11911 Nicklaus Road
Sandy, UT 84092
April 5, 2017

Certified Mail – Return Receipt
STRICTLY PRIVILEGED AND CONFIDENTIAL

President Thomas A. Monson
The Church of Jesus Christ of Latter-Day Saints
50 E. North Temple Street
Salt Lake City, UT 84150

Dear President Monson:

Re: Gov. Herbert Signs Great Salt Lake Death Warrant Despite Knowing The Bear River Pipeline Is Not Needed
Good Samaritan "Heads Up" Re Lawsuit Against The Mormon Church For Fraud Re The Environment

[Comments of the Working Group of an SLC 11-Year-Old 150-Member Public-Policy Study Group]

It is with a sad and heavy heart that we feel compelled to inform you that The Church of Jesus Christ of Latter-Day Saints is about to be sued in Federal District Court in either Washington DC or New York City for fraud regarding the environment.

Because our actions in opposing the Wanton Destruction of Great Salt Lake to grow subsidized hay for export to China have had the unintended effect of causing this lawsuit which is designed to bring maximum embarrassment to The Church of Jesus Christ over its alleged condoning (if not tacitly supporting) the Wanton Destruction of Great Salt Lake in apparent contradiction of the Official Doctrine of The Church of Jesus Christ entitled "Environmental Stewardship and Conservation" and in contradiction of the wonderful every-Sunday-morning telecast entitled "Music and The Spoken Word" which features the incomparable beauty of God's Creation.

Maximum embarrassment to The Church of Jesus Christ as news organizations report on how you and your colleagues (along with Gov. Herbert and legislative leaders) are compelled to testify under oath in depositions ordered by the Federal District Court in Washington DC or New York City.

A brief review of how this point was reached is in order.

The enclosed 10/31/2016 letter to you (identical copies of which were addressed to each of your colleagues in The First Presidency of The Mormon Church and each of your colleagues in The Quorum of The Twelve Apostles of The Mormon Church) informed you that Gov. Herbert and the Utah Legislature had already enacted a law funding The Bear River Pipeline with $2 billion funded through Utah State Sales Tax (vs. charging water users) even though 82% of all of Utah's water usage is consumed by the agricultural industry (vs. only 6% for residential lawns and gardens) -- with 65% of all of Utah's water usage dedicated to growing alfalfa hay which consumes relatively high amounts of water and much (if not most) of which is exported to China.

The letter explained that the 65% portion of all Utah's water usage that is dedicated for growing hay for export to China is 1.5 million acre-feet/year, which is enough to cover all of Salt Lake County in 2.98 feet of water/year.

Meanwhile, our letter went on to report that Great Salt Lake was 7.8 feet below normal (or only 48% full) despite last season's snowfall being 95% of the average of the previous 5 years. [This season's snowfall is once more hovering just below 100%.]

Accordingly, our letter implored you and your colleagues to have The Church of Jesus Christ issue a press release saying that it would sponsor a "legislative initiative" pursuant to Utah Constitution Art. VI Sec. 1 and Utah Code Title 20A Chapter 7 to require: (1) immediate cessation of The Bear River Pipeline Project; and (2) dedication of all Utah State Sales Tax Funds that would have been allocated to the Bear River Pipeline Project to be spent, instead, on purchasing (or taking by eminent domain) farmland in the water districts to have been served by the Bear River Pipeline -- based on the value (if any) of the farmland if the full costs (including construction) of the Bear River Pipeline were reflected 100% in water prices.

After 3 months of silence greeted our letters to you and your colleagues, our 150-member public-policy-study group announced that its 2/8/2017 meeting would consider re-activating our Great Salt Lake Working Group for the express purpose of investigating the feasibility of (and, if possible, the institution of) a lawsuit against the U.S. Government for a Writ of Mandamus for its failure to do its duty in suing The State of Utah to halt The Bear River Pipeline Project.

A Writ of Mandamus is a plain-vanilla garden-variety court order to governmental officials to do their duty.

By way of background, The Bear River flows into Great Salt Lake through The Bear River Migratory Bird Refuge, a 74,000-acre (118 square-mile) home for millions of God's creatures and a host for millions of migratory birds each year including the Bald Eagle, symbol of the United States despite being nearly extinct.

The Bear River Migratory Bird Refuge was created in 1928 by Presidential Proclamation, its legal title according to the Box Elder County Recorder's Office is held by "The United States of America" and it is administered by the U.S. Fish & Wildlife Service.

Under the English-American common-law doctrine of "prior appropriation," The Bear River Migratory Bird Refuge currently has the Riparian Right to all of the water flowing into Great Salt Lake from The Bear River and the Bear River Pipeline Project is nothing more than an attempt by The State of Utah to steal the water belonging to the BRMBR.

[If the U.S. Fish & Wildlife Service has failed to file the paperwork with The State of Utah to register its Riparian Right, that is simply one more ground for a Federal Court to issue a Writ of Mandamus against the U.S. Government.]

