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DEPARTMENT OF WATER RESOURCES

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

D.L.EVANS BANK,)	Case No. CV OC 1317406
)	
Plaintiff,)	
)	
vs.)	
)	
BALLENTYNE DITCH COMPANY,)	JOINT MOTION TO ALTER OR
LIMITED; THOMAS MECHAM RICKS;)	AMEND FINAL JUDGMENT
GARY SPACKMAN, IN HIS OFFICIAL)	
CAPACITY AS DIRECTOR OF THE)	
IDAHO DEPARTMENT OF WATER)	
RESOURCES; IDAHO DEPARTMENT)	
OF WATER RESOURCES; AARON)	
RICKS, DIRECTOR OF BALLENTYNE)	
DITCH COMPANY; SHAUN BOWMAN,)	
DIRECTOR OF BALLENTYNE DITCH)	
COMPANY; JOE KING, DIRECTOR)	
OF BALLENTYNE DITCH COMPANY;)	
STEVE SNEAD, DIRECTOR)	
OF BALLENTYNE DITCH COMPANY)	
)	
Defendants.)	

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP
LAWYERS
BURLEY, IDAHO

COME NOW, D.L. Evans Bank ("D.L. Evans"), by and through counsel of record, Jason R. Naess of Parsons, Smith, Stone, Loveland & Shirley, LLP, and the Idaho Department of Water Resources ("IDWR"), by and through counsel of record, Meghan Carter, and do hereby move this court pursuant to Idaho Rule of Civil Procedure 59(e) to alter or amend the Final Judgment entered on August 3, 2015, in order to remove the attorney's fee award to IDWR. In addition, IDWR hereby withdraws its Motion for attorney's fees. These requests are based on the Affidavits of Meghan Carter and Jason Naess, and the following:

1. On April 2, 2015, Meghan Carter, counsel for IDWR telephoned Jason R. Naess, counsel for D.L. Evans Bank, and informed him she was going to file a Motion for Attorney's Fees on behalf of IDWR. In that phone conversation, IDWR indicated it would withdraw its Motion for

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Attorney's Fees if the remaining parties in the case were able settle their differences and get the case resolved. The Motion would serve as motivation for D.L. Evans to settle the case.

2. On April 3, 2015, IDWR filed a Motion and Memorandum for Attorney's Fees, Memorandum in Support of Motion for Attorney's Fees, and an Affidavit of Meghan Carter.

3. Based upon IDWR's representations, D.L. Evans did not respond to the Motion.

4. On July 31, 2015, the remaining parties to the case, D.L. Evans, Ballentyne Ditch Company, and Thomas Mecham Ricks, filed a Joint Motion to Dismiss the case.

5. Upon receipt of the Motion to Dismiss, the Court entered orders dismissing the case, and entered a Final Judgment. The Final Judgment included an award of attorney's fees to IDWR. IDWR is satisfied the case has been resolved among the remaining parties, and no longer seeks an award of attorney's fees.

THEREFORE, IDWR hereby withdraws its Motion for Attorney's Fees, and IDWR and D.L. Evans hereby request the Court alter or amend its Final Judgment removing the language awarding attorney's fees to IDWR.

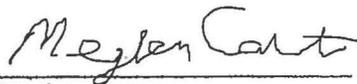
DATED this 12th day of August, 2015.

PARSONS, SMITH, STONE,
LOVELAND & SHIRLEY, LLP


Jason R. Naess
Attorneys for D.L. Evans Bank

DATED this 13th day of August, 2015.

IDWR


Meghan Carter

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP
LAWYERS
BURLEY, IDAHO

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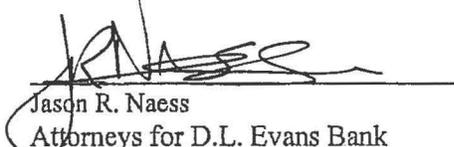
CERTIFICATE OF DELIVERY

I hereby certify that on the 13th day of August, 2015, I served a copy of the foregoing

JOINT MOTION TO ALTER OR AMEND FINAL JUDGMENT upon the following named person(s) in the manner listed below:

S. Bryce Farris	<input checked="" type="checkbox"/>	U.S. Mail
SAWTOOTH LAW OFFICE, PLLC	<input type="checkbox"/>	Via Facsimile (208) 629-7559
P.O. Box 7985	<input type="checkbox"/>	Via Overnight Carrier
Boise, Idaho 83707	<input type="checkbox"/>	Via Hand Delivery
Chris Bromley	<input checked="" type="checkbox"/>	U.S. Mail
McHugh Bromley, PLLC	<input type="checkbox"/>	Via Facsimile (208) 287-0864
380 S 4 th St., Ste 103	<input type="checkbox"/>	Via Overnight Carrier
Boise, Idaho 83702	<input type="checkbox"/>	Via Hand Delivery
Meghan Carter	<input checked="" type="checkbox"/>	U.S. Mail
Deputy Attorneys General	<input type="checkbox"/>	Via Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Via Overnight Carrier
P.O. Box 83720	<input type="checkbox"/>	Via Hand Delivery
Boise, Idaho 83720-0090		

PARSONS, SMITH, STONE,
LOVELAND & SHIRLEY, LLP


Jason R. Naess
Attorneys for D.L. Evans Bank