

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
THIRD STATUS REPORT
TO THE COURT**

Civil No. 360057298

Hon. Laura S. Scott

(R. L. Knuth, Special Master)

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

1. The Special Master submits this Third Status Report to the Court (this “Status Report”) in conjunction with the Status Conference scheduled before the Court on December 8, 2017.
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 Second Status Report to the Court on June 15, 2017. Between that date and November 30, 2017, the following has transpired in this case:
A. The Special Master’s Actions Since His Second Status Report
 4. The Special Master issued thirty-three (33) new Reports and Recommendations to the District Judge for the dismissal or disposition by settlement of

Objection Proceedings, which includes two (2) Reports and Recommendations for removal of objections from Lists of Unclaimed Rights. See **Exhibit A**.¹

5. Working with personnel from the Administrative Office of the Courts, the Special Master proposed design and content for new water rights adjudication pages on the Court’s website, including background information concerning water rights adjudications generally and this case specifically, as well as the Special Master’s standing orders and downloadable official service lists for the various objection proceedings. The Special Master published the proposed design and content for the new web pages in the general case and invited comment from interested parties. The additions to the Court’s website are now “live,” available for public use, and can be viewed at: <https://utcourts.gov/waterrights/index.html>

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

7. From June 1, 2017 to November 30, 2017, the Special Master and his team have logged approximately 764 hours on the case.

8. From June 1, 2017 to October 31, 2017, the Special Master and his firm have requested the Court’s approval of \$172,264.45 for fees and costs, and have received aggregate payments in the amount of \$147,814.81.

¹ Exhibit A provides data representing the Special Master’s work from the date of his appointment (June 28, 2016) through November 30, 2017—in other words, they are cumulative. The figures provided for the Special Master’s progress since his Second Status Report were calculated by comparing the cumulative figures from Exhibit A to those provided in the Second Status Report.

B. The Objectors' Advisory Committee

9. The Objectors' Advisory Committee (the "Committee"), initiated under the Special Master's Order for Formation of Objector's Advisory Committee, dated November 19, 2016, published its Third Report on August 18, 2017, addressing the issue of which parties may object to a Report and Recommendation. The Committee recommended that parties who fail to participate in the litigation or settlement of an objection proceeding not be permitted to object to a Report and Recommendation, absent a showing that the party seeking to object either could not have anticipated that the outcome of the objection would affect that party's interest, or did not receive adequate notice. The Committee also made suggestions on the process of notifying potentially affected parties and on miscellaneous points of procedure.

10. To accommodate the Committee's suggestion, the Court issued its Amended and Restated Order Appointing a Master and Order of Reference (Etc.) on September 12, 2017, clarifying who may object to a Report and Recommendation, and making some other, technical changes.

11. The Committee's suggestions were also (in large part) incorporated into the Special Master's Standing Order No 3, issued on September 26, 2017, governing objections filed after the Special Master's appointment on June 28, 2016.

12. Also on September 26, 2017, the Special Master issued his Second Amended and Restated Standing Order No. 1, clarifying certain procedures and notices for objections that were pending as of the date of the Special Master's appointment.

C. The Overall Status of the General Adjudication

13. The claims objection process is now fully underway in all subdivisions where a Proposed Determination had been published prior to the Special Master's appointment, including those areas of Salt Lake County lying west of the Jordan River.

14. From the Special Master's appointment to November 30, 2017, he has filed 110 Reports and Recommendations, and 111 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.*

15. All Objections have now been finally resolved in the following five (5) subdivisions:

- Spanish Fork Canyon, Book 1 (51-1)
- Spanish Fork Canyon, Book 2 (51-2)
- Hobble Creek Supplement, Book 4A (51-4A)
- Salt Lake County Central, Book 2 (59-2)
- Salt Lake County Southwest, Book 4 (59-4)

The Special Master anticipates that the State Engineer will file motions for interlocutory decrees in these five subdivisions, after which the sub-cases associated with these subdivisions will be dismissed. The Special Master suggests that, at the Status Conference, the Court address the matter of how it should proceed in those sub-cases where all objections have been resolved to provide as much finality as can be achieved with the entry of an interlocutory order.

16. The State Engineer has informed the Legislature and the Governor's Administration that he intends to focus his efforts on issuing Proposed Determinations in the urbanized areas of Salt Lake County east of the Jordan River, and thirteen (13) subdivisions have been opened in the Salt Lake County East Division. The Special Master believes that these areas, where appropriators are less dependent on non-municipal water sources, will draw comparatively fewer objections than more rural, agricultural subdivisions, and thus should proceed to final resolution much faster and reduce the overall demand for the Special Master's time and attention to this case.

17. The Special Master anticipates 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 5th day of December, 2017.

/s/ R. L. Knuth

R. L. Knuth,
Special Master

CERTIFICATE OF SERVICE

I certify that on the 5th day of December, 2017, I caused a true and correct copy of the foregoing SPECIAL MASTER'S THIRD 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 June 15, 2017 to November 30, 2017**

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	0
Hobble Creek Subdivision (51-4), Civil No. 365729804	36	5	6
Goshen Valley Subdivision (53-1), Civil No. 365729806	3	1	0
Cedar Valley Subdivision (54-1), Civil No. 365729807	18	12	13
Round Valley Subdivision (55-1), Civil No. 365729808	4	1	1
Pleasant Grove Subdivision (55-8), Civil No. 365729811	6	5	5
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	8	8
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	4	3	3
Emigration Creek Subdivision (57-1), Civil No. 365729812	1	0	0
Nibley Park Subdivision (57-5), Civil No. 365729820	4	0	0
Foothill Village Subdivision (57-13), Civil No. 365729830	1	0	0
Rose Park Subdivision [LUR] (57-8), Civil No. 365729825	2	2	2
Totals	164	110	111

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