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FILED DISTRICT COURT
Third Judicial District

JAN 22 2010

SALT LAKE COUNTY
By 
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR 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 Water Users Association v. Bureau
of Reclamation

SCHEDULING ORDER

Civil No. 360057298 (51-1-1)

Judge Kate A. Toomey

This matter to determine the rights to return flow from the Strawberry Valley Project under section 73-4-24 of the Utah Code came before the Court on a regularly scheduled, initial hearing at 9:00 a.m. on August 21, 2009. L. Ward Wagstaff appeared on behalf of the Utah State Engineer; Scott H. Martin appeared on behalf of the Strawberry Water Users Association; John H. Mabey, Jr. and David C. Wright appeared on behalf of the Strawberry Highline Canal Company; Thomas K.

Snodgrass, appeared on behalf of the United States Department of Justice, representing the United States of America, Department of the Interior, Bureau of Reclamation; Christopher Rich and Susannah Thomas also appeared on behalf of the United States of America, Department of the Interior, Bureau of Reclamation; J. Craig Smith and David B. Hartvigsen appeared on behalf of Lake Bottom Irrigation Company, Magna Water District, Payson City, Salem City, Spanish Fork City, and South Farm L.L.C.; and Steven E. Clyde, Edwin C. Barnes, and Wendy Bowden Crowther appeared on behalf of Central Utah Water Conservancy District.

Based on the arguments of counsel, agreement of the parties before the Court, and for good cause shown, it is hereby ordered as follows:

1. The Court will address questions of standing before addressing the merits of the Proposed Determination and Recommendation and the Objections thereto.
2. The parties shall have until February 15, 2010, to conduct discovery relating to the question of standing.
3. The parties shall have until April 1, 2010, to file motions relating to the question of standing.
4. If necessary, the State Engineer shall file an initial motion addressing the objections and supporting the Proposed Determination and Recommendation within thirty days following the Court's ruling on questions of standing, or if no motions regarding standing are filed, by May 15, 2010.
5. Memoranda in response to the State Engineer's initial motion and other responsive motions, including cross-motions, are due within thirty days after the State Engineer's initial motion.


Unless the parties stipulate otherwise, memoranda in response to the subsequent motions are due within twenty days after service of the motion, and reply memoranda are due within ten days after service of a memorandum in response.

6. The Court also finds that the parties before the Court should undertake to serve notice on persons who filed Statements of Interest pursuant to the initial mailed and published notice of this action, but who have not otherwise appeared in this action. The parties shall attempt to stipulate to a notice that will be sent to those who filed Statements of Interest.

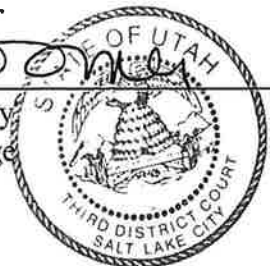
7. The Notice will inform those who filed Statements of Interest that they must file a Notice of Appearance in this action if they desire to receive written or electronic copies of the documents filed in this action. The Notice will also state that all documents filed in this action will be posted on the State Engineer's web page.

8. The Court hereby approves the Notice, attached to this Order as Attachment 1.

Dated this 22 day of Jan, 2010.



Judge Kate Toomey
District Court Judge



APPROVED AS TO FORM:

UNITED STATES DEPARTMENT OF JUSTICE



Thomas K. Snodgrass

Attorney for United States Department of Interior, Bureau of Reclamation

SNOW, CHRISTENSEN & MARTINEAU

Shawn E. Draney

Scott H. Martin

Attorneys for Strawberry Water Users Association

MABEY WRIGHT & JAMES P.L.L.C.

John H. Mabey, Jr.

David C. Wright

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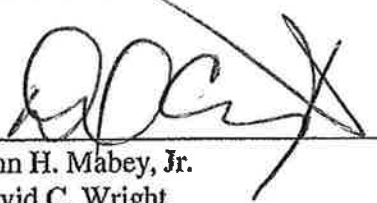
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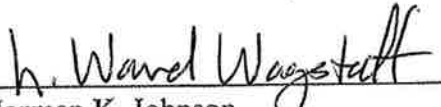
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ATTACHMENT 1

**IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY
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 IN UTAH**

UTAH COUNTY DIVISION (Area 51)

Salt Lake County Civil No. 360057298 (51-1-1)

In July 2008, you received notice of this action pending in the Third Judicial Court in Salt Lake City to determine the rights to the return flow from Strawberry Valley Project water diverted in the Uinta Basin and conveyed to Utah Valley. Accompanying the notice was a Statement of Interest form you could file if you wanted to receive further notice of the proceedings, including the State Engineer's Proposed Determination and Recommendation. You are receiving this Notice because you filed the Statement of Interest form. In April 2009 you received the Proposed Determination and Recommendation, together with notice that under section 73-4-11, anyone dissatisfied with the Proposed Determination could file an objection within ninety (90) days from the date the Proposed Determination and Recommendation was mailed or sent by electronic mail.

The Court is now proceeding to address the objections. Documents filed with the Court will be posted on the State Engineer's web site at www.waterrights.utah.gov/strawberryreturnflow, where you may view and download them. If you desire to participate actively in the litigation, however, you must enter an appearance in this case in the Third Judicial District Court. If you do not intend to appear in the case but you desire to monitor the litigation, you may obtain copies of the court documents from the State Engineer's web page cited above.

If you have questions about this notice, please call L. Ward Wagstaff at 801-538-7227.

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Michael M. Quealy
Assistant Attorneys General
MARK L. SHURTLEFF
Utah Attorney General
Attorneys for the Utah State Engineer

Kent L. Jones, P.E.
Utah State Engineer
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Salt Lake City, UT 84114-6300
www.waterrights.utah.gov