Charles M. Tebbutt, OR Bar No. 96579, *pro hac vice*
Jonathan D. Frohnmayer, CA Bar No. 295216, *pro hac vice*
Law Offices of Charles M. Tebbutt, P.C.
3026 NW Esplanade
Seattle, WA 98117
Ph: (541) 285-3717
charlie@tebbuttlaw.com
jon@tebbuttlaw.com

Daniel C. Snyder, OR Bar No. 105127, *pro hac vice*
Haley Nicholson, OR Bar No. 224615, *pro hac vice*
PUBLIC JUSTICE
1620 L Street NW, Suite 630
Washington, DC 20036
Ph: (202) 797-8600
dsnyder@publicjustice.net
hnicholson@publicjustice.net

Bryan Hurlbutt, ID Bar No. 8501
Advocates for the West
PO Box 1612
Boise, ID 83701
Ph: (208) 342-7024
bhurlbutt@advocateswest.org

Attorneys for Plaintiff Snake River Waterkeeper

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SNAKE RIVER WATERKEEPER, an Idaho non-profit corporation,

Plaintiff,

v.

J.R. SIMPLOT COMPANY, a Nevada corporation; and SIMPLOT LAND AND LIVESTOCK CO., a Nevada corporation,

Defendants.

Case No. 1:23-cv-00239-DCN

MEMORANDUM OF LAW IN SUPPORT OF SNAKE RIVER WATERKEEPER'S MOTION TO REOPEN DISCOVERY

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Rules

Other Authorities

Plaintiff Snake River Waterkeeper ("SRW") respectfully moves this Court pursuant to its inherent authority to modify the stay of discovery (Dkt. 73) to reopen discovery for sufficient cause. SRW seeks to ascertain the diligence and adequacy of the Idaho Department of Environmental Quality ("DEQ") and Idaho State Department of Agriculture ("ISDA") (collectively, "the State")'s enforcement action against Defendants J.R. Simplot Company and Simplot Livestock Co. (collectively, "Simplot") concerning the Grand View Feedlot.

This modification is warranted because the final State Consent Judgment (entered January 23, 2026) is a new development that may alter the posture of the pending motions. The judgment resolves the State's claims via a fixed penalty and deferred/conditional remedies, but it leaves live questions about whether the State action is sufficiently diligent or adequate to bar or moot SRW's claims. Resuming discovery now is necessary and efficient to resolve the pending Motion to Amend (Dkt. 56) and an anticipated mootness and diligent prosecution defense on a complete record.

I. FACTUAL AND PROCEDURAL BACKGROUND

This action was filed on May 9, 2023, alleging ongoing violations of the Clean Water Act ("CWA"), 33 U.S.C. § 1311 et seq., arising from unpermitted discharges of pollutants from Simplot's Grand View Feedlot into the Snake River. Dkt. 1. The Court denied Simplot's motion to dismiss on June 24, 2024 (Dkt. 33), and discovery proceeded, including thousands of pages of document production and ongoing disputes concerning the scope of SRW's Rule 34(a)(2) site inspection and document requests. Dkts. 41, 42, 66 at 3.

On October 21, 2024, SRW served a notice of intent to sue under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972, alleging that Simplot's discarding of manure and wastewater presents an imminent and substantial endangerment to health and the

environment. Dkt. 49-1. On December 20, 2024, the State filed parallel enforcement actions (including copy-pasted claims from SRW) in Elmore and Owyhee County District Courts alleging violations of state law and the CWA. Dkt. 60-1 at 4; Dkt. 66 at 11 n.3. On January 23, 2025, SRW moved for leave to amend its complaint to add the RCRA imminent-and-substantial-endangerment claim. Dkt. 56. Simplot opposed the motion on futility grounds, arguing the State's action bars the claim under RCRA's diligent-prosecution provision and that SRW lacks standing. Dkt. 59. Simplot simultaneously moved to stay the entire action, citing jurisdictional concerns, comity/primary jurisdiction, and the State's ongoing permitting and settlement efforts. Dkt. 60. On February 27, 2025, SRW filed a standalone complaint under RCRA, and on March 6, SRW moved to withdraw its First Amended Complaint while indicating its intention to consolidate the standalone complaint with its initial complaint. Dkt. 68. On February 21, 2025, the Court granted the Parties' joint motion to expedite. Dkt. 63. During oral argument on April 22, 2025, the Court stayed proceedings pending judgment on the motions. Dkt. 73.

