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OCT 29 2009

DEPARTMENT OF
WATER RESOURCES

Richard W. Stover, ISB #6801
EBERLE, BERLIN, KADING, TURNBOW &
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Attorneys for Claimant/Responding Party

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

In Re SRBA

Case No. 39576

Subcase Nos. 63-31194A & 63-31194B

MEMORANDUM OF COSTS
AND AFFIDAVIT OF ATTORNEY
FEES

COMES NOW, Claimant/Responding Party, Sundance Investments Ltd. Partnership, (hereinafter, "Sundance") by and through its counsel of record, the law firm of Eberle, Berlin, Kading, Turnbow & McKlveen, Chartered, and hereby submits the following costs and reasonable attorneys fees to be awarded pursuant to Idaho Code §12-120, § 12-121, and the Purchase and Sale Agreement that is the subject matter of this action.

STATE OF IDAHO)

:SS

County of Ada)

Richard W. Stover, being first duly sworn, on oath, deposes and says:

1. I am an attorney in the law firm of Eberle, Berlin, Kading, Turnbow & McKlveen Chartered, Boise, Idaho, attorneys of record for Sundance. I have knowledge of the matters set

forth herein and am competent to so state. I submit this Affidavit of Attorneys' Fees pursuant to Idaho Rule of Civil Procedure 54(e)(5) in connection with the Memorandum of Costs submitted pursuant to Idaho Rule of Civil Procedure 54(d)(5). Attached hereto as Exhibits "A" and "B", respectively, is a true and accurate listing of all costs and attorneys' fees incurred by Sundance in this matter.

2. To the best of my knowledge and belief, Exhibit "A" constitutes a true and correct statement of all of Sundance's costs and disbursements expended in this action, and a summary costs and fees. Exhibit "B" is a statement of all attorneys' fees incurred in this case. Each of the items contained in Exhibits A and B have been actually and necessarily incurred, and the costs claimed are in compliance with Idaho Rule of Civil Procedure 54(d)(1).

3. This Memorandum of Costs has been timely filed, and the total attorneys fees and costs incurred as set forth herein and made a part hereof by reference should be awarded to Sundance.

4. I have reviewed the attorneys' fees requested and those attorneys' fees are correct, and have been actually and necessarily incurred, and the services for which fees have been charged were actually and necessarily performed and the hours therefore reasonably expended. Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., was employed by Sundance on an hourly basis to defend this action. The attorneys' fees included in this Affidavit were computed on an hourly basis according to my primary hourly fee of \$175, and William J. McKlveen's of \$300. The rates charged to Sundance, are reasonable for attorneys practicing in Ada County, Idaho with similar levels of experience and similar abilities for the type of legal work performed. The attorneys' fees and costs claimed are in compliance with Idaho Rules of Civil Procedure 54(d)(1) and 54(e)(1) & (5).

5. The attorneys' fees requested in the Plaintiff's Memorandum of Costs are claimed on the basis of Idaho Code §§ 12-120, 12-121, and the Purchase and Sale Agreement of the parties. Specifically, this civil action unquestionably involves a commercial transaction, namely the Purchase and Sale Agreement. Thus, this civil action qualifies as a commercial transaction and entitles Sundance to an award of attorneys' fees.

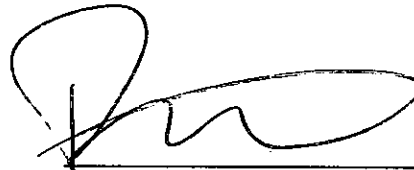
Moreover, the Purchase and Sale Agreement expressly provides that Sundance is entitled to an award of attorneys' fees and costs as a consequence of this litigation, to wit:

In the event of any controversy, claim or action being filed or instituted between the parties to this Agreement to enforce the terms and conditions of this Agreement, or arising from the breach of any provision thereof, the prevailing party will be entitled to receive from the other party all costs, damages, and expenses, including reasonable attorneys fees, incurred by the prevailing party, whether or not such controversy or claim is litigated or prosecuted to judgment.

