

**BEFORE THE DIVISION OF WATER RIGHTS**

<p>In The Matter Of:</p> <p>LOWELL W. WALKER</p> <p><b>RESPONDENT</b></p>	<p><b>DELINQUENT ASSESSMENT COLLECTION NOTICE</b></p> <p>SEAA No. 2054 DISTRIBUTION ACCOUNT: 101758 WATER RIGHTS: 55-11152, 55-11255 &amp; 55-11332</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 listed as the billing contact for annual assessments for water rights: 55-11152, 55-11255 and 55-11332.
2. The following Distribution Assessment Notices have been issued for Distribution Account No. 101758:

DATE	NOTICE TYPE	AMOUNT
2/27/2013	Annual Assessment	\$40.00
7/9/2013	Delinquent Fee	\$4.00

3/5/2014	Annual Assessment	\$40.00
7/22/2014	Delinquent Fee	\$8.40
3/23/2015	Annual Assessment	\$40.00
7/16/2015	Delinquent Fee	\$13.24
4/11/2016	Annual Assessment	\$40.00
7/21/2016	Delinquent Fee	\$18.56

3. **The unpaid balance of Distribution Account No. 101758 is \$204.20 including assessments and delinquent penalties.**

### III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$204.20** 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 should be submitted with the payment and the distribution account number: 101758 should be written on the 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).

V. FURTHER INFORMATION

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

*Sue Odekirk*  
(801)538-7431  
[susanodekirk@utah.gov](mailto:susanodekirk@utah.gov)

PO BOX 146300  
Salt Lake City, Utah 84114-6300

Dated this 8th day of August, 2016



Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 8th day of August, 2016, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Mr. Lowell W. Walker  
2704 E HWY 35  
Kamas, Utah 84036

7002 0510 0002 2228 7868

Kelly Horne  
Division of Water Rights  
Field Services Secretary



CC: Stanley Roberts, Commissioner



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

**2016 WATER DISTRIBUTION ASSESSMENT NOTICE**

WALKER, LOWELL W  
2704 E HWY 35  
KAMAS, UT 84036

PROVO RIVER Distribution System      Account No: 101758

Transaction Date	Description	Debits	Credits
	Previous Balance	92.40	
03/23/2015	Assessment	40.00	
07/16/2015	Delinquent Penalty	13.24	
04/11/2016	Assessment	40.00	
07/21/2016	Delinquent Penalty	18.56	

<b>Total Amount Due by May 1st</b>	<b>204.20</b>
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**DELINQUENT**

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**

PROVO RIVER Distribution System      Account No: 101758  
Entity: WALKER, LOWELL W

**Year 2016 Payment    \$204.20**

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

