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IN THE THIRD JUDICIAL DISTRICT COURT

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

**ORDER APPOINTING A MASTER AND
ORDER OF REFERENCE IN THE
UTAH LAKE AND JORDAN RIVER
GENERAL ADJUDICATION**

Civil No. 360057298

Judge Laura Scott

This matter came before the Court on the Motion of Kent L. Jones, P.E., Utah State Engineer, through counsel, to appoint a Master in the Utah Lake and Jordan River general adjudication, pursuant to U.R.C.P. Rule 53.

Having reviewed the documents in support of the motion and considered the arguments, the Court Orders and directs that a Master be appointed in the Utah Lake and Jordan River general adjudication as more particularly detailed in this Order of Reference, reserving the selection of the specific individual master for a later date.

MASTER'S DUTIES

The Master's duties are limited to hearing objections to a Proposed Determination issued by the State Engineer. The Master may not hear objections related to federal reserved water rights. Generally, the Master will preside over the adversarial proceedings between an objector, the State Engineer, and any affected parties. In addition to the powers authorized under U.R.C.P. Rule 53(c), the Master is given the following duties and powers:

1. Actively managing the objections including: scheduling, notifying the parties, holding status and settlement conferences, and holding hearings.
2. Designating subcases within the general adjudication divisions or subdivisions and identifying the parties to each subcase. For example, the State Engineer and the objector will always be parties to each subcase, but the Master may also identify any other parties who may be affected by an objection.
3. Identifying the parties affected by a proposed settlement and hearing objections to a proposed settlement.
4. Taking evidence, overseeing discovery, ruling on procedural motions, and ruling on substantive motions with a report and recommendation to the Court.

5. Preparing a report and recommendation for each subcase containing findings of fact and conclusions of law. In preparing each report, the Master may solicit proposed findings of fact and conclusions of law from the subcase parties.

PROCEEDINGS BEFORE THE MASTER

Proceedings before the Master shall be conducted pursuant to the Utah Rules of Civil Procedure and the Utah Rules of Evidence. Documents filed with the Court are deemed filed with the Master. The Master will arrange for the recording of all proceedings and for the parties to obtain transcripts as needed for objecting or defending the Master's report and recommendation. Because of the large number of parties in the general adjudication, the Master is not required to hold a meeting with all parties within 21 days of the appointment as provided in U.R.C.P. Rule 53(d)(1).

MASTER'S REPORT TO THE DISTRICT COURT

As each subcase is heard by the Master, the Master will submit to the Court a report with the Master's decisions, findings, and conclusions pursuant to U.R.C.P. Rule 53 and serve the report on all parties to the subcase. Parties shall then have the opportunity to object to the Master's report as provided by U.R.C.P. Rule 53. The Court may enlarge the fourteen-day time period, provided in U.R.C.P. Rule 53(e)(2), for filing objections to the Master's report and recommendation in a given subcase, upon motion of a party or recommendation of the Master.

DURATION OF MASTER'S APPOINTMENT AND COMPENSATION

The Master's appointment is contingent on continued legislative funding. Compensation for the Master may not be charged upon the parties.

BY THE COURT