

Via Hand Delivery

January 29, 2016

Judge Laura Scott
Matheson Courthouse
450 South State Street
P.O. Box 1860
Salt Lake City, Utah 84114-1860

Re: Special Master Application

Dear Judge Scott:

I enthusiastically submit this application for the position of part-time Master to oversee contested matters in the Utah Lake and Jordan River General Adjudication (Civil No. 360057298). The Court will unquestionably have many qualified candidates for this position. If my application is successful, I will bring a dedication to achieving expeditious and fair adjudication of contested matters and a commitment to providing clear and thorough recommendations to the Court.

My interest in this position stems from a decades-long interest in natural resources and a deeply held regard for the judicial process. I believe the position will provide a challenge and an opportunity to be involved in meaningful issues, and I think my education and experience have prepared me for the position.

I gained a broad understanding of water resources during my undergraduate, graduate, and post-doctoral work in geology. At the University of Utah College of Law, I completed courses in water law and natural resource and environmental law and received the school's Certificate in Environmental and Natural Resource Law. As a result, I am conversant in water law principals and statutes, and I understand the issues that arise in adjudications of water users' rights.

In my litigation practice, I manage numerous matters that require organizing competing priorities, and I manage large matters that require complex factual and legal analysis. Through my scientific and legal experience, I have learned to assimilate and digest complex facts and data quickly. I am comfortable resolving ambiguous problems based on available, often contradictory, evidence. In sum, I believe my litigation skills are well-suited to weighing the issues and formulating the reasoned decisions necessary to assist the Court.

If selected, I would accept full responsibility for effectively advancing the Adjudication as Master. As a shareholder of Parr Brown Gee & Loveless, I can draw on the significant

resources available within the firm. My proposed team—including Daniel Jensen, Matthew Jensen, and Mason Kjar—would bring additional expertise to tackle the most difficult water issues in a time-efficient manner. Daniel and Matthew are consistently recognized as accomplished water law practitioners; both have experience litigating objections in general adjudications around the state. Mason Kjar, an associate at our firm, would be my primary colleague in fulfilling the responsibilities of Master. He is well-suited for this role. He has completed judicial clerkships in the Utah federal district court and at the Tenth Circuit. At the federal district court, Mason regularly assisted the Judge with organizing matters, urging litigants to promptly resolve issues, reviewing reports and recommendations issued by the federal magistrate judges, and drafting orders. At the Tenth Circuit, Mason received significant experience in natural resources cases. In private practice, he has focused his practice on water law, including researching water rights, performing water rights due diligence, assisting in water rights litigation, and drafting numerous proposed orders.

In addition to the excellent team of lawyers, Parr Brown also has a staff of paralegals with expertise in case management software, water rights research, property due diligence, and other skills necessary to identify and manage parties in the Adjudication.



Regarding conflicts of interest, this firm represents or has represented South Jordan Canal Company, Draper Irrigation Company, Hobble Creek Ranch, LLC, and Jordan Valley Water Conservancy District. To our knowledge, these entities have not filed objections in the Adjudication, and none has asked this firm to represent it in the Adjudication. I have no economic interest in the Adjudication.

The State Engineer and the Attorney General are obviously committed to moving the Adjudication to resolution, and the recent appropriation of funds shows a similar level of commitment from the legislature. I look forward to the opportunity to assist the Court in bringing this Adjudication to a fair, reasoned, and timely conclusion.

Best regards,



Daniel E. Barnett

Enclosure

DANIEL E. BARNETT

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Salt Lake City, Utah 84111

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EMPLOYMENT

2000-Present: Attorney, Parr Brown Gee & Loveless, Salt Lake City, Utah (shareholder 2005-Present)

Participate in and direct all aspects of civil litigation matters in state and federal courts, arbitration, and in informal dispute resolution.

Admitted to Utah State Bar, United States District Court for District of Utah, United States Court of Appeals for the Tenth Circuit. *Pro Hac Vice* admissions in state and federal courts of Arizona, Florida, Georgia, Nevada, and Wyoming, arbitration proceedings in California, Montana, and Nevada.

Martindale Hubbell *AV Preeminent* rating; *Mountain States Super Lawyers* 2008-2009 and 2011-2016; *Utah Business Magazine* Legal Elite 2011.

1999-2000: Law Clerk to Hon. Judith M. Billings, Utah Court of Appeals

1998: Summer Associate, Parr Brown Gee & Loveless, Salt Lake City, Utah

1991-1996: Research Assistant Professor, Dept. Geology and Geophysics, University of Utah

Participated in an internationally recognized, federally funded geochemistry research program.

1989: Visiting Instructor, Norwich University, Northfield, Vermont

1986-1990: Research and Teaching Assistant, Dartmouth College, Hanover, New Hampshire

PROFESSIONAL SERVICE

Professionalism Counseling Board (Appointed by Utah Supreme Court)

Board of Trustees, Legal Aid Society of Salt Lake (Past Board President)

And Justice for All Leadership Committee

American Law of Mining 2d update author, chapters 110 & 112

Mentor, Utah State Bar New Lawyer Training Program

Peer reviews for 7 scientific journals, grant reviews for the National Science Foundation

S.J. Quinney Young Alumni Board of Trustees (past)

PROFESSIONAL ACTIVITIES

David K. Watkiss-Sutherland II Inns of Court

Federal Bar Association

Continuing Legal Education lectures on mining leases and construction law

EDUCATION

J.D. 1999, University of Utah, Salt Lake City, Utah.

Order of the Coif, Articles Editor, Utah Law Review, Certificate in Environmental and Natural Resources Law.

Ph.D. Geology, 1991, Dartmouth College, Hanover, New Hampshire.

Explorer's Club grant in aid of research, Sigma Xi Research Society grant in aid of research (2), Geological Society of America grant in aid of research.

M.S. Geology, 1987, Dartmouth College, Hanover, New Hampshire.

B.A. Geology, 1985, Miami University, Oxford, Ohio.

cum laude, National Merit Scholarship, H. Van der Veer Hilker Scholarship, Alumni Merit Scholarship for study abroad (Great Britain and France).
