

\$

April 4, 1994

Mr. Lee Sim, P.E.
State Of Utah
Department Of Natural Resources
Division Of Water Rights
Fax 538-7467

RE: Your letter Dated March 30, 1994, Regarding Cert 812.

Dear Mr. Sim:

I am in total disagreement with the theory expressed in your letter. Please refer to the certificate 812, marked clearly by the then State engineer's office with the following notation.

[80 shares of certificate 812 deeded to Guy L. Taylor and Naomi Taylor, Duchesne Utah 3-13-63.]

And, Note letter dated January 28, 1965 from Wayne D. Criddle State Engineer, copy Enclosed. This letter under State Of Utah letter head, clearly confirms our claim of [80] shares in cert # 812.

Further, refer to our arguments, that we are in total disagreement with Bob Leake's analysis, who asked what is a share???? The Utah Code 73-1-1 et seq [WATER SHARES], DOES ANSWER LEAK'S QUESTION. We feel Bob Leak, was taken up in a moment of passion favoring Bill Wardall's claim where no such water right was conveyed to Wardall pursuant to Utah code 73-11-10, [all water rights whether evidenced by decrees, by certificates of appropriation, [SHALL] be transferred by deed. no other way. Utah Code 73-1-11, The water right shall pass to the grantee of [ANY] parcel of land on which such right was exercised next preceding the time of execution thereof; and finally, Section of the Utah code 73-1-12 Every deed of a water right which shall not be recorded as provided in this title shall be void as against any subsequent purchaser, in good faith, and for valuable consideration, of the same right, OR ANY PORTION THEREOF, WHERE HIS OWN DEED SHALL BE FIRST DULY RECORDED. The Taylors deed was recorded in 1963 some 31 years ago. The Taylors have paid for and used said water beneficially ever since. They have perfected their interest by law as well. [u.s. dec 1982 C.J.S. Waters 157 et seq] Appropriative rights do not depend on land ownership. We request you correct your letter, and advise Swasey to deliver to the Taylors 80 shares, or 80 %, or all of Certificate 812. as provided in said warranty deed to the Taylors, but not less than, that approved by State Engineer in 1963-65.

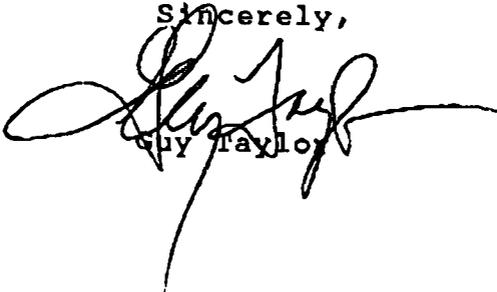
\$

In 1963, the same question was presented to Wayne D. Criddle, and his expressed determination was that the Taylors had purchased, recorded pursuant the Utah code their deed and were intitled to 80 shares of certificate 812. Not until 1992-93. did Leake make his own determination, after being prodded by Wardell, who has no deeded water right. Neither did Hansen, who like Wardell was only deeded wortless ditch maintaince water stock in the non existstnt Murray White Canal, which lost its charter to do business in 1921. Wardell cannot claim our water.

We Taylors cannot see how in 1963, a decision rendered in 1963 is now null and void. Further, The United States decision, where by Appropriative rights do not depend on land ownership.

We Trust you will review our claim's again, and make the necessary corrections.

Sincerely,



Guy Taylor