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January 17, 2005

VIA OVERNIGHT COURIER

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83301

Re: SRBA Case No. 39576 -Subcase Nos. 55-10288B, 55-10289B, 55-10290B, 55-10292B, 55-10293B, 55-10295, 55-10296, 55-10297B, 55-10298, 55-10299B, 55-10300, 55-10301B, 55-10303B, and 55-13451

Dear Sir or Madam:

Attached is a original and 2 copies each of the following documents:

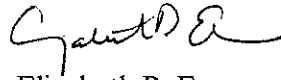
1. DECLARATION OF TIMOTHY LOWRY IN SUPPORT OF LU RANCHING CO.'S APPLICATION FOR ATTORNEYS FEES AND EXPENSES UNDER I.R.C.P. 54 AND THE EQUAL ACCESS TO JUSTICE ACT (28 U.S.C. 2412(d));
2. DECLARATION OF ELIZABETH P. EWENS IN SUPPORT OF LU RANCHING'S MOTION FOR ATTORNEYS FEES, INCLUDING EXHIBITS A, B AND C THERETO
3. MOTION FOR ATTORNEYS' FEES AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SAME
4. LU RANCHING'S MOTION FOR RECONSIDERATION AND/OR MOTION TO AMEND
5. DECLARATION OF ALAN SCHROEDER
6. DECLARATION OF ROGER LING

Please file these documents in your court and return a file-stamped copy of each one to us in the enclosed, self-addressed stamped envelope.

Please call the undersigned at 415-905-0200 if you have any questions.

Thank you for your assistance with this.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth P. Ewens". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth P. Ewens

Enclosures

1 MICHAEL J. VAN ZANDT
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2 ELIZABETH P. EWENS
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LING, ROBINSON & WALKER
P.O. Box 396
7 Rupert, ID 83350
Telephone: (208) 436-4717
8 Facsimile: (208) 436-6804

9 Attorneys for LU Ranching

10
11 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

12 In Re SRBA

13
14 Case No. 39576

Subcase Numbers 55-10288B, 55-10289B, 55-
10290B, 55-10292B, 55-10293B, 55-10295,
55-10296, 55-10297B, 55-10298, 55-10299B,
55-10300, 55-10301B, 55-10303B, and 55-
13451

15
16 **DECLARATION OF TIMOTHY LOWRY
IN SUPPORT OF LU RANCHING CO.'S
17 APPLICATION FOR ATTORNEYS FEES
AND EXPENSES UNDER I.R.C.P. 54 AND
18 THE EQUAL ACCESS TO JUSTICE ACT
(28 U.S.C. 2412(d))**
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1 **DECLARATION OF TIMOTHY LOWRY**

2 I, Timothy Lowry, declare:

3 1. I have personal knowledge of the matters stated herein and am competent to testify
4 thereto.

5 2. I am an Idaho state citizen and reside in Owyhee, United States of America.

6 3. I am the Vice-President of LU Ranching Company ("LU Ranching") and am
7 authorized to represent LU Ranching's interests in the above-captioned action.

8 4. The attorneys' fees generated in the above-captioned action, and which are sought in
9 the application for Attorneys' Fees and Expenses of which this Declaration is made a part, were
10 necessarily incurred by LU Ranching and me.

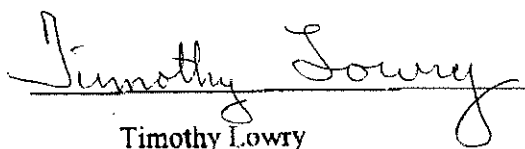
11 5. I am an individual and my net worth did not exceed Two Million Dollars
12 (\$2,000,000) at the time the above-captioned civil action was filed.

13 6. On behalf of LU Ranching, I declare that the net worth of LU Ranching did not
14 exceed Two Million Dollars (\$2,000,000) at the time the above-captioned civil action was filed.

15 I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is
16 true and correct and that this declaration was executed on January 13, 2005 at

17 Owyhee County, Idaho.

18
19 Dated: January 13, 2005.

20
21 
22 Timothy Lowry

1 **CERTIFICATE OF SERVICE**

2 I certify that on January 17, 2005, I served a true and correct copy of foregoing

3 **DECLARATION OF TIMOTHY LOWRY IN SUPPORT OF LU RANCHING CO.'S**

4 **APPLICATION FOR ATTORNEYS FEES AND EXPENSES UNDER I.R.C.P. 54 AND THE**

5 **EQUAL ACCESS TO JUSTICE ACT (28 U.S.C. 2412(d))** upon the following individuals by

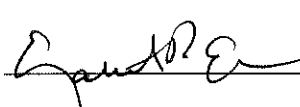
6 placing the document in the United States Mail, postage paid, and addressed as follows:

7 U.S. Department of Justice
8 General Litigation Section
9 Environment and Natural Resources Division
10 550 West Fort Street, MSC 033
11 Boise, ID 83724

12 Larry Brown
13 Attorney, U.S. Dept. of Justice
14 General Litigation Section
15 Environment and Natural Resources Division
16 550 West Fort Street, MSC 033
17 Boise, Idaho 83724

18 Chief, Natural Resources Division
19 Office of the Attorney General
20 State of Idaho
21 P.O. Box 44449
22 Boise, ID 83720-0098

23 IDWR Document Depository
24 P.O. Box 83720
25 Boise, ID 83720-0098

26
27
28

Elizabeth Ewens

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