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Attorneys for Defendants Gary Spackman and
the Idaho Department of Water Resources

**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,

Plaintiff,

vs.

BALLENTYNE DITCH COMPANY,
LIMITED; THOMAS MECHAM RICKS,
GARY SPACKMAN, IN HIS OFFICIAL
CAPACITY AS THE DIRECTOR OF THE
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,

Case No. CV-OC-2013-17406

AFFIDAVIT OF MEGHAN CARTER

DATED this 3rd day of April 2015.

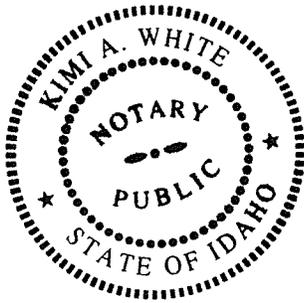
LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division



MEGHAN CARTER
Deputy Attorney General
Idaho Department of Water Resources

SUBSCRIBED AND SWORN to before me this 3rd day of April, 2015.





NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires: 04/01/16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April 2015, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

Original to:
Clerk of the Court
Ada County District Court
200 W. Front Street
Boise, Idaho 83702
Facsimile: (208) 287-6919

- U.S. Mail, postage prepaid
- Hand Delivery
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MEGHAN CARTER
Deputy Attorney General

Exhibit A

EXHIBIT A

IDAHO ATTORNEY GENERAL'S OFFICE
Natural Resource Division
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

D.L. Evans Bank v. Ballentyne Ditch Co. et al.
Case No. CV-OC-2013-17406

Attorney Fees Meghan Carter

<u>Date</u>	<u>Description</u>	<u>Time</u>	<u>Total</u>
8/16/2014	Answer to Complaint	0.75	\$71.25
8/17/2014	Answer to Complaint	1.50	\$142.50
8/18/2014	Answer to Complaint	0.75	\$71.25
8/28/2014	Motion to Change Venue	3.00	\$285.00
8/29/2014	Motion to Change Venue	5.00	\$475.00
9/1/2014	Motion to Change Venue	1.50	\$142.50
9/2/2014	Motion to Change Venue	0.20	\$19.00
12/4/2014	Scheduling Conference	0.75	\$71.25
1/5/2015	Draft Motion to dismiss	2.00	\$190.00
1/6/2015	Draft Motion to dismiss	0.20	\$19.00
1/16/2015	Draft Motion to dismiss	4.00	\$380.00
1/22/2015	Draft Motion to dismiss	1.00	\$95.00
1/23/2015	Draft Motion to dismiss	7.00	\$665.00
1/26/2015	Draft Motion to dismiss	2.00	\$190.00
2/10/2015	Draft Reply Brief	4.00	\$380.00
2/11/2015	Draft Reply Brief	2.75	\$261.25
2/12/2015	Draft Reply Brief	3.00	\$285.00
2/13/2015	Oral Argument Prep	2.00	\$190.00
2/17/2015	Oral Argument Prep	0.75	\$71.25
2/18/2015	Oral Argument Prep	4.50	\$427.50
2/19/2015	Oral Argument Prep	3.10	\$294.50
	Oral Argument	2.00	\$190.00
2/20/2015	Answer Interrogatories	0.50	\$47.50
	Total Fees:	52.25	\$4,963.75

Exhibit B

19.0 RECOVERY OF ATTORNEY FEES AND COSTS

It is the policy of the OAG to seek the award of attorney fees whenever the State or one of its agencies is a prevailing party in litigation or is otherwise entitled to attorney fees. Additionally, it is the policy of the OAG to seek the maximum recovery of costs available under the appropriate rule or statute. Certain client-agencies may have policies that dictate a waiver of attorney fees.

In litigation, where there is the possibility of an award of attorney fees, the Deputy Attorney General who is counsel of record on the case shall keep accurate time records. It is imperative that all time records be kept on a *contemporaneous* basis and that they be accurate because, at the conclusion of the case, the attorney of record will be required to submit an affidavit to the court stating that the time records submitted are accurate and were made contemporaneously with the work performed.

For those attorneys defending federal civil rights actions, it is important to keep accurate time records, even when the State is not likely to be the prevailing party. The best defense to a plaintiff's request for attorney fees is to show the court the amount of time spent defending the matter. If accurate and contemporaneous time records are not kept, the State cannot present this type of defense when the attorney's fee bill is argued.

Based upon a study of the market rates charged by local firms and fee awards in recent cases, the following hourly rates have been established for this office:

Attorney General	\$175.00 Per Hour
Attorneys with More than Twenty Years' Experience	\$150.00 Per Hour
Attorneys with 11-20 Years' Experience	\$125.00 Per Hour
Attorneys with 6-10 Years' Experience	\$110.00 Per Hour
Attorneys with 0-5 Years' Experience	\$95.00 Per Hour
Law Clerks and Paralegals	\$50.00 Per Hour

Last Change: March 11, 2005