



May 30, 2018

Nova Dubovik
346 South Rio Grande St.
Salt Lake City, UT 84101
ndubovik@utah.gov

Dear Ms. Dubovik:

On behalf of Utah Rivers Council ('the Council') I respectfully wish to appeal to the State Records Committee the denial of three GRAMA requests seeking to obtain public records from the Kane County Water Conservancy District ('the District'). We have combined the three separate GRAMA requests into this one correspondence in order to be more expeditious with the Committee's limited time.

On March 19th, 2018 the Council sent three separate GRAMAs to the District via certified mail requesting a fee waiver for each request. After receiving no response, on April 9, 2018 the Council sent three GRAMA appeals to the District via email also requesting a fee waiver for each. On April 12, 2018 the District's records officer responded via email that the District had received the GRAMAs on April 9th and would send a cost estimate to comply. On April 16, 2018 the District's records officer sent a cost estimate via email requesting \$7,659 in fees to respond to one of the three GRAMA requests.

On April 18, 2018 the Council responded via email clarifying that three GRAMA requests were sent to the District, not one. The email from the Council included the three attached GRAMA forms, for the second time. The Council also appealed the denial of a fee waiver by the District. On April 26, 2018 another District representative responded via email requesting clarification and asking to "start from scratch." On April 27, 2018 the Council responded to the District representative via email declining the request to "start from scratch" and informed the representative that the District was out of compliance with GRAMA. On April 30, 2018 the District representative denied the Council's appeal for a fee waiver in an email.

The Council is appealing to the State Records Committee the denial of a fee waiver, and therefore the denial of our three GRAMA requests seeking to obtain public records from the District. The records requested from the District are as follows:

- 1) any and all correspondence between your Executive Director, Mr. Mike Noel, alongside other staff and board at the Kane County Water Conservancy District; and the Division of Water Resources' staff and board members from January 1, 2007 until March 19, 2018. This should include, but not be limited to all emails, letters, memos, meeting minutes, text messages, recordings and addendum materials.
- 2) any and all correspondence between your Executive Director, Mr. Mike Noel, alongside other staff and board at the Kane County Water Conservancy District; and Blue Castle Holdings (BCH) and Mr. Aaron Tilton from January 1, 2014 until March 19, 2018. This should include, but not be limited to all emails, letters, memos, meeting minutes, text messages, recordings and addendum materials.

3) any and all correspondence between your Executive Director, Mr. Mike Noel, alongside other staff and board at the Kane County Water Conservancy District; and MWH Global, from January 1, 2007 until March 19, 2018. This should include, but not be limited to all emails, letters, memos, meeting minutes, text messages, recordings and addendum materials.

The Council is puzzled by the extremely high fees requested by the District to respond to GRAMA request #1, which was just one of our three GRAMA requests. In fact, this same GRAMA request was submitted to another state agency at the same time and the agency responded promptly, in full, requiring no fees at all. The materials provided by the agency were very helpful to our organization and our staff expressed our gratitude to their records officer for his assistance. We question why the District is requiring \$7,659 to respond to a request that another agency fulfilled without cost, and without any hesitation.

Moreover, according to Utah Code 63G-2-203(4)(a) " A governmental entity may fulfill a record request without charge and is encouraged to do so if it determines that releasing the record primarily benefits the public rather than a person." The Council adamantly asserts that these three GRAMA requests each benefit the public interest.

Request #1 serves the public interest by providing much needed transparency regarding the District's involvement in securing approval and funding for the proposed \$3 billion Lake Powell Pipeline, which is officially sponsored by the Utah Division of Water Resources. Additionally, by virtue of its partnership with the Division the District is effectively proposing to place hundreds of millions of dollars of debt on Kane County residents.

Request #2 is particularly aligned with the public interest because of the District's involvement with the proposed construction of a new nuclear power plant, which is a highly contentious matter both locally and nationally and because of Utah's dubious public health history of residents being unknowingly exposed to nuclear radiation.

Request #3 also serves the public interest by providing transparency regarding the District's involvement with \$33 million of Utah taxpayer funds paid to consultants for the purpose of acquiring federal approval for the proposed Lake Powell Pipeline.

I would be happy to provide any clarification to you and the State Records Committee that may be necessary to respond to this very important request. Please give me a call if you would like to discuss any aspect of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nick Schou". The signature is fluid and cursive, with the first name "Nick" and last name "Schou" clearly distinguishable.

Nick Schou
Conservation Director
nick@utahrivers.org