



LAND AND WATER FUND OF THE ROCKIES

RECEIVED

MAY 10 2002

Department of Water Resources

May 9, 2002

TO: All counsel listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002

RE: Consolidated Subcase No. 75-13316, Wild and Scenic Rivers Act Claims

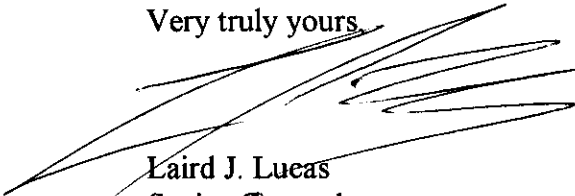
Dear Counsel:

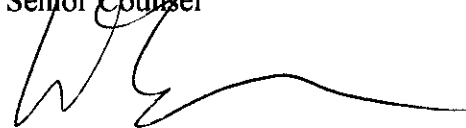
Enclosed please find a Notice of Entry of Appearance, Objections, Notice of Participation and Motion to Intervene, and supporting Affidavits relating to the Wild and Scenic Rivers subcases. These are being sent today to the SRBA Court on behalf of our clients Idaho Rivers United, The Wilderness Society and various individual SRBA claimants identified therein.

We understand that settlement negotiations over the federal reserved Wild and Scenic Claims may be underway. We hereby request, in the most forceful terms, that we be immediately apprised of the status of such negotiations and included in all future negotiations. We will agree to any court orders that may be in place to protect the confidentiality of settlement negotiations.

Please do not hesitate to contact either of us with any questions.

Very truly yours,


Laird J. Lucas
Senior Counsel


William M. Eddie
Staff Attorney

COLORADO OFFICE

2260 Baseline Road, Suite 200
Boulder, CO 80302
(303) 444-1188
FAX: (303) 786-8054
email: landwater@lawfund.org
Web site: <http://www.lawfund.org>

IDAHO OFFICE

P.O. Box 1612
Boise, ID 83701
(208) 342-7024
FAX: (208) 342-8286
email: lawfund@rmci.net

UTAH OFFICE

1473 South 1100 East, Suite F
Salt Lake City, UT 84105
(801) 487-9911
FAX: (801) 486-4233
email: lawfund@inconnect.com



Kenaf tree-free paper

RECEIVED

MAY 10 2002

Department of Water Resources

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene
Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
_____	)	Quantification Proceedings

NOTICE OF ENTRY OF APPEARANCE

TO THIS HONORABLE COURT AND ALL COUNSEL OF RECORD IN THIS
CONSOLIDATED SUBCASE:

PLEASE TAKE NOTICE that the undersigned attorneys are appearing in this
Consolidated Subcase on behalf of Idaho Rivers United and The Wilderness Society, as well as
SRBA water right claimants Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie
Osborn, Phyllis K. Kochert and other members of the said organizations who have authorized
them to represent their interests in this consolidated subcase, as set forth in the Affidavits filed
herewith.

Filed herewith, pursuant to the Idaho Rules of Civil Procedure and the SRBA Rules of
Procedure are Objections and a Notice of Participation on behalf of the above-referenced parties.

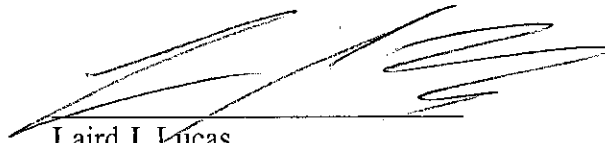
NOTICE OF ENTRY OF APPEARANCE -- PAGE 1

Also filed herewith is an Alternative Motion to Intervene on behalf of Idaho Rivers United and The Wilderness Society.

The Court and parties are respectfully requested to add the undersigned to the Certificate of Service for this Consolidated Subcase, and to serve the undersigned counsel with any future pleadings, communications or other filings pertaining to this matter.

Dated: May 9, 2002

Respectfully submitted,



Laird J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise ID 83701
(208) 342-7024
Fax: (208) 342-8286

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing NOTICE OF ENTRY OF APPEARANCE was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

Copies, Via First Class U.S. Mail, Postage Prepaid:

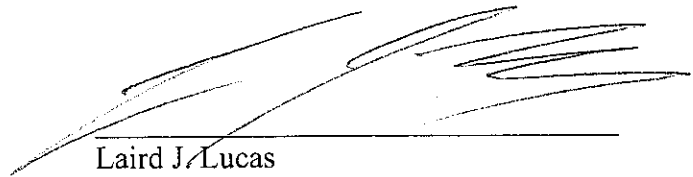
IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho

PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River
Act Claims dated February 6, 2002 (attached hereto).



Laird J. Lucas

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

MAY 10 2002

Department of Water Resources

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene
Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
_____	)	Quantification Proceedings

**NOTICE OF PARTICIPATION IN CONSOLIDATED SUBCASE;
AND MOTION TO INTERVENE**

Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, and Phyllis K. Kochert (hereafter, "Conservation Objectors"), by and through the undersigned counsel, hereby give notice of their participation in this Consolidated Subcase over quantification of the United States' federal reserved water rights for Wild and Scenic Rivers in the Snake River Basin Adjudication.

As set forth below, these Conservation Objectors are entitled to participate in this Consolidated Subcase because they include individual water right claimants in the SRBA who are filing timely Objections to the amended claims of the United States for the Wild and Scenic Rivers at issue in the SRBA; and the individuals have authorized Idaho Rivers United and The Wilderness Society, through their undersigned counsel, to represent their interests in this matter.

In addition, and in the alternative if the Court for some reason concludes that Idaho Rivers United (IRU) and The Wilderness Society (TWS) may not participate in this Consolidated Subcase on behalf of these individual claimants/objectors, the two groups move for leave to intervene in this Consolidated Subcase. As set forth below, IRU and TWS, as organizations and on behalf of their members, have broad interests in quantification of federal reserved rights for the Wild and Scenic Rivers, which are not adequately represented by existing parties; and their voices deserve to be heard in this proceeding. Because IRU and TWS will be represented by the same undersigned counsel, who would otherwise represent the above-named individual claimants/objectors in the SRBA, IRU and TWS intervention in this matter will not duplicate any proceedings, will not prejudice any parties, and will serve the interests of justice. Accordingly, their motion to intervene should be granted.

STATEMENT OF RELEVANT FACTS

Filed herewith are timely Objections to each of the amended claims filed by the United States for the designated Wild and Scenic Rivers at issue in the SRBA, i.e., the Lochsa, Selway, Middle Fork Salmon, Main Salmon/"River of No Return," and Rapid Rivers. These objections are filed on behalf of a group of individual water right claimants in the SRBA – Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, and Phyllis K. Kochert – who are concerned about ensuring that these Wild and Scenic Rivers are decreed adequate federal reserved water rights necessary to preserve and protect the "outstandingly remarkable values" for which the rivers were designated by Congress under the Wild and Scenic Rivers Act. See 16 USC § 1271 et seq. The accompanying Objections raise the principal issue that the United States' amended claims do not claim sufficient quantities of water to fulfill the purposes and

requirements of the Wild and Scenic River designations.

As set forth in the accompanying Affidavits of Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, and Phyllis K. Kochert, these individual claimants and objectors have directed and authorized IRU and TWS to represent their interests in this Consolidated Subcase, through the undersigned attorneys with the Land and Water Fund of the Rockies.¹ Accordingly, as explained below, IRU and TWS may properly participate in this Consolidated Subcase on their behalf.

IRU is the only statewide conservation group dedicated to preserving and protecting Idaho's rivers and streams. See accompanying Affidavit of Sara Eddie. IRU was formed in 1990 as a non-profit Idaho organization; and now has over 2000 members, including individuals and organizations, such as river outfitters and guides, who extensively use and enjoy Idaho's rivers and streams for a large variety of commercial, recreational, aesthetic, scientific and other purposes. Id. See also accompanying Affidavits of Joseph A. Daly, Peter Grubb, Thomas Stuart, Bonnie Schonefeld, Gene Bray and Phyllis Kochert. These members belong to IRU because they share the organization's goals and mission; and they look to IRU to represent their interests in preserving and protecting Idaho's rivers and streams. Id.

TWS was formed in 1935 by Aldo Leopold, Bob Marshall and several other of the most highly respected conservationists of their day. See accompanying Declaration of Craig Gehrke.

TWS is a national non-profit conservation organization, having more than 200,000 members

¹ The Land and Water Fund of the Rockies ("LAW Fund") is itself a non-profit environmental law and policy organization that provides free legal advice and representation to conservationists on environmental matters. The undersigned attorney, Laird J. Lucas, acts on an "of counsel" basis as Senior Counsel to the LAW Fund, while William M. Eddie is a LAW Fund staff attorney.

nationwide, including over 1,300 in Idaho. *Id.* TWS engages in a broad range of activities, including economic, scientific, and policy research, promotion of conservation efforts, education and publications, and advocacy. TWS has had a field office in Boise, Idaho for over a decade and a half. *Id.*

Both IRU and TWS have been active participants in advocating for the designation of Wild and Scenic Rivers in Idaho, and in the development of federal management plans and policies to protect Wild and Scenic Rivers. Eddie, Gehrke Affidavits. Both IRU and TWS have strong organizational interests in ensuring that designated Wild and Scenic Rivers in Idaho (and in other states) enjoy the full protection of the “outstandingly remarkable” values for which they were designated under the Wild and Scenic Rivers Act, including fisheries and wildlife, recreational, and scenic values. *Id.* Moreover, IRU and TWS, on behalf of their members and the organizations themselves, have long-standing interests in ensuring that Idaho’s river “jewels” – including the Selway, Lochsa, Middle Fork Salmon, and Main Salmon/”River of No Return” – are fully protected under law for the use and enjoyment of present and future generations. *Id.*

Indeed, as the accompanying affidavits establish, members of IRU and TWS use and enjoy these rivers for a variety of recreational, aesthetic, commercial, and other purposes. *See* Affidavits of Thomas Stuart, Gene Bray, Marie Osborn, Bonnie Schonefeld, Joseph Daly, Phyllis Kochert, Peter Grubb, Sara Eddie, and Craig Gehrke. By way of example, IRU and TWS member and SRBA claimant/objector Thomas Stuart owns a fishing lodge in Stanley, Idaho, on the Salmon River and near the launching point of the Middle Fork Salmon, which depends on healthy tourism and commercial demand relating to use of the river. *See* Stuart Affidavit. Likewise, IRU members include commercial outfitters that run these rivers, and their business is

directly tied to continued preservation of the outstanding values for which the rivers were designated under the Wild and Scenic Rivers Act. *See* Schonefeld, Grubb and Daly Affidavits.

