

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>LOST CREEK IRRIGATION COMPANY OF AURORA</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1420 DISTRIBUTION ACCOUNT: 102052 WATER RIGHTS: 63-2833, 63-3193, 63-3230</p>
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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

1. The Respondent is the water user under distribution account 102052 and owner of the water rights 63-2833, 63-3193 and 63-3230.
2. A Distribution Assessment Notice for the distribution account was issued on March 15, 2010 for an annual assessment in the amount of \$2,392.28.
3. A Delinquent Distribution Notice for the distribution account was issued on July 15, 2010 adding a delinquent fee in the amount of \$239.23.

4. A Distribution Assessment Notice for the distribution account was issued on March 23, 2011 for an annual assessment in the amount of \$2,485.81.
5. A Delinquent Distribution Notice for the distribution account was issued on July 7, 2011 adding a delinquent fee in the amount of \$511.73.
6. **The unpaid balance of distribution account 102052 is \$5,629.05 including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$5,629.05** 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, 102052, 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 27th day of July, 2011

Susan Odekirk
Susan Odekirk
Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 27th day of July 2011, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

LOST CREEK IRRIGATION CO. OF AURORA
c/o Kendall Quarnberg
PO BOX 189
AURORA, UTAH 84620

Kelly Horne
Kelly Horne
Division of Water Rights
Field Services Secretary

U.S. Postal Service™ Delivery Confirmation™ Receipt
Postage and Delivery Confirmation fees must be paid before mailing.
Article Sent To: (to be completed by mailer)

*Lost Creek Irr. Co.
c/o Kendall Quarnberg
PO BOX 189, Aurora, UT 84620*

Postmark Here
7/27/11

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
(See Reverse)

DELIVERY CONFIRMATION NUMBER: 7699 6729 7000 0402 8060

PS Form 152, May 2002



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*

2011 WATER DISTRIBUTION ASSESSMENT NOTICE

LOST CREEK IRRIG CO OF AURORA
GURNEY, ALAN
PO BOX 456
AURORA, UT 84620

SEVIER RIVER Distribution System Account No: 102052

Transaction Date	Description	Debits	Credits
	Previous Balance	3820.38	
02/16/2010	Payment - THANK YOU		3820.38
03/15/2010	Assessment	2392.28	
07/15/2010	Delinquent Penalty	239.23	
03/23/2011	Assessment	2485.81	
07/07/2011	Delinquent Penalty	511.73	
	Total Amount Due	5629.05	

DELINQUENT

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

Water Assessment Payment Coupon

SEVIER RIVER Distribution System Account No: 102052

Year 2011 Payment \$5629.05

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

