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Juab County takes the lead in petitioning Supreme Court to consider same-sex marriage case

By Myrna Trauntvein

Times-News Correspondent

Juab County has taken the lead in organizing 21 additional counties and coordinating with Professor Lynn D. Wardle, BYU Law School, on drafting the Amicus Curiae Brief petitioning the Supreme Court of the United States to consider the same sex marriage case.

"We filed in the Supreme Court last week encouraging them to accept the Utah case," said Jared Eldridge, Juab County Attorney. "This particular brief is not intended to argue all of the legal points but rather to try and point out to the Supreme Court why they should accept the Utah case for consideration during the Supreme Court's fall session."

Listed on the petition are Gary R. Herbert, in his official capacity as governor of Utah, Et Al, as petitioner, v. Derek Kitchen, Et Al, as respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit, the Amicus Curiae Brief for 21 counties--Juab, Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emery, Garfield, Iron, Kane, Wastach, and Washington, in support of the petitioner, submitted under the name of Wardle as Counsel of Record for Amici 21 Counties.

Amicus Curiae is Latin for "friend of the court," a party or an organization interested in an issue which files a brief or participates in the argument in a case in which that party or organization is not one of the litigants.

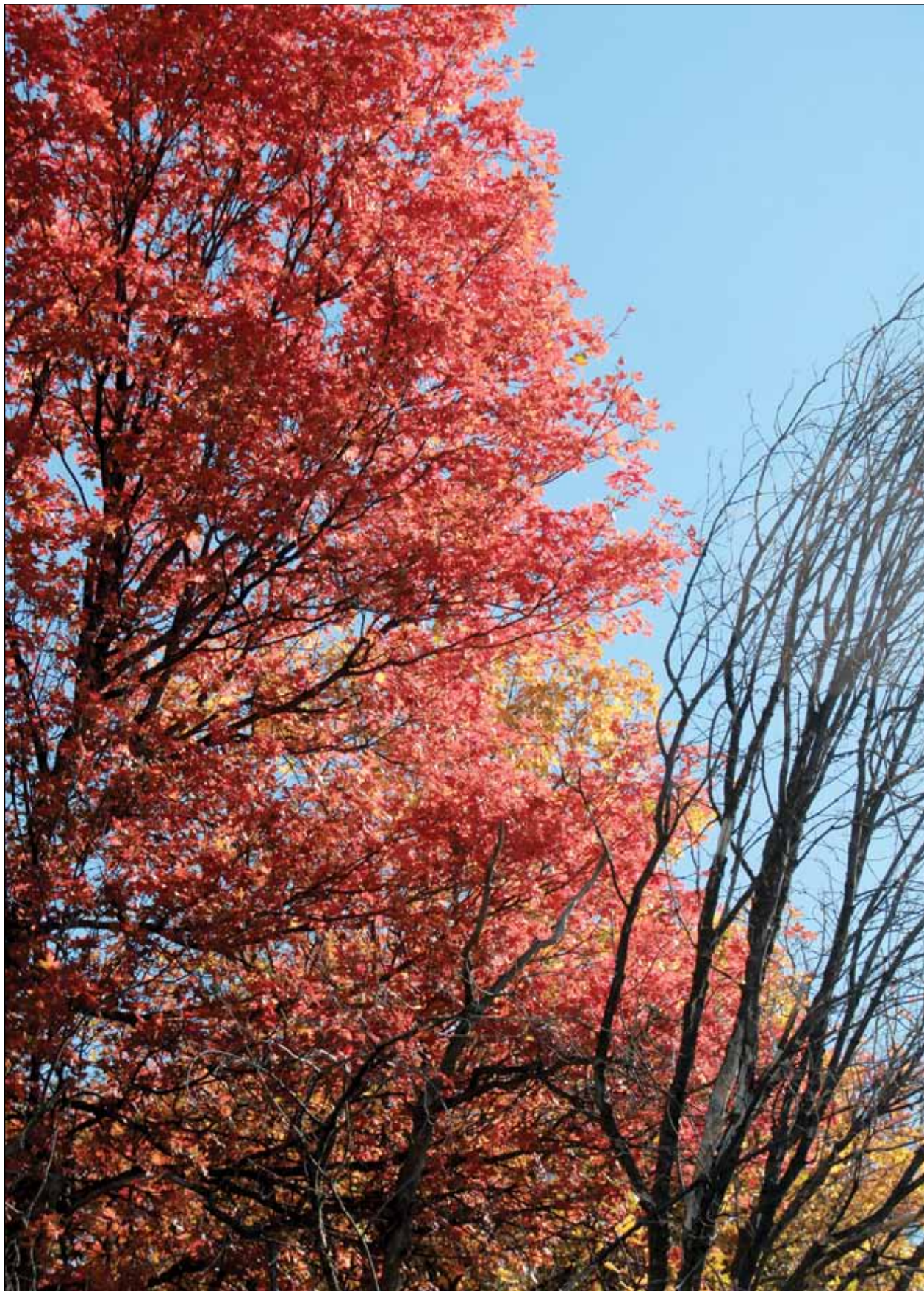
One question presented in the brief was: "Did the lower courts prejudicially err by improperly invalidating Utah's marriage laws and constitutional provision which define marriage as the union of a man and a woman, thus prohibiting and refusing recognition to same-sex marriages, because those courts mistakenly held that such laws and provisions violate the Constitution of the United States?"

