



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

April 27, 2009

Dear Hickman Valley Irrigation Water User:

You appear to be one of the owners of record of water rights associated with the "Hickman Valley Pipeline" that originates from the Dump Ditch Road (also known as the Garkane Canal).

In the past the Division of Water Rights has assessed the individual water right owners associated with the pipeline based on the relative size of each water right. This assessment method was used because reliable measurements on actual water use have not been available. An assessment based on actual water use is the Division's preferred method.

A water meter has now been installed at the head of the Hickman Valley Pipeline that will allow regulation and assessment on the basis of the amount of water actually used for the water users as a group. However, there currently are no means available for the water commissioner to measure and regulate water use to each individual water right owner along the pipeline.

An additional challenge relates to the collection of delinquent assessments. §73-5-1(3)(c) Utah Code Annotated provides that the State Engineer may forbid the use of water if a water user fails to pay the distribution assessment. Although this has not yet been an issue, there is no way for the Division to forbid the use of water to an individual water user on the Hickman Valley Pipeline, which makes the authority to collect assessments of little effect.

Without water use data for each individual water user and without the ability to individually regulate (and individually forbid the use of water if necessary), the Division prefers to issue one assessment for the combined water used by all water users, as measured at the head of the Hickman Valley Pipeline. Therefore, starting with this assessment, the Division will issue one assessment to the Hickman Valley Pipeline water users. Accordingly, the existing individual distribution accounts have been made inactive, and a single "Hickman Valley Pipeline" account has been created. Not having a designated representative for the group, the combined assessment is being sent to all known Hickman Valley Pipeline water users this year. Enclosed is the assessment notice for the combined group, any existing credits or balances owing have been rolled together into this account.

We understand that at one time the Hickman Valley Pipeline water users were organized to some extent to undertake the construction of the pipeline system and that a loose organization continues to provide for water distribution among the water users. If the group designates a representative to receive the assessment each year, we certainly could issue the assessment on that basis. However, it may be advisable for the group to consider a more formal organization as a mutual irrigation company or some similar type of organization. This would be helpful not only for the payment of the distribution assessment but also for the ongoing operation and maintenance of the pipeline system.



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One basis for the organization may be that the water rights associated with the pipeline all originated from two water rights, 95-4681 and 95-4680, that were originally recognized in the Bates Decree of 1935. The land now irrigated by the Hickman Valley Pipeline system is essentially the same land described in these two original water rights (with one exception). If the water users decide to pursue a formal organization, they should retain legal counsel versed in these matters.

To assist in the proportioning of the assessment among the water users and perhaps in the organization of a formal company, we are including the information we have available. The enclosed table provides the list of water right owners, the water rights they own, some information on the water right and a summary of the previous account balances. The list may not be complete and ownership may not be up to date.

We do not intend to send a collective assessment to each water user each year, therefore, we request that the Hickman Valley Pipeline water users designate someone to act on behalf of the group in the payment of the assessment. Please advise this office of that designee prior to the 2010 annual distribution meeting.

Please note that failure to pay the assessment will result in the addition of a 10% delinquent penalty and will eventually lead to a collection action by the Division of Water Rights. If a collection action is required, a \$200 collection fee will be added to the amount due. If a collection action is commenced, it may lead to an order to cease the use of water; in which case the commissioner will be instructed to close and lock the headgate.

If you have any questions concerning this letter, please contact me by phone at 801-538-7430 or by e-mail at MikeSilva@utah.gov.

Sincerely,



Mike Silva
Distribution Engineer

MS/ms

Enclosures:

2009 Water Distribution Assessment Notice for Hickman Valley Irrigation (consolidated)
Inactive Accounts Spreadsheet
Mailing List

cc:

Becky Taft, Water Commissioner, PO Box 154, Bicknell, UT 84715
Kirk Forbush, Regional Engineer, Richfield



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2009 WATER DISTRIBUTION ASSESSMENT NOTICE

HICKMAN VALLEY IRRIGATION CO
Water Master
PO Box 111
Teasdale, UT 84773

LOWER FREMONT RIVER Distribution System Account No: 103140

Current year assessment based on 2160.000

Transaction Date	Description	Debits	Credits
04/02/2009	Adjustment - Consolidated Hickman Valley		21.19
04/06/2009	Assessment	517.55	
	Total Amount Due	496.36	

Payment is due by May 1st. A 10% delinquent penalty will be added AFTER June 1st.

