



FILED: December 29, 2004

IN THE COURT OF APPEALS OF THE STATE OF OREGON

NEZ PERCE TRIBE,  
Respondent - Cross-Petitioner,

LUBA No. 2004-036

v.

A126129

WALLOWA COUNTY,  
Respondent,

and

K&B FAMILY LIMITED  
PARTNERSHIP,  
Petitioner - Cross-Respondent.

CITY OF JOSEPH,  
Respondent,

LUBA No. 2004-042

v.

WALLOWA COUNTY,  
Respondent,

and

K&B FAMILY LIMITED  
PARTNERSHIP,  
Petitioner,

CONFEDERATED TRIBES OF THE  
COLVILLE RESERVATION,  
Respondent,

LUBA No. 2004-044

and

MILDRED FRASER, )  
) )  
Respondent, )  
) )  
and )  
) )  
LIAM O'CALLAGHAN and LYNNE )  
PRICE, )  
) )  
Intervenors below, )  
) )  
v. )  
) )  
WALLOWA COUNTY, )  
) )  
Respondent, )  
) )  
and )  
) )  
K&B FAMILY LIMITED )  
PARTNERSHIP, )  
) )  
Petitioner. )

Argued or submitted on briefs: December 3, 2004

Before Edmonds, Presiding Judge, and Wollheim and Schuman, Judges

Attorney for Petitioner: D. Rahn Hostetter

Attorney for Respondent Nez Perce Tribe: Richard K. Eichstaedt

Attorney for Respondent Confederated Tribes of the Colville Reservation: Stephen H. Suagee

Daniel Ousley waived appearance for Respondent Wallowa County

Mildred Fraser *pro se* waived appearance

No appearance for Respondent City of Joseph

**AFFIRMED WITHOUT OPINION**

**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

Prevailing party: Respondents on appeal; cross-respondent on cross appeal

[ ] No costs allowed.

[ X ] Costs allowed, payable by: Petitioner on appeal; cross-petitioner on cross appeal