

File

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF
ATTORNEY GENERAL

RAYMOND A. HINTZE
Chief Deputy

Protecting Utah • Protecting You

KIRK TORGENSEN
Chief Deputy

January 19, 2006

Stephen C. Hewlett
Risk Manager
Office of Risk Management
5120 State Office Building
Salt Lake City, Utah 84114

Re: Notice of Claim of David E. Sorensen and Verla A. Sorensen

Dear Stephen:

Enclosed is a copy of the Notice of Claim in the above-referenced matter. I have read the notice and anticipate that the claim will be litigated. Please initiate an investigation of the claim to assist in the litigation and report your findings to us.

Yours very truly,

STEVEN K. WALKENHORST
Assistant Attorney General
Chief, Litigation Division

SKW/aca
Enclosure

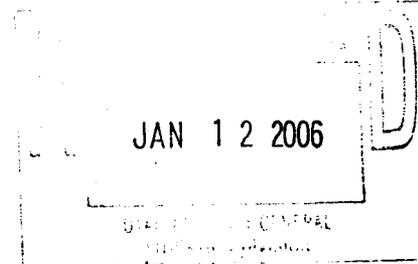
cc: Jerry D. Olds, Water Rights, Director (w/encl.)



**NOTICE OF CLAIM
OF
DAVID E. SORENSEN AND VERLA A. SORENSEN**

**To: State of Utah
Shelly Exeter
Administrative Assistant
State Capitol Complex, East Bldg., Suite 320
Salt Lake City, Utah 84114**

**Utah State Attorney General
236 State Capitol Bldg.
Salt Lake City UT 84114**



Pursuant to the requirements of §63-30(d)-401 Utah Code Annotated (Governmental Immunity Act) you are hereby given notice of the claims of David E. Sorensen and Verla A. Sorensen.

Claimants are owners of properties adjacent to Piute Reservoir in Piute County, Utah. Claimants suffered damages in the Spring of 2005 when the waters of Piute Reservoir backed up over their private property, thereby flooding their lands, depositing silt, destroying their roads, destroying their underground drainage systems, and impairing the productivity of both flooded and unflooded lands.

The State of Utah, by and through its Division of Water Rights and River Commissioner, together with the private water users and irrigation companies, have a duty and responsibility to control the flow of water into and out of Piute Reservoir. Said duty was breached in the following particulars:

a. An excessive amount of water was allowed to accumulate in the reservoir under circumstances where the State knew, or reasonably should have known, of the excessive snow pack and anticipated spring runoff; the minimal gate capacity of the Piute Dam to release water; and the excessive height of the dam's spillway.

b. The State of Utah negligently failed to release, or to authorize the release, of water during the winter months although

it was requested to do so on a number of occasions by claimants or their agents.

- c. The State is strictly liable for damages caused to claimants by water which it controls.
- d. Such other acts as may be disclosed through discovery.

As a proximate result of the above, claimants have suffered the following damages:

- a. Loss of roads that will cost approximately \$60,000 to replace.
- b. Loss of 2005 alfalfa crop, covering 300 acres, the reasonable value of which is \$180,000.
- c. Loss of underground drainage systems of which the estimated replacement cost is \$100,000.
- d. Loss of future productivity of the flooded lands estimated to be \$450,000.
- e. Loss of productivity to adjacent unflooded lands, the amount of which is still unknown.
- e. Such other damage as not yet known.

The within claim was filed by David E. Sorensen and Verla A. Sorensen both individually and as Trustees of the David E. Sorensen 1995 Trust.

DATED this 9 of January, 2006.



David E. West
Attorney for Claimants
3441 S Decker Lake Drive
Salt Lake City UT 84119
801 978-2444

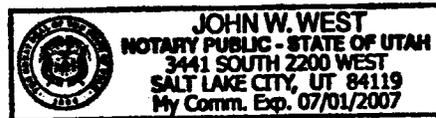
State of Utah)
) ss.
County of Salt Lake)

David E. West, being duly sworn, says that the facts as set forth in the foregoing Notice of Claim are accurate and complete to the best of his knowledge and belief.

David E. West
David E. West

Subscribed and sworn to before me a Notary Public this 9 day of January, 2006.

My commission expires: 7/1/07 John W West
Notary Public
Residing at:



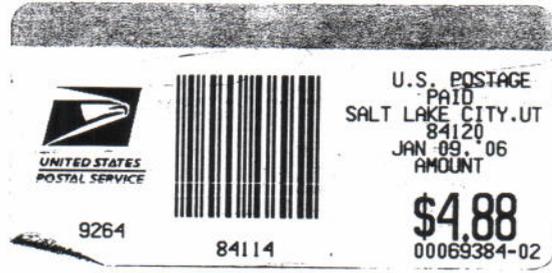
SUIT/CLAIM RECEIVED
OFFICE OF THE ATTORNEY GENERAL

Received: 1/11/06 Forwarded to Steve Walkenhorst: 1/12/06
Certified Mail X (2) Regular Mail _____ Hand Delivery _____

CERTIFIED MAIL™



7004 2510 0002 4700 6910



710 E. WEST
ATTORNEY AT LAW
1000 DECKER LAKE DRIVE
SALT LAKE CITY, UTAH 84119

**RETURN RECEIPT
REQUESTED**

State of Utah
Shelly Exeter
Administrative Assistant
State Capitol Complex, East Bldg.,
Suite 320
Salt Lake City, Utah 84114

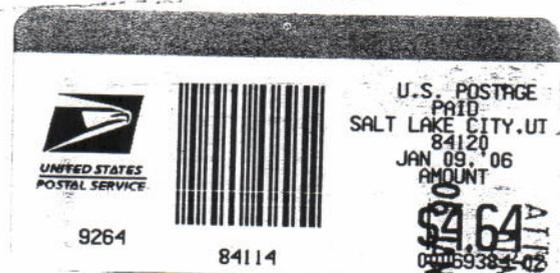
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ATTORNEY GENERAL
ADMINISTRATION



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ATTORNEY AT LAW
1000 DECKER LAKE DRIVE
SALT LAKE CITY, UTAH 84119

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236 State Capitol Bldg.
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ATTORNEY GENERAL
ADMINISTRATION