Thus, Sundance is entitled to recover its attorneys' fees pursuant to I.R.C.P. 54(e).

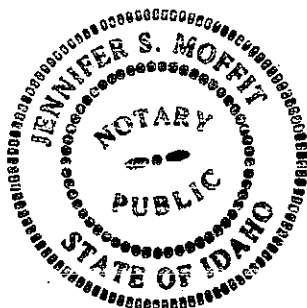
Finally, Sundance further requests the Court award its attorneys' fees reasonably incurred in the defense of this action pursuant to Idaho Code § 12-120 because this action was prosecuted frivolously, unreasonably and without foundation, all of which justifies fees. Id.R.Civ.P. 54(e)(1)

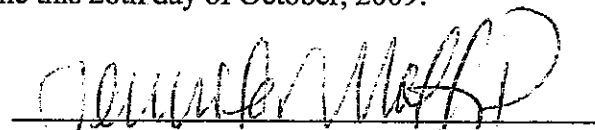
DATED this 28th day of October, 2009.



Richard W. Stover

SUBSCRIBED AND SWORN TO before me this 28th day of October, 2009.



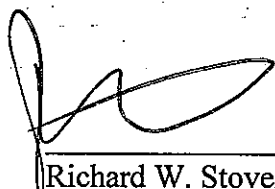

Notary Public for Idaho
My Commission Expires 4-8-10

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing **MEMORANDUM OF COSTS AND AFFIDAVIT OF ATTORNEY FEES** was mailed on October 28, 2009, with sufficient first-class postage prepaid to the following:

John C. Gould
Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

A handwritten signature in black ink, appearing to read 'Richard W. Stover', is written over a horizontal line.

Richard W. Stover

EXHIBIT "A"

Summary of Costs

Costs as a Matter of Right – I.R.C.P. 54(d)(1)(C):

<u>DATE</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>RULE</u>
5/4/09	M&M Court Reporting Service (Jack Miller Deposition Transcript)	126.00	I.R.C.P. 54(d)(1)(C)(10)
TOTAL COSTS AS A MATTER OF RIGHT		\$126.00	

Attorneys' Fees

\$17,594.50

See Exhibit "B"

TOTAL COSTS AND FEES

\$17,720.50

EXHIBIT B

FROM 2/22/07 THRU 2/23/07

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT
<u>WJM WILLIAM J. MCKLVEEN</u>										
79010 SUNDANCE COMPANY										
1 GENERAL										
		RWS	2/22/07	1.50	187.50	187.50			3/12/07	187.50
							RECEIPT AND REVIEW IDWR DIRECTOR'S REPORT REGARDING WATER RIGHT 63-31194; REVIEW IDWR WEBSITE FOR RECOMMENDATIONS; LETTER TO CLIENT REGARDING SAME.			
		WJM	2/22/07	.30	90.00	90.00			3/12/07	90.00
							REVIEW PROPOSED DIRECTORS' RECOMMENDATION ON WATER RIGHTS INVESTIGATION AND REVIEW.			
		RWS	2/23/07	1.00	125.00	125.00			3/12/07	125.00
							LETTER TO CLIENT REGARDING IDWR'S RECOMMENDATION TO SRBA COURT REGARDING WATER RIGHT 63-31194.			
		RWS	2/28/07	1.20	150.00	150.00			3/12/07	150.00
							RECEIPT AND ANALYZE NEW IDAHO SUPREME COURT CASE REGARDING CONVEYANCE OF WATER RIGHTS WITH CONVEYANCE OF THE LAND - MCKAY.			
		RWS	3/02/07	1.60	200.00	200.00			4/16/07	200.00
							REVIEW NEW SUPREME COURT DECISION REGARDING REQUIREMENTS TO EXCLUDE AN APPURTENANT WATER RIGHT FROM THE SALE OF REAL PROPERTY; LETTER TO MCKAY'S ATTORNEY REGARDING SAME AND REQUEST TO ABANDON EFFORTS TO CLAIM WATER RIGHT.			
		RWS	3/05/07	1.00	125.00	125.00			4/16/07	125.00
							REVISE LETTER TO MCKAY'S ATTORNEY DEMANDING ABANDONMENT OF CLAIM TO WATER RIGHT.			
		RWS	3/07/07	.80	100.00	100.00			4/16/07	100.00
							FINALIZE LETTER TO MCKAY'S ATTORNEY REGARDING ABANDONMENT OF CLAIM TO WATER RIGHT.			

