

RECEIVED

MAY 31 2005

DEPARTMENT OF
WATER RESOURCES

1 Michael J. Van Zandt (Cal. SBN 096777)
Elizabeth P. Ewens (Cal. SBN 213046)
2 **McQUAID BEDFORD & VAN ZANDT LLP**
221 Main Street, 16th Floor
3 San Francisco, CA 94105
Telephone: 415/905-0200
4 Facsimile: 415/905-0202

5 ROGER D. LING (Idaho SBN 1018)
LING, ROBINSON & WALKER
6 P.O. Box 396
Rupert, Idaho 83350
7 Telephone: (208) 436-4717
Facsimile: (208) 436-6804

8 Attorneys for Joyce Livestock
9

10 **IN THE SUPREME COURT OF THE STATE OF IDAHO**

11
12 IN RE SRBA

SUPREME COURT CASE NO. 32846

13 Case No. 39576
14 _____/

**AFFIDAVIT OF MICHAEL J. VAN
ZANDT IN SUPPORT OF MOTION FOR
ASSOCIATION OF FOREIGN COUNSEL**

15 JOYCE LIVESTOCK CO.,

16 Appellant,

17 v.

18 UNITED STATES OF AMERICA,

19 Respondent.
20 _____/

21 I, Michael J. Van Zandt, having been first duly sworn, state:

22 1. I have personal knowledge of the matters stated herein and if called as a witness
23 could and would testify competently thereto.

24 2. I am a member in good standing of the State Bars of California and Nevada, and the
25 District of Columbia Bar. I am a partner in the law firm of McQuaid, Bedford & Van Zandt, LLP,
26 221 Main Street, 16th Floor, San Francisco, California 94105.

27 3. I am one of the Counsel for Joyce Livestock Co.

1 4. I seek permission to appear and argue before the Idaho Supreme Court for the
2 duration of the Snake River Basin Adjudication proceedings, case No. 39576 and related cases
3 including the above captioned appeal.

4 5. I received my juris doctor degree from the University of the Pacific, McGeorge
5 School of Law in 1980 and was admitted to the California State Bar in 1980, the District of
6 Columbia Bar in 1992, and the Nevada State Bar in 2000. I am presently admitted to practice in the
7 following courts:

- 8 (a) United States District Court for the Central, Northern, Southern, and Eastern
9 Districts of California;
- 10 (b) District of Columbia Court of Appeals;
- 11 (c) United States Court of Federal Claims;
- 12 (d) United States Circuit Court of Appeals for the Ninth Circuit;
- 13 (e) United States Circuit Court of Appeals for the Federal Circuit;
- 14 (f) United States Court of Appeals for the Armed Forces;
- 15 (g) All Courts of the State of California;
- 16 (h) All Courts of the State of Nevada.

17 6. I am a member in good standing of all bars of which I am a member and no
18 disciplinary proceedings have been filed or are pending against me.

19 7. I have previously been admitted pro hac vice in the Snake River Basin
20 Adjudication in several subcases on behalf of Joyce Livestock Co.

21 8. The Court previously granted my motion to appear before this Court on behalf of
22 Joyce Livestock in related pending appeals. *See* Order Re: Association of Foreign Counsel for
23 Supreme Court Case No. 32278 (September 19, 2005); *see also* Order Re: Association of Foreign
24 Counsel, Supreme Court Case No. 32279 (September 22, 2005).

25 9. In an Order re: Foreign Counsel dated August 22, 2001, this Court granted LU
26 Ranching's Motion for Association of Non-Resident Counsel and approved my appearance before
27 this Court in Idaho Supreme Court Case No. 27599 subject to the general requirements regarding

1 pro hac vice admission, I.B.C.R. 222. A Motion for Association of Non-Resident Counsel also
2 was approved in LU Ranching's pending appeal. See Order Granting Motion for Association of
3 Foreign
4 Counsel, Idaho Supreme Court Case No. 31994 (September 19, 2005).

5
6 
7 Michael J. Van Zandt

8
9 State of California)
10 County of San Francisco)

11
12 Subscribed and sworn to (or affirmed) before me on this 25th day of May,
13 2006, by Michael J. Van Zandt, personally known to me or proved to me on the basis of
14 satisfactory evidence to be the person(s) who appeared before me.

15
16 
17 Notary Public Signature



18
19
20
21
22
23
24
25
26
27
28 Notary Seal

CERTIFICATE OF SERVICE

I certify that on May 30, 2006, I served a true and correct copy of foregoing **AFFIDAVIT OF MICHAEL J. VAN ZANDT IN SUPPORT OF MOTION FOR ASSOCIATION OF FOREIGN COUNSEL** upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

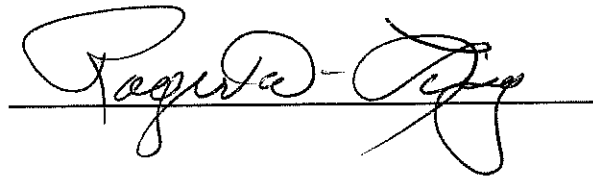
Elizabeth Ann Peterson
U.S. Department of Justice
Environment and Natural Resources Division
Appellate Section
P.O. Box 23795
Washington, D.C. 20026

David L. Negri
Attorney, U.S. Department of Justice
General Litigation Section
Environmental and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

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

Sue Ellen Wooldridge, Asst. Atty General
Peter C. Monson, Managing Attorney
Environmental and Natural Resource Division
1961 Stout Street - 8th Floor
Denver, CO 80294



G:\Docs\21381\001\ATTORNEYS FEES MOTION\Decl. of MVZ re Assoc of Foreign Counsel.wpd