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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
IN AND FOR RICH COUNTY, STATE OF UTAH

FRANK E. WESTON & SONS, CO., :
 :
 Plaintiff, : DEFENDANT STATE ENGINEER'S
 : ANSWER TO COMPLAINT
 :
 vs. :
 :
 PAUL W. LAMBORN, TRUSTEE OF THE : Civil No.010100007
 PAUL W. LAMBORN REVOCABLE :
 TRUST, LAMBORN RANCHES, L.L.C., : Judge CLINT S. JUDKINS
 a Utah Limited Liability :
 Company, and ROBERT L. MORGAN, :
 State Engineer, :
 :
 Defendants. :

Robert L. Morgan, State Engineer for the State of Utah, by
and through counsel of record, answers Frank E. Weston & Sons
Company's Complaint for Declaratory Judgment as follows:

DEFENSES

FIRST DEFENSE

The Complaint fails to state a cause of action upon which
relief can be granted.

SECOND DEFENSE

The State Engineer responds to each of the specific allegations of the Complaint as follows:

1. Is without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 1.
2. Is without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 2.
3. Admits that Robert L. Morgan is the State Engineer for the State of Utah. Admits that Utah Code Ann. § 73-2-1 through -24 and the Interlocutory Order dated March 24, 1958 speak for themselves, but denies application of the Interlocutory Order dated March 24, 1958. Denies the remaining allegations in paragraph 3.
4. Admits that the property and water rights in the Meadowville area are located in Rich County, State of Utah.
5. Admits that in the general adjudication, the Interlocutory Order dated March 24, 1958 addressed water rights in the Meadowville area, but this Order was subsequently superceded by the Decree dated November 17, 1969. Denies the remaining allegations in paragraph 5.
6. Admits that the general adjudication addressed the water rights in North Creek, Little Cheney Spring Stream, Jebo

Creek, Tuft Creek, and Judd Kimball Spring Stream. The State Engineer asserts that this list does not include all the water sources addressed in the general adjudication. Is without information or knowledge sufficient to form a belief as to the truth of the allegation concerning the parties ownership of water rights because the parties have not provided the appropriate title documents. Denies the remaining allegations in paragraph 6.

7. Is without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 7.

8. Is without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 8.

9. Is without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 9.

10. Admits that Utah Code Ann. § 73-2-1 through -24 and the Interlocutory Order dated March 24, 1958 speak for themselves. Denies application of the Interlocutory Order dated March 24, 1958 because this Order was superceded by the Decree dated November 17, 1969. Denies the remaining allegations in paragraph 10.

11. Admits that the Interlocutory Order dated March 24, 1958 speaks for itself, but denies application.

12. Admits that the Interlocutory Order dated March 24,

1958 speaks for itself, but denies application.

13. Denies the allegations contained in paragraph 13.

14. Admits that the summer of 2000 was generally a dry season. Is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 14.

15. Denies the allegations in paragraph 15.

16. Denies the allegations in paragraph 16.

17. Denies the allegations in paragraph 17.

18. Denies the allegations in paragraph 18.

19. Denies the allegations in paragraph 19.

FIRST AFFIRMATIVE DEFENSE

Laches, Waiver and Estoppel bar this Complaint.

SECOND AFFIRMATIVE DEFENSE

In the general adjudication for the Meadowville, Laketown, and Garden City area, the Interlocutory Order dated March 24, 1958 was superceded by the Decree dated November 17, 1969.

WHEREFORE, having fully answered plaintiff's Complaint, the State Engineer requests that the Court dismiss the Complaint and that the Court award costs and attorney fees incurred in defense of this action.

DATED this 29th day of March, 2001.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL

Renee Spooner

RENEE SPOONER
Assistant Attorney General
Attorneys for the Utah State
Engineer

CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of
the foregoing **Utah State Engineer's Answer to Complaint**, postage
prepaid, this 28th day of March, 2001, to the
following:

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