

THOM D. ROBERTS (#2773)
Assistant Attorney General
SEAN D. REYES (#7969)
Utah State Attorney General
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: (801) 366-0353
thomroberts@utah.gov
Attorney for Intervenor State of Utah

IN THE FOURTH DISTRICT COURT IN AND FOR
WASATCH COUNTY, STATE OF UTAH

UTAH STREAM ACCESS COALITION,
a Utah non-profit corporation,

Plaintiff,

vs.

ATC REALTY SIXTEEN, INC., a
California corporation; UTAH DIVISION
OF WILDLIFE RESOURCES, an agency of
the State of Utah; UTAH DIVISION OF
PARKS AND RECREATION, an agency of
the State of Utah; SHERIFF TODD
BONNER, Wasatch County Sheriff; and
DOES 1-10,

Defendants.

**STATE'S MOTION FOR
SUMMARY JUDGMENT**

Case No. 100500558

Judge Derek Pullan

The State of Utah, by and through its attorney of record, Thom D. Roberts, Assistant Utah Attorney General, hereby moves the Court for an order granting Summary Judgment that H.B. 141, the subject of this litigation, does not violate the public trust doctrine. The Court in two

previous rulings on cross-motions for summary has ruled upon and resolved many of the issues in this case. This Motion for Summary Judgment is on the only issue remaining set forth by the Court in its March 8, 2013 Ruling and Order, whether H.B.141 “substantially impairs the public interest in the lands and waters remaining,” i.e. those waters not subject to the Act.

This Motion is made upon the grounds and for the reasons that there is no genuine issue as to any material fact and that the State of Utah is entitled to judgment as a matter of law that Plaintiffs cannot and have not demonstrated that H.B. 141 substantially impairs the public’s interest in the lands and waters not subject to the Act, in that the public is able to fully utilize those remaining waters, engage in world class fishing and recreational activities on those waters, and the public’s ability to engage in those activities is not otherwise substantially impaired, and as more fully set forth in the Memorandum filed in support hereof.

Dated this 29th day of August, 2014.

SEAN D. REYES
Attorney General

/s/Thom D. Roberts
THOM D. ROBERTS
Assistant Attorney General
Attorney for Intervenor State of Utah

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of August, 2014, a true and correct copy of foregoing **STATE'S MOTION FOR SUMMARY JUDGMENT** by electronic delivery to all parties' counsel as follows:

Craig C. Coburn
Kallie A. Smith
craig-coburn@rbmn.com
kallie-smith@rbmn.com

Heather Shilton
heathershilton@utah.gov
Attorney for Division of Parks and Recreation

Martin B. Bushman
martinbushman@utah.gov
Attorney for Utah Division of Wildlife

Nathan Thomas
Eric P. Lee
nthomas@joneswaldo.com
elee@joneswaldo.com
Attorney for ATC Realty Sixteen, Inc.

/s/Sherri L. Cornell

Legal Secretary