FROM 3/26/07 THRU 3/30/07

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT

<u>WJM WILLIAM J. MCKLVEEN</u>										
79010 SUNDANCE COMPANY										
1 GENERAL										
		RWS	3/26/07	.10	12.50	12.50			4/16/07	12.50
							RECEIPT AND REVIEW LETTER FROM TCM JOINT VENTURE'S ATTORNEY REGARDING INDEMNIFICATION FROM MCKAY FOR DEMAND UPON TCM BY CLIENT; FORWARD SAME TO CLIENT.			
		RWS	3/29/07	.50	62.50	62.50			4/16/07	62.50
							RECEIPT AND REVIEW OBJECTION TO SRBA COURT REGARDING IDWR'S RECOMMENDATION WITH RESPECT TO WATER RIGHT 63-39914; TELEPHONE TO JON GOULD REGARDING SAME; CONFERENCE WITH BILL MCKLVEEN REGARDING SAME.			
		RWS	3/30/07	.50	62.50	62.50			4/16/07	62.50
							RECEIPT AND REVIEW SRBA OBJECTION TO WATER RIGHT FILED BY MCKAY; REVIEW DEADLINES FOR FILING RESPONSE TO OBJECTION; LETTER TO CLIENT REGARDING SAME.			
		RWS	4/19/07	3.10	418.50	418.50			5/10/07	418.50
							REVIEW AND ANALYZE IDWR'S ENTIRE FILE FOR WATER RIGHT 63-31194 IN PREPARATION OF RESPONSE TO MCKAY'S OBJECTION TO DIRECTOR'S RECOMMENDATIONS TO SRBA COURT; TELEPHONE TO TCM CO-TENANTS' ATTORNEY REGARDING TENDER OF DEFENSE.			