Other SRBA claimants include IRU and TWS members who use and enjoy the Middle Fork Salmon, Main Salmon, or other Wild and Scenic Rivers and their associated resources for a variety of recreational, aesthetic and other purposes. *See* Eddie, Osborn, Kochert, and Bray Affidavits.

The issue of quantifying federal reserved water rights for the Wild and Scenic Rivers in the Snake River Basin Adjudication is of great importance to these affiants, and to IRU and TWS as organizations. *See* Eddie, Gehrke, Bray, Stuart, Osborn, Daly, Grubb, Schonefeld, and Kochert Affidavits. These concerns have taken on heightened importance in light of recent developments, in which the United States has failed to pursue its legal recourses to recognize and protect federal reserved rights in the SRBA. *See* Eddie, Gehrke Declarations. Accordingly, it is vital that conservation groups have a voice in this proceeding, to ensure that federal rights are properly asserted and defended under the Wild and Scenic Rivers Act.

ARGUMENT

I. IRU AND TWS MAY PARTICIPATE IN THIS CONSOLIDATED SUBCASE ON BEHALF OF THE INDIVIDUAL CLAIMANTS/OBJECTORS

The SRBA Rules of Procedure and statutes define a “party” to the SRBA as any claimant of a water right. I.C. § 42-1401A(1) & (6); SRBA Administrative Order 1, § 2.d & q. Any party may become a party to a subcase by filing a timely Objection or Response to a claimed water right. SRBA Administrative Order 1, § 2.p.

Here, the Idaho Supreme Court has affirmed the SRBA Court's order granting summary judgment to the United States on the issue of whether federal reserved water rights exist for the Wild and Scenic Rivers in the Snake River Basin Adjudication; but remanded for quantification of those reserved rights. In re SRBA Case No. 39576, Re Wild and Scenic Rivers Claims, 134 Idaho 912, 12 P.3d 1256 (2000). On remand, the SRBA Court entered an Order on December 20, 2001, which provided a schedule for the United States to file amended claims quantifying the Wild and Scenic reserved right claims, and further set the deadline for Objections to be filed to the amended claims as May 10, 2002.

Filed herewith are timely Objections from SRBA claimants Thomas Stuart III, Marie Osborn, Bonnie Schonefeld, Gene Bray and Phyllis K. Kochert to the United States' amended Wild and Scenic claims, as well as a Notice of Appearance by the undersigned attorneys for these objectors. In addition, filed herewith are the Affidavits of Thomas Stuart III, Marie Osborn, Bonnie Schonefeld, Phyllis Kochert, and Gene Bray, stating that these claimants/objectors want IRU and TWS to represent their interests in pursuing their objections in this matter, under representation by the undersigned attorneys.

Because these Objections are filed within the deadlines set by the December 20, 2001 Order, the Objections are timely and the individual objectors are entitled to participate in this Consolidated Subcase as a matter of right. SRBA Administrative Order 1, § 2.p. Compare In re SRBA Case No. 39576, Minidoka National Wildlife Refuge, 134 Idaho 106, 996 P.2d 806, 809-11 (2000) (holding that motion to participate properly denied where Irrigators failed to timely object to claimed water right or timely move to participate under court deadlines and SRBA Rules of Procedure).

Moreover, IRU and TWS are entitled to participate in this Consolidated Subcase on behalf of these individual objectors. The SRBA has frequently seen similar representation of individual claimants/objectors by a larger group or association speaking on their behalf. See, e.g., Fremont-Madison Irrigation Dist. And Mitigation Group v. Idaho Ground Water Appropriators, Inc., 129 Idaho 454, 926 P.2d 1301 (1996) (participation of Idaho Ground Water Appropriators, Inc. on behalf of claimants); In Re SRBA Case No. 39576, Basin Wide Issue #5A, 131 Idaho 329, 955 P.2d 1108 (1998) (including Payette River Water Users Association in subcase on behalf of claimants); State v. Hagerman Water Right Owners, Inc., 130 Idaho 727, 947 P.2d 400 (1997) (participation by Hagerman Water Right Owners on behalf of claimants).

Because claimants/objectors Stuart, Osborn, Schonefeld, Kochert and Bray have authorized IRU and TWS to represent their interests in this proceeding, and their objections are timely, IRU and TWS are thus properly participants in this Consolidated Subcase.

II. IRU AND TWS ARE ALSO ENTITLED TO INTERVENE

In addition, and in the alternative should the Court conclude for some reason that IRU and TWS cannot participate in this Consolidated Subcase on behalf of the individual claimants/objectors identified above, IRU and TWS seek leave to intervene in order to represent the interests of the organizations and their entire membership as well.

A. Conservation Groups May Intervene In Appropriate SRBA Proceedings

Although the SRBA is generally intended to be a proceeding involving only claimants of water rights in the Snake River Basin Adjudication, the Idaho Supreme Court and the SRBA Court have recognized that intervention by conservation organizations is appropriate in proceedings where they offer an important perspective on the issues to be resolved.

Conservation groups, including IRU, first moved to intervene in the SRBA generally in 1993. The SRBA Court denied that motion without prejudice on April 20, 1993, stating that the motion was timely but that Conservation Groups should seek to intervene in specific proceedings or subcases that affect their interests, rather than in the entire SRBA itself, by submitting timely subcase pleadings (i.e., objections, responses, etc) accompanied by a motion to intervene in order to file the said pleading and participate as a party. See Order Denying Motion in the Adjudication Case (April 20, 1993).

Pursuant to that direction, conservation groups have moved to intervene in a number of proceedings within the SRBA; and have been granted intervention in most of them. See, e.g., A&B Irrig. Dist. v. Idaho Conservation League, Idaho Rivers United, et al., 131 Idaho 411, 958 P.2d 518 (1998) (conservation groups granted intervention in Basin Wide Issue No. 5); State of Idaho v. Idaho Conservation League, Idaho Rivers United et al., 131 Idaho 329, 955 P.2d 1108 (1998) (conservation groups granted intervention in Basin Wide Issue No. 5A, re Reynolds Creek decree). The Idaho Supreme Court has affirmed denial of intervention to conservation groups in the SRBA only where they sought to raise issues, i.e., the public trust doctrine, which the Court held were not part of the statutory authorization of the SRBA by the Idaho legislature. See In re SRBA/Idaho Conservation League, Idaho Rivers United et al v. State of Idaho et al., 127 Idaho 688, 911 P.2d 748 (1995).²

² The Idaho Supreme Court also denied a motion to intervene by Idaho Rivers United, The Wilderness Society and Idaho Conservation League in the appeal of the Wilderness Act federal reserved water right issue; but the Court provided no explanation for that denial of intervention, and the most obvious reason for the denial was that those groups had not sought to participate in the SRBA Court proceedings on that issue. See In re SRBA, Case No. 39576, Wilderness Reserved Claims, 132 Idaho 916, 12 P.3d 1260 (2000).

As explained below, here IRU and TWS seek intervention to address issues squarely within the jurisdiction of the SRBA Court, namely what quantified federal reserved rights will be decreed by the SRBA Court for the Wild and Scenic Rivers in the Snake River Basin, that are shared by the Conservation Objectors. Accordingly, they are entitled to intervene as of right; or alternatively, should be granted permissive intervention.

B. IRU AND TWS MEET THE TEST FOR INTERVENTION OF RIGHT

Intervention is permitted in civil actions under Idaho Rule of Civil Procedure 24, which is identical to the Federal Rule of Civil Procedure 24. See I.R.Civ.P. 24; F.R.Civ.P. 24. Rule 24 provides for intervention of right in a civil proceeding, as follows:

Upon timely application anyone shall be permitted to intervene in an action: ... (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

I.R.Civ.P. 24(a).

Following federal case law construing Rule 24, the Idaho Supreme Court has repeatedly held that intervention should be liberally granted, and that the showing required for intervention is minimal. See Herzog v. City of Pocatello, 82 Idaho 505, 509, 356 P.2d 54, 55 (1960) ("This Court has consistently adhered to the view that the statutes providing for intervention should be given a liberal construction"); Duff v. Draper, 96 Idaho 299, 527 P.2d 1257, 1259-61 (1974) (intervention appropriate where applicant's interest "may" be affected). Federal courts construing the identical federal intervention rule have likewise emphasized that intervention is favored. See Trbovich v. United Mine Workers, 404 U.S. 528, 538 n. 10 (1972); Sagebrush Rebellion, Inc. v. Watt, 713 F.2d 525, 528 (9th Cir. 1983) (following Trbovich, holding that "the

requirement of inadequacy of representation is satisfied if the applicant shows that representation of its interests *may* be inadequate and that the burden of making this showing is *minimal*"; U.S. v. State of Oregon, 913 F.2d 576, 587 (9th Cir. 1990) (Rule 24(a) "is construed broadly in favor of applicants for intervention").