Many cases and authorities were cited as having bearing on the case and which the Supreme Court should consult in making a decision.

"The amici are 21 (of the 29) counties in the State of Utah (nearly three-fourths of the counties in the State)," said Eldridge.

As County governmental entities, the amici counties carry out various duties delegated by the State relating to marriage including the issuance and processing of marriage licenses to eligible applicants and administration of other programs relating to marriage and for married families. The Utah citizens residing in the amici counties strongly support protecting marriage as the union of a man and a woman.

In the summary of the argument in the brief, it is stated that: "There are many powerful and profound reasons why Utah, like most States and nation today, define (and historically have defined) marriage to be the union of a man and a woman--and why they have declined to recognize the union of



FALL LEAVES • Leaves on the Mt. Nebo Loop Road are already in fall colors. Next Tuesday, Fall arrives and more of the area foliage will turn. Take a ride up the canyon soon, the rabbit brush is yellow and the maples are bright red. The weather man is calling for rain tonight, Thursday and Friday, but says the weather will clear for the weekend for your "Leaf Peeping" drive.

County has short deadline to mitigate flood damage

By Myrna Trauntvein

Times-News Correspondent

Is it possible to complete five flood mitigation projects in just 10 days beginning on Monday, September 15?

"I think we are in good shape and that we can do it," said Byron Woodland, Juab County Commissioner.

Natural Resources Conservation Service (NRCS), part of the United States Department of Agriculture, has agreed to assist with the rehabilitation effort of the Levan fire area, said Woodland.

"We just received word that they have awarded us \$200,000 for the five different projects but the clock has started ticking," said Woodland. "The county agreed to be a sponsor of the rehabilitation in order to obtain the funding."

Juab County will be required to put up a 25 percent match.

The county's match would come to approximately \$67,000. Most of the match funding will be covered by DWR. The balance can come in the form of in-kind money through the use of county equipment and man hours and will not require the expenditure of county funds.

The five projects consist of the construction of diversion dams, sediment basins and sediment

piles.

The two sediment piles, constructed from tons of rock, will be placed at the base of two canyons.

"There will be six basins," said Woodland.

He said that the projects must be engineered and completed within the 10-day period because the money is granted on an exigency basis. The need for funding to help with emergency projects must be spent in the short time allotted, otherwise, the NRCS will consider that the projects were not that pressing.

More funding may be available from NRCS if more is needed. If the county reapplies for more help, they may receive up to \$400,000.

Woodland said there was a 50 percent chance that the county could reapply and receive the extra money.

To date, the county has already completed some work. They have built some drive-throughs and have done some work on Powell Lane.

"The projects proposed will not eliminate all the flooding but it will help," he said.

The Department of Wildlife Resources has obligated \$130,000 and the projects are underway.

One project, suggested by landowners, to funnel flood wa-

ter into an old stream area on Powell Lane will not accomplish the needed relief from flood water that it was hoped it might do.

"The hydrologist said that it would take a waterway 6-feet wide and 55-feet deep in order to handle the flood water from the north and the south if it were channeled that way," said Woodland.

That would only handle the type of storm the area recently experienced which caused the uncontrolled flooding of the ranches in the area. Powell Lane is on the west side of the fire and has been hard hit by flooding that has come to the area since so the vegetation which held it back has been destroyed by fire.

Seeding has already been taking place with airdrops of 1,200 to 1,400 pounds of seeds per trip. Planning and base funding for wildfire reseeding projects in Utah come from the Utah Division of Wildlife Resources' Watershed Restoration Initiative.

The seed batch consists of 17 species and 27 varieties and is specifically mixed by state wildlife biologists to provide wildlife habitat through restoration in the burned areas, but also to provide erosion control and possibly prevent future wildfires.

The seeding needs to take place soon after a fire in order to

Teen hit by car while crossing SR-132

By Myrna Trauntvein

Times-News Correspondent

A 16-year-old boy from Levan was injured in a traffic accident on Saturday.

On September 13, 2014 at 1:30 p.m. the Nephi City Police and the Juab County Ambulance were called to a pedestrian accident with injuries at 1188 East SR 132, near the mouth of Salt Creek Canyon.

"A 16-year-old juvenile male was running across the road when a passenger car traveling west hit him," said Sergeant John D. Shepherd, Nephi City Police Department Information Officer.

The juvenile was transported to Central Valley Medical Center where he was treated for minor injuries.

The accident is still under investigation but there does not appear to be any major acts of negligence on the driver's part. The driver was from Sanpete County.

"The juvenile male is very lucky because of the fast speeds on this road," said Shepherd. "The speed limit in the area is 45 MPH."

He said that accidents can happen so quickly.

"Often time officers see people running across the highway to get to one of the local businesses," said Shepherd. "It is one of the locations the Nephi City Police conduct traffic control to avoid this type of thing from happening. The problem is we cannot be there all the time. Please remember to slow down and watch for crossing cars and pedestrians."

See Case on page 3

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