

THORPE A. WADDINGHAM
ATTORNEY AT LAW
DELTA, UTAH 84624

March 17, 1968

Mr. Ken Chamberlain
Attorney at Law
76 South Main
Richfield, Utah 84701

Re: Richfield Irrigation, et al. (A to L Users) -vs-
Deseret Irrigation Co., et al. (Sevier Bridge
Cooperators)

Dear Ken:

I received your letter of March 13, 1968 and the proposed Stipulation enclosed therewith. I attempted to call you on the telephone, but was advised that you would not be in your office until next Tuesday.

The Irrigation Companies that I represent are not agreeable to the proposed Stipulation referred to. The primary objection of my clients is Paragraph 4 A on page 2 of the Stipulation. A monthly calculation rather than a seven-day calculation would, in practically all cases, fail to make proper adjustment for high run off during the Spring months. As you know, such periods of high run off are usually of short duration and very seldom, if ever, do such high flows last for a month. I fail to see any objection to using the seven-day basis of determining the regulatory stream. As a matter of fact, my first objection to the recommendation of Commissioners Christensen and Walker was that the determination should be made on a daily basis. They convinced me that a daily basis was not practical and I therefore agreed to the recommendation of a seven-day basis.

The other objection I have is to Paragraphs 5 and 6 on pages 2 and 3. My clients intend to retain the same privilege as your clients with regards to retaining the right to resume the prosecution of the above entitled case.

Because of the foregoing objections, I am returning the original and one copy of the Stipulation to you. If you have some particular reason for the request that the determination period referred to should be on a 30-day basis rather than a 7-day basis, other than obtaining the benefits of high water run off by reason of such longer period of averaging, please so advise and I will contact my clients further.

Sincerely,



THORPE WADDINGHAM

P. S. The pleadings in the case show Sam Cline to be one of the counsel for Defendants. Your Stipulation overlooked this fact.

Encls.

TAW:gw

cc: Messrs. Edward W. Clyde, Dallin Jensen, Sam Cline