

UTAH PUBLIC SERVICE COMMISSION

2016 FEB 24 A 11:44

RECEIVED

**FORMAL COMPLAINT FORM
PUBLIC SERVICE COMMISSION
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114**

RECEIVED

FEB 22 2016

UTAH DIVISION OF PUBLIC UTILITIES

1. Name of Complainant: Patricia Matthews
Address: 1098 Horseman's Park Panguitch UT 84785
Telephone No.: 435-632-0539

If represented by counsel, list:

Name: John Christian Barlow
Address: 321 N. Main Drive R 290 St George UT 84790
Telephone No.: 435-634-1200

2. The utility being complained against is: Panguitch Valley Water Works
3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper?
Include exact dates, times, locations and persons involved, as closely as you can.

See - attached

4. Why do you (the Complainant) think these activities are illegal, unjust or improper?

5. What relief does the Complainant request?

6. Signature of Complainant Pat Matthews

Date: 2-12-16

Formal Complaint Form

Explanations of questions 3, 4, and 5.

Question 3. What did the utility do which you think is illegal, unjust, or improper?

Answer: Since November of 2011 Dammeron Valley Water Works ("DVWW") has been denying me beneficial use of the water I own. DVWW is refusing to recognize the transfer of my water rights from my 1341 Carters Pond property to my 1093 N Horesemans Park Drive property. Because they refuse to recognize my water ownership, they are overcharging me for water. I have been billed in excess of \$591.92 over the period of November 2011 through November 2015. The water claim # is 81-1487, and the water right numbers are 81-4860 (16.0 acre-feet), and 81-4861 (3.0 acre-feet). See Statement of Perfected Water Right Ownership Segregation (attached), and see also WRPRINT indicating the updated address of 1093 N Horsemans Park, Dammeron Valley UT 84783 (attached).

Every time I have requested relief from DVWW I have been treated very poorly including the refusal to answer my questions, and intimidation with the threats of legal proceedings against me and the threat that the new owners of the Carters Pond property are going to sue me. At this point in my life I am very fragile and emotionally drained due to the loss of loved ones and my own failing health. The way DVFWW has treated me has contributed to my failing physical and emotional health.

Question 4. Why do you think these activities are illegal, unjust, or improper?

Answer: Dammeron Valley Water Works has no legal right to deny me beneficial use of the water rights I own. DVWW's unlawful denial of my beneficial use of my water is equivalent to a taking of property.

Question 5. What relief does the Complainant request?

Answer: I request that the Commission require DVFWW to grant me use of my water rights and that I am reimbursed for damages in the amounts that I have been over charged for water use, my attorney fees, and mental anguish.

STATEMENT OF PERFECTED WATER RIGHT OWNERSHIP SEGREGATION

STATE OF UTAH

For the purpose of informing the State Engineer of the separation of a portion of a perfected water right, this statement is hereby made, based upon the following showing of facts.

WATER RIGHT #: 81-4861 APPLICATION #: A40988a Priority Date: November 1, 1971

WATER RIGHT SEPARATED FROM: 81-1487 (A40988a)

(This document was created on: September 8, 2010 by KCHRIST)

1. OWNERSHIP INFORMATION:

A. NAME: Patricia L. Matthews
ADDRESS: 1341 Carter's Pond Road
Dammeron Valley UT 84783

2. SOURCE INFORMATION:

A. QUANTITY OF WATER: 3.0 acre-feet
B. SOURCE: Underground Water Well COUNTY: Washington
C. COMMON DESCRIPTION: Dammeron Valley area
D. POINT OF DIVERSION -- UNDERGROUND:
(1) N 3,855E 4,475 from the SW corner, Section 09, T 40S, R 16W, SLBM
WELL DIAMETER: 12 inches WELL DEPTH: 300 feet

3. WATER USE INFORMATION:

Water Rights Appurtenant to the following use(s):
81-1487, 2167, 2276, 4861

IRRIGATION: from Mar 1 to Nov 1. SOLE SUPPLY: 0.6000 acres of the Group Total of 68.6400

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

BS TOWN RANG SC	Northwest Quarter				Northeast Quarter				Southwest Quarter				Southeast Quarter				Section Totals	
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE		
SL 40S 16W 17				*				*									*12.1100 22.4800 25.4100 8.6400*	68.6400
Group Total: 68.6400																		

STATEMENT OF PERFECTED WATER RIGHT OWNERSHIP SEGREGATION

STATE OF UTAH

For the purpose of informing the State Engineer of the separation of a portion of a perfected water right, this statement is hereby made, based upon the following showing of facts.

