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IN THE THIRD JUDICIAL DISTRICT

IN AND FOR SALT LAKE 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 Utah
Lake and Jordan River in Utah, Salt Lake,
Davis, Summit, Wasatch, Sanpete and
Juab Counties in Utah

General Case File

**SPECIAL MASTER’S
FOURTH STATUS
REPORT TO THE COURT**

Civil No. 360057298

Hon. Laura S. Scott

(Rick L. Knuth, Special Master)

RICK L. KNUTH, the duly-appointed and acting Special Master in this general determination of water rights, submits this Fourth Status Report to the Court:

1. The Special Master submits this Fourth Status Report to the Court (this “Status Report”) in conjunction with the Status Conference scheduled before the Court on June 22, 2018.
2. A numeric and graphic summary of the Special Master’s work, by subdivision, is attached to this Status Report as **Exhibit A**.

3. The Special Master issued his Third Status Report to the Court on December 5, 2017. Between that date and May 31, 2018, the following has transpired in this case:

A. The Special Master's Actions Since His Last Status Report

4. Since the Third Status Report, the Special Master has issued eighteen (18) Reports and Recommendations to the District Judge for the dismissal or disposition by settlement of Objection Proceedings, which includes five (5) Reports and Recommendations for removal of objections from Lists of Unclaimed Rights. *See Exhibit A.*¹

5. The Special Master has met with Judge Scott, on at least a monthly basis, to discuss procedural and administrative issues in the case.

6. The Special Master has worked with technical personnel employed by the Administrative Office of the Courts and the Utah Division of Water Rights, to refine and expand the respective water rights adjudication webpages of the Utah Courts and State Engineer's websites, <https://utcourts.gov/waterrights/index.html> and <https://www.waterrights.utah.gov/adjdinfo/default.asp>. In addition, the Special Master has prepared, and posted on the Court's and the Division of Water Right's respective web pages, forms for unrepresented litigants to use for an extension to file a Statement of Claim with the State Engineer and for a motion for extension of time to file a Statement of Claim in the case.

¹ Exhibit A provides data representing the Special Master's work from the date of his appointment (June 28, 2016) through May 31, 2018—in other words, they are cumulative. The figures provided for the Special Master's progress since his Third Status Report were calculated by comparing the cumulative figures from Exhibit A to those provided in the Third Status Report.

7. In order to provide the Special Master's new address and contact information (he having left Jones Waldo on April 1, 2018), and in an effort to clarify proper procedure in appearing and practicing before the Special Master, the Special Master issued his Third Amended and Restated Standing Order No. 1 on April 17, 2018, his First Amended and Restated Standing Order No. 3 on the same date, and his First Amended and Restated Standing Order No. 2 (governing objections to Lists of Unclaimed Rights) on May 10, 2018. In addition to restructuring the format of the Standing Orders to make them more comprehensible and user-friendly, the amended Standing Orders refine the process for requesting a decision from, and submitting a proposed order to, the Special Master. Amended Standing Orders Nos. 1 and 3 also amend the form pleading to be filed by potentially affected parties that wish to appear in an Objection Proceeding.

8. On November 1 through 4, 2017, the Special Master attended the National Judicial Conference's annual "Dividing the Waters" General Conference in Waco Texas. The Special Master also presented at the Utah Water Users' Association Annual Workshop in St. George, Utah, on March 21, 2018, concerning the posture and progress of the general adjudication. No compensation for time or expenses was sought for either event.

9. From December 1, 2017 to May 31 2018, the Special Master and his team have logged approximately 281.35 hours on the case.

10. From December 1, 2017 to April 30, 2018, the Special Master and his counsel have requested the Court's approval of \$69,730.64 for fees and costs, and have received aggregate payments in the amount of \$72,827.66.²

B. Material Developments in the Case

11. From the Special Master's appointment to May 31, 2018, he has filed 128 Reports and Recommendations, and 129 Objection Proceedings have been finally resolved—either through orders of dismissal, orders incorporating stipulations, voluntary withdrawals of Objections, or voluntary withdrawals of all Notices of Intent to Proceed in an Objection Proceeding. *See Exhibit A.*

12. All Objections have now been finally resolved in the following nine (9) subdivisions:

- Spanish Fork Subdivision, Book 1 (51-1);
- Spanish Fork Subdivision, Book 2 (51-2);
- Palmyra-Lakeshore Subdivision (51-3);
- Hobble Creek Supplement (51-4A);
- Cedar Valley Subdivision (54-1);
- Round Valley Subdivision (55-1);
- Salt Lake County Central Subdivision (59-2);
- Salt Lake County West Subdivision (59-3); and
- Salt Lake County Southwest Subdivision (59-4).

