

D. Brent Rose #2799
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FILED JUN 29 1999

CLERK OF THE COURT
BY [Signature] Deputy 9:15 am

Attorneys for Petitioner, Grand County Water Conservancy District

IN THE SEVENTH JUDICIAL DISTRICT COURT OF GRAND COUNTY
STATE OF UTAH

IN THE MATTER OF THE ORGANIZATION OF THE GRAND COUNTY WATER CONSERVANCY DISTRICT : **PETITION FOR MODIFICATION OF THE DISTRICT'S DIVISIONS AND BOARD OF DIRECTORS**

:
: Civil No. 3158
: Judge Lyle R. Anderson
:

The Board of Directors (the "Board"), of the Grand County Water Conservancy District (the "District"), by and through its legal counsel, D. Brent Rose of Clyde Snow Sessions & Swenson, Salt Lake City, Utah, pursuant to authority of the Utah Water Conservancy Act, §17A-2-1401, *et seq.*, Utah Code Ann., 1953, as amended, hereby petitions the above-entitled court to modify the designated divisions within the District and the composition of the Board of the District, and as the basis therefor states as follows:

1. This court has jurisdiction to hear and act upon this Petition pursuant to the provisions of §17A-2-1409(2)(b), Utah Code Ann., 1997, which vests jurisdiction in the district court to establish the number, representation, and votes of directors for each district in the decree creating the district.

2. The Decree of the Court creating the District, dated September 1, 1971 (the "Decree"), provided for Divisions within the District, with five directors representing each of the Divisions

as follows:

- a. Division No. 1, as legally described in the Decree - Two Directors
- b. Division No. 2, as legally described in the Decree - One Director
- c. Division No. 3, as legally described in the Decree - One Director
- d. Division No. 4, as legally described in the Decree - One Director

3. By Order of the Court dated December 19, 1977, the number of directors from District (sic) No. 2 was increased from 1 to 2 directors. Sam Taylor was appointed as the additional member to the Board representing that Division, bring the total board membership to six directors.

4. By Order of the Court dated December [unreadable], 1978, the Court's previous Order increasing the number of directors in District (sic) No. 2 from 1 to 2 directors was confirmed; however, L. Schumaker was appointed as the additional member of the Board representing said Division. The Court modified the appointment of Sam Taylor to show his appointment on the Board as being for Division No. 1, which the Board interpreted as adding a third director for that Division, bringing to the total board membership to seven directors.

5. By Amended Order of the Court dated October 27, 1989, the boundaries of the District were enlarged by the annexation of certain land situated within San Juan County, Utah, as more particularly described in said Amended Order. The annexed land situated within San Juan County is not included within any of the current Divisions within the District.

6. It has been difficult, and in some years impossible, to secure the appointment of members to fill vacancies from time to time on the Board from each of the respective Divisions described in the Decree creating the District.

7. In order to include the annexed land of San Juan County into a division, and to facilitate the appointment of persons to serve on the Board, the Board, by Resolution dated June 23, 1999, a copy of which is attached as EXHIBIT "A" hereto, has determined that it is in the best interest of the District that the number of Divisions within the District be reduced from four Divisions to two Divisions, and that the total number of directors on the Board be reduced from

seven directors to five directors, with directors to be appointed to represent each Division on the Board, as follows:

Division No. 1. Four (4) directors, appointed at large to represent all of the land within the boundaries of the District that is situated in Grand County, Utah;

Division No. 2. One (1) director, appointed at large to represent all of the land within the boundaries of the District that is situated in San Juan County, Utah.

Directors shall be appointed in conformance with the provisions of §17A-2-1409(1)(c) Utah Code Ann. 1990. Inasmuch as substantial water within the District is allocated for irrigated agriculture, in conformance with the provisions of §17A-2-1409(1)(d), Utah Code Ann. 1990, one (1) director appointed in either one of the above Divisions shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood.

8. Petitioners request an Order of the Court, setting the date, time and place not less than 60 days nor more than 90 days after the filing of this Petition, for a hearing on this Petition, and ordering the clerk of this Court to publish notice of the scheduled hearing once a week for three consecutive weeks in a newspaper of general circulation in Grand County and San Juan County, with not less than 14 days between the first and last date of publication, and publication shall be complete on the last day of publication, and to cause a copy of said notice to be mailed by United States registered mail to the county legislative bodies of Grand County and San Juan County.

WHEREFORE, Petitioners respectfully petition the Court for an Order:

1. Reducing the total number of persons on the District's Board of Directors from seven (7) directors to five (5) directors;

2. Reducing the number of Divisions within the District from four (4) Divisions to two (2) Divisions, with directors to be appointed to represent each Division on the Board, as follows:

Division No. 1. Four (4) directors, appointed at large to represent all of the

land within the boundaries of the District that is situated in Grand County, Utah;

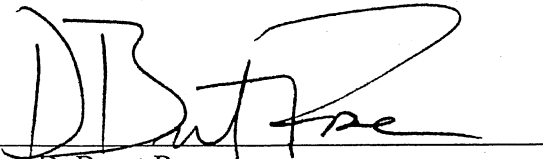
Division No. 2. One (1) director, appointed at large to represent all of the land within the boundaries of the District that is situated in San Juan County, Utah.

