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January 7, 2008

\* ALSO ADMITTED IN WASHINGTON, D.C.  
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J. Bryan Quesenberry, Esq.  
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3319 N. University Avenue, Suite 200  
Provo, Utah 84604

Re: Salt Lake City v. Big Ditch, et al.

Dear Bryan:

Your client, Mr. Garside, filed the attached "GRAMA Records Request" with Salt Lake City on December 20, 2007. The City has asked that I respond to the Request through you for the reasons set forth herein.

As you know, Mr. Garside has filed numerous GRAMA requests seeking documents from the City to which the City has responded. Those requests have generally sought documents maintained in connection with the ordinary course of the City's business. The current request, by contrast, relates primarily to our pending lawsuit. It is really a Rule 34 Request for Production of Documents. Note, in particular, numbered paragraphs 1 and 4, which specifically refer to contentions and foundation for issues pending before the Court. The City will respond to these inquiries only if a request is made through your office under Rule 34 of the Utah Rules of Civil Procedure.

I suggest that numbered paragraphs 2 and 3 would best be presented and answered in the same fashion and, in the interests of an orderly development and resolution of this case, invite your client to submit those requests through your office under the discovery rules applicable to this proceeding.

To address those specific questions, however, let me report that the City has not been able to locate drawings of the pre-1960 diversion structure. We will alert you if they are located. In addition, Mr. Niermeyer's comment referenced in numbered paragraph 3 was an off-the-cuff estimate to respond to a question asked by the radio host. The answer

CLYDE SNOW SESSIONS & SWENSON

January 7, 2008  
Page 2

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was intended to address the City's possible total need for water by the year 2050. The statement was not based on any water inventory or other document.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ECB', with a long horizontal flourish extending to the right.

Edwin C. Barnes

ECB:dh

ccs: Steven E. Clyde, Esq.  
E. Russell Vetter, Esq.  
Jeffry T. Niermeyer, P.E.