FROM 6/11/07 THRU 9/29/09

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT
<u>WJM WILLIAM J. MCKLVEEN</u>										
79010	SUNDANCE COMPANY									
48	MCKAY SRBA CLAIM									
		RWS	6/11/07	.10	15.00	13.50			7/13/07	15.00
							TELEPHONE CALL TO C. ANDERSON REGARDING USE OF WATER RIGHT 63-31194 AND SRBA RESPONSE TO MCKAY'S OBJECTION.			
		RWS	6/26/07	1.00	150.00	135.00			7/13/07	150.00
							LETTER TO CO-TENANTS' ATTORNEY MAKING FORMAL TENDER OF DEFENSE OF MCKAY'S SRBA CLAIM.			
		RWS	7/13/07	.30	40.50	40.50			8/13/07	40.50
							TELEPHONE FROM TCM CO-TENANTS' ATTORNEY REGARDING DECISION TO REJECT OUR TENDER OF THE SRBA DEFENSE.			
		RWS	7/25/07	.50	67.50	67.50			8/13/07	67.50
							RECEIPT AND REVIEW CORRESPONDENCE FROM TCM ATTORNEYS REJECTING TENDER OF DEFENSE, CORRESPONDENCE FROM TCM ATTORNEYS TO MCKAY'S ATTORNEYS; LETTER TO CLIENT REGARDING SAME.			
		RWS	8/03/07	.90	121.50	121.50			9/10/07	121.50
							BEGIN PREPARATION OF SRBA RESPONSE TO MCKAY'S OBJECTION TO DIRECTOR'S REPORT; RESEARCH IDAHO CASE LAW REGARDING JURISDICTIONAL LIMITS OF SRBA COURT.			
		RWS	8/06/07	1.40	189.00	189.00			9/10/07	189.00
							PREPARE RESPONSE TO SRBA OBJECTION FILED BY MCKAY.			
		RWS	8/07/07	1.30	175.50	175.50			9/10/07	175.50
							CONTINUE PREPARING SRBA RESPONSE.			
		RWS	8/08/07	1.80	243.00	243.00			9/10/07	243.00
							CONTINUE DRAFTING SRBA RESPONSE AND COMPILING SUPPORTING DOCUMENTS.			
		RWS	8/10/07	1.20	162.00	162.00			9/10/07	162.00
							FINALIZE SRBA RESPONSE, EXHIBITS AND ARGUMENTS IN SUPPORT THEREOF, TO MCKAY'S OBJECTION.			
		RWS	8/13/07	.20	27.00	27.00			9/10/07	27.00
							LETTER TO CLIENT ENCLOSING SRBA RESPONSE.			
		RWS	5/07/08	.90	135.00	135.00			6/11/08	135.00
							RECEIPT AND REVIEW ORDER SETTING CASE FOR INITIAL HEARING; TELEPHONE CALL TO OPPOSING COUNSEL REGARDING STIPULATION TO CONTINUE; DICTATE MEMORANDUM REGARDING STATUS TO ATTORNEY W. MCKLVEEN.			
		RWS	5/09/08	.90	135.00	135.00			6/11/08	135.00
							TELEPHONE CALL TO D. MCKAY'S ATTORNEY (J. GOULD) REGARDING STIPULATION TO RESET INITIAL HEARING; DRAFT STIPULATION TO RESET INITIAL HEARING.			
		RWS	5/12/08	.00	.00	.00			6/11/08	
							TELEPHONE CALL FROM CLIENT REGARDING STATUS OF SRBA SUBCASE AND STRATEGY			

FROM 6/11/07 THRU 9/29/09

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT
							OPTIONS FOR PROCEEDING.			
		RWS	5/22/08	.20	30.00	30.00			6/11/08	30.00
							RECEIPT AND REVIEW ORDER VACATING INITIAL HEARING IN SRBA CASE; LETTER TO CLIENT REGARDING SAME.			
		RWS	10/16/08	.20	30.00	30.00			11/13/08	30.00
							RECEIPT AND REVIEW NOTICE OF SRBA HEARING; LETTER TO CLIENT REGARDING SAME.			
		RWS	10/21/08	.30	45.00	45.00			11/13/08	45.00
							TELEPHONE CALL FROM CLIENT REGARDING INITIAL HEARING AND STRATEGY.			
		RWS	10/22/08	.60	90.00	90.00			11/13/08	90.00
							RESEARCH SRBA RULES AND STATUTES REGARDING CLAIMS FOR ATTORNEYS' FEES IN SUB-CASES.			
		RWS	10/23/08	.20	30.00	30.00			11/13/08	30.00
							TELEPHONE CALL TO R. ANDERSON REGARDING ATTORNEY'S FEES IN SRBA CASE AND STRATEGY TO RECOVER SAME.			
		RWS	11/07/08	2.00	300.00	300.00			12/11/08	300.00
							REVIEW FILE IN PREPARATION OF INITIAL HEARING; MEETING WITH C. ANDERSON REGARDING SAME; INITIAL HEARING WITH SRBA COURT.			
		RWS	12/29/08	.20	30.00	30.00			1/16/09	30.00
							TELEPHONE CALL FROM C. ANDERSON REGARDING STATUS; RECEIPT AND REVIEW DEMAND LETTER FROM CLIENT TO M. BALLANTYNE.			
		RWS	12/30/08	2.70	405.00	405.00			1/16/09	405.00
							TELEPHONE CALL TO C. ANDERSON REGARDING STATUS OF CASE; REVIEW FILE AND BEGIN DRAFTING WITNESS DISCLOSURE.			
		RWS	12/31/08	2.50	375.00	375.00			1/16/09	375.00
							FINALIZE WITNESS DISCLOSURE; TELEPHONE CALL TO J. MILLER REGARDING LOCATION OF WITNESSES.			
		RWS	1/05/09	.50	87.50	87.50			2/18/09	87.50
							TELEPHONE CALL FROM MCKAY'S ATTORNEY REGARDING SETTLEMENT OPTIONS; CONFERENCE WITH ATTORNEY W. MCKLVEEN REGARDING SAME.			
		RWS	1/09/09	.40	70.00	70.00			2/18/09	70.00
							RECEIPT AND REVIEW CORRESPONDENCE FROM TCM ATTORNEY; RECEIPT AND REVIEW MCKAY'S WITNESS DISCLOSURE.			
		RWS	2/04/09	1.00	175.00	175.00			3/10/09	175.00
							RECEIPT AND REVIEW RECENT SRBA DECISIONS REGARDING IMPERMISSIBLE COLLATERAL ATTACK ON REMARKS IN WATER RIGHTS LICENCE.			
		RWS	3/24/09	3.60	630.00	630.00			4/20/09	630.00
							BEGIN DRAFTING SUMMARY JUDGMENT PLEADINGS; RESEARCH SRBA CASE LAW REGARDING IMPERMISSIBLE COLLATERAL ATTACK ON LICENSE CONDITIONS IN SRBA.			

