

## CONFUSED? We want to help!

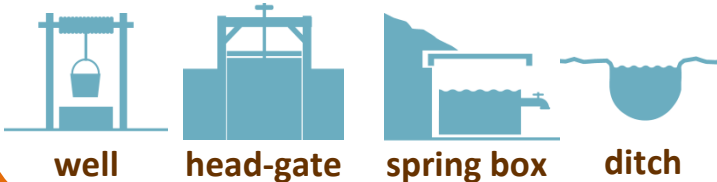
### Why am I receiving a summons?!

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](http://www.waterrights.utah.gov/adjdinfo)

**Phone:** 801-538-5282

**Email:** [waterrights\\_adjudication@utah.gov](mailto: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](http://www.waterrights.utah.gov/adjdinfo)







# State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

## Department of Natural Resources

JOEL FERRY  
Executive Director

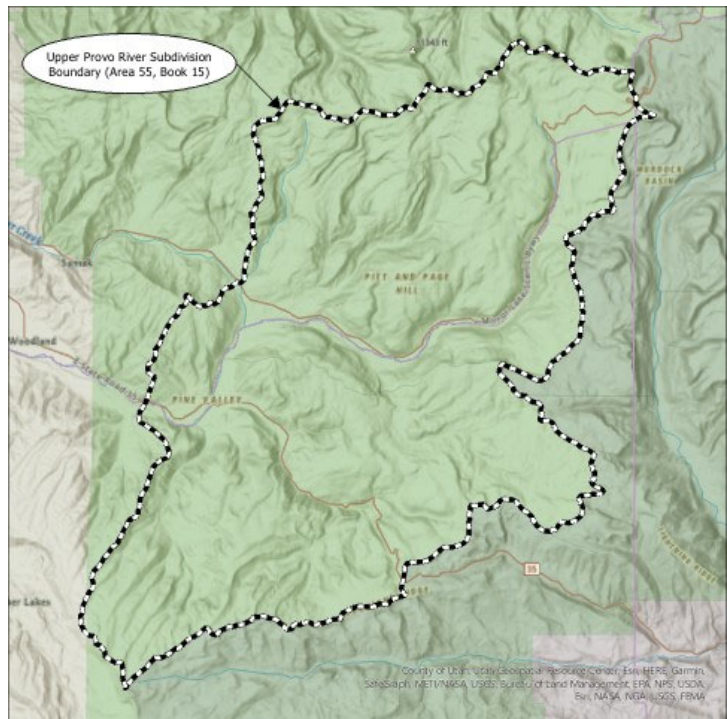
Division of Water Rights  
**TERESA WILHELMSEN**  
State Engineer/Division Director

December 21, 2022

Dear Water User(s),

The State Engineer (Division of Water Rights) has commenced the adjudication of the Upper Provo River Subdivision (Area 55, Book 15) 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 Upper Provo River 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/legal counsel) of property or a water right within the boundary of the Upper Provo River Subdivision. Generally speaking, the Upper Provo River Subdivision consists of the area defined by the Provo River drainage. The northern boundary and part of the western boundary of this subdivision is the summit between the Weber River and Provo River drainage basins, the Upper Provo River Subdivision includes the Shingle Creek drainage with Beaver Creek flowing to the Weber River Basin and Shingle Creek flowing to the Provo River Basin. The western boundary continues along the divide between the Rileys Canyon drainage and the Cedar Hollow drainage until it meets the Provo River. The western boundary continues south of the Provo River between the Bench Creek drainage and the Little South Fork drainage. The eastern and southern boundaries of the subdivision are the divides between the Provo River drainage and the Duchesne River drainage. (see Figure 1).



**Figure 1: Upper Provo River Subdivision (55-15) Boundary**



Enclosed is a statutory summons required by Utah Code § 73-4-4. 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 own or want to claim a water right. Otherwise, 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 January 26, 2023 at the Francis Community Center, 2319 S Spring Hollow Road, Francis Utah, 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 broadcast of this meeting on-line using the following address:

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

A recording of this meeting will also be made available on the Division of Water Rights website and posted to the Division of Water Rights YouTube channel under past meetings.

Subsequent to the public meetings, 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,



Michael T. Drake, P.E.  
Assistant State Engineer - Adjudication

## Enclosures

1. Summons



Michael B. Ferguson, No. 17211  
Sarah M. Shechter, No. 15357  
Gordon H. Rowe, No. 17308  
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  
mbferguson@agutah.gov  
sshechter@agutah.gov  
growe@agutah.gov

*Attorneys for the Utah State Engineer*

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**IN THE THIRD JUDICIAL DISTRICT COURT  
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

**PROVO RIVER DIVISION,  
UPPER PROVO RIVER  
SUBDIVISION  
AREA 55, BOOK 15**

**SUMMONS**

Judge Laura Scott

Civil No. 365729854 (55-15)

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR  
THE COUNTY OF SALT LAKE COUNTY, STATE OF UTAH, IN THE MATTER  
OF THE GENERAL ADJUDICATION OF WATER RIGHTS, PROVO RIVER  
DIVISION, UPPER PROVO RIVER 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. 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. 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 21<sup>st</sup> day of December, 2022.

SEAN D. REYES  
UTAH ATTORNEY GENERAL

/s/ Michael B. Ferguson  
MICHAEL B. FERGUSON  
SARAH M. SHECHTER  
GORDON H. ROWE  
Assistant Attorneys General  
Attorneys for the Utah State Engineer  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116