Moreover, the interests required for intervention do not have to be actual property interests, as long as they are legally cognizable. See Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 135-36, 87 S.Ct. 932 (1967); Blake v. Pallen, 554 F.2d 947, 952-54 (9th Cir. 1977). Further, the U.S. Court of Appeals for the Ninth Circuit has specifically held that intervenors need not prove "standing" on top of meeting the requirements for intervention. Yniguez v. Arizona, 939 F.2d 727, 737 (9th Cir. 1991); Portland Audubon Society v. Hodel, 866 F.2d 302, 308 n. 1 (9th Cir. 1988). Many courts -- both state and federal -- have recognized that conservation groups may properly protect environmental, recreational, and aesthetic interests of the kinds alleged by IRU and TWS here. Sagebrush Rebellion, Inc. v. Watt, 713 F.2d 525 (9th Cir. 1983); Hardy v. Higginson, 123 Idaho 485, 849 P.2d 946 (1993); Shokal v. Dunn, 109 Idaho 330, 707 P.2d 441 (1985).

1. This Motion is Timely

The first requirement for intervention under Rule 24(a) is that the motion to intervene must be timely. I.R.Civ.P. 24(a); Duff v. Draper, 96 Idaho 299, 527 P.2d 1257, 1259 (1974). That requirement is met here, since IRU and TWS are joining the accompanying timely Objections to the amended claims of the United States for quantifying the federal reserved Wild and Scenic River rights, under this Court's Order of December 20, 2001 (setting May 10, 2002 as deadline for filing Objections to amended claims).

2. IRU and TWS Claim Interests In This Consolidated Subcase

As discussed in the Statement of Facts above, and elaborated in more detail in the accompanying Affidavits of Sara Eddie, Craig Gehrke, and others, IRU and TWS are interested in the quantification of federal reserved water rights for Idaho's Wild and Scenic Rivers for many reasons. As organizations, they have long-standing purposes and missions to preserve and protect these rivers and the "outstandingly remarkable" values for which they were designated under the Wild and Scenic Rivers Act. They have engaged in numerous activities relating to designation and management of Wild and Scenic Rivers in pursuit of their organizational missions. The quantification of federal reserved rights for the Wild and Scenic Rivers is directly relevant to these interests and activities. *Id.*

Moreover, IRU and TWS members also use and enjoy these Idaho Wild and Scenic Rivers for many recreational, commercial, aesthetic, scientific and other purposes. *See* Grubb, Daly, Stuart, Bray, Schonefeld, Eddie, Kochert and Gehrke Declarations. Again, these interests are directly relevant to, and may be adversely affected by, the quantification of federal reserved rights in this Consolidated Subcase. *Id.*

As a matter of law, these interests are sufficient to meet the liberal "interest" test for intervention. Many courts have recognized that conservation groups with similar organizational and membership interests have standing to sue to enforce the requirements of the Wild and Scenic Rivers Act. *See Sierra Club North Star Chapter v. Pena*, 1 F. Supp 2d 971 (D. Minn. 1998); *Newton County Wildlife Association v. US Forest Service*, 113 F.3d 110 (8th Cir. 1997), *aff'd* 141 F.3d 803 (8th Cir. 1998), *reh'g denied* 1998 US App LEXIS 16225 (8th Cir. 1998), *cert denied* 522 US 1108 (1998); *Wilderness Watch v. US Forest Service*, 143 F.Supp 2d

1186 (D. Mt 2000); Oregon Natural Resources Council v. Harrell, 52 F.3d 1499 (9th Cir. 1995); Sierra Club v. United States of America, 23 F.Supp. 2d 1132 (N.D. CA 1998); Sierra Club v. Babbitt, 69 F.Supp. 2d 1202 (E.D. CA 1999); Oregon Natural Desert Association v. Green, 953 F. Supp. 1133 (D. Or 1997); ONDA v. Singleton, 47 F.Supp 2d 1182 (D.Or. 1998).

Moreover, the Idaho Supreme Court has also recognized that the public has recognized rights to recreational uses of navigable waterways, such as those identified by IRU and TWS in the accompanying affidavits. See Southern Idaho Fish and Game Ass'n v. Picabo Inc., 96 Idaho 360, 528 P.2d 1295 (1974). The Idaho Supreme Court has also repeatedly recognized the public's interests in the ecological, recreational and aesthetic values and uses of water and water-related resources, including under the Idaho water code. Shokal v. Dunnn, 109 Id. 330, 707 P.2d 441 (1985); Hardy v. Higginson, 123 Idaho 485, 849 P.2d 946 (1993).

Under decisions such as Duff v. Draper and Sagebrush Rebellion, above, this showing is thus more than adequate to support intervention here.

3. Movants Are So Situated That The Disposition Of This Proceeding May As A Practical Matter Impair Or Impede Their Ability To Protect Their Interests

The Idaho Supreme Court in Pittock v. Buck, 15 Idaho 47, 96 P. 212, 214 (1908), declared that in order to be sufficient to intervene of right, an interest "must be in the matter in litigation, and of such a direct and immediate character that the intervener will either gain or lose by the direct legal operation and effect of the judgment." In 1974, the Court refined this view, stating that

The language of Rule 24(a)(2) indicates that the drafters did not contemplate that the petitioner in intervention be required to show that [the applicant] "is" bound by the judgment. . . . It was sufficient that . . . the applicant "may" be bound by a judgment in the action.

Duff v. Draper, 527 P.2d at 1260.

As shown above, IRU and TWS have direct interests in the "matter in litigation" here, namely, the quantification of federal reserved rights for Wild and Scenic Rivers in the Snake River Basin. Those interests are go directly to the movants' legal rights and interests, and are of such a direct and immediate character that they will gain or lose by the outcome of this proceeding. Certainly, IRU and TWS "may be bound" by this Court's determination of the amount of water decreed to the United States for the federal reserved rights, since that determination will forever (presumably) establish the amounts of water that will remain free-flowing and protected from future appropriation in the rivers that IRU, TWS and their members use and treasure – the Middle Fork Salmon River, the Main Salmon "River of No Return," the Lochsa and Selway, and the Rapid River.

Accordingly, the third requirement of I.R.C.P. 24(a) is satisfied.

D. Movants' Interests Are Not Adequately Represented By Existing Parties

The Court in Duff v. Draper stated that "[t]he language of Rule 24(a)(2) indicates that the drafters did not contemplate that the petitioner in intervention be required to show that the representation 'is' inadequate. . . . It was sufficient that the petitioner show that the representation 'may' be inadequate." 527 P.2d at 1260. See also Trbovich v. United Mine Workers, 404 U.S. 528, 538 n. 10 (1972); Sagebrush Rebellion, Inc. v. Watt, 713 F.2d 525, 528 (9th Cir. 1983) (following Trbovich, holding that "the requirement of inadequacy of representation is satisfied if the applicant shows that representation of its interests may be inadequate and that the burden of making this showing is minimal").

Several considerations compel the conclusion that the interests of IRU, TWS and their members are not adequately represented in this proceeding.

First, only the United States has stepped forward throughout adjudication of the Wild and Scenic River claims subcases to argue that any federal reserved rights exist. The United States

IRU, TWS or their members in taking such position – and by a variety of industrial and other resource users who have only their own private interests at stake, and seek to defeat federal reserved right claims to the maximum extent possible.

Second, although IRU and TWS were hopeful that the United States would adequately defend claimed federal reserved rights in the SRBA, including for Wild and Scenic Rivers, that is regrettably not the case. As set forth in the accompanying Objections, the United States has now quantified its claimed Wild and Scenic River reserved rights in amounts **less** than are needed to fully protect and preserve the “outstandingly remarkable” values for which the rivers were designated under the Wild and Scenic Rivers Act. This failure to fully quantify the Wild and Scenic Claims thus alone demonstrates that the United States does **not** adequately represent the interests of IRU, TWS and their members here.

Moreover, other recent developments also make clear that neither the United States nor other existing parties will adequately represent the interests of IRU, TWS and their members. For example, despite requests from the conservation community, the United States recently has decided not to seek U.S. Supreme Court review of several decisions by the Idaho Supreme Court denying federal reserved right claims under other statutes, including the Wilderness Act, the Sawtooth National Recreation Area act, and the Deer Flats National Wildlife Refuge designation. See Eddie, Gehrke Declarations. Idaho’s Wilderness Areas and other federal reservations – and the entire spectrum of the country’s public that cherishes these areas – thus have been denied any federal reserved water right protections as a result of decisions of Idaho courts, without **any** federal court review. The very real threat exists that the United States will similarly make concessions on the Wild and Scenic Rivers reserved claims which will undercut or negate the protections to the affected rivers that full federal reserved rights would entail. *Id.*

Indeed, movants are deeply concerned that, through settlement negotiations which have evidently been going on behind closed doors in this proceeding, the United States may agree to

evidently been going on behind closed doors in this proceeding, the United States may agree to further reduction of these claims or other modifications, limitations or other restrictions on the federal reserved rights that will prevent full protection of the “outstandingly remarkable” values of the designated Wild and Scenic Rivers. See Gehrke, Eddie Declarations. If the United States further weakens its reserved right claims through some proposed settlement, the interests of IRU, TWS and their members will be further damaged, again demonstrating inadequate representation. At a minimum, these conservation groups should be present in Court in order to object to any proposed settlement that is not in the public interest, violates the Wild and Scenic Rivers Act or other aspects of law, or to provide other views to the Court about the desirability and propriety of any proposed settlement.

Finally, no other party to this Consolidated Subcase offers the same perspective and interests in this matter as do IRU and TWS. As conservationists who have fought for years to protect Idaho’s Wild and Scenic Rivers, and whose members derive many forms of benefits from using and enjoying those rivers, IRU and TWS are uniquely suited to offer perspectives on the novel issue presented here, of what amount of quantified federal rights is necessary to fulfill the purposes of the Wild and Scenic River designation and to protect the “outstandingly remarkable” values for which the rivers were designated. IRU and TWS can offer both factual, legal and expert perspectives on this issue that no other party can be expected to present – such as testimony of commercial outfitters who regularly use the Lochsa, Selway, Middle Fork or Main Salmon for their businesses and for personal pleasure, and who can thus help establish clearly before the Court the water flows and rights needed for future protection of those uses. See, e.g., Grubb, Stuart, Schonefeld, Daly, Eddie, Gehrke Affidavits.

