



State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

May 3, 2011

DaNelle Windous
Billing contact for Lula Atkin
P.O. Box 151383
Ely, Nevada 89315-1205

Dear DaNelle:

I appreciate your concern expressed during our phone call last week and via your Email earlier today, copy of which is included at the end of this letter. I would like to assure you that the water rights and ownership remain unchanged. They remain, as before, under your mother's name: Lula Atkin and her sisters' names: Barbara Dennis, Helen Paice and Lois Dean.

To effect a change of ownership, a Report of Conveyance prepared by a qualified professional, along with appropriate title documentation would be necessary to change records for the ownership of the water rights. Since you indicated that your mother Lula Atkin has purchased property from her sisters with the appurtenant water rights, I would recommend submitting a Report of Conveyance to update the water rights records to reflect the current ownership. You would need to initiate this change in ownership by updating the title information with the Division of Water Rights. I have attached a brief on "Procedures for Updating Water Right Ownership" that provides more information in this regard. In the meantime you may choose to update the mailing address for your Aunt's individual water rights by contacting me.

The Beaver River system is run by the Beaver River Decree. A court order requires the Division of Water Rights to manage water on the system with the assistance of a State appointed Water Commissioner. To pay operating expenses and salary, funds are assessed and collected from the water users on the system, (from both measured and un-measured users) based on a pro-rata unit system. This Distribution Accounting System is the source of the annual assessment invoices that are sent to the water users on the system. In the past Lula Atkins received 4 assessments detailed below.

For the 2011 Beaver System Distribution Assessments, The Division of Water Rights made an administrative adjustment in the Distribution Accounting System to consolidate all accounts appearing under the same name. Herein is the change that occurred in this year's assessment billing. In summary, we consolidated the Beaver Accounts from 190 accounts to 121 accounts, simply by combining multiple accounts under the same name.



May 3, 2011

Subject: Lula Atkin Account Consolidation

In your mother's case, we consolidated the units (at 0.13 each) from the 4 accounts formerly held by her sisters. Each were being billed the minimum at \$5 each (total \$20). After the consolidation there is single account with the units totaled, (.13 x 4 = .52 Units). Also combined are the associated water rights references noted on the individual accounts into the remaining single account that exists under your mother's original account number 100064. After combining the 4 accounts, the combined units now are slightly over the minimum at (.52) and are being billed for a total of \$5.75.

In the past, For Lula Atkin, 4 bills were being sent and totaled \$20, after the account consolidation, we now mail one bill totaling \$5.75. The remaining accounts were made inactive and notations were made in the system account records to indicate how the accounts were consolidated for the 2011 assessment invoicing. I am also providing "prints" of the active and inactive accounts, along with this summary listing below:

Account	Water Right Number	Owner	Units	Assessment Invoice
100074 Inactive	77-1190	Lula Atkin, ---Lois Dean	.13	5.00 (2010)
100076 Inactive	77-981	Lula Atkin, ---Barbara Dennis	.13	5.00 (2010)
100088 Inactive	77-1189	Lula Atkin, ---Helen Paice	.13	5.00 (2010)
100064 Active	77-1363	Lula Atkin, ---Lula Atkins	.13	5.00 (2010)
100064 Consolidated Assessment	77-1190, 77-981, 77-1189, 77-1363	Lula Atkin, Billing contact: DaNelle Windous	.52 Total	5.75 (2011)

We appreciate your concern and want to assure you that no improprieties have occurred with the water rights by this account consolidation. The Division has made an administrative decision to consolidate a number of distribution accounts as described above, this will remain, until such water rights are sold or conveyed to other parties. A single assessment invoice will be sent again next year.

Although the Distribution accounts have been consolidated, The Water Rights remain unchanged. The Division recommends engaging appropriate services to submit a Report of Conveyance to update the water rights ownership into the current owner(s) name as appropriate. Furthermore, the Division appreciates your on time payment of the annual assessment.

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Additional information on the distribution accounting system and water rights data are available on the internet at www.waterrights.utah.gov. Please contact me if you need assistance navigating the web site. I can be reached at (801) 538-7430.

Sincerely,



Mike Silva
Distribution Engineer

Enclosure: Account Prints

cc: Kurt Vest, Southwestern Regional Engineer, Cedar City
Steve Gale, Water Commissioner
Floyd Yardley, Beaver River System Chairman

Text of Original message received by email: 5/3/2011:

To: MikeSilva@utah.gov From: ggwindous@gmail.com

Subject: water rights for Lula Atkin

Mike,

Since talking to you, I have given this matter alot of thought. I understand what you were trying to explain to me about the consolidation of the water rights to one account, but I am still very uncomfortable with this. I would prefer that you send me a letter with all the account numbers pertaining to the water rights that belong to my mother with the explanation of what you did and why you did it. As I told you on the phone, the bill that I received only had the one original account number on it, with absolutely no explanation of what you had done. I want to have proof that all the accounts are in fact still belonging to my mom, and that they have been paid in full for the year 2011. I would also prefer that next year I am billed for each individual account. I don't care if you send it using just one piece of paper, but I want all the account numbers on it. As you know, the water rights that belong to my mother are also in the name of Lois Dean, Barbara Dennis, and Helen Paice. They were my mother's sisters, and my mother bought the property from them many years ago and the bill of sale states that all water rights go with the property. I hope you do not take this personally, but from past dealings with people, I know that it is important to have tangible proof.

Respectfully,
DaNelle Windous