



IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

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

Plaintiff,

vs.

JAMES FULLER PARK As Trustee of the Revocable Trust Of James Fuller Park; ORANGE STREET DEVELOPMENT, A Utah limited partnership; WENDELL J. STEMBRIDGE and ILA D. STEMBRIDGE, as Trustees of the Wendell J. Stembridge Intervivos Revocable Trust dated the 29th day of November 1988; VERN G. STEMBRIDGE and DOROTHY MECHAM STEMBRIDGE, as Trustees of The Vern G. Stembridge And Dorothy M. Stembridge Trust dated December 7, 1989; UTAH DIVISION OF WILDLIFE RESOURCES, an agency of the State of Utah; the UTAH DIVISION OF PARKS AND RECREATION, an agency of the State of Utah; and SHERIFF DAVID A. EDMUNDS, in his official capacity as Summit County Sheriff,

Defendants.

ORDER AND FINAL JUDGMENT

Civil No. 110500360

Hon. Keith A. Kelly

This matter came before the Court for trial on February 6, and February 9-11, 2015.

W. Cullen Battle and Craig C. Coburn appeared as counsel for Plaintiff Utah Stream Access Coalition (the "Coalition.") Anthony W. Schofield and Peter C. Schofield appeared as counsel for Defendant Orange Street Development ("Orange Street"). Michael S. Johnson and Douglas J. Crapo appeared as counsel for the State of Utah, Division of Forestry, Fire & State Lands, having been substituted for the Utah Division of Wildlife Resources and the Utah Division of Parks and Recreation. Jared G. Parkinson, as counsel for Defendant James Fuller Park as

Trustee of the Revocable Trust of James Fuller Park (“Park”), and Scott A. Dubois, as counsel for Defendants Wendell J. Stembridge and Ila D. Stembridge as trustees of the Wendell J. Stembridge Intervivos Revocable Trust dated the 29th day of November 1988, and Vern G. Stembridge and Dorothy Mecham Stembridge, as trustees of the Vern G. Stembridge and Dorothy M. Stembridge Trust dated December 7, 1989 (collectively “Stembridge”) were excused from appearing at trial by stipulation. Defendants Orange Street, Park and Stembridge will be referred to as the “Landowner Defendants.”

The properties of the Landowner Defendants referred to in this Order and Final Judgment (the “Properties”) consist of the following:

Weber County Parcel No. CD-33, owed by Defendant Park;

Weber County Parcel No. CD-32, owned by Defendant Orange Street; and

Weber County Parcel Nos. CD-161 and CD 99, owned by Defendants Stembridge.

On April 10, 2015, the Court entered its Legal Analysis, Findings of Fact and Conclusions of Law (the “Findings and Conclusions”), resolving all claims in favor of the Coalition. Based on the Findings and Conclusions, the Court now enters a Final Judgment in favor of the Coalition and against all remaining Defendants declaring that:

1. the Weber River is navigable in fact and navigable in law under federal law where it passes through the Properties;
2. the State of Utah holds sovereign land title to the bed of the Weber River below the ordinary high water mark at the location of the Properties;
3. the Coalition’s members and the general public are entitled to use the streambed of the Weber River at the above locations for lawful recreational purposes; and

4. because the flows of the Weber River at statehood were more favorable (greater) but not materially different than current flows, (Findings ¶ 22), the current ordinary high water mark of the Weber River shall be used for determining the river bed title held by the State of Utah at statehood in 1896.

The Court further enters a Final Judgment ordering Defendants Park and Orange Street to remove any no trespassing signs from their properties that that are inconsistent with the public's rights as stated above, and to take no further actions interfering with such public rights.

Objections to this form of order have been considered, but are hereby overruled.

END OF DOCUMENT

Submitted by:

FABIAN & CLENDENIN
A Professional Corporation

/s/ W. Cullen Battle
W. Cullen Battle

RICHARDS BRANDT MILLER NELSON

/s/ Craig C. Coburn
Craig C. Coburn
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that this **[PROPOSED] ORDER AND FINAL JUDGMENT** was served by email on this 20th day of April, 2015, upon the following:

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