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June 8, 2015

By Hand Delivery

Office of the Utah State Auditor
East Office Building, Suite E310
Utah State Capitol Complex
Salt Lake City, Utah 84114

Re: **Request for Records Pursuant to Utah's Government Records Access and Management Act**

Dear Sir/Madam:

We are counsel for Jordanelle Special Service District ("JSSD"). On behalf of our client, we are submitting the enclosed "GRAMA Request Form" pursuant to Utah's Government Records Access and Management Act, Utah Code §§ 63G-2-101 *et seq.*

Please feel free to contact me if you have any questions regarding this request.

Very truly yours,



Mark R. Gaylord

MRG/ZAS/mje
Enclosures

cc: Michael Kohler (via email)
Paul Tonks, Esq. (via email)

GRAMA Request Form

Note: Utah Code § 63G-2-204 (GRAMA) requires a person making a records request furnish the governmental entity with a written request containing the requester's name, mailing address, daytime telephone number (if available); and a description of the record requested that identifies the record with reasonable specificity.

Requester's information

Name: Mark R. Gaylord, as attorney for Jordanelle Special Service District

Address: Ballard Spahr LLP, 201 South Main St., Suite 800

City/State/zip: Salt Lake City, Utah 84111

Daytime telephone number: (801) 531-3070

Request made to

Government agency or office: Office of the Utah State Auditor

Address: East Office Building, Suite E310, Utah State Capitol Complex

City/State/zip: Salt Lake City, Utah 84114

Records requested

Note: The more specific and narrow the request, the easier it will be for an agency or office to respond to the request. If you are unsure about the records' description, contact the agency or office records officer.

Note: Government keeps records in "series" or groups of records. To find out what series an agency or office maintains, visit the Archives' website, <http://archives.utah.gov>. The record series retention schedules on the Archives' website include relevant descriptions.

Title or series number of records (if known): _____

Description of records including all relevant information—location of event(s) described in records, city, county, address; date range of the records; names of the person(s); and subject of the request.

See Description of Records, attached hereto as Exhibit 1.

Note: If the record has a restricted access, GRAMA provides that certain individuals may still receive access.

- I am the subject of the record
- I am the authorized representative of the subject of the record
- I provided the information in the record

Considerations about the desired response

I would like to:

- View or inspect the records only
- Receive a copy of the records and pay associated fees. Please notify me if the amount will exceed \$ 100.00
- Receive a copy of the records and request a fee waiver. According to Utah Code § 63G-2-203,
 - Releasing the record primarily benefits the public
 - I am the subject, or authorized representative, of the record
 - My legal rights are directly implicated by the information of the record because _____, and I am impecunious
- Receive an expedited response (5 days) because releasing the record benefits the public; I request the information for a story or report for publication or broadcast to the general public

Agency use only

Date request received: _____ Time limit for response: _____

Classification of records (check all that apply):

- Public, records provided (date) _____
- Private, legal citation § § 63G-2-302 or 303 _____
- Controlled, legal citation § 63G-2-304 _____
- Protected, legal citation § 63G-2-305 _____
- Governed by court rule, another state statute, federal statute, or federal regulation _____
- _____
- Not a record

Disclosure of restricted records:

Is access authorized?

- Private:** Requester is the subject of the record
- Requester is authorized pursuant to Utah Code § 63G-2-202(1) and has supplied required documentation
- Requester is not authorized to have access
- Controlled:** Requester is authorized pursuant to Utah Code § 63G-2-202(2) and has supplied required documentation
- Requester is not authorized to have access
- Protected:** Requester submitted the record
- Requester is authorized pursuant Utah Code § 63G-2-202(4) and has supplied required documentation
- Requester is not authorized to have access

Identification provided: _____

Response:

- Approved, requester notified on _____
- Denied, written denial sent on _____
- Requester notified agency does not maintain record on _____
- Extraordinary circumstances invoked, legal citation _____

Consequent arrangements and time limits _____

Fee: _____

If waived, fee waiver approved by: _____

Note: Please refer to GRAMA Classification form and GRAMA Fee form for assistance. If access to records is denied in part or in whole, please use the GRAMA Notice of Denial form.

