

M E M O R A N D U M

DATE: April 11, 1991

TO: Robert L. Morgan, State Engineer
Utah Division of Water Rights

FROM: Michael M. Quealy *MMQ by JAM*
Assistant Attorney General

RE: Uintah Basin Irrigation Company

I tried to catch you, but you were in staff meeting. I just got off the phone with Gayle McKeachnie, wherein we discussed the filing of the UBIC protest. It appears that the whole thing is a misunderstanding. Gayle's impression was that we still did not have an agreement yet because of Joe Novak's objections and, when Gayle received the order in the mail on Monday, his thought was that the agreement probably had fallen through (maybe because of Joe's objections), and Gayle was preparing for a trial in Salt Lake. Gayle felt that maybe we were trying an end run on him and he therefore dictated the protest to his secretary in the car between Vernal and Roosevelt, and got it filed before leaving for Salt Lake for his trial on Tuesday.

I explained that the filing of the order was triggered by John Swasey's problem with the low river flows, and not because the agreement with the District had somehow fallen through.

Gayle told me that if we still believe we have an agreement, in his mind that would satisfy his clients and they will either withdraw or modify their protest so that at least it will not prevent the signing of the distribution order.

Therefore, my recommendation is that we go into the meeting on Monday with a friendly demeanor and that we can hopefully tell them that we have a deal worked out and that should satisfy them. Again, I think this stresses the importance of making one last contact with Howard Pearson or Don Christianson to make sure that we do still have an agreement with the District. I am not all that concerned about Joe's objections. I also talked with Joe on the phone today and he seems more concerned with getting an order signed than with his objections to the short-term storage. In any event, I will try to check with you tomorrow and fill you in on any other details.

cc: Jerry D. Olds
cc: Lee H. Sim
cc: John H. Mabey, Jr.

MMQ/jr