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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 OF UTAH'S MOTION FOR
SUMMARY JUDGMENT**

Case No. 100500558

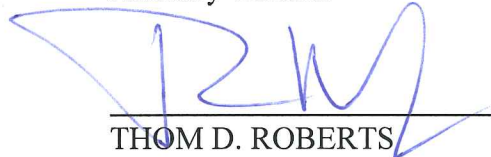
Judge Derek Pullan

The State of Utah, by and through its attorney, Thom D. Roberts, Assistant Utah Attorney General, hereby moves the Court for Order Granting Summary Judgment in favor of the State of Utah upon the grounds and for the reasons that there are no issues of material fact and the State is

entitled to judgment as a matter of law that the Recreational Use of Public Water on Private Property Act, H.B. 141, adoption by the Legislature in the 2010 General Session and signed into law by the Governor, was adopted pursuant to the constitutional authority of the Legislature concerning matters over which the Legislature has legislative authority, that its provisions are constitutional, and its provisions do not unconstitutionally infringe upon any rights of the Plaintiffs. Further, to the extent that the Public Trust Doctrine applies to the circumstances involving the Provo River, the Public Trust Doctrine does not act to bar the actions taken by the Utah Legislature.

Dated this 30th day of October, 2011.

MARK L. SHURTLEFF
Attorney General



THOM D. ROBERTS
Assistant Attorney General
Attorney for Intervenor State of Utah

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2011, I served by electronic mail a true and exact copy of the foregoing **STATE OF UTAH'S MOTION FOR SUMMARY JUDGMENT** to:

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