Accordingly, IRU and TWS meet all tests under Rule 24(a), and the Court should grant intervention by right.

II. PERMISSIVE INTERVENTION SHOULD BE GRANTED

In the alternative, if the Court denies intervention by right, IRU and TWS request permissive intervention under I.R.Civ.P. 24(b). Rule 24(b) states:

Upon timely application anyone may be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. . . . In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

"Under Rule 24(b)(2), I.R.C.P., the court has discretion to permit anyone to intervene whose claim or defense has a question of law or fact in common with the main action." Herzog v. City of Pocatello, 82 Idaho 505, 356 P.2d 54, 55 (1960). This is a lower burden than the interest test for intervention of right under Rule 24(a)(2). "Under [Rule 24(b)(2)] there is no requirement that the intervener shall have a direct or personal pecuniary interest in the subject of the litigation." Herzog, 356 P.2d at 56.

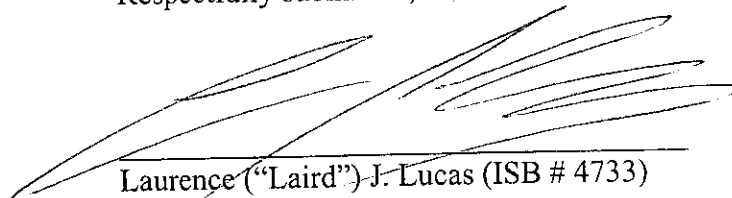
For the reasons above, the interests of IRU and TWS in this proceeding amply justify their permissive intervention. Since this motion is timely, and their intervention will not unduly delay this proceeding or unfairly prejudice the rights of any parties, permissive intervention should be granted.

CONCLUSION

WHEREFORE, the Conservation Objectors, including IRU and TWS and the individual claimants/objectors noted above, respectively give notice of their participation in this Consolidated Subcase. In addition, and in the alternative should the Court for some reason conclude that IRU and TWS cannot participate in this Consolidated Subcase on behalf of the individual objectors, IRU and TWS respectfully pray that they be granted intervention in this Consolidated Subcase.

Dated: May 9, 2002

Respectfully submitted,



Laurence ("Laird") J. Lucas (ISB # 4733)
William M. Eddie (ISB # 5800)

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing NOTICE OF PARTICIPATION; AND MOTION TO INTERVENE, and the accompanying AFFIDAVITS OF THOMAS R. STUART III, GENE BRAY, ALMA MARIE OSBORN, BONNIE SCHONEFELD, PHYLLIS K. KOCHERT, JOSEPH A. DALY, PETER GRUBB, SARA EDDIE, and CRAIG GEHRKE were served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

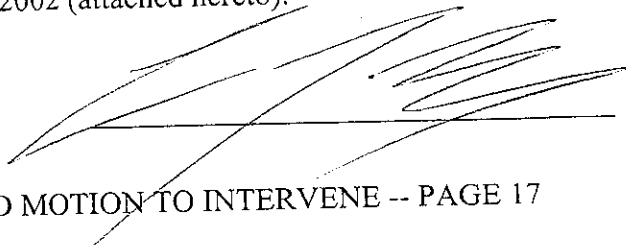
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).



RECEIVED

MAY 10 2002

Department of Water Resources

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. 39756

A. Subcase 75-13316

STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name, Address and Phone Number: SEE ATTACHMENT A HERETO

Name & Address of Attorney, if any:

Laurence ("Laird") J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701-1612
(208) 342-7024
Fax: (208) 342-8286

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America
c/o U.S. Department of Justice

Address: 550 West Fort Street, MSC-033
Boise, ID 83724

D. I object to the following elements as recommended in the Director's Report.

3. x Quantity

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. REASONS SUPPORTING OBJECTION:

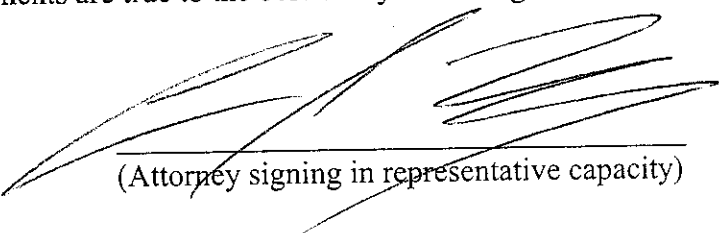
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. VERIFICATION

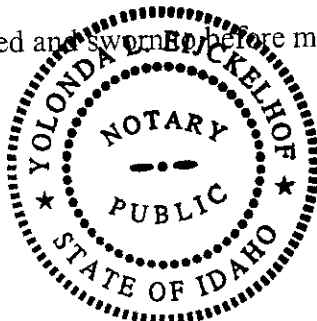
State of Idaho)
) ss.
County of)

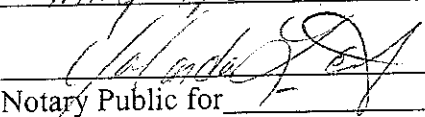
Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn before me on: MAY 9, 2002




Notary Public for

Residing at: BASE ID

My Commission Expires: 8/14/04

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

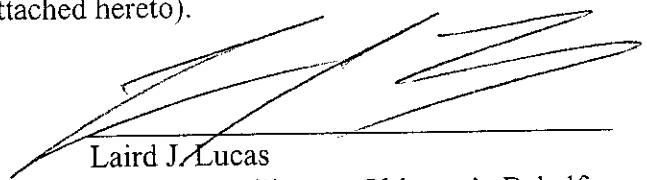
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).

A handwritten signature in black ink, appearing to read "Laird J. Lucas", is written over a horizontal line.

Laird J. Lucas
Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Bonnie Schonefeld
RT 1 Box 195
Kooskia, Idaho 83539

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

RECEIVED

MAY 10 2002

Department of Water Resources

**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. 39756

A. Subcase 77-11941

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name, Address and Phone Number: SEE ATTACHMENT A HERETO

Name & Address of Attorney, if any:

Laurence ("Laird") J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701-1612
(208) 342-7024
Fax: (208) 342-8286

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America
c/o U.S. Department of Justice

Address: 550 West Fort Street, MSC-033
Boise, ID 83724

D. I object to the following elements as recommended in the Director's Report.

3. x Quantity

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. REASONS SUPPORTING OBJECTION:

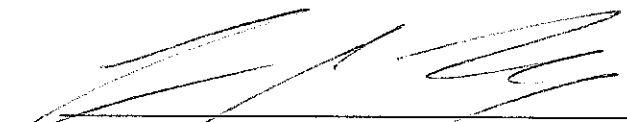
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. VERIFICATION

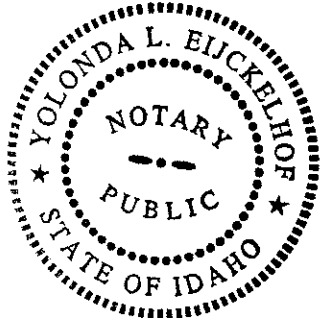
State of Idaho)
) ss.
County of)

Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MAY 9, 2002



Yolonda Euckelhof
Notary Public for _____
Residing at: BOISE ID
My Commission Expires: 8/4/04

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

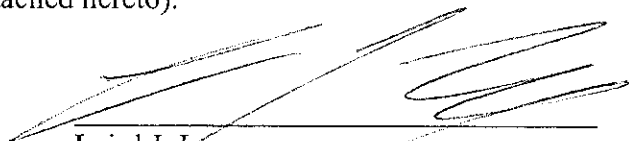
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).



Laird J. Lucas
Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Bonnie Schonefeld
RT 1 Box 195
Kooskia, Idaho 83539

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

RECEIVED

MAY 10 2002

Department of Water Resources

**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. 39756

A. Subcase 77-13844

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name, Address and Phone Number: SEE ATTACHMENT A HERETO

Name & Address of Attorney, if any:

Laurence ("Laird") J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701-1612
(208) 342-7024
Fax: (208) 342-8286

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America
c/o U.S. Department of Justice

Address: 550 West Fort Street, MSC-033
Boise, ID 83724

D. I object to the following elements as recommended in the Director's Report.

3. x **Quantity**

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. **REASONS SUPPORTING OBJECTION:**

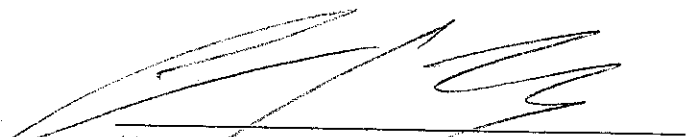
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. **VERIFICATION**

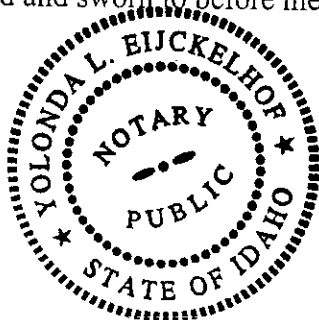
State of Idaho)
) ss.
County of)

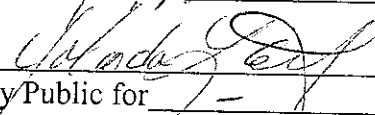
Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MAY 9, 2002




Notary Public for _____
Residing at: BOISE ID
My Commission Expires: 8/4/04

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

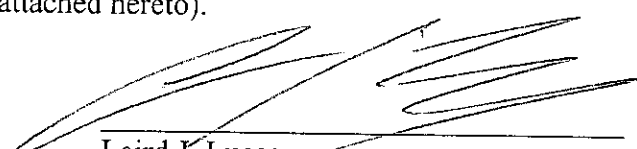
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).