FROM 6/11/07 THRU 9/29/09

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT
		RWS	3/25/09	4.70	822.50	822.50			4/20/09	822.50
							CONTINUE DRAFTING SUMMARY JUDGMENT PLEADINGS; REVIEW FILE AND IDENTIFY EXHIBITS FOR SUMMARY JUDGMENT; FINALIZE RESEARCH ON TRANSFER OF WATER RIGHTS.			
		RWS	3/26/09	2.30	402.50	402.50			4/20/09	402.50
							CONTINUE DRAFTING SUMMARY JUDGMENT PLEADINGS.			
		RWS	3/31/09	1.90	332.50	332.50			4/20/09	332.50
							TELEPHONE CALL FROM C. ANDERSON REGARDING STATUS; CONTINUE DRAFTING MOTION FOR SUMMARY JUDGMENT PLEADINGS.			
		RWS	4/01/09	.50	87.50	87.50			5/12/09	87.50
							EMAILS FROM TCM'S ATTORNEY REGARDING DEPOSITION OF JACK MILLER; TELEPHONE CALL TO MCKAY'S ATTORNEY REGARDING SAME.			
		RWS	4/06/09	4.00	700.00	700.00			5/12/09	700.00
							CONTINUE DRAFTING MOTION FOR SUMMARY JUDGMENT PLEADINGS; COMPILE EXHIBITS FOR AFFIDAVITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT.			
		RWS	4/07/09	.20	35.00	35.00			5/12/09	35.00
							TELEPHONE CALL FROM MCKAY'S ATTORNEY REGARDING DEPOSITION DATES FOR JACK MILLER.			
		RWS	4/08/09	5.30	927.50	927.50			5/12/09	927.50
							FINALIZE SUMMARY JUDGMENT PLEADINGS INCLUDING AFFIDAVITS OF ROGER ANDERSON AND RICHARD STOVER IN SUPPORT; EMAIL TO C. ANDERSON REGARDING SAME; DRAFT RESPONSES TO MCKAY'S DISCOVERY REQUEST.			
		RWS	4/09/09	1.50	262.50	262.50			5/12/09	262.50
							FINALIZE RESPONSES TO MCKAY'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION AND REQUEST FOR ADMISSION; CONFERENCE WITH ATTORNEY W. MCKLVEEN REGARDING TIMING OF SUMMARY JUDGMENT MOTION; TELEPHONE CALL TO C. ANDERSON REGARDING SUMMARY JUDGMENT STATEMENT AND STRATEGY.			
		RWS	4/13/09	.30	52.50	52.50			5/12/09	52.50
							RECEIPT AND REVIEW NOTICE OF JACK MILLER'S DEPOSITION; LETTER TO CLIENT REGARDING SAME.			
		RWS	4/16/09	2.00	350.00	350.00			5/12/09	350.00
							MEETING WITH C. ANDERSON TO FINALIZE DISCOVERY RESPONSES; TELEPHONE CALL TO TCM ATTORNEY REGARDING JACK MILLER'S DEPOSITION; REVISE DISCOVERY RESPONSES.			
		RWS	4/17/09	1.70	297.50	297.50			5/12/09	297.50
							FINALIZE DISCOVERY RESPONSES; COMPILE DOCUMENTS FOR DISCLOSURE WITH SAME.			
		RWS	4/20/09	4.90	857.50	857.50			5/12/09	857.50
							PREPARE FOR JACK MILLER'S DEPOSITION; ATTEND DEPOSITION; RECEIPT AND REVIEW TCM MEETING MINUTES FROM 1993 REGARDING INTENT OF CO-TENANTS WITH RESPECT TO WATER RIGHT.			