EXHIBIT 1
(Description of Records)

1. All documents and¹ other records, including all communications² between the Office of the Utah State Auditor (hereinafter the “Utah State Auditor”) and any other person, that relate to the “Standstill Agreement,” a copy of which is attached hereto as Exhibit A.
2. All documents and other records, including all communications, received from any person as part of the Utah State Auditor’s Audit³ of JSSD⁴ which resulted in the issuance of Report No. 13-JSSD-8L, dated April 16, 2015 (hereinafter the “Audit Report”).
3. All documents and other records, including all communications, from or related to any person who approached or requested the Utah State Auditor to undertake an audit of JSSD or made a claim that JSSD should be investigated by the Utah State Auditor.
4. All documents and other records, including all communications, from any person who made an anonymous complaint about or related to JSSD in advance of or subsequent to the Utah State Auditor commencing its investigation or audit of JSSD.
5. All documents and other records, including all communications, that the Utah State Auditor relied upon in making the Findings and Recommendations set forth in the Audit Report, including all drafts of the Audit Report.
6. All documents and other records, including all communications between the Utah State Auditor and any other person that the Utah State Auditor relied on, used, or considered in its decision to commence an investigation or Audit of JSSD.
7. All documents and other records, including all communications between the Utah State Auditor and any other person that conveyed information, communications, or documents

¹ The conjunctions “*and*” and “*or*” as used in this Exhibit 1 shall be construed both conjunctively and disjunctively, and each shall include the other whenever such dual construction will serve to allow you to provide a more complete disclosure.

² “*Communication*” means every manner or means of disclosure, transfer, or exchange of information, whether oral, electronic, by document, or otherwise, and whether face-to-face, in a meeting, by telephone, mail, electronic mail, text message, personal delivery, or otherwise.

³ “*Audit*” means the audit or investigation of Jordanelle Special Service District by the Utah State Auditor.

⁴ “*JSSD*” means and refers to Jordanelle Special Service District, as well as its agents, assigns, representatives, employees, and any other person or entity acting or purporting to act on its behalf.

to the Utah State Auditor implying, alleging, or suggesting that JSSD has engaged or will engage in some or any form of waste, fraud, abuse, wrongdoing, or wrongful conduct.

8. All documents and other records, including all communications between the Utah State Auditor and any other person, about or referring to the litigation or legal dispute between JSSD and Cummings Land & Livestock LLC; or JSSD and VR Acquisitions LLC; JSSD and BV Jordanelle, LLC and BV Lending, LLC; or JSSD and USAA⁵ and Wells Fargo & Co.
9. All documents and other records, including all communications between the Utah State Auditor and any other person that provided any guidance or support to the Utah State Auditor in its Audit or investigation of JSSD.
10. All documents and other records, including all communications between the Utah State Auditor and any person related to JSSD's water reservation fee resolutions, program, or contracts.
11. All documents and other records, including all communications between the Utah State Auditor and any person related to JSSD's alleged misuse of public funds.
12. All documents and other records, including all communications between the Utah State Auditor and any person related to any alleged conflict of interest involving JSSD.
13. All documents and other records, including all communications between the Utah State Auditor and any person related to the creation of Jordanelle Special Service District 2005-02 (hereinafter "Area C"), the construction of improvements within Area C, the levying of assessments, or the collection of assessments.
14. All documents and other records, including all communications between the Utah State Auditor and any person related to property acquired by JSSD for a water treatment facility, including, but not limited to, the transaction between JSSD and Fishin With Bread, LLC.
15. All documents and other records, including all communications, evidencing or showing that the JSSD Governing Board, as that term is understood by the Utah State Auditor, has

⁵ "USAA" means USAA Mutual Funds Trust, which is a registered investment company organized as a Delaware business trust, as well as its agents, assigns, representatives, employees, and any other person or entity acting or purporting to act on its behalf.

delegated their role of governing the District to another individual or group who cannot be held accountable to the citizenry.

16. All complaints, in any form, that the Utah State Auditor received regarding JSSD.
17. All communications between the Utah State Auditor and the news media, including the Deseret News, and The Salt Lake Tribune.
18. All documents and other records, including all communications between the Utah State Auditor and any member, employee, or representative of the Utah Governor's Office, or any Utah Congressperson, or any representative, past or present, of the Utah Legislature, about, related to, or concerning JSSD.
19. All documents and other records, including all communications between the Utah State Auditor and any of the following individuals and entities that relate, refer, or concern the Audit and/or JSSD:
 - a. P. Matthew Muir
 - b. James W. Anderson
 - c. Miller Guymon, P.C.
 - d. Miller Toone, P.C.
 - e. Jodi S. Hoffman
 - f. Hoffman Law
 - g. Cummings Land & Livestock, LLC
 - h. DC Transport & Excavating, Inc.
 - i. David Cummings
 - j. Douglas Ray Cummings
 - k. VR Acquisitions, LLC
 - l. Michael R. Johnson