Directors shall be appointed in conformance with the provisions of §17A-2-1409(1)(c) Utah Code Ann. 1990. Inasmuch as substantial water within the District is allocated for irrigated agriculture, in conformance with the provisions of §17A-2-1409(1)(d) Utah Code Ann. 1990, one (1) director appointed in either one of the above Divisions shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood.

3. Setting the date, time and place for a hearing on this Petition, and ordering the clerk of this Court to publish notice of the same and to cause a copy of said notice to be mailed by United States registered mail to the county legislative bodies of Grand County and San Juan County, as provided in Paragraph 8 of this Petition.

DATED this 28th day of June, 1999.

CLYDE SNOW SESSIONS & SWENSON, P.C.

By: 
D. Brent Rose
Attorneys for Petitioner

RESOLUTION NO. GC-1-99

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE GRAND COUNTY WATER CONSERVANCY DISTRICT
CALLING FOR A MODIFICATION OF THE
DISTRICT'S DIVISIONS AND BOARD OF DIRECTORS**

WHEREAS, the Decree of the Seventh Judicial District Court in and for Grand County, State of Utah (the "Court"), creating the Grand County Water Conservancy District (the "District"), dated September 1, 1971, as amended by Court orders dated December 19, 1977 and December, 1978 (collectively, the "Decree"), provided for four Divisions within the District, with directors representing each of the Divisions as follows:

- a. Division No. 1 - Two Directors
- b. Division No. 2 - Two Directors
- c. Division No. 3 - One Director
- d. Division No. 4 - One Director;

AND, WHEREAS, since the issuance of the Decree by the Court and the amendments thereto as provided above, by Amended Order of the Court dated October 27, 1989, the boundaries of the District were enlarged by the annexation of certain land situated within San Juan County, Utah, which annexed lands are not included in any of the current Divisions within the District;

AND, WHEREAS, it has been difficult, and in some years impossible, to secure the appointment of members to fill vacancies from time to time on the Board from each of the respective Divisions as described in the Decree;

AND, WHEREAS, the land within the District situated in San Juan County, Utah, is not now included in any Division within the District, and should be included in a Division and be specifically represented with an appointed seat on the Board;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board that in order to include the annexed land of San Juan County into a division with an appointed seat on the Board, and to more easily facilitate the appointment of persons to serve on the Board, the Board hereby finds and determines that it is in the best interest of the District that a petition be filed with the Court seeking an order of said Court reducing the number of Divisions within the District from four Divisions to two Divisions, and reducing the total number of directors on the Board from seven directors to five directors, with directors appointed to represent each Division on the Board, as follows:

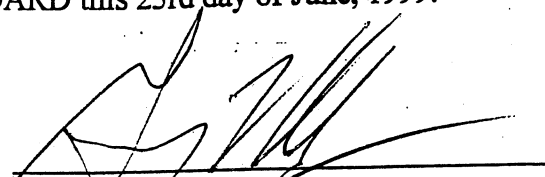
- Division No. 1. Four (4) directors, appointed at large to represent all of the land within the boundaries of the District that is situated in Grand County, Utah;

Exhibit A

Division No. 2. One (1) director, appointed at large to represent all of the land within the boundaries of the District that is situated in San Juan County, Utah.

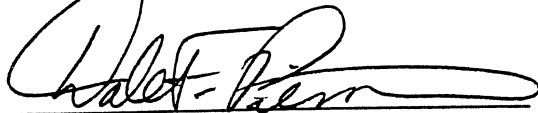
BE IT HEREBY RESOLVED, FURTHER, that inasmuch as substantial water within the District is allocated for irrigated agriculture, in conformance with the provisions of §17A-2-1409(1)(d), Utah Code Ann. 1990, it should be the order of the Court that one director appointed in either one of the above Divisions shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood..

UNANIMOUSLY ADOPTED BY THE BOARD this 23rd day of June, 1999.



