

Robert C. Fillerup
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January 28, 2016

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

Re: Special Master Application

Dear Judge Scott:

It is with great interest that I request appointment as the Special Master in civil no. 360057298 ("General Adjudication"). I am keenly interested in the appointment because of my 40-plus years of experience in water matters in Utah. Because of my background and experience in water law throughout the State, I have a complete understanding of water law in general, and the general adjudication process in particular, and believe I am uniquely suited and qualified for the position.

1. Qualifications.

Attached is my Résumé which provides details of my background, education, and legal experience. Beginning in 1974 I worked on water rights and water law issues for Provo City. Over the years since then I have represented other cities including American Fork City, Santaquin City, and Payson City on water matters. At times, I have been a consultant or advisor to Timpanogos Canal Company, West Union Canal Company, West Smith Ditch, Fort Field-Little Dry Creek Water Users Association, Upper Whittemore Canyon Water Company, and Eagle Mountain Water Company, (all in Utah County); Main Creek Irrigation Company in Wasatch County; and Richfield Irrigation Company and Sevier Valley Canal Company in Sevier County. I represented countless individuals, developers, and companies regarding water rights and water law matters. I have rendered opinions regarding water rights to several institutions and banks, including Central Bank, Rock Canyon Bank, and AmBank, in Utah County. I have litigated numerous water law cases, including some through the appeal process.

2. Conflicts of Interest.

I reviewed the parties in each of the "unresolved objections" pending in the General Adjudication as found on the Utah State Engineer's website. I do not currently represent, nor have I ever represented, any of those parties. While a potential conflict of interest may arise with regard to an objection yet to be filed, that could be the case with any appointee. If it were to arise, the issue could be resolved through consultation with the Court.

I did enter an appearance in this General Adjudication for East Warm Creek Irrigation Company, and I did file an objection to a proposed stipulation. That matter is now being handled

by the Court and would not involve the Master. In addition, I indicated in a recent telephonic hearing that I would not be representing that company any further in the matter.

Although I have not represented parties to any degree in this particular General Adjudication, I have in the past represented parties in the general adjudication involving the Green River and understand the general adjudication process.

I can be fair and impartial in resolving pending objections, as I understand the evidentiary process, and the need to balance the individual interest in using water, with the need to assure that water is beneficially used.

3. Economic interests.

I do not own any water rights, nor do I have a financial interest in any water rights within the State of Utah. I am currently working with a few clients to resolve issues to update ownership, requests for extensions of time, nonuse applications, and so forth, that have been filed with the Utah State Engineer's office. Those matters are all on fee based representation.

4. Proposed billing structure.



5. Personal.

I am 69 years old. I am in good health. I have no ongoing health issues, and I do not take any prescription medications. I am semi-retired as a practicing attorney, and if appointed as the Special Master, I would not take any additional clients or matters, and would be available to work 20-30 hours per week.

I have never been the subject of any bar disciplinary issues, nor have I ever been sanctioned by a court. I have never been the subject of a malpractice suit. I have never been charged with or convicted of any misdemeanor or felony.

Respectfully submitted,



Robert C. Fillerup

enc: Résumé

Robert C. Fillerup
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RÉSUMÉ - January 28, 2016.

LEGAL EXPERIENCE:

Sep. 1973 - May 1976. Student - J. Reuben Clark Law School, Brigham Young University.
May 1974 - Sep. 1976. Law clerk - Howard, Lewis & Peterson, Provo, Utah.
Sep. 1976 - May 1980. Attorney - Howard, Lewis & Peterson, Provo, Utah.
May 1980 - June 2000. Solo practice.
1981 - 1982. President - Utah Trial Lawyers Association.
April 1982 - June 2005. President (and founder), Code-Co Law Publishers. (Published Utah Code, Utah Administrative Code, *Utah Advance Reports*, and *Arizona Advance Reports*. Resigned in 2005 to resume full-time practice of law.)
2005-2006. Chaired Utah State medical malpractice review panels.
2005 - present. Solo practice, specializing in water law and land use issues.

ADMISSIONS TO PRACTICE LAW:

State of Utah (Utah State Bar)	1976 - present.
Supreme Court of Utah	1976 - present.
United States District Court - Utah	1976 - present.
United States Court of Appeals - 10 th Circuit	1976 - present.
United States Court of Appeals - 9 th Circuit	1977 - present.
Hopi Tribal Court (Keams Canyon, Arizona)	2001 - 2014.
Ute Tribal Court (Ft. Duchesne, Utah)	2013 - present.

PROFESSIONAL AFFILIATIONS:

Utah State Bar Association.
Utah Federal Bar Association.
Central Utah Bar Association.

EDUCATION:

1962 - 1965. Natrona County High School, Casper, Wyoming. National Merit Scholarship.
1965 - 1966, 1968-1969. Casper Community College, Casper, Wyoming.
1969 - 1973. Brigham Young University, Provo, Utah. BS Degree, Engineering.
1973 - 1976. J. Reuben Clark Law School (charter class), Brigham Young University, Provo, Utah. Juris Doctorate, 1976.

