

**S.B. 144**  
**WATER RELATED PROCESS AMENDMENTS**

Senator **Ralph Okerlund** proposes 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~~  
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 state~~  
43     ~~engineer's decision, but no judgment for costs or expenses of the litigation may be rendered~~  
44     ~~against the state engineer.~~  
45     ~~(3) A person who files a petition for judicial review as authorized in this section shall:~~  
46     ~~(a) name the state engineer as a respondent; and~~  
47     ~~(b) provide written notice in accordance with Subsection (5) to each person who filed a~~  
48     ~~protest in accordance with Section 73-3-7 of:~~  
49     ~~(i) the filing of the petition for judicial review; and~~  
50     ~~(ii) the opportunity to intervene in accordance with Utah Rules of Civil Procedure;~~  
51     ~~Rule 24.~~  
52     ~~(4) In addition to the requirements of Subsection (3), a protestant in the adjudicative~~  
53     ~~proceeding who files a petition for judicial review shall also name as a respondent the person:~~  
54     ~~(a) who requested the adjudicative proceeding; or~~  
55     ~~(b) against whom the state engineer brought the adjudicative proceeding.~~

56 ~~— (5) The written notice required by this section shall:~~  
57 ~~— (a) be mailed:~~  
58 ~~— (i) within the time provided for by Utah Rules of Civil Procedure, Rule 4(b); and~~  
59 ~~— (ii) to the address on record with the state engineer's office at the time the order is~~  
60 ~~issued; and~~  
61 ~~— (b) include:~~  
62 ~~— (i) a copy of the petition; and~~  
63 ~~— (ii) the address of the court in which the petition is pending.~~  
64 ~~— (6) If a person who files a petition for judicial review fails to provide notice as 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