Laird J. Lucas

Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Bonnie Schonefeld
RT 1 Box 195
Kooskia, Idaho 83539

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

RECEIVED

MAY 10 2002

Department of Water Resources

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. 39756

A. Subcase 78-11961

STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name, Address and Phone Number: SEE ATTACHMENT A HERETO

Name & Address of Attorney, if any:

Laurence ("Laird") J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701-1612
(208) 342-7024
Fax: (208) 342-8286

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America
c/o U.S. Department of Justice

Address: 550 West Fort Street, MSC-033
Boise, ID 83724

D. I object to the following elements as recommended in the Director's Report.

3. x Quantity

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. REASONS SUPPORTING OBJECTION:

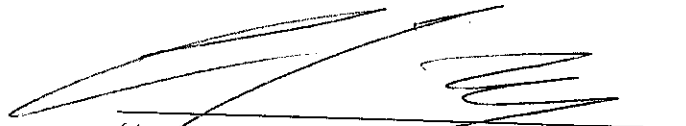
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. VERIFICATION

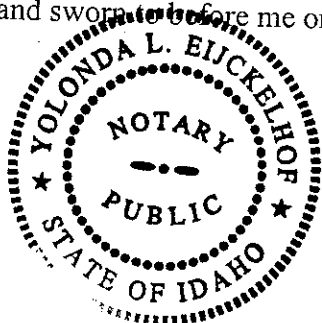
State of Idaho)
County of) ss.

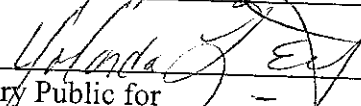
Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____



MAY 9, 2002

Notary Public for _____
Residing at: BOISE ID
My Commission Expires: 8/4/04

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

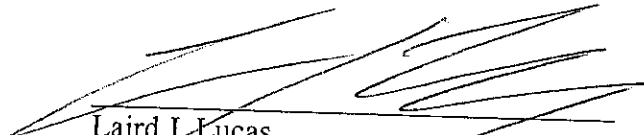
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).



Laird J. Lucas
Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

<http://www.srba.state.id.us/MAIL11.HTM>

2/6/2002

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Bonnie Schonefeld
RT 1 Box 195
Kooskia, Idaho 83539

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

RECEIVED
MAY 10 2002
Department of Water Resources

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. 39756

A. Subcase 81-10472

STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name, Address and Phone Number: SEE ATTACHMENT A HERETO

Name & Address of Attorney, if any:

Laurence ("Laird") J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701-1612
(208) 342-7024
Fax: (208) 342-8286

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America
c/o U.S. Department of Justice

Address: 550 West Fort Street, MSC-033
Boise, ID 83724

D. I object to the following elements as recommended in the Director's Report.

3. x Quantity

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. REASONS SUPPORTING OBJECTION:

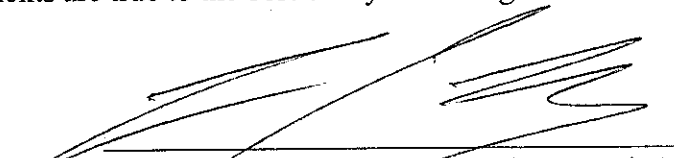
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. VERIFICATION

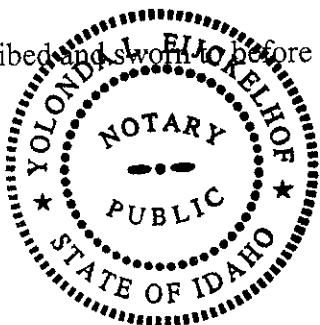
State of Idaho)
) ss.
County of)

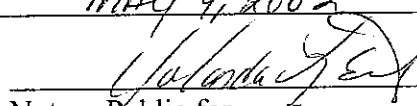
Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MAY 9, 2002




Notary Public for _____
Residing at: BOISE ID
My Commission Expires: 8/4/04

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

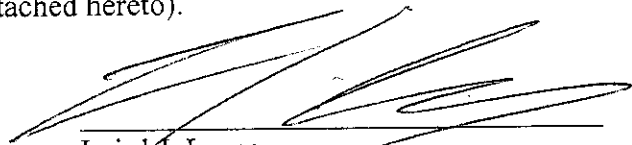
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).



Laird J. Lucas
Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Bonnie Schonefeld
RT 1 Box 195
Kooskia, Idaho 83539

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

MAY 10 2002

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

STANDARD FORM 1 OBJECTION

Page 1

D. I object to the following elements as recommended in the Director's Report.

3. x Quantity

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. REASONS SUPPORTING OBJECTION:

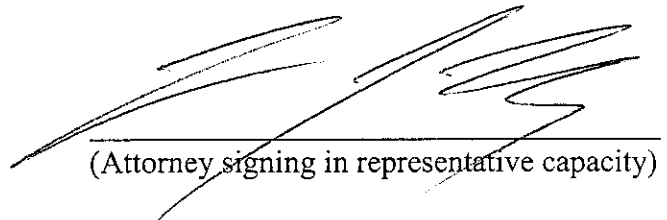
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. VERIFICATION

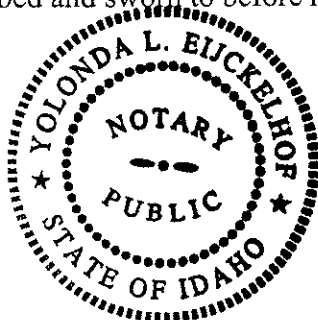
State of Idaho)
) ss.
County of)

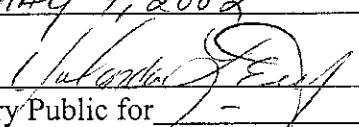
Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MAY 9, 2002




Notary Public for _____
Residing at: BOISE ID
My Commission Expires: 8/4/04

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

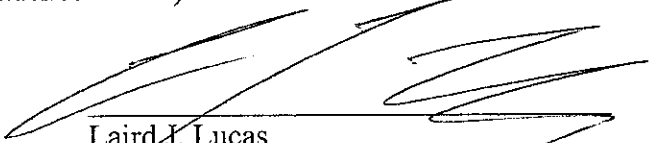
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).



Laird J. Lucas
Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Bonnie Schonefeld
RT 1 Box 195
Kooskia, Idaho 83539

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

RECEIVED

MAY 10 2002

Department of Water Resources

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. 39756

A. Subcase 81-10625

STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name, Address and Phone Number: SEE ATTACHMENT A HERETO

Name & Address of Attorney, if any:

Laurence ("Laird") J. Lucas
William M. Eddie
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701-1612
(208) 342-7024
Fax: (208) 342-8286

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America
c/o U.S. Department of Justice

Address: 550 West Fort Street, MSC-033
Boise, ID 83724

D. I object to the following elements as recommended in the Director's Report.

3. x Quantity

Should be: All natural flows at all times of year, as reflected on historic hydrographs

E. REASONS SUPPORTING OBJECTION:

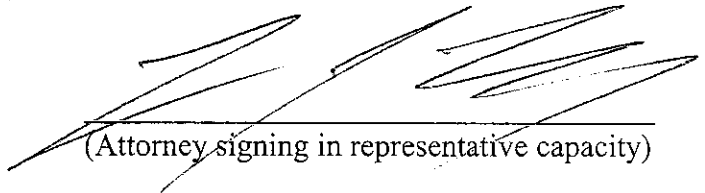
Claimed flows are not all natural flows shown on historic hydrographs and are not sufficient to preserve and protect the outstandingly remarkable values for which the river was designated under Wild and Scenic Rivers Act.

F. VERIFICATION

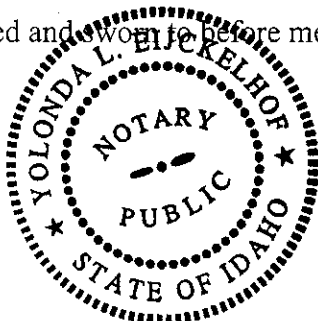
State of Idaho)
County of) ss.

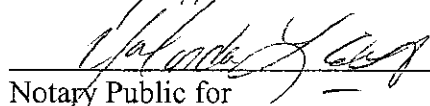
Laurence ("Laird") J. Lucas, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MAY 9, 2002




Notary Public for _____
Residing at: BOISE, ID
My Commission Expires: 8/4/01

G. CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing OBJECTION was served on May 9, 2002, via the method of service noted below:

Original, Via Federal Express, Next Day Delivery:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. No.
Twin Falls ID 83301

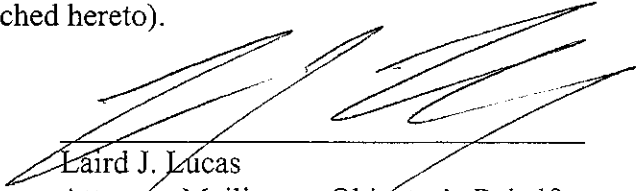
Copies, Via First Class U.S. Mail, Postage Prepaid:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

All other counsel or parties listed on Certificate of Mailing for Wild and Scenic River Act Claims dated February 6, 2002 (attached hereto).



Laird J. Lucas

Attorney Mailing on Objector's Behalf

Certificate of Mailing for Wild and Scenic River Claims (75-13316)

ALBERT P. BARKER
JOHN K. SIMPSON
TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY, LLC.
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, NIELSEN & ROBINSON
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

SRBA Report Index

SRBA Home Page

ATTACHMENT A: LIST OF OBJECTORS

Gene Bray
5654 El Gato Lane
Meridian Idaho
(208) 888-3293

Phyllis K. Kochert
10230 West Amity Road
Boise, Idaho 83709
(208) 934-8046

Alma Marie Osborn
4 Shaw Mesa
Stanley, Idaho
(208) 336-7126

Thomas R. Stuart III
2301 Hillway Drive
Boise, ID 83702
(208) 345-3021

Idaho Rivers United
PO Box 633
Boise ID 83701
(208) 343-7481

The Wilderness Society
2600 Rosehill, Suite 201
Boise ID 83705
(208) 343-8153

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED

MAY 10 2002

Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Emcompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings
	)	
	)	
	)	

AFFIDAVIT OF THOMAS R. STUART III

I, Thomas R. Stuart III, being duly sworn under oath, declare and state:

1. I reside at 2301 Hillway Drive, Boise, ID 83702
2. I am a member of both Idaho Rivers United (IRU) and The Wilderness Society (TWS). I have been a member of Idaho Rivers United since 1992, and have previously served as a President of IRU's board. I have also been a past member of TWS and recently renewed my membership.
3. I have the following water rights claimed in the Snake River Basin Adjudication:
 - a. Water right number 71-04012 for .03 cfs from the Salmon River for irrigation purposes with a priority date of May 1, 1944.

b. Water right number 71-04046 for .04 cfs from groundwater for domestic purposes with a priority date of June 1, 1944.

