

RECEIVED 5-17
MAY 17 2012

DEPARTMENT OF
WATER RESOURCES

Thomas J. Budge, ISB No. 7465
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
Post Office Box 1391
201 E. Center Street
Pocatello, Idaho 83204-1391
208-232-6101 - Telephone
208-232-6109 - Fax

*Attorneys for Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc.,
Trees, Inc., and Al Shiver*

**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 Nos. 22-13212,
22-11639, 22-13853**

**AFFIDAVIT OF
THOMAS J. BUDGE**

STATE OF IDAHO)
 : SS
County of Bannock)

THOMAS J. BUDGE, being first duly sworn under oath deposes and states as follows:

1. I am a citizen of the United States of America; a resident of Bannock County, Idaho; of legal age; and competent to be a witness.

2. I am an attorney licensed to practice law in the State of Idaho, and if called upon to testify, could testify to the following, all of which are within my own personal knowledge or based upon my professional judgment.

3. I have been engaged in the active practice of law since September of 2006, holding Idaho State Bar License No. 7465. I am a partner with the law firm of Racine, Olson, Nye, Budge & Bailey, Chartered ("Racine Olson") in Pocatello, Idaho. A substantial portion of my legal practice involves water law and litigation related thereto. I am familiar with the prevailing rate for attorneys in the southern Idaho area engaged in similar practices. A usual and customary hourly rate in Southern Idaho for legal services of this kind is in the range of \$150.00 to \$245.00 per hour, varying based on experience. My current rate for legal services of this kind is \$190 per

hour, but in these subcases I billed my clients \$175 per hour for work for which an award of fees is requested.

4. As set forth in the *Memorandum of Attorney Fees* filed simultaneous herewith, my clients Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc., Trees, Inc., and Al Shiver (collectively the “Objectors”) have requested an award of fees incurred in responding to the certain pleadings filed by Mike Reid in violation of Rule 11(a)(1) of the Idaho Rules of Procedure. Attached hereto as Exhibit A are copies of Racine Olson Summary Fee Transaction File Lists for each of the Objectors, providing itemized summaries of the hours billed and the work performed since May 6, 2011. The Objectors have been billed separately for work performed, with hours allocated evenly among them. Thus, there are four separate statements attached as Exhibit A—one for each of the Objectors. Work performed on matters for which the Objectors have not sought an award of attorney fees are redacted from each statement.

5. As set forth in Exhibit A, the Objectors have incurred the following attorney fees in defending against the pleadings indicated:

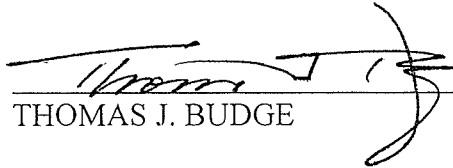
PLEADING	TOTAL HOURS	HOURS ALLOCATED TO EACH OBJECTOR	TOTAL FEES INCURRED	FEES ALLOCATED TO EACH OBJECTOR
<i>Motion to Set Aside Verdict</i> filed by Mike Reid on May 4, 2011, in subcase no. 22-13212.	8.8	2.2	\$1,540	\$385
<i>Motion to File Amended Notice of Claim</i> filed by Mike Reid on October 24, 2011, in subcase no. 22-13853.	0.4	0.1	\$17.50	\$70
<i>Notice of Appeal</i> filed by Mike Reid on March 23, 2012, in subcase no. 22-11639.	10.8	2.7	\$1890	\$472.50
TOTAL	20	5	\$3,500	\$927.50

6. I have personal knowledge of the commencement and progress of the above-identified pleading and the attorney fees incurred by the Objectors. The time and work indicated in Exhibit A were reasonably and necessarily incurred in the defense of the above-identified pleadings filed by Mike Reid.

7. The Objectors are entitled to recover their attorney fees pursuant to Rule 11 (1)(a) of the Idaho Rules of Civil Procedure.

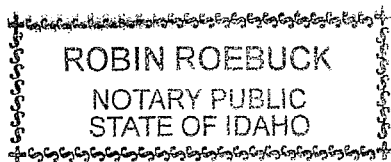
FURTHER SAITH AFFIANT NAUGHT.

