

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>ANNABELLA LAND & CATTLE COMPANY LLC</p> <p>FULLMER BROTHERS, LLC</p> <p>KING RANCHES</p> <p>RESPONDENTS</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 2048 DISTRIBUTION ACCOUNT: 102085 WATER RIGHT: 61-2164</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 (2007).

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 own / use the water distributed in accordance with water right 61-2164. As such the respondents are assessed annually. Respondents assessments and payments are recorded as Sevier River Distribution System assessment account 102085.

2. A Distribution Assessment Notice was issued on February 26, 2014 for an annual assessment in the amount of \$126.07.
3. A Delinquent Distribution Notice was issued on July 22, 2014 adding a delinquent fee in the amount of \$12.61.
4. A Distribution Assessment Notice was issued on March 11, 2014 for an annual assessment in the amount of \$129.22.
5. A Delinquent Distribution Notice was issued on July 16, 2014 adding a delinquent fee in the amount of \$26.79.
6. **The unpaid balance of distribution account 102085 is \$294.69 including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondents are hereby notified that the unpaid balance of **\$294.69** 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, 102085, 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 payment is made in a timely manner, the Division will conclude this agency action.
2. If payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until 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).

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 17th day of August, 2015



Susan Odekirk
Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 17th day of August, 2015, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

ANNABELLA LAND & CATTLE COMPANY LLC
PO BOX 89
ANNABELLA, UTAH 84711

USPS TRACKING # **9114 9999 4423 8701 8650 18**
& CUSTOMER RECEIPT
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

FULLMER BROTHERS, LLC
PO BOX 570130
SIGURD, UTAH 84657-0130

USPS TRACKING # **9114 9999 4423 8701 8650 25**
& CUSTOMER RECEIPT
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

KING RANCHES
A PARTNERSHIP
RICHFIELD, UTAH 84701

USPS TRACKING # **9114 9999 4423 8701 8650 32**
& CUSTOMER RECEIPT
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

Kelly Horne
Division of Water Rights
Field Services Secretary