On or before August 13, 2025, Simplot filed its draft consent judgment purporting to resolve the State's claims. Dkt. 75. On September 15, SRW submitted a public comment on the draft. Declaration of Charles M. Tebbutt filed herewith ¶ 3, Ex. A (the "Comment Letter"). On November 3, 2025, SRW submitted public records requests to the State pursuant to the Idaho Public Records Act seeking all records related to the Grand View Feedlot from January 1, 2025, to the present, and both agencies produced responsive records. Tebbutt Decl. ¶ 4. On January 23, 2026, the state court entered a final Consent Judgment. Dkt. 77-1 at 3. The judgment imposes a civil penalty of $334,000 ($274,000 to DEQ and $60,000 to ISDA) plus $36,850 in attorney fees, with an option for a supplemental environmental project to offset up to seventy five percent (75%) of the penalty. *Id.* at 24–25. The judgment contains no reference to an Economic Benefit of

Noncompliance ("EBN") analysis, calculation of economic benefit from delayed or avoided compliance costs, or any justification that the penalty recaptures such benefit.

II. LEGAL STANDARD

District courts possess broad inherent authority to modify interlocutory stays for sufficient cause. *City of Los Angeles v. Santa Monica BayKeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (citing *Melancon v. Texaco, Inc.*, 659 F.2d 551, 553 (5th Cir. 1981)). The court may lift a stay when circumstances have changed such that the reasons for imposing the stay no longer exist or are no longer appropriate. *Akeena Solar Inc. v. Zep Solar Inc.*, No. C 09-05040 JSW, 2011 U.S. Dist. LEXIS 72847, at *4 (N.D. Cal. July 7, 2011) (citing *Canady v. Erbe Elektromedizin GmbH*, 271 F. Supp. 2d 64, 74 (D.D.C. 2002)); *see also Am. Home Assurance Co. v. Perini Bldg. Co.*, No. 11-CV-1218-KJD-CWH, 2012 U.S. Dist. LEXIS 144339, at *6 (D. Nev. Oct. 5, 2012) (lifting stay to permit limited discovery where doing so promotes judicial economy and prevents delay); *Walter v. Drayson*, No. 06-00568 SOM/K, 2007 U.S. Dist. LEXIS 23297, at *4 (D. Haw. Mar. 28, 2007) (lifting stay to permit limited discovery relevant to pending motion). The factors courts use when evaluating motions to reopen discovery under the more exacting "good cause" standard of Rule 16(b)(4), including relevance of the discovery sought and diligence of the moving party, may also serve as a helpful guide. *See City of Pomona v. SQM North America Corp.*, 866 F.3d 1060, 1066 (9th Cir. 2017).

III. SUFFICIENT CAUSE EXISTS TO REOPEN DISCOVERY

The circumstances warranting the stay have changed significantly since it was entered on April 22, 2025 (Dkt. 73). The stay was imposed pending resolution of SRW's Motion to Amend and Simplot's Motion to Stay. Since oral argument in April 2025, the state court has entered a final Consent Judgment (Dkt. 77-1), and SRW has obtained public records from DEQ and ISDA

showing that the State's penalty assessment was reactive, rushed, and driven in significant part by the pendency of SRW's federal lawsuit. These developments provide sufficient cause to modify the stay and reopen discovery. As set forth below, even applying the more rigorous good cause factors as guideposts, reopening discovery is warranted: additional discovery is relevant and proportional (Part A), SRW has acted diligently (Part B), and the remaining factors favor modification (Part C).

A. Additional discovery is relevant and proportional.

SRW seeks discovery that is directly relevant and proportional to two issues: (1) whether the State's enforcement action is sufficiently diligent to bar SRW's proposed RCRA claim, a question currently before the Court on SRW's Motion to Amend (Dkt. 56); and (2) whether the State's Consent Judgment moots SRW's pending Clean Water Act claims, a defense Simplot has previewed in its briefing and is anticipated to assert formally. Addressing both issues on a complete factual record will promote judicial economy and avoid the need for piecemeal discovery later.

