

BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of: EAST RIVER BOTTOM WATER CO. RESPONDENT	DELINQUENT ASSESSMENT COLLECTION NOTICE SEAA No. 1409 DISTRIBUTION ACCOUNT: 101943 WATER RIGHTS: 55-11011
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I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.

(ii) The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.

(c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:

(i) 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 and bring an action to enforce the lien;

(ii) forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or

(iii) bring an action in the district court for the unpaid expense and salary.

(d) In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.

II. STATEMENT OF FACTS

The following Distribution Assessment Notices have been issued for distribution account 101943.

DATE	NOTICE TYPE	AMOUNT
April 21, 2009	Annual Assessment	\$534.04
August 4, 2009	Delinquent Fee	\$53.40
March 18, 2010	Annual Assessment	\$592.08
July 15, 2010	Delinquent Fee	\$117.95
Unpaid Balance Including Assessments and Delinquent Penalties:		\$1,297.47

SCANNED

40 SEAA 1409

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$1,297.47** must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to **“Utah State Engineer”** delivered to the address below:
Utah State Engineer
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300
3. The enclosed assessment notice must be submitted with the payment and the distribution account number, 101943, must be written on the check.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).

V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Susan Odekirk
(801) 538-7431
susanodekirk@utah.gov
PO BOX 146300
Salt Lake City, Utah 84114-6300

Dated this 6th day of October, 2010



Susan Odekirk P.E.
Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 6th day of October 2010, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

EAST RIVER BOTTOM WATER CO.
C/O ROBERT L. JEFFS
90 NORTH 100 EAST
PROVO, UTAH 84603

Kelly Horne

Kelly Horne
Division of Water Rights
Field Services Secretary

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
0308 2040 0001 6217 8578

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

(Please Print Clearly) *East River Bottom Water Co.
C/O Robert L. Jeffs
90N100E, PROVO, UT 84603*

Postmark
Here

10-6-10

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

PS Form 152, May 2002

(See Reverse)



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director State Engineer/Division Director

2010 WATER DISTRIBUTION ASSESSMENT NOTICE

EAST RIVER BOTTOM WATER CO
JEFFS, ROBERT L.
90 NORTH 100 EAST
PROVO, UT 84603

PROVO RIVER Distribution System Account No: 101943

Transaction Date	Description	Debits	Credits
	Previous Balance	586.30	
03/19/2009	Payment - THANK YOU		586.30
04/21/2009	Assessment	534.04	
08/04/2009	Delinquent Penalty	53.40	
03/18/2010	Assessment	592.08	
07/15/2010	Delinquent Penalty	117.95	
	Total Amount Due	1297.47	

DELINQUENT

Retain this section for your records. Direct questions to (801) 538-7415.

Water Assessment Payment Coupon

PROVO RIVER Distribution System Account No: 101943

Year 2010 Payment \$1297.47

Make payable to STATE ENGINEER and note ACCOUNT NO on your check.
Return this portion with your payment. Write name or address changes below.

