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ATTORNEY GENERAL

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Deputy Attorney General  
Chief, Natural Resources Division

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Attorneys for the Respondents/Defendants

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

BLUE LAKES TROUT FARM, )  
INC., )  
 )  
Petitioner/Plaintiff, )  
 )  
vs. )  
 )  
GARY SPACKMAN, in his official )  
capacity as Interim Director of the Idaho )  
Department of Water Resources, )  
and the IDAHO DEPARTMENT )  
OF WATER RESOURCES, )  
 )  
Respondents/Defendants. )  
\_\_\_\_\_ )

Case No. CV-WA-2010-19823

**RESPONDENTS' MEMORANDUM  
OF COSTS AND ATTORNEY FEES**

**LODGED**

District Court - SRBA  
Fifth Judicial District  
In Re: Administrative Appeals  
County of Twin Falls - State of Idaho

**NOV 12 2010**

By \_\_\_\_\_  
Deputy Clerk

COMES NOW, Garrick L. Baxter, Deputy Attorney General, and hereby submits


*Respondents' Memoranda of Costs and Attorney Fees* as follows:

Costs – Brief production and postage .....	\$ 130.53
Fees.....	\$ <u>4,675.00</u>
Total.....	\$ 4,805.53

The Department is entitled to its costs and attorney fees pursuant to Idaho Code § 12-117, I.R.C.P. 54(d)(1), 54(d)(5) and 54(e)(1). This memorandum is supported by the *Affidavit of Garrick Baxter in Support of Respondents' Memorandum of Costs and Fees* and the *Motion for Attorneys Fees* filed herewith.

DATED this 12<sup>th</sup> day of November, 2010.

LAWRENCE G. WASDEN  
 Attorney General  
 CLIVE J. STRONG  
 Deputy Attorney General  
 CHIEF, NATURAL RESOURCES DIVISION




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GARRICK L. BAXTER  
 Deputy Attorney General  
 Idaho Department of Water Resources


## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>TH</sup> day of November, 2010, I caused a true and correct copy of the foregoing RESPONDENTS' MEMORANDUM OF COST AND ATTORNEY FEES to be filed with the Court and served on the following parties by the indicated methods:

<p><i>Original to:</i>  SRBA Court  253 3rd Ave. North  P.O. Box 2707  Twin Falls, ID 83303-2707</p>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>Daniel V. Steenson  Charles L. Honsinger  S. Bryce Farris  RINGERT LAW CHARTERED  455 South 3<sup>rd</sup>  P.O. Box 2773  Boise, ID 83701-2773  <a href="mailto:dan@ringertclark.com">dan@ringertclark.com</a>  <a href="mailto:clh@ringertclark.com">clh@ringertclark.com</a>  <a href="mailto:bryce@ringertclark.com">bryce@ringertclark.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Randall C. Budge  Candice M. McHugh  Thomas J. Budge  RACINE OLSON  P.O. Box 1391  Pocatello, ID 83204-1391  <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a>  <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a>  <a href="mailto:tjb@racinelaw.net">tjb@racinelaw.net</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>John K. Simpson  Travis L. Thompson  Paul L. Arrington  <b>BARKER ROSHOLT &amp; SIMPSON, LLP</b>  113 Main Avenue West, Suite 303  P.O. Box 485  Twin Falls, ID 83303-0485  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Jeffrey C. Fereday  Michael C. Creamer  Michael P. Lawrence  <b>GIVENS PURSLEY LLP</b>  P.O. Box 2720  Boise, ID 83701-2720  <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a>  <a href="mailto:jeffereday@givenspursley.com">jeffereday@givenspursley.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Michael S. Gilmore  Deputy Attorney General  Idaho Attorney General's Office  P.O. Box 83720  Boise, ID 83720-0010  (208) 334-2830  <a href="mailto:mike.gilmore@ag.idaho.gov">mike.gilmore@ag.idaho.gov</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Justin May  <b>MAY SUDWEEKS &amp; BROWNING LLP</b>  1419 W. Washington  Boise, ID 83702  <a href="http://jmay&amp;may-law.com">jmay&amp;may-law.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Robert E. Williams  <b>WILLIAMS MESERVY LOTHSPREICH LLP</b>  153 E. Main St.  P.O. Box 168  Jerome, ID 83338-0168  <a href="mailto:rewilliams@cableone.net">rewilliams@cableone.net</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>Allen Merritt Cindy Yenter IDWR --Western Region 1341 Fillmore St., Ste 200 Twin Falls, Id 83301-3033 <a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a> <a href="mailto:cindy.yenter@idwr.idaho.gov">cindy.yenter@idwr.idaho.gov</a></p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
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GARRICK L. BAXTER  
Deputy Attorney General