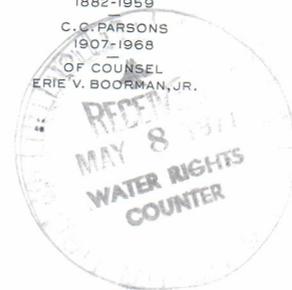


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May 7, 1971

FORMERLY
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OF COUNSEL
ERIE V. BOORMAN, JR.



Hubert C. Lambert
Utah State Engineer
State Capitol Building
Salt Lake City, Utah 84114

Re: Provo City Corporation -- Paragraph 4(c)
Provo River Decree

Dear Mr. Lambert:

Mr. Novak has informed our office of the request made by Provo City with respect to the delivery of 16.5 cfs of water from the Provo River under paragraph 4(c) of the Provo River Decree for use at the Provo City Steam Electric Generating Plant.

On behalf of our client, Kennecott Copper Corporation, we join in the Protest filed by Mr. Novak on May 6, 1971 with your office. It would seem inappropriate for the State Engineer to grant the request of Provo City particularly when Paragraph 4(c) of the Provo River Decree is in litigation in the District Court of Utah County, Civil No. 34701. Further, the request would seem to constitute a change in place and nature of use from the power uses set forth under Paragraph 4(c) and, therefore, would be contrary to Section 73-3-3, Utah Code Annotated, 1953.

Very truly yours,

PARSONS, BEHLE & LATIMER

James B. Lee
James B. Lee

JBL:p