WATER RIGHT #: 81-4860 **APPLICATION #:** A40988a **Priority Date:** November 1, 1971

WATER RIGHT SEPARATED FROM: 81-1487 (A40988a) (This document was created on: September 2, 2010 by CADAMS.)
(Segregated at owners request)

1. OWNERSHIP INFORMATION:

A. **NAME:** Patricia L. Matthews **INTEREST:** 100%
ADDRESS: 1341 Carter's Pond Road
 Dammeron Valley UT 84783
REMARKS: 16.0 AF, 3.20 acres irrigation

2. SOURCE INFORMATION:

A. **QUANTITY OF WATER:** 16.0 acre-feet
 B. **SOURCE:** Underground Water Well **COUNTY:** Washington
 C. **COMMON DESCRIPTION:** Dammeron Valley area
 D. **POINT OF DIVERSION -- UNDERGROUND:**
 (1) N 3,855E 4,475 from the SW corner, Section 09, T 40S, R 16W, SLBM
 WELL DIAMETER: 12 inches **WELL DEPTH:** 300 feet

3. WATER USE INFORMATION:

IRRIGATION: from Mar 1 to Nov 1. **SOLE SUPPLY:** 3.2000 acres
PLACE OF USE: (which includes all or part of the following legal subdivisions:)

BS TOWN RANG SC	----- Northwest Quarter -----*				----- Northeast Quarter -----*				----- Southwest Quarter -----*				----- Southeast Quarter -----}				Section	
	NW	NE	SW	SE *	NW	NE	SW	SE *	NW	NE	SW	SE *	NW	NE	SW	SE	Totals	
SL 40S 16W 17				*				*				*X	X	X	X	X	*	0.0000
																Group Total:	0.0000	



(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 02/11/2016

WATER RIGHT: 81-4860 APPLICATION/CLAIM NO.: A40988a CERT. NO.: 12317

OWNERSHIP*****

NAME: Patricia L. Matthews
ADDR: 1093 N Horsemans Park
Dammeron Valley UT 84783
INTEREST: 100%
REMARKS: 16.0 AF, 3.20 acres irrigation

DATES, ETC.*****

LAND OWNED BY APPLICANT? COUNTY TAX ID#:
FILED: 01/16/1975 PRIORITY: 11/01/1971 PUB BEGAN: PUB ENDED: NEWSPAPER:
ProtestEnd: [PROTESTED: [No]] HEARING HLD: SE ACTION: [] ActionDate:02/07/1975 PROOF DUE:
EXTENSION: [ELEC/PROOF: []] ELEC/PROOF: [] CERT/WUC: 05/18/1984 LAP, ETC: [] LAPS LETTER:
RUSH LETTR: [RENOVATE: []] RECON REQ: TYPE: []
PD BOOK: [81-1] MAP: [66d] PUB DATE:

*TYPE -- DOCUMENT -- STATUS
Type of Right: Application to Appropriate Source of Info: Ownership Segregation Status: Water User's Claim

LOCATION OF WATER RIGHT**(Points of Diversion: Click on Location to access PLAT Program.)*****MAP VIEW*****

FLOW: 16.0 acre-feet
SOURCE: Underground Water Well
COUNTY: Washington COMMON DESCRIPTION: Dammeron Valley area

POINT OF DIVERSION -- UNDERGROUND: (Click Well ID# link for more well data.)

(1) N 1855 ft E 4475 ft from SW cor. Sec 09, T 40S, R 16W, S1BM
DIAMETER OF WELL: 12 ins. DEPTH: 300 to ft. YEAR DRILLED: WELL LOG? No WELL ID#:

USES OF WATER RIGHT***** ELU -- Equivalent Livestock Unit (cow, horse, etc.) ***** EDU -- Equivalent Domestic Unit or 1 Family
(The Beneficial Use Amount is the quantity of Use that this Water Right contributes to the Group Total.)

