

March 7, 1994

To: State of Utah, Office of the State Engineer
1636 West North Temple
Salt Lake City, Utah

From: Guy Taylor and Naomi Taylor Family Trust
HC 63 Box 40
Duchesne, Utah 84021

RECEIVED
MAR 08 1994

WATER RIGHTS
SALT LAKE

Re: OBJECTION'S NOW RENDERED, TO THE PRE DETERMINING OF OUR WATER RIGHTS, PRIOR TO THE FINAL ADJUDICATION PROCESS, WHICH WE HAVE BEEN PROMISED, WILL ALLOW US TO ARGUE BEFORE THE COURT OUR CLAIMS.

Dear Sir:

43-2348

At this time we remind you that we were informed that we would be allowed to formally protest before the court Water users claim serial number 2348. We have noted a [reduction] in the amount of water allowed from 80 % of Certificate 812 {80 acs} to some {60.42 acs} , a reduction of {19.58 ac}. Any reduction prior to a hearing is a violation of state and federal law, and we must again, object to this abuse. We have repeatedly been promised by the court, and by the State Engineer that our sacred water rights [will be protected.] Quote :

" Specifically, the parties stipulate that the 1991 Interim" Distribution Order is without prejudice to the Claims of Mr. Taylor, or the State Engineer in any subsequent proceeding. (Mr. Quealey 1991)

We have discovered that the State Engineer, has released to the Duchesne river Commissioner, [Prematurly] that we are entitled to only 60.42 acs of water right. This is unreasonable, shows prejudice, a violation of our water rights, which we bought and paid for, which rights were conveyed by deed pursuant to the Utah Code 73-1-10. The State Engineer confirmed the transfer of 80 shares of Certificate 812, to Guy & Naomi Taylor, on January 28, 1965 some 29 years ago. We object to any transfer of water claimed by us by the State Of Utah, absent a court order. We further object to those at Vernal posing questions to us such as " what is a share?" We all know what a share is. What is the custom in dealing with waters that have been appropriated.

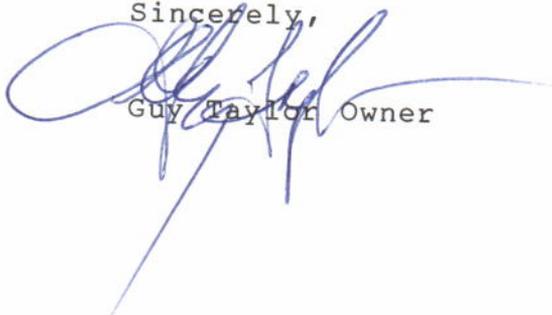
" Water that has been appropriated and reduced to possession" cease to be public waters and are [NOT] subject to appropriation. (Tanner v. Bacon (1943) 103 U 494.136 P 2d 957.

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We also protest, those with in the State Engineers office, who have defined that William Wardle's Warranty deed describes that Murray White canal Stock is intitlement to be a valid Water right. Especially. when no such water right exists. Hanson plain and simple did not deed water from our certificate 812. It is our opinion that in the Wardel case, the state over stepped it authority, in its conclusion that no reservation of water right transfer ocured between White to Hanson, Hansen to Wardle. In other word Wardle received nothing. For the State to attempt to Take part of Taylor water right and give it to Wardle is improper, and will be met with severe resistance by the Taylors who have held title to said water for 29 years. Its very plain that white reserved the water right not deeded to the Taylors in 1961.

We conclude that Taylors are still the owners of 80 shares (1) share per acre of certificate 812. Is this not so? We object to any attempt by the State Of Utah, or the political subdivision namely the CUP to take away something we use daily durning the season. As you know we supplied the State Of Utah with soil data at the time we made known we had purchased water from White. Our soil is much to sandy to lose any of our water right. Also as we have stated before, and have proof, that our water returns back into the river, in the form of return flow. Until we have had our day in court, we protest any attemped take over of our water rights as A Hostile Take Over. Would you please advise the Duchesne river commissioner to deliver our water to us the coming year, pursuant to our rights contained in certificate 812.

Sincerely,


Guy Taylor Owner