4. I own and operate the Redwood Cabins, a rental cabin and motel business in Stanley, Idaho.

5. I am concerned about preserving federal reserved water rights for wild and scenic rivers in the full amount necessary to ensure a fully functioning natural hydrograph for Idaho's wild and scenic rivers, and to fulfill the many values that wild and scenic designation is intended to protect.

6. Tourism is now one of the largest sectors of the Idaho economy, and much tourism depends on the scenic values of our wild and scenic river system. The health of my business, and that of many others in the tourism sector, would suffer a decline if insufficient water rights are established for designated wild and scenic rivers. For my business I am particularly concerned about water in the main Salmon River.

7. The primary source of business for me is tourists visiting the Stanley Basin to enjoy river-based recreation, including fishing, boating, rafting, and wildlife viewing, all of which depend on river flows of sufficient quality and quantity in the Salmon River and nearby tributaries to sustain these values. Significant withdrawals of water from the main Salmon River via diversion or other consumptive use directly damages resident and anadromous fish populations, boating and recreational opportunities, and ultimately, reduces tourism in the Stanley area and reduces the number of customers at my business, with direct negative economic impact to me and my employees.

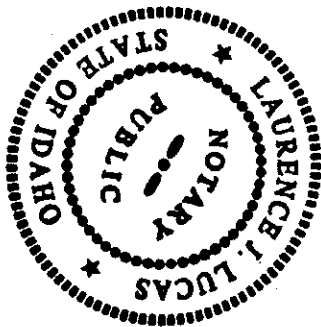
8. I want Idaho Rivers United and The Wilderness Society to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon River and other designated Wild and Scenic Rivers in Idaho; and I authorize IRU, TWS, and their attorneys with the Land and Water Fund of the Rockies to represent my interests in the determination of federal reserved wild and scenic rights in the SRBA.

Executed this 8th day of May, 2002, in Boise, Idaho.



Thomas R. Stuart III

Subscribed and sworn before me this 8th day of May, 2002, in Boise, Idaho




Notary Public

My commission expires 5/1/02

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene
Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings
	)	

AFFIDAVIT OF GENE BRAY

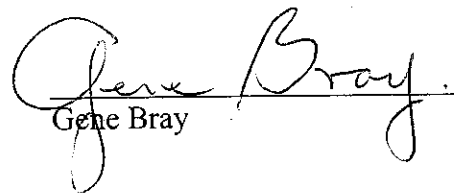
I, Gene Bray, being duly sworn under oath, declare and state:

1. I reside at 5654 El Gato Lane, Meridian, Idaho, where I own several acres that I irrigate.
2. I am a member of both Idaho Rivers United (IRU) and The Wilderness Society (TWS).
3. I am a wateruser and claimant of a water right in the Snake River Basin Adjudication. I obtain surface water from the Nampa and Meridian Irrigation District; and have claimed a water right in the SRBA Water Right number 63-16176 for .07 cfs from groundwater for domestic purposes with a priority date of July 3, 1978.
4. I am concerned about preserving federal reserved water rights for wild and scenic rivers in the full amount necessary to ensure a fully functioning natural hydrograph for Idaho's wild and scenic rivers, and to fulfill the many values that wild and scenic designation is intended to protect.

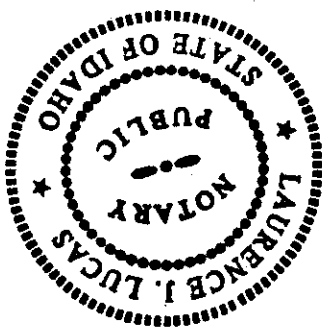
5. I use and enjoy the wild and scenic rivers of Idaho, including the Middle Fork Salmon and Main Salmon Rivers, for many aesthetic, recreational, scientific and other purposes. I have floated these rivers many times, and intend to continue doing so in the future. Being able to enjoy a wild and scenic protected river is very important to me for many reasons; and if the federal government does not obtain an adequate water right to fulfill the "outstandingly remarkable" qualities for which the wild and scenic river were designated by Congress, my interests will be harmed.

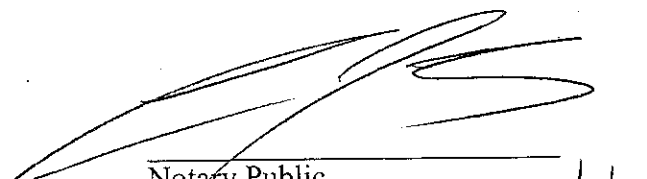
8. I want Idaho Rivers United and The Wilderness Society to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon River and other designated Wild and Scenic Rivers in Idaho; and I authorize them and their attorneys with the Land and Water Fund of the Rockies to represent my interests in the determination of federal reserved wild and scenic rights in the SRBA.

Executed this 25 day of May, 2002, in Boise, Idaho.


Gene Bray

Subscribed and sworn before me this 25 day of May, 2002, in Boise, Idaho




Notary Public
My commission expires 5/1/07

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED
MAY 10 2002
Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Emcompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings
	)	
	)	
	)	Affidavit of Bonnie Schonefeld
	)	
	)	
	)	

I, Bonnie Schonefeld, declare

1. My address is RT 1 Box 195 Kooskia, Idaho 83539.
2. I have the following licensed water right, which I claimed in the Snake River Basin Adjudication, but has not yet been decreed:
 - a. Water Right number 81-07076 for .07 cfs from springs and an unnamed stream tributary to Big Cedar Creek for domestic and irrigation purposes with a priority date of December 11, 1980.
3. I am a member of Idaho Rivers United. I have been a member of Idaho Rivers United since 1993.

4. I am the owner of Lochsa Connection, a business which has been making watersport wear and accessories since 1986.

5. I am very concerned about maintaining sufficient water in Idaho's wild and scenic rivers to protect recreation opportunities. My business is very much dependent on the continued availability of quality whitewater recreation opportunities. I am also an avid whitewater kayaker and regularly boat on wild and scenic rivers in Idaho.

4. I am also concerned about preserving water rights for Idaho's wild and scenic rivers to protect water quality and fish. I care deeply about preserving Idaho's natural resources for the future, including Idaho's rivers.

6. I want Idaho Rivers United and The Wilderness Society to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon River and other designated Wild and Scenic Rivers in Idaho; and I authorize them and their attorneys with the Land and Water Fund of the Rockies to represent my interests in the determination of federal reserved wild and scenic rights in the SRBA.

Executed this ____ day of May, 2002, in Kooskia, Idaho.

Bonnie Schonefeld

Subscribed and sworn before me this ____ day of May, 2002, in Kooskia, Idaho

Notary Public

Party's Name: Idaho Rivers United and The Wilderness Society

Attorney Name: Laird J. Lucas and William M. Eddie
 & Address: Land and Water Fund of the Rockies
 Idaho Office
 P.O. Box 1612
 Boise, ID 83701
 (208) 342-7024

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) Consolidated Subcase No. 75-13316
) Wild and Scenic Rivers Act Claims
) (Emcompassing Subcases 75-13316,
) 77-11941, 77-13844, 78-11961, 81-10472,
 Case No. 39576) 81-10513, and 81-10625)
)
) Quantification Proceedings
)
) Affidavit of Bonnie Schonefeld
)
 _____)

I, Bonnie Schonefeld, declare

1. My address is RT 1 Box 195 Kooskia, Idaho 83539.
 2. I have the following licensed water right, which I claimed in the Snake River Basin Adjudication, but has not yet been decreed:
 - a. Water Right number 81-07076 for .07 cfs from springs and an unnamed stream tributary to Big Cedar Creek for domestic and irrigation purposes with a priority date of December 11, 1980.
 3. I am a member of Idaho Rivers United. I have been a member of Idaho Rivers United since 1993.
 4. I am the owner of Lochsa Connection, a business which has been making watersport wear and accessories since 1986.
 5. I am very concerned about maintaining sufficient water in Idaho's wild and scenic rivers to protect recreation opportunities. My business is very much dependent on the continued availability of quality whitewater recreation opportunities. I am also an avid whitewater kayaker and regularly boat on wild and scenic rivers in Idaho.
 4. I am also concerned about preserving water rights for Idaho's wild and scenic rivers to protect water quality and fish. I care deeply about preserving Idaho's natural resources for the future, including Idaho's rivers.
 6. I want Idaho Rivers United and The Wilderness Society to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon River and other designated Wild and Scenic Rivers in Idaho and I authorize them and their attorneys with the Land and Water Fund of the Rockies to represent my interests in the determination of federal reserved wild and scenic rights in the
- Executed this 22 day of May, 2002, in Kooskia, Idaho.

Bonnie Schonefeld
 Bonnie Schonefeld

Subscribed and sworn before me this 22 day of May, 2002, in Kooskia, Idaho.

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene
Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED
MAY 10 2002
Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Emcompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings
	)	
	)	

AFFIDAVIT OF PHYLLIS K. KOCHERT

I, Phyllis K. Kochert, declare

1. I reside at 1622 South 1625 East, Gooding, Idaho 83330.
2. I have the following water rights:
 - a. Water Right number 37-10314, which has been decreed in the Snake River Basin Adjudication for .04 cfs from groundwater for domestic purposes with a priority date of June 1, 1910.
 - b. Water Right number 37-01164H, which I claimed in the Snake River Basin Adjudication, but has not yet been decreed, for .22 cfs from the Snake River for irrigation purposes with a priority date of April 20, 1907.

c. Water Right number 37-003591D, which I claimed in the Snake River Basin Adjudication, but has not yet been decreed, for .36 cfs from the Big Wood River for irrigation purposes with a priority date of June 1, 1884.

