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LAW OFFICES
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JOHN S. BOYDEN
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DON A. STRINGHAM
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*This ltr. given
to Don Worsick to
Answer (74) 11-14-60*



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