



STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

442 STATE CAPITOL  
SALT LAKE CITY, UTAH 84114

HUBERT C. LAMBERT  
STATE ENGINEER

TELEPHONE  
328-5671

April 8, 1970

Mr. Emil J. Roberts  
Eden  
Utah 84310

RE: Assessment Right No. 339  
Ogden River Decree

Dear Mr. Roberts:

In answer to your inquiry on Monday, April 6, 1970 regarding the assessment on the above right, I have reviewed this matter with the Ogden River Commissioner, Mr. Floyd Barnett, and members of this staff to determine what the assessment should be. The assessment is levied in order to defray the costs of distribution of the water on the Ogden River System. In general, the amount assessed is determined by the quantity of water delivered under each right but with an established minimum assessment. The budget for the year and the basis for the assessment are determined annually by the water users on the system. The proposal is presented to the State Engineer at the Water User's Meeting held in January of each year.

At the meeting with the water users held on January 9, 1968, the Ogden River Water Rights Association proposed to the State Engineer that "there be a new class of assessment being the 'exchange class.' That the minimum be \$5.00 or twice the lower rate per acre-foot for each exchange, whichever is more and that the assessment be made to the owner of the right." The reason for establishing this minimum cost was to help defray the extra costs incurred in distributing these exchanges. Each exchange being made, therefore, is subject to the same minimum assessment unless the quantity of water is such that the assessment would exceed the \$5.00 minimum. The assessment is charged against the principal owner of the parent right who would collect it from the person making the exchange.

In your case, you are the principal owner of Right No. 339, and for that reason the assessment has been sent to you. However, the right has now been split by the change which you filed, Change Application No. a-5493, and the exchange filed by Vaughn Pendleton, No. 211. In most cases the \$5.00 exchange

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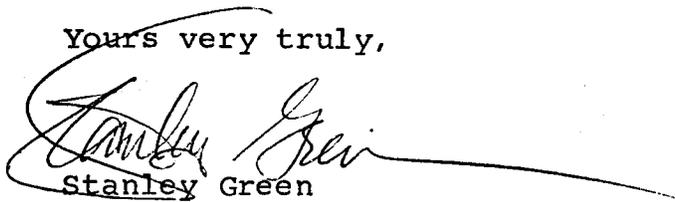
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fee would simply be added to the assessment against the parent right; however, in this instance the assessment is small, and the exchanges include all of the total right. In our opinion, this charge of \$1.31, which would normally be shared by you and Mr. Pendleton, is included in the two-\$5.00 minimum charges on the two exchanges being made. Therefore, by this letter your assessment is reduced from \$11.31 to \$10.00.

In addition to Exchange 211, Mr. Pendleton also has Exchange No. 201 for two acre-feet from Weber Basin Water Conservancy District, and No. 203 which was assigned to him by Robert E. Cook. These are two separate exchanges which are assessed to the Weber Basin Water Conservancy District, and they collect them from the contract holders.

I presume that this will explain the problem of the assessment. We are appreciative that you have brought this to our attention, and we presume that hereafter our assessments will be consistent as outlined above.

Yours very truly,



Stanley Green  
Hydrological Engineer

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CC: Vaughn Pendleton  
Floyd Barnett  
E. H. Southwick  
Donald Norseth-  
Frank Reese  
Richard Pexton