



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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

6 February 2006

MITCHELL C. & KELLEEE DAWN DALTON
PO BOX 148
MINERSVILLE UT 84752

RE: **ORDER TO CEASE & DESIST / SEAA 1057**
 WATER RIGHTS 71-1667, 71-1779

Water Users:

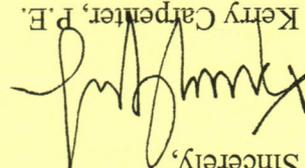
On 31 December 2003, the Division of Water Rights ("the State Engineer") initiated the referenced agency action and sent to Vance & Connie Marshall a Notice of Agency Action including a statutory requirement to take necessary actions to assure full and adequate water rights for all acreage which was being irrigated under the referenced rights.

Pursuant to a failure to achieve full compliance with the notice, the State Engineer issued an Order to Cease & Desist on 11 January 2005 in which it was required that the Marshall's either reduce the irrigated acreage or acquire sufficient rights for the acreage being irrigated.

It has subsequently been reported to the State Engineer and verified by the Regional Engineer that for the 2005 irrigation season there was sufficient water available under shares in Rocky Ford Irrigation Co. to allow irrigation of the acreage in excess of that provided by the referenced rights. It is assumed that you understand that in all future years, you must take measures to limit the acreage irrigated under the referenced rights to no more than 99.8825 acres.

Therefore, the subject agency action can be formally concluded. Your efforts to comply with the order are commended and appreciated.

Please be aware that maintenance of the necessary arrangements to provide sufficient rights for your irrigated acreage remains your responsibility. You should consult regularly with Distribution Commissioner LaVar Davis or with Southwestern Region Office of the Division of Water Rights in Cedar City to assure continued proper maintenance of the required arrangements.

Sincerely,

Kerry Carpenter, P.E.
Enforcement Engineer

pc: G. Kurt Vest, P.E. / Southwestern Regional Engineer
LaVar Davis / Distribution Commissioner / PO Box 483 / MILFORD UT 84751
File: SEAA 1057
Encl: None