

DEC 20 2021

By _____ Clerk

Deputy Clerk

**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,

**AFFIDAVIT OF VERNON K. SMITH IN
SUPPORT MOTION FOR ENTRY OF
ORDER ON ATTORNEY'S FEES AND
COSTS WITHOUT EVIDENTIARY
HEARING, AND TRANSFER
REMAINING CLAIMS TO ELMORE
COUNTY**

STATE OF IDAHO) ss.
County of Ada)

1. That I am among counsel for the above-named Respondent and Counterclaimant, Weitz & Co. Inc. ("Weitz"); that your Affiant is over the age of majority; competent to testify; and does make this affidavit upon his own personal knowledge from the file developed in this case.

2. That attached to this affidavit is **EXHIBIT A**, being the 50-pages of billing statements that were submitted to Weitz by the Schroeder Law Offices, PA, and taken from which those billings is the sum of **\$83,094.08** that has been included in the Schroeder Memorandum filed with this court regarding the attorney fees and costs requested by their firm. The actual sum paid to the Schroeder Law Offices by Weitz was the total sum of those billings, amounting to the sum of **\$92,542.20**, as identified in those *billings* that were submitted to Weitz for payment

Affidavit Of Vernon K. Smith In Support Of Motion For Entry Of Order On Attorney's Fees And Costs Without Evidentiary Hearing, and Transfer Remaining Claims To Elmore County
P.1

1 by the Schroeder Law Office, as confirmed by the 50-page billing statements identified in
2 **Exhibit "A"**. When the calculations were computed by the firm they did not get the entire
3 billings included.

4 3. That attached as **Exhibit "B"** is the *Verification of the Weitz payment* of those sums, as
5 all of those billings were paid in full by Weitz.

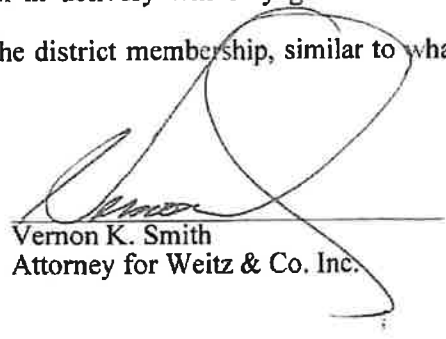
6 4. That attached as **EXHIBIT "C"** is the latest billing submitted by the Schroeder Law
7 Offices, PC generated by their firm after entry of this Court's Certified Judgment, and following
8 the former filing of the Schroeder Memorandum, representing the additional fees that were
9 assessed by the Schroeder Law Offices, the result of MHID's failure to dismiss their *Appeal*
10 when it was first represented that the dismissal would occur, and Schroeder law Offices
11 continued their preparation of the case in anticipation the appeal was still going to proceed and
12 there was to be the forthcoming transfer of the remaining claims to Elmore County. The
13 Schroeder Law Offices continued their preparation efforts and accrued another **\$22,633.17**, as
14 identified in the *billing, Exhibit "C"* attached to this affidavit. Those further legal services have
15 been declared necessary by the Schroeder Law Offices, given what they saw to be the uncertain
16 status of the appeal and lack of success in the settlement negotiations, being aware of the earlier
17 failed mediation efforts with MHID.

18 5. These additional fees incurred by the Schroeder Law Offices should also be the
19 *responsibility of MHID to pay*, and these additional fees are submitted to this Court for
20 consideration as part of the reasonable and necessary fees incurred, in addition to the fees
21 identified in the initial Memorandum and Affidavit before submitted by the Schroeder Law
22 Office to this court.

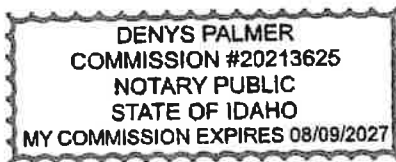
23 6. Weitz has been forced to endure the needless expense of this litigation pursued by
24 MHID, and the recovery of these fees and expenses will serve to encourage MHID to re-
25 evaluate their motives, and consequence of their actions, knowing both the beneficial rights to
26 the Canyon Creek spring flows had to be delivered to the Bennett Property, and fully aware the

1 stored water identified in the Flora Bennett Delivery Agreement remains a contractual
2 obligation that must be performed, and disruption in delivery will only give rise to further
3 damages, more attorney fees, and discord among the district membership, similar to what they
4 experienced in 1934-35.

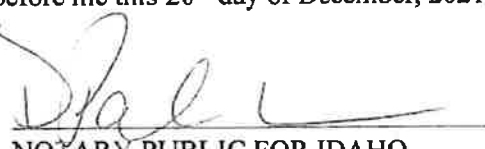
5 Dated this 20th of December, 2021.


Vernon K. Smith
Attorney for Weitz & Co. Inc.

8 SUBSCRIBED AND SWORN TO before me this 20th day of December, 2021.



13 Seal


NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My commission expires: 08/09/2027

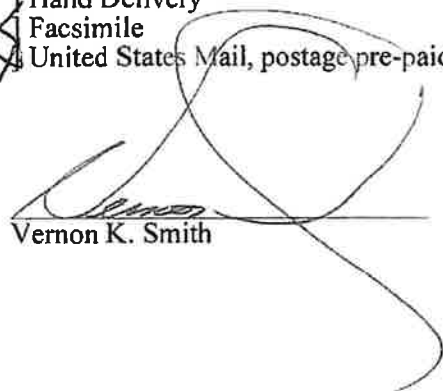
14 **CERTIFICATE OF SERVICE**

15 I HEREBY CERTIFY that on this 20th day of December, 2021, pursuant to the Idaho
16 Rules of Civil Procedure, I caused a true and correct copy of the above and foregoing Motion to
be delivered to the following Party, by the means and methods as follows:

17
18 Chris M. Bromley
380 S. 4th St. STE 103
19 Boise, ID 83702
Tel. (208) 287-0991

20
21
22
23

☐	i-Court File and Serve
☐	E-mail
☐	Hand Delivery
☒	Facsimile
☒	United States Mail, postage pre-paid.