1. Discovery is relevant to Simplot's diligent prosecution argument.

First, discovery is relevant to rebutting Simplot's argument that the State action bars SRW's proposed RCRA endangerment claim under the diligent prosecution provision, 42 U.S.C. § 6972(b)(2)(C)(i). Dkt. 59 at 7–10. Diligent prosecution raises factual issues that warrant discovery. *See Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc*., 890 F. Supp. 470, 490 (D.S.C. 1995) ("In examining the totality of the circumstances surrounding DHEC's prosecution of Laidlaw. . ."). Although RCRA § 6972(a)(1)(B) provides for equitable abatement relief rather than civil penalties, courts interpret the "diligent prosecution" requirement similarly across the RCRA and CWA citizen-suit provisions due to their parallel language and shared purpose of ensuring effective enforcement. *See U.S. Dep't of Energy v. Ohio*, 503 U.S. 607, 615–

617 (1992) (construing CWA and RCRA citizen suit provisions similarly); *Adkins v. VIM Recycling, Inc*., 644 F.3d 483, 493 (7th Cir. 2011) ("This conclusion [regarding timing of the RCRA diligent prosecution bar] follows our interpretation of the identical statutory language for citizen suits under the Clean Water Act[.]").

The 2018 Memorandum of Agreement (MOA) between EPA Region 10 and Idaho DEQ for the IPDES program requires Idaho to align with EPA's civil penalty policies, including calculation and recapture EBN to ensure deterrence. Tebbutt Decl. ¶ 4, Ex. B ("Penalty calculations should, at a minimum, consider . . . the economic benefit of noncompliance[.]"). Under this framework, diligence requires the state action to be effective in abating the endangerment—including by deterring recurrence through remedies that remove economic incentives for noncompliance. Failure to recapture (or even calculate) EBN means that the State's prosecution is not diligent, because it leaves the violator with a continuing financial advantage reaped by avoiding its environmental obligations. 33 U.S.C. § 1319(d) (penalty amounts "shall" take into account the "economic benefit (if any) resulting from the violation"); § 1319(g)(3) (similar). The purpose of recovering a violator's economic benefit is "to prevent a party violating the CWA from gaining an unfair advantage against its competitors, and to prevent it from profiting from its wrongdoing." *United States v. Allegheny Ludlum Corp.*, 366 F.3d 164, 177–78 (3d Cir. 2004). This is why a penalty that fails to consider a violator's economic benefit is not diligent. *Laidlaw*, 890 F. Supp. at 497 ("The failure of the state enforcement agency to recover, or even to determine, a violator's economic benefit is strong evidence that the agency's prosecution . . . was not diligent."); *see also Ohio Valley Envtl. Coal., Inc. v. Hobet Mining, LLC*, 723 F. Supp. 2d 886, 908 (S.D.W. Va. 2010) (finding no diligent prosecution in part because the consent decree's penalties "appear inadequate to remove the economic benefit of non-compliance"); *Ohio Valley*

Env't Coal., Inc. v. Bluestone Coal Corp., No. 1:19-00576, 2020 WL 2949782, at *8 (S.D. W. Va. June 3, 2020) (finding no diligent prosecution because the state failed to consider the violator's economic benefit despite its payment of $278,000 in stipulated penalties).

Because the State purported to prosecute violations under both the Clean Water Act and state analogs to RCRA in a single enforcement action (Dkt. 60-4 at 8–12) resolved through a single penalty and consent judgment (Dkt. 75-1 at 1, 4), the absence of any meaningful EBN analysis or deterrent-focused penalty on the CWA side is strong evidence that the overall enforcement effort lacked the diligence to also bar SRW's proposed RCRA imminent-and-substantial-endangerment claim. Internal State communications produced in response to SRW's public records requests reveal a reactive approach and strongly suggest the absence of any economic benefit analysis. As late as June 18, 2025, fewer than two months before Simplot informed the Court of the draft consent judgment on August 13, 2025 (Dkt. 75), DEQ staff acknowledged they had "not developed a penalty dollar amount" and were "unaware of any penalty development." Tebbutt Decl. ¶ 6, Ex. C. On June 24, 2025, DEQ Director Jess Byrne reached out to ISDA to "begin calculating a potential penalty," candidly admitting it would be "difficult for DEQ to come up with a defensible penalty amount" because "most of the violations . . . were not actually observed violations but rather allegations based upon 'information or belief.'" *Id.* ¶ 7, Ex. D. Just two days later, DEQ staff stated internally they would discuss "how to approach this penalty calculation based on the SRW's civil suit." *Id*.

