

# DAINES, THOMAS & SMITH, LLP

CHRIS DAINES\*†  
JONATHAN P. THOMAS\*  
M. ROBERT SMITH\*†  
KENNETH ALLSOP\*†  
TYLER K. OLSON†  
JOHN H. BAILEY\*†

\* (LICENSED IN UTAH)

† (LICENSED IN IDAHO)

ATTORNEYS & COUNSELORS AT LAW

WWW.DTSATTORNEYS.COM

UTAH OFFICE

135 NORTH MAIN, SUITE 200  
LOGAN, UTAH 84321  
PHONE (435) 752-1100  
FACSIMILE (435) 752-6500

IDAHO OFFICE

655 SOUTH 4<sup>TH</sup> EAST, SUITE 108  
PRESTON, IDAHO 83263  
PHONE (208) 852-1535  
FACSIMILE (208) 437-8082

January 29, 2016

Attn: Judge Laura Scott, Special Master Application  
Matheson Courthouse 450 State Street  
PO Box 1860  
Salt Lake City, Utah 84114-1860

Re: *Special Master Application*

Dear Judge Scott:

This letter is to let you know of my interest in serving as the part-time Master overseeing contested matters in the Utah Lake and Jordan River General Adjudication (Civil Number 360057298).

My legal practice consists of estate planning, land issues, water law and estate and probate litigation. I was admitted to the bar association in Utah in May of 2000 and admitted in Idaho in September 2011. I have been actively practicing law in both states since admission. Our law firm has six attorneys with offices in Logan, Utah, Preston, Idaho and a small office in Salt Lake City.

Many of my estate clients own farms and ranches that have water right issues. I have represented clients in both Utah and Idaho in various water related cases including adjudication of rights, assisting with water and irrigation improvement projects through the Board of Water Resources (BWR) as well as numerous transfers of various water rights through probate proceedings and estate planning in multiple counties in both Utah and Idaho.

Currently I represent the Newton Water Users Association in a \$3 million project with the BWR that is nearing completion. One of my law partners and I are also currently representing a shareholder in the Woodruff Irrigation Company regarding another large proposed water project with BWR. Our client asserts that the project may interfere with a prior decreed water right.

In addition, I have worked closely for the past two years with legislators from Cache County in response to house bills affecting Utah water law. These include

Representative McKiff's bill that sought to change how water companies in Utah respond to change (point of diversions) applications filed by shareholders in canal companies and the state engineer's role in regard to such change applications.

My experience as a hearing officer for the Salt Lake County Board of Adjustment regarding property tax appeals is relevant to this appointment. In that capacity I conducted hearings, took evidence both oral and written from pro se parties and issued written decisions based on the evidence for each appeal that I was assigned to.

I have excellent staff with one legal assistant who has been with me for eight-plus years and another five-plus years. We have an organized and efficient method of case management.

My proposed billing structure for this project would be as follows:



I am not aware of any conflicts of interest or economic interests that I or my firm would have with the Utah Lake/Jordan River Basin Adjudication. A current resume is enclosed. Thank you for your consideration of this application.

Sincerely,

**DAINES, THOMAS & SMITH, LLP**

A handwritten signature in blue ink, appearing to read "M. R. Smith".

M. Robert Smith

MRS/mab  
Enclosure

# **M. Robert Smith**

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135 N Main, Suite 200, Logan, Utah 84321, (435) 752-1100 (435) 770-7886 (cell)

## **EXPERIENCE**

*Attorney, Daines, Thomas & Smith, LLP, Logan, Utah, January 2010 - Present*

- Practice law in the areas of trust and probate litigation, business, real estate and land use, water law, estate planning and probate

*Attorney, Smith Law Offices, P.C., Logan, Utah, February 2001 - January 2010*

- Practice law in the areas of real property, zoning, water law, trusts and estates and civil litigation
- Manage and coordinate varied aspects of a law practice/small business

*Hearing Officer, Salt Lake County Board of Equalization, Salt Lake City, Utah, 2001-2002*

- Preside over and conduct administrative hearings on property tax appeals while Board is in session
- Weigh and evaluate oral testimony, documents and detailed evidence and issue written opinions based on the evidence

*Associate, Bearnson & Peck, Logan, Utah, July 2000 - February 2001*

- Practiced law in areas of general civil litigation, domestic, employment law and general business matters

*Associate/Clerk, Walch & Christensen, LLP, Salt Lake City, Utah, December 1999 - July 2000*

- Practiced in all aspects of advanced tax, estate and business planning

*Legal Researcher, Blueribbon Coalition, Pocatello, Idaho, June - September 1999*

- Researched federal laws and made written reports related to public land and natural resource issues including NEPA, FLPMA and Environmental Impact Statements

## **EDUCATION**

**J.D.**

University of Oklahoma Law School, December 1999

**B.S.**

Management, College of Business, Utah State University, June 1997

## **ORGANIZATIONS**

**Water Collaborative Action Group (Cache County, Utah) - current**

- Working towards the creation of a Water Conservancy District in Cache County to preserve and develop Cache County's water allocation under the Bear River Development Act of 1991

**Cache County Planning Commission, Vice-Chair, December 2012 - current**

- Make recommendations to County Council and render decisions to land owners by applying statutory law governing zoning and land use

**Utah State University Planned Giving Advisory Board, Chair, June 2013 - current**

- Promote planned giving to Utah State University and educate professionals about planned giving opportunities