Vernon K. Smith

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/3/20	1	LAS	(Billing) Ememo to/from "of counsel" Browitt requesting assistance in representation in front of SRBA; review and edit scope of work for litigation hourly contract as outlined by paralegal Harman (n/c)	\$440.00	0.1	\$0.00
11/3/20	1	LAS	Receiving request for representation and noting that no response was filed with SRBA to MHID petition request attorney Wiley to review of SRBA rules in conjunction with determining date attorney Smith was served to determine when answer was or is required given local counsel has not docketed the same; advise attorney Wiley that "do not default" notice may be required if deadline to respond has passed	\$440.00	0.3	\$132.00
11/4/20	1	LAS	(Billing) Continue working on file set up confirming that paralegal Harman will act as paralegal with "of counsel" Browitt working as "of counsel" (n/c)	\$440.00	0.2	\$0.00
11/5/20	28	OVM	(Billing) Teleconference with client re contract and follow up with team re same confirming advice given to client; process summary letter with edits and fully executed contract for legal services and save to client file (n/c)	\$50.00	0.7	\$0.00
11/5/20	1	LAS	(Billing) Advise on client preference for proposed fee contract for follow up by assistant Marovich (n/c)	\$440.00	0.2	\$0.00
11/6/20	1	LAS	Set up, provide agenda and meet with TEAM considering jurisdiction, venue, opposing counsel for assignments re JDWR microfiche review, preparation of torts claim notice, drafting of answer and counterclaims, notice of appearance etc. noting attorney Smith's file requires electronic organization which will be accomplished by paralegal Harman	\$440.00	0.6	\$264.00
11/6/20	18	JEB	Video conference with attorneys Schroeder and Wiley and paralegal Harman to discuss and plan preparation for SRBA court hearing; accept assignment to draft answer/counterclaim to Mountain Home Irrigation Districts petition	\$260.00	0.6	\$156.00
11/6/20	13	RSH	Strategy meeting re next steps for pending litigation and upcoming hearing, tort claims, pleading preparation timeline, and general matter background; circulate zip file of attorney Smith client file for Weitz to learn for use in drafting answer to MHID petition	\$135.00	1	\$135.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/8/20	18	JEB	In preparation of drafting answer/counterclaim to MHID petition, review petition and documents contained in file provided by client re correspondence with MHID, SRBA mediator Booth, counsel for client's predecessor in interest Van Berken and IDVR	\$260.00	2.1	\$546.00
11/9/20	1	LAS	Receive draft torts claim notice prepared by attorney Wiley, editing and requesting forward to "of counsel" Browitt for Idaho law revisions as may be required	\$440.00	0.2	\$88.00
11/9/20	1	LAS	(Billing) Receive authorization to proceed advising assistant Marovich to set up file without retainer at this time (n/c)	\$440.00	0.1	\$0.00
			Review draft of Notice of Tort Claim, discuss possible revisions with attorney Wiley, including addition of claim for consequential economic loss and potential issues with claim for slander of title			
11/10/20	18	JEB	(Billing) Advise team on file set up and account numbers providing the same as requested to "of counsel" Browitt (n/c)	\$260.00	1.2	\$312.00
11/10/20	1	LAS	Slightly edit draft torts claim notice as drafted by "of counsel" Browitt checking that details required by Idaho statute are covered requesting forward to client and local attorney for review by paralegal Hamman	\$440.00	0.1	\$0.00
11/10/20	1	LAS	Process draft tort claim letter with attorney Smith revisions to client file and circulate same to team, noting revisions made outside of track changes and will require close reading to confirm all suggested changes; continue processing extensive research material received from client via Google Drive to client file	\$440.00	0.2	\$88.00
11/12/20	13	RSH	At attorney Schroeder's request, review draft of Notice of Tort Claim revised by attorney Smith; consult and agree with attorney Schroeder that attorney Smith be advised to submit Notice of Tort Claim in his name rather than Schroeder Law Offices PC	\$135.00	1.2	\$162.00
11/12/20	18	JEB	Receive expansive revision to notice of tort claim from local counsel Smith; request attorney Browitt review of revisions to tort notice receiving the same; advise local counsel Smith to just change letter to his letterhead and send his revision to expedite	\$260.00	0.9	\$234.00
11/12/20	1	LAS	the receipt of the notice to MHID in today's mail/email; ememo to attorney Browitt requesting consideration of filing motion to dismiss on jurisdictional grounds, change of venue, or bifurcation of contract issues	\$440.00	0.5	\$220.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/13/20	18	JEB	Discussion via phone with MHID counsel Bromley re prior settlement discussions and district's position on resuming such, request copy of MHID file on Weitz/Von Berkem/Bennett property (0.6); discussion via phone with SRBA staff attorney Harrington re filing deadline for response to MHID petition, confirm deadline is 12/15/20 (0.3); summarize via email for attorneys Schroeder and Wiley discussions with Bromley and Harrington (0.5)	\$260.00	1.3	\$338.00
11/13/20	13	RSH	Finish processing to client file extensive research materials received via Google Drive from attorney Smith office; circulate same to attorney team for consideration; process e-correspondence and revised draft tort claim notice received from attorney Smith to client file and circulate same to team, noting attorney Smith will send notice given extensive revisions to Schroeder Law Offices PC draft	\$135.00	1.4	\$189.00
11/13/20	13	RSH	(DCT) Locate and use SRBA local rules and docket sheets to calculate filing deadline for response to MHID's petition, noting first reference to 01/21/21 hearing appeared 10/07/20; request confirmation from attorneys re appropriate deadline; brief internal meeting re same to confirm 11/13/20 discussion with SRBA staff attorney; docket filing deadline accordingly; update docket entry for 01/21/21 hearing to change from "info only" to reflect Schroeder Law Offices PC participation as litigation counsel	\$135.00	0.5	\$67.50
11/13/20	1	LAS	Receive redrafted torts claim notice from attorney Smith advising that attorney Schroeder has no comment given letter is on attorney Smith letterhead but advising of torts claims limits given notice advises of millions in damages; copy of tort claim notice as presented to MHID by local counsel Vernon Smith requesting file save; ememo to/from attorney Browitt outlining possible bifurcation of water right and contract claim and moving contract claim to Elmore County under contempt or breach theory; receiving notice from SRBA of deadline to file response request paralegal Harman to calendar along with other deadlines for SRBA challenge	\$440.00	0.7	\$308.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/15/20		1 LAS	Review notes from opposing counsel and outline possible argument as to why SRBA and MHID should not have pursued re-adjudication of client's claim noting that our response is due 12/15 to SRBA court	\$440.00	0.2	\$88.00
11/16/20		13 RSH	(AR) Calendar team meeting re Weitz matter; attend same, establishing strategies for responsive filings, attorney communications, discovery, potential bifurcation, and other potentially-related litigation and sales associated with subject property	\$100.00	1	\$100.00
11/16/20		13 RSH	Process tort claim notice sent by attorney Smith to attorney Bromley to client file; prepare pleading template for use in drafting filings for SRBA subcases; retrieve map of MHID district boundaries from Idaho Department of Water Resources online mapping tool; consider case summaries for 1910 irrigation district dispute and 1999 property dispute; draft letter to attorney Bromley requesting copies of MHID files relating to Petition and delivery to Weitz	\$135.00	1.1	\$148.50
11/16/20		1 LAS	Provide short email report letter to client noting deadline for response to SRBA court and steps being undertaken to respond to the same by December 15; multiple memos from/to "of counsel" Browitt re SRBA jurisdiction considering possible arguments on water right title; receive update from "of counsel" Browitt following teleconference with opposing counsel; lengthy team meeting to outline tasks for next steps and scheduling to meet deadlines	\$440.00	1.4	\$616.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/16/20	18 JEB		Video conference with attorneys Schroeder and Wiley and paralegal Hartman to discuss status of matter, including developments coming from 11/13 discussion with MHID counsel Bromley, attorney Smith's filing of Notice of Tort Claim and plan preparation and possibility of separating tort and contractual/water right claims; confirm collaboration with attorney Wiley on drafting Response to MHID petition (0.9); Review SRBA documents re "Disallowed" and "Unclaimed" water rights; confirm that 61-248 and other five water rights that MHID claimed under water right 61-10419 were on neither list but were considered disallowed because they were not included in SRBA Final Decree (0.4); at request of paralegal Hartman, review letter to MHID counsel Bromley confirming 11/13 discussion and his willingness to produce copy of MHID file on Weitz/Von Berken/Bennett property (0.2)	\$260.00	1.5	\$390.00
11/17/20	18 JEB		Review email from MHID counsel Bromley re inquiry of client's willingness to resume mediation in front of SRBA special master Booth and consult with attorney Schroeder re same; convey to MHID counsel Bromley that client will consider resuming mediation after Response to Petition is filed (0.6); research effect of prior private adjudications on SRBA; determine through review of case law, including In Re Snake River Adjudication and State v. Hagerman Water Rights Owners, as well as Title 42, Chapter 14, Idaho Code, that the state and SRBA are not bound by prior private adjudications (1.8)	\$260.00	2.4	\$624.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/17/20	1	LAS	Review research memo from "of counsel" Browitt regarding "private" adjudications and SRBA requirement for new findings in McCartan proceeding outlining best argument for client as to water right title and providing summary to client on title research; prepare outline for attorney Wiley in response to petition; approve follow up document request to paralegal Snowball; review and update letter to opposing counsel confirming request for MHID documents approving forward to the same; receive email from "of counsel" Browitt forwarding request for further mediation from opposing counsel for continued mediation advising disagreement that "issues are framed" until Weitz answer is filed which may be appropriate time to entertain further settlement discussions; receive same forward from opposing counsel on mediation from attorney Vernon Smith and provide response; draft update on research re SRBA jurisdiction to client for review	\$440.00	1.5	\$660.00
11/17/20	13	RSB	Draft and send e-correspondence to Mark Snowball requesting deeds for purchase of Bennett Ranch property and/or water right; implement revisions to and finalize letter to attorney Bromley requesting MHID files; send same via email, coordinating sending of hard copy from Portland office; send client copies of letter to Dan Weitz, Mark Snowball, and Vernon Smith	\$135.00	0.6	\$81.00
11/18/20	18	JEB	In preparing response/defense to MHID's Petition, research case law and relevant statutes re trust/fiduciary relationship between irrigation districts/water delivery organizations and stakeholders/irrigators; determine that Idaho courts have recognized basic trust concepts apply, separating legal and beneficial ownership interests (3.6); discuss with attorney Wiley via phone first draft of Response and various affirmative defenses that can potentially be raised (0.3); review first draft of Response, identifying and addresses concerns with admissions and denials (0.9)	\$260.00	4.8	\$1,248.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
11/19/20		18 JEB	At request of attorney Schroeder, review her edits of draft of Response to MHID petition, rewrite particularized denial to MHID allegation that underlying controversy centers on validity of water right 61-248 (0.5); continue research of case law re trust/fiduciary relationship between irrigation districts/water delivery organizations and stakeholders/irrigators, looking especially at rulings from states with water code similar to Idaho's (1.7)	\$260.00	2.2	\$572.00
11/19/20		13 RSH	Process e-correspondence and additional research materials received from Mark Snowball re federally reserved water rights to client file; circulate same to team, noting no further follow up re same needed	\$135.00	0.3	\$40.50
11/19/20		1 LAS	Advise paralegal Snowball that issues presented in email cannot be responded to in context of client representation and later side bar may be available (n/c)	\$440.00	0.1	\$0.00
11/19/20		1 LAS	Receive edited answer as drafted by attorney Wiley with comments from "of counsel" Browitt further editing and requesting some redrafting by "of counsel" Browitt; receive redrafting from "of counsel" Browitt; assign motion to dismiss, bifurcate, and/or change venue of contract issues outlining the same for drafting by "of counsel" Browitt; outline "meet and confer" correspondence for motion to dismiss as possible stipulation on water right	\$440.00	2	\$880.00
11/20/20		13 RSH	Merge existing changes into draft reply and circulate updated draft for attorney continued review and revision	\$135.00	0.2	\$27.00
11/20/20		1 LAS	Receive further edits to response from "of counsel" Browitt requesting documents from paralegal Harman to continue work on development of response; ememo from/to paralegal Harman and "of counsel" Browitt re hearing date and appearances; advise docketing of for first and last filing of torts complaint	\$440.00	0.3	\$132.00
11/20/20		1 LAS	Request confirmation from paralegal Harman as to scheduling hearing with SRBA	\$440.00	0.1	\$44.00
11/20/20		1 LAS	(Billing) Ememos from/to Administrator Borison regarding trust account payment (n/c)	\$440.00	0.1	\$0.00
11/21/20		1 LAS	Ememo from/to Dan acknowledging receipt of deed documents (n/c)	\$440.00	0.1	\$0.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
10/28/20	1	LAS	Review case citation on torts claim notice requirement requesting forward to local counsel for document to support required notice to bring tort action; review and edit ememo to local counsel requesting assistance in finding document that would constitute as torts claim notice as required by Idaho law approving forward	\$440.00	0.3	\$132.00
11/23/20	18	JEB	Dialogue with MHID counsel Bromley via email and phone re extent of discovery request for MHID records involving client property and water delivery; determine records re delivery dating back to 1988 and MHID development of SRBA claim involving water right 61-248 would be sufficient	\$260.00	0.4	\$104.00
11/23/20	1	LAS	Receive update from opposing counsel preparing response to PRR requesting "of counsel" Brown to request records back to 1988 given that was earliest date involved in matter	\$440.00	0.1	\$44.00
11/25/20	18	JEB	At request of attorney Schroeder, develop points of stipulation to present to MHID prior settlement discussion; send electronic copy to attorney Schroeder for review	\$260.00	0.8	\$208.00
11/25/20	1	LAS	Receive outline of possible stipulations that would preserve contract claim in effort to settle out water rights ownership question advising that further detail would be appropriate before presenting to client	\$440.00	0.2	\$88.00
11/30/20	13	RSH	Process to file e-correspondence to/from client re client participation in MHID Board of Directors and communication protocol for same; process to file and briefly consider 2005 Mountain Home News article re irrigation district water on Bennett Ranch	\$135.00	0.2	\$27.00
11/30/20	1	LAS	Multiple memos from/to client re participation in MHID meeting; memos from/to attorney Brown re drafting settlement proposal outline/letter for client discussion/approval; receive and quickly review Mtn Home news article from 2005 forwarded by client	\$440.00	0.6	\$264.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/1/20	1	LAS	Begin final review of response to petition noting that motion to dismiss or in the alternative to change venue will likely be required before discussing a stipulation with client; heavily revise client report, status and settlement issues letter prepared by "of counsel" Browitt requesting further drafting to add what might become terms of a stipulation; outline next steps for sending strategy outline to client for follow up by paralegal Harman; request paralegal Harman to determine if SRBA or District Court rules address filing deadline for change of venue motions	\$440.00	0.8	\$352.00
12/1/20	13	RSH	(AR) Coordinate preparation of hard copy review copies of MHID petition and draft response for attorney consideration 12/01/20	\$100.00	0.2	\$20.00
			(AR) Finalize letter to client re next steps for MHID petition response and potential settlement and send same via email to client with copies to attorney Smith and Mark Snowball; coordinate mailing hard copy of same from Portland office; brief ememo to team summarizing Idaho court and SRBA local rules re requesting changes of venue, noting deadline for same to 12/2 weeks after filing response to petition			
12/2/20	13	RSH	Prepare and send US mail version of letter to client re status of petition brought by MHID (n/c)	\$100.00	0.8	\$80.00
12/2/20	28	OVM	Receive applicable rule on change of venue for determining appropriate time to file noting that the same would be filed with response; note that Dan has been forwarded client report letter regarding stipulation	\$50.00	0.2	\$0.00
12/2/20	1	LAS	Process e-correspondence to/from client re settlement negotiations, response, and scheduling Zoom conference to discuss same to client file	\$440.00	0.2	\$88.00
12/3/20	13	RSH	Teleconference with client re note to attorney Schroeder and attorney Vernon Smith re settlement and forward note to attorney Schroeder re same (n/c)	\$135.00	0.2	\$27.00
12/3/20	28	OVM	Draft letter to client summarizing key points of perspective settlement discussion with MHID; revise per input of attorney Schroeder	\$50.00	0.2	\$0.00
12/3/20	18	JEB		\$260.00	1.7	\$442.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/3/20		18 JEB	Review client's email responses to letter summarizing perspective settlement discussion and associated documents provided by client	\$260.00	0.4	\$104.00
12/3/20		1 LAS	Teleconference with attorney Smith; receive forwarded email from Dan re proposal for settlement agreeing to proceed with the same; teleconference with Dan; enemas from/to Dan re terms of settlement and City of Mountain Home issues; enemas from/to team re next steps for settlement; review Railway Industrial Park Annexation Agreement to determine what water rights were dedicated for the development	\$440.00	1.3	\$572.00
12/4/20		18 JEB	Discuss via phone with attorney Schroeder preparation of settlement discussion outline to present MHID attorney Bromley	\$260.00	0.5	\$130.00
			Add opposing counsel Charles Bromley to contacts for client matter; confirm client and attorney Smith and assistant Snowball added to contacts with appropriate and up to date contact information; process e-correspondence to/from Bromley re potential settlement negotiations to client file; calendar teleconference with attorney Bromley 12/08/20 and circulate Outlook invite with dial-in information to participants; consider and process to file notes and considerations for potential settlement agreement and discussion with opposing counsel re same			
12/4/20		13 RSH	Teleconference with "of counsel" Browitt to discuss terms of stipulation noting issue with City of Mountain Home development; email to/from opposing counsel re scheduling time for settlement conference via telephone; request paralegal Harman to send out conference line information for the same; short email to team regarding status of settlement proposal to opposing counsel; review petition and associated documents to determine the status of the 500 AF of storage as adjudicated to MHID and what if any resolution might be made concerning storage	\$135.00	0.4	\$54.00
12/4/20		1 LAS		\$440.00	1.4	\$616.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/5/20		18 JEB	In preparation of drafting settlement discussion outline, review backfile of MHID water rights to confirm that quantitative values from Water Right No. 61-248 were incorporated into 61-10419, also conclude that place of use associated with client's property - , northwest corner of Section 26, T03S R06 - is not exclusive to client, is also originally found in MHID water right no. 61-264; review 1923 agreement in attempt to determine whether easement granted therein was for enlargement of ditch or original use	\$260.00	2.7	\$702.00
12/6/20		18 JEB	Draft settlement discussion outline, incorporating stipulated points approved by client while stating that MHID will in turn will be asked to dismiss contract elements of complaint or agree to change in venue; send electronic copy to attorney Schroeder for review	\$260.00	1.9	\$494.00
12/7/20		13 RSH	(DCT) Docket date to first file tort claim and deadline for filing same, using Idaho Code chapter 6 (tort claims act) to calculate same	\$135.00	0.5	\$67.50
12/7/20		13 RSH	Process extensive e-correspondence to/from client, attorney Smith, and/or attorney Bromley and research memos re petition and settlement all to client file; update calendar entry for 12/08 teleconference with opposing counsel Bromley to reflect same occurring at 10:00 am Mountain/9:00 am Pacific to accommodate time zone differences; finalize letter to Bromley re settlement proposal; send draft of same to client and attorney Smith, advising same to be sent to Bromley afternoon of 12/07 for consideration prior to 12/08 teleconference; send same to Bromley	\$135.00	1.1	\$148.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/7/20		1 LAS	Receive draft settlement outline from "of counsel" Browitt editing slightly and requesting forward to client and attorney Smith before forward to opposing counsel Bromley; teleconference with Vera concerning his thoughts on water right and contract and settlement outline advising of next steps that SLO attorneys will be taking in representation; update schedule for settlement conference with opposing counsel Bromley scheduled for next day; multiple memos from/to team to consider limits of contract on water rights noting that the description of MHID SRBA water right is not specific to any particular parcels but allocated to the entire district as place of use; continue working on answer and motions	\$440.00	1.6	\$704.00
12/8/20		18 JEB	Phone discussion with attorney Schroeder in preparation for teleconference with MHID attorney Bromley (0.3); teleconference with attorney Bromley initiating settlement discussions, focusing on water rights aspect and how client could potentially be compensated with MHID (0.7); subsequent phone discussion with attorney Schroeder re teleconference and possible follow-up issues (0.2); draft email to attorney Bromley re apparent discrepancies between MHID's position on assessing client and conditions set forth in 1923 Bennett Contract (0.2)	\$260.00	1.4	\$364.00
12/8/20		13 RSH	Coordinate attorney participation in teleconference with opposing counsel re potential settlement/bifurcation of Count 2 of MHID petition; process ongoing e-correspondence to/from client, attorney Smith, and attorney Bromley to client file	\$135.00	0.3	\$40.50
12/8/20		28 OVM	Teleconference with VK Smith re teleconference with attorney Schroeder and MHID attorneys today; confirm with team details of teleconference and teleconference with Mark Snowball relaying same information (n/c)	\$50.00	0.3	\$0.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/8/20	1	LAS	Prepare for and participate in settlement teleconference with opposing counsel; short memo to client re status of negotiations on settlement; request client availability for in-person meeting noting that the same will be out of Baker County and advising that email communication can continue to delay in-person meeting; receive and forward email from opposing counsel re his explanation of why payment for maintenance was due by Bennett under 1923 contract advising in responsive email disagreement; since citation was not complete	\$440.00	2.5	\$1,100.00
12/9/20	13	RSH	Split from combined file and forward to attorney Bromley 1976 annexation of Bennett property into MHID; process ongoing e-correspondence to/from client and attorney Bromley to client file; send 2020 annexation agreement between Weitz and City to attorney Bromley; process MHID assessment records for Weitz property to client file	\$135.00	0.5	\$67.50
12/9/20	1	LAS	Multiple memos from/to opposing counsel Bromley re discovery documents; memos from/to Dan re scheduling weekend meeting noting that unless offer on contract received from MHID that meeting in Baker City is unnecessary; receive settlement proposal from opposing counsel Bromley re assessments requesting data on what assessments have been charged annually by MHID; receive annual assessment records from opposing counsel Bromley and forward to file; conference with "of counsel" Browitt re settlement offer and next steps outlining responsive email to opposing counsel concerning why Dan would be required to pay any assessments on 500 AF given contractual language; forward settlement language to Dan and adding questions to obtain facts for further settlement and receiving none; review contract language forwarded by of counsel Browitt to support argument against payment of assessments; multiple discussions with team to determine whether there is room for agreement on assessments noting that annual fees amount to approximately \$50 per share; begin review in depth of contract and the terms that may be incorporated; forward recorded documents to opposing counsel as requested in informal discovery	\$440.00	2.2	\$968.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/10/20		13 RSH	Consider and process to client file ongoing extensive e-correspondence to/from client re settlement negotiations and MHID board elections January 2021	\$135.00	0.3	\$40.50
12/10/20		13 RSH	(AR) Locate and circulate templates for Motion to Dismiss/Change Venue and relevant Idaho statutes associated with both for use in attorney preparation of same for filing with SRBA court 12/15	\$135.00	0.6	\$81.00
12/10/20		18 JEB	Conversation via phone with attorney Schroeder re discrepancy between MHID's stance on maintenance fees and what 1923 contract says; draft email to MHID attorney Bromley seeking clarification	\$260.00	0.5	\$130.00
			Ememo to/from opposing counsel re contract terms re payment of assessments; ememo from/to client advising on preferences for further negotiations advising on problems with blocking canal in breach and outlining various questions for the City; outline next steps for filing response and motion to change venue for drafting of motion by "of counsel" Browitt; start considering revisions to response; telemesssage and attempted teleconference with opposing counsel Bromley; conference with opposing counsel Bromley re assessments and priority; email client report on status of negotiations			
12/10/20		1 LAS	Teleconference along with MHID attorney Bromley continuing settlement discussions; inquire about value of shares MHID is offering client as part of settlement and whether client's shares would preserve priority set forth in 1923 contract over other district shareholders	\$440.00	2.7	\$1,188.00
12/11/20		18 JEB		\$260.00	0.4	\$104.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/11/20		1 LAS	Receive lengthy letter from attorney Vern Smith and discuss with of counsel Browitt; forward clarification email to client requesting direction on settlement given lengthy letter from attorney Vern Smith; ememo from/to "of counsel" Browitt concerning any revisions to outline for motion prep advising that until client advises otherwise client has already approved motion so he should proceed to work over weekend to complete draft for timely filing; email to client re attorney Smith stepping into settlement role requesting call if that is direction; receiving no response from client to email requesting clarification and settlement lead advise team to continue working towards settlement	\$440.00	2	\$880.00
12/11/20		13 RSH	(AR) Process to file follow up e-correspondence to client providing update re settlement discussions with opposing counsel and requesting response to questions re meetings with City and other farmers; consider attorney Smith lengthy response re settlement negotiations and desired outcomes and ongoing scheduling with client re Schroeder Law Offices PC meeting	\$100.00	0.5	\$50.00
12/12/20		18 JEB	Begin drafting Motion to Dismiss/Change Venue re Count 2 of Petition; determine only realistic ground for dismissal is SRBA court's lack of subject matter jurisdiction over contractual elements identified in Petition, research Idaho case law relating to same	\$260.00	3.2	\$832.00
12/13/20		1 LAS	Receive lengthy letter from Vern drafted in the name of Dan re settlement responding to the same regarding existence of Canyon Creek water right; receive further clarification from "of counsel" Browitt regarding fact that storage right under Bennett agreement is only 250 AF not 500 AF and that use has limited season revising clarification and incorporating development agreement language forwarding to Weitz and Smith	\$440.00	1.1	\$484.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/14/20	18	JEB	Continue drafting Motion to Dismiss/Change Venue re Count 2 of Petition; complete subject matter jurisdiction section, begin drafting section re change of venue, focusing on discretionary grant (3.9); consult on and work with paralegal Harman on preparing Notice of Appearance (0.4); work with attorney Schroeder in developing Counterclaim filing, review and revise elements drafted by attorney Schroeder and place and arrange in filing document, send electronic copy to attorney Schroeder for review (2.6)	\$260.00	6.9	\$1,794.00
12/14/20	13	RSB	Draft notice of appearance; consider Idaho and SRBA rules for filing same, including filing fee, deadlines, and filing method; teleconference with SRBA court re ability to fax notice of appearance and response; status meeting with team to discuss same, noting if response longer than 10 pages must be filed by mail; draft cover letter to SRBA to enclose filing fee; coordinate mailing service copies of notice and filing fee check with Portland and Reno offices respectively; submit notice of appearance for filing via fax to SRBA, noting check to follow via US mail	\$135.00	4.3	\$580.50
12/14/20	28	OVM	Prepare and send Service Copies of Notice of Appearance (n/c)	\$50.00	0.5	\$0.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/14/20	1	LAS	Advise paralegal Hartman to prepare notices of appearance in order to authorize filing of response and motion; approve drafts noting that likely attorney Smith has not appeared as no filing fees have been paid; agree to advance filing fee; memo from/to opposing counsel Bromley re status of settlement; revise responses to petition; receiving notice of page limits for fax filings advise paralegal Hartman that documents may have to be separated for filing; draft two counterclaims forwarding to "of counsel" Browitt for refinement; review draft motion for dismissal and change of venue as prepared by "of counsel" Browitt considering how to separate out contract from water rights count; multiple texts and teleconferences with "of counsel" Browitt concerning filings; reforward edited version of counterclaims back to "of counsel" Browitt for further development; advise paralegal Hartman to make separate filings of response and counterclaims in order to make page limits for fax filings	\$440.00	5.2	\$2,288.00
12/15/20	18	JEB	Continue and complete drafting Motion to Dismiss/Change Venue re Count 2 of Petition; complete section on section re change of venue and Idaho Supreme Court's attempts to streamline SRBA court's jurisdiction, draft request for leave to amend Counterclaims in event that motion is not granted, send electronic copy to attorney Schroeder for review (2.8); revise Counterclaim per information provided by client re potential annexation costs and perform final review (0.4); perform final review of Response and confirm citations (0.3); perform final review of Motion to Dismiss/Change Venue (0.2)	\$260.00	3.7	\$962.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/15/20	13	RSH	Finalize, prepare exhibits as needed, and file response, counterclaims, and motion to dismiss/change venue; process e-correspondence & supreme court decision received from Mark Snowball to client file; process ongoing e-correspondence to/from client re scheduling meeting with attorney Schroeder to client file; teleconference with court re subcases and need to file duplicates of pleadings (one via fax one via US mail) for retention in both subcase files; check dockets for both subcases to confirm duplicate filings needed; coordinate mailing second copies of filings to court and service copies of all filings to service list	\$135.00	4.9	\$661.50
12/15/20	28	OV/M	Prepare and send Service Copies of Response and Counterclaims for Mailing (n/c)	\$50.00	0.8	\$0.00
12/15/20	1	LAS	Complete filings of response, counterclaims, and motion to dismiss/change venue/amend; ememos related to appearances required; briefly review settlement offer from opposing counsel; review Bennett contract pulling out details of terms that likely client is considering for conveyance to City forwarding to "of counsel" Brown for further development; ememos to/from opposing counsel re scheduling of in-person meeting to discuss settlement offer; multiple ememos from/to paralegal Harman re SRBA court requirements for filing (fax limit of 10 pages, filing in 2 subcases and possible need for 2 appearance fees) directing paralegal Harman to separately file counterclaims from response in order to meet page limits; receive email from paralegal Snowball requesting applicability of Black Canyon case advising the same	\$440.00	4.4	\$1,936.00
12/16/20	13	RSH	Retrieve file stamped pleadings filed 12/15 (response, counterclaims, motion to dismiss/change venue) from SRBA docket; send courtesy copies same to attorney Bromley; monitor and process to client file ongoing e-correspondence to/from client and Bromley re settlement negotiations and status of litigation	\$135.00	0.5	\$67.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/16/20	18	JEB	Review outline of settlement points drafted by attorney Schroeder and revise pursuant to terms, rights and obligations set forth by 1923 Bennett Agreement; send electronic copy to attorney Schroeder for settlement discussion with client	\$260.00	1.3	\$338.00
			Retrieve telemessage from opposing counsel and return telemessage; review Bennett contract provisions in revised outline from "of counsel" Browitt forwarding to attorney Weitz to consider what limitations could be inherent in transfer of Bennett storage right to the City; review filings as file stamped to confirm all pages received; outline documents to discuss with client related to settlement; short conference with opposing counsel Bromley re settlement; memo to/from Dan re in-person meeting forwarding outline of contract terms to determine by what means the same would be transferred; email to team re preparations for settlement discussions with client printing documents and reviewing the same	\$440.00	1.2	\$528.00
12/16/20	1	LAS	Process ongoing e-correspondence to/from client and attorney Bromley re meeting with attorney Schroeder and settlement negotiations; check SRBA docket for both subcases at issue to ascertain movement in matters and next steps	\$135.00	0.3	\$40.50
12/17/20	13	RSH	Travel from Sumpter to Baker City and return for client meeting	\$150.00	1.5	\$0.00
12/17/20	1	LAS	(n/c)	\$440.00	1.5	\$660.00
12/17/20	1	LAS	In person client meeting to discuss settlement options			
			At request of attorney Schroeder, refine conditions of proposed settlement counteroffer, focusing on terms re transfer of storage rights to city of Mountain Home; send to attorney Schroeder for review	\$260.00	1.2	\$312.00
12/18/20	18	JEB	(AR) Process ongoing e-correspondence to/from client and attorney Bromley re settlement negotiations to client file; consider draft settlement proposals and counterproposals to ascertain status of negotiations and next steps for client matter	\$100.00	0.2	\$20.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
12/18/20		1 LAS	Short email to opposing counsel Bromley re considerations involved in responding to District's settlement offer; considering client's preferences draft outline of counter offer that involves storage space ownership discussing the same with of counsel Browitt requesting his refinement; retrieve telemessage from client regarding City's interest in settlement offer emailing the same setting aside City call until next week; multiple enemies from/to of counsel Browitt re counter offer details expressing concern as to size of storage on Weitz property in terms of fill and fill date deadline	\$440.00	0.7	\$308.00
			Process ongoing e-correspondence to/from client and to/from attorney Bromley re settlement negotiations to client file; retrieve from SRBA docket, process to client file, and circulate to team order setting hearing on motion to dismiss concurrent with hearing on MHID petition, proposing immediate client copy of same; send copy of same to client, attorney Smith, and Mark Snowball			
12/21/20		13 RSH	(DCT) Docket hearing on motion to dismiss/change venue, noting same occurring concurrently with hearing on MHID petition; circulate same to team, noting same to occur 12:30 Pacific/1:30 Mountain on 01/21/21 and including Zoom link for same	\$135.00	0.3	\$40.50
12/21/20		13 RSH	Receive update from court re scheduling hearing on motion to dismiss/change of venue (n/c)	\$135.00	0.4	\$54.00
12/21/20		1 LAS	Receive and respond to multiple emails and teleconference with opposing counsel Bromley (.6); multiple enemies and teleconference with Dar to develop settlement agreement (.6); multiple redrafts for counter-offer considering approach to City of Mountain Home's participation and agreement (.6)	\$440.00	0.1	\$0.00
12/28/20		1 LAS	(AR) Monitor extensive ongoing discussion and e-correspondence re settlement negotiations; process same to client file	\$440.00	1.8	\$792.00
12/31/20		13 RSH		\$100.00	0.5	\$50.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Receive reply from opposing counsel requesting paralegal Harman save and forward to client; ememo from/to opposing counsel re status of settlement discussions; receive update from client on timing of meeting with City in order to proceed with counterproposal scheduling availability by phone to assist as client may require	\$440.00	0.3	\$132.00
12/31/20		1 LAS	(AR) Monitor and process to file ongoing e-correspondence to/from client re topics to discuss with City of Mountain Home during 01/21 meeting	\$100.00	0.2	\$20.00
1/4/21		13 RSH	Receive email from client and respond to his questions concerning the hearing and communications with the City	\$440.00	0.5	\$220.00
1/4/21		1 LAS	(AR) Monitor and process ongoing e-correspondence to/from client re meeting with City re settlement negotiations with MHID to client file.	\$100.00	0.2	\$20.00
1/5/21		13 RSH	Ememo to client requesting update on client's meeting with City of Mountain Home receiving responsive email noting that follow up phone call will be required next day for an explanation of email forward	\$440.00	0.2	\$88.00
1/5/21		1 LAS	Research Idaho laws and SRBA local rules re prehearing conferences; teleconference with SRBA staff attorney re same, determining procedure for requesting prehearing conference to discuss agenda for 01/21 hearing; ememo to team summarizing research and teleconference with attorney; begin drafting stipulated statement of facts for use at 01/21 hearing; process ongoing e-correspondence to/from client to client file	\$135.00	1.6	\$216.00
1/6/21		13 RSH	At request of attorney Schroeder, review and revise email to MHID attorney Bromley outlining client's latest settlement proposal and proposed agenda for prehearing conference on 1/14	\$260.00	0.3	\$78.00
1/6/21		18 JEB				

