



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF WATER RIGHTS

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 Robert L. Morgan
 State Engineer

1594 West North Temple, Suite 220
 Box 146300
 Salt Lake City, Utah 84114-6300
 801-538-7240
 801-538-7467 (Fax)

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

**RE: Howard Marshall)
 Water Right No(s). 71-3616)**

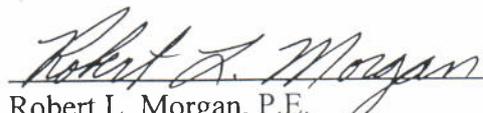
**UNLAWFUL USE OF WATER
 IN EXCESS OF WATER RIGHT**

According to Utah Code Ann. Section 73-3-1, no appropriation of water may be made and no rights to the use of water may be initiated without an application approved by the State Engineer. Water Right No(s). 71-3616 allow the irrigation of 00.00 acres and the watering of 20 head of livestock with a limitation on annual use of 00.00 acre feet of water. A comparison of aerial photography taken in mid-June 1997 with the updated water rights map shows that you are irrigating 31.00 acres more than allowed by Water Right No(s). 71-3616. The attached map shows the location of the unlawfully irrigated land.

In October 1996 you were sent an ORDER to cease the use of all water in excess of the uses and limits set forth in Water Right No(s). 71-3616. The ORDER remains in effect. You are not in compliance with the ORDER, therefore, you are subject to legal proceedings being commenced against you by the State Engineer. The State Engineer is undertaking an enforcement action in the Milford area in relation to the irrigation of unlawful acres. As resources allow, legal proceedings will be commenced against those irrigators who continue to irrigate land in excess of their water right. If you continue to unlawfully irrigate the acres described above, legal proceedings will be commenced against you.

I strongly urge you to give this matter your immediate attention. Should you have questions regarding this notice, please contact Kerry Carpenter, Regional Engineer, at 586-4231 or Lee Sim, Assistant State Engineer, at 538-7380.

Dated this 15th day of October, 1997.


 Robert L. Morgan, P.E.
 State Engineer

cc: Kerry Carpenter
 LaVar Davis

Enclosure



EXHIBIT 4

R 10 W

4

T 29 S

31.0 ac

Howard Marshall

