

**Effective 5/10/2016**

**73-4-24 Petition for expedited hearing of objection -- Petition for limited determination.**

- (1) A claimant to the use of water may petition the court to expedite the hearing of a valid, timely objection to a report and proposed determination prepared in accordance with Section 73-4-11 in which the claimant has a direct interest.
- (2) A petition under Subsection (1) shall identify any party directly affected by the objection, if known to the claimant, and state why the hearing of the objection should be expedited.
- (3) A petitioner under Subsection (1) shall notify those affected by the petition as directed by the court.
- (4) The court may grant a petition under Subsection (1) if:
  - (a) the court finds that the expedited hearing is necessary in the interest of justice;
  - (b) granting the petition will facilitate a reasonably prompt resolution of the matters raised in the objection; and
  - (c) granting the petition does not prejudice the right of another claimant.
- (5) During the pendency of a general adjudication suit, a claimant or group of claimants may petition the court to direct the state engineer to prepare a proposed determination and hydrographic survey map for a limited area within the general adjudication area in which the claimant or group of claimants has a claim.
- (6) The court may grant a petition under Subsection (5) if:
  - (a) the claimant or group of claimants will suffer prejudice if the petition is not granted;
  - (b) the matters raised by the claimant or group of claimants are proper for determination in a general adjudication;
  - (c) granting the petition will not unduly burden the state engineer's resources; and
  - (d) granting the petition will not unduly interfere with the state engineer's discretion to allocate resources for the preparation of another proposed determination.
- (7) If the court grants a petition under this section, the state engineer shall comply with this chapter in satisfying the court's order.

Amended by Chapter 72, 2016 General Session