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Request research on rules concerning submitting proposed agendas and outline the preparation of stipulated facts from petition and answer to be completed by paralegal Harman; receive research on Idaho statutes and rules noting that no particular requirements exist for proposing agenda to the Court; review email summary from client re City meeting and consider revisions to counter offer requesting call from client to discuss the same; lengthy teleconference with client concerning discussions with City; revising settlement agreement according to client's direction and terms of Bennett agreement; send counteroffer by email to client for approval and receiving the same forward to opposing counsel; receive confirmation that opposing counsel has received and will forward counteroffer to MHID; develop outline for next steps in proceeding to hearing; request paralegal Harman to contact SRBA court for hearing date; outline memo to opposing counsel re procedural aspects of hearing including possible date for prehearing conference requesting review by "of counsel" Browitt and receiving no edits forward to opposing counsel for consideration; email to Administrator Borison and two attorneys in Baker City considering location for ZOOM hearing requesting follow up on technical aspects after receiving approval from client for Martin Leuenberger location; consider when exhibits etc. will be required to be submitted to SRBA for hearing requesting paralegal Harman follow up with SRBA re same			
1/6/21		1 LAS		\$440.00	3	\$1,320.00
1/7/21		18 JEB	Review and revise Stipulated Motion for Prehearing Conference	\$260.00	0.3	\$78.00
			Draft Stipulated Motion for Prehearing Conference; implement attorney revisions and prepare Word and PDF draft versions; send draft to attorney Bromley for consideration; continue monitoring and processing to client file as appropriate e-correspondence to/from client and to/from attorney Bromley re settlement negotiations			
1/7/21		13 RSH		\$135.00	1.7	\$229.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/7/21	1	LAS	Short teleconference with opposing counsel re pre-hearing conference scheduling advising that we will draft motion/order for stipulation of the same; review final draft stipulated motion and order for prehearing conference and advise forward to opposing counsel in Word and PDF for his editing	\$440.00	0.3	\$132.00
1/8/21	18	JEB	Review and revise Stipulated Motion to Bifurcate Hearing (0.3); review relevant IRCP and SRBA court rules and advise that Motion to Bifurcate should be accompanied by proposed order granting motion to bifurcate, and advise attorney Schroeder that proposal to limit scope of 1/21 hearing re Counterclaim 1 to liability is appropriate (0.8); review and revise proposed Order Granting Motion to Bifurcate Hearing (0.3)	\$260.00	1.4	\$364.00
1/8/21	13	RSH	Process ongoing e-correspondence to/from Bromley and to/from client re prehearing conference to client file; process Bromely revised motion to file; implement Bromely revisions to same and finalize for filing with SRBA court, preparing certificate of mailing and coordinating send service copies from Portland office; file motion via fax with SRBA court; send client copy of motion; send courtesy copy of filed motion to Bromely via email, noting hard copy service copy to follow via US mail; draft motion for bifurcation, citing IRCP 42(b); implement revisions to motion and draft proposed order to accompany same; prepare final draft motion and order and send same as PDF and Word file to attorney Bromley for consideration	\$135.00	2.7	\$364.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/8/21		1 LAS	procedural issues; multiple memos from/to client re same; finalize motion and order for prehearing conference after incorporating opposing counsel's edits; request and receive opposing counsel permission to use signature for motion/order for prehearing conference; advise opposing counsel that we will permit short extension of time to response to counterclaims docketing due date; assign research on anticipatory breach and options; consider legislative enactments on stockwater as being of possible persuasion as to ownership of water rights when claimed owner is not the beneficial user requesting attorney Browitt to consider the same in opening brief; request paralegal Harman docketing of reply/response to counter claims noting that SRBA court will not accept e-filing and limited ability to accept by fax so that docketing in advance is required; outline draft stipulation (motion and order) for bifurcation considering pleadings and appropriateness of obtaining decision on counterclaims requesting "of counsel" Browitt opinion on inclusion of counterclaims because of facts pled; receiving draft stipulated motion for bifurcation, edit and approve forward to opposing counsel; receive court request for scheduling ZOOM prehearing conference 1/14 accepting the same and requesting inclusion of client and attorney Browitt; outline team assignments for 1/21 hearing requesting drafting of stipulated facts, stipulated exhibits, and opening briefing and noting due dates for each project; memo to "of counsel" Browitt considering whether opposing party assertion that no easement	\$440.00	5	\$2,200.00
1/8/21		28 OVM	Prepare and send service copies of Final Stipulated Motion for Prehearing Conference	\$50.00	1	\$50.00
1/11/21		13 RSH	Retrieve order granting motion and scheduling prehearing conference from SRBA docket and process to client file; update calendar entry to reflect official scheduling and include Zoom participation info and instructions; circulate calendar entry and order to team, proposing immediate client copy given client intention to participate in prehearing conference; research and send memo to team advising re filing deadlines for opposing parties responses to counterclaims and to motion to dismiss	\$135.00	1.8	\$243.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/11/21	18 JEB		In preparation of hearing, research possible parallels between Idaho's recently ratified statutes re stockwater rights held by federal agencies, I.C. 42-501 et seq., and client's issue, determine circumstances are not analogous because irrigation districts hold water rights in trust for stockholders' use (1.8); research whether client has legal justification to claim MHID's petition is an anticipatory breach of contract and can move to prevent MHID from using ditch crossing client's property, determine Petition does represent a breach of but principle of anticipatory breach recognized by statute, I.C. 28-2-610, does not apply (1.4)	\$260.00	3.2	\$832.00
			Receive notice from paralegal Hamman that SRBA docket reports that prehearing is scheduled requesting docketing; consider agenda for pre-hearing conference with team advising coordination with opposing counsel will be attempted by attorney Schroeder; multiple emails (6x plus) from/to opposing counsel re bifurcation and statement of facts; given opposing party's position on hearing request for bifurcation forward outline of motion to "of counsel" Browitt for drafting into motion before pre-hearing conference; conference with client re City Council meeting and possible participation in the same; research contact information for City Attorney and draft email to Attorney Filzer regarding executive session protections; ememo request from opposing counsel requesting additional time to respond to counterclaims and advising that since the same was due January 5th he should complete the filing as soon as possible noting that the extension of time for responding to change of venue motion is stipulated for 1/15			
1/11/21	1 LAS		Finish drafting statement of stipulated facts; prepare list and notice re stipulated exhibits; revise same per attorney instruction; suggest additional exhibits and coordinate preparation of hard copies for attorney review; advise paralegal Gage re filing in SRBA (timing, method, copies) and general background for matter	\$440.00	2.5	\$1,100.00
1/12/21	13 RSH			\$135.00	2.4	\$324.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/12/21	18	JEB	Revise Motion to Bifurcate and proposed Order Granting Motion to remove stipulated language being that MHID declined to participate, send to attorney Schroeder for review (1.4); review and slightly revise stipulated facts prepared by paralegal Hartman (0.3); review MHID responses to Motion to Dismiss/Change Venue and to Counterclaims in preparation of drafting replies for both (0.6); consult with paralegal Gage re docketing deadlines for filing replies per Idaho Rules of Civil Procedure and SRBA Court Administrative Order No. 1 (0.3)	\$260.00	2.6	\$676.00
1/12/21	12	LMG	Receive and review several emails between attorney's re stipulation for briefing and motion for bifurcation; receive filed copy of Stipulation as to Briefing for Response to Motion to Dismiss/Change Venue; provide to client; receive and briefly review draft Stipulated Statement of Facts and cover explanation making minor edits as needed; provide to attorney Bromley and client; receive and review draft motion for bifurcation with attorney edits; implement same; make all further final edits as needed; review local rules and IRCPs re proposed orders noting need to be filed as separate document; prepare certificates of service and final filing documents; file with court; prepare and send service copies; receive and review answer to counterclaims; research rules re Answers noting IRCP 12 states replies toll from date of court order to file reply; email to attorney re same; receive response to motion to dismiss; research local rules and IRCPs for motion practice and time computation; docket deadline to reply to same	\$195.00	3.1	\$604.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			counsel approving the same for filing with e-sign; ememo from/to opposing counsel re electronic service approving e-service in all instances; outline initial drafting of motion to bifurcate making team assignments; lengthy memos to/from opposing counsel re bifurcation finding no agreement on which issues might be bifurcated for hearing; complete edits to motion for bifurcation as drafted by "of counsel" Browitt for final edits by paralegal Gage and approve for filing following attempting to obtain opposing counsel's stipulation for the same and not receiving the same advise filing by fax with SRBA; receive response to motion to dismiss, reviewing quickly and requesting docket of reply deadline; review draft statement of stipulated facts as prepared by paralegal Harman and Gage forwarding to opposing counsel to consider stipulation in preparation for hearing receiving lengthy responsive email that opposing counsel will not stipulate to the same absent direction from the court to do so; receive and respond to opposing counsel's continued position that argument will decide issue on 1/21 without briefing based upon his reading of Administrative Order #1 in SRBA requesting "of counsel" Browitt to review Administrative Order #1 to determine if the matter in question is addressed; receive and review online documents from file and received from previous attorney VKS that could be used for hearing, highlighting the same, forwarding to assistant Marovich for scanning and marking as possible trial exhibits; review list of possible stipulated exhibits for hearing as prepared by paralegal			
1/12/21		1 LAS	Print and organize Stipulated Exhibits and possible exhibits for inclusion for attorney Schroeder review in hard copy	\$440.00	2.9	\$1,276.00
1/12/21		28 OVM	Review docket noting all filings applicable to upcoming hearings; prepare project list of same and list for use providing order filings should be arranged for use at upcoming hearing; provide to administrative assistant for preparation of hearing notebook	\$50.00	0.7	\$35.00
1/13/21		12 LMG	Participate in matter handoff meeting with team, advising re background, issues, and next steps (n/c)	\$195.00	0.8	\$156.00
1/13/21		13 RSH		\$135.00	0.6	\$80.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/13/21		18 JEB	Review SRBA Court's Administrative Order No. 1 re hearing procedure, summarize findings for attorney Schroeder via email (0.9); teleconference with paralegals Harman and Gage re preparing for 1/14 preconference hearing (0.3); subsequent discussion via phone with attorney Schroeder re preparation (0.3)	\$260.00	1.5	\$390.00
1/13/21		28 OVM	Print materials for pre-hearing conference for attorney Schroeder use tomorrow	\$50.00	0.5	\$25.00
			Request assistance in preparing for pre-hearing outlining needed trial notebook organization and receiving the same from paralegal Jackson; receive and briefly review MHID response to motion to bifurcate as filed by opposing counsel Bromley in preparation for pre-hearing; review research memo from "of counsel" Brown as to SRBA Administrative Rule #1 noting that nothing in it addresses petitions for declaratory judgment and that as to motions the briefing was required to be included with filings; email to opposing counsel re lack of rule or suggestion in Administrative Order #1 that lays out procedure for hearing and receive responsive email from opposing counsel Bromley noting his position that the matter will proceed to trial without briefing noting his confidence that court will decide procedure/order of hearing motions at prehearing conference; request prehearing strategy session with team given procedure is unclear under SRBA Administrative Order #1 scheduling the same			
1/13/21		1 LAS		\$440.00	1.2	\$528.00
1/13/21		4 TJJ	Prepare pleadings/filings notebook for use in preparation for prehearing conference and 1/21 hearings, organizing materials and confirming all necessary filings/pleadings are incorporated	\$195.00	1.6	\$312.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/14/21	18 JEB		Teleconference with attorney Schroeder and paralegal Gage re final preparation for pre-hearing conference (0.3); prehearing teleconference along with team re how 1/21 hearing will proceed, SRBA Court judge Wildman determines hearing will focus solely on Motion to Dismiss/Change Venue (0.4); pre-hearing conference debrief with attorney Schroeder and paralegal Gage on preparation for 1/21 conference, acknowledge assignment of argument outline and reply/hearing memo re Motion to Dismiss/Change Venue (0.4); assist paralegal Gage in preparing followup discovery request to MHID (0.2)	\$260.00	1.3	\$338.00
1/14/21	28 OVM		Teleconference with client re pre-hearing conference today and inability to join Zoom; work with paralegal Harman re Zoom meeting details and send email re same to client; process exhibits from pre-hearing conference with attorney Schroeder notes and send to paralegal Gage (n/c)	\$50.00	1.3	\$65.00
1/14/21	1 LAS		Short team meeting in preparation for pre-hearing conference; participate in pre-hearing conference; teleconference with client re next steps and meeting with City; debrief with team and make assignments for next week's hearing; review and approve letter as drafted by paralegal Gage to opposing counsel Bromley following up on informal discovery requests; receive follow up report from paralegal Gage re Elmore County file request noting some difficulty because of pandemic in retrieval of old files	\$440.00	2.5	\$1,100.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Attend pre hearing and briefing conferences taking detailed notes as needed; review file for adjudication case, Morse case and MHID v. Bennett case information; teleconference with Elmore County district court clerk noting process by which to request case files; ememo to clerk with information re decree, Nourse case and MHID v. Bennett case requesting case file for same; receive and review response re same noting clerk will work diligently to locate same; review ememos from attorneys re informal discovery requests noting items not received; research SRBA rules, JRCp and Idaho code concerning discovery making detailed notes applicable to upcoming request; draft correspondence to opposing counsel citing rules and requesting same noting if no receipt will prepare formal requests; upon attorney review and approval prepare final correspondence and provide to all parties as outlined			
1/14/21	12	LMG	Receive and review ememo from attorney Bromley re informal discovery request noting status of same; provide to client	\$195.00	3.4	\$663.00
1/15/21	12	LMG	Receive email response from opposing counsel re delay in providing documents requested in discovery and respond to the same	\$195.00	0.2	\$39.00
1/15/21	1	LAS	In preparation of drafting Reply to Response to Motion to Dismiss/Change Venue research case law cited by MHID in Response and related decisions (2.7); begin drafting Reply, draft intro and opening paragraphs of argument (0.8)	\$440.00	0.2	\$88.00
1/18/21	18	JEB	Continue and complete drafting Reply to Response to Motion to Dismiss/Change Venue, focusing on language of 1923 contract to emphasize that Count 2 is beyond the scope of the SRBA court's jurisdiction	\$260.00	3.5	\$910.00
1/19/21	18	JEB	Receive ememo from Elmore County Clerk noting limited cases located and requesting confirmation if we want copies; respond to same confirming desire to receive copies; review draft Reply re Motion to Dismiss making all edits necessary	\$260.00	4.4	\$1,144.00
1/19/21	12	LMG		\$195.00	0.7	\$136.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/19/21		1 LAS	Multiple enemas from/to team and client re status of issues with the City and argument/hearing preparations; short tests with Administrator Borison with trial hearing room preparations; review draft reply to change of venue prepared by "of counsel" Browitt directing paralegal Gage to file asap via fax noting because of time change it will be filed next day (day before hearing)	\$440.00	0.7	\$308.00
1/20/21		27 LV	Finalize postage to service list for filing regarding Reply to Response to Motion to Dismiss or in the alternative, Motion to Change Venue (n/c)	\$65.00	0.5	\$0.00
1/20/21		18 JEB	Draft outline of oral argument for 1/21 hearing, focusing on "as consideration therefore" aspect of 1923 contract and convenience of holding hearing in Elmore County District Court	\$260.00	1.7	\$442.00
			Review draft Reply re Motion to Dismiss making all final edits as needed; prepare Certificate of Service; file same; provide courtesy copy to opposing counsel; review IRCPs and SRBA Court local rules; prepare for attorney use at upcoming hearing; teleconference with Elmore Court Clerk re limited documents located, further noting Idaho Historical Society may have more; arrange for payment; receive same; provide to attorneys			
1/20/21		12 LMG	Receive filing notice from paralegal Gage that reply was filed	\$195.00	2.9	\$565.50
1/20/21		1 LAS	noting service by mail is also required to opposing counsel	\$440.00	0.1	\$44.00
			Prehearing video meeting with attorney Schroeder to go over oral argument (0.3); SRBA court hearing re motion to dismiss/change venue (0.5); hearing debriefing with client and attorney Schroeder and discussion of briefing schedule (0.3)	\$260.00	1.1	\$286.00
1/21/21		12 LMG	Review rules of evidence for attorney reference and update formatting for use in determining correct citations	\$195.00	0.4	\$78.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Prepare for argument on motion to dismiss or in the alternative change of venue including ZOOM with "of counsel" Browitt reviewing argument; make argument succeeding on motion to dismiss contract terms and change of venue regarding the same; debrief with client and "of counsel" Browitt planning next steps; receive and review documents pulled from Elmore County Court files noting that only those documents that we already possess are available and authorizing paralegal Gage to follow up with Idaho Historical Society	\$440.00	2	\$880.00
1/21/21		1 LAS	Lunch with client debriefing on argument; travel to/from Sumpter (n/c)	\$440.00	1.5	\$660.00
1/21/21		1 LAS	(Billing) Approve email forward of proposed fee agreement for contract litigation as prepared by assistant Marovich (n/c)	\$440.00	0.1	\$44.00
1/22/21		12 LMG	Receive and review memos between attorney Schroeder and Bromley re potential briefing schedule and internal plan for preparing for same; update calendar accordingly	\$195.00	0.2	\$39.00
1/22/21		1 LAS	Advise team that client has directed that no further copies need be sent to previous counsel Vern Smith given his licensure suspension (n/c)	\$440.00	0.1	\$44.00
1/22/21		1 LAS	(Billing) Advise team on handling of payment from trust for past due amount to avoid finance charge noting if check arrives shortly that finance charge can be credited in next cycle as courtesy (n/c)	\$440.00	0.1	\$44.00
1/22/21		1 LAS	Ememo from/to opposing counsel re schedule for motions for summary judgment; outline draft memorandum for summary judgment for preparation by "of counsel" Browitt advising that service will have to be by mail so docketing will have to be earlier than usual; advise paralegal Gage to begin preparing supporting materials including affidavits to cover documents or	\$440.00	0.6	\$264.00
1/24/21		1 LAS	affidavit of Weitz as to payment of assessments etc Emails from/to client concerning notice to MHHID that client intends to store pursuant to Flora Bennett contract	\$440.00	0.2	\$88.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/25/21		1 LAS	Advise team on assignments for drafting opening brief noting that we will not file reply given transfer of contract claim to Elmore County and likely need to amend at that time; review order on motion to dismiss, change venue and bifurcate received from "of counsel" Browitt advising on next step considering briefing schedule; ememo from/to paralegal Gage re proposed schedule sent to opposing counsel for briefing noting that no formal filing need be prepared at this time	\$440.00	0.5	\$220.00
1/26/21		1 LAS	Receive (2x) emails and respond to opposing counsel's delay in confirming briefing schedule (daughter accident)	\$440.00	0.1	\$44.00
1/28/21		1 LAS	Receive and respond to calendar update from opposing counsel	\$440.00	0.1	\$44.00
			Research Idaho Historic Society, Idaho State Archive records, State Historic Preservation records noting no readily available documents from Elmore County District Court; use online request form to inquire if they are searchable; review Agreement between Flora Bennett and Mountain Home Co-Op noting language concerning Bennett right to divert and store water; review client ememo to MHID noting information re intention for 2021 irrigation season; draft correspondence to attorney Bromley re same	\$195.00	2.1	\$409.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
1/29/21		12 LMG	Review ememo from attorney noting request to include language in letter re providing notice if entering property; review Bennett Agreement, line by line noting no such language, further noting language in agreement allowing MHID to make enlargements, repairs and clean outs of the ditch any time after September 15; summary ememo to attorneys re same; update draft letter to attorney Bromley requesting express notice if intending to enter client property acknowledging agreement and ability to repair and maintain ditch; upon attorney and client approval of same, finalize and send to opposing counsel; receive and review ememo from Idaho Historical Society Reference manager Jones noting request for additional information re cases desired; research file for same and provide to Mr. Jones; receive status update and provide same to attorneys; receive and briefly review documents from Nevada Secretary of State noting same documents provided twice; review file noting first request sent 1/20/2021 and response ememo stating request will not be processed and second request sent 1/21/2021; provide to team for follow up	\$195.00	1.8	\$351.00
1/29/21		1 LAS	Review draft letter to opposing counsel outlining notice for use and storage as well as requesting notice of maintenance activity forwarding to client for approval to send; receive confirmation that client approves requesting paralegal Gage to add signature and email to opposing counsel; ememo from/to opposing counsel re status of proposed briefing schedule as required by the SRBA; receive update from paralegal Gage that Idaho Historical Society is processing request for historical files related to Flora Bennett contact	\$440.00	0.6	\$264.00
2/1/21		1 LAS	Receive and respond to opposing counsel's proposed schedule requesting that he contact court for scheduling; receive update from opposing counsel that MHID has no further discovery in response to our requests advising paralegal Gage re same; receive update from opposing counsel that contact with the Court was made and that the same will send out order; receive Zoom invite advising of conflict requesting new time or date from the Court scheduler	\$440.00	0.4	\$176.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Review ememos between attorneys noting agreement on briefing schedule; docket same; review ememo from attorney Schroeder noting conflict with currently set oral argument; teleconference with attorney Bromley and court administrator Harrington providing requested alternative dates; note upon confirmation with judge re new date will update docket; receive and respond to ememos from Idaho Historical Society noting one requested case located; arrange for receiving same	\$195.00	0.4	\$78.00
2/2/21		12 LMG	Request follow up by paralegal Gage re scheduling oral argument given LAS conflict with proposed date (n/c)	\$440.00	1	\$0.00
2/2/21		1 LAS	Approve revised time for oral argument on motions to resolve water rights issues sent by Court pursuant to paralegal Gage's follow up (n/c)	\$440.00	0.1	\$0.00
2/2/21		1 LAS	Review court docket noting amending order updating date for oral argument; provide to attorneys and update docket (n/c)	\$195.00	0.2	\$0.00
2/3/21		12 LMG	Request paralegal Gage follow up with client concerning copies of emails to MHID requesting storage under Flora Bennett agreement; accept revised calendar request for hearing on water rights issues from Court	\$440.00	0.2	\$88.00
2/3/21		1 LAS	Review Scheduling Order and Amended Scheduling Order; confirm docketing up to date; provide to client	\$195.00	0.2	\$39.00
2/4/21		12 LMG	Prepare and finalize electronic disc of case files for MHID v. Flora Bennett for client copy	\$65.00	0.3	\$19.50
2/5/21		27 LV	Review file share database from Idaho Historical Society; briefly review documents therein re complaints, cross complaints, answers, motions, notices, decisions decree and other various pleadings; prepare index of same and provide to attorneys; review various ememos from client updating file as needed	\$195.00	1.7	\$331.50
2/5/21		12 LMG	Receive notice from paralegal Gage that Flora Bennett files from Idaho Historical Society were received requesting assistant Marovich to notebook the same in preparation for further litigation on contract issues	\$440.00	0.1	\$44.00
2/5/21		1 LAS	Draft correspondence to client regarding client copy of MHID v. Flora Bennett case file and send for review	\$65.00	0.3	\$19.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
2/8/21	28	OVM	Print Case file for MHID v. Flora Bennett in order to make a notebook for attorney Schroeder use and review (w/c) In preparation of drafting Memo in Support of Summary Judgment, review documents/briefings provided by Idaho Historical Society re MHID v. Bennett (0.9); review case law pertaining to trust/fiduciary relationship between irrigation districts and landowners, nominal equitable title vs. equitable/beneficial title in water rights and inclusion of elements/conditions of approval in water rights/decrees per Idaho Code 42-1411 (2.3)	\$50.00	1.4	\$0.00
2/8/21	18	JEB	Continue review of case law and treatises re division of water rights ownership - legal vs. equitable title (1.9); draft Motion for Summary Judgment (0.5); begin drafting Memo in Support of Summary Judgment, drafting introduction, procedural background, and standard of review (1.7)	\$260.00	3.2	\$832.00
2/9/21	18	JEB	Ememo to "of counsel" Browitt requesting update on status of briefing on summary judgment outlining priority mailing service deadline given 3 day weekend requesting paralegal Caga to reserve time on Friday to complete editing and filing of briefing	\$260.00	4.1	\$1,066.00
2/9/21	1	LAS	Prepare and finalize correspondence to client regarding client copy of MHID v. Flora Bennett case file along with enclosure	\$440.00	0.2	\$88.00
2/10/21	27	LV	Continue drafting Memo in Support of Summary Judgment, begin drafting Argument with intro paragraphs and section re 61-248 being incorporated into 61-10419 rather than being invalidated, citing Idaho Department of Water Resources policy re handling combining/splitting water rights and attachments to SRBA final decree that suggest 61-248 was neither unclaimed nor disallowed	\$65.00	0.3	\$19.50
2/10/21	18	JEB	Continue drafting Memo in Support of Summary Judgment, draft section of Argument re beneficial title providing client with more substantial interest than MHID with nominal legal title, draft conclusion, send to attorney Schroeder for review	\$260.00	5.5	\$1,430.00
2/11/21	18	JEB	Research all mailing possibilities to confirm best/most cost effective mailing service to ensure delivery of Motion for Summary Judgment by 2/16/2021 deadline; summary ememo to attorney's re same	\$260.00	5.3	\$1,378.00
2/11/21	12	LMG		\$195.00	0.4	\$78.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
2/11/21	1	LAS	Advise paralegal Gage re fed ex filing given Monday holiday after receiving options re same (n/c) Draft Statement of Facts in Support of Summary Judgment, add to version edited by attorney Schroeder (1.5); talk with client via phone in gathering information for supporting affidavit (0.3)	\$440.00	0.1	\$0.00
2/12/21	18	JEB	Review IRCPs and local rules re motions for summary judgment, filings, signing pleadings, pleading requirements and service requirements noting all relevant requirements therein; review draft motion and memorandum line by line making all edits needed; cross reference and verify all citations to rules, cases and documents; update motion to reference same; prepare upcoming hearing; update motion to reference same; prepare filing copy and service copies; travel to FedEx; confirm requested mailing will be delivered by 2/16/2021; send same; review next deadline for responsive briefing; review FedEx timetables noting deadline to ensure filing with court completed by deadline; provide summary to attorneys	\$260.00	1.8	\$468.00
2/12/21	12	LMG		\$195.00	2.9	\$565.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Review and provide slight edits to motion and memorandum for summary judgment drafted by of counsel Browitt; request of counsel Browitt to add statement of undisputed facts to memorandum; review final version of filing approving fed ex and service of the same as prepared by paralegal Gage; multiple (2) enemos from/to paralegal Gage re filing motion and memorandum noting that fed ex filing will be accomplished from Reno, NV given assistant Marovich was required to go home because of Portland snow closures; enemos to/from client re facts in support of summary judgment and needed documents or affidavits determining that affidavits are required; advise of counsel Browitt and client Dan to work together on affidavits for Dan and Tim; ememo (2) to/from attorney Browitt re affidavits in support of summary judgment and filing of the same; consider timing for drafting and filing response and reply given fed ex timing for delivery to SRBA and limited ability to fax file confirming that "of counsel" Browitt will prepare the same in draft by 2/23 to attorney Schroeder; advise on arranging notary for client and lessee affidavit noting attorney Schroeder will complete notary for client in Baker City	\$440.00	2	\$880.00
2/12/21		1 LAS	Draft affidavit for client in support of Motion for Summary Judgment, send electronic copy to client for review	\$260.00	0.6	\$156.00
2/13/21		18 JEB	Multiple enemos from/to "of counsel" Browitt re affidavits to support beneficial use and preference for filing with opening brief	\$440.00	0.2	\$88.00
2/14/21		1 LAS	Talk via phone with Tim Healy in preparation of drafting Healy affidavit in support of Motion for Summary Judgment (0.3); draft affidavit, send to Healy for review (0.5); on Healy's recommendation, reach out via phone to Chris Alzola to arrange for Healy to sign affidavit and have it notarized, and email form to Alzola (0.3); receive signed/notarized affidavit from Alzola, send to paralegal Gage for submission (0.2)	\$260.00	1.3	\$338.00
2/15/21		18 JEB				

