

STATE OF UTAH
DEPARTMENTAL MEMORANDUM

From
DEPARTMENT ATTORNEY GENERAL

DATE: JULY 2, 1956

DIVISION

FILE:

To
DEPARTMENT STATE ENGINEER

SUBJECT: GREEN RIVER ADJUDICATION

DIVISION



Mr. Ray Nash, an attorney in Vernal, Utah, representing William Karren and Thomas Ainge, water users on Pot Creek under Colorado rights, arranged a meeting with Mr. B. T. Chase, representing the State Engineer of Colorado. It was understood that neither State could make any definite commitments at this time and that the meeting was purely an exploratory one; however, it was somewhat surprising as to the number of phases of this matter upon which it appeared that an agreement could be reached.

Colorado recognizes a duty to these users on Pot Creek but also recognizes that fulfillment of this duty in any practical way is most difficult and expensive. The users themselves recognize these difficulties and have expressed themselves as being most anxious to join in and become a part of the present Green River Adjudication proceeding.

As far as the actual proceeding before the court is concerned, there is nothing to prevent these parties from making an appearance and subjecting themselves to the orders and decrees of the Court and binding themselves thereby. The decree, however, might have the effect of operating only in personam and not against the rem, the water, unless the party in whom that title is vested also appears. The State of Colorado, acting through Mr. B. T. Chase, indicates that he is of the opinion that his state officials would give their consent to such an arrangement to be embodied in some form of agreement.

This office can vision no legal impediment to such an arrangement and agreement and highly recommends to you that the matter be further developed. The next step would undoubtedly be a directive from you to us asking that a draft of such an agreement be prepared for your approval.

It could be added as a conclusion to this memorandum that an arrangement such as is contemplated here fits your definition of an adjudication that it must include all of the rights on the sources of water sought to be adjudicated so that distribution can be had without guess work and estimation.

ROBERT B. PORTER

RBP/jlt

20 Jan 1956