DETAILS OF LEGAL EXPERIENCE:

In 1974, after my first year of law school, I became a law clerk at the firm of Howard, Lewis & Peterson in Provo. I worked closely with Jackson Howard in the preparation and trial of numerous complex cases, including personal injury, wrongful death, product liability, and medical malpractice. In 1976, I became a member of the firm and continued to focus on these types of cases. I was also involved in several complex trials in U.S. district courts in Utah and Idaho.

I was involved in representing Provo City in relation to its water matters. As part of that work, I became well acquainted with the case involving the Provo River Decree (Civil No. 2888). In conjunction with the Fourth District Court, I had the task of re-assembling the original court records for that case,

including pleadings and transcripts of proceedings and trials.

I left Howard, Lewis & Peterson in 1980 by mutual arrangement to become a solo practitioner, I continued to prepare and try personal injury, wrongful death, products liability, and malpractice cases. I also engaged in general civil litigation and continued to focus on water law and natural resource law, becoming involved in several cases dealing with uranium and mining claims. In 1982, I began representing the Utah Lake Landowners in relation to the flooding of Utah Lake. About this same time, I began representing numerous canal companies in Utah County. I also represented the Provo River Canals Commission, which was composed of the presidents of the 12 canals holding rights on the Provo River.

In addition to handling cases in virtually every district court in Utah and the United States District Court in Utah, I have tried cases in the U.S. Bankruptcy Court in Utah and the United States District Courts in Idaho and Wyoming. I have handled appeals to the Utah Supreme Court, the Utah Court of Appeals, the U.S. 10th Circuit and U.S. 9th Circuit Courts of Appeal. In addition, I have represented clients in all manner of administrative proceedings at the state and federal levels.

I have represented several governmental entities over the years: Provo City (1976-1980, general water matters); Provo City Council (1988-1990, as general counsel); Utah County Boundary Commission (1985-1988, as general counsel); Santaquin City (1982-1985, general water matters, civil attorney); American Fork City (1996-1998, general water matters); and Payson City (1984-1986, general water matters).

In 1982, I started Code-Co Law Publishers. I recognized a need for certain legal materials to be made available to the legal community in a more useable and timely manner. Code-Co began publishing the complete, current Utah Code in an inexpensive, paper-back version. In January 1985, Code-Co began producing the *Utah Advance Reports*, and in 1987, began the *Arizona Advance Reports* (both of which continue to this day). As part of Code-Co, I was involved in the preparation and publication of the Utah Code, the Utah Administrative Code, extracts from the code such as motor vehicle laws, tax code, election laws, etc. In addition, Code-Co prepared and published the Provo City Ordinances for several years.

CURRENT LAW PRACTICE:

I own my own law office, located in Blueridge Park, Orem, Utah. I currently have one legal assistant - Jon Larsen. Jon lives in Sandy, Utah, but has been part of my office staff for over 20 years. Jon is not law trained per se, but has assisted me in the organizing and handling of over 1,000 cases, including assisting in the trial of many. He has a keen analytical mind. He is a former captain in the Marine Corps, and had his own insurance agency for many years. He completely understands case file management.

I am now semi-retired from the practice of law. I am still involved in the following significant cases: (1) *State of Utah v. USA, et al.*, representing landowners around Utah Lake in the ongoing case in federal court (Judge Dale Kimball) involving the establishment of the boundary in the bed of the lake between the upland landowners and the State of Utah; and (2) *Fowers Fruit Ranch v. Bio Tech Nutrients*, a property damage case pending in federal court, set for jury trial commencing February 1, 2016, (Judge Tina Campbell presiding).

Only a few of the boundary issues in the Utah Lake case remain. They will soon be resolved. Once the trial is completed in the Fowers case, I will not have any major cases pending in my office.

ADDITIONAL SKILLS:

Proficient with computers, typing, and electronic data management.

FAMILY:

Married for 45 years to spouse Renée. Six children, 17 living grand-children.

REFERENCES:

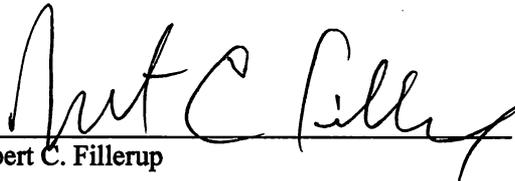
If references are desired, I believe they can be obtained from the following:

Jared Hansen, Central Utah Water Conservancy District.

Richard Bay, General Manager, or Jeff Bryant, Chief Operations Engineer, Jordan Valley Water Conservancy District.

Judges from the Fourth District Court, including Judges Lynn Davis, Fred Howard, David Mortensen, or Derek Pullen.

Chief Judge David Nuffer (long-time personal friend) and Judge Dale Kimball, Utah District Court.



Robert C. Fillerup