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AUG 14 2015

DEPARTMENT OF  
WATER RESOURCES

1 R.C. Stone  
2 Jason R. Naess  
3 **PARSONS, SMITH, STONE,**  
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10 Idaho State Bar #1890  
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12 Attorneys for Plaintiff

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

15 D.L.EVANS BANK,  
16 Plaintiff,

17 vs.

18 BALLENTYNE DITCH COMPANY,  
19 LIMITED; THOMAS MECHAM RICKS;  
20 GARY SPACKMAN, IN HIS OFFICIAL  
21 CAPACITY AS DIRECTOR OF THE  
22 IDAHO DEPARTMENT OF WATER  
23 RESOURCES; IDAHO DEPARTMENT  
24 OF WATER RESOURCES; AARON  
25 RICKS, DIRECTOR OF BALLENTYNE  
26 DITCH COMPANY; SHAUN BOWMAN,  
DIRECTOR OF BALLENTYNE DITCH  
COMPANY; JOE KING, DIRECTOR  
OF BALLENTYNE DITCH COMPANY;  
STEVE SNEAD, DIRECTOR  
OF BALLENTYNE DITCH COMPANY

Defendants.

Case No. CV OC 1317406

AFFIDAVIT OF JASON R. NAESS

Jason Naess having been first duly sworn, deposes and states:

1. I am over 18 years old, and am the counsel of record for D.l. Evans in the

1 above-captioned case.

2 2. On April 2, 2015, Meghan Carter, counsel for IDWR called me and  
3 informed me that IDWR was filing a Motion for Attorney's Fees, but that the Motion  
4 would be withdrawn if and when the remaining parties to this case resolved the case  
5 without proceeding to trial.

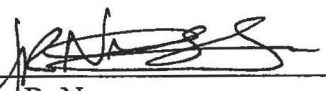
6 3. IDWR's Motion for Attorney's Fees was filed April 3, 2015.

7 4. The remaining parties to the case, D.L. Evans, Ballentyne Ditch Company,  
8 and Thomas Mecham Ricks, continued to work towards a mutually stipulated resolution.  
9 Because it was believed the IDWR Motion was going to be withdraw upon resolution of  
10 the case by the remaining parties, D.L. Evans did not respond to IDWR's Motion.  
11

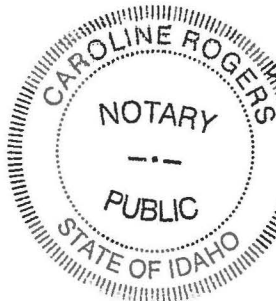
12 5. Further your affiant sayeth not.

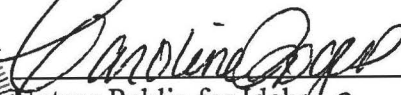
13 Dated this 13<sup>th</sup> day of August, 2015.

14 PARSONS, SMITH, STONE,  
15 LOVELAND & SHIRLEY, LLP

16  
17   
18 Jason R. Naess

19 SUBSCRIBED and sworn to before me, this 13 day of August, 2015.



  
Notary Public for Idaho  
Residing at Paul ID  
My commission expires 2-18-2017

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of August, 2015, I caused a true and correct copy of the AFFIDAVIT OF JASON R. NAESS to be served upon the following person(s) in the following manner:

S. Bryce Farris  
SAWTOOTH LAW OFFICE, PLLC  
P.O. Box 7985  
Boise, ID 83707

☒ U.S. Mail  
☐ Via Facsimile  
☐ Via Overnight Carrier  
☐ Via Hand Delivery

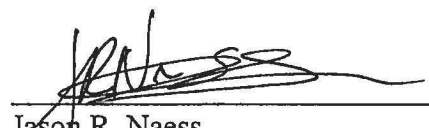
Chris Bromley  
McHugh Bromley, PLLC  
380 S 4<sup>th</sup> St., Ste 103  
Boise, Idaho 83702

☒ U.S. Mail  
☐ Via Facsimile (208) 287-0864  
☐ Via Overnight Carrier  
☐ Via Hand Delivery

Meghan Carter  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0090

☒ U.S. Mail  
☐ Via Facsimile  
☐ Via Overnight Carrier  
☐ Via Hand Delivery

**PARSONS, SMITH, STONE,  
LOVELAND & SHIRLEY, LLP**

  
\_\_\_\_\_  
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