



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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DIRECTING ENGINEERS
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October 3, 1978

RE: FREEMONT RIVER DISTRIBUTION SYSTEM
ACCOUNT NO.

Dear Sir:

This office has not received payment of your Freemont River water assessment. Our records indicate that you are now delinquent in the amount of \$ _____ as of Oct. 11, 1978. Section 73-5-1, Utah Code Annotated, 1953, governs the appointment of the water commissioners and the payment of the salary and expenses of the commissioners incurred in distributing the waters of a river system. This section further provides that these distribution costs shall be paid on a pro rata basis by all of the water users and

...such pro rata share shall be paid by each water user to the State Engineer in advance on or before the first day of May each year, and upon failure to do so the State Engineer may create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted, may forbid the use of water by any such delinquent, his successors, or assigns, while such default continues, may bring an action in the district court for such unpaid expenses and salary, and may foreclose such lien, or the district court having jurisdiction of his person may issue an order to show cause upon any delinquent user why a judgment for such sum should not be entered.

Pursuant to the provisions of the above statute you are hereby ordered and directed to cease the use of water from the Freemont River Distribution System unless this delinquent account is paid within 15 days.

If this account is not paid within this 15 day period, the water commissioner will be advised to post and close your diversion works accordingly. Section 73-5-3, Utah Code Annotated, 1953, provides, in part, that:

Whenever in pursuance of his duties the State Engineer regulates or causes to be regulated any head gate, cap, valve or other controlling works of any ditch, canal, pipe, flume, well, or tunnel or other means of diversion or the controlling works of any reservoir, he may attach to such controlling works a written notice, properly dated and signed, setting forth that such controlling works have been properly regulated and are wholly under his control, and such notice shall be a legal notice as to the facts therein contained to all parties interested in the diversion and distribution of the water of such ditch, canal, pipe, flume, well, or tunnel or other means of diversion or reservoir.

You are further advised that Section 73-1-14, Utah Code Annotated, 1953, states:

Any person, who in any way unlawfully interferes with, injures, destroys or removes any dam, head gate, weir, casing, valve, cap or other appliance for the diversion, apportionment, measurement or regulation of water, or who interferes with any person authorized to apportion water while in the discharge of his duties, is guilty of a misdemeanor, and is also liable in damages to any person injured by such unlawful act.

If you have any questions concerning your assessment or the procedure outlined above, please contact me at once.

Very truly yours,


DEE C. HANSEN
State Engineer

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