FROM 6/11/07 THRU 9/29/09

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT
		RWS	4/27/09	1.00	175.00	175.00			5/12/09	175.00
							RECEIPT AND REVIEW DOCUMENTS PRODUCED BY J. MILLER'S ATTORNEYS IN RESPONSE TO MCKAY'S DUCES TECUM REQUEST.			
		RWS	4/30/09	1.50	262.50	262.50			5/12/09	262.50
							CONTINUE REVIEW OF DOCUMENTS PRODUCED BY JACK MILLER IN RESPONSE TO DUCES TECUM REQUEST.			
		RWS	5/01/09	2.10	367.50	367.50			6/08/09	367.50
							REVIEW JACK MILLER'S DEPOSITION TRANSCRIPT; REVISE MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT; TELEPHONE TO C. ANDERSON REGARDING R. ANDERSON'S AFFIDAVIT.			
		RWS	5/04/09	2.60	455.00	455.00			6/08/09	455.00
							REVISE MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, INCORPORATING JACK MILLER'S DEPOSITION TESTIMONY.			
		RWS	5/05/09	2.30	402.50	402.50			6/08/09	402.50
							FINALIZE SUMMARY JUDGMENT PLEADINGS AND EXHIBITS; TELEPHONE TO COURT AND OPPOSING COUNSEL REGARDING HEARING DATE.			
		RWS	6/01/09	2.60	455.00	455.00			7/15/09	455.00
							RECEIPT AND REVIEW MCKAY'S RESPONSE TO MOTION FOR SUMMARY JUDGMENT.			
		RWS	6/03/09	1.60	280.00	280.00			7/15/09	280.00
							RESEARCH CASELAW AND SECONDARY AUTHORITY REGARDING CO-TENANCY AS SEPARATE LEGAL ENTITY.			
		RWS	6/04/09	4.20	735.00	735.00			7/15/09	735.00
							RESEARCH CASELAW; BEGIN DRAFTING REPLY MEMORANDUM ISO SUMMARY JUDGMENT.			
		RWS	6/05/09	7.30	1,277.50	1,277.50			7/15/09	1,277.50
							DRAFT REPLY MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT.			
		RWS	6/09/09	.50	87.50	87.50			7/15/09	87.50
							EMAILS TO/FROM SRBA COURT REGARDING CONDUCTING SUMMARY JUDGMENT HEARING VIA TELEPHONE/VIDEO; TELEPHONE CALL TO OPPOSING COUNSEL REGARDING SAME.			
		RWS	6/11/09	2.00	350.00	350.00			7/15/09	350.00
							REVIEW RECORD AND PREPARE FOR SUMMARY JUDGMENT HEARING.			
		RWS	6/12/09	2.00	350.00	350.00			7/15/09	350.00
							ATTEND SUMMARY JUDGMENT HEARING.			
		RWS	7/08/09	1.00	175.00	175.00			8/14/09	175.00
							RECEIPT AND REVIEW COURT'S DECISION ON SUMMARY JUDGMENT MOTION.			
		RWS	7/09/09	.50	87.50	87.50			8/14/09	87.50
							RECEIPT AND REVIEW ORDERS FROM S.R.B.A. COURT; TELEPHONE TO CLIENT REGARDING DECISION ON SUMMARY JUDGMENT; LETTER TO CLIENT.			
		RWS	7/17/09	1.30	227.50	227.50			8/14/09	227.50
							RESEARCH S.R.B.A. ADMINISTRATIVE ORDER 1 REGARDING PROCEDURE FOR SEEKING ATTORNEYS FEES SUBSEQUENT TO RECOMMENDATION OF SPECIAL MASTER.			