3. I am a member of Idaho Rivers United. I have been a member of Idaho Rivers United since 1995.

4. I am concerned about preserving water rights for Idaho's wild and scenic rivers to protect water quality and fish. I care deeply about preserving Idaho's natural resources for the future, including Idaho's rivers.

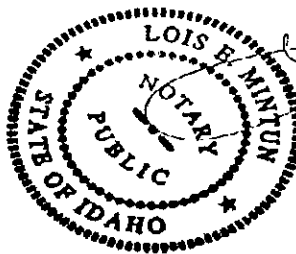
5. I am also a rafter and fisher, so I care about maintaining water levels necessary for recreation on Idaho's wild and scenic rivers.

6. I want Idaho Rivers United and The Wilderness Society to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon River and other designated Wild and Scenic Rivers in Idaho; and I authorize them and their attorneys with the Land and Water Fund of the Rockies to represent my interests in the determination of federal reserved wild and scenic rights in the SRBA.

Executed this 8th day of May, 2002, in Gooding, Idaho.

Phyllis K. Kochert
Phyllis K. Kochert

Subscribed and sworn before me this 8th day of May, 2002, in Gooding, Idaho



[Signature]
Notary Public

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings
	)	

AFFIDAVIT OF ALMA MARIE OSBORN

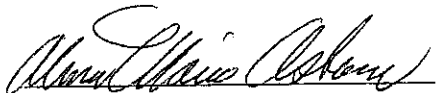
I, Alma Marie Osborn, being duly sworn under oath, declare and state:

1. I reside at 4 Shaw Mesa, Stanley, Idaho.
2. I am a water right claimaint in the Snake River Basin Adjudication, for claim number 71-34A, which is a water right for irrigation in the amount of .42 cfs out of Fourth of July Creek, with a priority date of 1919.
3. I started the emergency clinic in Stanley in 1972 and ran it until I retired in fall 1999. I am a long-time supporter of conservation causes in Idaho, and care about protecting Idaho's magnificent rivers and streams, including the Salmon River and the Middle Fork of the Salmon. I have enjoyed the Salmon River basin and its many resources for many years, and want to ensure that they are protected for generations to come. I realize how valuable a resource the river is in its natural state to the economy of the Stanley Basin and Sawtooth Valley.

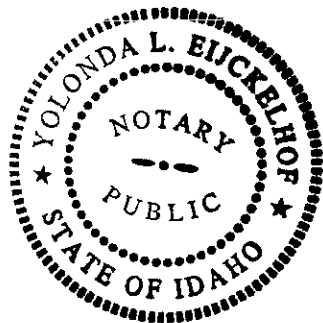
4. I support Wild and Scenic River designation for these rivers, and want to ensure that the rivers have enough water to fulfill wild and scenic purposes.

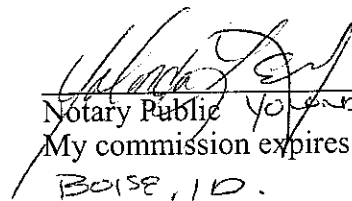
5. I want Idaho Rivers United and The Wilderness Society to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon River and other designated Wild and Scenic Rivers in Idaho; and I authorize them and their attorneys with the Land and Water Fund of the Rockies to represent my interests in the determination of federal reserved wild and scenic rights in the SRBA.

Executed this ____ day of May, 2002, in Boise, Idaho.


Alma Marie Osborn

Subscribed and sworn before me this 8th day of May, 2002, in Boise, Idaho




Notary Public YOLONDA LEISCHKELOH
My commission expires: AUG. 4, '04
BOISE, ID.

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED

MAY 10 2002

Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
_____	)	Quantification Proceedings

AFFIDAVIT OF SARA EDDIE

Sara Eddie, being first duly sworn upon oath, deposes and says:

1. I am a licensed attorney in the State of Idaho and reside in Boise. I have personal knowledge of the facts set forth below.
2. I am an employee and a member of Idaho Rivers United (IRU), a non-profit organization dedicated to the conservation of Idaho's rivers and fish. I have been a member of IRU since 2000, and employee since 2000.
3. Idaho Rivers United's mission is to protect, restore and improve the rivers of Idaho and the communities that depend on them. IRU is the only statewide conservation group in Idaho that has as its primary mission the protection and preservation of Idaho's rivers and streams, and the many resources associated with them.

4. Pushing for new wild and scenic river designations and protecting Idaho's currently designated wild and scenic rivers as well as rivers suitable and eligible for wild and scenic status is a critical component of pursuing IRU's mission.

5. IRU's efforts to protect designated, suitable, and eligible wild and scenic rivers include: participating in, and organized member involvement in, forest plan revisions, lawsuits, administrative appeals, and NEPA processes to challenge policies and proposed actions that would degrade wild and scenic river values on designated rivers across Idaho.

6. IRU is specifically concerned about the quantity of water flowing in Idaho's wild and scenic rivers because of the broad ecological implications of low water levels. Insufficient water levels are harmful to the outstandingly remarkable values of wild and scenic rivers including fish, wildlife, recreation, and aesthetics.

7. IRU has over 2000 individual, family, and business members, the vast majority of whom reside in Idaho. Among our membership are numerous commercial outfitters, including whitewater, fishing, and floatboat guides who operate throughout Idaho, including the Salmon River, Middle Fork Salmon River, Selway River, and Lochsa River. These professional outfitters are in the business of selling a clean and unimpaired outdoor environment.

8. Based on my own experience, and my knowledge and discussions with many IRU members, I know that people join IRU as members because they share our goal of protecting Idaho's rivers and streams, but they lack the time or willingness to take the public, and sometimes controversial, stances that IRU takes to protect rivers, including by speaking with the media on river conservation issues, formally petitioning public agencies, or filing lawsuits.

9. The designated Wild and Scenic Rivers in Idaho, including the Selway, Lochsa, Middle Fork Salmon, Main Salmon/River of No Return, and Rapid Rivers, are truly among the most magnificent rivers in the entire United States. They are natural treasures that have been designated under the Wild and Scenic River Act by Congress to preserve and protect their "outstandingly remarkable values," including for fisheries resources, recreation, and visual aesthetics. I and other IRU members and staff are deeply concerned that these federal

designations and protections be fully implemented so that these “outstandingly remarkable” values will remain intact for present and future generations.

10. The quantification of federal reserved water rights for the Wild and Scenic Rivers in Idaho is an extremely important step toward ensuring full protection of the “outstandingly remarkable” values of the designated rivers. Only by ensuring that the federal government has full water rights for these rivers can the public be assured that other water uses will not diminish the flows and flow regimes necessary to preserve and protect these values. This is particularly true since the Idaho Supreme Court held that Wilderness Areas in Idaho, and the Sawtooth National Recreation Area (SNRA), do not have federal reserved water rights.

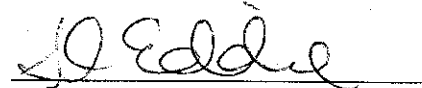
11. I have followed recent water rights developments in the Idaho Supreme Court, and am aware that the federal government did not seek review by the U.S. Supreme Court of the Idaho Supreme Court rulings in the Wilderness Act and SNRA cases, despite requests from the conservation community that it do so. I am also aware that the federal government did not seek review by the U.S. Supreme Court of the recent Idaho Supreme Court ruling in the Deer Flats federal reserved water rights subcase, holding that the federal government also does not hold reserved water rights there. Such failure to seek federal court review of these Idaho holdings does not represent my interests or those of IRU.

12. I have reviewed the amended claims filed by the United States for the Wild and Scenic Rivers in the SRBA, and have consulted with other knowledgeable persons about them. It is IRU’s position that these claims are insufficient to fully protect the “outstandingly remarkable” values for which the streams were designated. The fact that the United States has not sought sufficient flows indicates to me that conservation groups, including IRU, can not depend on the United States to vigorously pursue and enforce these federal claims, in order to protect the public’s interests in these rivers.

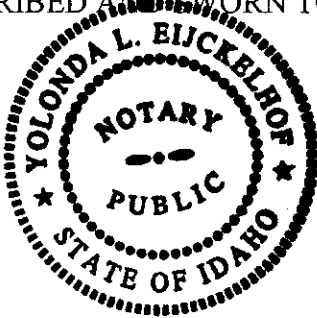
13. I have been in touch with numerous IRU members about the Wild and Scenic claims, and am aware from my communications that IRU’s membership is deeply concerned about this issue, and wants IRU to become involved in this proceeding in order to advocate for

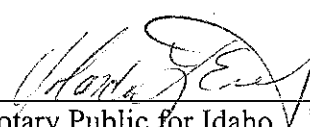
full protection of Wild and Scenic Rivers and their reserved water rights. A number of members have already prepared affidavits to this effect; and IRU could obtain many more such affidavits if necessary.

Executed this 1st day of May 2002, in Boise, Idaho.


Sara D. Eddie

SUBSCRIBED AND SWORN TO before me this 8th day of May, 2002.




Notary Public for Idaho / Yolonda L. EICKELHOF
Residing at: Boise, ID
My Commission expires: AUG 4, 2004

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene
Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED

MAY 10 2002

Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings

AFFIDAVIT OF PETER GRUBB

I, Peter Grubb, declare,

1. I reside at 5258 W Meadowbrook Ln, Coeur d'Alene, ID 838142.
2. My business address is PO Box 579 Coeur d'Alene, Idaho 83816.
3. I am the owner of ROW Inc. dba River Odysseys West, a river guide service based out of Coeur d'Alene, Idaho, that has been in operation since 1979 that offers rafting, canoeing, and raft-supporting hiking trips in Idaho, Oregon, and Montana.
4. River Odysseys West has been a member of IRU since 1999.
5. River Odysseys West runs regular boating trips on several wild and scenic rivers in Idaho, including the Middle Fork Salmon River, the Lochsa River, the St. Joe River, and the

Snake River in Hells Canyon. More than half of ROW Inc's gross income is derived from these rivers, amounting to roughly \$650,000 per year.

