

DANIEL A. JENSEN
PARR BROWN GEE & LOVELESS
Email: djensen@parrbrown.com

Current Position

Attorney and shareholder with Parr Brown Gee & Loveless P.C., Salt Lake City, Utah

Practice Areas

Natural resource matters and related litigation. Natural resource practice encompasses mining law, water law, public land law, oil and gas law, energy law and administrative law, with focus on commercial and transactional work involving mineral interests, water rights and public lands, acquisitions and transfers of mineral land and water rights, title and due diligence reviews, land use entitlements, and development agreements. Litigation practice includes title and boundary disputes, access disputes, regulatory compliance issues, water right modification disputes, mining claim disputes, and proceedings before the federal Interior Board of Land Appeals, the federal Mine Safety and Health Review Commission, the Utah Board of Oil, Gas and Mining, and the Utah Division of Water Rights. Frequent interaction with the Bureau of Land Management, the Forest Service, the Utah Division of Water Rights, the Utah School and Institutional Trust Lands Administration, and the Utah Division of Forestry, Fire and State Lands.

Admissions

Utah State Bar (1988)
All Utah federal courts (1988)
All Utah state courts (1988)
Tenth Circuit Court of Appeals (1993)

Education

Juris Doctor (Order of the Coif), S.J. Quinney College of Law, University of Utah, Salt Lake City, Utah (May 1988)

Bachelor of Science (*cum laude*), Mining Engineering, University of Utah, Salt Lake City, Utah (March 1982)

Employment History

Parr Brown Gee & Loveless, Salt Lake City, Utah (1988-present)
Kimball, Parr, Crockett & Waddoups, Salt Lake City, Utah (Summer 1987)
Fennemore Craig, Phoenix, Arizona (Summer 1987)
Snow, Christensen & Martineau, Salt Lake City, Utah (Summer 1986)
Shell Oil Company, Houston, Texas and Springfield, Illinois (1982-1985)

Teaching Experience

Adjunct Professor, Mining Law, S.J. Quinney College of Law, University of Utah, Salt Lake City, Utah (2009-present)

Mining Law Short Course, Rocky Mountain Mineral Law Foundation (Boulder, Colorado, 2009). Organizing Chair, U.S. Mining Law portion. Author and instructor, "Access to Mineral Properties."

Adjunct Professor, Public Lands and Natural Resources Law, J. Reuben Clark Law School, Brigham Young University, Provo, Utah (2008-present)

Mining Law Short Course, Rocky Mountain Mineral Law Foundation (Boulder, Colorado, 2008). Organizing Chair, U.S. Mining Law portion. Author and instructor, "Access to Mineral Properties."

Licensed Continuing Education Instructor, Utah Department of Commerce, Division of Real Estate (2005-present)

Awards and Recognitions

AV rating, *Martindale-Hubbell*

Best Lawyers in America - 2009, *Corporate Counsel*, 5 categories: Mining Law, Water Law, Natural Resources Law, Energy Law, Environmental Law
Mountain States Super Lawyers, Energy and Natural Resources, 2009

Best Lawyers in America - 2008, *Corporate Counsel*, 5 categories: Mining Law, Water Law, Natural Resources Law, Energy Law, Environmental Law
Mountain States Super Lawyers, Energy and Natural Resources, 2008

Utah Legal Elite 2008, Energy and Natural Resources, *Utah Business*, January 2008
Mountain States Super Lawyers, Energy and Natural Resources, 2007

Best Lawyers in America - 2007, *Corporate Counsel*, 5 categories: Mining Law, Water Law, Energy Law, Environmental Law, Natural Resources Law

Best Lawyers in America - 2006, *Corporate Counsel*, 2 categories: Natural Resources Law, Energy Law

Utah Legal Elite 2006, Energy and Natural Resources, *Utah Business*, January 2006
Lawyer of the Year - 2005, Utah State Bar, Energy, Natural Resources and Environmental Law Section

Utah Legal Elite 2005, Energy and Natural Resources, *Utah Business*, January 2005
Top 100 Utah Lawyers, *Utah Business*, January 2004

Order of the Coif, University of Utah College of Law

William H. Leary Scholar, University of Utah College of Law

Editor and Member, *Utah Law Review* (1986-1988)

Am. Jur. academic achievement awards: Property, Water Law, Lawyering Skills

Professional Affiliations

American Institute of Mining, Metallurgical and Petroleum Engineers
Rocky Mountain Mineral Law Foundation

American Association of Professional Landmen
Utah Association of Professional Landmen
Nevada Landmen's Association
Northwest Mining Association
Utah Mining Association
Nevada Mining Association

Public Service

Character and Fitness Committee, Utah State Bar. Member (2008-present).

