



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF WATER RIGHTS

Michael O. Leavitt
 Governor
 Kathleen Clarke
 Executive Director
 Robert L. Morgan
 State Engineer

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

STATE OF UTAH
DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS)	NOTICE OF AGENCY ACTION:
Claimant)	COLLECTION OF
vs.)	DELINQUENT ASSESSMENT
Joseph E Massey)	
Respondent)	Assessment Account No. 44-24

TO: Joseph E Massey:

The State of Utah, Division of Water Rights ("Division") notifies you that it is commencing an adjudicative proceeding in accordance with Chapter 46b, Title 63, U.C.A. 1953, Utah Administrative Procedures Act, and Division of Water Rights Rules, to determine one or more of the following:

1. Whether Joseph E Massey failed to pay assessments to the state engineer for the salary and expenses of the water commissioners and other expenses related to the distribution of water?
2. Whether the state engineer should create a lien on Joseph E Massey's water right for failing to pay the assessment?
3. Whether the state engineer should issue an Order to Cease the Use of Water forbidding Joseph E Massey, his successor(s), or assignees to use the water while the default continues?
4. Whether the state engineer should bring an action against Joseph E Massey in the district court for the unpaid expense and salary?

The Division has authority and jurisdiction to maintain this action under Sections 73-2-1, 73-2-1.1, and Chapter 5, Title 73, Administration and Distribution, U.C.A. 1953. The proceeding will be conducted informally according to rules adopted under Sections 63-46b-4 and 63-45b-5.

ALLEGED FACTS

Evidence indicates that the assessments on Account 44-24 have not been paid for at least two years and that the account is now delinquent in the amount of \$40.67 which includes the current and previous years' assessments and delinquent penalties shown below. See assessment statement attached as Exhibit A.

<u>Year</u>	<u>Assessment</u>	<u>Penalty</u>
2001	\$ 15.00	\$ 3.70
2000	15.00	2.00
1999	<u>0.00</u>	<u>4.97</u>
Total	\$ 30.00	\$ 10.67

PARTICIPATION

To participate in this proceeding you must provide information related to the above ALLEGED FACTS. Further, if you do not participate as described in the following paragraphs, a default order will be entered.

105. If you pay the delinquent assessment in full including all annual assessments and delinquent penalties within 20 days from the date of service, this action will be set aside.
106. You must either provide relevant information or request a hearing. Relevant information must be mailed or delivered to the Presiding Officer within 20 days from the date of service.
107. If a Notice of Hearing is mailed to you, you must attend the hearing as scheduled in the notice.
108. Reasonable accommodations per Americans with Disabilities Act available with minimum 3 days advance notice.

DEFAULT

If you fail to participate as required above, the Presiding Officer will decide all issues raised by this notice without your participation and will enter a default order. Authority to default for failure to participate may be found in Section 63-46b-11 U.C.A. 1953, Subsection 63-46b-1(4)(a), and Rule R655-6-13, Utah Administrative Code .

HEARING

You may request a hearing within 20 days from the date of service on any issue of fact raised by this notice.

Even if you mail information to the Presiding Officer, the time to request a hearing will not be extended, unless the Presiding Officer gives you notice of an extension in writing.

If you decide to request a hearing, make your request in writing to the Presiding Officer named at the end of this document.

All telephone calls and mail concerning this actions should be directed to:

Robert L. Morgan
State Engineer
Utah Division of Water Rights
P.O. Box 146300
Salt Lake City, Utah 84114-6300
Telephone: (801)538-7240
Fax Number: (801)538-7467

DATED THIS 19 day of October 2001


Robert L. Morgan
Presiding Officer

**** ANNUAL WATER ASSESSMENT NOTICE ****

STATE OF UTAH -- DIVISION OF WATER RIGHTS

1594 WEST NORTH TEMPLE P.O. Box 146300 SALT LAKE CITY, UTAH 84114-6300

PROVO RIVER (LCD) DISTRIBUTION SYSTEM:

TOTAL SYSTEM ASSESSMENT UNITS =

JOSEPH E MASSEY
1067 SIGNORA DR
SALT LAKE CITY UT 84116

ACCOUNT NUMBER	ASSESSMENT UNITS	2001 ASSESSMENT	2001 DELINQUENT PENALTY	PRIOR UNPAID ASSESSMENT	PRIOR DELINQUENT PENALTIES	PAYMENTS MADE IN 2001
44-24		\$15.00	3.70	15.00	6.97	0.00
	Totals:	\$15.00	3.70	15.00	6.97	0.00

TOTAL AMOUNT DUE = \$40.67

By law, payment is due by May 1st. If not paid by June 1st, a 10% DELINQUENT PENALTY will be added to your TOTAL AMOUNT DUE.
Make payable to STATE ENGINEER, and RETURN THE BOTTOM PORTION with your remittance.

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PROVO RIVER (LCD) DISTRIBUTION SYSTEM:

TOTAL SYSTEM ASSESSMENT UNITS =

JOSEPH E MASSEY
1067 SIGNORA DR
SALT LAKE CITY UT 84116

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Make payable to STATE ENGINEER, and RETURN THIS PORTION with your remittance.

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