

ORIGINAL

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*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, Twin Falls Canal
Company*

IN THE SUPREME COURT OF THE STATE OF IDAHO

CITY OF BLACKFOOT;

Petitioner-Appellant,

vs.

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

Respondents-Respondents,

and

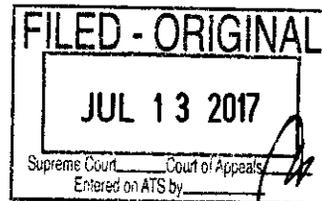
**A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, TWIN FALLS CANAL
COMPANY, AMERICAN FALLS
RESERVOIR DISTRICT #2, and
MINIDOKA IRRIGATION DISTRICT,**

Intervenors-Respondents.

**Supreme Court Docket No. 44207-
2016**

**(Bingham County Case No. CV-2015-
1687)**

**DECLARATION OF TRAVIS L.
THOMPSON IN SUPPORT OF
REPLY IN SUPPORT OF
MEMORANDUM OF COSTS AND
ATTORNEY FEES**



**IN THE MATTER OF APPLICATION FOR
PERMIT NO. 27-12261 IN THE NAME OF
THE CITY OF BLACKFOOT.**

STATE OF IDAHO)
) ss.
County of Twin Falls)

I, TRAVIS L. THOMPSON, being first duly sworn, depose and say:

1. I am an attorney with Barker Rosholt & Simpson LLP representing A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company in this matter. I am a competent adult over the age of eighteen years, and make the following statements based upon my personal knowledge and familiarity with this matter.

2. Attorneys John K. Simpson and Paul L. Arrington in the firm served as co-counsel with me in this matter at the time.

3. An itemization of attorney fees, including the date that the services were rendered, the personnel providing the services, the type of service, the time expended, and the total dollar charge, is attached as Exhibit A to the *Affidavit of Travis L. Thompson in Support of Memorandum of Costs and Attorneys Fees* previously filed in this matter. These costs and fees were reasonably incurred and claimed in compliance with I.A.R. 40 and 41.

4. If necessary to consider, the Rule 54 factors to address for the attorneys fees award are as follows:

4.1 The time and labor required: The time and labor required on appeal are itemized on Exhibit A *Affidavit of Travis L. Thompson in Support of Memorandum of Costs and Attorneys Fees*.

4.2 Novelty and difficulty of the questions: This case involved an attempt by the Appellant to obtain a new consumptive use ground water permit based upon a unique interpretation of the wording of an existing water right (not used for groundwater recharge) and a settlement agreement between the Appellant and Intervenor. The case involved a significant review of statutes and case law pertaining to water rights and their interpretation, as well as a review and research of the prior water right and the file related to that matter.

4.3 Experience and ability of attorneys. John K. Simpson has practiced law for over 26 years. Paul Arrington has practiced law for over 12 years. I have practiced law for over 16 years. All attorneys with the firm have represented irrigation entities in various matters, including litigation, and have significant experience in these areas of law.

4.4 Prevailing charges for like work: In this matter the clients agreed to pay partners John K. Simpson and Travis L. Thompson \$200/hour and associate Paul L. Arrington \$175/hour. These hourly rates are consistent with the southern Idaho market rate (including for Boise and Twin Falls, Idaho) for attorneys with equal experience and awards in recent cases.

4.5 Fixed or contingent: The clients agreed to pay the firm based upon the hourly rates set forth above.

4.6 Time limitations: There were not 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 the Appellant's attempt to obtain a new consumptive use ground water right that would harm the Intervenor's senior surface water rights. The clients obtained favorable decisions before the agency, the district court, and the Idaho Supreme Court.

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

4.9. Nature and length of professional relationship with client. The attorneys have represented clients NSCC, TFCC, and Milner for over 17 years and have represented clients A&B and BID for over 10 years.

4.10 Awards in similar cases. The undersigned is unaware of awards in similar cases. However, the court did award attorneys to the Idaho Dept. of Water Resources in *Rangen, Inc. v. IDWR*, Id. S. Ct. Docket No. 42772-2015.

4.11 Automated legal research. No cost claimed.

5. Summary of Fees claimed:

Costs	\$ 260.00
Attorneys Fees	\$7,875.00
Total	\$8,135.00

CERTIFICATION UNDER PENALTY OF PERJURY

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

DATED this 13th day of July, 2017.



Travis L. Thompson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of July, 2017, I served true and correct copies of the foregoing upon the following by the method indicated:

Idaho Supreme Court
Clerk of the Court of Appeals
P.O. Box 83720
Boise, ID 83720-0101

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Snake River Basin Adjudication
Clerk of the Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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Travis L. Thompson