

**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 Utah Rules of Civil Procedure, Rule 41 for:
  - (a) the dismissal of actions generally; and
  - (b) failure to prosecute the action with diligence.
- (2) For the purpose of this section, failure to prosecute a suit to trial within two years after it is filed gives rise to a rebuttable presumption of a lack of diligence.
- (3) In evaluating the rebuttable presumption, the court shall consider the totality of the circumstances.

Amended by Chapter 248, 2009 General Session