

**BEFORE THE DIVISION OF WATER RIGHTS**

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| <p>In The Matter Of:</p> <p>JESSE &amp; BRENDA WOOD<br/>STANLEY WOOD &amp; SONS</p> <p><b>RESPONDENTS</b></p> | <p><b>DELINQUENT ASSESSMENT<br/>COLLECTION NOTICE</b></p> <p>SEAA No. 1414<br/>DISTRIBUTION ACCOUNT: 102121<br/>WATER RIGHT: 61-2163</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**

The following Distribution Assessment Notices have been issued for distribution account 102121.

| DATE           | NOTICE TYPE                                   | AMOUNT    |
|----------------|---|-----------|
| April 19, 2002 | Payment resulting in account credit of \$1.15 | (\$13.10) |
| May 14, 2003   | Annual Assessment                             | \$15.36   |
| April 14, 2004 | Annual Assessment                             | \$20.25   |
| June 14, 2004  | Delinquent Fee                                | \$3.45    |
| April 6, 2005  | Annual Assessment                             | \$16.76   |
| June 9, 2005   | Delinquent Fee                                | \$5.47    |
| April 11, 2006 | Annual Assessment                             | \$17.70   |
| July 13, 2006  | Delinquent Fee                                | \$7.78    |
| March 22, 2007 | Annual Assessment                             | \$20.42   |

|   |                           |                 |
|---|---------------------------|-----------------|
| July 26, 2007   | Delinquent Fee            | \$10.60         |
| April 10, 2008  | Partial Annual Assessment | \$14.63         |
| May 6, 2008   | Partial Annual Assessment | \$6.94          |
| October 6, 2008   | Delinquent Fee            | \$13.82         |
| March 19, 2009  | Annual Assessment         | \$50.00         |
| August 4, 2009  | Delinquent Fee            | \$20.20         |
| March 15, 2010  | Annual Assessment         | \$50.00         |
| July 15, 2010   | Delinquent Fee            | \$27.22         |
| <b>Unpaid Balance Including Assessments and Delinquent Penalties:</b> |                           | <b>\$299.45</b> |

### III. ACTIONS REQUIRED

1. The Respondents are hereby notified that the unpaid balance of **\$299.45** 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, 102121, must be written on the check.

### IV. ADDITIONAL AGENCY ACTION

1. The Respondents are 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 Respondents, 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 December, 2010



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Susan Odekirk P.E.  
Distribution Engineer

CERTIFICATE OF MAILING

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

JESSE & BRENDA WOOD  
STANLEY WOOD & SONS  
PO BOX 1484  
LYMAN, UTAH 84749

*Kelly Horne*

Kelly Horne  
Division of Water Rights  
Field Services Secretary

**U.S. Postal Service™ Delivery Confirmation™ Receipt**

DELIVERY CONFIRMATION NUMBER: 9498 6219 844  
9498 6219 1000 0402 90E0

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Article Sent To: (to be completed by mailer)

(Please Print Clearly)  
Jesse & Brenda Wood  
Stanley Wood & Sons, PO Box 1484  
Lyman UT 84749

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12/6/10

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PS Form 182, May 2002 (See Reverse)