

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
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*Attorney for American Falls Reservoir
District #2 and Minidoka Irrigation District*

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

IDAHO GROUND WATER
APPROPRIATORS, INC., ET AL.,

Petitioners,

vs.

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

Respondents.

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY AND FOR THE BENEFIT OF A&B
IRRIGATION DISTRICT, AMERICAN FALLS
RESERVOIR DISTRICT NO. 2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN FALLS
CANAL COMPANY,

Intervenors.

Case No. CV01-23-8187

**DECLARATION OF W. KENT
FLETCHER IN SUPPORT OF
MEMORANDUM OF COSTS AND
ATTORNEY'S FEES**

4.4. Prevailing charges for like work: In this matter, MID and AFRD2 agreed to pay W. Kent Fletcher Two Hundred Twenty-five Dollars (\$225.00) per hour. It is believed by the undersigned to be a customary and reasonable charge per hour for an attorney having in excess of forty-four (44) years of experience practicing law.

4.5. Fixed or contingent: MID and AFRD2 agreed to pay W. Kent Fletcher the hourly rate described above.

4.6. Time limitations: There were no unusual time limitations in this case.

4.7. Amount involved and results obtained: The case did not involve an “amount”; rather it involved defending against an attempt to stay a pending administrative action. MID and AFRD2 obtained favorable decisions in front of the District Court.

4.8. Undesirability of the case: The case is not particularly undesirable.

4.9. Nature and length of professional relationship with client: W. Kent Fletcher has represented MID for approximately forty (40) years and has represented AFRD2 for approximately thirteen (13) years.

4.10. Awards in similar cases: The undersigned is unaware of the amounts of awards in similar cases.

4.11. Automated legal research: No cost claimed.

5. Summary of Costs Claimed:

Attorney’s fees claimed:	\$3,150.00
Court Costs	<u>\$ 140.76</u>
TOTAL	\$3,290.76

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 16th day of June, 2023.

FLETCHER LAW OFFICE



W. Kent Fletcher

*Attorney for American Falls Reservoir
District #2 and Minidoka Irrigation District*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2023, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

<p>Director Gary Spackman Garrick Baxter Sarah Tschohl Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail file@idwr.idaho.gov gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov</p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only mhoward@usbr.gov emcgarry@usbr.gov</p>	<p>Tony Olenichak IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only tony.olenichak@idwr.idaho.gov</p>
<p>T.J. Budge Elisheva M. Patterson Racine Olson, PLLP P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only tj@racineolson.com elisheva@racineolson.com</p>	<p>Sarah A. Klahn Diane Thompson Somach Simmons & Dunn 2033 11th Street, Ste. 5 Boulder, CO 80302 *** service by electronic mail only sklahn@somachlaw.com dthompson@somachlaw.com</p>	<p>David Gehlert ENRD – DOJ 999 18th St. South Terrace, Ste. 370 Denver, CO 80202 *** service by electronic mail only david.gehlert@usdoj.gov</p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83201 *** service by electronic mail only rdiehl@pocatello.us</p>	<p>Robert E. Williams Williams, Meservy & Larsen LLP P.O. Box 168 Jerome, ID 83338 *** service by electronic mail only rewilliams@wmlattys.com</p>	<p>Corey Skinner IDWR – Southern Region 650 Addison Ave. W., Ste. 500 Twin Falls, ID 83301 *** service by electronic mail only corey.skinner@idwr.idaho.gov</p>
<p>Robert L. Harris Holden, Kidwell PLLC P.O. Box 50130 Idaho Falls, ID 83405 *** service by electronic mail only rharris@holdenlegal.com</p>	<p>Kathleen Carr US Dept Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway, Ste. 400 Boise, ID 83706 *** service by electronic mail only kathleenmarion.carr@sol.doi.gov</p>	<p>Candice McHugh Chris Bromley McHugh Bromley, PLLC 380 South 4th Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>

<p>Randall D. Fife City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405 *** service by electronic mail only rfife@idahofallsidaho.gov</p>	<p>COURTESY COPY TO: William A. Parsons Parsons, Smith & Stone LLP P.O. Box 910 Burley, ID 83318 *** service by electronic mail only wparsons@pmt.org</p>	<p>Skyler Johns Nathan Olsen Steven Taggart Olsen Taggart, PLLC P.O. Box 3005 Idaho Falls, ID 83404 *** service by electronic mail only sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com</p>
<p>John K. Simpson Travis L. Thompson Marten Law LLP P.O. Box 63 Twin Falls, Idaho 83303-0063 ***service by electronic mail only jsimpson@martenlaw.com tthompson@martenlaw.com</p>	<p>Dylan Anderson Dylan Anderson Law P.O. Box 35 Rexburg, Idaho 83440 ***service by electronic mail only dylan@dylanandersonlaw.com</p>	<p>Matt Howard US Bureau of Reclamation 1150 N. Curtis Road Boise, Idaho 83706-1234 ***service by electronic mail only mhoward@usbr.gov</p>



W. Kent Fletcher

DATE	DESCRIPTION OF WORK PERFORMED	HOURS	AMOUNT
5/20/2023	Review Petition, Motions, Brief, Declarations, proposed OSC	2.0	\$450.00
5/21/2023	Emails to and from SWC attorneys	.4	\$90.00
5/22/2023	Call with Travis Thompson and Garrett Baxter regarding filed pleadings	.7	\$157.50
5/23/2023	Prepare Notice of Appearance	.2	\$45.00
5/24/2023	Review Motion to Shorten Time, Notice of Hearing, proposed Order and email	.4	\$90.00
5/24/2023	Review Court Notice of Hearing	.2	\$45.00
5/27/2023	Emails to and from SWC attorneys regarding filings and SWC Response	.5	\$112.50
5/28/2023	Review and revise SWC Motions, Response, Memo and Declaration	1.0	\$225.00
5/30/2023	Review Declaration of Candice McHugh and Response (McCains)	.5	\$112.50
5/30/2023	Review IDWR Motion, Brief and Response	.8	\$180.00
5/31/2023	Prepare for Hearing (split with 8258)	1.0	\$225.00
5/31/2023	Review Cities' Response	.5	\$112.50
6/1/2023	Hearing (split with 8258)	2.0	\$450.00
6/2/2023	Review Orders Granting Intervention, Dismissal and Judgment	.4	\$90.00

6/6/2023	Review copy of Transcript of Decision	.4	\$90.00
6/14/2023	Research, emails to and from SWC attorneys, prepare Memorandum of Costs, Declaration and Brief (split with 8258)	3.0	\$675.00
TOTALS		14	\$3,150.00

Total hours 14 x \$225.00 = \$3,150.00