



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

On Petition to Stay Order of the State Engineer
For Water Right Change Application 57-7800 (a28548) and
For Water Right Change Application 57-10317 (a28545)

Permanent Change Applications 57-7800 (a28548) and 57-10317 (a28545) were approved by the State Engineer on January 9, 2014 (“Orders”). On February 19, 2014, the State Engineer was served with summons to participate in the judicial review of these decisions.

Pursuant to Administrative Rule R655-6-18B and Utah Code 63G-4-405, a party may petition the State Engineer to grant an administrative stay of his decisions pending the judicial review of the agency action. A petition to stay the decisions approving these two change applications was filed February 24, 2014.

The applicants were notified by mail on February 27, 2014, of the petition requesting the State Engineer stay his Orders. The letter sought input from the applicants as to why a stay should not be granted pending the outcome of the judicial review of the administrative decisions. On March 21, 2014, applicant Kevin Tolton filed his opposition to the requested stay. On March 21, 2014, Judith Maack, through counsel, filed her opposition to petition to stay. The State Engineer has considered the petition to stay and the documents opposing the petition.

Pursuant to Utah Code Section 63G-4-405 and Administrative Rule R655-6-18B, the Division of Water Rights may grant a stay of its Orders during the pendency of judicial review of such Orders upon the filing, by a party, of a petition to stay the action.

After reviewing the documents submitted by all parties and the applicable rule and statute, the State Engineer determines that granting an administrative stay of the Orders of State Engineer, until judicial review is completed, is appropriate for the following reasons:

- A. An action for judicial review has been filed. The State Engineer believes his decisions are correct in this matter; however, Salt Lake City has filed for *de novo* review of the Orders.
- B. The petitioned administrative stay will not substantially harm any party to the pending judicial review.
- C. The party requesting administrative stay has raised as part of its *de novo* review lawsuit adjudicative issues which the courts have said the State Engineer cannot consider in change application proceedings but which could

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affect the water rights on which the change applications were based depending on what, if anything, the court determines to adjudicate.

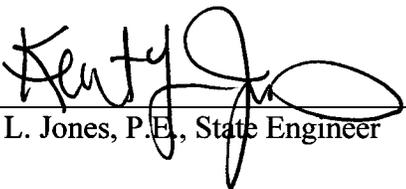
The stay request is hereby **GRANTED**. Please be advised that the Orders of the State Engineer approving these change applications are **STAYED** pending completion of judicial review of the administrative actions.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Utah Lake / Jordan River Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Section 63G-4-302 of the Utah Code which provide for filing a Request for Reconsideration with the State Engineer. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order and is considered denied if no action is taken within 20 days after the Request is filed. However, a Request for Reconsideration is not a prerequisite to filing for review of this Order directly with the court which currently has jurisdiction over the Orders being stayed by this Order.

Dated this 27th day of March, 2014.


Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 27th day of March, 2014 to:

Kevin Tolton
622 Mountain View Circle
North Salt Lake, UT 84054

Judith Maack
3992 South 2280 East
Holladay, UT 84124

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Sandy City
c/o Patrick R. Casaday
10000 Centennial Parkway
Sandy, UT 84070-4148

Sandy City
c/o John H. Mabey, Jr.
175 South Main Street, Suite 1330
Salt Lake City, UT 84111

USA Forest Service
c/o Jeanne A. Evenden
324 25th Street
Ogden, UT 84401

Cottonwood Hydro, LLC (Hydro Holdings, LLC)
c/o Susannah Williams
9950 South Power Plant Lane
Sandy, UT 84092

Salt Lake City Corporation
c/o Shawn E. Draney
PO Box 45000
Salt Lake City, UT 84145-5000

Metropolitan Water District of Salt Lake & Sandy
c/o Scott H. Martin
PO Box 45000
Salt Lake City, UT 84145-5000

Alta Ski Lifts Company
c/o Onno Wieringa or Allen Orr
PO Box 8007
Alta, UT 84092

Sandy Irrigation Company
c/o John H. Mabey, Jr.
175 South Main Street, Suite 1330
Salt Lake City, UT 84111

Town of Alta
c/o Lee Kapaloski
201 South Main Street, Suite 1800
Salt Lake City, UT 84111

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Salt Lake County Service Area #3
c/o David J. Smith
36 South State Street, Suite 1900
Salt Lake City, UT 84111

Friends of Alta
c/o Patrick A. Shea
252 South 1300 East, Suite A
Salt Lake City, UT 84102

Little Cottonwood Creek Distribution Committee
c/o Rodney S. Sorensen, P.E.
10000 Centennial Parkway, Suite 241
Sandy, UT 84070

Attorney General's Office
c/o Norm Johnson

BY:



Sonia R. Nava, Applications/Records Secretary