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
2/15/21		1 LAS	Multiple ememos from/to "of counsel" Browitt to edit and approve final affidavits for Dan and Tim; ememos from/to Dan and text to arrange for notary in Baker City; prepare affidavit for notary and arrange for Administrator Barison to obtain signatures; complete notary form and book, scan and send signed page to paralegal Gage for filing next day via fax	\$440.00	1.2	\$528.00
2/23/21			Courtesy discount			(\$148.42)
			Confirm motion, memorandum, and affidavits for summary judgment were timely filed; request paralegal Gage to send courtesy copies of filings to opposing counsel Bromley; organize filings in trial notebook after printing the same; begin reading Flora Bennett file; receive update from "of counsel" Browitt re timing for filing response to MHID's motion for SJ; multiple ememos from/to opposing counsel re two subcases and need for duplicate filings forwarding to paralegal Gage for follow up with Janet at SRBA; complete client copies of MHID filings	\$440.00	1.2	\$528.00
2/16/21		1 LAS	Research SRBA rules re filing affidavits noting no specific requirements re filing or preserving wet signatures; status ememo to attorney requesting confirmation of same; draft certificates of service for affidavits; prepare final filing copies; file via facsimile; provide all recent filings to attorney for updating working notebook; provide courtesy email copies of Motion for Summary Judgment, Supporting Memorandum and Affidavits to attorney Bromley; receive and briefly review MHID Motion for Summary Judgment, Opening Brief and Affidavit of Ascuna, provide to client	\$195.00	1.6	\$312.00
2/16/21		12 LMG	(Billing) Approve assistant Marovich contact with client re finance charges/payment agreeing to previous month's procedure at client's request (n/c)	\$440.00	0.1	\$0.00
2/17/21		1 LAS	Ememos from/to "of counsel" Browitt outlining response to motion for summary judgment filing by MHID noting that MHID has not addressed beneficial use issue	\$440.00	0.2	\$88.00
2/18/21		1 LAS	Review MHID's Memo in Support of Motion for Summary Judgment, research cited legal authority	\$260.00	1.9	\$494.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
2/22/21	18	JEB	Begin drafting Response to MHID's Motion for Summary Judgment, draft introduction, standard of review and beginning of argument	\$260.00	2.4	\$624.00
2/22/21	1	LAS	Advise attorney Skulan to research Idaho deadline for filing tort claim following expiration of investigation period and to docket the same noting that attorney Vernon Smith has already filed tort claim and time for investigation has already passed	\$440.00	0.1	\$44.00
2/24/21	1	LAS	Receive draft response to MHID's motion for summary judgment from "of counsel" Browitt editing slightly and forwarding to client for approval and to paralegal Gage for timely filing by fed ex with edits accepted by "of counsel" Browitt; request confirmation from "of counsel" Browitt that PDF to attach as exhibit need not have cover declaration of relationship between Bennett and Weitz	\$440.00	0.6	\$264.00
2/24/21	18	JEB	Continue and complete drafting Response to MHID's Motion for Summary Judgment, draft portion of argument focusing on integration of use under 61-248 into MHID's claim, contradict assertion that none of the elements of 61-248 were integrated into 61-10419 by showing similarities in place of use, source and season of use while explaining difference in date of priority; cite statutes and case law that show ownership of water rights can be changed even if they are decreed; download IDWR Adjudication Claim Proof and Verification reports to be submitted attachments to Response; send to attorney Schroeder for review	\$260.00	5.3	\$1,378.00
2/24/21	12	LMG	Ememo to attorney Browitt requesting status of brief; receive and review response re same; review document to be included as exhibit	\$195.00	0.2	\$39.00
2/25/21	18	JEB	As follow-up to attorney Schroeder's edits, perform final review of Response to MHID's Motion for Summary Judgment; send to paralegal Gage to prepare for filing	\$260.00	0.4	\$104.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Review draft response brief noting exhibits referenced therein; prepare same; prepare certificate of service and cover letter; review response brief cross referencing parties, water rights, dates, documents, case information, cases and statutes as needed; prepare final filing copies noting 2 originals needed; prepare service copies; prepare fedex filing packet for SRBA filing copies and US mail for service; send all	\$195.00	2.4	\$468.00
2/25/21		12 LMG	Receive client's approval to file response forwarding to paralegal Gage; receive minor edit to memorandum as edited by attorney Schroeder from "of counsel" Browitt and approve; forward final edited document to paralegal Gage for filing; receive confirmation that paralegal Gage has filed response by priority mail in order to meet filing deadline	\$440.00	0.3	\$132.00
2/25/21		1 LAS	Research Idaho statutory law regarding filing tort claims against governmental entities, noting that after notice is provided and time to approve/deny has run, claimant has 2 years to file tort claim; draft ememo outlining same and docket filing deadline for July 29, 2022 noting that last day of 2-year period (July 31, 2022) is a Sunday	\$195.00	2.3	\$448.50
3/1/21		25 CRS	Multiple memos to coordinate schedule for reply (as may be required)	\$440.00	0.1	\$44.00
3/1/21		1 LAS	Review MHID's Response to Motion for Summary Judgment and Motion to Strike along with cited legal authority in both, summarize for attorney Schroeder	\$260.00	3.5	\$910.00
3/2/21		18 JEB	Research SRBA docket noting all newly filed pleadings; briefly review same and provide to client; note MHID's Notice of Hearing re Motion to Strike; docket same; review SRBA local rules and IRCs re motion practice and time computation noting hearing date provided prior to deadline to respond to same, further noting hearing per SRBA local rules direct for third Tuesday in second month following motion and requirements for expedited hearing noting not complied with; summary ememo to attorney's re same	\$195.00	0.7	\$136.50
3/2/21		12 LMG	Briefly review memo filed by MHID in response to our motion for summary judgment; advise paralegal Gage as to docketing response to Motion to Dismiss	\$440.00	0.2	\$88.00
3/2/21		1 LAS				