On July 1, 2025, Director Byrne again followed up on his earlier message to ISDA, apparently without hearing back on ISDA's thoughts on a penalty amount, stressing the need "to stay out in front of this issue and the other case in federal court" and to "finalize the settlement in very short order" because "there is a chance the federal court could act in the coming days." *Id*. ¶

8, Ex. E. Director Byrne then followed up with ISDA veterinarian Dr. Scott Leibsle ten days later with a request to "touch base early next week regarding penalty calculation for the Grandview facility," who then responded that he had "passed my proposed settlement structure for ISDA on to our attorney." *Id*. Internal DEQ discussions regarding the penalty continued into August 2025, but significant portions were redacted under the attorney-client privilege exemption. *Id.* ¶ 9, Ex. F. This suggests that penalty was an afterthought, added late in the process under pressure from SRW's suit.

Beyond the State's apparent failure to engage in an economic benefit analysis, broader discovery is also necessary to assess whether the State action was diligent in other critical respects: the scope and thoroughness of the State's investigation (e.g., groundwater sampling results, downplume migration studies, testing of domestic wells or downstream impacts); the evidence and data it relied upon in crafting remedies; the rationale for choosing deferred and conditional remedies (monitoring triggers, potential future corrective actions) over immediate abatement measures; and whether those remedies adequately address the human health and environmental threats alleged in SRW's RCRA notice and proposed amendment (including risks to downstream domestic water users and the broader Snake River ecosystem). The State itself appears to admit in responsive records that it never performed this basic investigative work. As mentioned above, DEQ Director Jess Byrne admitted on June 24 that most of the DEC complaint's violations "were not actually observed violations but rather allegations based upon 'information or belief.'" Tebbutt Decl. ¶ 6, Ex. C. In other words, the State apparently never followed up with concrete sampling, groundwater testing, or other evidence-gathering to substantiate the violations or quantify the harm—the kind of diligent investigation central to evaluating whether a state enforcement action

is adequate to abate an imminent and substantial endangerment. *See Laidlaw*, 890 F. Supp. at 490 (D.S.C. 1995) (diligent prosecution analysis involves totality of circumstances).

This reactive approach is particularly significant considering evidence previously submitted to the Court showing the potential collusive nature of the enforcement action that Simplot itself invited or requested the State to initiate against the Grand View Feedlot. Dkt. 65-3 at 4 (September 26, 2024, email from DEQ Director Byrne: "I know Simplot is going to be pushing for [site inspection] as early as possible[.]"); Dkt. 65-2 at 2 (November 14, 2024, email from DEQ Supervisor Heidi Caye: "Simplot has not yet asked DEQ to enforce against them, which would need to happen prior to the state pursuing the civil case."). Only months later—in mid-to-late June 2025—did DEQ begin discussing a penalty. Tebbutt Decl. ¶¶ 6–7. These records, taken together, strongly suggest that the State's enforcement action and resulting Consent Judgment were shaped more by Simplot's own overtures and the pendency of SRW's federal lawsuit than by independent, vigorous investigation and prosecution. Discovery from Simplot and the State should reveal the extent of the inadequacy in these areas and the ongoing risks of endangerment that SRW's federal claim seeks to abate.

2. Discovery is relevant to Simplot's anticipated mootness defense.

Second, discovery is relevant to Simplot's anticipated mootness defense. While Simplot has not yet moved to dismiss SRW's complaint on mootness grounds, SRW anticipates it will do so based on the entry of the final Consent Judgment (Dkt. 77-1) and Simplot's repeated assertions that the State's enforcement resolves all overlapping claims and moots the need for federal relief. Dkt. 60-1 at 3 ("Simplot is diligently working with IDEQ to comprehensively address the claims raised in the State's enforcement actions which, because they mirror those raised by SRW, will obviate the need for this Court to preside over this duplicative proceeding."); Dkt. 67 at 11

("Finally, a stay is needed to allow Simplot to work with the State to provide SRW with all the relief that SRW seeks through this citizen suit. . . . Once [the IPDES] permit is issued it will moot both SRW's CWA and RCRA claim.").

