



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

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State Engineer

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BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

RE: Delinquent distribution account assessment ) ORDER OF THE  
of Wade Marshall ) STATE ENGINEER  
Water Right No(s) (Elmer Tim Marshall / (Elmer Tim  
71-16, 71-214, 71-222, 71-1247, )  
71-1625, 71-1818, 71-1819, (71-1930. Circle Four Farms)

According to Utah Code Ann. section 73-5-1(3) (1989), all expenses for the distribution of water shall be borne pro rata by the users of water according to a schedule to be fixed by the State Engineer. You have been sent notice(s) concerning your delinquent assessment account in addition to the regular and delinquent assessment notices which have been mailed to you. The total amount due, including previous assessments and delinquent penalties, is \$202.61. You have also been sent a "NOTICE OF COMMENCEMENT OF AGENCY ACTION" wherein you were given thirty days to either pay your assessment in full or file a written response to the State Engineer. You have failed to exercise either of these two options.

NOW THEREFORE, according to Utah Code Ann. section 73-5-1(3)(b)(ii) (1989), and Rule R655-6-16 of the Utah Administrative Code, you are hereby **ORDERED** to cease the use of all water under water right No(s) 71-16, 71-214, 71-222, 71-1247, 71-1625, 71-1818, 71-1819, 71-1930. This ORDER shall stay in effect until your delinquent assessment account is paid in full. If you use water in violation of this Order, legal proceedings will be commenced immediately.

This ORDER is subject to the provisions of Rule 655-6-17 of the Division of Water Rights and to sections 63-46(b)-13 and 73-3-14 of the Utah Code, which provide for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this ORDER. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this ORDER, or if a Request for Reconsideration has been filed, within 30 days after the date the



State Engineer Order

Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

I strongly urge you to give this matter your immediate attention. Should you have questions regarding this ORDER, please contact John Larsen at 538-7431 or Lee Sim, Assistant State Engineer, at 538-7380.

Dated this 11th date of January, 1996.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Morgan".

Robert L. Morgan, P.E.  
State Engineer

RLM:BW:bd