March 4, 1948

Price River Conservation District
Price, Utah

ATTENTION: Carlyle Pace, Secretary

Gentlemen: RE: PRICE RIVER DISTRIBUTION

I have reviewed the correspondence between the State Engineer's office and the Water Conservation District relative to the making of assessments on the Price River. Mr. L. C. Monson of this office states that he tentatively agreed that this office would assess the water users direct rather than to assess the District in the future if the District would pay the bill of $512.11, assessed for 1947.

I am a little apprehensive of such a procedure but since it apparently is practical I am willing to go along with this method so long as it proves workable. My main worry comes from the fact that Section 100-5-1 appears to contemplate that the owner of the water right will be assessed. Otherwise there would be no means by which various remedies for collecting delinquent assessments could be used. Further the Supreme Court has held in Minersville Reservoir & Irrigation Co. vs. Rocky Ford Irrigation Co., 90 Utah 283, 61 P. 2d 605, that a contract on the part of the owner of water that some third party will pay the assessment is not binding on the State Engineer and that the latter can have recourse to the owner of the water.

I believe that we can use the various other procedures and can collect direct from the user of the water so long as the user does not make legal objection. If he did we might be unable to collect against him on the grounds that we had assessed the wrong person. For that reason I deem it advisable to send the District itself notice of the total amount of the assessment against the District's water. We will proceed to collect the same from the user of the water but because of the legal implications must reserve the right, if this procedure does not work, to revert back to the procedure of assessing the District direct.

There is one further complication which arises because of the fact that any order for us to assess the water users rather than the owner (District) will mean, to some extent, interference with the

internal affairs of the District.

Therefore, if you will pay the $512.11 bill for the season of 1947 this office will attempt to carry out your desires and the expressed desires of the water users by billing them direct for the assessment. We will, however, be required to send a copy of the over-all bill to the District so that it will understand the assessment made against its water right. If we run into difficulties following this procedure this office expressly reserves the right to re-establish the basis of assessing the District direct. If the above is agreeable to you send in your payment for last years assessment. If it is not we will be pleased to discuss the same with you further.

Yours very truly,

Ed. H. Watson
STATE ENGINEER

EH/lo

See letter fr. Adjudication Committee 3/18-1948.