Retained economic benefit creates a realistic prospect of continuing violations. *See Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc*., 528 U.S. 167, 189 (2000) (defendant bears "heavy burden" to show "absolute" clarity that wrongful behavior "could not reasonably be expected to recur"). A penalty would not punish or deter violations if it "could simply be absorbed as a cost of doing business." *Idaho Conservation League v. Magar*, No. 3:12-cv-00337-CWD, 2015 WL 632367, at *7 (D. Idaho Feb. 13, 2015) (citing *Idaho Conservation League v. Atlanta Gold Corp*., 879 F. Supp. 2d 1148 (D. Idaho 2012)).

The State's hasty and response-driven penalty process reinforces that the $334,000 penalty is far too modest given the scale of the feedlot (150,000 cattle capacity generating approximately 47,000 tons of manure per year); the number, extent, and willfulness of the violations that occurred over decades; and the economic benefit Simplot reaped by avoiding compliance over the same period. By comparison, this Court recently approved a settlement between Simplot and the US EPA for $1.5 million. *United States of America v. J.R. Simplot Company*, No. 1:2023cv00322, Document 20 (D. Idaho Oct. 2024). In 2022, this Court imposed a $150,000 penalty on an individual for 42 days of "small-scall, recreational suction dredge mining" without a CWA permit. *Idaho Conservation League v. Poe*, No. 1:18-cv-353-REP, 2022 WL 4536465 *7, *10 (D. Idaho Sep. 28, 2022). Penalizing Simplot—a company that makes $11 billion annually[1]—for years of

[1] JR Simplot, Company Overview & News, FORBES (last updated Dec. 17, 2025), https://www.forbes.com/companies/jr-simplot/.

violations at one of the largest feedlots in North America by just a little more than twice what that miner was penalized is not diligent prosecution and does not deter future violations.

Without stripping Simplot of the financial advantage gained from delayed or avoided compliance costs (e.g., manure containment, lagoon lining, monitoring upgrades), the Consent Judgment leaves an ongoing economic incentive to continue or resume conduct endangering both the public and the environment. These risks are compounded by the judgment's deferred and conditional remedies—such as groundwater and surface water monitoring triggers, potential corrective actions only if degradation is later confirmed, and no immediate requirements for pond lining or major infrastructure upgrades. Dkt. 75-1 at 10-14. Such deferments defy basic scientific principles of gravity and hydrology.

Discovery into the State's investigation scope, the evidence and data it relied upon, the rationale for deferred remedies, and the adequacy of those remedies for the endangerment alleged in SRW's RCRA claim will inform whether the judgment truly resolves the claims or leaves live issues. This discovery should also include the planned Rule 34 inspection (Dkt. 57-1) to assess the likelihood of ongoing discharges at the facility and the extent to which the State addressed the same. Obtaining this discovery now is efficient and prudent: it will allow the Court to resolve any future mootness defense on a complete record, avoid piecemeal litigation and unnecessary delay, and promote judicial economy by addressing the issue before full merits proceedings. *See Am. Home Assurance Co.*, 2012 U.S. Dist. LEXIS 144339, at *6 (lifting stay where doing so promotes judicial economy).

B. SRW has been diligent.

SRW has diligently pursued discovery throughout this action, including serving Simplot with a request on August 9, 2024, for, among other things, production of all correspondence

between Simplot and IDEQ and documents related thereto from June 1, 2017, to the present. Tebbutt Decl. ¶ 2. The need for the specific discovery sought herein arose only after entry of the final Consent Judgment in January 2026. That judgment retained the draft's modest penalty structure without adding any EBN analysis, documentation, or justification—despite SRW's public comment specifically criticizing the penalties' lack of deterrent effect and their potential to be absorbed as a "minimal cost of doing business." Comment Letter at 5 ("There is no attempt whatsoever to justify or allocate civil penalties for the decades' worth of violations . . . Stipulated penalties are arbitrary as they are not correlated to the severity of the violation and can thus be subsumed into Simplot's minimal cost of doing business calculations. No real deterrent effect is present."). The final judgment's silence on EBN is a new development that SRW could not have anticipated or addressed earlier.

SRW used all available means to ascertain the rigor of the State's enforcement action, both before and during the current stay on discovery. After learning about the State's complaints, SRW served both IDEQ and ISDA on April 10, 2025, with Notices of Deposition under Fed. R. Civ. P. 30(b)(1) and 30(b)(6), together with document requests sufficiently broad to cover any EBN analyses and other aspects of the State's investigation, evidence, and remedy decisions. Tebbutt Decl. ¶ 11. The State did not respond substantively prior to the stay order. *Id.* In addition, during the stay, on November 3, 2025, SRW submitted public records requests to both agencies pursuant to the Idaho Public Records Act. *Id.* ¶ 5.

