



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

January 13, 2011

Re: Proposed Change in Assessment Procedures

TO THE UPPER BEAR RIVER WATER USERS:

We recently did a review of the assessment procedures for the Upper Bear River Distribution System and found there are situations when the procedures probably do not result in a fair distribution of the assessment among the water users.

Under the current procedures, the portion of the assessment allocated to each area of the distribution system is based on the amount of time the water commissioner spent in that area.

We are proposing to change the assessment procedures to take into account not only the time spent in each area but also the total amount of water delivered in each area. The percentage of the assessment allocated to each area would be the average of the percentage of time spent by the commissioner and the percentage of the amount of water delivered.

On the other side of this letter is a review of the assessments for the past five years showing the actual assessments that were allocated based on the current procedure and the assessments that would have been allocated under the proposed procedure.

We believe this change will result in a consistently more equitable and appropriate assessment allocation and will moderate the fluctuations in the assessment allocated to each area of the distribution system.

Utah Code Annotated § 73-5-1(3)(a)(i) gives the State Engineer the responsibility for determining the assessment procedure. However, at the annual meeting we would like to discuss the proposal with the water users and receive their comments before implementing the change.

If you have any questions regarding the proposal prior to the meeting, please contact me at 801-538-7380 or at LeeHSim@utah.gov.

Sincerely,

Lee H. Sim, P.E.

Assistant State Engineer for Field Services

cc: Will Atkin, Regional Engineer
Ron Hoffman, Water Commissioner



UPPER BEAR RIVER

Proposed revision of the assessment procedure to moderate fluctuations in assessment amounts.

The current procedure is to allocate the assessment to each area on the basis of the percentage of time the water commissioner spends in each area each year.

The proposed process would average the percentage of time spent with the percentage of water delivered to each area. The average percentage would be the basis for allocating the assessment to each area of the system.

The following information is based on the years the commissioner has kept records of his time and shows the effect the proposal would have had on assessments in each of those years.

	HOURS		AC FT DELIVERED		PROPOSAL AVE %	ASSESSMENT			
						ACTUAL	AS PROPOSED		
2005	WOODRUFF CR	145	16.48%	24333	17.15%	16.81%	\$5,722	\$5,831	
	OTTER CR	52.5	5.97%	4835	3.41%		4.69%	\$1,914	\$1,625
	BEAR RIVER	682.5	77.56%	112697	79.44%		78.50%	\$27,040	\$27,220
		880		141865			\$34,676	\$34,676	
2006	WOODRUFF CR	155	13.90%	26553	18.71%	16.31%	\$5,143	\$6,033	
	OTTER CR	63	5.65%	5667	3.99%		4.82%	\$1,923	\$1,784
	BEAR RIVER	897	80.45%	109699	77.30%		78.87%	\$29,934	\$29,183
		1115		141919			\$37,000	\$37,000	
2007	WOODRUFF CR	179	13.98%	11394	8.57%	11.28%	\$5,390	\$4,341	
	OTTER CR	77	6.01%	7138	5.37%		5.69%	\$2,036	\$2,191
	BEAR RIVER	1024.5	80.01%	114372	86.06%		83.03%	\$31,074	\$31,967
		1280.5		132904			\$38,500	\$38,500	
2008	WOODRUFF CR	149	13.75%	17656	11.60%	12.67%	\$6,720	\$6,084	
	OTTER CR	40.5	3.74%	5562	3.66%		3.70%	\$1,690	\$1,774
	BEAR RIVER	894.5	82.52%	128938	84.74%		83.63%	\$39,590	\$40,142
		1084		152156			\$48,000	\$48,000	
2009	WOODRUFF CR	211	23.37%	14165	8.78%	16.07%	\$10,744	\$7,512	
	OTTER CR	60	6.64%	5870	3.64%		5.14%	\$3,270	\$2,403
	BEAR RIVER	632	69.99%	141356	87.59%		78.79%	\$32,729	\$36,828
		903		161391			\$46,743	\$46,743	