

Sevier River

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>REX A. AND JACK C. CHRISTENSEN</p> <p>RESPONDENTS</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1357 DISTRIBUTION ACCOUNT: 102255 WATER RIGHTS: 63-3061</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 Respondents are the water users under distribution account 102255 and owners of the water right 63-3061.
2. A Distribution Assessment Notice for the distribution account was issued on March 1, 1997 for an annual assessment in the amount of \$6.12.
3. A Delinquent Distribution Notice for the distribution account was issued on June 1, 1997 adding a delinquent fee in the amount of \$1.00.
4. A Distribution Assessment Notice for the distribution account was issued on March 1, 1998 for an annual assessment in the amount of \$10.46.

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5. A Delinquent Distribution Notice for the distribution account was issued on June 1, 1998 adding a delinquent fee in the amount of \$1.76.
6. A Distribution Assessment Notice for the distribution account was issued on March 1, 1999 for an annual assessment in the amount of \$11.26.
7. A Delinquent Distribution Notice for the distribution account was issued on June 1, 1999 adding a delinquent fee in the amount of \$3.06.
8. A Distribution Assessment Notice for the distribution account was issued on March 1, 2000 for an annual assessment in the amount of \$10.41.
9. A Delinquent Distribution Notice for the distribution account was issued on June 1, 2000 adding a delinquent fee in the amount of \$4.41.
10. A Distribution Assessment Notice for the distribution account was issued on March 1, 2001 for an annual assessment in the amount of \$16.05.
11. A Delinquent Distribution Notice for the distribution account was issued on June 1, 2001 adding a delinquent fee in the amount of \$6.45.
12. A Distribution Assessment Notice for the distribution account was issued on March 1, 2002 for an annual assessment in the amount of \$16.55.
13. A Delinquent Distribution Notice for the distribution account was issued on June 1, 2002 adding a delinquent fee in the amount of \$8.75.
14. A Distribution Assessment Notice for the distribution account was issued on May 14, 2003 for an annual assessment in the amount of \$26.32.
15. A Distribution Assessment Notice for the distribution account was issued on April 14, 2004 for an annual assessment in the amount of \$32.41.
16. A Distribution Assessment Notice for the distribution account was issued on April 6, 2005 for an annual assessment in the amount of \$30.38.
17. A Distribution Assessment Notice for the distribution account was issued on April 11, 2006 for an annual assessment in the amount of \$21.34.
18. A Delinquent Distribution Notice for the distribution account was issued on July 13, 2006 adding a delinquent fee in the amount of \$20.39.
19. A Distribution Assessment Notice for the distribution account was issued on March 22, 2007 for an annual assessment in the amount of \$24.56.
20. A Delinquent Distribution Notice for the distribution account was issued on July 26, 2007 adding a delinquent fee in the amount of \$22.71.
21. A Distribution Assessment Notice for the distribution account was issued on April 10, 2008 for an annual assessment in the amount of \$30.06.
22. A Distribution Assessment Notice for the distribution account was issued on May 5, 2008 for a credit to the annual assessment in the amount of \$0.13.
23. A Delinquent Distribution Notice for the distribution account was issued on October 6, 2008 adding a delinquent fee in the amount of \$30.43.
24. A Distribution Assessment Notice for the distribution account was issued on March 19, 2009 for an annual assessment in the amount of \$50.00.
25. A Delinquent Distribution Notice for the distribution account was issued on August 4, 2009 adding a delinquent fee in the amount of \$38.48.
26. **The unpaid balance of distribution account 102255 is \$423.23 including assessments and delinquent penalties.**

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III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$423.23** 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, 102255, 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).
4. If determined to be in violation of an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted in violation of the Order. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation.”

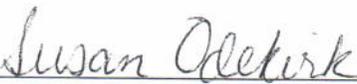
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V. FURTHER INFORMATION

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 15th day of October, 2009

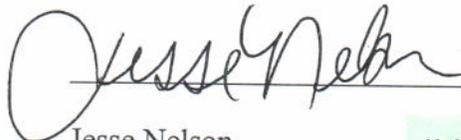


Susan Odekirk
Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 15th day of October 2009, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

REX A. AND JACK C. CHRISTENSEN
180 N 100 E
SALINA, UTAH 84654



Jesse Nelson
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)

Rex A. and Jack C. Christensen
180 N 100E
Salina, UT 84654

Postmark
Here

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DELIVERY CONFIRMATION NUMBER:
030A 1400 0001 9804 1733

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Utah Division of Water Rights



Edit Account - SEVIER RIVER - 102255

Billing Entity : CHRISTENSEN, REX A AND JACK C

Billing Contact :

Address 1 : 180 N 100 E

Phone 1 : (435) -

Address 2 :

Phone 2 :

City : SALINA

Reference : 52.95B

State : Utah

Account Status

Zip : 84654

Active Special Inactive

Account Type : Individuals \ Private Business

Primary Units : 436.00

Direct Assessment : 0.00

Secondary Units : 0.00

Special Assessment : 0.00

Water Use Limit : 0

Balance Owed : \$423.23

OK

Account Notes

#	Date	User Name	Note
1	2/25/2003	HP3000	PREVIOUS OWNER State of Utah Dept of Transportation 4501 S 2700 W Salt Lake City UT 84119-5998 0395

Water Right Numbers

63-3061

Payment History

#	Date	Assessment	Special Assessment	Adjustments or Late Fees	Payment	Balance	Status
1	3/1/1996					\$0.00	
2	3/1/1997		\$6.12			\$6.12	
3	6/1/1997					\$7.12	
4	3/1/1998	\$10.46			\$1.00	\$17.58	
5	6/1/1998					\$19.34	
6	3/1/1999	\$11.26			\$1.76	\$30.60	
7	6/1/1999					\$33.66	
8	3/1/2000	\$10.41			\$3.06	\$44.07	
9	6/1/2000					\$48.48	
10	3/1/2001	\$16.05			\$4.41	\$64.53	
11	6/1/2001					\$70.98	
12	3/1/2002	\$16.55			\$6.45	\$87.53	
13	6/1/2002					\$96.28	
14	5/14/2003 10:38:42 AM	\$26.32			\$8.75	\$122.60	
15	4/14/2004 9:52:14 AM	\$32.41				\$155.01	
16	4/6/2005 9:00:32 AM	\$30.38				\$185.39	
17	4/11/2006 3:34:29 PM	\$21.34				\$206.73	
18	7/13/2006 11:41:38 AM					\$227.12	
19	3/22/2007 2:29:23 PM	\$24.56			\$20.39	\$251.68	
20	7/26/2007 8:55:27 AM					\$274.39	
21	4/10/2008 2:36:36 PM	\$30.06			\$22.71	\$304.45	
22	5/5/2008 2:55:56 PM					\$304.32	
23	10/6/2008 6:08:55 PM				(\$0.13)	\$334.75	
24	3/19/2009 12:49:08 PM	\$50.00			\$30.43	\$384.75	
25	8/4/2009 9:42:20 AM				\$38.48	\$423.23	

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