SUPPLEMENTAL GROUP NO.: 639945

IRRIGATION: 3.2 acres PERIOD OF USE: 03/01 TO 11/01

##PLACE OF USE: *-----NORTH WEST QUARTER-----*-----NORTH EAST QUARTER-----*-----SOUTH WEST QUARTER-----*-----SOUTH EAST QUARTER-----*
* NW | NE | SW | SE * NW | NE | SW | SE * NW | NE | SW | SE * NW | NE | SW | SE *
Sec 17 T 40S R 16W S1BM * | | | | * | | | | * | | | | *X | X | X | X *

SEGREGATION HISTORY*****

This Right was Segregated from 81-1487, with Appl#: A40988a, Approval Date: / / under which Proof is to be submitted.
This Right as originally filed:

FLOW IN CFS	QUANTITY IN ACRE-FEET	WATER USES						
		IRRIGATED ACREAGE	STOCK (ELUs)	DOMESTIC (FAMILIES)	MUNICIPAL	MINING	POWER	OTHER
16.0	3.2000							

Segregated at owners request

*****END OF DATA*****

[Utah gov](#)
[Online Services](#)
[Agency List](#)
[Business](#)

Utah Division of Water Rights

Select Related Information

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 02/11/2016

WATER RIGHT: **81-4861** APPLICATION/CLAIM NO.: **A40988a** CERT. NO.: 12317

OWNERSHIP*****

NAME: Patricia L. Matthews
 ADDR: 1093 N Horsemans Park
 Dammeron Valley UT 84783

DATES, ETC.*****

LAND OWNED BY APPLICANT? COUNTY TAX ID#: []
 FILED: 01/16/1975 PRIORITY: 11/01/1971 PUB BEGAN: [] NEWSPAPER: []
 ProtestEnd: [] PROTESTED: [No] HEARING HLD: [] SE ACTION: [] ActionDate: 02/07/1975 PROOF DUE: []
 EXTENSION: [] ELEC/PROOF: [] ELEC/PROOF: [] CERT/WUC: 05/18/1984 LAP, ETC: [] LAPS LETTER: []
 RUSH LETTR: [] RENOVATE: [] RECON REQ: [] TYPE: []
 PD BOOK: [81-1] MAP: [66d] PUB DATE: []

*TYPE -- DOCUMENT -- STATUS--
 Type of Right: Application to Appropriate Source of Info: Ownership Segregation Status: Water User's Claim

LOCATION OF WATER RIGHT*** (Points of Diversion: Click on Location to access PLAT Program.)*****[MAP VIEW](#)*****

FLOW: 3.0 acre-feet
 SOURCE: Underground Water Well
 COUNTY: Washington COMMON DESCRIPTION: Dammeron Valley area

POINT OF DIVERSION -- UNDERGROUND: (Click Well ID# link for more well data.)
 (1) [N 3855 ft E 4475 ft from SW cor. Sec 09, T 40S, R 16W, SLBM](#)

DIAMETER OF WELL: 12 ins. DEPTH: 300 to ft. YEAR DRILLED: [] WELL LOG? No WELL ID#: []

USES OF WATER RIGHT***** ELU -- Equivalent Livestock Unit (cow, horse, etc.) ***** EDU -- Equivalent Domestic Unit or 1 Family
 (The Beneficial Use Amount is the quantity of Use that this Water Right contributes to the Group Total.)

SUPPLEMENTAL GROUP NO.: [630961](#)

IRRIGATION: 0.6 acres PERIOD OF USE: 03/01 TO 11/01

##	PLACE OF USE:	NORTH WEST QUARTER				NORTH EAST QUARTER				SOUTH WEST QUARTER				SOUTH EAST QUARTER			
		NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
	Sec 17 T 40S R 16W SLBM															X	X

SEGREGATION HISTORY*****

This Right was Segregated from [81-1487](#), with Appl#: A40988a, Approval Date: / / under which Proof is to be submitted.
 This Right as originally filed:

FLOW IN	QUANTITY IN *-----W A T E R U S E S-----*								
	CFS	ACRE-FEET	IRRIGATED ACREAGE	STOCK (ELUs)	DOMESTIC (FAMILIES)	MUNICIPAL	MINING	POWER	OTHER
		3.0	0.6000						

***** E N D O F D A T A *****