



State of West Virginia
Office of the Attorney General

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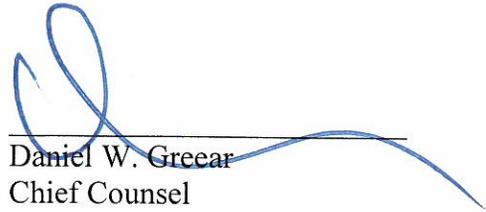
**WRITTEN DETERMINATION REGARDING THE APPOINTMENT
OF OUTSIDE COUNSEL ON BEHALF OF
THE WEST VIRGINIA CONSERVATION AGENCY**

The West Virginia Conservation Agency (hereinafter the "WVCA") has requested legal representation in conjunction with a review of riparian water rights associated with the various flood-control dams operated and maintained by West Virginia's conservation districts and the WVCA. Specifically, the WVCA is seeking legal review and analysis of the rights and responsibilities frequently associated with many of its publicly financed structures that are created through use of easements on privately owned land.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAG0- 004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist with the Office's representation of the WVCA in the above-cited matter, based on the following factors:

- The matter at issue require particular expertise in riparian rights law not currently possessed by the Office of the Attorney General.
- The legal services needed would require a significant time commitment from the Office of the Attorney General to familiarize itself with riparian laws generally.
- There is a particular need for a private attorney with experience dealing with riparian water rights.
- The needed legal services are to be provided in Charleston, West Virginia, and rendered in close coordination with the Attorney General's Main Office.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the required legal services without the assistance of outside counsel.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAG0-004.



Daniel W. Greear
Chief Counsel

Date Signed: February 11, 2014