

SEAA No. \_\_\_\_\_

Date Received: \_\_\_\_\_

(Entered by Enforcement Engineer)

## ENFORCEMENT SCREENING QUESTIONNAIRE

§§§§§§§§§§

Complete this form by entering the requested information in the blanks provided or by circling the answer(s) which most clearly apply.

1. The alleged violator is:

1.1. Name: \_\_\_\_\_

1.2. Address: \_\_\_\_\_

1.3. Telephone: \_\_\_\_\_

2. If the alleged violator is other than an individual (e.g., irrigation company, mutual water company, corporation, LLC, etc.), the point of contact will be:

2.1. Name: \_\_\_\_\_

2.2. Office / Title: \_\_\_\_\_

3. The alleged violation arises from (check all that apply):

3.1.  diverting water for which no right has been established;

3.2.  diverting water in violation of an existing right (§ 73-3-3, etc.);

3.2.1. Water right/application number[s]: \_\_\_\_\_

3.3.  diverting water without benefit of a proper control device (headgate, etc.) or measuring device in violation of an **order** (§ 73-5-4);

3.3.1. Order date/number: \_\_\_\_\_

3.4.  diverting and/or using water in violation of an **order** to install a proper control device (§ 73-5-9);

3.4.1. Order date/number: \_\_\_\_\_

3.5.  diverting water in violation of a written **distribution order**;

3.5.1. Order date/number: \_\_\_\_\_

- 3.6.  conducting stream alteration activities in violation of § 73-3-29;
- 3.7.  engaging in well drilling without a license required by § 73-3-25;
- 3.8.  conducting unauthorized dam construction or alteration or storing water in violation of a formal **notice or order** (§ 73-5a-701; R655-10, 11, 12);
  - 3.8.1. Notice/ Order date/number: \_\_\_\_\_
- 3.9.  damaging or interfering with control or measuring device being used for distribution of water by the State Engineer or interfering with a person authorized by the State Engineer to distribute water (§ 73-1-14);\*<sup>1</sup>
- 3.10.  obstructing a canal, ditch, pipeline, etc. or right-of-way for the operation and maintenance of same (§ 73-1-15);\*
- 3.11.  interfering with the lawful and official activities of an authorized employee of the Division of Water Rights (§ 73-2-20);\*
- 3.12.  Other

3.12.1. Specify the relevant statute or rule allegedly violated:

\_\_\_\_\_

4. Did the alleged violation occur or continue to occur during the past 12 months?

4.1.  Yes

4.2.  No (If “No,” the violation is not subject to enforcement action.)

5. When did the alleged violation initially occur?

Date: \_\_\_\_\_

6. Is the violation continuing?

6.1.  Yes

6.2.  No. Ended on date: \_\_\_\_\_

<sup>1</sup> Those items marked with an asterisk (\*) are not currently listed in statute as grounds to “commence an enforcement action” under § 73-2-25, but are subject to criminal penalties under § 73-2-27.

7. How was the alleged violation identified?

7.1.  Signed written complaint (attach copy);

7.1.1. Complainant name: \_\_\_\_\_

7.1.2. Complainant address: \_\_\_\_\_

7.1.3. Complainant telephone: \_\_\_\_\_

7.2.  Anonymous written complaint (attach copy);

7.3.  Verbal complaint from known person(s);

7.3.1. Complainant name: \_\_\_\_\_

7.3.2. Complainant address: \_\_\_\_\_

7.3.3. Complainant telephone: \_\_\_\_\_

7.4.  Anonymous verbal complaint;

7.5.  Observed by Division/Region staff or Commissioner;

7.6.  Other (please describe circumstances). \_\_\_\_\_

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8. If the alleged violation occurred in the context of an established State Engineer's Distribution System, identify:

8.1. Name of the system:

\_\_\_\_\_

8.2. Commissioner

8.2.1. Name: \_\_\_\_\_

8.2.2. Mailing / email Address: \_\_\_\_\_

8.2.3. Telephone number(s):(H) \_\_\_\_\_ (C) \_\_\_\_\_

9. Is there reason to believe the alleged violation occurred “knowingly?”<sup>2</sup>

9.1.  Yes

9.2.  No

9.3. Describe the information on which this conclusion is based:

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10. Has the alleged violator previously been issued a “Final Order and Judgment” or entered into a “Consent Order” for the same or a similar violation?

10.1.  Yes – Date/number of prior Order: \_\_\_\_\_

10.2.  No.

11. Provide a narrative description of the alleged violation including any relevant details and contact information for persons with pertinent information not addressed or identified in the foregoing items. Also provide copies of any correspondence, pictures, etc., related to the alleged violation. Attach additional sheet(s) as needed.

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This form completed by: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

VERSION: MAY 2014

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<sup>2</sup> **76-2-103. Definitions.**

A person engages in conduct: . . .(2) **Knowingly**, or with knowledge, with respect to his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or the existing circumstances. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.