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## MEMORANDUM

**DATE:** February 25, 2016

**TO:** Public Service Commission

**FROM:** Division of Public Utilities  
Chris Parker, Division Director  
Marialie Wright, Customer Service Manager  
Erika Tedder, Office Specialist

**RE:** Pat Matthews v. Dammeron Valley Water Works  
Docket No. 16-2025-01

**Recommendation: Dismiss Complaint**

**Complaint Analysis:**

On May 8, 2015, Ms. Pat Matthews (Complainant) called the Division of Public Utilities (Division) to submit an informal complaint against Dammeron Valley Water Works (Company) regarding an unresolved water rights dispute.

Complainant claims that she has 19 acre-feet of water rights, but that the Company refuses to deliver to her all of the water. Complainant states that she would like her excess water for watering of a pasture and to sell the rest.

**Company Response:**

Lisa Chauvin, Dammeron Valley Water Works' Manager, responded to Pat Matthews' informal complaint on May 12<sup>th</sup>, 2015. Ms. Chauvin advised that the Complainant's quitclaim deed states, "...the water is restricted to irrigation use only and only on the lot being conveyed herein." Ms. Chauvin also enclosed a copy of the Declaration of Covenants, Conditions, and Restrictions (CC&R's) that cover irrigation restrictions pertaining to the Complaint's subdivision and lot. Ms. Chauvin stated that the CC&R's deem the water cannot be transferred away from its designated lot.

**DPU Comments & Recommendation:**

The Division recommends that since the controlling of the water rights and delivery for the Complainant are specified within a quitclaim deed as well as CC&R's which are contractual agreements, the complaint should be dismissed based on lack of subject matter jurisdiction.