- m. Matthew M. Cannon
- n. Matthew N. Evans
- o. Robert G. Wing
- p. Jennifer R. Korb
- q. Ray Quinney & Nebeker P.C.
- r. Timothy J. McCaffery
- s. Freeborn & Peters LLP
- t. BV Jordanelle, LLC
- u. BV Lending, LLC
- v. Cortney Liddiard
- w. Douglas J. Payne
- x. Fabian & Clendenin
- y. Wells Fargo & Co.
- z. USAA Mutual Funds Trust
- aa. Koch Financial Corporation
- bb. Alan L. Sullivan
- cc. James D. Gardner
- dd. Amber M. Mettler
- ee. Adam L. Sisitsky
- ff. Matthew D. Levitt
- gg. Snell & Wilmer L.L.P.
- hh. Mintz Levin Cohn Ferris Glovsky and Popeo P.C.

- ii. Richard H. Moche
- jj. Poonam Patidar
- kk. Adelaide Maudsley
- ll. Janet Carson
- mm. Steven Jackson
- nn. LeeRoy Farrell
- oo. John Gavin
- pp. Jeffrey Graham
- mm. J. R. Christensen
- nn. Mower
- oo. Sorenson

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EXHIBIT A

At the request of the Office of the Governor of the State of Utah and the State Auditor, the undersigned parties understand and agree as follows:

1. The Governor:
 - a. intends to call the legislature into special session on or before June 1, 2014;
 - b. encourages the parties to meet and confer to discuss potential solutions to resolve matters of significance among them that could be resolved without state intervention.
2. Wasatch County and the Jordanelle Special Service District will:
 - a. confirm that it has not alienated title to foreclosed property within the JSSD 2005-2 Assessment Area
 - b. convene an executive session in the week of March 20, 2014 to consider action to place three JSSD managerial employees on administrative leave during the term of an investigation by the State Auditor. Their action does not express prejudgment on the character or fitness of the managerial employees;
 - c. cooperate fully with the State Auditor;
 - d. meet and confer with representatives of the parties to explore alternatives to state intervention;
 - e. from this date until June 1, 2014:
 - i. not arbitrarily withhold any zoning or entitlement;
 - ii. not sell, alienate or further encumber title to foreclosed properties unless otherwise compelled by bondholders;
 - iii. stand still on all pending litigation among them that could be resolved in a special session of the legislature. Wasatch County and JSSD will immediately request a continuance of any hearings or briefings already scheduled and will stipulate to comply with all court orders issued in response to such requests, unless contested by the bondholders.
 - iv. refrain from pursuing additional foreclosure of assessed properties within the JSSD 2005-2 Assessment Area unless compelled by bondholders.
3. The property owners will:
 - a. from this date until June 1, 2014 stand still on all pending litigation among them,
 - b. meet and confer with representatives of the parties to explore alternatives to state intervention;
 - c. pursue commitments from bondholders to accept 100% of principal repayment in exchange of a full release of Wasatch County entities.
4. This understanding shall be governed under Rule of Evidence 408.

Dated this 13th day of March, 2014

Mike Kohler, Wasatch County Councilmember, JSSD Boardmember


Jay Price, Wasatch County Councilmember, JSSD Boardmember


Steve Capson, Wasatch County Councilmember, JSSD Boardmember

FOR THE LANDOWNERS OF VICTORY RANCH:

VR Acquisitions LLC, by Matt Menna its managing member

FOR THE LANDOWNERS OF ASPENS/TALISMAN:

BY Jordanelle LLC by Cortney Liddiard

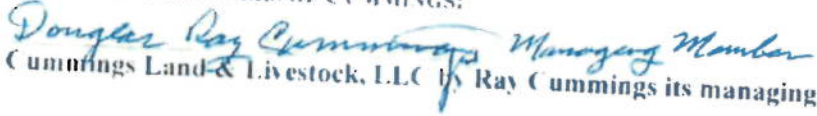
FOR THE LANDOWNERS OF J.R. CHRISTIANSON/HIGHLANDS:

Jordanelle Holdings, LLC, by Brad Myler

FOR THE LANDOWNERS OF MOWER:


David Cummings

FOR THE LANDOWNERS OF CUMMINGS:


Douglas Ray Cummings, Managing Member
Cummings Land & Livestock, LLC by Ray Cummings its managing member