

KENDRICK J. HAFEN, P.C.

ATTORNEY AT LAW
2766 RED MOUNTAIN DRIVE
P. O. BOX 623
SANTA CLARA, UTAH 84765
RHAFEN@INFOWEST.COM

(435) 634-0244

January 25, 2016

FAX (435) 634-0078

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

Re: Utah Lake and Jordan River Adjudication Master Application

Honorable Judge Scott:

I'm writing to express my interest in the position of part-time Master to oversee contested matters in the Utah Lake and Jordan River General Adjudication. My enclosed resume details my qualifications and experience, but I highlight the most relevant experience and respond to specific details below.

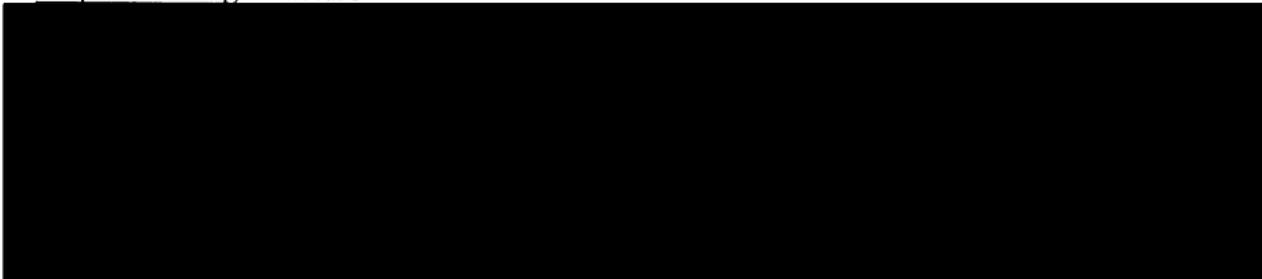
Experience

I've been licensed to practice law in Utah for over 30 years. This practice has emphasized water law and has encompassed all the various facets of water law including: successful non-judicial resolution of objections to proposed determinations; extensive water right title practice; expert witness in water law litigation; administrative practice before the Utah State Engineer; and litigation of water rights matters, to mention a few. Starting in law school and continuing throughout my law practice, I've compiled, edited, and published *Utah Water Law*, a compilation of over 600 Utah appellate court decisions which form the basis of Utah water law and continue to provide periodic updates to this publication. My expertise in water law has been acknowledged by invitations to present on various water law topics at continuing education courses and professional conferences for attorneys and other professionals.

Conflict of Interest/Economic Interests in Adjudication

From 1985 through 1989, I was employed by Jordan Valley Water Conservancy District, a major holder of water rights in the Adjudication area, as its general counsel. I have not represented this client since that time. Since 1990, I have represented a number (probably less than 10) private individuals with water rights in the Adjudication area. To my knowledge, I have no economic interest in any water right which is the subject matter of the Adjudication.

Proposed Billing Structure



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Contact Information

I currently reside in Jinan, China and am employed under contract with Shandong University. This contract expires July 7, 2016. However, it is likely I will return to Utah sometime between June 20 and July 1. Because of the time differential between local China time and Utah time (local China time is 14 or 15 hours ahead of Utah depending on whether or not Daylight Savings Time is in effect in Utah), the best method to contact me is by email at rhafen@infowest.com to set up a mutually beneficial time for a phone or Skype conversation.

I'm anxious to apply my unique collection of qualifications as a part-time Master in the Utah Lake and Jordan River General Adjudication. A few minutes of your time in reviewing my credentials will go a long way in convincing you of my qualifications for this position. I look forward to hearing from you.

Sincerely,

Kendrick J. Hafen

enclosure

KENDRICK J. HAFEN
2766 Red Mountain Dr.
Santa Clara, UT 84765
Work: (435) 634-0244
email: rhafen@infowest.com

SUMMARY OF QUALIFICATIONS

Unique combination of legal, management, and technical talents with over twenty five years' experience in private water law practice and public and private water agency management. Broad project and personnel management experience. Keenly developed research, analytical and decision-making skills. Excellence in process and procedural improvement. Skills in concise written and oral communications, negotiating and administering contracts.