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
3/3/21		28 OVM	(Billing) Teleconference with client re past due amount and update billing team re same conversation (u/c)	\$50.00	0.3	\$0.00
3/4/21		18 JEB	Review MHID's second Motion to Strike re exhibits attached to Weitz's Response	\$260.00	0.6	\$156.00
3/5/21		18 JEB	Began drafting Reply to MHID's Response to Motion for Summary Judgment; draft section countering assertion that Weitz has judicially admitted 61-248 does not exist	\$260.00	4.1	\$1,066.00
			Receive and briefly review MHID's Motion to Strike portions of Response to Motion for summary Judgment; review SRBA local rules re motion practice and time computation; docket deadline to respond and reply to same; review docket noting Notice Setting Hearing on Motion to Strike; provide to attorneys and client			
3/5/21		12 LMG		\$195.00	0.4	\$78.00
3/8/21		18 JEB	Continue drafting Reply to MHID's Response to Motion for Summary Judgment; finish drafting section countering assertion that Weitz has judicially admitted 61-248 does not exist; draft section countering MHID's assertion that 61-248 and 61-10419 bear no resemblance and begin drafting argument countering MHID's assertion that no ambiguity exists in partial decree	\$260.00	3.9	\$1,014.00
			Continue and complete drafting Reply to MHID's Response to Motion for Summary Judgment; finish drafting argument countering MHID's assertion that no ambiguity exists in partial decree; state that Weitz does not allege ambiguity in defining elements of 61-10419 but rather in ownership and that SRBA court has authority to determine such; draft section countering MHID's assertion that it owes Weitz no obligation other than to deliver water due as shareholder; analyze MHID's justification re trust relationship to all shareholders; draft section re alleged failure to support statement of facts; draft conclusion; send draft to attorney Schroeder for review	\$260.00	5.6	\$1,456.00
3/9/21		1 LAS	Follow up with "of counsel" Brown re status of drafts noting fed ex deadline for filing is next day receiving response and providing requested preliminary direction on handling two motions to strike	\$440.00	0.2	\$88.00
3/10/21		27 LV	Update pleading notebook of recent filings along with organizing dividers for attorney use in hearing	\$65.00	1.7	\$110.50

