

CONFUSED? We want to help!

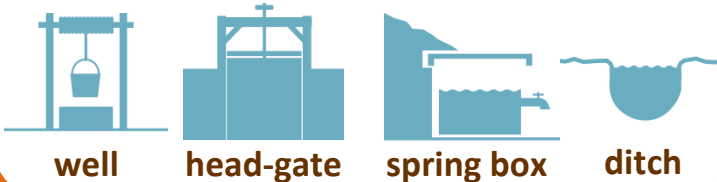
Why am I receiving a summons?!

The summons is part of a legal process required by law called a “water rights adjudication” or “general adjudication.” The adjudication process is geared towards individuals who wish to claim a water right. The Division of Water Rights sends these notices and summons to property owners in the general area because they are the group most likely to have valid claims that the State Engineer is unaware of and to ensure that everyone has an opportunity to participate if they wish.



What is a water right?

A water right is different than a connection to the local municipal water supply. People who have water rights are generally very aware of them because they are actively diverting water from a natural source using some type of physical structure such as a well, head-gate, spring box, or ditch.



well

head-gate

spring box

ditch

What is a water rights adjudication?

A water rights adjudication is a legal process that is used to identify historical and existing water rights in a specific area and document their uses.

What is my obligation?

Generally speaking, if you think you have a water right, you should participate and file a claim when provided notice to do so; otherwise, you may simply disregard this notice. Individuals who are uncertain as to whether or not they should be participating should contact the Division of Water Rights.

What will happen next?

The Division of Water Rights will be holding a public meeting as shown in the attached notice. We encourage you to attend. Following the public meeting, the Division of Water Rights will send a notice indicating that the 90-day claim filing period has begun and instructions on how and where to file a claim.



How Can I find out more information?

Website: www.waterrights.utah.gov/adjdinfo

Phone: 801-538-5282

Email: waterrights_adjudication@utah.gov

Address: 1594 W. North Temple, Salt Lake City, UT 84116



STILL CONFUSED? Take a moment to watch this brief video:

www.waterrights.utah.gov/adjdinfo





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

May 31, 2019

Dear Water User(s),

The State Engineer (Division of Water Rights) has commenced the adjudication of the American Fork South Subdivision (Area 55, Book 5) of the Provo River 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. A water right is generally associated with the use of water from a well, spring, or stream and **does not include a water service connection to the local municipality**. If you want to assert or maintain a water right in the American Fork South Subdivision you must participate in the general water rights adjudication; however, **typically, less than 10% of the individuals who receive this notice will have a valid claim that requires participation**.

A search of our records indicates that you may be an owner (or owner’s agent/legal counsel) of property or a water right within the boundary of the American Fork South Subdivision (see Figure 1).



Figure 1: American Fork South Subdivision (55-5) Boundary



May 31, 2019

Re: American Fork South Subdivision Adjudication (Area 55, Book 5)

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 June 11, 2019 at the Timpanogos High School Auditorium, located at 1450 North 200 East, Orem, Utah 84057, from 6:00 p.m. to 7:00 p.m.** to meet with water users and discuss the adjudication process. You can view a live stream broadcast of the public meeting on-line at the following address:

<http://www.waterrights.utah.gov/watchlive>

Subsequent to the public meeting, 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) 538-5282.

Sincerely,


Blake W. Bingham, P.E.
Assistant State Engineer - Adjudication

Enclosures

1. Summons
2. Court Order

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

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.

**PROVO RIVER DIVISION
AMERICAN FORK
SOUTH SUBDIVISION
AREA 55, BOOK 5**

SUMMONS

Judge Laura Scott

Civil No. 365729845 (55-5)

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, PROVO RIVER DIVISION,
AMERICAN FORK SOUTH SUBDIVISION.

SUMMONS

The State of Utah to the said defendant:

You are hereby summoned in 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, if you have or intend to claim a water right, it shall be your duty to follow further proceedings in the above entitled action and to defend and protect your water rights therein. The state engineer will give a further notice sent to your last-known address, that you must file a statement of claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your statement of 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 that you have no right to the use of water not claimed.

Dated this 31st day of May 2019.

SEAN D. REYES
UTAH ATTORNEY GENERAL

/s/ Melissa L. Reynolds
MELISSA L. REYNOLDS
BENJAMIN J. JENSEN
SARAH M. SHECHTER
Assistant Attorneys General
Attorneys for the Utah State Engineer
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116

The Order of the Court is stated below:

Dated: September 21, 2018
02:54:07 PM

/s/ LAURA SCOTT
District Court Judge



ORDER PREPARED BY:

BENJAMIN J. JENSEN, No. 14216
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Attorneys for the Utah State Engineer

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

<p>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.</p> <p><i>Provo River Division, Area 55; Lehi Subdivision Area, 55, Book 4; American Fork South Subdivision, Area 55, Book 5; Provo City South Subdivision, Area 55, Book 6; Provo City North Subdivision, Area 55, Book 7; Provo Canyon Subdivision, Area 55, Book 9; Midway Subdivision, Area 55, Book 10</i></p>	<p>ORDER GRANTING THE STATE ENGINEER’S EX PARTE MOTION FOR ALTERNATIVE SERVICE OF SUMMONS BY REGULAR MAIL</p> <p>Judge Laura Scott</p> <p>Civil Nos. 360057298, 365729844, 365729845, 365729846, 365729847, 365729848, 365729849</p>
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This matter came before the Court on the Ex Parte Motion for Alternative Service of Summons by Regular Mail in the Provo River Division, Area 55, of the Utah Lake and Jordan River General Adjudication, filed by the State Engineer.

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

1. Alternative service of the summons by regular mail without a document indicating receipt is reasonably calculated under the circumstances to apprise claimants of the Provo River Division, Area 55 of the Utah Lake and Jordan River General Adjudication.
2. Service of the summons is complete upon mailing.
3. Pursuant to Utah Code § 73-4-4 the language of the summons shall be substantially in the following form, with the appropriate subdivision name included in the title of the Summons:

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, PROVO RIVER DIVISION, _____ SUBDIVISION.

SUMMONS

The State of Utah to the said defendant:

You are hereby summoned in 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, if you have or intend to claim a water right, it shall be your duty to follow further proceedings in the above entitled action and to defend and protect your water rights therein. The state engineer will give a further notice sent to your last-known address, that you must file a statement of claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your statement of 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 that you have no right to the use of water not claimed.

*******END OF ORDER. COURT SIGNATURE AT TOP OF FIRST PAGE.*******