Gary N. Wilson, Chairman
Board of Directors

ATTEST:



Dale F. Pierson
Secretary/Treasurer

SEVENTH JUDICIAL DISTRICT COURT
Grand County

FILED JUN 28 1998

BY CLERK OF THE COURT
9/16 MW

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Attorneys for Petitioner, Grand County Water Conservancy District

IN THE SEVENTH JUDICIAL DISTRICT COURT OF GRAND COUNTY
STATE OF UTAH

IN THE MATTER OF THE ORGANIZATION
OF THE GRAND COUNTY WATER
CONSERVANCY DISTRICT

**NOTICE OF FILING OF A
PETITION FOR MODIFICATION
OF DISTRICT DIVISIONS AND
BOARD OF DIRECTORS**

Civil No. 3158
Judge Lyle R. Anderson

TO ALL INTERESTED PARTIES:

Please take notice that a Petition for Modification of District Divisions and Board of Directors (the "Petition"), has been filed with the Seventh Judicial District Court in and for Grand County, State of Utah, by the Board of Directors (the "Board"), of the Grand County Water Conservancy District (the "District"). The Petition, filed by the Board pursuant to the provisions of §17A-2-1409(2)(b), Utah Code Ann., 1997, requests a reduction in the total number of persons on the District's Board of Directors from seven (7) directors to five (5) directors, and further requests a reduction in the number of Divisions within the District from four (4) Divisions to two (2) Divisions, with directors appointed to represent each Division on the Board, as follows:

Division No. 1. Four (4) directors, appointed at large to represent all of the land within the boundaries of the District that is situated in Grand County, Utah;

Division No. 2. One (1) director, appointed at large to represent all of the land within the boundaries of the District that is situated in San Juan County, Utah.

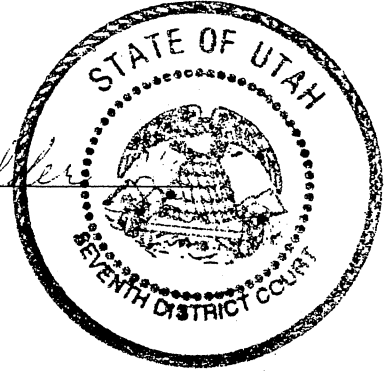
Directors shall be appointed in conformance with the provisions of §17A-2-1409(1)(c) Utah Code Ann. 1990. Inasmuch as substantial water within the District is allocated for irrigated agriculture, in conformance with the provisions of §17A-2-1409(1)(d) Utah Code Ann. 1990, one (1) director appointed in either one of the above Divisions shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood.

A hearing on the Petition shall be held before the Seventh Judicial District Court, at the Grand County Courthouse, in Moab, Utah, on the 14th day of September, 1999, at 3:00 P.M., at which time the Court shall hear evidence in support of and in opposition to the Petition. The aforesaid hearing may be continued from time to time by the Court without further published notice.

Any person desiring to protest the Petition shall file with the Clerk of the Seventh Judicial District Court a written statement setting forth the grounds of such protest, which protest may be filed at any time following the filing of the Petition, and which must be filed not less than 30 days prior to the above-stated date for the hearing on the Petition.

DATED this 29th day of June, 1999.

Lue Batcheller
Clerk of Court



FILED JUN 29 1999

CLERK OF THE COURT
BY [Signature] 8:15 am

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Attorneys for Petitioner, Grand County Water Conservancy District

IN THE SEVENTH JUDICIAL DISTRICT COURT OF GRAND COUNTY
STATE OF UTAH

IN THE MATTER OF THE ORGANIZATION
OF THE GRAND COUNTY WATER
CONSERVANCY DISTRICT

**ORDER TO SET HEARING AND
FOR PUBLICATION OF NOTICE**

Civil No. 3158
Judge Lyle R. Anderson

THIS MATTER having come before the Court upon the Petition of the Board of Directors of the Grand County Water Conservancy District (the "District"), calling for the modification of the District's divisions and composition of its board of directors under authority of the Utah Water Conservancy Act, §17A-2-1409(2)(b) Utah Code Ann., 1997, and the Court being fully apprised in the premises, and the Petition appearing to be in proper form, and good cause appearing herein;

IT IS HEREBY ORDERED THAT:

1. A hearing on the Petition for Modification of the District's Divisions and Board of Directors (the "Petition"), on file with the Court herein, shall be held before the Seventh Judicial District Court, at the Grand County Courthouse, in Moab, Utah, on the 14th day of September, 1999, at 3:00 P.M., at which time the Court shall hear evidence in support

of and in opposition to the Petition. The aforesaid hearing may be continued from time to time by the Court without further published notice.

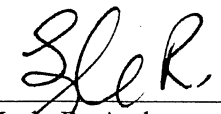
2. Any person desiring to protest the Petition shall file with the Clerk of the Seventh Judicial District Court a written statement setting forth the grounds of such protest, which protest may be filed at any time following the filing of the Petition, and which must be filed not less than 30 days prior to the above-stated date for the hearing on the Petition.

3. The Clerk of this Court shall publish notice of the scheduled hearing once a week for three consecutive weeks in a newspaper of general circulation in Grand County and San Juan County, with not less than 14 days between the first and last date of publication, and publication shall be complete on the last day of publication.

4. The Clerk of this Court shall further cause a copy of said notice to be mailed by United States registered mail to the county legislative bodies of Grand County and San Juan County.

DATED this 29th day of June, 1999.

BY THE COURT



Lyle R. Anderson,
District Court Judge