FROM 6/11/07 THRU 9/29/09

CLIENT/ MATTER	N A M E / DESCRIPTION	T.K.	DATE	HOURS	VALUE AT RATE	VALUE AT STANDARD	TASK	ACT.	DATE	BILL AMOUNT
		RWS	8/27/09	1.00	175.00	175.00			9/14/09	175.00
							RECEIPT AND REVIEW CORRESPONDENCE FROM MCKAY'S ATTORNEY DEMANDING PAYMENT FOR WATER RIGHT; CONFERENCE WITH ATTORNEY W. MCKLVEEN REGARDING SAME; TELEPHONE CALL TO TCM ATTORNEY REGARDING SAME.			
		RWS	9/04/09	3.10	542.50	542.50			10/19/09	542.50
							RESEARCH CASELAW REGARDING DEFENSES TO MCKAY'S LATEST DEMANDS.			
		RWS	9/14/09	3.60	630.00	630.00			10/19/09	630.00
							FINALIZE RESEARCH RELATING TO RESPONSE TO MCKAY'S DEMAND LETTER; FINALIZE RESPONSE TO MCKAY'S DEMAND; TELEPHONE CALL TO CLIENT REGARDING SAME.			
		RWS	9/24/09	.30	52.50	52.50			10/19/09	52.50
							TELEPHONE CALL FROM C. ANDERSON REGARDING RESPONSE TO MCKAY'S DEMAND, PROCEEDING WITH WATER RIGHT TRANSFER AND ATTORNEY'S FEES.			
		RWS	9/29/09	.50	87.50	87.50			10/19/09	87.50
							TELEPHONE CALL TO IDWR REGARDING WATER RIGHT TRANSFER APPLICATION; LETTER TO IDWR REGARDING SAME.			
MATTER TOTAL				95.20	16,061.00	16,044.50				
ATTORNEY TOTAL				95.20	16,061.00	16,044.50				

EBERLE, BERLIN, KADING, TURNBOW & McKLVEEN,

CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
BOISE PLAZA
1111 W. JEFFERSON STREET, SUITE 530
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE
(208) 344-8535

FACSIMILE
(208) 344-8542

RICHARD W. STOVER
E-MAIL: rstover@eberle.com

RECEIVED

OCT 29 2009

DEPARTMENT OF
WATER RESOURCES
October 28, 2009

VIA FEDERAL EXPRESS DELIVERY

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

COPY

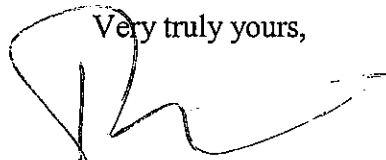
Re: *In Re: SRBA*
Case No.: 39576
Subcase Nos.: 63-31194A & 63-31194B
Our File No.: 79010-48

Dear Sir/Madam:

Enclosed please find the original and one copy of Sundance Investments Ltd's *Memorandum of Costs and Affidavit of Attorney Fees* regarding the above referenced matter.

Please file the original and return a conformed copy to me in the self-addressed stamped envelope. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Richard W. Stover

RWS/js
Enclosures
79010-48/186168