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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

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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  
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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

17 Thomas L. Sansonetti  
18 U.S. Department of Justice  
19 P O Box 663  
20 Washington, D.C. 20044-  
21 0663

22 Walter H. Evans, III  
23 Schwabe Williamson & Wyatt, PC  
24 1600-1900 Pacwest Center  
25 1211 SW Fifth Avenue  
26 Portland, OR 97204

27 James W. Givens  
28 1026 F Street  
29 P. O. Box 875  
30 Lewiston, ID 83501

31 Clarkston Golf & Country Club  
32 Hoffman, Hart & Wagner  
33 1000 SW Broadway  
34 20<sup>th</sup> Floor  
Portland, OR 97205

Confederated Tribes of the Colville Reservation  
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s/ Tim Weaver  
Tim Weaver WSBA# 3364

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

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