



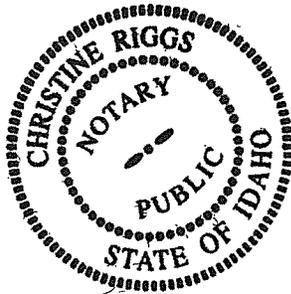


DATED this 15<sup>th</sup> day of May, 2013.

LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
CHIEF, NATURAL RESOURCES DIVISION

Andrea L. Courtney  
ANDREA L. COURTNEY  
Deputy Attorney General for  
Idaho Department of Water Resources

SUBSCRIBED AND SWORN To before me this 15<sup>th</sup> day of May, 2013.



Christine Riggs  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise, Idaho  
Commission Expires: 10-18-2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15<sup>th</sup> day of May, 2013, I caused a true and correct copy of the foregoing AFFIDAVIT OF ANDREA L. COURTNEY IN SUPPORT OF MEMORANDUM FOR COSTS AND ATTORNEY FEES, to be filed with the Court and served on the following parties by the indicated methods:

<p><i>Original to:</i> Fifth Judicial District Court 253 3rd Ave. North P.O. Box 2707 Twin Falls, ID 83303-2707</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Email</p>
<p>Josephine P. Beeman BEEMAN &amp; ASSOCIATES, P.C. 409 West Jefferson Street Boise, ID 83702 jo.beeman@beemanlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>

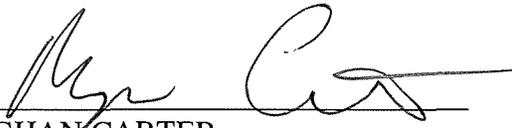
  
 \_\_\_\_\_  
 MEGHAN CARTER  
 Deputy Attorney General

EXHIBIT A

IDAHO ATTORNEY GENERAL'S OFFICE  
 Natural Resource Division  
 Idaho Department of Water Resources  
 322 East Front Street  
 P.O. Box 83720  
 Boise, Idaho 83720-0098

