Electronically Filed 6/15/2023 5:34 PM Fourth Judicial District, Ada County Trent Tripple, Clerk of the Court By: Eric Rowell, Deputy Clerk

# RAÚL R. LABRADOR ATTORNEY GENERAL

SCOTT L. CAMPBELL Chief of Energy and Natural Resources Division

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Attorneys for Respondents

# IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CITY OF POCATELLO, CITY OF IDAHO FALLS, CITY OF BLISS, CITY OF BURLEY, CITY OF CAREY, CITY OF DECLO, CITY OF DIETRICH, CITY OF GOODING, CITY OF HAZELTON, CITY OF HEYBURN, CITY OF JEROME, CITY OF PAUL, CITY OF RICHFIELD, CITY OF RUPERT, CITY OF SHOSHONE, CITY OF WENDELL, BINGHAM GROUND WATER DISTRICT, BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, and MCCAIN FOODS USA, INC.,

Petitioners,

vs.

IDAHO DEPARTMENT OF WATER RESOURCES, and GARY SPACKMAN in his capacity as the Director of the Idaho Department of Water Resources.

Respondents,

and

A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE Case No. CV01-23-08258

# DEPARTMENT'S MEMORANDUM OF COSTS

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CANAL COMPANY, TWIN FALLS CANAL COMPANY, AMERICAN FALLS RESERVOIR DISTRICT #2, and MINIDOKA IRRIGATION DISTRICT,

Intervenors.

IN THE MATTER OF THE DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY AND FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY

Respondents, the Idaho Department of Water Resources and its Director,

Gary Spackman (collectively, "Department"), file Department's Memorandum of

Costs. The total combined dollar amount sought by Respondents in this matter is

\$8,140.00.

| <u>Memorandum of Costs: Attorney Fees of Garrick L. Baxter</u> |
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| Date      | Description of time spent               | Hours | Rate  | Total    |
|-----------|---|-------|-------|----------|
| 5/22/2023 | Review Petition for Declaratory Relief, | 2.5   | \$250 | \$625.00 |
|           | Petition for Writ of Prohibition, and   |       |       |          |
|           | Petition for Writ of Mandamus;          |       |       |          |
|           | review Declaration of Sarah Klahn,      |       |       |          |
|           | Declaration of Candice McHugh,          |       |       |          |
|           | Declaration of Maximilian Bricker;      |       |       |          |
|           | conduct research on response.           |       |       |          |
| 5/23/2023 | Communicate with the Department         | 0.5   | \$250 | \$125.00 |
|           | and legal staff regarding filings.      |       |       |          |
| 5/24/2023 | Review Motion to Show Cause; Motion     | 1.5   | \$250 | \$375.00 |
|           | to Shorten Time, Notice of Hearing;     |       |       |          |
|           | prepare Notice of Appearance; discuss   |       |       |          |
|           | with DAG Pete Wood; review and          |       |       |          |
|           | comment on draft Respondents'           |       |       |          |

|           | Motion and Supporting Points to<br>Vacate Show Cause Hearing.  |                                |       |                                     |
|-----------|--|--------------------------------|-------|-------------------------------------|
| 5/25/2023 | Review and comment on draft<br>Respondents' Motion and Supporting<br>Points to Vacate Show Cause Hearing.  | 3.0                            | \$250 | \$750                               |
| 5/26/2023 | Finalize Respondents' Motion and<br>Supporting Points to Vacate Show<br>Cause Hearing.   | 2.5                            | \$250 | \$625.00                            |
| 5/31/2023 | Review Petitioners' Response to the<br>Department's Motion, Declaration of<br>Sarah Klahn, Declaration of Skyler<br>Johns; conduct research on response. | 2.0                            | \$250 | \$1000.00                           |
|           | Prepare for oral argument. [Total time<br>was 4 hours, 2 hours billed to Cities<br>and 2 hours billed to Ground Water<br>Districts.]                     | 2.0                            |       |                                     |
| 6/01/2023 | Travel to, attend, return from oral<br>argument. [Total time was 8 hours, 4<br>hours billed to Cities and 4 hours<br>billed to Ground Water Districts.]  | 4.0                            | \$250 | \$1000.00                           |
|           |  | Total<br>Hours:<br><b>18.0</b> |       | Total<br>Fees:<br><b>\$4,500.00</b> |

I, Garrick Baxter, am the undersigned attorney who represented the Respondents in this matter. I compiled the above Garrick Baxter portion of the *Department's Memorandum of Costs*, and hereby declare, under penalty of perjury pursuant to the law of the State of Idaho, that the above memorandum of costs is true, correct, and complies with I.R.C.P. 54.

Dated this 15th day of June 2023.

**Garrick Baxter** 

Attorney for Respondents

| Date      | Description of time spent  | Hours  | Rate  | Total      |
|-----------|--|--------|-------|------------|
| 5/24/2023 | Drafting and research regarding  | 2.5    | \$200 | \$500.00   |
|           | motion to vacate hearing.  |        |       |            |
| 5/25/2023 | Drafting and research regarding  | 6.5    | \$200 | \$1300.00  |
|           | motion to vacate hearing.  |        |       |            |
| 5/26/2023 | Drafting and research regarding  | 7.0    | \$200 | \$1400.00  |
|           | motion to vacate hearing.  |        |       |            |
| 5/31/2023 | Reviewed Cities' Response.   | 0.5    | \$200 | \$100.00   |
| 6/1/2023  | Virtually attend hearing, take notes,<br>and conduct research as needed for<br>issues arising during the hearing.<br>[Hearing was 3.5 hours in total, 1.7<br>billed to Ground Water Districts and<br>1.7 to Cities.] | 1.7    | \$200 | \$340.00   |
|           |  | Total  |       | Total      |
|           |  | Hours: |       | Fees:      |
|           |  | 18.2   |       | \$3,640.00 |

# Memorandum of Costs: Attorney Fees of Pete Wood

I, Pete Wood, am an attorney who assisted Garrick Baxter in his representation of the Respondents in this matter. I have been a licensed attorney for 6 years. I compiled the above Pete Wood portion of the *Department's Memorandum of Costs*, and hereby declare, under penalty of perjury pursuant to the law of the State of Idaho, that the above memorandum of costs is true, correct, and complies with I.R.C.P. 54.

Dated this 15th day of June 2023.

Pete Wood Attorney for Respondents

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of June 2023, I caused to be served a true and correct copy of the foregoing *Department's Memorandum of Costs*, via iCourt E-File and Serve, upon the following:

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