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*Attorney for American Falls Reservoir
District #2 and Minidoka Irrigation District*

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

CITY OF POCA TELLO, ET AL.,

Petitioners,

vs.

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

Respondents.

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY AND FOR THE BENEFIT OF A&B
IRRIGATION DISTRICT, AMERICAN FALLS
RESERVOIR DISTRICT NO. 2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN FALLS
CANAL COMPANY,

Intervenors.

Case No. CV01-23-8258

**DECLARATION OF W. KENT
FLETCHER IN SUPPORT OF
MEMORANDUM OF COSTS AND
ATTORNEY'S FEES**

STATE OF IDAHO)
)
County of Cassia)

W. Kent Fletcher being first duly sworn, deposes and states:

1. He is the attorney for Intervenors Minidoka Irrigation District (MID) and American Falls Reservoir District #2 (AFRD2) in the above entitled action.

2. To the best of his knowledge and belief, the items set forth in this Declaration are correct and the costs claimed are in compliance with Idaho Code § 12-117(1) and IRCP 54(d) and (e).

3. The costs and disbursements incurred by MID and AFRD2 in the above entitled action are as follows:

Attorney's fees claimed pursuant to IRCP 54(d) and (e) and Idaho Code § 12-117(1) as itemized on Exhibit A attached: \$2,945.50

Costs as a matter of right pursuant to IRCP 54(d)(1)(C)(i): \$140.76 (filing fee).

4. Factors to be considered:

4.1. The time and labor required: The time and labor required are itemized on Exhibit A.

4.2. Novelty and difficulty of the questions: This case involved an expedited defense of motions and petitions. The case involved a significant review of statutes and case law pertaining to the jurisdiction of the Idaho Department of Water Resources and other matters.

4.3. Experience and ability of attorney: W. Kent Fletcher was licensed to practice law in the State of Idaho in 1978 and since the early 1980's has represented irrigation entities in various matters, including litigation, and has significant experience in litigation.

4.4. Prevailing charges for like work: In this matter, MID and AFRD2 agreed to pay W. Kent Fletcher Two Hundred Twenty-five Dollars (\$225.00) per hour. It is believed by

the undersigned to be a customary and reasonable charge per hour for an attorney having in excess of forty-four (44) years of experience practicing law.

4.5. Fixed or contingent: MID and AFRD2 agreed to pay W. Kent Fletcher the hourly rate described above.

4.6. Time limitations: There were no 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 an attempt to stay a pending administrative action. MID and AFRD2 obtained favorable decisions from the District Court.

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

4.9. Nature and length of professional relationship with client: W. Kent Fletcher has represented MID for approximately forty (40) years and has represented AFRD2 for approximately thirteen (13) years.

4.10. Awards in similar cases: The undersigned is unaware of the amounts of awards in similar cases.

4.11. Automated legal research: No cost claimed.

5. Summary of Costs Claimed:

Attorney’s fees claimed:	\$2,947.50
Court Costs	<u>\$ 140.76</u>
TOTAL	\$3,088.26

CERTIFICATION UNDER PENALTY OF PERJURY

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

DATED this 16th day of June, 2023.

FLETCHER LAW OFFICE



W. Kent Fletcher

*Attorney for American Falls Reservoir
District #2 and Minidoka Irrigation District*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2023, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

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W. Kent Fletcher

CV01-23-8258

DATE	DESCRIPTION OF WORK PERFORMED	HOURS	AMOUNT
5/23/2023	Review Complaint, 3 Declarations, Motion for OSC, proposed OSC	2.0	\$450.00
5/24/2023	Review Court Notice of Hearing	.2	\$45.00
5/24/2023	Review Motion to Shorten Time and Notices of Hearing	.3	\$67.50
5/27/2023	Review IDWR's Motion and supporting points	1.0	\$225.00
5/30/2023	Review and revise SWC Motion to Intervene, Memo in Support, Declaration, Notice of Hearing, emails to and from SWC attorneys	2.0	\$450.00
5/31/2023	Review Petitioner's Response, Declaration of Klahn	.8	\$180.00
5/31/2023	Prepare for Hearing (split with 8187)	1.0	\$225.00
6/1/2023	Hearing (split with 8187)	2.0	\$450.00
6/2/2023	Review Order Granting Motions to Intervene, denying Writs	.3	\$67.50
6/7/2023	Review Notice of Dismissal	.2	\$45.00
6/14/2023	Review Order of Dismissal and Judgment	.3	\$67.50
6/14/2023	Prepare Memorandum of Costs, Declaration and Brief (split with 8187)	3.0	\$675.00
TOTALS		13.1	\$2,947.50

Total hours 13.1 x \$225.00 = \$2,947.50