W. 600 ft. from SE Corner, Sec. 8, T40S, R11W	DOMESTIC	0.015	---	0.34
81-514	A34269 at10851 Cert. 10754	05/03/62	8 INCH DIAMETER WELL 925 FEET DEEP	EAST ENTRANCE WELL	S. 75 deg 54'20" W., 6382 ft. from N 1/4 cor Sec. 21 T41S, R9W	IRRIGATION, STOCKWATER, DOMESTIC & OTHER	0.0223	---	10
81-1373	A36328a at7522 Cert. 9687	08/13/64	7 INCH DIAMETER WELL 367 FEET DEEP	HAMILTON WELL	S.2810.7 ft. and E. 1857.4 ft. from E 1/4 cor Sec. 8, T40S, R11W	IRRIGATION & DOMESTIC	---	0.25	1.73
81-662	A36782 Approved Proof filed 10/14/82	02/23/65	6 INCH DIAMETER WELL 206 FEET DEEP	TAYLOR CREEK WELL	N. 3348 ft. and E. 2873 ft. from SW Corner, Sec. 29, T38S, R12W	DOMESTIC & OTHER	0.0688	---	7.94

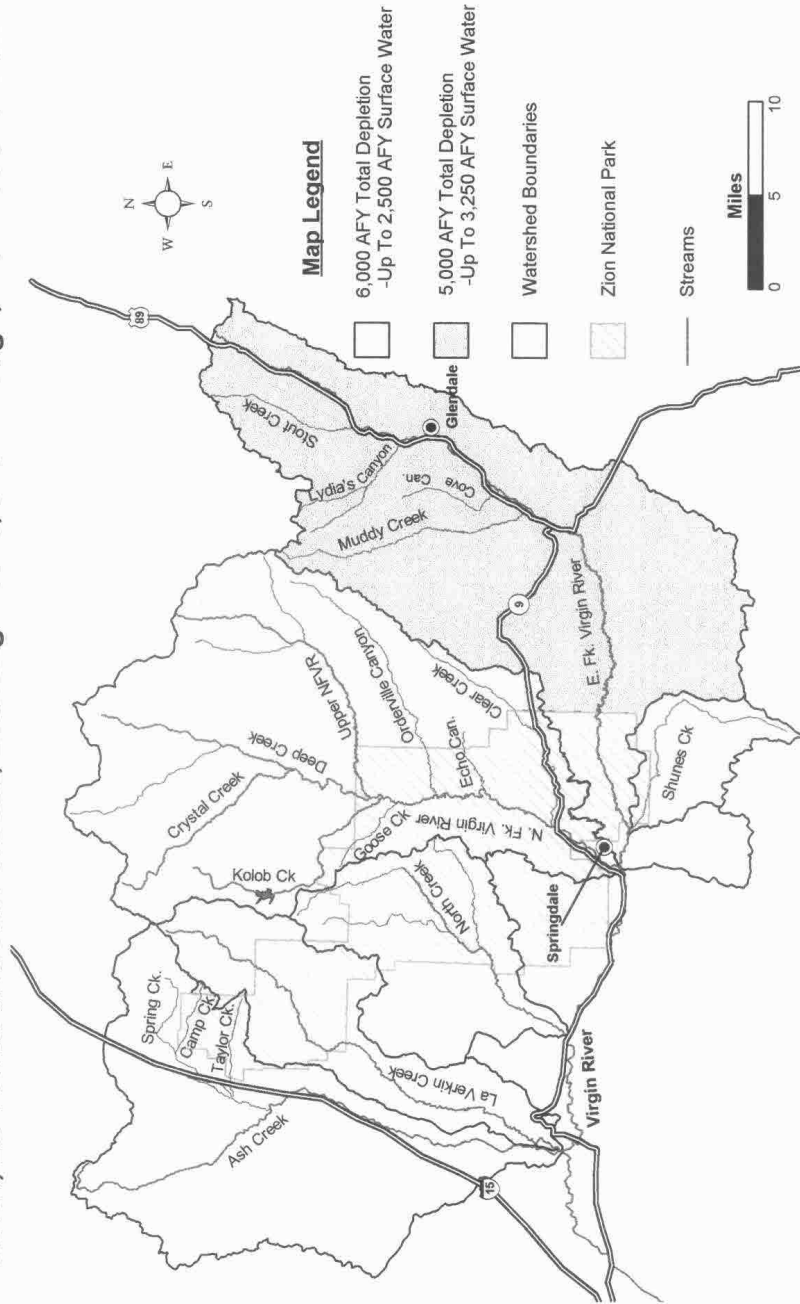
* -- Water is diverted from various sources and commingled in the ZION CANYON WATER SYSTEM. The water rights, as described in each of the individual certificates, entitles the United States to "...divert the water at any, each, or all of the... described points of diversion. ..."

