

WATER RIGHTS - INFORMAL
ADJUDICATION - VERSION 2
 2009 GENERAL SESSION
 STATE OF UTAH

LONG TITLE

General Description:

This bill amends a section relating to the judicial review of a state engineer's decision in an informal adjudication.

Highlighted Provisions:

This bill:

- ▶ allows the court to consider failure to prosecute a suit to final judgment within a certain time period lack of diligence, rather than requiring the court to dismiss the action; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-3-15, as last amended by Laws of Utah 1992, Chapter 127

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-3-15** is amended to read:

73-3-15. Dismissal of action for review of informal adjudicative proceedings.

(1) An action to review a decision of the state engineer from an informal adjudicative proceeding may be dismissed upon the application of any of the parties upon the grounds provided in [~~Rule 41 of the~~] Utah Rules of Civil Procedure, Rule 41 for:

- (a) the dismissal of actions generally; and [~~for~~]
- (b) failure to prosecute [~~such~~] the action with diligence.

32 (2) [(a)] For the purpose of this section, failure to prosecute a suit to [final judgment]
33 trial within two years after it is filed[, or, if an appeal is taken from a district court judgment
34 ~~within three years after the filing of the suit, constitutes] gives rise to a rebuttable presumption
35 of a lack of diligence.~~

36 [(b) A court shall dismiss those suits after ten days' notice by regular mail to the
37 plaintiff.]