

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR  
UINTAH COUNTY, STATE OF UTAH

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EBENEZER G. DEFRIEZ, et al,

Plaintiffs,

vs.

ASHLEY CENTRAL IRRIGATION COMPANY,  
et al,

Defendants,

and

ASENITH CHADWICK, et al,

Intervenors,

and

HIGHLINE CANAL COMPANY, ASHLEY  
VALLEY RESERVOIR COMPANY, DRY FORK  
IRRIGATION COMPANY, PITT DITCH COMPANY,  
DUAYNE T. JOHNSON, MORGAN MERKLEY,  
WILLIAM H. HULLINGER, CLARENCE E. JONES,  
HENRY PELTIER and GLEE C. PELTIER,  
VIRTUS McCONKIE and SADIE A. McCONKIE,  
ARUS CALDWELL, LAWRENCE CALDWELL and  
UNITED STATES BUREAU OF RECLAMATION,

Defendants.

P E T I T I O N

Civil No. 3197

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Comes now Wayne D. Criddle, the duly appointed, qualified and acting State Engineer of the State of Utah and respectfully represents and shows unto this Honorable Court:

1. That pursuant to the order of the above entitled court dated May 15, 1962 the State Engineer appointed a water commissioner to distribute the waters of the Ashley Creek system and the salary and other expenses of said water commissioner have been determined and fixed; that each water user is charged with paying his pro rata share of the distribution costs.

2. That the persons hereinafter named are each the owner of water rights in the Ashley Creek system and have received the benefits of having a commissioner; and each of them has failed, neglected and refused to pay the expense of the Ashley Creek system on or before July 1, 1962 as directed by said court order; that the names and

addresses and the amount of delinquency of each of said water users are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT OF ASSESSMENT</u>
Steinaker Ditch Co. c/o Harold Calder, Pres.	6400 So. Orchard Drive Bountiful, Utah	\$ 46.20 Paid 11-20-67
Ashley Valley Reservoir Co. c/o Archie Allen, Pres.	Route #1 Ashley, Via Vernal, Utah	840.00 Paid 12-6-67 under Protest
Highline Canal Co. c/o Colton McKeachnie, Pres.	Rt. #1 Glines Via Vernal, Utah	105.00 Paid 12-6-67
Dry Fork Irrigation Co. c/o Roland Merkley, Pres.	Star Route Dry Fork Via Vernal, Utah	63.00 Paid 12-6-67
Pitt Ditch Company c/o Woodey Searle	Rt. #1 Vernal, Utah	21.00 Paid 11-29-67

WHEREFORE, the State Engineer respectfully prays that this Court issue an order directing each of the parties above named to appear and show cause why each of them should not pay this said assessment and be forbidden the use of water until the assessment against them has been paid in full and for such other and further relief as the court deems just and equitable.

A. Pratt Kesler  
ATTORNEY GENERAL

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Dallin W. Jensen  
ASSISTANT ATTORNEY GENERAL  
Attorneys for Petitioner

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State Engineer  
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