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FILED DISTRICT COURT
Third Judicial District

OCT - 1 2010

SALT LAKE COUNTY
By K. Toomey
Deputy Clerk

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

SALT LAKE DEPARTMENT, STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHTS TO THE
USE OF ALL THE WATER, BOTH SURFACE
AND UNDERGROUND, WITHIN THE
DRAINAGE AREA OF UTAH LAKE AND
JORDAN RIVER IN UTAH, SALT LAKE,
DAVIS, SUMMIT, WASATCH, SANPETE AND
JUAB COUNTIES;

STRAWBERRY WATER USERS
ASSOCIATION, a Utah nonprofit corporation; and
STRAWBERRY HIGH LINE CANAL
COMPANY, a Utah nonprofit corporation,

Petitioners,

vs.

UNITED STATES OF AMERICA;
DEPARTMENT OF THE INTERIOR; BUREAU
OF RECLAMATION;

Respondents.

**JUDGMENT ON PETITIONERS'
MOTION FOR SUMMARY
JUDGMENT RE: OBJECTORS'
LACK OF STANDING AND ORDER
ON OBJECTORS' MOTION TO
STRIKE**

Case No. 360057298 (51-1)

Spanish Fork Canyon No. 1

Judge Kate Toomey

Petitioners' Motion for Summary Judgment Re: Objectors' Lack of Standing ("Petitioners' MSJ") and Objectors' Motion to Strike Portions of Declaration of Jim Riley, P.E. and Affidavit of Kent L. Jones, P.E. came before the Court on September 7, 2010 at 1:30 p.m.

Petitioner Strawberry Waters Users Association appeared through counsel, Scott H. Martin. Petitioner Strawberry High Line Canal Company appeared through counsel, John H. Mabey, Jr. and David C. Wright.

Objectors Magna Water District and South Farm, LLC appeared through counsel, J. Craig Smith and Matthew E. Jensen.

The Utah State Engineer filed a memorandum supporting Petitioners' MSJ and appeared through counsel, L. Ward Wagstaff.

Respondent Central Utah Water Conservancy District joined in Petitioners' MSJ and appeared through counsel, Edwin C. Barnes.

The United States appeared through Thomas K. Snodgrass, Daniel D. Price, Christopher Rich, and Susannah Thomas.

Based on the written submissions of the parties and oral argument presented, the Court orders and enters judgment as follows:

1. Objectors' Motion to Strike Portions of Declaration of Jim Riley, P.E. and Affidavit of Kent L. Jones, P.E. is denied.
2. Petitioners' Motion for Summary Judgment Re: Objectors' Lack of Standing is granted, and this Court finds Objectors have no standing in this matter on the following grounds:
 - a. There are no genuine issues as to material facts and Petitioners are entitled to this judgment as a matter of law;

b. Based on the undisputed facts, Objectors' ground water rights with wells located on the west side of Salt Lake County are up-gradient from the Jordan River, are not affected by the surface water levels in Utah Lake or the Jordan River, and have no call on or a hydrologic connection to the surface water of Utah Lake;

c. Based on the undisputed facts, Objectors do not have a legally protectable interest in this controversy;

d. Based on the undisputed facts, Objectors are not appropriate parties in this matter because they are not interested or positioned in this matter in such a way to effectively assist the Court;

e. Based on the undisputed facts, the issues raised in and by the Utah State Engineer's Proposed Determination have been, or are likely to be, raised by other parties with a stake in this matter;

f. As a matter of law, Objectors do not have standing in this matter based on their ownership of shares of stock in Utah Lake/Jordan River water companies; and

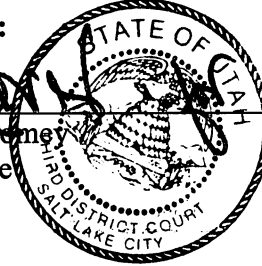
g. Objectors have not presented evidence supporting a finding that they would suffer a distinct and palpable, particularized injury due to the Utah State Engineer's Proposed Determination. In particular, Objectors did not file affidavits in opposition to Petitioners' motion or an affidavit under Rule 56(f) of the Utah Rules of Civil Procedure stating reasons that they could not file affidavits supporting their opposition.

Therefore, Objectors' claims are dismissed with prejudice.

SO ORDERED AND JUDGMENT ENTERED this 30 day of September, 2010.

BY THE COURT:


Honorable Kate Dooney
District Court Judge



APPROVED AS TO FORM:

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J. Craig Smith

Matthew E. Jensen

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Utah Attorney General's Office

Ward Wagstaff

Norman K. Johnson

Michael M. Quealy

Attorneys for the Utah State Engineer

United States Department of Justice

Thomas K. Snodgrass

Attorneys for the United States of America

Therefore, Objectors' claims are dismissed with prejudice.

SO ORDERED AND JUDGMENT ENTERED this ____ day of September, 2010.

BY THE COURT:


Honorable Kate Toomey
District Court Judge

APPROVED AS TO FORM:

Smith Hartvigsen, PLLC

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United States Department of Justice

Thomas K. Snodgrass
Attorneys for the United States of America

Therefore, Objectors' claims are dismissed with prejudice.

SO ORDERED AND JUDGMENT ENTERED this ____ day of September, 2010.

BY THE COURT:

Honorable Kate Toomey
District Court Judge

APPROVED AS TO FORM:

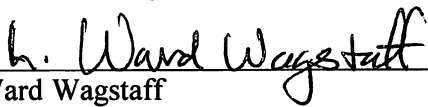
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Norman K. Johnson
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Attorneys for the Utah State Engineer

United States Department of Justice

Thomas K. Snodgrass
Attorneys for the United States of America

Therefore, Objectors' claims are dismissed with prejudice.

SO ORDERED AND JUDGMENT ENTERED this ____ day of September, 2010.

BY THE COURT:

Honorable Kate Toomey
District Court Judge

APPROVED AS TO FORM:

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Thomas K. Snodgrass, Trial Attorney

Thomas K. Snodgrass
Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 2010, I mailed, postage prepaid, a true and correct copy of the foregoing **JUDGMENT ON PETITIONERS' MOTION FOR SUMMARY JUDGMENT RE: OBJECTORS' LACK OF STANDING AND ORDER ON OBJECTORS' MOTION TO STRIKE** to the following:

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