

May 25, 1972

Mr. Floyd Barnett  
568 16th Street  
Ogden, Utah 84404

Dear Floyd:

Enclosed is a copy of a letter received today from Richard W. Brann representing the Fraternal Order of Eagles and Darrald Michelson.

Will you check into the problem. Mr. Rollo is not acting as commissioner to this office, and he is probably the one doing the work on this ditch. After determining the situation, please contact Mr. Brann.

Yours truly,

Donald C. Norseth

DCN/mmt

Enc.

LAW OFFICES  
RICHARD W. BRANN  
406 KIESEL BUILDING  
OGDEN, UTAH 84401  
AREA CODE 801 • 394-1091



May 24, 1972

State Engineer's Office  
State Capitol Building  
Salt Lake City, Utah

Re: Rollo, Johnson and Downs Ditch  
Situat: In Section 14, Township 6 North  
Range 2 East (Huntsville, Weber County, Utah)

Gentlemen:

I represent two of the four owners of the Rollo, Johnson and Downs Ditch, namely, the Fraternal Order of Eagles and Darrald Michelson. I understand that the remaining owners are Aldon Rollo and Ronald Johnson and Hannah Knight as co-owners. Mr. Aldon Rollo receives the annual water assessment bill and has assumed the management of the ditch, so I suspect that he is acting as water commissioner appointed by your office pursuant to Section 73-5-1, Utah Code Annotated, 1953. Mr. Rollo is a litigious person who is continually in conflict with his neighbors and a potential for legal proceedings is developing.

My questions are several, namely:

1. Will it be a problem replacing Mr. Rollo as water commissioner by either Mr. Michelson or the Eagles or a representative of the Eagles?
2. Will your office assist in establishing a permanent "water ticket" in order that each user of the ditch knows the exact day he is entitled to use?
3. Can each of the shareholders obtain a key in order to turn the water on when it is time to do so?
4. Can your office assist in arriving in some formalized agreement among the shareholders that each has his rights and liabilities spelled out?

I have been involved in several litigated cases involving these people in the Huntsville area and I can tell you that they can create problems among themselves without trying. I will appreciate any information you might furnish me concerning the foregoing, and I will be happy to meet with you at your office and go over the problems in some detail. Thank you for an early reply.

Yours very truly,

  
Richard W. Brann

RWB/lms