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Review notebook and cross reference with file noting additional documents needed; attend planning teleconference taking detailed notes re reply brief and responding to motions to strike; review draft reply cross referencing citations to dates, documents, parties, cases and rules as needed; make all final edits; prepare certificate of service and cover letter; provide to client for final review; prepare final pleading, filing copy and service copies for filing via FedEx and service via US mail	\$195.00	2.1	\$409.50
3/10/21		12 LMG	Teleconference with attorney Schroeder and paralegal Gage re approach on responding to MHID's motions to strike (0.5); final review Reply to MHID's Response to Motion for Summary Judgment, reviewing edits and confirming accuracy of citations (0.4)	\$260.00	0.9	\$234.00
3/10/21		18 JEB	Conference scheduling and call with "of counsel" Browitt re strategy for responding to motion to strike deciding to make additional filings and outlining arguments for each motion for further development by "of counsel" Browitt; review and edit reply to motion for summary judgment as drafted by attorney Browitt approving for filing following client read through if can be timely filed by priority mail	\$440.00	1.2	\$528.00
3/10/21		1 LAS	Review caselaw and relevant court rules (evidence, civil procedure) for responses to motions to strike (1.7); review Reply to Weitz Response to MHID's Motion for Summary Judgment (0.4)	\$260.00	2.3	\$598.00
3/12/21		18 JEB	Research local rules and IRCPs concerning timing to move to strike and Idaho Rules of Evidence noting motion to be made before responding to pleading or within 21 days of service of pleading; provide to attorney; research Idaho statutes noting no statutes directing for witnesses ability to testify as to real property; summary memo to attorney	\$195.00	0.4	\$78.00
3/12/21		12 LMG				

