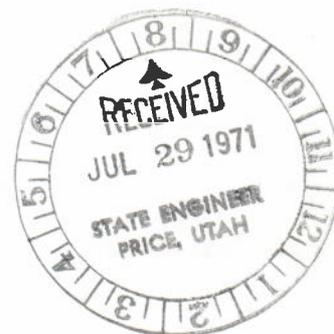


DUANE A. FRANDSEN  
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PRICE, UTAH 84501

AREA CODE 801  
637-1245  
637-1246

July 28, 1971



State Engineers  
Regional Office  
Silvagni Building  
Price, Utah

Re: Water Rights in Nine-mile Area

Dear Mr. McKinney:

Our office represents Amber Keele in the litigation on the priority of water rights in the Nine-mile area. This matter is before the Court of Carbon County in Civil #7845 and is also the subject of adjudication of water rights in the Green River Basin, your code #47. We held a meeting on September 21, 1970 at the Court House regarding the division of these waters, as I recall, you were present at the meeting. Mrs. Keele advises me that problems have again arisen regarding the distribution of the small amount of water in Nine-mile Creek and she is not getting her share.

A number of years ago a stipulation was entered into that the water could be measured out by a water commissioner, and on a temporary bases the division of water would be on an acreage bases. At the meeting in September, 1970, you, I believe, reported that the water was being distributed on the bases of shares in the Minnie Maude Irrigation Company. These shares totaled 2,377 shares and the Keele's portion was 182 shares.

In the adjudication matter you office rendered a report based on the shares in the Minnie Maude Irrigation Company, we filed our objection and protest to that setting forth that Amber Keele's water right was not based on any stock in the Minnie Maude Irrigation Company, but that her water right was represented by Dilligence Claims on use prior to 1903, and that these rights have never been transferred over to the Minnie Maude Irrigation Company. This is still our position. Dilligence Claims #301, #302 and #303 have been filed by Amber Keele in the State Engineer's Office representing her water right.

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I am writing to you at this time to inquire what your office intends to do regarding the distribution of water in the Nine-mile Area and any further law suit proceedings that may be necessary if we are not able to work out these problems. I am particularly interested in whether or not your office recognizes these three Dilligent Claims as being valid. I would appreciate your early attention to this request.

Thank you.

Yours very truly,

*Duane A. Frandsen*

Duane A. Frandsen

DAF:vl

cc: Amber Keele  
Nine Mile  
via Price, Utah 84501

