

Michael C. Creamer [ISB No. 4030]
Michael P. Lawrence [ISB No. 7288]
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Attorneys for Janicek Properties LLC.

RECEIVED

JAN 09 2009

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 63-27475

**AFFIDAVIT OF MICHAEL P.
LAWRENCE IN SUPPORT OF
JANICEK'S SUPPLEMENTAL
MEMORANDUM OF COSTS AND
REQUEST FOR ATTORNEY FEES**

State of Idaho)
) ss.
County of Ada)

MICHAEL P. LAWRENCE, being first duly sworn upon oath, deposes and states:

1. I am an attorney licensed to practice law in the state of Idaho. I make this affidavit based upon personal knowledge and to the best of my information and belief.
2. I am with the firm of Givens Pursley LLP and represent Janicek Properties LLC ("Janicek") in the above-captioned subcase. This affidavit supplements the *Affidavit of Michael P. Lawrence in Support of Janicek's Memorandum of Costs and Request for Attorney Fees* ("Original Lawrence Affidavit") dated August 28, 2008 filed in the above-captioned matter.

3. Attached hereto as Exhibit A is a true and correct copy of billing sheets reflecting attorney fees and costs incurred in representing Janicek in the above-captioned matter on or after August 28, 2008. My time is reflected in the attached billing sheets under MPL. The other attorneys and staff who supervised or assisted me on this matter are identified on those billing sheets as follows:

MCC – Michael C. Creamer. Mr. Creamer is a partner at Givens Pursley.

KJN – Kelsey J. Nunez. Ms. Nunez is an associate at Givens Pursley.

LLA – Lori L. Anderson. Ms. Anderson is on the administrative staff at Givens Pursley.

Ms. Anderson did not bill the time she spent on this matter on an hourly basis.

Caralea – Caralea Hopingardner. Ms. Hopingardner is on the administrative staff at Givens Pursley. Ms. Hopingardner did not bill the time she spent on this matter on an hourly basis.

4. The billing sheets included with the Original Lawrence Affidavit included two fee entries for August 28, 2008 (one for MPL and one for MCC). For this reason, in the billing sheets included in Exhibit A to this affidavit, I redacted these two fee entries and I reduced the fee total on the billing sheets accordingly. The August 28, 2008 cost entry for Caralea was not in the billing sheets included with the Original Lawrence Affidavit and thus was not redacted in Exhibit A to this affidavit.

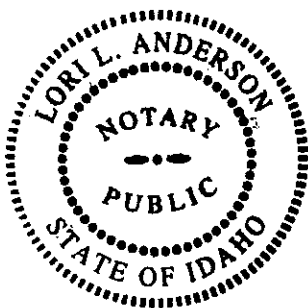
5. As shown in Exhibit A, \$6,064.50 is the amount of attorney fees and \$387.03 is the amount of discretionary costs incurred in this matter on or after August 28, 2008 (not including the redacted fee entries).

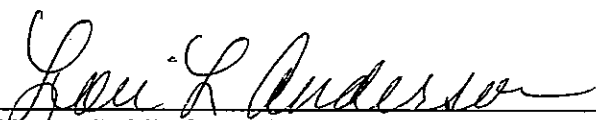
DATED this 8TH day of January, 2009.



Michael P. Lawrence

SUBSCRIBED AND SWORN to before me this 8th day of January, 2009.





Notary Public for Idaho
Residing at Boise Idaho
My commission expires: Aug 23, 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8TH of January, 2009, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Clerk of Fifth Judicial District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax: 208-736-2121

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

Nampa and Meridian
Ringert Clark
c/o Daniel V. Steenson & S. Bryce Farris
P.O. Box 2773
Boise, ID 83701-2773
Fax: 208-342-4657

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☐ Overnight Mail
☐ Facsimile
☐ E-mail

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Chief of Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
Fax: 208-334-2690

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David W. Gehlert
US Department of Justice, Natural Resources
Environment & Natural Resources
1961 Stout Street – 8th Floor
Denver, CO 80294
Fax: 303-844-1350

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

USDI Bureau of Reclamation
c/o US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724
Fax: 208-334-1414

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Pioneer Irrigation District
c/o Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829
Fax: 208-385-5384

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☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail



