

1 TIMOTHY R. WEAVER  
2 Law Office of Tim Weaver  
3 WSB # 3364  
4 P. O. Box 487  
5 Yakima, WA 98907-0487  
6 (509) 575-1500, office  
7 (509) 575-1227, fax  
8 weavertimatty@qwest.net

THE HONORABLE JAMES A. REDDEN

9 Attorney for *Amicus Curiae* Confederated Tribes  
10 and Bands of the Yakama Indian Nation

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF OREGON

13 NATIONAL WILDLIFE FEDERATION, et al.,

Civ. No. 01-0640-RE (Lead Case)

CV 05-0023-RE

14 Plaintiffs,

(Consolidated Cases)

15 and

16 STATE OF OREGON,

17 Intervenor-Plaintiff,

TREATY TRIBES' RESPONSE TO  
18 SCHEDULING ORDER  
19 REGARDING MOTIONS FOR  
20 INJUNCTIVE RELIEF RELATED TO  
21 2007 FCRPS OPERATIONS

22 v.

23 NATIONAL MARINE FISHERIES SERVICE, et al.

24 Defendants,

25 and

26 NORTHWEST IRRIGATION UTILITIES, et al.

27 Intervenor-Defendants.

28 COLUMBIA SNAKE RIVER IRRIGATORS  
29 ASSOCIATION, et al.,

30 Plaintiffs,

31 v.

32 CARLOS M. GUTIERREZ, et al.,

33 Defendants.

34 Treaty Tribes' Response To Scheduling Order Regarding  
Motions For Injunctive Relief Related To 2007 FCRPS  
Operations: 1

LAW OFFICES OF  
TIM WEAVER  
402 E. YAKIMA AVENUE, SUITE 710  
P.O. BOX 487  
YAKIMA, WASHINGTON 98907  
TEL: 509-575-1500  
FAX: 509-575-1227

1 In response to this Court's scheduling order regarding motions for injunctive relief  
2 regarding 2007 FCRPS operations (Docket #1302), the Columbia River Treaty Tribes wish  
3 to notify the Court that they have reached an Agreement with the Government on 2007  
4 FCRPS operations and project funding commitments. Solely for context and informational  
5 purposes, the Treaty Tribes are attaching copies of: (1) the Agreement<sup>1</sup> that sets forth the  
6 agreed-to FCRPS operations and project funding commitments; (2) the Government's project  
7 funding commitment letters; and, (3) the Corps of Engineers' commitment to implement the  
8 agreed-to operations. By its terms, the Agreement addresses 2007 FCRPS operations and  
9 project funding commitments only, and does not provide a precedent for any future  
10 proceedings or endorsement of these operations for the long term operations of the federal  
11 dams.  
12  
13  
14  
15  
16

17 DATED this 9th day of January, 2007.

18  
19 s/ Timothy R. Weaver  
20 TIMOTHY R. WEAVER  
21 WSB # 3364  
22 P. O. Box 487  
23 Yakima, WA 98907-0487  
24 (509) 575-1500  
25 Attorney for *Amicus Curiae* Confederated  
26 Tribes and Bands of the Yakama Indian  
27 Nation

28 s/ David J. Cummings\*  
29 DAVID J. CUMMINGS  
30 OSB # 92269  
31 P. O. Box 305  
32 Lapwai, ID 83540  
33 (208) 843-7355  
34 Attorney for *Amicus Curiae*  
Nez Perce Tribe

s/ Howard G. Arnett  
HOWARD G. ARNETT  
OSB # 77099  
1201 N.W. Wall Street, Suite 300  
Bend, OR 97701  
(541) 382-3011  
Attorney for *Amicus Curiae* Confederated  
Tribes of the Warm Springs Reservation of  
Oregon

s/ Christopher B. Leahy\*  
CHRISTOPHER B. LEAHY  
CSB # 23612  
1075 S. Boulder Road, Suite 305  
(303) 673-9600  
Attorney for *Amicus Curiae* Confederated  
Tribes of the Umatilla Reservation  
\*per authorization

<sup>1</sup> The Colville Confederated Tribe is also a party to the Agreement.  
Treaty Tribes' Response To Scheduling Order Regarding  
Motions For Injunctive Relief Related To 2007 FCRPS  
Operations: 2

1  
2 **CERTIFICATE OF SERVICE**

3 Pursuant to Local Rule Civil 100.13(c), and F.R. Civ. P. 5(d), I certify that on the 9<sup>th</sup> day  
4 of January, 2007, I caused the foregoing TREATY TRIBES' RESPONSE TO  
5 SCHEDULING ORDER REGARDING MOTIONS FOR INJUNCTIVE RELIEF  
6 RELATED TO 2007 FCRPS OPERATIONS to be electronically filed with the Court's  
7 electronic court filing system, which will generate automatic service upon all parties  
8 enrolled to receive such notice. The following parties will be manually served by first  
9 class U.S. Mail, postage prepaid:

10 Seth M. Barsky  
11 U. S. Department of Justice  
12 Wildlife & Marine Resources Section  
13 Environmental & Natural Resources Division  
14 Ben Franklin Station  
15 P. O. Box 7369  
16 Washington, DC 20044-7369

Thomas L. Sansonetti  
U.S. Department of Justice  
P O Box 663  
Washington, D.C. 20044-  
0663

17 Walter H. Evans, III  
18 Schwabe Williamson & Wyatt, PC  
19 1600-1900 Pacwest Center  
20 1211 SW Fifth Avenue  
21 Portland, OR 97204

22 James W. Givens  
23 1026 F Street  
24 P. O. Box 875  
25 Lewiston, ID 83501

26 Clarkston Golf & Country Club  
27 Hoffman, Hart & Wagner  
28 1000 SW Broadway  
29 20<sup>th</sup> Floor  
30 Portland, OR 97205

31 Confederated Tribes of the Colville Reservation  
32 Office of the Reservation Attorney  
33 P. O. Box 150  
34 Nespelem, WA 99155

s/ Tim Weaver  
Tim Weaver WSBA# 3364

Treaty Tribes' Response To Scheduling Order Regarding  
Motions For Injunctive Relief Related To 2007 FCRPS  
Operations: 3

LAW OFFICES OF  
TIM WEAVER  
402 E. YAKIMA AVENUE, SUITE 710  
P.O. BOX 487  
YAKIMA, WASHINGTON 98907  
TEL: 509-575-1500  
FAX: 509-575-1227