Accordingly, a lawsuit for a Writ of Mandamus would be sought against not only the U.S. Environmental Protection Agency for its failure to do its duty in opposing The Bear River Pipeline Project, but also the U.S. Fish & Wildlife Service for its failure to do its duty in opposing the threatened theft of its Riparian Right to the water currently flowing through The Bear River into the Bear River Migratory Bird Refuge.

[Title 28 U.S. Code Sec. 1361 requires all lawsuits for a Writ of Mandamus against the U.S. Government to be brought in Federal Court, so we intended to file our lawsuit in the U.S. District Court in Washington DC.]

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The 1/23/2017 Determination of the State of Utah Division of Water Resources That The Bear River Pipeline Is NOT Needed Until 2035 or 2040, IF EVER

Attached to the second enclosure which is our 3/16/2017 letter to Gov. Herbert, is the summary and transcript of a Fox News Channel 13 interview of Todd Adams, Deputy Director of the State of Utah Division of Water Resources.

The Deputy Director announced the Division of Water Resources' determination that The Bear River Pipeline is NOT needed until 2035 or 2040, IF EVER.

The reasoning behind their study is that growing alfalfa hay for export to China is so wasteful of water that as farmlands are converted to residential housing, the demand for water is REDUCED.

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Gov. Herbert Signs Great Salt Lake Death Warrant Despite Knowing The Bear River Pipeline Is Not Needed

The second enclosure to this letter is our 3/16/2017 letter to Gov. Herbert imploring him to veto Senate Bill 113 with a respectful suggestion for "the governor's objection to the house in which it originated" as provided by Utah Constitution Art. VII, Sec. 8(1) --

"Sec. 3 of S.B. 113 amends Utah Statute Sec. 59-12-103(5)(d) to appropriate funds for "(ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act; and (iii)….." As you are probably aware, the State of Utah Division of Water Resources has determined that the Bear River Pipeline Project is not needed until 2035 or 2040, if ever (please see the attached transcript of the 1/23/2017 interview by Fox News Channel 13 of Todd Adams, Deputy Director of the Division of Water Resources). Accordingly, this appropriation is inappropriate."

[Our letter also suggested a second grounds for the veto which is sloppy legal drafting – S.B. 113 refers in amended Sec. 35A-8-309 to an "impact board" which is NOT a defined term in the Utah Code (Sec. 35A-8-304 creates a "Permanent Community Impact Fund Board" but EVERYWHERE ELSE in the Utah Code that there is a reference to merely an "impact board" there is also a reference back to Sec. 35A-8-304); accordingly, this technical defect was offered as a possible excuse, if the abomination of hiring of a Bear River Pipeline Civil Engineer did not suffice, for vetoing the bill.]

Attached to our 3/16/2017 letter to Gov. Herbert was the 1/23/2017 Fox News Channel 13 summary and transcript of the interview of the Deputy Director of the Utah Division of Water Resources announcing its determination that The Bear River Pipeline is NOT needed until 2035 or 2040, IF EVER.

NB: at the bottom of this one-page letter to Gov. Herbert is the hand-written acknowledgement of Gov. Herbert's personal secretary that it was received on 3/16/2017.

On 3/25/2017, Gov. Herbert signed Senate Bill 113.

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The Legislative-Reenactment Doctrine

It might be argued that although Senate Bill 113 purports only to amend Utah Statute Sec. 59-12, it does so by re-enacting the entire section and that the offending provision of Sec. 59-12-103(5)(d) for "employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act" was simply carried over from the previous version of Sec. 59-12.

This ignores the English-American common law's Doctrine of Legislative-Reenactment.

Ordinarily it confers the "force of law" on administrative regulations (for example, in the case of the U.S. Government, IRS or EPA regulations) that were in existence when the legislative body reenacts the legal provision on which the regulations are based.

However, it also "sprinkles Holy Water" when a legislative body reenacts a legal provision, on all of the portions of that legal provision that were NOT modified in the reenactment.

Accordingly, Gov. Herbert's signing Senate Bill 113 would be interpreted by a court as a re-affirmation that Gov. Herbert and the Utah Legislature still want a civil engineer to be hired to oversee The Bear River Pipeline Project.

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The Reason Why Gov. Herbert's Action Is A Death Warrant For Great Salt Lake

Under English-American common law, an injunction historically was only issued by English "Courts of Equity" rather than English "Law Courts."

A Writ of Mandamus is an injunction against governmental officials or agencies to do their duty. Accordingly, whether a Federal Court would issue the Writ of Mandamus against the EPA and/or The U.S. Fish & Wildlife Service would come within the "equitable jurisdiction" (vs. the "legal jurisdiction") of the U.S. Federal Court for Washington DC.

Unfortunately (from our perspective), "equitable jurisdiction" means "doing what is fair regardless of what the law says" as distinguished from "legal jurisdiction" which is "doing what the law says regardless of how horrendous the consequences."