As discussed above, the results show no EBN calculation and reveal that, even as late as mid-June 2025, DEQ had not developed a penalty amount, and some relevant staff were "unaware of any penalty development." *Id* ¶ 6, Ex. C. However, the production was incomplete: large portions of responsive documents were redacted under Idaho Code § 74-104(1) (attorney-client

communications and deliberative-process privilege). *Id.* ¶¶ 7, 9, Exs. D, F. Moreover, the DEQ also produced a version of the June 26, 2025, email from DEQ's James Craft redacting the line that he would speak to DEQ Deputy Attorney General Brent King "to discuss how to approach this penalty calculation based on the SRW's civil suit" (*id.* ¶ 7, Ex. D), suggesting that the State was arbitrarily and selectively redacting language directly linking this case as the driving force behind the State's penalty work. Federal discovery powers are broader than state public records requests and allow access to unredacted internal documents and depositions of decision-makers. *See Weil v. Investment/Indicators, Research & Management, Inc*., 647 F.2d 18, 24 (9th Cir. 1981) ("Because it impedes full and free discovery of the truth, the attorney-client privilege is strictly construed."). If the State asserts privilege over documents relevant to the penalty calculation or remedy selection, SRW will request, if prevented from directly acquiring the information itself, that the Court conduct *in camera* review to determine whether such claims are properly asserted.

In summary, SRW acted diligently by requesting discovery from both Simplot and the State during discovery, raising the deterrence issue during the public comment period, and submitting records requests. The new factual development of the final State Consent Judgment in January 2026, coupled with internal emails showing an eleventh-hour penalty process driven in significant part by SRW's federal suit, provides sufficient cause to reopen discovery to obtain any additional materials or explanation concerning EBN and a complete record on the adequacy of the State's action.

C. The remaining factors weigh in favor of reopening discovery.

Other than Simplot's opposition to this request, the remaining considerations under the more exacting "good cause" standard under Rule 16(b)(4)—foreseeability, prejudice, and trial timing—all weigh in support of reopening discovery. *See Pomona*, 866 F.3d at 1066. SRW could

not have foreseen the need for this discovery prior to the stay, as the draft consent judgment had not yet been filed, and most of the State's penalty discussions noted herein had not yet occurred. Resuming discovery will impose minimal prejudice on Simplot. Discovery was already underway before the stay (including thousands of pages of production by Simplot), and the additional requests will be proportional to the present needs of the case. In addition, the request is not opposed in a manner that outweighs sufficient or even "good" cause, as the new factual development of the final Consent Judgment and its deferred remedies create a compelling need for the Court to have a complete record before resolving the pending motions and any anticipated mootness defense. Finally, trial has not been scheduled, so this discovery will not interfere with trial preparation.

IV. CONCLUSION

For the foregoing reasons, SRW respectfully requests that the Court grant this motion and reopen discovery.

Respectfully submitted this 29th day of April, 2026.

/s/ Charles M. Tebbutt
Charles M. Tebbutt, OR Bar No. 96579, *pro hac vice*
/s/ Jonathan D. Frohnmayer
Jonathan D. Frohnmayer, CA Bar No. 295216, *pro hac vice*
Law Offices of Charles M. Tebbutt, P.C.
3026 NW Esplanade
Seattle, WA 98117
Ph: (541) 285-3717
charlie@tebbuttlaw.com
jon@tebbuttlaw.com

/s/ Daniel C. Snyder
Daniel C. Snyder, OR Bar No. 105127, *pro hac vice*
/s/ Haley Nicholson
Haley Nicholson, OR Bar No. 224615, *pro hac vice*
PUBLIC JUSTICE
1620 L Street NW, Suite 630
Washington, DC 20036

Ph: (202) 797-8600
dsnyder@publicjustice.net
hnicholson@publicjustice.net

/s/ Bryan Hurlbutt
Bryan Hurlbutt, ID Bar No. 8501
Advocates for the West
PO Box 1612
Boise, ID 83701
Ph: (208) 342-7024

Attorneys for Plaintiff Snake River Waterkeeper