

RESOLUTION #2004-20

**A BOISE COUNTY RESOLUTION OPPOSING THE PROPOSED
SETTLEMENT AGREEMENT TO THE SNAKE RIVER BASIN
ADJUDICATION AND THE WATER CLAIMS OF THE NEZ PERCE TRIBE**

WHEREAS, the Nez Perce Tribe brought action against the State of Idaho in District Court claiming substantially all the in-stream water flows of the Snake, Salmon, Clearwater Rivers and their tributaries; outside of the former 1863 Reservation boundary; and

WHEREAS, the judgment of the District Court denied in full the Nez Perce Tribe's water claims; and

WHEREAS, the Nez Perce Tribe and the United States, as trustee for the Nez Perce Tribe, did file and appeal to the State of Idaho Supreme Court; and

WHEREAS, the State of Idaho Supreme Court ordered mediation which was conducted in secret for almost five (5) years; and

WHEREAS, no public or legislative input was allowed in the mediation process; and

WHEREAS, as a result of this mediation the Nez Perce Tribe would be awarded \$193,000,000; up to 11,000 acres in land; substantial water rights; and management of fish hatcheries, for withdrawing from the appeal to the Idaho State Supreme Court, as settlement of the case; and

WHEREAS, the Idaho Department of Lands would adopt and enforce Section 6 of the Endangered Species Act on State and private forest lands; and

WHEREAS, Section 6 of the ESA would increase regulations and would further restrict our Timber Industry; and

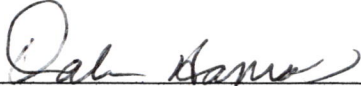
WHEREAS, no court has ever granted Tribal implied water rights claims outside a reservation boundary.



NOW, THEREFORE, BE IT RESOLVED, that the Boise County Board of County Commissioners requests the State of Idaho reject the proposed Snake River Basin Adjudication mediation agreement and allow this question to be decided in the Courts.

APPROVED and ADOPTED this 30th day of August 2004.

BOISE COUNTY BOARD OF COMMISSIONERS



Dale Hanson, Chairman of the Board

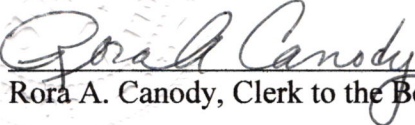


Roger B. Jackson, Commissioner



Fred H. Lawson, Commissioner

Attest:



Rora A. Canody, Clerk to the Board