



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

August 17, 2015

Dear Water User(s),

The State Engineer (Division of Water Rights) has commenced the adjudication of the Harmony Park East Subdivision (Area 57, Book 4) of the Salt Lake County East Division within the Utah Lake – Jordan River General Adjudication. Water rights general adjudications are large-scale civil actions in the local district court to investigate, define, and ultimately settle all claims to water rights within a specific area. If you want to assert or maintain a water right in the Harmony Park East Subdivision you must participate in the general water rights adjudication.

A search of our records indicates that you may be an owner (or owner’s agent) of property or a water right within the boundary of the Harmony Park East Subdivision. The Harmony Park East Subdivision covers the area that extends from 3300 South to 3900 South between Main Street and 700 East in Salt Lake County (see Figure 1 below).

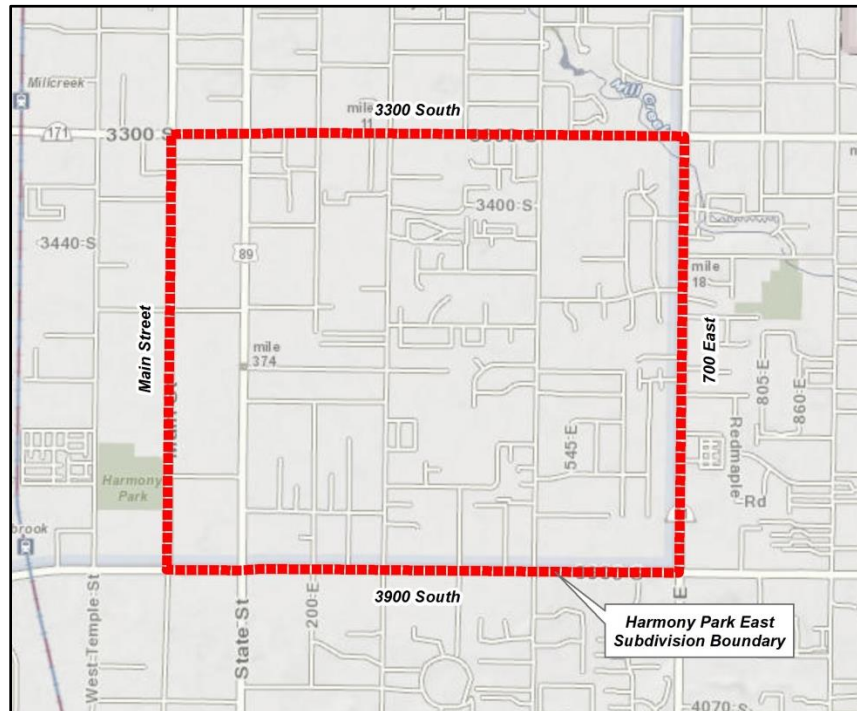


Figure 1: Harmony Park East Subdivision Boundary

Enclosed is a statutory summons required by Utah Code § 73-4-4 and an order from the Court allowing service of this summons by regular mail. This summons brings recipients under the jurisdiction of the Third Judicial District in and for Salt Lake County,



Utah, and makes you a party to the general adjudication action; however, it is unlike a summons you may receive in the course of traditional litigation where immediate response is mandatory. In this case, you will need to respond at a future date—of which you will be notified—if you want to claim a water right. Otherwise, simply not participating expresses your lack of interest in making any claim(s) to a water right. Later in the process, you will receive instructions on how and when to file your claim(s).

The State Engineer will be holding a **public meeting on September 16<sup>th</sup>, 2015 in the Auditorium of the Granite Connection High School building located at 501 East 3900 South, Salt Lake City, Utah from 6:00 p.m. to 7:00 p.m.** to meet with water users and discuss the adjudication process. Subsequent to the public meeting, the State Engineer will conduct a hydrographic survey of the Harmony Park East Subdivision. Following the survey, the State Engineer will send notice to you and others in the area to submit claims to any water rights. Instructions on how and when to file claim(s) will be included with the notice at that time.

**If you have no claim to a valid water right, you are not obligated to take further action and may disregard the notice.**

Additional information about the water rights adjudication process can be found on the Division of Water Rights' website: <http://www.waterrights.utah.gov/adjdinfo>. However, if you have unanswered questions regarding the adjudication process or your water rights within this area; please contact the Division of Water Rights at (801) 538-7240.

Sincerely,



Blake W. Bingham, P.E.  
Adjudication Program Manager

Enclosures

1. Summons
2. Court Order

SARAH M. SHECHTER, No. 15357  
MICHAEL M. QUEALY, No. 2667  
BENJAMIN J. JENSEN, No. 14216  
Assistant Attorneys General  
SEAN D. REYES, No. 7969  
UTAH ATTORNEY GENERAL  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116  
Telephone: (801) 538-7227  
sshechter@utah.gov  
mquealy@utah.gov  
bjensen@utah.gov

*Attorneys for the Utah State Engineer*

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**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH**

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IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE RIGHTS  
TO THE USE OF WATER, BOTH  
SURFACE AND UNDERGROUND,  
WITHIN THE DRAINAGE AREA OF THE  
UTAH LAKE AND JORDAN RIVER IN  
UTAH, SALT LAKE, DAVIS, SUMMIT,  
WASATCH, SANPETE, AND JUAB  
COUNTIES IN UTAH

