

(Mr. Staton will explain to Bullen, who in turn will answer this letter.)

(74) 2-17-67

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JOHN S. BOYDEN
ALLEN H. TIBBALS
EARL P. STATEN
DON A. STRINGHAM
GEORGE J. ROMNEY

February 16, 1967

Mr. Hubert C. Lambert, State Engineer
State of Utah
Office of State Engineer
State Capitol
Salt Lake City, Utah

Dear Mr. Lambert:

Under date of August 19 and again under date of November 10, I wrote to you and asked for information relative to the matter of the assessment purportedly levied against water users on the Jordan River, and particularly Account 9 carried in the name of Carl Urie. In my previous communications I directed attention to the fact that the name is incorrect - that Mr. Ure is dead and the property has passed through the estate and has been transmitted to three holders thereof - Mrs. Margaret R. Ure and her two sons, Don Carl Ure and Richard M. Ure. Previous letters have pointed out that it would appear that the Ures would not be liable for the amount of the assessment in view of the fact that the property which they hold is the subject of three separate water-users claims, and since the assessment levied was to apply only to users holding more than 10 acres, there would appear to be no basis for asserting the claim against the Ures.

Secondly, I have raised the objection in my previous correspondence that until there has been a proper adjudication and establishment of rights in the Jordan River, there is no foundation upon which any such assessment can be levied because there is no possibility that you can satisfactorily administer the waters of the Jordan River under the present circumstances.

I have never received a reply to either of my previous communications. I understand from talking to Mr. Richard M. Ure that at a recent water-users meeting relative to this matter, he was subjected to considerable embarrassment by a member of your staff, claiming that the Ures were the only ones who had not paid this assessment and that there were several derogatory remarks made concerning the attitude of the Ures in this matter. I do not appreciate this kind of treatment. I have represented the Ures - first Mr. Carl Ure who is now deceased, and subsequently his widow and two sons - and I believe that my representation has been carried forward in a proper manner and that the objections which I have raised are entitled to a reply

Mr. Hubert C. Lambert
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from your office. The Ures are noted for paying their bills. In this instance it does not appear that the bill is properly charged against them. I shall appreciate your personal attention to this matter so that we may get this situation straightened out, and the interest of all parties may be protected.

Respectfully submitted,



ALLEN H. TIBBALS
Attorney for Margaret R. Ure,
Don Carl Ure and Richard M. Ure

AHT:jh

cc: Mrs. Margaret R. Ure



11-C Richard M. Ure
2566 South, 500 West Beautiful, Utah

11-B Don C. Ure
1235 Lafayette Drive,
A. L. C. Utah

11-A Margaret R. Ure
797 West 4200 South,
Beautiful, Utah

(P) 1-16-07

This ltr. given to Don A. to answer

(74)

11-14-66

BOYDEN, TIBBALS & STATEN
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JOHN S. BOYDEN
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EARL P. STATEN
DON A. STRINGHAM
GEORGE J. ROMNEY

November 10, 1966

Hubert Lambert, State Engineer
State Capitol Building
Salt Lake City, Utah

Dear Mr. Lambert:

Under date of August 19, 1966 I directed a letter to you with reference to an assessment levied against the water users of the Jordan River and particularly to State Engineer Account 9 carried in the name of Carl Urie. My letter drew your attention to the fact that Mr. Urie was dead; that the property stood in the name of his wife and two sons; that they are individual owners holding in common and that in the Jordan River water adjudication they have been required to file three separate water claims. Since the basis of this assessment was the users applying water to more than ten acres, it would not appear that these parties would qualify.

Secondly, I do not see any basis for the levying of any such fee in the law when there are no adjudicated and established rights which the State Engineer may administer. Until there has been an adjudication and determination of those entitled to use of the water on the Jordan River, it seems to me that the levying of any assessment for water distribution is anticipatory.

I have had no reply to my previous communication. My client has now forwarded to me a second demand which refers to the assessment as being delinquent. I would appreciate your reviewing this matter, for I am of the opinion that the assessment has been incorrectly made and since it is made in the name of the decedent, it cannot be paid in that form nor recognized by us in that form. May I please be favored by your views in this matter.

Very truly yours,

Allen H. Tibbals
ALLEN H. TIBBALS

AHT:BG

CC: Mrs. Ure