

RESOLUTION NO. 2018-01 SURFACE WATER COALITION

A RESOLUTION OF THE CITY OF DIETRICH, IDAHO AUTHORIZING THE NEGOTIATION OF A SETTLEMENT AGREEMENT TERM SHEET IN RESPONSE TO THE SURFACE WATER COALITION WATER DELIVERY CALL AND THE DESIGNATION OF THE EASTERN SNAKE PLAIN AQUIFER GROUND WATER MANAGEMENT AREA

WHEREAS, since 2005, the City of Dietrich, Idaho ("City") has been identified as one of the water users affected by the ongoing Surface Water Coalition ("SWC") conjunctive administration water delivery call affecting the City's water rights; and

WHEREAS, since 2016, the city has been identified by the Director of the Idaho Department of Water Resources ("IDWR") as falling within the boundaries of the designated Easter Snake Plain Aquifer ("ESPA") Ground Water Management Area ("GWMA"); and

WHEREAS, the City finds it necessary to protect, defend, and preserve its water rights in response to the SWC delivery call and IDWR's designation of the ESPA GWMA; and

WHEREAS, the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell ("Local Cities") have appeared in the SWC and ESPA GWMA proceedings through the law firms of Williams, Meservey, & Lothspeich, LLP ("WML LLP"), and McHugh Bromley, PLLC ("MB PLLC");

WHEREAS, the Local Cities desire to work together to achieve their legal objective in the SWC and ESPA GWMA proceedings; and

WHEREAS, a settlement framework agreement ("Term Sheet") has been negotiated by WML LLP and MB PLLC on behalf of the Local Cities in the SWC and ESPA GWMA matters; and

WHEREAS, the Term Sheet will serve as a vehicle from which the Local Cities will negotiate a binding settlement agreement in response to the SWC and ESPA GWMA proceedings.

NOW, THEREFORE,

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

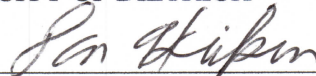
The City agrees the Term Sheet contains acceptable terms from which to negotiate a binding settlement agreement in response to the SWC and ESPA GWMA proceedings. The City agrees to allow WML LLP and MB PLLC to negotiate the terms of a binding settlement agreement on its behalf. Any settlement agreement that it ultimately reached must then be presented to the City for approval.

DATED this 2ND day of April, 2018

PASSED April 2, 2018

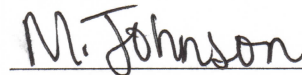
APPROVED April 2, 2018

CITY OF DIETRICH



Don Heiken – Mayor

ATTEST:



Michelle Johnson – City Clerk