EXPERIENCE HIGHLIGHTS

- Publisher, editor and co-compiler of *Utah Water Law*, a compilation of over 600 Utah Appellate Court decisions applying Western Water law and defining Utah water law.
- General manager of 15-member joint powers authority delivering 250,000 AF of Central Valley Project water to member agencies for irrigation of 150,000 acres in the Sacramento River valley.
- Chief legal counsel of water agency and member of a team that successfully negotiated the acquisition of a \$58 million aqueduct and the exchange of 40,000 acre feet of irrigation water for 36,000 acre feet of potable water.
- Mayor of rapidly growing community grappling with development of water and electric power supplies, impact fees, and other growth-related issues.

PROFESSIONAL EXPERIENCE

ENGLISH INSTRUCTOR, Shandong University, Jinan, People's Republic of China

Teach oral English as a second language to Chinese freshman medical students. Evaluate students' English speaking skills and prepare curriculum and instructional materials to enhance these skills and teach English as a second language. Prepare and administer oral English examinations to students. Interact with co-teachers in administration of teaching responsibilities. Work with various computer applications in preparing and presenting oral English instructional materials. Complete 100 hours of classroom instruction in teaching English as a second language. **2015-2016**

FOUNDER AND FIRM MANAGER, Kendrick J. Hafen, P.C., Santa Clara, UT

Established a private law practice emphasizing water rights and related areas of environmental and real estate law where I research, analyze and apply federal, state, and local resource/environmental policy expressed in statutes, regulations, ordinances, and judicial decisions to resolve individual client's situations. Clients include land and golf course developers, municipalities, irrigation companies, and public districts throughout Utah. Typical duties include: drafting administrative codes, policies and procedures for public and private entities; drafting water rights purchase agreements and water title opinions; water rights administrative and trial practice. Develop and maintain working relationships with local, state and federal regulators involved in water rights matters. Testify as an expert witness in water law litigation and present on water law topics at legal and other professional seminars. Compile, edit, and publish *Utah Water Law*, a compilation of over 600 Utah appellate court decisions forming the basis of Utah water law. Manage the daily activities of a law office including time and billing activities, accounts payable, accounts

receivable, scheduling, and continuing training for skills maintenance and enhancement. *1993-Present.*

FARM MANAGER, Santa Clara, UT

Manage 40 acres of irrigated alfalfa/pasture and 60 acres of range land. Supervise 3-4 part time laborers in irrigation and crop harvesting operations. Coordinate irrigation, fertilizer and herbicide applications, and harvesting operations. Operate tractor, swather, baler and other agricultural cultivation implements. Budget for operation expenses, interface with lessee of pasture/range lands on timing of pasture rotations and livestock removal. Construct fence, haul hay, irrigate crops, livestock husbandry. *2005 to Present (part time).*

GENERAL MANAGER, Tehama-Colusa Canal Authority, Willows, CA

General manager of 15-member joint powers authority delivering 250,000 AF of USBR Central Valley Project water from the Sacramento river to member agencies for irrigation of 150,000 acres of irrigated lands in the Sacramento River valley. Direct and oversee preparation of \$2,000,000 annual budget. Direct operation and maintenance activities of 130 miles of concrete-lined and earthen canals with 3,600 cfs capacity. Supervise twenty two employees. Interface with federal, state and local officials in solidifying existing water deliveries under federal contracts and investigating potential new water sources to augment existing water supplies. Develop and maintain working relationships with employees, the public, and outside agencies with jurisdiction over utility operations. *2003.*