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
3/14/21	18	JEB	Draft Response to MHID's first Motion to Strike, rebutting MHID assertions that Weitz and Healy affidavits were inadmissible because they contradicted alleged judicial admission re existence of 61-248 and statements were legal conclusions rather than personal knowledge, explain relevance of Idaho Department of Water Resources adjudication memo and ask court to take judicial notice of document; send to attorney Schroeder for review	\$260.00	4.1	\$1,066.00
3/15/21	12	LMG	Review draft response to first motion to strike making all edits as needed; provide to client for review; receive and review memo from client approving same; draft certificate of service; prepare filing copy and service copies; file via fax and serve via U.S. mail	\$195.00	1.2	\$234.00
3/15/21	1	LAS	Review response to first motion to strike as drafted by "of counsel" Browitt approving for fax filing after client approval of the same advising paralegal Gage on timing for filing; receive and forward MHID MSJ as filed by opposing counsel to include in hearing notebook for review prior to oral argument; request updates to hearing notebooks to be accomplished by assistant Marovich	\$440.00	0.6	\$264.00
3/16/21	1	LAS	Multiple memos from/to Dan re scheduling ZOOM requesting paralegal Gage to follow up with SRBA for connection information; receive confirmation that all parties should use same ZOOM link noting that the same was provided to Dan; review response to second motion to strike as prepared by "of counsel" Browitt making slight edits and advising paralegal Gage as to filing of the same following review by client; outline update to hearing notebooks to be completed by assistant Marovich	\$440.00	0.6	\$264.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
3/16/21	12	LMG	Review draft Response to MHID's 2nd Motion to Strike; cross reference citations to dates, documents, parties, cases, rules as needed; make all updates necessary; provide to client for review; draft certificate of service; prepare filing copy and file via fax; draft cover letter to court with copy for sub-file; prepare all service copies and serve same; teleconference with SRBA court clerk noting information provided on notice setting hearing for Zoom or telephone dial in to be used by all parties and/or attorneys; outline same and provide summary to client and attorneys	\$195.00	0.8	\$156.00
3/16/21	18	JEB	Draft Response to MHID's second Motion to Strike, argue that Exhibit 1 and 2 to Weitz Response to MHID Motion for Summary Judgment are relevant as part of agency record and should be admitted; point out that footnote MHID challenged was first published in Weitz Memo in Support of Summary Judgment, at which point MHID neither objected or responded to it	\$260.00	2.7	\$702.00
3/17/21	1	LAS	Prepare for next day's oral argument after receiving updated notebook from assistant Marovich; request "of counsel" Browitt to prepare oral argument outline; acknowledge receipt of oral argument outline and advise on discussion of the same	\$440.00	0.3	\$132.00
3/17/21	1	LAS	(Billing) Given past due sum advise assistant Marovich to use trust fund, charge finance on remaining past due amount and request replenishment with new billing. (n/c)	\$440.00	0.1	\$0.00
3/17/21	12	LMG	Review docket summary noting Motions for Summary Judgment and Motions to Strike ripe for consideration; draft summary of motion practice format for updating attorney notebook	\$195.00	0.2	\$39.00
3/17/21	18	JEB	In preparation of 3/18 hearing, draft outline of arguments for motions to strike and motions for summary judgment	\$260.00	1.7	\$442.00
3/17/21	28	OVM	Complete review of notebooks for Hearing on Summary Judgment, adding filings necessary for attorney Schroeder use in hearing and formatting per hearing notebook standards	\$100.00	1.7	\$170.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
3/18/21	25	CRS	Review Idaho Rules of Civil Procedure and Snake River Basin District Court Rules, noting conflicting timelines for filing responses to motions and noting the District Court Rules must be consistent with Idaho Rules of Civil Procedure; advise Paralegal Gage that future docketing should reflect more restrictive Idaho Rules of Civil Procedure to err on side of caution given the more lenient Snake River Basin rules are not consistent with Idaho Rules of Civil Procedure	\$210.00	0.2	\$42.00
3/18/21	18	JEB	Discuss hearing strategy with attorney Schroeder via phone (0.3); participate via ZOOM in hearing before SRBA court re motions to strike and motions for summary judgment (1.9)	\$260.00	1.9	\$494.00
3/18/21	12	LMG	Receive and review memos from office of Vernon Smith; review summary from hearing making notes for future motion practice; affidavits and exhibits from SRBA files	\$195.00	0.3	\$58.50
3/18/21	1	LAS	Prepare for oral argument reviewing "of counsel" Browitt 3 page argument outline, briefing and case law; preparatory oral argument conference with "of counsel" Browitt; make oral argument with Judge Wildman ruling on Motion to Strike and taking under advisement motions for summary judgment; debriefing with team advising on next steps; debrief with client	\$440.00	2.9	\$1,276.00
3/18/21	28	OVM	Process hearing notes created and used by attorney Schroeder during Hearing on Summary Judgment and share with team for consideration of next steps (n/c)	\$100.00	0.3	\$0.00
3/23/21	1	LAS	(Billing) Request, receive, and approve client forward of past due cover to current billing (n/c)	\$440.00	0.1	\$0.00
3/25/21	1	LAS	Multiple memos from/to Dan re existence of water use infrastructure on property noting that none exists so that PSA can be edited regarding the same (.2); review and edit PSA incorporating in track changes proposed changes inserted by Dan and redraft of Section 10.4 disclosing no water rights to be associated with sale forwarded to Dan (.7); receive update from Dan that LAS edited PSA forwarded to Buyer requesting file saved (.1); receive return email from legal counsel West re agreement to edits (.1)	\$440.00	1.1	\$484.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
4/9/21	28	OVM	Begin work on authorities notebook to accompany current filings notebook for all pleadings and filings for subcases 61-248 and 61-10419 for use in future hearings	\$100.00	0.8	\$80.00
4/12/21	1	LAS	Multiple ememos re status of decision from SRBA noting that farmer lessee should plan on irrigating since even if SRBA decision is negative that MHID has additional steps to undertake before it could cut off irrigation water supply	\$440.00	0.2	\$88.00
4/13/21	28	OVM	Complete review of all pleadings and filings for subcases 61-248 and 61-10419 for authorities to pull for authorities notebook and begin to organize authorities table of contents	\$100.00	2.2	\$220.00
4/15/21	28	OVM	Complete organization of authorities table of contents for notebook; locate and save all cases, rules, and statutes mentioned in authorities notebook to file and print for notebook	\$100.00	3.2	\$320.00
4/16/21	28	OVM	Complete organization of authorities notebook for hearing for subcases 61-248 and 61-10419 including Idaho Constitution Sections and Decrees; confirm with "of counsel" attorney Browitt several authorities which do not need to be included in notebook; categorize, divide and finalize notebook for attorney Schroeder use and complete project	\$100.00	2.9	\$290.00
4/16/21	12	LMG	Receive and review ememo from legal secretary noting authorities needed for working notebook; review file noting pleadings referencing each; research file, court database and Lexis for same; provide identified authorities to legal secretary and direct for further follow up re remaining	\$195.00	0.8	\$156.00
4/23/21	1	LAS	Receive email from "of counsel" Browitt that SRBA has issued order in clients favor briefly reviewing the same and congratulating Dan via email	\$440.00	0.2	\$88.00
4/26/21	1	LAS	Receive and respond to multiple ememos from Dan regarding attorney fees, tort, and next steps regarding MHID	\$440.00	0.2	\$88.00
4/26/21	12	LMG	Receive and review Order on Cross-Motions for Summary Judgment; research SRBA local rules, IRCPs and IARs concerning appeals; ememo to attorney Browitt re rules from IRCPa nd IAR concerning appeals	\$195.00	0.6	\$117.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Considering next steps given appeal on SRBA order is due in next month requesting paralegal Gage to docket deadline; memos to/from team to determine if request for order to transfer, a partial judgment, status conference, or other step is required to send contract issue to Elmore County; approve "of counsel" Browitt contact with SRBA Court clerk to make final next steps determination	\$440.00	0.4	\$176.00
5/3/21	1	LAS	(Billing) Advise Administrator Borison to call client to follow up on past due account (n/c)	\$440.00	0.1	\$0.00
5/3/21	1	LAS	Review email correspondences with Paralegal Gage, Attorney Schroeder, "of counsel" attorney Browitt re transferring remainder of case to district court (n/c)	\$210.00	0.2	\$0.00
5/3/21	25	CRS	Email correspondences with Attorney Schroeder, "of counsel" attorney Browitt, and Paralegal Jackson re next steps and transferring remainder of case to district court, noting that SRBA court will schedule a status conference to discuss same (n/c)	\$210.00	0.2	\$0.00
5/4/21	25	CRS	Review relevant Idaho Rules of Civil Procedure and Appellate Rules to confirm deadline for potential MHID appeal; call SRBA court case administrator Diana Delaney re procedure for transferring remainder of matter to Elmore County	\$260.00	0.9	\$234.00
5/4/21	18	JEB	Receive update from "of counsel" Browitt re SRBA moving forward with status conference noting that the same may be scheduled after appeal deadline; request paralegal Gage to update dockets to include appeal deadline and possible scheduling for SRBA status conference; provide email update to Dan as to status of appeal and case transfer to Elmore County receiving response to the same; advise Dan that we will not proceed on counterclaims if MHID drops challenge to Flora Bennett contract	\$440.00	0.8	\$352.00
5/4/21	12	LMG	(DCT) Review IAR 14 noting 42 day deadline to appeal order; review order noting tolling filing date; calculate appeal deadline and docket same	\$195.00	0.2	\$39.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
			Multiple memos from/to opposing counsel and SRBA clerk re scheduling status conference; memo from opposing counsel Bromley rescheduling further discussions on next steps to litigation setting on 5/11 at 10:30 am advising that attorney Schroeder can set up ZOOM for attorneys to discuss before SRBA status conference	\$440.00	0.3	\$132.00
5/5/21		1 LAS	(DCT) Receive and review ZOOM information for upcoming conference with opposing counsel; docket same	\$195.00	0.2	\$39.00
5/6/21		12 LMG	Set up ZOOM attorney meeting to consider next steps forwarding to opposing counsel and "of counsel" Browitt requesting paralegal Gage to calendar confirming with paralegal Gage that opposing counsel is on Mountain time	\$440.00	0.2	\$88.00
5/6/21		1 LAS	Review forwarded statutes from client and email regarding final judgment, costs, attorney fees, appeal and related matters responding that no final judgment will be entered until contract claim is resolved and providing dates of attorney conference and status conference scheduled with Judge Wildman	\$440.00	0.4	\$176.00
5/10/21		1 LAS	Receive and briefly review status memos between client and attorneys; update tracking list accordingly (n/c)	\$195.00	0.2	\$0.00
5/10/21		12 LMG	Attend video conference with opposing counsel regarding moving forward, noting opposing counsel wishes to appeal water right decision from the Snake River Basin Adjudication Court prior to arguing contract issue in Elmore County Court (n/c)	\$210.00	0.4	\$0.00
5/11/21		25 CRS	Teleconference, along with attorneys Schroeder and Skulan, with opposing counsel Bromley and McHugh re MHUD's intent to appeal SRBA court's order; follow-up teleconference with attorney Schroeder and paralegal Gage	\$260.00	0.5	\$130.00

DATE	TIMEKEEPER	INITIALS	DESCRIPTION	RATE	HOURS	AMOUNT
5/11/21	1	LAS	Review SRBA decision in preparation for ZOOM conference with opposing counsel (.4); short ZOOM conference with attorney Bromley and McHugh regarding next steps learning that MHID wants to appeal decision approving direct contact with SRBA attorney Harrington to request status conference agenda update (.4); ememo to/from client re keeping development/sales off irrigated ground in order to avoid MHID conflict noting that he continues to be interested in settlement to east side transfer (.1); ememo from/to opposing counsel Bromley advising that MHID should prepare partial judgment since it is interested in appealing at this time (.2); draft lengthy email to client advising that MHID will appeal, status of Elmore Co contract issues, attorney fees and timing for next steps (.3)	\$440.00	1.4	\$616.00
5/13/21	18	JEB	Review proposed Stipulation for Entry of Partial Judgment and IRCP 54(b) Partial Judgment drafted by opposing counsel Bromley (0.2); review analysis by attorney Smith re request for attorney's fees and costs (0.3)	\$260.00	0.5	\$130.00
5/13/21	1	LAS	Receive proposed partial judgment from opposing counsel advising of provisions that are unnecessary and confusing given court procedure on remand will address advising removal of those sections that seem to tie the hands of the Idaho Supreme Court	\$440.00	0.5	\$220.00
5/14/21	1	LAS	Receive revised partial judgment that removed unnecessary clauses from opposing counsel Bromley approving deletions but noting that client likely will not stipulate to parties bearing own attorney fees and costs with follow up scheduled for Monday	\$440.00	0.3	\$132.00

Business Credit Card ...2115
Add account nickname

\$0.00
Current balance

Date range: 10/01/2020 - 11/30/2020

SEARCH RESULTS

COMPLETED

11/27/2020	Simplisafe 888-957-4675 Ma	\$24.99
10/26/2020	Simplisafe 888-957-4675 Ma	\$24.99
10/14/2020	Schroeder Law Offices 503-2814100 Or	\$800.00
Completed 10/14/2020		

Rec'd 11/27/2020

Transaction details

TYPE

Purchase

REFERENCE NUMBER

24559300287900014100527

Transaction options

To dispute this charge, call the number on the back of your card or contact the merchant directly.

