

CONFUSED? We want to help!

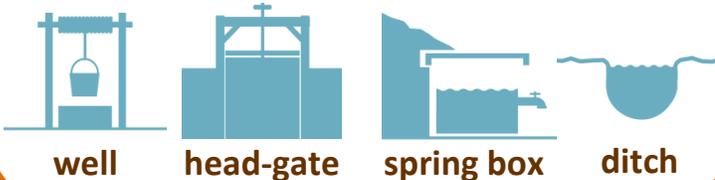
Why am I receiving a summons?!

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

April 12, 2019

Dear Water User(s),

The State Engineer (Division of Water Rights) has commenced the adjudication of the Moab South Subdivision (Area 05, Book 5) of the Moab Division within the Southeastern Colorado 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 North Moab Subdivision you must participate in the general water rights adjudication; however, **typically, less than 30% 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 Moab South Subdivision which consists of the area depicted in Figure 1 below.

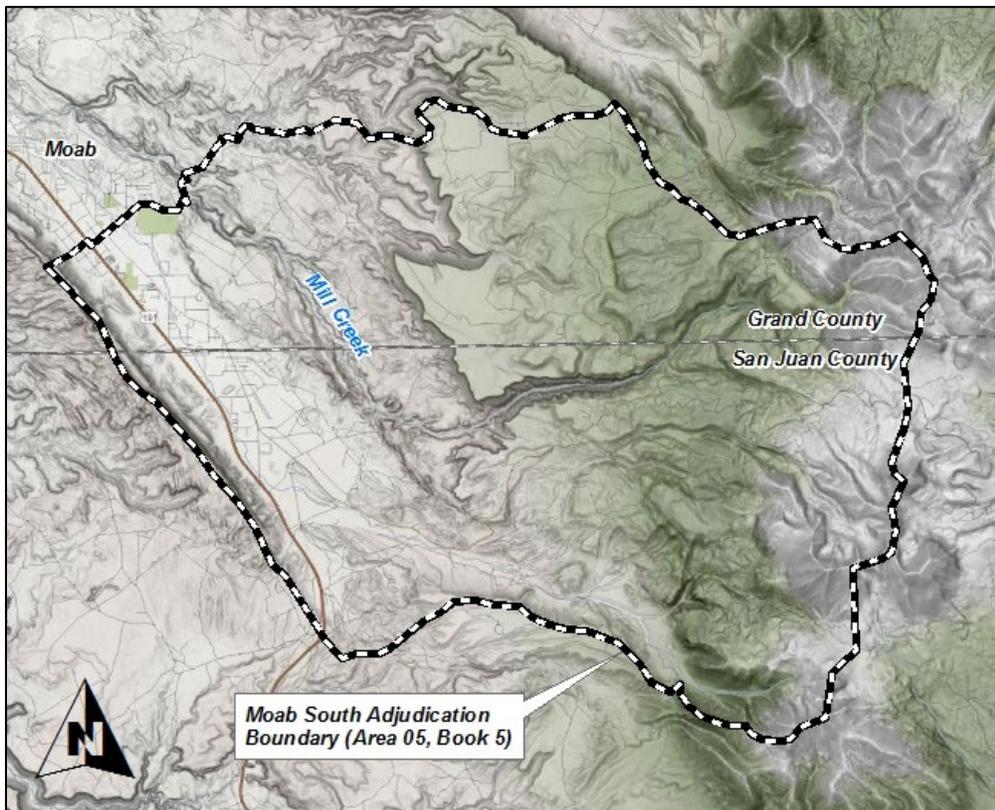


Figure 1: Moab South (05-5) Subdivision Boundary



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 Seventh Judicial District in and for Grand 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 April 25th, 2019 in the Grand Center located at 182 N. 500 W., Moab, Utah, from 6:00 p.m. to 7:00 p.m.** to meet with water users and discuss the adjudication process. **Due to limited space at the Grand Center, we encourage the public to view the meeting online (where possible) via live stream broadcast at the following link:**

<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 SEVENTH JUDICIAL DISTRICT COURT
GRAND 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 COLORADO
RIVER IN SAN JUAN, GRAND, AND
UINTAH COUNTIES, UTAH, AND
EXCLUSIVE OF THE GREEN RIVER
DRAINAGE

**MOAB SOUTH SUBDIVISION
MOAB DIVISION
AREA 05, BOOK 5**

SUMMONS

Judge Don M. Torgerson

Civil No. 810704477 (05-5)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT IN AND FOR THE
COUNTY OF GRAND, STATE OF UTAH, IN THE MATTER OF THE GENERAL
ADJUDICATION OF WATER RIGHTS, MOAB DIVISION, MOAB 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 12th day of April, 2019.

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: March 28, 2019
09:07:10 AM

/s/ DON M TORGERSON
District Court Judge



Order Prepared By:

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**IN THE SEVENTH JUDICIAL DISTRICT COURT
GRAND 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 COLORADO RIVER IN SAN JUAN, GRAND, AND UINTAH COUNTIES, UTAH, AND EXCLUSIVE OF THE GREEN RIVER DRAINAGE</p>	<p>ORDER GRANTING THE STATE ENGINEER'S MOTION FOR ALTERNATIVE SERVICE OF SUMMONS BY REGULAR MAIL AND PUBLICATION</p> <p>Judge Don M. Torgerson</p> <p>Civil No. 810704477 (05-5)</p>
<p>MOAB DIVISION, MOAB SOUTH SUBDIVISION AREA 05, BOOK 5</p>	

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

Regular Mail and Publication in the Moab South Subdivision, Area 05, Book 5, of the Southeastern Colorado 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 general summons by regular mail without a document indicating receipt is reasonably calculated under the circumstances to apprise claimants of record of the Moab South Subdivision, Area 05, Book 5, of the Southeastern Colorado River General Adjudication.

2. Service of the general summons by publication is appropriate in the Moab South Subdivision of the Southeastern Colorado River General Adjudication.

3. The State Engineer shall be responsible for publishing the initial summons for five (5) consecutive weeks in *The Times-Independent* and *The San Juan Record* 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 SEVENTH JUDICIAL DISTRICT IN AND FOR
THE COUNTY OF GRAND, STATE OF UTAH, IN THE MATTER OF THE
GENERAL ADJUDICATION OF WATER RIGHTS, MOAB DIVISION, MOAB 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.

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

In 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.

