BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of: GINES FAMILY TRUST **RESPONDENT**	**DELINQUENT ASSESSMENT COLLECTION NOTICE** SEAA No. 2055 DISTRIBUTION ACCOUNT: 101759 WATER RIGHTS: 55-11153

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 owner of record water right: 55-11153.

2. Provo River water rights including 55-11153 are assessed annually in order to pay distribution system expenses including River Commissioner and Deputy Commissioner salaries. Assessment account number 101759 has been used to assess the above-listed water right every year in March.

3. The following Distribution Assessment Notices have been issued for Distribution Account No. 101759:

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

The unpaid balance of Distribution Account No. 101759 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: 101759 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

PO BOX 146300
Salt Lake City, Utah 84114-6300

Dated this 8th day of August, 2016

Sue Odekirk

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:

USPS TRACKING # & CUSTOMER RECEIPT **9114 9999 4423 8701 8654 90**
For Tracking or inquiries go to USPS.com or call 1-800-222-1811.

Gines Family Trust
Phares K. Gines & Lorie Ann Gines, Trustees
3651 S 1000 E
Woodland, Utah 84036

Kelly T. Horne

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
Executive Director

KENT L. JONES
State Engineer/Division Director

2016 WATER DISTRIBUTION ASSESSMENT NOTICE

GINES, SHELLY
3627 S 1000 E
KAMAS, UT 84036

PROVO RIVER Distribution System Account No: 101759

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	

Total Amount Due by May 1st 204.20

DELINQUENT

A 10% deliquent penalty will be added AFTER June 1st.

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

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Water Assessment Payment Coupon

PROVO RIVER Distribution System Account No: 101759
Entity: GINES, SHELLY

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.

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*