

SUPREME COURT OF UTAH

Washington County Water Conservancy District v. Morgan

82 P.3d 1125 (Utah 2003) · No. No. 20010561 · Decided December 23, 2003

SUMMARY

The Utah Supreme Court held that a water conservancy district does not have special statutory standing to pursue forfeiture of private water rights without showing an effect on its own water uses. The court also held that protesting a change application before the state engineer does not, by itself, make a party an aggrieved person entitled to judicial review. Because the district failed to establish a measurable connection between its water use and the disputed rights, and the public-importance exceptions did not apply, the court affirmed the district court's judgment.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Parrish; Associate Chief Justice Durrant; Justice Wilkins; Court of Appeals Judge Thorne; District Judge Henriod
JURISDICTION	Utah
DECIDED	December 23, 2003
DOCKET	No. 20010561
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Washington County Water Conservancy District appealed a district court judgment holding that it lacked standing to challenge the state engineer's approval of the Corporation of the Presiding Bishop's water-right change application and to seek forfeiture of those water rights.
STANDARD OF REVIEW	Statutory interpretation and the legal application of standing requirements are reviewed for correctness. Factual findings bearing on standing are reviewed deferentially and affirmed unless clearly erroneous. The court closely reviews whether the facts satisfy the legal requirements for standing, granting minimal discretion to the trial court.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Washington County Water Conservancy District v. Robert L. Morgan, State Engineer of the State of Utah, Corporation of the Presiding

TOPICS

standing judicial review of agency action administrative law statutory interpretation appellate procedure

PRACTICE AREAS

administrative law water law civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the Water Conservancy Act granted water conservancy districts special standing to seek forfeiture of private water rights or judicial review of change-application decisions without showing a personal stake or particularized injury.
2. Whether filing a protest to a water-right change application made the Conservancy District an aggrieved person entitled to judicial review or authorized it to seek forfeiture.
3. Whether the Conservancy District satisfied traditional standing requirements by showing a distinct and palpable injury or a measurable connection between its water use and the challenged water rights.
4. Whether the Conservancy District qualified for an exception to traditional standing based on the public importance of the issues.

HOLDINGS

1. The Water Conservancy Act did not grant water conservancy districts statutory standing to challenge approved change applications or seek forfeiture of private water rights when the district's own water uses would not be affected.
2. A person who is authorized to protest a change application as an interested person does not become an aggrieved person entitled to judicial review merely by filing the protest.
3. The Conservancy District lacked traditional standing because it failed to establish a distinct and palpable injury or a measurable connection between its own water use and the Corporation of the Presiding Bishop's water use.
4. The Conservancy District did not qualify for an exception to traditional standing based on public importance because it presented no specific evidence that the disputed water-rights issue would affect a large number of people or otherwise involve an issue of great public importance.

KEY QUOTATIONS

“the broad statements of purpose to be served by water conservancy districts are insufficient to establish statutory standing to seek to overturn approved change applications or to press forfeiture claims in cases where a district's own uses would not be affected.” (82 P.3d at 1128)

“One is not necessarily “aggrieved” within the meaning of section 73-3-14 simply by virtue of having

protested a change application that was approved.” (82 P.3d at 1130)

“The Conservancy District has no standing either to assert forfeiture against the CPB or to obtain judicial review of the state engineer's decision approving the CPB's change application.” (82 P.3d at 1133)

FACTUAL BACKGROUND

The Corporation of the Presiding Bishop owned water rights in Washington County and filed a change application to alter their nature, place of use, and points of diversion. The Washington County Water Conservancy District protested the application and alleged that some of the rights had been forfeited for nonuse. After the state engineer approved the application without deciding forfeiture, the Conservancy District sought judicial review and a judicial declaration of forfeiture. The district court found that the Conservancy District failed to establish a measurable connection between its water sources and the Corporation's wells, and the Supreme Court upheld that finding.

PROCEDURAL HISTORY

The Corporation of the Presiding Bishop filed a change application with the Utah state engineer, and the Conservancy District protested, asserting that some of the water rights had been forfeited for nonuse. The state engineer approved the change application without deciding forfeiture. The Conservancy District sought judicial review and a declaration of forfeiture in district court. After hearing conflicting evidence concerning the connection between the parties' water sources, the district court found the evidence inconclusive and entered judgment for the Corporation of the Presiding Bishop. The Utah Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Bohne, 2002 UT 116, ¶ 4, 63 P.3d 63
- Nat'l Parks & Conservation Ass'n v. Bd. of State Lands, 869 P.2d 909, 913 (Utah 1993)
- Jenkins v. Swan, 675 P.2d 1145, 1148, 1150-51 (Utah 1983)
- Bonham v. Morgan, 788 P.2d 497, 498, 502 (Utah 1989)
- Badger v. Brooklyn Canal Co., 922 P.2d 745, 750 n.9 (Utah 1996)
- Terracor v. Utah Bd. of State Lands & Forestry, 716 P.2d 796, 798-99 (Utah 1986)
- Kearns-Tribune Corp. v. Wilkinson, 946 P.2d 372, 373 (Utah 1997)
- Soc'y of Prof'l Journalists v. Bullock, 743 P.2d 1166, 1170 (Utah 1987)
- State v. Pena, 869 P.2d 932, 935-36 (Utah 1994)
- Harris v. Springville City, 712 P.2d 188, 190 (Utah 1986)
- State v. Mace, 921 P.2d 1372, 1379 (Utah 1996)
- Kennecott Corp. v. Salt Lake County, 702 P.2d 451, 454 (Utah 1985)