MAYOR, City of Santa Clara, Santa Clara, UT

In coordination with City Staff develop, revise, and administer City policies and \$4 million budget in an era of rapid growth. With staff and outside consultants, prepare infrastructure masterplans for City's potable water, electric power, and storm drain systems and recommend associated impact fees. As the City's representative to Utah Associated Municipal Power Systems (UAMPS), chaired the Annexation Committee and the Central-St. George 138 kV Transmission Project. Represented the City at official functions and conducted public hearings and city council meetings. Appointed to membership on the Governor Leavitt's Growth Summit Steering Committee where I assisted in planning and coordinating a state wide growth summit to discuss, develop, and implement policies related to population growth within the state. *1994-1998 (part time).*

GENERAL MANAGER, Mesquite Farmstead Water Association, Mesquite, NV

Administer the daily operations and environmental/resource compliance activities of a multi-state retail potable water organization. Develop and recommend policies and procedures to the governing board of the association. Supervise and direct staff in the daily activities of water operations and maintenance. Successfully implemented a public relations and door to door initiative to maintain member control of this water utility when a local city attempted a hostile takeover. Prepared and administered the annual budget. Evaluated employee performance in various daily activities. Prepared requests for proposals and specifications to accomplish work from outside consultants. Supervised and directed engineers, accountants, contractors, attorneys and others in accomplishing work authorized by the governing board. Developed and maintained working relationships with employees, the public, and outside agencies with jurisdiction over utility operations. Coordinated with outside agencies and legislators in drafting and introducing legislation for the creation of a public water district to replace the existing corporate organization. *1990 -1993.*

CHIEF LEGAL COUNSEL, Salt Lake County Water Conservancy District, West Jordan, UT

In consultation with senior staff members develop, revise and recommend to the governing board

policies regarding the development, treatment, and delivery of 50,000 acre feet of potable water to wholesale and retail water agencies. Advise the governing board and District staff on all legal issues associated with District operations. Team member in negotiating the acquisition of a \$58 million water transportation aqueduct from the federal government and a 40,000 acre foot exchange of irrigation water for 36,000 acre feet of potable water. Established a self-funded insurance program for the District saving thousands of dollars in premiums. Performed legal research and analysis of federal, state and local statutes, rules and regulations applicable to particular fact circumstances arising as a result of District operations. Supervised and directed the activities of outside legal counsel representing the District on various matters. **1985 -1989.**

EDUCATION

Juris Doctor, J. Reuben Clark Law School, Brigham Young University, Provo, UT, 1984.

Bachelor of Science, Soil Science and Irrigation, Utah State University, Logan, UT, 1976.

PUBLICATIONS

Publisher, editor and co-compiler of *Utah Water Law*, a compilation of over 600 Utah Appellate Court decisions which form the basis of Utah water law.

SPECIALIZED TRAINING

Facilitating and Mediating Effective Environmental Agreements, Concur, Inc., 2002.

CIVIC/COMMUNITY LEADERSHIP

Virgin River Land Preservation Association (1998-2003)

Serve as board member and president/chairman in acquiring, preserving, or otherwise protecting key land parcels in the Virgin River basin meeting selection criteria. Through this organization's efforts approximately 2,500 acres were protected with conservation easements and 300 acres of land acquired in fee.

Washington County Board of Adjustment (2001-2003, 2004-2005)

Serve as chairman of this five-member board charged with hearing/deciding appeals to, and granting/denying variances from, the terms of the county's zoning ordinance.

LICENSES/CERTIFICATES

Utah State Bar, #4217, 1984 to present, Utah.

Professional Land Surveyor, #155338-2201, 1980 to present, Utah.

Engineer in Training, #4735, 1980, Utah.

PROFESSIONAL ASSOCIATIONS

Utah State Bar Association.

AWARDS

Utah Business Magazine, Utah Legal Elite, Energy/Natural Resources, January 2009.

Law Faculty Scholarly Writing Award for "The Authority of the State to Administer *Winters* Reserved Water Rights on Reservation Lands."

Law Faculty Award for Excellence in Establishing Natural Resources Law Forum.

Rocky Mountain Mineral Law Foundation Grant for updating *Utah Water Law*.

Sterling Taylor Scholarship in Soil Science.