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MAR 15 2006
DEPARTMENT OF
WATER RESOURCES

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN RE: SNAKE RIVER BASIN
ADJUDICATION CASE NO. 39576

LU RANCHING CO.,

Movant-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent.

**AFFIDAVIT OF
ELIZABETH P. EWENS
IN SUPPORT OF APPELLANT'S
RESPONSE IN OPPOSITION
TO UNITED STATES' MOTION
FOR EXTENSION OF TIME**

Supreme Court No. 31994

I, Elizabeth P. Ewens, being duly sworn on oath, state as follows:

1. I am a partner in the law firm of McQuaid, Bedford & Van Zandt LLP, and I am charged with the primary responsibility for representing LU Ranching Co. ("LU Ranching") in this appeal.
2. Under the current scheduling order, the United States' brief is due to be filed with the Court on March 13, 2006. LU Ranching filed its opening brief on February 13, 2006.
3. On March 8, 2006, I was contacted by counsel for the United States, Elizabeth Ann

Peterson, and advised that the United States needs a thirty (30) day extension of time to file its brief in both the above-captioned *LU Ranching v. United States* appeal (Supreme Court No. 31994) and in the consolidated *Joyce Livestock v. United States* appeals (Supreme Court. Nos. 32278 and 32279). The reason for the requested extensions of time is that counsel for the United States still has not obtained authority from their client, the United States, to file briefs in these appeals.

4. This is the second requested extension of time filed by the United States in the LU Ranching appeal. In November 2005, the United States requested and obtained an extension of time to file a response to a pending Motion to Consolidate Appeals.

6. LU Ranching did not oppose the United States' prior request for extension of time.

7 In February 2006, counsel for LU Ranching was first advised by counsel for the United States that she may not be able to obtain permission from the United States to file a brief in time to meet the March 2006 briefing deadline. During that conversation, I advised counsel for the United States that I would not be able to stipulate to an extension of time if the reason for the request is that counsel still has not obtained permission from the United States to file briefs in these appeals. I encouraged counsel for the United States to obtain whatever authority was required so that the March 2006 briefing deadline could be met and these appeals could proceed.

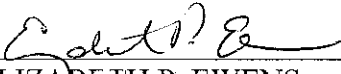
8. When I was contacted by counsel for the United States for a thirty day extension of time from March 13, 2006 to file its responsive brief, I advised counsel for the United States that LU Ranching objected to the requested extension of time because these appeals have been on file with the Court for nine months and this case is not making progress toward resolution

9. No assurances have been provided that authority from the United States to proceed in these appeals is forthcoming. Accordingly, we are left with a situation in which the United States has failed to prosecute these appeals for a period of nine months, has requested an extension of time to file an opening brief in these appeals, with no apparent end date in sight.

10. LU Ranching has spent considerable time, energy and resources on this appeal, including considerable time spent on timely filing its Opening Brief on appeal, and has additionally incurred unnecessary expenses as a result of the United States' failure to engage in these appeals. Further delays in this action will only serve to further prejudice LU Ranching and prevent LU Ranching from obtaining a final adjudication of its rights.

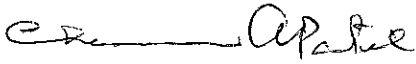
11. Requiring the United States to adhere to the current briefing schedule in place is necessary to protect LU Ranching's interests as well as the integrity of the judicial process.

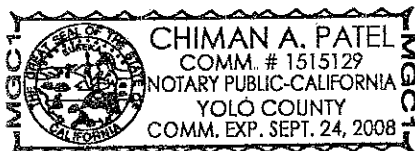
FURTHER AFFIANT SAYETH NOT.


ELIZABETH P. EWENS
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San Francisco, CA 94105
(415) 905-0200

SUBSCRIBED AND SWORN TO before me this 11th day of March, 2006

(SEAL)


NOTARY PUBLIC - CALIFORNIA



CERTIFICATE OF SERVICE

I certify that on March 11, 2006, I served a true and correct copy of foregoing **AFFIDAVIT OF ELIZABETH P. EWENS** upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

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