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*

October 6, 2017

Dear Water User(s),

The State Engineer (Division of Water Rights) has commenced the adjudication of the Parleys Creek Subdivision (Area 57, Book 14) 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. 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 Parleys Creek 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 Parleys Creek Subdivision. The Parleys Creek Subdivision consists of the area associated with the natural hydrologic drainage of Parleys Creek (including tributaries adjoining Parleys Canyon), and a portion of urban Salt Lake City bounded on the north by 2100 South and Parleys Way, on the west by 700 East, and on the south by 3300 South (see Figure 1 below).

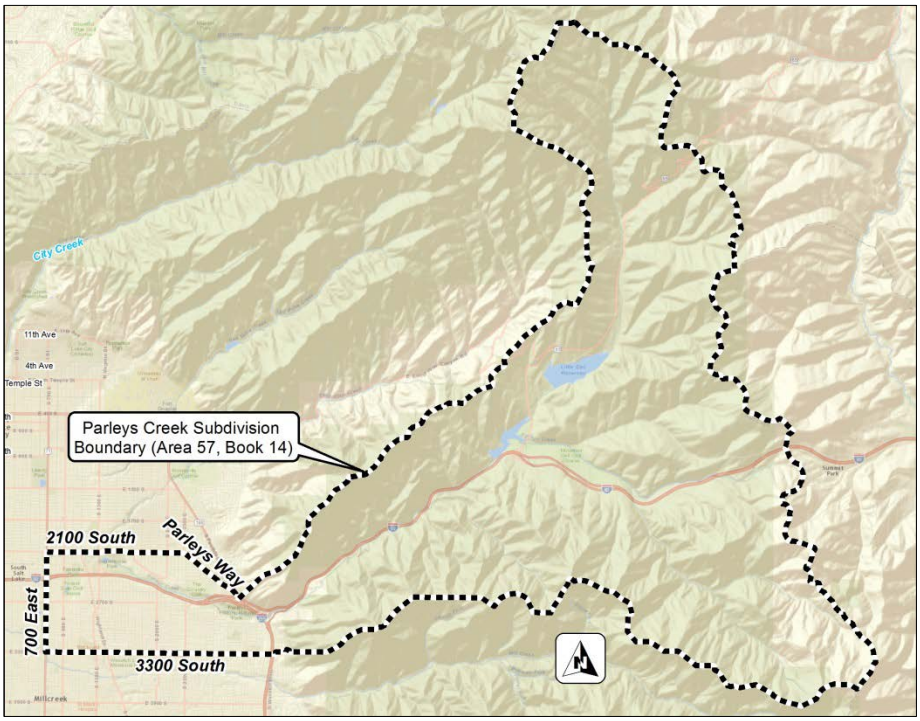


**Figure 1: Parleys Creek (57-14) Subdivision Boundary**

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • TTY (801) 538-7458 • *www.waterrights.utah.gov*

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 October 18th, 2017 in room 1050 of the Department of Natural Resources building located at 1594 W North Temple, 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 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

BENJAMIN J. JENSEN, No. 14216
SARAH M. SHECHTER, No. 15357
MELISSA L. REYNOLDS, No. 15718
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
bjensen@agutah.gov
sshechter@agutah.gov
mreynolds@agutah.gov

*Attorneys for the Utah State Engineer*

---

**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. | **SUMMONS** |
| **SALT LAKE COUNTY EAST DIVISION PARLEYS CREEK SUBDIVISION AREA 57, BOOK 14** | Judge Laura Scott<br><br>Civil No. 365729831 (57-14) |

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, PARLEYS CREEK 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 written 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 6th day of October, 2017.

SEAN D. REYES
UTAH ATTORNEY GENERAL

*/s/ Benjamin J. Jensen*
BENJAMIN J. JENSEN
SARAH M. SHECHTER
MELISSA L. REYNOLDS
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:** June 10, 2016 10:21:58 AM **/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
Attorneys for the State Engineer
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*

**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. | **ORDER GRANTING THE STATE ENGINEER'S EX PARTE MOTION FOR ALTERNATIVE SERVICE OF SUMMONS BY REGULAR MAIL AND PUBLICATION** |
| **SALT LAKE COUNTY EAST DIVISION, AREA 57** | Judge Laura Scott<br><br>Civil No. 360057298 |

This matter came before the Court on the Ex Parte Motion for Alternative Service of Summons by

Regular Mail and Publication in the Salt Lake County East Division, Area 57 of the Utah Lake and Jordan River General Adjudication, filed by the State Engineer.

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 Salt Lake County East Division, Area 57 of the Utah Lake and Jordan River General Adjudication.
2. Service of the general summons by publication is appropriate in the Salt Lake County East Division of the Utah Lake and 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* and *the Salt Lake Tribune* 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, filling in the appropriate subdivision 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, SALT LAKE COUNTY EAST DIVISION, _____ 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 written 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.

*******END OF ORDER*******

n accordance with the Utah State District Court eFiling standards No 4, and URCP 10(e), this Order does not bear the handwritten signature of the Judge, but instead displays an electronic signature at the upper-righthand corner of the first page of this Order along with the court's seal and the date and time the Order was executed.