6. My trips offered on wild and scenic rivers are by far the most popular with customers because of their undeveloped nature and the quality of whitewater available.

7. My business is very much dependent on the amount of water running through these rivers. When water levels are low, my business suffers greatly and if water gets low enough, I cannot run boating trips at all. For example, when water is low we are unable to run some of the smaller seasonal rivers such as the St. Joe and the Lochsa at all, or for very short periods. On the Middle Fork of the Salmon, low water can require that we fly our trips to a put-in downstream of our normal launch point, spending thousands in air freight and passenger air transport. If water was over allocated and/or flows were insufficient for us to operate our trips we could lose all our revenue. While this is probably impossible on the Snake River in Hells Canyon due to hydropower development, it could happen on all the other rivers we run.

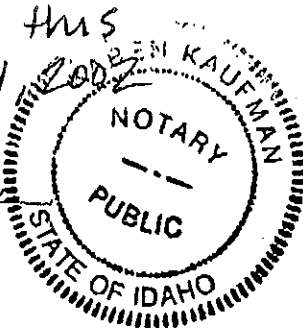
8. I am very concerned about preserving water rights for wild and scenic rivers in Idaho. My business would suffer greatly if insufficient water rights are granted for wild and scenic rivers.

9. I authorize Idaho Rivers United to address my concerns in this matter on my behalf, in order to protect water rights in designated Wild and Scenic Rivers in Idaho.

Executed this 9th day of May, 2002, in Lewiston, Idaho.

Signed before me this
8th day of May 2002

Karen Kaufman



A handwritten signature of Peter Grubb in dark ink.

Peter Grubb

Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED

MAY 10 2002

Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Emcompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
	)	Quantification Proceedings
	)	
	)	
	)	

AFFIDAVIT OF JOSEPH A. DALY

I, Joseph A. Daly, declare

1. I reside at 724 Euclid Avenue, Berkeley, California 94708.
2. My business address is 6529 Telegraph Avenue Oakland, CA 94609.
3. I am co-owner of ECHO: The Wilderness Company dba ECHO River Trips, a river guide service based out of Oakland, California which was established in 1971.
4. I am a member of Idaho Rivers United. I have personally been a member of Idaho Rivers United since 1997. ECHO River Trips has been a member of Idaho Rivers United since 1999.

5. ECHO River Trips runs whitewater rafting and kayaking trips on wild and scenic rivers across the west including the Middle Fork of the Salmon and main Salmon River in Idaho, the Rogue River in Oregon, and the Tuolumne in California.
6. Trips on the Middle Fork Salmon and main Salmon Rivers are the backbone of my business. Easily more than 50% of our business comes from running these two rivers, more in fact, than our other two states combined.
7. I have built my business offering boating trips on wild and scenic rivers. I have been able to build a successful business because of the popularity of the thrilling whitewater resources and undeveloped solitude offered by wild and scenic rivers.
8. My business is very much dependent on the amount of water running through the Salmon and Middle Fork Salmon Rivers. When water levels are low, my business suffers greatly. Customers for rafting trips are seeking exciting whitewater opportunities as well as natural beauty. As water levels drop, so does my customers enjoyment and my business. Low water both reduces the quality of whitewater boating available and reduces customer's aesthetic enjoyment. Low water conditions negatively influences business for years to come. Most of our business reaches us because of "word of mouth," and when someone has a bad trip, they lean over the back fence and tell all the neighbors. The low water years of 1977, late 1980's and early 1990's, and 2001 hurt our business for years after the fact.
9. My business will suffer greatly if insufficient water is granted for wild and scenic rivers in Idaho, especially the main Salmon and Middle Fork Salmon Rivers. Running wild and scenic rivers is 99.9% of our business. If there are not adequate flows in the main Salmon and Middle Fork Salmon, we would be ruined.

10. I want Idaho Rivers United to address my concerns in this matter on my behalf, in order to protect wild and scenic water rights in the Salmon and Middle Fork Salmon Rivers and other designated Wild and Scenic Rivers in Idaho.

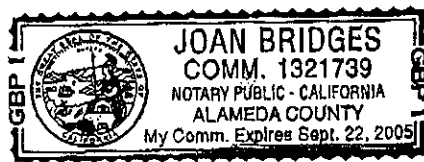
Executed this 8 day of May, 2002, in Berkeley, California.

Joseph A. Daly
Joseph A. Daly

Subscribed and sworn before me this 8th day of May, 2002, in Berkeley California

State of Calif County of Alameda
Subscribed and sworn to before me on 5/8/02
(Date)
Joan Bridges
(Notary Signature)
Joan Bridges

Joan Bridges
Notary Public



Party's Name: Idaho Rivers United, The Wilderness Society, Thomas R. Stuart III, Gene Bray, Bonnie Schonefeld, Alma Marie Osborn, Phyllis K. Kochert

Attorney Name: Laird J. Lucas and William M. Eddie
& Address: Land and Water Fund of the Rockies
Idaho Office
P.O. Box 1612
Boise, ID 83701
(208) 342-7024

RECEIVED

MAY 10 2002

Department of Water Resources

**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	)	Consolidated Subcase No. 75-13316
	)	Wild and Scenic Rivers Act Claims
	)	(Encompassing Subcases 75-13316,
	)	77-11941, 77-13844, 78-11961, 81-10472,
Case No. 39576	)	81-10513, and 81-10625)
	)	
_____	)	Quantification Proceedings

AFFIDAVIT OF CRAIG GEHRKE

Craig Gehrke, being first duly sworn upon oath, deposes and says:

1. I reside in Boise, Idaho. I have personal knowledge of the facts set forth below.
2. I am an employee and a member of The Wilderness Society (TWS). I have been employed by TWS since 1985. I have been the regional director for TWS' Idaho office since 1988.
3. TWS was formed in 1935 by Aldo Leopold, Bob Marshall and several other of the most highly respected conservationists of their day. It is a national non-profit conservation organization, having more than 200,000 members nationwide, including over 1,300 in Idaho. TWS engages in a broad range of activities, including economic, scientific, and policy research, promotion of conservation efforts, education and publications, and advocacy.

4. Among the organization's goals and mission is to protect and preserve the wild places of America, including our wild rivers. TWS employs a range of activities in pursuit of these goals, including public education and outreach, scientific analysis and studies, lobbying, advocacy before federal and state agencies, court litigation, and others.

5. TWS has long been involved in efforts to preserve and protect rivers across the country, and in Idaho, under the Wild and Scenic Rivers Act. TWS was involved in advocacy and grassroots outreach in support of the enactment of the Wild and Scenic Rivers Act in 1968, and the designation of the original rivers protected then, which include the Selway and Lochsa rivers. TWS has also been involved in subsequent designations, including of the Main Salmon and Middle Fork Salmon rivers in Idaho during passage of the Central Idaho Wilderness Act. TWS has also been active in advocating for development and enforcement of adequate river management plans and their implementation on Wild and Scenic Rivers in Idaho, including the Main Salmon, Middle Fork Salmon, and Rapid River and elsewhere.

6. TWS believes that the determination of federal reserved water rights for the Wild and Scenic Rivers in Idaho is an extremely important step toward ensuring full protection of the "outstandingly remarkable" values of the designated rivers here. Only by ensuring that the federal government has full water rights for these rivers can TWS, its members, and the public be assured that other water uses will not diminish the flows and flow regimes necessary to preserve and protect these values.

7. Along with other conservation groups, TWS has recently urged the federal government to seek Supreme Court review of Idaho Supreme Court decisions holding that federal reserved water rights do not exist for Wilderness Areas, the Sawtooth National Recreation Area, and the Deer Flats National Wildlife Refuge. However, the federal government has not heeded these requests, and have allowed these negative decisions to become final without any federal court review.

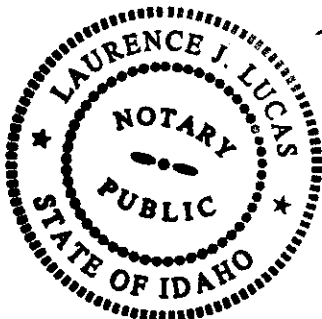
8. I am aware that settlement negotiations have been proceeding between the United States, State of Idaho, and resource industries about the reserved Wild and Scenic water right claims. I am deeply concerned that these negotiations may result in further weakening of what are already inadequate flow claims by the United States in this proceeding. TWS is opposed to any resolution of the federal reserved water rights claims for the Wild and Scenic Rivers which does not fully protect the "outstandingly remarkable" values for which they were designated by Congress.

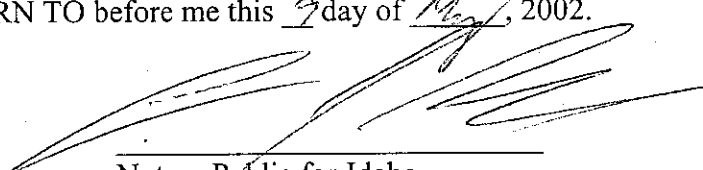
10. TWS is filing affidavits from a number of members and supporters, who claim water rights in the Snake River Basin Adjudication, and who care about the protection of adequate flows and federal reserved water rights for the Wild and Scenic Rivers, but who want TWS to represent their interests in this matter. I believe that there are many more Idaho members of TWS with similar feelings.

Executed this 9th day of May 2002, in Boise, Idaho.


Craig Gehrke

SUBSCRIBED AND SWORN TO before me this 9 day of May, 2002.




Notary Public for Idaho
Residing at: BOISE
My Commission expires: 5/1/08