

The Order of Court is stated below:

Dated: December 16, 2014
05:11:23 PM

/s/ PAUL B PARKER
District Court Judge



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IN THE THIRD JUDICIAL DISTRICT COURT,

SALT LAKE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF 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

Utah County Division
Spanish Fork Canyon Subdivision
Strawberry Valley Project Return Flow

**INTERLOCUTORY DECREE,
PROPOSED DETERMINATION 51-1-1**

Civil No. 360057298 (51-1-1)

Judge Paul Parker

This matter came before the Court on Joint Motion by the Utah State Engineer, Central Utah Water Conservancy District, Magna Water District and South Farm LLC, Provo River Water Users Association, Strawberry High Line Canal Company, Strawberry Water Users Association, and the

United States Bureau of Reclamation to Confirm and Decree the Proposed Determination 51-1-1. On April 14, 2009, the State Engineer published and served the Proposed Determination and Recommendation of the Rights to the Use of Return Flow from Water Imported from the Uinta Basin to Utah Valley by the Strawberry Valley Project, Utah County Division, Area No. 51 (Proposed Determination). The Proposed Determination is designated as 51-1-1, being within Area 51, Spanish Fork Subdivision (-1), and Strawberry Valley Project Return Flow (-1). Three objections to the Proposed Determination were filed. The United States withdrew its objection on May 25, 2012. The objection filed by Magna Water District and South Farm L.L.C. was settled by a stipulation (Stipulation) and dismissed on June 17, 2014. The joint objection filed by Strawberry Water Users Association and Strawberry High Line Canal Company was withdrawn without prejudice on October 30, 2014. The Proposed Determination is therefore uncontested and ready to be confirmed and decreed, subject to the Stipulation, under Utah Code Ann. Section 73-4-12. The Court therefore confirms and decrees the Proposed Determination as written and filed with the Court, subject to the following conditions set forth in the Stipulation.

1. The Proposed Determination applies to the use of return flows from waters imported into the Utah Lake-Jordan River Basin by the Strawberry Valley Project (SVP) and others, and is not binding precedent elsewhere in the State of Utah.
2. For applications to use imported return flow that are either pending but unapproved as of the date the Proposed Determination is confirmed by the court, or filed subsequent thereto, the State Engineer will include in any order approving such an application the quantification methodology that is used to calculate the amount of imported water return flow annually available under the water right. The quantification methodology is a computational estimate of the actual amount of return

flow water available as a result of the importation into the basin. The order approving the application shall constitute final agency action.

3. Applications to use imported return flow are subject to the requirements of the Utah Administrative Procedures Act (UAPA). The following provisions are intended to be consistent with UAPA and apply in conjunction with UAPA.

A. The applicant may seek modifications in the quantification methodology approved in the initial order through subsequent applications, which will be processed in accordance with UAPA.

B. Alternatively, the State Engineer may, through notice of agency action conforming with Utah Code Section 63G 4 201(1)(a), initiate review of the quantification methodology if, in the State Engineer's judgment, facts or circumstances related to the use of imported water return flows change such that the quantification methodology requires review and possible adjustment. In an action initiated by the State Engineer under this paragraph, any final order issued will be made pursuant to UAPA. Any final order issued in connection with such administrative proceedings may modify only the quantification methodology, and only the quantification methodology would be subject to de novo review under UAPA.

C. The Stipulation does not waive standing requirements under UAPA.

4. For applications to use imported return flow that are approved prior to the date the Proposed Determination is confirmed by the court, Paragraph 4 of the Proposed Determination does not apply retroactively to amend the approval of such applications, including any conditions of approval.

5. The Proposed Determination does not address the question of ownership or title to SVP imported return flow or any portion thereof as between the Strawberry Water Users Association, Strawberry High Line Canal Company, and the United States, who reserve all rights with respect to this issue.

This Interlocutory Decree is final as to issues that could have been raised to contest the Proposed Determination. At the time the Final Decree in the Utah Lake – Jordan River General Adjudication is entered, the Court may, upon proper notice, modify this Interlocutory Decree to conform it to the Final Decree.

----- END OF DECREE -----

e-signature of court at top of first page