

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>NATHAN A. AND WENDY R. EMERICK</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 2037 DISTRIBUTION ACCOUNT: 102884 WATER RIGHTS: 51-8507, 51-8508, 51-8510</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 user under Distribution Account No. 102884 and owner of the Water Rights No. 51-8507, 51-8508 and 51-8410.
2. The following Distribution Assessments have been issued for Distribution Account No. 102884:

DATE	NOTICE TYPE	AMOUNT
3/12/2013	Annual Assessment	\$137.07
7/9/2013	Delinquent Fee	\$13.71
3/18/2014	Annual Assessment	\$46.56
7/22/2014	Delinquent Fee	\$19.73

3. **The unpaid balance of Distribution Account No. 102884 is \$217.07 including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondents are hereby notified that the unpaid balance of \$217.07 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 102884 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:

Sue Odekirk
(801)538-7431
susanodekirk@utah.gov

PO BOX 146300
Salt Lake City, Utah 84114-6300

Dated this 24th day of November, 2014

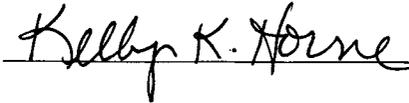
A handwritten signature in black ink that reads "Sue Odekirk". The signature is written in a cursive, flowing style.

Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 24th day of November, 2014, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

NATHAN A. AND WENDY R. EMERICK
HC 13 BOX 445
FAIRVIEW, UT 84629

A handwritten signature in cursive script, reading "Kelly K. Horne", is written over a horizontal line.

Kelly Horne
Division of Water Rights
Field Services Secretary



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director State Engineer/Division Director

2014 WATER DISTRIBUTION ASSESSMENT NOTICE

EMERICK, NATE
HC 13 BOX 445
FAIRVIEW, UT 84629

SPANISH FORK RIVER Distribution System Account No: 102884

Transaction Date	Description	Debits	Credits
03/12/2013	Assessment	137.07	
07/09/2013	Delinquent Penalty	13.71	
03/18/2014	Assessment	46.56	
07/22/2014	Delinquent Penalty	19.73	
Total Amount Due		217.07	

DELINQUENT

Payment is due by May 1st. A 10% delinquent penalty will be added AFTER June 1st.

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

Water Assessment Payment Coupon

SPANISH FORK RIVER Distribution System Account No: 102884

Year 2014 Payment \$217.07

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

