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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER JERRY D. OLDS
Executive Director *State Engineer/Division Director*

May 3, 2005

Jay Mark Humphrey
Emery Water Conservancy District
PO Box 998
Castledale, UT 84513

Re: 2005 Distribution Assessments

Dear Jay:

I talked with Mark Page after our phone conversation and we agree that an error was made this year in the assessments that were made to the Emery County Water Conservancy District from the Huntington Creek and Cottonwood Creek Distribution Systems. We also agree that the entire assessment should be paid to the Cottonwood Creek Distribution System. It should not be split, as it was this year, between the two distribution systems. Since we agree that an error was made, I don't think there is a need for a meeting.

This error has affected all of the assessments that were sent out on both the distribution systems, the assessments to the other water users on Cottonwood Creek were higher than they should have been and the assessments to the other water users on Huntington Creek were lower than they should have been.

It would be somewhat challenging and confusing to attempt to adjust the distribution of the assessments and send out new assessment notices for this year. It seems the best opportunity for resolving the error and making the proper adjustments will be during next year's assessment process.

Next year we will transfer the amount paid by the Conservancy District to the Huntington Creek Distribution System (\$5600.41) from that trust fund to the Cottonwood Distribution System trust fund. The 2006 total assessment for Cottonwood Creek Distribution System will be reduced by that amount (\$5600.41) and the 2006 total assessment for Huntington Creek Distribution System will be increased by that amount. We will send a letter with the assessments explaining why the assessments varied so much between the two years.

I apologize for the error and the inconvenience that it has caused. If you have any questions, please contact me by phone at (801)538-7380 or by e-mail at LeeSim@utah.gov.

Sincerely,



Lee H. Sim, P.E.
Assistant State Engineer

cc: Mark Page, Regional Engineer
Craig Johansen, Cottonwood Creek Distribution System Chairman
Clyde Magnuson, Cottonwood Creek Distribution System Commissioner
Lee McElprang, Huntington Creek Distribution System Chairman
Kay Jensen, Huntington Creek Distribution System Commissioner