**SALT LAKE COUNTY EAST DIVISION  
HARMONY PARK EAST SUBDIVISION  
AREA 57, BOOK 4**

**SUMMONS**

Civil No. 360057298 (57-4)

Judge Laura Scott

## SUMMONS

The State of Utah to the said defendant:

You are hereby summoned to appear and defend the above entitled action, which is brought for the purpose of making a general determination of the water rights of the described water source. Upon the service of this summons upon you, you will thereafter be subject to the jurisdiction of the entitled court and it shall be your duty to follow further proceedings in the above entitled action and to protect your rights therein. When the state engineer has completed the survey, you will be given a further written notice, either in person or by mail, sent to your last-known address, that you must file a water users claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your water users claim is due. Thereafter, you must file said claim within the time set and your failure so to do will constitute a default in the premises and a judgment may be entered against you declaring and adjudging that you have no right in or to the waters of described water source.

Dated this 10<sup>th</sup> day of August, 2015.

SEAN D. REYES  
UTAH ATTORNEY GENERAL



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SARAH M. SHECHTER  
MICHAEL M. QUEALY  
BENJAMIN J. JENSEN  
Assistant Attorneys General  
Attorneys for the Utah State Engineer  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116

The Order of Court is stated below:

Dated: August 10, 2015  
12:53:35 PM

/s/ Laura Scott  
District Court Judge



**Order Prepared by:**

SARAH M. SHECHTER, No. 15357  
MICHAEL M. QUEALY, No. 2667  
BENJAMIN J. JENSEN, No. 14216  
Assistant Attorneys General  
SEAN D. REYES, No. 7969  
UTAH ATTORNEY GENERAL  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116  
Telephone: (801) 538-7227  
sshechter@utah.gov  
[mquealy@utah.gov](mailto:mquealy@utah.gov)  
[bjensen@utah.gov](mailto:bjensen@utah.gov)

*Attorneys for the Utah State Engineer*

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**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR  
THE COUNTY OF SALT LAKE, STATE OF UTAH**

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IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE RIGHTS  
TO THE USE OF WATER, BOTH  
SURFACE AND UNDERGROUND,  
WITHIN THE DRAINAGE AREA OF THE  
UTAH LAKE AND JORDAN RIVER IN  
UTAH, SALT LAKE, DAVIS, SUMMIT,  
WASATCH, SANPETE, AND JUAB  
COUNTIES IN UTAH

**SALT LAKE COUNTY EAST DIVISION,  
HARMONY PARK EAST SUBDIVISION  
AREA 57, BOOK 4**

**ORDER ALLOWING ALTERNATIVE  
SERVICE OF SUMMONS BY REGULAR  
MAIL AND PUBLICATION**

Civil No. 360057298 (57-4)

Judge Laura Scott

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This matter came before the Court on the Ex Parte Motion by Kent L. Jones, P.E., Utah State Engineer, through counsel, to allow alternative service under Utah Rule of Civil Procedure 4(d)(4) (A) of the initial summons by regular mail and by publication in the Harmony Park East Subdivision, Area 57, Book 4, in the Salt Lake County East Division of the Utah Lake – Jordan

River General Adjudication.

Having reviewed and considered the Motion and the Memorandum in Support, the Court GRANTS the Motion and ORDERS as follows:

1. Alternative service of the general summons by regular mail without a document indicating receipt is reasonably calculated under the circumstances to apprise claimants of record of the Harmony Park East Subdivision, Area 57, Book 4, in the Salt Lake County East Division of the Utah Lake – Jordan River General Adjudication.
2. Service of the general summons by publication is appropriate because the State Engineer has filed a verified affidavit stating that the State Engineer’s office has searched its records for claimants in the Harmony Park East Subdivision of the Salt Lake County East division of the Utah Lake – Jordan River General Adjudication.
3. The State Engineer shall be responsible for publishing the initial summons for five (5) consecutive weeks in *The Deseret News* pursuant to Utah Code § 73-4-4.
4. Pursuant to Utah Code § 73-4-4, the language of the initial summons shall be sent and published substantially in the following form:

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH, IN THE MATTER OF THE GENERAL ADJUDICATION OF WATER RIGHTS, SALT LAKE COUNTY EAST DIVISION, HARMONY PARK EAST SUBDIVISION.

#### SUMMONS

The State of Utah to the said defendant:

You are hereby summoned to appear and defend the above entitled action which is brought for the purpose of making a general determination of the water rights of the described water source. Upon the service of this summons upon you, you will

thereafter be subject to the jurisdiction of the entitled court and it shall be your duty to follow further proceedings in the above entitled action and to protect your rights therein. When the state engineer has completed the survey you will be given a further written notice, either in person or by mail, sent to your last-known address, that you must file a water users claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your water users claim is due and thereafter you must file said claim within the time set and your failure so to do will constitute a default in the premises and a judgment may be entered against you declaring and adjudging that you have no right in or to the waters of described water source.

**SIGNATURE ABOVE**

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