Retain this section for your records. Direct questions to (801) 538-7415.

Water Assessment Payment Coupon

LOWER FREMONT RIVER Distribution System Account No: 103140

Year 2009 Payment \$496.36

Make payable to STATE ENGINEER and note ACCOUNT NO on your check.
Return this portion with your payment. Write name or address changes below.



Hickman Valley Consolidated Accounts									
Inactive Account Number	Sub ID	Billing Entity	WR Numbers	Priority Date*	CFS Flow	Balance rolled into current assessment	Comment		
100769	(19.7M)	BURNETT TWIN SPRINGS RANCH LLC	95-4770, 95-4680	7/15/1935	0.875	-8.12	Late Fee		
100765	(19.7I)	CALLIS, CHARLES	95-4680	7/15/1935	0.05	0			
100768	(19.7L)	CROWTHER, TERENCE xfr .025 to White	95-4681	7/15/1935	0	29.31	Credit from Crowther acct.		
100767	(19.7K)	CLAPP CODY (DAUGHTERS, PAUL)	95-4681	7/15/1935	0.0668	0			
100758	(19.7B)	HICKMAN, KAY OR FRANCES	95-4680	7/15/1935	0.05	0			
100755	(19.6)	KANKAINEN, ERIC & KATHY	95-4680	7/15/1935	0.1	0			
100763	(19.7G)	KANKAINEN, ERIC & KATHY **	95-4690	01/01/1885	1.25	0	B Water Right		
100759	(19.7C)	MCCULLOUGH, JAMES R & NATALIE C	95-4769	7/15/1935	0.225	0			
100761	(19.7E)	Heidi Mitchell, (Mehling, Christopher)	95-4681	7/15/1935	0.05	0			
100766	(19.7J)	MORRISON, DAVID L & ELOISE	95-4681	7/15/1935	0.8082	0			
100757	(19.7A)	POULTON, ROBERT	95-4771	7/15/1935	0.3	0			
100770	(19.7N)	TAVERNE, ANN	95-4771	7/15/1935	0.7	0			
100760	(19.7D)	WHITE, EDWARD O & JOAN G	95-4681	7/15/1935	0.275	0			
Not acct, billed water in well-->		Kenal, Kathy _ Well not in Pipe	95-4839 - Well	6/23/1994	0.015				
Total rights with A+B					4.75	21.19	Credit balance		
Total rights A only					4.75				
Total rights with A+B					3.5	517.55	2009 Assessment Due		
Hickman xfr to Black then to Leavitt, a total of 4.1 "A" water with .5 retained by Hickman to total 4.6									
*Note 7/15/1935 priority date is Bates Decree date for water users claims									
*** Note B water is billed at 1/3 of the A water rate since it is only available 2 of the 6 months of the irrigation season									
						496.36	Bill due for 2009		

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Mailing List:

BURNETT TWIN SPRINGS RANCH
FORREST BURNETT & BECKY
MICKELSON
8460 S 935 E
SANDY UT 84094

CHARLES CALLIS
517 E CENTER ST
PROVO, UT 84604

CODY CLAPP
PO BOX 750 298
TORREY, UT 84775

KAY & FRANCIS HICKMAN
PO BOX 750-333
TORREY, UT 84775

ERIC & KATHY KANKAINEN
1174 HARRISON AVE
SALT LAKE CITY, UT 84105

LEAVITT KENNETH
TORREY, UT 84775

MCCULLOUGH, JAMES R & NATALIE C
2433 KAYWOOD CIRCLE
SALT LAKE CITY, UT 84105

CHRISTOPHER MEHLING, HEIDI
MITCHELL
PO BOX 750-204
TORREY, UT 84775

DAVID L & ELOISE MORRISON
4210 SOUTH 1100 WEST
HURRICANE, UT 84737

ROBERT POULTON
PO BOX 750-238
TORREY, UT 84775

ANN TAVERNE
3981 MT OLYMPUS
HOLLADAY, UT 84124-2315

EDWARD & JOAN WHITE
PO BOX 111
TEASDALE UT 84773

JOSH CROWTHER
#81-10 MINH U RD 9F
NIAOSONG TOWN 833
KAOHSIUNG COUNTY
TAIWAN,
REPUBLIC OF CHINA