** -- Water Right Volumes are calculated using the following assumptions:

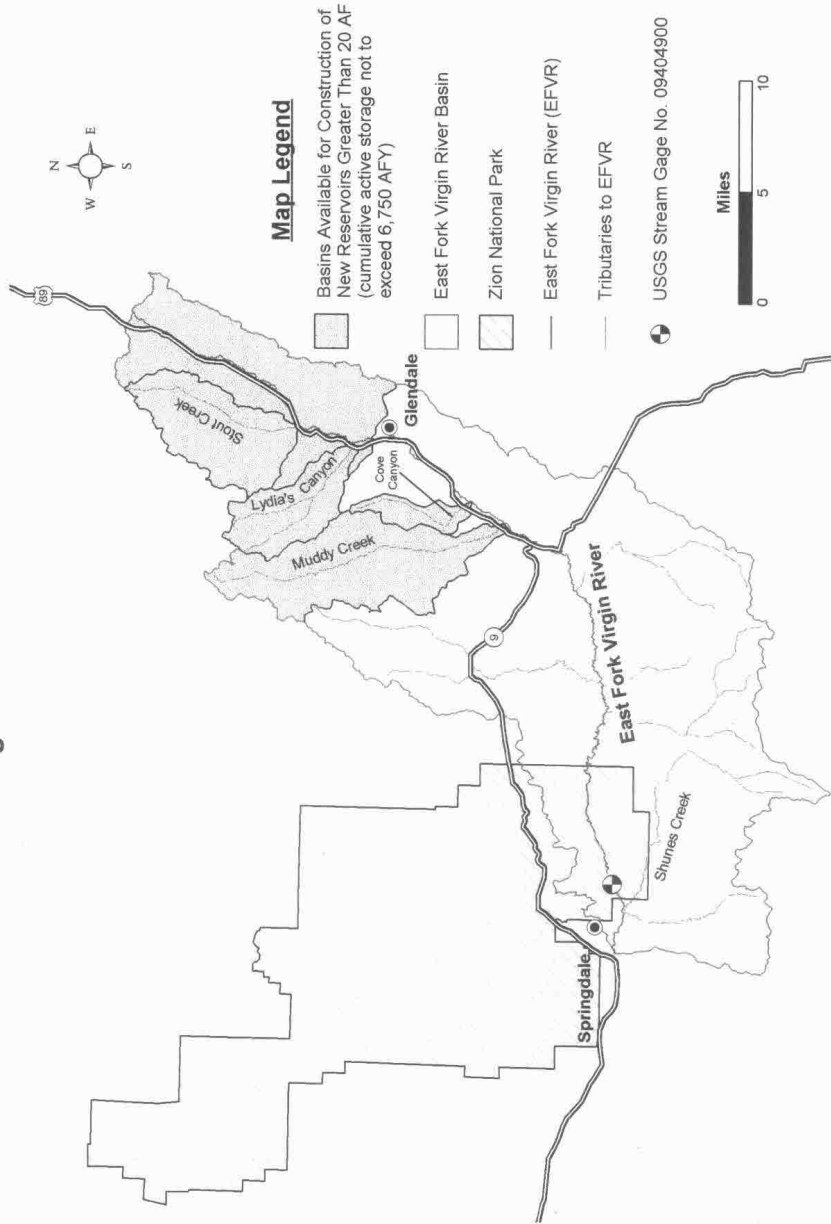
- a water duty of 4 ac-ft. per acre is used for irrigable land
- a value of 0.45 ac-ft. per year per family of four is used for domestic use
- a value of 10 gallons per visitor is used for use by park visitors (EPA -570-9-82-004)
- a value of 2.8 ac-ft. per one-hundred head of livestock is used for stockwater use



APPENDIX D **Allowable Depletion Levels for the East and North Forks of the Virgin River, and** **North, La Verkin and Ash Creeks, Draining Above, and Through, Zion National Park**



APPENDIX E **Basins Available for Construction of New Reservoirs (Greater Than 20 Acre-Feet)** **East Fork Virgin River Above Zion National Park**



APPENDIX F
DIVERSION WORKS ASSOCIATED WITH FEDERAL RESERVED WATER RIGHTS
ZION NATIONAL PARK

Water Source	Diversion Works	Priority Date	Legal Location (Salt Lake Basin & Meridian)	Type of Use	Period of Use	Diversion Rate (cfs)
EAST ENTRANCE WELL	8 INCH DIAMETER WELL 925 FEET DEEP	06/13/30	S.75 deg.54'20" W., 6382 ft. from N 1/4 cor Sec. 21 T41S, R9W	IRRIGATION, STOCKWATER, DOMESTIC & OTHER	01/01-12/31	0.0223
TAYLOR CREEK WELL	6 INCH DIAMETER WELL 206 FEET DEEP	01/22/37	N. 3348 ft. and E. 2873 ft. from SW Corner, Sec. 29, T38S, R12W	IRRIGATION, DOMESTIC & OTHER	01/01-12/31	0.0688

Other Supporting Information



United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

January 30, 2002

IN REPLY REFER TO:

L54 (2380)
ZION/Water Rights

Memorandum

To: Superintendent, Zion National Park

From: Chief, Water Rights Branch

Subject: Interlocutory Decree for Zion National Park Water Rights

We are pleased to forward you a copy of the Interlocutory Decree for Zion National Park in the Virgin River Adjudication in Washington, Iron, and Kane Counties in Utah. The Decree was signed by Judge Shumate on November 29, 2001 and culminates over 14 years of work by the NPS. The Decree recognizes the first Federal reserved water right for the NPS in Utah and confirms our State appropriative water rights, instream flows and the ground water protection zone as described in the water rights agreement.

If you have any questions please contact Bill Hansen at (970) 225-3532.

Attachment

Cc: w/ attachments
ZION – Sharrow
BYU – Scott Loveless
IMRO – Wade, Ladd, and Reber
SOL – Fahmy, Ross, Karkut
2380 (email) – (w/o attachments) Soukup, Kimball, Kliwinski, Jackson, Flora,
Hansen, McGlothlin

Docket Information

Number of Documents in Docket 75

Documents Dated from 12/4/1996 to 6/9/2010

Docket Compiled: 7/11/2016