And if the forces behind The Bear River Pipeline succeed in having a civil engineer hired whose sole responsibility is overseeing Bear River Pipeline Projects, that civil engineer under existing law (including the funds for the BRPP that have been piling up from Utah State Sales Tax Revenues) could sign contracts that could expose the State of Utah to millions, if not billions, of dollars of legal liability.

This is called "shifting the equities" under English-American common law.

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The Reason Why The LDS Church Is About To Be Sued For Fraud Re The Environment

After Gov. Herbert signed Senate Bill 113 on 3/25/2017, I met in the San Francisco Office of one of the world's largest national/international law firms last Friday with friends who had agreed to sue the EPA and The U.S. Fish & Wildlife Service for a Writ of Mandamus on a pro bono basis.

Needless to say, I was shocked to learn that they had converted the whole undertaking into a lucrative project!!!

In addition to the lawsuit for the Writs of Mandamus, they had contacted many of the firm's environmentally-oriented clients who, needless to say, were very interested in The Wanton Destruction of Great Salt Lake.

Shocked because the theory of the environmental-law experts was that the key to calling a halt to The Wanton Destruction of Great Salt Lake would be to pressure the LDS Church into calling a halt to The Wanton Destruction of Great Salt Lake.

Which they thought could be accomplished despite the reluctance of The LDS Church to make public pronouncements whether important public policies violate LDS Theology ever since The LDS Church opposed in 1981 the basing of MX Missiles in Utah and Nevada on theological grounds.

Because of the specter of a lawsuit in which maximum publicity is sought for the depositions of you, your colleagues in the First Presidency of The Mormon Church, your colleagues in the Quorum of the Twelve Apostles of The Mormon Church, Gov. Herbert, legislative leaders, etc.

Their legal theory is that The Mormon Church instigated the 1/23/2017 announcement of the Utah Division of Water Resources that the Bear River Pipeline is NOT needed until 2035 or 2040 IF EVER as a means of defrauding environmentalists around the world into believing that no further action would be taken on The Bear River Pipeline Project so that the environmentalists would not "stay on their toes" to see what Gov. Herbert and legislative leaders were doing before the "equities have been shifted" by the signing of contracts for Bear River Pipeline Projects.

As you probably know, the plaintiffs do NOT need proof before bringing suit that The Mormon Church engaged in such fraud. That is the purpose of every court's "discovery rules" pursuant to which the plaintiffs are entitled to take depositions under oath of you, your colleagues, Gov. Herbert, legislative leaders, etc., to gather evidence of such fraud. And even if such fraud doesn't exist, the damage from the adverse publicity will have been done.

They plan to sue in Federal Court in Washington DC or NYC.

The LDS Church, of course, has a Temple in Manhattan across Broadway from Lincoln Center and a Temple a mere 2 miles from the border of the District of Columbia which is well within the geographical jurisdiction of the Federal District Court for Washington DC.

You might be interested to know that the Federal Court subject-matter jurisdiction requiring complete "diversity of citizenship" between the plaintiffs and the Defendant LDS Church is easily achieved, the environmental-law litigators believe, by selecting only plaintiffs who are citizens of the 58 countries that are members of the United Nations and that do NOT even have LDS missionaries.

Indeed, as a special precaution, they intend to select only plaintiffs from those 58 countries who reside in their Washington DC embassies or in the NYC embassies of their U.N. missions since, as you may be aware, international law provides that embassies are the Sovereign Territory of the foreign country and not part of the United States.

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Good-Samaritan Conclusion

We feel like Doctor Frankenstein who has created a monster!!!

Our 10/31/2017 letter to you and your colleagues was a respectful request to take action to halt The Bear River Pipeline Project.

And our attempt to file a lawsuit for a Writ of Mandamus against the U.S. Government to "do its duty" to oppose The Bear River Pipeline Project was not intended to expose The Church of Jesus Christ of Latter-Day Saints to any legal action.

Accordingly, we have severed our relationship with the law firm that is intending to sue The LDS Church.

And are trying, as Good Samaritans, to provide you with a Heads Up concerning what may soon transpire.

Respectfully submitted,

John S. Karls
JD, Harvard Law School, 1967
Who's Who in American Law, 1988-2003
Who's Who in America, 1988-2003
Who's Who in the World, 1994-2003

Identical letters sent to --

Each of Your Colleagues in The First Presidency of The Mormon Church - Certified Mail Return Receipt
Each of Your Colleagues in The Quorum of The Twelve Apostles of The Mormon Church - Certified Mail Return Receipt

Cc: Certified Mail Return Receipt copies sent to --

The Under-Secretary General of the United Nations for the Environment and Executive Director of UNEP
The American Bird Conservancy
The National Audubon Society
The National Geographic Society
The Nature Conservancy
The Sierra Club
The Student Conservation Association
The Union of Concerned Scientist
The Friends of Great Salt Lake

The New York Times
The Washington Post
The Wall Street Journal
The Chicago Tribune
The San Francisco Chronicle
The Los Angeles Times