Frank Astorquia v. IDWR; Case No. CV-WA 2012-14102

ATTORNEY FEES

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>	<u>Total</u>
8/16/2012	ALC	Meet w/ GLBaxter re: quick overview of appeal.	0.20	\$25.00
8/17/2012	ALC	Review Court's 8/16 procedural order.	0.10	\$12.50
8/22/2012	ALC	Review Statement of Issues; Begin discussion of Stmt of Issues w/ GLB.	0.20	\$25.00
9/12/2012	ALC	Begin review of prepared record (earlier proceeding).	1.00	\$125.00
9/13/2012	ALC	Begin reviewing bates labeled documents; Read transcript; Review draft lodging with agency.	4.50	\$562.50
9/14/2012	ALC	Finish reviewing bates labeled documents; Discuss fixes with V. Kelly; Review appellate deadlines.	1.00	\$125.00
9/21/2012	ALC	Continue discussing Stmt of Issues w/ GLB.	0.40	\$50.00
9/27/2012	ALC	Begin analyzing Stmt of Issues; Begin drafting Agency Certificate of Record; Begin drafting Notice of Lodging Record and Transcript with the Court; Begin drafting Order Settling Agency Transcript.	1.00	\$125.00
9/28/2012	ALC	Continue discussing Stmt of Issues w/ GLB.	1.00	\$125.00
10/3/2012	ALC	Begin analyzing agency record and transcript for preliminary arguments.	1.10	\$137.50
10/4/2012	ALC	Identify errors in the Table of Contents; Continue analyzing record and transcript; Revise Order Settling Agency Transcript; Revise Agency Certificate of Record; Revise Notice of Lodging Record and Transcript.	1.30	\$162.50
10/9/2013	ALC	Meet with V. Kelly re: final record.	0.30	\$37.50
10/10/2013	ALC	Finalize Record and associated pleadings; meet with E.Rushing, GLB & VK re: final Record and associated pleadings.	1.70	\$212.50
10/17/2013	ALC	Continue reviewing transcript for argument development.	1.00	\$125.00
11/19/2013	ALC	Review Astorquia's request for continuance.	0.10	\$12.50
1/18/2013	ALC	Read Astorquia's opening brief.	0.50	\$62.50
2/1/2013	ALC	Begin outlining brief in response; Begin researching for response brief.	1.50	\$187.50
2/3/2013	ALC	Continue outlining brief in response; Continue researching for response brief.	2.00	\$250.00
2/5/2013	ALC	Continue outlining brief in response; Continue researching for response brief; Begin drafting brief.	5.40	\$675.00
2/6/2013	ALC	Continue outlining brief in response; Continue researching for brief; Continue drafting brief.	4.70	\$587.50
2/7/2013	ALC	Continue drafting brief; Continue researching for brief.	5.50	\$687.50
2/8/2013	ALC	Continue drafting brief; Finish outlining brief.	6.10	\$762.50
2/9/2013	ALC	Continue drafting brief.	1.50	\$187.50
2/10/2013	ALC	Finish drafting brief.	2.70	\$337.50
2/12/2013	ALC	Discuss first draft of brief w/ GLB; Begin revising brief; Continue researching for brief.	9.70	\$1,212.50
2/13/2013	ALC	Finish researching for brief; Finish revising brief; Discuss revisions w/ GLB.	6.50	\$812.50
2/14/2013	ALC	Discuss filing with K. White; Finalize brief; Prepare for filing.	1.80	\$225.00
3/21/2013	ALC	Begin researching waiver of attorneys fees.	0.30	\$37.50
3/22/2013	ALC	Finish researching waiver of attorneys fees.	1.60	\$200.00
4/3/2013	ALC	Begin preparing for oral argument.	0.40	\$50.00
4/4/2013	ALC	Continue preparing for oral argument.	3.50	\$437.50
4/5/2013	ALC	Continue preparing for oral argument.	4.70	\$587.50
4/6/2013	ALC	Continue preparing for oral argument.	0.80	\$100.00
4/7/2013	ALC	Finish preparing for oral argument.	0.50	\$62.50
4/8/2013	ALC	Travel to and from argument (Twin Falls); Attend argument.	6.00	\$750.00
	ALC	Read decision; Discuss memo of costs and fees w/GLB; Begin preparing ALC affidavit ISO memo of costs/fees; Meet w/M. Carter re: fees.	2.10	\$262.50
5/8/2013			2.10	\$262.50
5/9/2013	ALC	Continue preparing affidavit ISO memo of costs and fees.	0.50	\$62.50
	<b>Total Fees:</b>		<b>83.20</b>	<b>\$10,400.00</b>

COSTS

Postage for serving Respondent IDWR's Response Brief on 02/14/2013: \$2.12 per envelope x 3 =	\$6.36
<b>Total Costs:</b>	<b>\$6.36</b>

# STATE OF IDAHO



OFFICE OF THE ATTORNEY GENERAL

LAWRENCE WASDEN

EMPLOYEE HANDBOOK

## 19.0 RECOVERY OF ATTORNEY FEES AND COSTS

It is the policy of the OAG to seek the award of attorney fees whenever the State or one of its agencies is a prevailing party in litigation or is otherwise entitled to attorney fees. Additionally, it is the policy of the OAG to seek the maximum recovery of costs available under the appropriate rule or statute. Certain client-agencies may have policies that dictate a waiver of attorney fees.

In litigation, where there is the possibility of an award of attorney fees, the Deputy Attorney General who is counsel of record on the case shall keep accurate time records. It is imperative that all time records be kept on a *contemporaneous* basis and that they be accurate because, at the conclusion of the case, the attorney of record will be required to submit an affidavit to the court stating that the time records submitted are accurate and were made contemporaneously with the work performed.

For those attorneys defending federal civil rights actions, it is important to keep accurate time records, even when the State is not likely to be the prevailing party. The best defense to a plaintiff's request for attorney fees is to show the court the amount of time spent defending the matter. If accurate and contemporaneous time records are not kept, the State cannot present this type of defense when the attorney's fee bill is argued.

Based upon a study of the market rates charged by local firms and fee awards in recent cases, the following hourly rates have been established for this office:

Attorney General	\$175.00 Per Hour
Attorneys with More than Twenty Years' Experience	\$150.00 Per Hour
Attorneys with 11-20 Years' Experience	\$125.00 Per Hour
Attorneys with 6-10 Years' Experience	\$110.00 Per Hour
Attorneys with 0-5 Years' Experience	\$95.00 Per Hour
Law Clerks and Paralegals	\$50.00 Per Hour

*Last Change: March 11, 2005*