

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>Burdette Weston, Upper Bear River - Enberg Canal Water User</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1450 DISTRIBUTION ACCOUNT: 102344 WATER RIGHTS: 23-3468</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 102344 and owner or user of Water Right 23-3468 and/or other water rights on the river system.
2. A Distribution Assessment Notice for account 102344 was issued on February 8, 2010, for an annual assessment in the amount of \$786.73.
3. A Delinquent Assessment Notice was issued on July 15, 2010, adding a delinquent fee in the amount of \$78.67.

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4. A Distribution Assessment Notice for account 102344 was issued on Feb 7, 2011, for an annual assessment in the amount of \$796.96.
5. A payment was received on February 10, 2011 in the amount of \$865.40, leaving an unpaid balance of \$796.96.
6. A Delinquent Assessment Notice for account 102344 was issued on July 7, 2011, adding a delinquent fee in the amount of \$79.70.
7. A Distribution Assessment Notice for account 102344 was issued on Feb 13, 2012, for an annual assessment in the amount of \$1095.16.
8. A payment was received on April 5, 2012 in the amount of \$876.66, leaving an unpaid balance of \$1095.16.
9. A Delinquent Assessment Notice for account 102344 was issued on June 19, 2012, adding a delinquent fee in the amount of \$109.52.
10. **The unpaid balance of distribution account 102344 is \$1,204.68, including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of \$1,204.68 must be paid within 60 days.
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.
4. Your distribution account number 102344 should be written on your 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 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.”

V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Will Atkin
Regional Engineer
Logan Office/ Northern Region
Utah Division of Water Rights
(435) 752-8755

OR

Ben Anderson
Water Rights Distribution Engineer
Utah Division of Water Rights
(801) 538-7469

1594 W North Temple Ste 220
P.O. Box 146300
Salt Lake City, UT 84114-6300

Dated this 11th day of October, 2012



Ben Anderson, P.E.
Water Rights Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 11th day of October, 2012, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Burdette W. Weston
PO BOX 13
Laketown, UT 84038

Kelly Horne

Kelly Horne
Division of Water Rights
Field Services Secretary

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
9504 1504
0001 9804 1504
0308 1400 0001 9804 1504

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Burdette Wilson
(Please Print Clearly)
PO BOX 13
Laketown, UT 84038

Postmark
Here

10/11/12

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

PS Form 162, May 2002

(See Reverse)



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

2012 WATER DISTRIBUTION ASSESSMENT NOTICE

WESTON, BURDETTE W.
--Enberg Canal
PO BOX 13
LAKETOWN, UT 84038

UPPER BEAR RIVER (RANDOLPH) Distribution System

Account No: 102344

Transaction Date	Description	Debits	Credits
02/07/2011	Previous Balance	865.40	
02/10/2011	Assessment	796.96	
07/07/2011	Payment - THANK YOU		865.40
02/13/2012	Delinquent Penalty	79.70	
04/05/2012	Assessment	1095.16	
06/19/2012	Payment - THANK YOU		876.66
06/19/2012	Delinquent Penalty	109.52	
	Total Amount Due	1204.68	

DELINQUENT

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

Water Assessment Payment Coupon

UPPER BEAR RIVER (RANDOLPH) Distribution System

Account No: 102344

Year 2012 Payment \$1204.68

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

