



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 3, 2020

Mr. Speaker,

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 144**, WATER RELATED PROCESS AMENDMENTS, by Senator R. Okerlund, with the following amendments:

1. *Page 1, Line 12:*

12 { ~~→~~ addresses judicial review of a state engineer order; }

2. *Page 1, Line 24:*

24 { ~~73-3-14, as last amended by Laws of Utah 2008, Chapters 165 and 382~~ }

3. *Page 2, Line 31 through Page 3, Line 75:*

31 { ~~Section 1. Section 73-3-14 is amended to read:~~

32 ~~73-3-14. Judicial review of state engineer order.~~

33 ~~(1) (a) [A] Except as provided in Subsection (1)(c), a person aggrieved by an order of~~

34 ~~the state engineer may obtain judicial review in accordance with Title 63G, Chapter 4,~~

35 ~~Administrative Procedures Act, and this section.~~

36 ~~(b) Venue for judicial review of an informal adjudicative proceeding is in the county in~~

37 ~~which the water source or a portion of the water source is located.~~

38 ~~(c) Judicial review of an adjudicative proceeding approving or rejecting an application~~

39 ~~filed under this title may only be obtained by an aggrieved person who:~~

40 ~~(i) requested the adjudicative proceeding; or~~

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41 ~~_____ (ii) timely filed a protest to the application in accordance with Section 73-3-7.~~
42 ~~_____ (2) The state engineer shall be joined as a respondent in a petition to review the~~
43 ~~state~~
44 ~~engineer's decision, but no judgment for costs or expenses of the litigation may be~~
45 ~~rendered~~
46 ~~against the state engineer.~~
47 ~~_____ (3) A person who files a petition for judicial review as authorized in this section~~
48 ~~shall:~~
49 ~~_____ (a) name the state engineer as a respondent; and~~
50 ~~_____ (b) provide written notice in accordance with Subsection (5) to each person~~
51 ~~who filed a~~
52 ~~protest in accordance with Section 73-3-7 of:~~
53 ~~_____ (i) the filing of the petition for judicial review; and~~
54 ~~_____ (ii) the opportunity to intervene in accordance with Utah Rules of Civil~~
55 ~~Procedure;~~
56 ~~Rule 24.~~
57 ~~_____ (4) In addition to the requirements of Subsection (3), a protestant in the~~
58 ~~adjudicative~~
59 ~~proceeding who files a petition for judicial review shall also name as a respondent~~
60 ~~the person:~~
61 ~~_____ (a) who requested the adjudicative proceeding; or~~
62 ~~_____ (b) against whom the state engineer brought the adjudicative proceeding.~~
63 ~~_____ (5) The written notice required by this section shall:~~
64 ~~_____ (a) be mailed:~~
65 ~~_____ (i) within the time provided for by Utah Rules of Civil Procedure, Rule 4(b);~~
66 ~~and~~
67 ~~_____ (ii) to the address on record with the state engineer's office at the time the~~
68 ~~order is~~
69 ~~issued; and~~
70 ~~_____ (b) include:~~
71 ~~_____ (i) a copy of the petition; and~~
72 ~~_____ (ii) the address of the court in which the petition is pending.~~
73 ~~_____ (6) If a person who files a petition for judicial review fails to provide notice as~~
74 ~~required~~



65 ~~by this section, the court shall dismiss the petition without prejudice upon:~~
66 ~~—(a) the motion of a party;~~
67 ~~—(b) the special appearance of a person who:~~
68 ~~—(i) participated in the adjudicative proceeding; and~~
69 ~~—(ii) is not a party; or~~
70 ~~—(c) the court's own motion.~~
71 ~~—(7) A person who files a petition for judicial review is not required to:~~
72 ~~—(a) notwithstanding Subsection 63G-4-401(3)(b), name a respondent that is not~~
73 ~~required by this section; and~~
74 ~~—(b) notwithstanding Subsection 63G-4-402(2)(a)(iv), identify all parties to the~~
75 ~~adjudicative proceeding. }~~

Renumber remaining sections accordingly

Respectfully,

Keven J. Stratton
Chair

Voting: 10-0-3

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