Executive Committee Member, Rocky Mountain Mineral Law Foundation (2006-2008)

Trustee at Large, Rocky Mountain Mineral Law Foundation (2002-2005, 2006-2008)

Special Institutes Committee, Rocky Mountain Mineral Law Foundation (1998-present)

Judge *pro tempore*, Third Judicial District Court (Small Claims), Salt Lake County, Utah (1991-2005). Approximately 1,000 trials.

Board of Litigation, Mountain States Legal Foundation (2002-2005)

Energy, Natural Resources and Environmental Law Section of the Utah State Bar (approximately 210 members). Section Chair (2001-2002), Section officer (1998-2001), Water Law Committee Chair (2003-2005), Mining Law Committee Chair (1996-1998).

Unauthorized Practice of Law Committee, Utah State Bar. Chair (1997-1998), Member (1994-1997).

Professional Publications and Presentations

"Access to Mineral Properties," a paper and presentation at the Rocky Mountain Mineral Law Foundation's Mining Law Short Course, Boulder, Colorado (May 2009). Chair, U.S. Mining Law portion of the course.

"Access to Mineral Properties," a paper and presentation at the Rocky Mountain Mineral Law Foundation's Mining Law Short Course, Boulder, Colorado (May 2008). Chair, U.S. Mining Law portion of the course.

"Forfeiture of Water Rights – The History of Utah's Forfeiture Law," a paper and presentation at the Eighteenth Annual Water Law & Policy Seminar, sponsored by the Utah State Bar, the Utah Water Users Association and Barnett Intermountain Water Consulting, St. George, Utah (March 2008)

"Mineral Interest Conveyances: What Exactly Is the Mineral and How Much Was Conveyed?", a paper and presentation at the 32nd Mineral Law Conference of the Energy & Mineral Law Foundation, Lexington, Kentucky (October 2007)

"Conveyance of Mineral Interests and the *Duhig* Rule," a paper and presentation at the Rockies Land Institute, American Association of Professional Landmen, Albuquerque, New Mexico (September 2007)

"Conveyance of Mineral Interests and the *Duhig* Rule," a paper and presentation at the 2007 Mining & Land Resource Institute, sponsored by the American Association of Professional Landmen and the Nevada Landmen's Association, Reno, Nevada (March 2007)

"Water Law Update: Recent Developments," a paper and presentation at the Thirteenth Annual Utah Water Law Conference, organized by CLE International, Salt Lake City, Utah (October 2005)

"Access on Federal Public Lands," a presentation to the Denver Association of Petroleum Landmen, Denver, Colorado (October 2005)

"Happenings in Water Law," a paper and presentation at the Fifteenth Annual Water Law & Policy Seminar, sponsored by the Utah State Bar, the Utah Water Users Association and Barnett Intermountain Water Consulting, St. George, Utah (March 2005)

Contributing author, *Certification Review Manual*, National Association of Lease and Title Analysts, Chapter 10 (state, federal and Indian lands) (2005)

"Access on Federal Public Lands," a paper and presentation at the Institute on Severed Minerals, Split Estates, Rights of Access, and Surface Use in Mineral Extraction Operations, Rocky Mountain Mineral Law Foundation, Westminster, Colorado (February 2005)

"Experiences of a Mining Engineer in the Legal Profession," a presentation to the Mining Engineering Department of the University of Utah, Salt Lake City, Utah (February 2005)

Federal-Mining Reporter (1998-2004) and Utah-Mining Reporter (1996-2004) for *Mineral Law Newsletter*, published quarterly by the Rocky Mountain Mineral Law Foundation

Update author for *American Law of Mining*, Second Edition, Chapters 100 (access across private lands), 101 (access across federal lands) and 102 (access over state and Indian lands) (2002-2004)

"Landman Ethics," a panel presentation at the 2004 Mining and Land Resource Institute sponsored by the American Association of Professional Landmen and the Nevada Landmen's Association, Reno, Nevada (March 2004)

"Washington County Water Conservancy District v. Morgan," a presentation at the Fourteenth Annual Water Law & Policy Seminar, sponsored by the Utah State Bar, the Utah Water Users Association and Barnett Intermountain Water Consulting, St. George, Utah (March 2004)

Utah correspondent for "The Year in Review: 2004" (Water Resources), published by the American Bar Association, Section of Environment, Energy, and Resources

"US Mining Industry Outlook Brighter," *Prospecting and Mining Journal* (May 2004)

Utah correspondent for "The Year in Review: 2003" (Water Resources), published by the American Bar Association, Section of Environment, Energy, and Resources

"Navigating the Maze: Oil and Gas Development in the Rocky Mountain Public Land States," a paper and presentation at the 2002 Annual Conference of the National Association of Lease and Title Analysts, Lake Tahoe, Nevada (October 2002)

"Navigating the Ownership and Approval Maze in the Rocky Mountain Public Land States," a paper and presentation at the 47th Annual Meeting and Conference of the American Association of Professional Landmen, Salt Lake City, Utah (June 2001)