To report unauthorized charges, call the number on the back of your card.

From: Schroeder Law Offices PC
Sent: Friday, November 20, 2020 3:20 PM
To: WeitzCoNW@gmail.com
Subject: Payment Receipt from Schroeder Law Offices PC for \$5,000.00



"We do EVERYTHING Water!"

Payment Receipt

\$5,000.00

Schroeder Law Offices PC
 1915 NE Cesar E. Chavez Blvd.
 Portland, Oregon 97212
 (503) 281-4100

Account Holder
 Daniel P. Weitz
 , 97814

Payment Summary

Account:	Trust	Amount Paid:	\$5,000.00
		Payment Method:	VISA
		Card Number:	*****2115
		Entry Mode:	Manual
		Auth Code:	710251
		Payment Date:	November 20, 2020 03:15 pm
		Transaction Id:	38538861

▣ **LAWPAY**

water-law.com
scott@water-law.com

From: Schroeder Law Offices PC
Sent: Wednesday, December 16, 2020 2:22 PM
To: WeitzCoNW@gmail.com
Subject: Payment Receipt from Schroeder Law Offices PC for \$8,890.50



"We do EVERYTHING Water!"

Payment Receipt

\$8,890.50

Schroeder Law Offices PC
 1915 NE Cesar E. Chavez Blvd.
 Portland, Oregon 97212
 (503) 281-4100

Account Holder
 Daniel P. Weitz
 , 97814

Payment Summary

Account:	Operating	Amount Paid:	\$8,890.50
		Payment Method:	VISA
		Card Number:	*****2115
		Entry Mode:	Manual
		Auth Code:	616111
		Payment Date:	December 16, 2020 02:11 pm
		Transaction Id:	39525523

 **LAWPAY**

water-law.com
scotl@water-law.com

From: Schroeder Law Offices PC
Sent: Wednesday, January 27, 2021 10:27 AM
To: WeitzCoNW@gmail.com
Subject: Payment Receipt from Schroeder Law Offices PC for \$22,293.50



"We do EVERYTHING Water!"

Payment Receipt

\$22,293.50

Schroeder Law Offices PC
 1915 NE Cesar E. Chavez Blvd.
 Portland, Oregon 97212
 (503) 281-4100

Account Holder
 Daniel P. Weitz
 , 97814

Payment Summary

Account:	Operating	Amount Paid:	\$22,293.50
		Payment Method:	VISA
		Card Number:	*****2115
		Entry Mode:	Manual
		Auth Code:	217242
		Payment Date:	January 27, 2021 10:24 am
		Transaction Id:	41182811

LAWPAY

water-law.com
scott@water-law.com



Transaction Date	Posting Date	Description	Reference Number	Account Number	Amount	Total
Payments and Other Credits						
04/08	04/08	PAYMENT - ELECTRONIC	5518	2628	-200.00	
		TOTAL PAYMENTS AND OTHER CREDITS FOR THIS PERIOD				-\$200.00
Purchases and Adjustments						
03/16	03/17	PPSCHROEDER LAW OFFICES 503-2814100 OR	2318	2628	15,079.58	
		TOTAL PURCHASES AND ADJUSTMENTS FOR THIS PERIOD				\$15,079.58
Interest Charged						
04/14	04/14	INTEREST CHARGED ON PURCHASES			161.63	
04/14	04/14	INTEREST CHARGED ON BALANCE TRANSFERS			0.00	
04/14	04/14	INTEREST CHARGED ON DIR DEP&CHK CASHADV			50.73	
04/14	04/14	INTEREST CHARGED ON BANK CASH ADVANCES			0.00	
		TOTAL INTEREST CHARGED FOR THIS PERIOD				\$212.36

Total fees charged in 2021	\$0.00
Total interest charged in 2021	\$367.80

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Type of Balance	Annual Percentage Rate	Promotional Transaction Type	Promotional Offer ID	Promotional Rate End Date	Balance Subject to Interest Rate	Interest Charges by Transaction Type
Purchases	12.99%V				\$ 14,650.41	\$ 161.63
Balance Transfers	12.99%V				\$ 0.00	\$ 0.00
Direct Deposit and Check Cash Advances	16.99%V				\$ 3,515.44	\$ 50.73
Bank Cash Advances	19.24%V				\$ 0.00	\$ 0.00

APR Type Definitions Daily Interest Rate Type: V= Variable Rate (rate may vary)

5

3644

date 5-10-2024

WITH GOD, ALL THINGS ARE POSSIBLE

for Acct # 1637

01 23000 2 2012

Cheryl Weitz

[https://onlinebanking.usbank.com/CCAP/af\(nbiENj1MsEtB5C2qKmFz\)/FindPastCheckOrDepositSlip/images/imageCheckDeposit](https://onlinebanking.usbank.com/CCAP/af(nbiENj1MsEtB5C2qKmFz)/FindPastCheckOrDepositSlip/images/imageCheckDeposit)

Find Past Check or Deposit Slip Images

[View Image](#)

Account Weitz Co - 7198
Check Number 3644
Date Processed 5/17/2021
Amount \$15,000.00

[Print](#) | [Save](#)

Review Front

ENDORSE HERE	6
SCHROEDER LAW OFFICES FOR DEPOSIT ONLY	
#153 6043 63494	
☐ CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY	AT _____ DATE _____
NAME OF FINANCIAL INSTITUTION _____	
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE RESERVED FOR FINANCIAL INSTITUTION USE *	
05172021 03:53 PM PDT 002001732	
00081681536043834940020 USB >0910000	
05172021 03:53 PM PDT 0020017300002	
The security features listed below, as well as those not listed, exceed industry guidelines.	
Security Features: MicroPrint Lines Chemically Sensitive Paper Security Strips	
Residue of document alteration: • MP Strip will trigger no AT response • All Xerox and other brand products tested • Strips do not show any apparent wear • Absence of "Original Document" watermark on back of sheet	

Cancel

Exhibit B

24 22/1230

3646

WEITZ & COMPANY INC.
P.O. BOX 854
BAKER CITY, OR 97814

date 5-20-2021

***PAY** to the order of Schroeder Law Office \$25,478.62
Twenty five thousand four hundred seventy eight and 62/100 DOLLARS

US BANK

WITH GOD, ALL THINGS ARE POSSIBLE

for

Cheryl Weitz

⑆ 23000220⑆

12/14/21, 4:19 PM

[https://onlinebanking.usbank.com/CCAP/af\(nbiENj1MsEtB5C2qKmFz\)/FindPastCheckOrDepositSlipImages/ImageCheckDeposit...](https://onlinebanking.usbank.com/CCAP/af(nbiENj1MsEtB5C2qKmFz)/FindPastCheckOrDepositSlipImages/ImageCheckDeposit...)

Return

Find Past Check or Deposit Slip Images

View Image

Account Weitz Co - 7198
Check Number 3646
Date Processed 5/21/2021
Amount \$25,478.62

Print | Save

Review Front

Security Features The security features listed below, as well as those not listed, exceed industry guidelines • Microprint • Security Screen • Chemically Sensitive Paper • Advanced Optical Document • Verifiable on back of check	ENDORSE HERE SCHROEDER LAW OFFICES KOLTA OREGON #153 6043 83023
	05212021 03:07 PM PDT 000301622
	000316815360438302300003 USB >0910000
	05212021 03:07 PM PDT 0003016200002
☐ CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY NAME OF FINANCIAL INSTITUTION _____ DATE _____ DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE RESERVED FOR FINANCIAL INSTITUTION USE	

Cancel Exhibit B

Schroeder Law Offices, P.C.
1915 N.E. Cesar E. Chavez Boulevard
Portland, OR 97212-5304
(503) 281-4100

Please include account number on check.
Payment due 12/18/2021.

Dan Weitz
PO Box 854
Baker City OR 97814

Page: 1
December 08, 2021
Account No: 1637

Summary of this Invoice

Previous Balance	Fees	Expenses	Advances	Payments	Balance
1637-01 Snake River Basin Adjudication Case 36575					
17,545.28	0.00	0.00	0.00	0.00	
			Finance Charge 88.33		\$17,633.61
Pay now to replenish trust account					<u>\$5,000.00</u>
Total due now in this matter					\$22,633.61
1637-04 MHID Appeal					
1,146.55	0.00	0.00	0.00	0.00	
			Finance Charge 21.34		\$1,167.89
<u>18,691.83</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
			Finance Charge 109.67		\$18,801.50
Trust Account Deficit Now Due					<u>\$5,000.00</u>
Total due now in this matter					\$23,801.50

(n/c) = No Charge
(AR) = Adjusted Rate, reduced at shareholder discretion
(Travel) = Travel time, \$110.00 - \$150.00
(DCT) = Docket, \$150.00 or less

Exhibit C

Payment due 12/18/2021. A late charge of 0.75% per month - annual percentage rate 9% - will be charged on past due accounts.

**Schroeder Law Offices, P.C.
1915 N.E. Cesar E. Chavez Boulevard
Portland, OR 97212-5304
(503) 281-4100**

**Please include account number on check.
Payment due 12/18/2021.**

Dan Weitz
PO Box 854
Baker City OR 97814

Page: 1
December 08, 2021
Account No: 1637-01
Invoice No: 13

Snake River Basin Adjudication Case 36575

			Rate	Hours	
11/15/2021	CRS	Review docket, notice of status conference, and notice of substitution of counsel, noting filings crossed and Schroeder Law Offices PC does not need to participate in status conference; update docket (n/c)	210.00	0.40	0.00
11/23/2021	CRS	Review docket and confirm all status conferences and other entries are removed given withdrawal of representation (n/c)	210.00	0.20	0.00
		For Current Services Rendered		0.60	0.00
		Previous Balance			\$17,545.28
		Finance Charge			88.33
		Balance Due			<u>\$17,633.61</u>
Past Due Amounts					
	<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>
	319.66	0.00	2,624.34	716.42	13,973.19
					<u>0.00</u>

Your Trust Account Balance is

Beginning Balance	\$0.00
Ending Balance	\$0.00

Exhibit C	Pay now to replenish trust account	\$5,000.00	2
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Dan Weitz

Page: 2
December 08, 2021
Account No: 1637-01
Invoice No: 13

Snake River Basin Adjudication Case 36575

Total due now in this matter \$22,633.61

(n/c) = No Charge
(AR) = Adjusted Rate, reduced at shareholder discretion
(Travel) = Travel time, \$110.00 - \$150.00
(DCT) = Docket, \$150.00 or less

Dan Weitz

MHID Appeal

Page: 3
December 08, 2021
Account No: 1637-04
Invoice No: 4

Previous Balance \$1,146.55

Finance Charge 21.34

Balance Due \$1,167.89

Past Due Amounts					
<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
21.34	0.00	481.57	115.98	549.00	0.00

Total due now in this matter \$1,167.89

(n/c) = No Charge

(AR) = Adjusted Rate, reduced at shareholder discretion

(Travel) = Travel time, \$110.00 - \$150.00

(DCT) = Docket, \$150.00 or less

Total Balance Due \$23,801.50

Exhibit C

Payment due 12/18/2021. A late charge of 0.75% per month - annual percentage rate 9% - will be charged on past due accounts.

4