

CHAPTER XII MISCELLANEOUS MATTERS

' 12100 WATER RIGHTS

' 12101 Protesting Water Rights Applications and Changes.

The protection of water rights for the construction, operation and maintenance of the Project and other District water rights is essential to the District. The procedure to be followed on water right applications filed by the District or other applications that may affect present and future units of the Project and other District water programs is as follows:

(a) The District will fulfill its responsibility under Article 5(b) of the 1965 Repayment Contract (14-06-400-4286) which provides:

If requested by the Contracting Officer to do so, the District will file and diligently prosecute to certificate applications for water rights under Utah law as may be needed for Project purposes, and upon request will assign such rights to the United States. The District will also protect the Project water rights and in case a dispute arises as to the character, extent, priority or validity of the right of the United States or the District to use or permit use of Project water, the District, unless the United States itself elects to sue, to enforce or defend said right, shall promptly bring and diligently prosecute or defend judicial proceedings for the determination of such dispute and shall take all other measures necessary toward the defense and protection of the Project water supply.

(b) The District will file a formal protest to water rights applications with the Utah Division of Water Rights on all applications, which if perfected, would be in material conflict with Project or District water rights or would adversely affect the construction and utilization of Project or District works. The decision to protest an application will be made by the General Manager after consultation with the District's legal counsel. The Chairman of the Legal and Legislative Committee will be notified of the protest.

(c) Applications to appropriate not to exceed .015 cfs for the domestic requirements of a one-family unit will be reviewed and if it is determined to be the only means available to supply the family with a domestic supply, no protest will be filed.