Michael P. Lawrence

Fees and Costs Listing

Transactions from Aug 28 2008 thru Jan 7 2009

Client / Matter				Fees			Costs			Total Fees and Costs	
Date	ID	Type	Status	Hours	Rate	Amount	Quantity	Rate	Amount	Code	Description
Janicek Properties, LLC / Purdam Water Rights (9547 / 1)											
8/28/2008	Caralea	Cost	Billed				663.00	0.15	99.45	Photocopies	
~~8/28/2008~~	~~MCC~~	~~Fee~~	~~Billed~~	~~2.00~~	~~250.00~~	~~500.00~~					~~Finalize attorney fee request.~~
~~8/28/2008~~	~~MPL~~	~~Fee~~	~~Billed~~	~~0.00~~	~~185.00~~	~~111.00~~					~~Review and edit M. Lawrence Affidavit and exhibits in support of Memo re attorney fees.~~
9/1/2008	KJN	Cost	Billed				1.00	196.88	196.88	Client Electronic Research	August Westlaw Research [KJN]
9/10/2008	LLA	Cost	Billed				2.00	0.15	0.30	Photocopies	
9/12/2008	MCC	Fee	Billed	0.40	250.00	100.00					Review NMID objection to motion for attorney fees.
9/15/2008	LLA	Cost	Billed				76.00	0.15	11.40	Photocopies	
9/16/2008	MCC	Fee	Billed	0.20	250.00	50.00					Office conference re: attorney fee awards.
9/18/2008	MCC	Fee	Billed	0.20	250.00	50.00					Review deadline for filing response to motion to disallow fees.
9/22/2008	LLA	Cost	Billed				1.00	0.15	0.15	Photocopies	
9/22/2008	MPL	Fee	Billed	0.10	185.00	18.50					Phone call to B. Janicek re status (left message).
9/23/2008	MCC	Fee	Billed	0.60	250.00	150.00					Telephone conference with U.S. attorney and NMID attorney re: hearing schedule; review U.S. objection to fees brief.
9/24/2008	MCC	Cost	Billed				1.00	0.18	0.18	Long Distance	
9/24/2008	MPL	Fee	Billed	0.10	185.00	18.50					Phone call to B. Janicek re status.
9/25/2008	MCC	Fee	Billed	3.00	250.00	750.00					Draft response to motion to disallow costs.
9/26/2008	MCC	Fee	Billed	2.90	250.00	725.00					Continue drafting response to motion to disallow fees and costs.
9/29/2008	MCC	Fee	Billed	1.00	250.00	250.00					Draft response brief.
9/30/2008	MCC	Fee	Billed	2.00	250.00	500.00					Telephone conference with M. Lawrence; draft brief.
9/30/2008	MPL	Fee	Billed	0.10	185.00	18.50					Telephone conference with M. Creamer re response brief.
10/1/2008	MCC	Fee	Billed	1.50	250.00	375.00					Draft response brief.
10/7/2008	MPL	Fee	Billed	0.20	185.00	37.00					Telephone conference with B. Janicek re status of briefing on request for attorney fees.
10/8/2008	LLA	Cost	Billed				4.00	0.15	0.60	Photocopies	
10/9/2008	MPL	Cost	Billed				1.00	0.52	0.52	Long Distance	
10/9/2008	MPL	Cost	Billed				1.00	0.18	0.18	Long Distance	

