

RESOLUTION NO 2004-01

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PECK, OPPOSING THE PROPOSED SETTLEMENT AGREEMENT TO THE SNAKE RIVER BASIN ADJUDICATION AND THE WATER CLAIMS OF THE NEZ PERCE TRIBE.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PECK, IDAHO THAT:

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 appeal to the State Of Idaho Supreme Court; and

Whereas, The Court ordered mediation which was conducted in secret for almost 5 years; and

Whereas, No public or legislative input was allowed in the mediation process; and

Whereas, As 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 a 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 claim outside a reservation boundary.

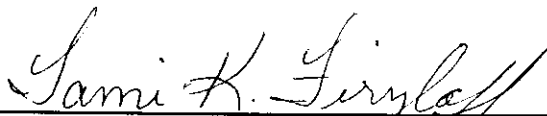
NOW, THEREFORE, BE IT RESOLVED by the City of Peck, Idaho that the State of Idaho reject the proposed Snake River Basin Adjudication mediation agreement and allow this question to be decided in the Courts.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR THIS

10th DAY OF November, 2004



MAYOR



CITY CLERK