

June 17, 1948

Price River Water Conservation District
c/o Eldred E. Peirce, President
R. F. D. #1
Price, Utah

Re: Price River Distribution System -
Water Assessments.

Gentlemen:

This is in connection with your letter of April 6, 1948, and previous correspondence relating to method to be used in collecting water assessments formerly handled by the conservation district, and has to do, primarily, with the delinquent assessment levied in 1947 against the district, amounting to \$512.11.

I have had included in the assessment for 1948 the assessments for that period, which, under former procedure, would be collected by the conservation district directly from users of storage water and in turn remitted to the State Engineer by the district. This new arrangement was established upon the joint request of the conservation district and the users, themselves, made orally by the accredited representatives of those interests at the annual meeting held February 17, 1948. Thereupon the matter was referred to the state legal department as to its legality, and was agreed to with the express finding that such action in nowise abrogated the responsibility of the district in the event the users of storage water failed to pay the assessment so levied. The users desired the arrangement so that only one assessment notice would be submitted to them; the conservation district wished to be relieved of the labor and expense of collecting the assessments and remitting them.

The State Engineer is not granted authority to waive the collection of assessments levied in accordance with Section 100-5-1, Utah Code Annotated 1943, nor, in the disbursement of such moneys, to deviate from the purposes to which they may be put lawfully.

The assessment roll for 1947 was prepared and the notices issued to the users of water on the then established basis. The question of change had not then been formally presented to this office, nor had the legal department passed upon the legality of the proposed arrangement. Only on the unanimous approval of all the water users, acting each for himself, might the collection of this assessment be waived; and then only if, in the judgment of the State Engineer, the money was not currently required to meet current obligations and to conduct the work of distribution water efficiently. This money may be used for only one purpose, namely, the distribution of water, either directly and presently for current operations, or indirectly by lowering the assessment for an ensuing season, in the event the money created a cash reserve above the amount essential to establish a sound financial condition.

6-17-1948
Page #2

It would be embarrassing to this office to issue supplemental notices at this late date and try to explain to the users, satisfactorily, the necessity therefor. As the officers of the district are on the ground, and closely in touch with the individual users, it appears that the collection of the 1947 assessment for diversion of storage water should be handled by the conservation district, if it is necessary to make the additional levy.

In view of the delay that will be encountered in making collections, (it being my understanding that the district did not collect for 1947) I consent to spread the remittances to me over the entire season of 1948, by quarterly remittances, if that arrangement will be of any benefit to the district.

How badly this money is needed is evidenced by the attached letter which was sent to all users whose accounts were not paid on the date it was written.

Yours very truly,

Original Signed by

ED. H. WATSON
Ed. H. Watson
STATE ENGINEER

JUN 17 1948

KM:FC

1 Encl.

cc: William Robb, Water Commissioner
P. O. Box 616
Price, Utah