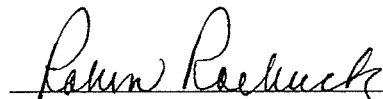
DATED this 14th day of May, 2012.



THOMAS J. BUDGE

SUBSCRIBED AND SWORN TO before me this 14th day of May, 2012.





NOTARY PUBLIC FOR IDAHO
Residing at Pocatello.
My Commission Expires 8/18/2012.

CERTIFICATE OF SERVICE

I CERTIFY that on this 15th day of May, 2011, the above Affidavit of Thomas J. Budge in Support of Memorandum of Fees was served in the following manner:

Deputy Clerk
Snake River Basin Adjudication
PO Box 2707, 253 Third Avenue N.
Twin Falls, Idaho 83303

☒ U.S. Mail/Postage Prepaid
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

☒ U.S. Mail/Postage Prepaid
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

Michael L. Reid
Michael Reid
Steven Reid
550 S 450 W
Victor, ID 83455

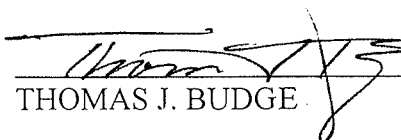
☒ U.S. Mail/Postage Prepaid
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

Don Miller
1835 Teton View Dr.
Rexburg, Idaho 83440

☒ U.S. Mail/Postage Prepaid
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

Chet Miller
Rex Miller
PO Box 532
Driggs, Idaho 83422

☒ U.S. Mail/Postage Prepaid
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery


THOMAS J. BUDGE

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 Nos. 22-13212,
22-11639, 22-13853

**ORDER AWARDING
ATTORNEY FEES**

The Court having reviewed the *Objectors' Response to Notice of Appeal* filed April 23, 2012, in subcase no. 22-11639, and the *Memorandum of Fees*, and *Affidavit of Thomas J. Budge* filed _____ in each of the above-captioned subcases, the Court hereby finds that the *Motion to Set Aside Verdict* filed by Mike Reid on May 4, 2011, in subcase no. 22-13212; the *Motion to File Amended Notice of Claim* filed by Mike Reid on October 24, 2011, in subcase no. 22-13853; and the *Notice of Appeal* filed by Mike Reid on March 23, 2012, are not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and were therefore filed in violation of Rule 11(a)(1) of the Idaho Rules of Civil Procedure. The Court further finds that an appropriate sanction for such violations is to order Mr. Reid to pay the reasonable attorney fees incurred by Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc., Trees, Inc., and Al Shiver in responding to the foregoing pleadings.

THEREFORE, IT IS HEREBY ORDERED that Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc., Trees, Inc., and Al Shiver each be awarded their attorney fees in the amount of \$927.50, for a total amount of \$3,500, which amount shall be paid by Mike Reid.

Interest shall accrue at the statutory rate on the above amount from the date of this judgment until satisfied. Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc., Trees, Inc., and Al Shiver may immediately have execution hereon.

DATED this _____ day of _____, 2012.

BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CLERK'S CERTIFICATE OF SERVICE

I CERTIFY that on this _____ day of _____, 2012, the above **Order Awarding Attorney Fees** was served in the following manner:

Deputy Clerk	☐ U.S. Mail/Postage Prepaid
Snake River Basin Adjudication	☐ Facsimile
PO Box 2707, 253 Third Avenue N.	☐ Overnight Mail
Twin Falls, Idaho 83303	☐ Hand Delivery

IDWR Document Depository	☐ U.S. Mail/Postage Prepaid
PO Box 83720	☐ Facsimile
Boise, Idaho 83720-0098	☐ Overnight Mail
	☐ Hand Delivery

Michael L. Reid	☐ U.S. Mail/Postage Prepaid
Michael Reid	☐ Facsimile
Steven Reid	☐ Overnight Mail
550 S 450 W	☐ Hand Delivery
Victor, ID 83455	

Don Miller	☐ U.S. Mail/Postage Prepaid
1835 Teton View Dr.	☐ Facsimile
Rexburg, Idaho 83440	☐ Overnight Mail
	☐ Hand Delivery

Chet Miller	☐ U.S. Mail/Postage Prepaid
Rex Miller	☐ Facsimile
PO Box 532	☐ Overnight Mail
Driggs, Idaho 83422	☐ Hand Delivery

DEPUTY CLERK