MPL

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EXHIBIT

Fees and Costs Listing

Transactions from Aug 28 2008 thru Jan 7 2009

Client / Matter					Fees		Costs			Total Fees and Costs	
Date	ID	Type	Status	Hours	Rate	Amount	Quantity	Rate	Amount	Code	Description
10/9/2008	MPL	Fee	Billed	3.40	185.00	629.00					Review BOR and NMID Objections to Janicek Request for Attorney Fees; review M. Creamer Brief in Response to Objections; review minutes of 8/27/07 status conference; telephone conference with D. Delaney at SRBA court re same and NMID counsel's statement that wastewater remark is not appropriate; telephone conference with SRBA court re obtaining transcript of 8/27/07 status conference.
10/10/2008	MPL	Cost	Billed				1.00	0.38	0.38	Long Distance	
10/10/2008	MPL	Cost	Billed				1.00	0.18	0.18	Long Distance	
10/10/2008	MPL	Fee	Billed	0.50	185.00	92.50					Listen to 8/27/07 status conference tape; telephone conference with D. Delaney at SRBA re transcript; telephone conference with court reporter re transcript; e-mail correspondence with D. Gehlert (BOR) and B. Farris (NMID) re hearing date.
10/13/2008	LLA	Cost	Billed				1.00	32.00	32.00	Transcript Expense	Maureen Newton, C.S.R. - Court Reporter Hearing Transcript - Hrg. 8/27/07
10/14/2008	MPL	Cost	Billed				1.00	0.18	0.18	Long Distance	
10/14/2008	MPL	Cost	Billed				1.00	0.10	0.10	Long Distance	
10/14/2008	MPL	Fee	Billed	2.60	185.00	481.00					Revise Response to Objections to Attorney Fees; review transcript from 8/27/07 status conference.
10/15/2008	LLA	Cost	Billed				184.00	0.15	27.60	Photocopies	
10/15/2008	LLA	Cost	Billed				1.00	0.15	0.15	Photocopies	
10/15/2008	LLA	Cost	Billed				8.00	0.15	1.20	Photocopies	
10/15/2008	LLA	Cost	Billed				1.00	0.15	0.15	Photocopies	
10/15/2008	MPL	Cost	Billed				1.00	0.18	0.18	Long Distance	
10/15/2008	MPL	Fee	Billed	3.60	185.00	666.00					Finalize Response to Objections to Attorney Fees; e-mail correspondence with opposing counsel re available hearing dates; telephone conference with SRBA Court re same.
10/16/2008	LLA	Cost	Billed				24.00	0.15	3.60	Photocopies	
10/16/2008	LLA	Cost	Billed				1.00	0.15	0.15	Photocopies	
10/16/2008	MPL	Fee	Billed	0.20	185.00	37.00					Review and revise Notice of Hearing on Costs and Attorney fees; arrange service of same.
10/17/2008	LLA	Cost	Billed				2.00	0.15	0.30	Photocopies	
10/20/2008	LLA	Cost	Billed				1.00	0.15	0.15	Photocopies	
10/20/2008	MPL	Fee	Billed	0.40	185.00	74.00					Review Order of Partial Decree; send letter to B. Janicek enclosing same and Response to Objections to Attorney Fees.

Fees and Costs Listing

Transactions from Aug 28 2008 thru Jan 7 2009

Client / Matter				Fees			Costs			Total Fees and Costs	
Date	ID	Type	Status	Hours	Rate	Amount	Quantity	Rate	Amount	Code	Description
11/4/2008	MPL	Fee	Billed	0.50	185.00	92.50					Draft and file amended affidavit with signed court reporter's transcript.
11/12/2008	MCC	Fee	Billed	0.90	250.00	225.00					Begin review of briefs/affidavits re: motion for attorney fees in preparation for oral argument on 11/17/08.
11/17/2008	MCC	Cost	Billed				1.00	5.40	5.40	Long Distance	
11/17/2008	MCC	Fee	Billed	2.90	250.00	725.00					Prepare for and participate in oral argument on attorney fees.
11/18/2008	LLA	Cost	Billed				1.00	5.20	5.20	Miscellaneous Expense	Snake River Basin Adjudication Court - Audio
11/18/2008	LLA	Cost	Billed				3.00	0.15	0.45	Photocopies	Recording of Status Conference 8/28/07 63-27475
Matter Totals				Unbilled:							
				Billed:	~~29.30~~ 27.3	~~5,675.50~~ 6,064.50			387.03		~~7,062.53~~ 6,451.53
					~~29.30~~ 27.3	~~\$5,675.50~~ 6,064.50			\$387.03		~~\$7,062.53~~ 6,451.53

MPL

Fees and Costs Listing

Transactions from Aug 28 2008 thru Jan 7 2009

Client / Matter		Fees			Costs			Total Fees and Costs			
Date	ID	Type	Status	Hours	Rate	Amount	Quantity	Rate	Amount	Code	Description
Report Totals		Unbilled:									
		Billed:		<u>20.00</u>	27.3	<u>6,075.50</u>	6,064.50		387.03		<u>7,002.53</u> 6,451.53
				20.00	27.3	6,075.50	6,064.50		\$387.03		\$7,002.53 6,451.53

MPL

MPL

Fees and Costs Listing

Transactions from Aug 28 2008 thru Jan 7 2009

Client / Matter				Fees			Costs			Total Fees and Costs	
Date	ID	Type	Status	Hours	Rate	Amount	Quantity	Rate	Amount	Code	Description

O:\REPORTS\CRYSTAL\WIP\Fees and Costs Listing.rpt

Version: 8.6.2.4575 Build: 4575

Selection Criteria for Session #503,050

Report File	O:\REPORTS\CRYSTAL\WIP\Fees and Costs Listing.rpt
Secondary Title	
From Date	Aug 28 2008
Thru Date	Jan 7 2009
Fees or Costs	Both
Value Billing Transactions or Normal Transactions	Normal
Show Detail Rows	Yes
Client List	
Matter List	9547/1 Janicek Properties, LLC / Purdam Water Rights