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February 8, 2013

Mr. Kent L. Jones, State Engineer  
UTAH DIVISION OF WATER RIGHTS  
1594 West North Temple, Suite 220  
Salt Lake City, Utah 84114-6300

Re: *Water Right Nos. a28537 (57-10315), a28541 (57-10316),  
a28546 (57-10318) and a28547 (57-10319)*

Dear Mr. Jones:

As with the letter I sent you on September 9, 2011, I'm writing again, as counsel for the owners of the referenced water rights, to object to the unilateral and *ex parte* efforts of Salt Lake City Corporation to argue the merits of the referenced change applications (the "Undecided Applications"). Specifically, I am referring to the letter from attorney Scott Martin which involves a request for reconsideration of your recent approval order for a28548 (the "Approved Application"). That letter attempts to argue the merits of not only the Approved Application, but also the merits of the Undecided Applications. In addition, it expressly asks that you place a copy of the letter in the files for each of the Undecided Applications, even though there is no decision to be reconsidered relative to those applications.

As I explained in my prior letter, I believe such *ex parte* efforts to argue the merits of pending, unapproved applications -- well after the protest period has ended, before a decision has been rendered, and without any attempt to notify the owners of the Undecided Applications or their counsel of the arguments -- are both improper and unethical. Indeed, neither I nor my clients would even know of such *ex parte* arguments if someone else had not brought them to our attention. If Mr. Martin wants to make those same arguments when the Undecided Applications are heard, or in connection with any request for reconsideration of the Undecided Applications, he can certainly do so, but now is not the time to be submitting *ex parte* arguments on the merits of the Undecided Applications, in the guise of an independent procedure that pertains exclusively to the Approved Application.

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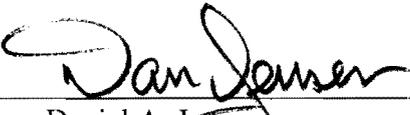
Therefore, I ask that the subject letter be disregarded as to the four Undecided Applications and that its distribution be limited to the files for the Approved Application, which is the only application for which such communications should be recognized procedurally.

In summary, whatever has been said or submitted in connection with the Approved Application has nothing to do procedurally or administratively with the separate and independent record for the Undecided Applications, so please make sure that no documents, transcripts or other materials generated in connection with other proceedings are mixed into the record for the Undecided Applications.

Thank you.

Sincerely,

PARR BROWN GEE & LOVELESS

By   
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