



OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN JERRY D. OLDS
Executive Director State Engineer/Division Director

STATE OF UTAH
DIVISION OF WATER RIGHTS

<p>DIVISION OF WATER RIGHTS, JERRY D. OLDS STATE ENGINEER,</p>	<p>ORDER TO CEASE & DESIST: UNLAWFUL DIVERSION OF WATER</p>
<p>Claimant</p>	<p>No. SEAA1054</p>
<p>v.</p>	
<p>Kent & Mary Marshall</p>	<p>Water Right Nos. 71-4186, 71-4187, 71-4188, 71-4189, 71-4190, 71-4227</p>
<p>Respondent.</p>	

TO: Kent & Mary Marshall:

On December 31, 2003 the State of Utah, Division of Water Rights (State Engineer) sent to Kent & Mary Marshall a notice of Agency Action: Illegal Use of Water to determine whether Kent & Mary Marshall had exceeded the irrigation acre limitations as set forth in the water rights listed above.

Based upon consideration of the alleged facts in the Notice of Agency Action and no additional factual evidence being provided to the Division of Water Rights pursuant to that Notice of Agency Action.

The following facts are established:

1. A comparison of aerial photography, field inspection data, and the updated water rights map showed that during 2003 Kent & Mary Marshall irrigated 31.60 acres more than allowed by the above listed water rights.
2. A follow-up field inspection conducted during the 2004 irrigation season in comparison with the updated water rights map showed that Kent & Mary Marshall irrigated 16.10 acres more than allowed by the above reference water rights.
3. The estimated dollar value of the irrigation without a water right (16.10 acres) is \$24,150.00.

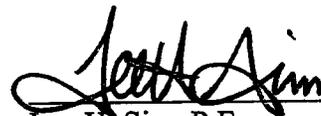
The State Engineer, having duly considered, the evidence and decided the issues, hereby
ORDERS:

1. Kent & Mary Marshall shall cease the irrigation of 16.10 acres that are in excess of the irrigated lands described in the water rights referenced above.
2. This ORDER shall remain in effect until a reduction in irrigated acreage occurs or until arrangements are made and the necessary applications approved by the State Engineer for sufficient water rights to bring the irrigated area into compliance.

Respondents may file a written request for reconsideration of this Judgment and Order. The request must state the specific facts and reasons for the request. The request must be filed with the Presiding Officer, Jerry D. Olds, State Engineer, Utah Division of Water Rights, P. O. Box 146300, Salt Lake City, Utah 84114-6300, within 20 days of the date that this Judgment and Order is issued. If no order granting or denying reconsideration is issued within 20 days of receipt of the request, the request shall be considered denied in accordance with Utah Code Ann. § 63-46b-13(3)(b).

Respondents may file a Complaint for judicial review with the appropriate court within 30 days of the date this Judgment of Order is issued, or an Order on Reconsideration is issued or is considered to have been issued under Utah Code Ann. § 63-46b-13(3)(b). A copy of the Complaint, if any, should be served upon the State Engineer in accordance with the provisions of Utah Code Ann. § 63-46b-1

Dated this 11 day of JANUARY, 2005



Lee H. Sim, P.E.
Assistant State Engineer
Presiding Officer
For
Jerry Olds, P.E.
State Engineer

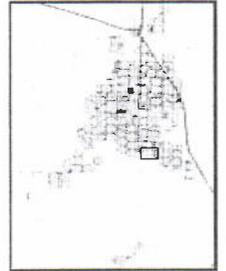
cc: Kerry Carpenter, Regional Engineer
Heather Shilton, Assistant Attorney General
LaVar Davis, Water Commissioner

Utah Division of Water Rights

Explanation

-  Allowed
-  Disallowed
-  Unclassed
-  Unused
-  UGM & Surface
-  Townships
-  Sections
-  Primary Route
-  Secondary
-  Rural Roads
-  Minor Roads
-  Stream
-  Ditch or Canal
-  Wash or Ephemeral Drain
-  Intermittent Stream
-  Aqueduct

Reference



0 270 540 810 1080 ft

ID	Owner Name	Water Right Number	Acres	Status
299	Kent & Mary Marshall	71-4188 71-4189 71-4186 71-4190 71-4187 71-4227	100.90	Allowed
300	Hayward & Edith Marshall Kent & Mary Marshall	No Water Rights	16.10	Disallowed