² The amount received by the Special Master and his counsel between December 2017 and April 2018 is greater than the amount requested because some of the monies received during that time period were for work performed prior to December 2017.

13. As previously reported, the State Engineer has followed through on his expressed intention to focus his efforts on issuing Proposed Determinations in the urbanized areas of Salt Lake County east of the Jordan River. Since the Third Status Report, six (6) subdivisions have been opened in the Salt Lake County East Division,³ and the State Engineer has filed his Proposed Determinations for the Birdseye (51-5), West Mill Creek (57-6), and Jordan Park (57-7) Subdivisions.

14. In the West Mill Creek (57-6), Dry Creek [LUR] (57-10), and Liberty Park [LUR] (57-11) Subdivisions, no Objections to the State Engineer's Proposed Determinations were filed. Accordingly, and upon request from the State Engineer, the Court entered Interlocutory Decrees for those Subdivisions, rendering judgment in accordance with the Proposed Determinations and fully incorporating them into the Interlocutory Decrees.

15. The Special Master continues to believe that all or substantially all of the objections that pre-date his appointment will be the subject of a report and recommendation by the end of 2018.

RESPECTFULLY SUBMITTED this 15th day of June, 2018.

/s/ R. L. Knuth

R. L. Knuth,
Special Master

³ Initial Public Meeting dates have also been set for two (2) other subdivisions: Dimple Dell (57-24) and Willow Creek (57-25).

CERTIFICATE OF SERVICE

I certify that on the 15th day of June, 2018, I caused a true and correct copy of the foregoing SPECIAL MASTER'S FOURTH STATUS REPORT TO COURT to be served on the same date, via electronic filing notification, on all parties requesting such notification in the above-captioned case.

/s/ R. L. Knuth _____

EXHIBIT A

**General Adjudication of Water Rights for the Utah Lake and Jordan River Drainage
Status Report for December 1, 2017 to June 15, 2018**

Subdivision	Referred Objections	R&Rs	Final Dispositions
Spanish Fork Subdivision (51-1), Civil No. 365729801	13	13	13
Spanish Fork Subdivision (51-2), Civil No. 365729802	17	17	17
Palmyra-Lakeshore Subdivision (51-3), Civil No. 365729803	1	1	1
Hobble Creek Subdivision (51-4), Civil No. 365729804	36	5	6
Goshen Valley Subdivision (53-1), Civil No. 365729806	3	1	1
Cedar Valley Subdivision (54-1), Civil No. 365729807	18	17	18
Round Valley Subdivision (55-1), Civil No. 365729808	4	4	4
Pleasant Grove Subdivision (55-8), Civil No. 365729811	6	6	7
SLC Northwest Subdivision (59-1), Civil No. 365729813	6	4	5
SLC Central Subdivision (59-2), Civil No. 365729814	13	13	13
SLC West Subdivision (59-3), Civil No. 365729815	9	9	9
SLC Southwest Subdivision (59-4), Civil No. 365729816	9	9	9
SLC Supplement Subdivision (59-5), Civil No. 365729817	17	16	16
West Mill Creek Subdivision [LUR] (57-6), Civil No. 365729821	3	3	3
Emigration Creek Subdivision (57-1), Civil No. 365729812	1	0	0
Nibley Park Subdivision (57-5), Civil No. 365729820	4	2	2
Foothill Village Subdivision (57-13), Civil No. 365729830	1	1	1
Rose Park Subdivision [LUR] (57-8), Civil No. 365729825	2	2	2
Liberty Park Subdivision [LUR] (57-11), Civ. No. 365729828	1	1	1
Oakland Place Subdivision [LUR] (57-12), Civ. No. 365729829	2	2	1
Foothill Village Subdivision [LUR] (57-13), Civil No. 365729830	1	1	0
Parleys Creek Subdivision [LUR] (57-14), 365729831	1	1	0
Totals	168	128	129

Key	
OSCs	Notices & Order to Show Cause
NOIs	Notices of Intent to Proceed
LUR	Objections to List of Unclaimed Rights
R&Rs	Reports and Recommendations
Final dispositions	Final resolutions, including orders of dismissal, orders entering a stipulation, voluntary withdrawals of Objection, or voluntary withdrawals of all Notices of Intent in an Objection Proceeding