

IN THE FIFTH JUDICIAL DISTRICT COURT  
IN AND FOR WASHINGTON 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  
VIRGIN RIVER IN WASHINGTON, IRON,  
AND KANE COUNTIES IN UTAH

**SPECIAL MASTER’S  
STANDING ORDER NO. 2**  
(ON FORM OF OBJECTIONS FILED  
AFTER NOVEMBER 21, 2019)

Civil No. 800507596

(Judge G. Michael Westfall)

Rick L. Knuth, Special Master

The Special Master, acting *sua sponte*, issues this Standing Order No. 2 (On Form of Objections Filed After November 21, 2019):

1. For purposes of this Order, an “Objection Proceeding” shall include an objection to any Proposed Determination of the State Engineer, within the meaning of Utah Code *Ann.* Sections 73-4-11 and 73-4-9.5 (each, an “Objection”).
2. The provisions of this Order apply only to Objections to a Proposed Determination filed after November 21, 2019, and which are the subject of the Special Master’s Standing Order No. 1 for commencement of an objection proceeding.
3. Although neither the Utah Supreme Court nor the Utah State Legislature has specifically addressed the form of an Objection in a general determination of water rights, the Utah Supreme Court held in *Huntsville Irrigation Association v. District Court of*

*Weber County* that objections<sup>1</sup> filed in a general adjudication “constitute pleadings.” 270 P. 1090, 1094 (Utah 1928).

4. The only “pleadings” allowed by the Utah Rules of Civil Procedure are complaints (including third-party complaints), answers (including answers to counterclaims, crossclaims, and third-party complaints), and replies to answers (if ordered by court). *See* Utah R. Civ. P. 7(a).

5. In the Order of Reference appointing the Special Master, the Court granted the Special Master the power to “Actively manag[e] objections filed in the Virgin River Adjudication, . . .” *See* Order Appointing R. L. Knuth as Special Master in the Virgin River Adjudication and Order of Reference, dated November 21, 2019, at 2. Rule 53(c) of the Utah Rules of Civil Procedure grants the Special Master “the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order [of reference].”

6. Utah Rule of Civil Procedure 8 requires a “short and plain” presentation of a claim for relief.

7. In the absence of further instruction from the Supreme Court, and to facilitate an orderly and uniform presentation of Objections to Proposed Determinations, the Special Master has determined that Rule 8 of the Utah Rules of Civil Procedure shall govern all Objections subject to this Order. Further, the Special Master has created a Standard Form of Objection attached hereto as Exhibit “A” for Objection Proceedings commenced after November 21, 2019.

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<sup>1</sup> The Supreme Court actually held that “protests” constitute pleadings. *Huntsville*, 270 P. 1090, 1094. However, in discussing general adjudications, the Supreme Court uses “objection” and “protests” interchangeably. *See id.*; *Jensen v. Morgan*, 844 P.2d 287, 290 (Utah 1992).

8. Objections filed after the date of this Order which conform to this Standard Form of Objection will be deemed an adequate pleading. Nothing in this Order should be construed to invalidate any different form of Objection otherwise conforming to Rule 8 of the Utah Rules of Civil Procedure.

SO ORDERED this 8th day of January, 2020.

By: /s/ Rick L. Knuth  
Rick L. Knuth,  
Special Master

# **EXHIBIT A**

**Form of Objection**

**[Attached]**

IN THE FIFTH JUDICIAL DISTRICT COURT  
IN AND FOR WASHINGTON 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 VIRGIN RIVER IN WASHINGTON, IRON, AND KANE COUNTIES IN UTAH*

\_\_\_\_\_ *Subdivision, Book No.* \_\_\_\_\_  
\_\_\_\_\_, *Objector*

**OBJECTION TO PROPOSED DETERMINATION**

Civil No. 800507596

(Judge G. Michael Westfall)

Rick L. Knuth, Special Master

THE UNDERSIGNED hereby objects to the State Engineer's Proposed Determination for the above-captioned Subdivision and Book. In support of this Objection, Objector states the following:

**A. Contact Information for the Objector and/or the Objector's Attorney:**

I do not currently have an attorney, but I intend to employ an attorney who will make an appearance on my behalf at a later time; *or* I intend to represent myself in this Objection Proceeding. I can be reached at the following contact information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**I am an attorney**, who is representing the Objector, and can be reached at the contact information below:

***Attorney:***

Name/Bar No.: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Appearing  
on behalf of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. The Objector claims to have an interest in the follow Water Right Number(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. The Objector objects to the following elements or general provisions, as recommended in the Proposed Determination, for Water Right Number \_\_\_\_\_:<sup>2</sup>**

1.  Name of Owner  
Should be: \_\_\_\_\_
2.  Source  
Should be: \_\_\_\_\_
3.  Quantity/Flow  
Should be: \_\_\_\_\_
4.  Priority Date  
Should be: \_\_\_\_\_
5.  Point of Diversion  
Should be: \_\_\_\_\_
6.  Purpose of Use  
Should be: \_\_\_\_\_
7.  Period of Use  
Should be: \_\_\_\_\_
8.  Place of Use:  
Should be: \_\_\_\_\_
9.  Supplemental Water Rights/Water Use Groups:  
Should be: \_\_\_\_\_
10.  Other Comments (from Proposed Determination):  
Should be: \_\_\_\_\_
11.  Should be removed from the list of forfeited, disallowed, or invalid rights.
12.  Other/General: \_\_\_\_\_  
\_\_\_\_\_

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<sup>2</sup> For each Water Right No. to which you are objecting, fill out an additional page for paragraphs C and D and attach the pages hereto.