"Access to and Across Mining Claims and Mineral Leases," a paper and presentation at the Y2K Mining & Land Resource Institute, sponsored by the American Association of Professional Landmen and the Nevada Landmen's Association, Reno, Nevada (March 2000)

"Transferring Water Rights," a paper and presentation to the Utah State Bar Real Property Section, Salt Lake City, Utah (January 2000)

"How Do I Get There? Access to and Across Mining Claims and Mineral Leases," 45 *Rocky Mountain Mineral Law Institute* 20-1 (1999), a paper and presentation at the 45th Annual Institute of the Rocky Mountain Mineral Law Foundation, Monterey, California (July 1999)

"Water Case Law & Legislative Update," a paper and presentation at the Ninth Annual Water Law & Policy Seminar, sponsored by the Utah State Bar, the Utah Water Users Association and Barnett Intermountain Water Consulting, St. George, Utah (March 1999)

"Water Marketing and Water Right Transfers," a paper and presentation at the Sixth Annual Utah Water Law Conference, organized by CLE International, Ogden, Utah (October 1998)

"Mining Developments," a paper and presentation at the annual update luncheon of the Energy, Natural Resources and Environmental Law Section of the Utah State Bar, Salt Lake City, Utah (May 1998)

"Water Marketing and Water Right Transfers," a paper and presentation at the Fifth Annual Utah Water Law Conference, organized by CLE International, Salt Lake City, Utah (October 1997)

"Mining Developments," a paper and presentation at the annual update luncheon of the Energy, Natural Resources and Environmental Law Section of the Utah State Bar, Salt Lake City, Utah (May 1997)

"Mining Developments," a paper and presentation at the annual update luncheon of the Energy, Natural Resources and Environmental Law Section of the Utah State Bar, Salt Lake City, Utah (May 1996)

"Acquiring and Transferring Water Rights in Utah," a paper and presentation at the Sixth Annual Water Law & Policy Seminar, sponsored by the Utah State Bar, the Utah Water Users Association and Barnett Intermountain Water Consulting, St. George, Utah (March 1996)

"Basic Utah Water Law: Ownership and Transfer of Water Rights," a paper and presentation at the Mid-Winter Convention of the Utah Land Title Association, St. George, Utah (January 1996)

"Who's the Client? Conflicts of Interest and Evidentiary Privileges in the Context of Mining and Oil and Gas Joint Venture Agreements," 41 *Rocky Mountain Mineral Law Institute* 1-1 (1995). Clayton J. Parr, co-author.

"Transferring, Valuing, Marketing and Encumbering Water Rights in Utah," a paper and presentation at the Fundamentals of Utah Water Law conference organized by The Cambridge Institute, Salt Lake City, Utah (May 1995)

"Experiences of a Mining Engineer in the Legal Profession," a presentation to the Mining Engineering Department of the University of Utah, Salt Lake City, Utah (November 1994)

"Water Marketing and Water Right Transfers," a paper and presentation at the Second Annual Utah Water Law Conference, organized by CLE International, Salt Lake City, Utah (November 1994)

"Transferring, Valuing, Marketing and Encumbering Water Rights in Utah," a paper and presentation at the Water Rights in Utah conference organized by The Cambridge Institute, Salt Lake City, Utah (May 1994)

"Water Marketing and Water Right Transfers," a paper and presentation at the First Annual Utah Water Law Conference, organized by CLE International, Salt Lake City, Utah (November 1993)

Chapter 3.2, "Mining Law," *SME Mining Engineering Handbook*, Second Edition (1992). With Clayton J. Parr, lead author.

"An Applicant's Burden of Proof in Applications to Appropriate, Change and Exchange Water as Advanced by *Bonham v. Morgan*," a paper and presentation at the Second Annual Water Law & Policy Seminar, sponsored by the Utah Water Users Association and Barnett Intermountain Water Consulting, St. George, Utah (March 1992)

"Mining Claim Abuse: Has the FLPMA Filing Requirement Helped?," 1987 *Utah Law Review* 625 (1987)

"Admission of Gruesome Photographs as Evidence in Murder Trials," 1987 *Utah Law Review* 164 (1987)

Significant Accomplishments

Assisted in negotiating, documenting and closing the purchase of a 40% interest in an operating Nevada gold mine, at a purchase price of \$1.7 billion. (2007)

Negotiated, documented and closed the sale of 42,401 acre-feet of Utah water rights for \$80 million. Considered to be the largest sale of water rights (in terms of both volume and price) by a private seller in Utah history. (2005)

Modified water rights for use in a gas-fired power plant in Utah and then negotiated, documented and closed the sale of those rights to the plant owner for \$14 million. (2005)

Negotiated, documented and closed the sale of an idle iron mine property in Utah for \$10 million. (2005)

Personal

Born 1958. Married, four children.