

RESOLUTION NO. 42

A RESOLUTION OF THE CITY OF Richfield, IDAHO, APPOINTING ADDITIONAL LEGAL COUNSEL, DEFINING THE LIMITED SCOPE OF REPRESENTATION OF ADDITIONAL COUNSEL AND DETERMINING THE METHOD OF COMPENSATION OF ADDITIONAL COUNSEL.

WHEREAS The City of Richfield, Idaho ("City"), has been identified as one of the water users affected by the Final Order Regarding Rangen, Inc.'s Petition for Delivery Call, Curtailing Ground Water Rights Junior to July 13, 1962 ("Rangen Order"); and

WHEREAS it appears that other water users will likely petition for Delivery calls affecting City water rights in the future; and

WHEREAS the City finds it necessary to protect, defend and preserve its water rights; and

WHEREAS attorney Rob Williams of Jerome, Idaho has been involved in assisting the City and other cities in the issues pertaining to the Rangen Order and is willing to represent the City along with other local cities on the issues pertaining to the Rangen Order; and

WHEREAS the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell ("Local Cities") have all appeared in the Rangen Case and desire to work together to achieve their legal objectives in the Rangen Case,

NOW, THEREFORE,

BE IT RESOLVED by the Council and Mayor of the City of Richfield:

Section 1: The City appoints Rob Williams of Jerome, Idaho, as additional legal counsel to represent the City in the Matter of Distribution of Water to Water Right No. 36-02551 and 36-07694, IDWR case number CM-DC-2011-004 ("Rangen Case"), any cases involving mitigation plans associated with the Rangen Case, in adding components to IGWA's mitigation plan that would benefit the City, in any determination by a court or governmental authority of the scope of the domestic use exemption, and in voicing the City's desire to see the Idaho State Government address and resolve the current issues Local Cities face concerning potential water rights curtailment.

Section 2: The City agrees that Rob Williams may utilize the legal services of McHugh Bromley, PLLC, of Boise, Idaho, in an effort to provide legal representation in the most efficient manner.

Section 3: The City agrees that the legal fees and costs of the representation of Rob Williams and McHugh Bromley, PLLC, for the scope of representation described above from

February 3, 2014, until the appointment is terminated, shall be paid by the Local Cities that appoint or have appointed Rob Williams to represent them on the issues described in the scope of representation as follows:

Each of the Local Cities shall pay its share based upon its percentage of population as set forth in the 2010 census.

Section 4: The City and each of the Local Cities shall have the right to terminate the above described legal representation at any time and will only be responsible for paying its share of the legal costs and fees owed at the time of termination.

DATED this 10th day of MARCH, 2014.

PASSED 3-10-14

APPROVED 3-10-14

Charles F. Buttane

Mayor

ATTEST:

Julann Swainston

City Clerk