

1-22-1971

## **Docket Entry 34 - Filed Motion of Committee to Save Our Fish a Washington non-profit corporation for Leave to Intervene**

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CHARLES A. SCHAAF, CLERK

RICHARD F. DeJEAN  
Attorney for Committee to Save Our Fish  
1112 Main Street  
Sumner, WA 98390  
Area Code 206 UNiversity 3-6047

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON,  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

STATE OF WASHINGTON,  
Defendant,

AND

COMMITTEE TO SAVE OUR FISH,  
a Washington, non-profit cor-  
poration,

Applicant for  
Intervention.

CIVIL ACTION NO. 9213

MOTION FOR LEAVE TO  
INTERVENE

Comes now the Committee to Save Our Fish, a Washington  
non-profit corporation, through its attorney, Richard F. DeJean,  
and moves the above Court for leave to intervene in this action.  
This motion is based upon the following grounds:

1

The Committee to Save Our Fish, a Washington non-profit  
corporation composed of some 248, all of whom are residents and  
citizens of the State of Washington, hereby alleges and pleads that  
applicant's interest in the above suit by the existing parties is  
or may be inadequate and the applicant's members will be bound by a  
judgment in the action.

All of applicant's members are Washington sportsmen who  
fish one or more of the rivers named in Plaintiff's Complaint and  
each of applicant's members asserts a legal and proprietary interest  
in the different species of fish in these rivers. Further, each  
applicant pays license fees and other tax monies which are used for  
the propagation of these fish in these rivers.

The Committee to Save Our Fish is, however, primarily

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1 interested, as stated in the above paragraph, in the rights and lia-  
2 bilities which this Court may establish in regards to the Puyallup  
3 River, the Carbon River and the Stuck River.

4 II

5 That the members of applicant corporation are so situated  
6 as to be adversely affected by a disposition of property rights  
7 which will be subject to the control of this Court.

8 III

9 That, the Committee to Save Our Fish will assert a de-  
10 fense, as set forth in its proposed answer, which will contain ques-  
11 tions of law and fact in common with the main action. (Applicant  
12 herewith incorporates by reference the allegations set forth in  
13 Paragraph I above.)

14 Further, whatever rights the Treaty of Medicine Creek  
15 grants to the Indian tribes Plaintiff is representing, such rights  
16 are, in the words of the Treaty, granted "in common with all citi-  
17 zens of the territory". Therefore, it is respectfully submitted  
18 that whatever questions of law and/or facts are presented in this  
19 action, they will, by force of the Treaty's wording, have to be ques-  
20 tions which applicant will have in common with the other parties  
21 hereto.

22 Further, applicant's participation as a party to this ac-  
23 tion will, in no way, delay or prejudice the adjudication of the  
24 rights of the original parties.

25 Respectfully submitted,

26 

27  
28 RICHARD F. DEJEAN  
29 Attorney for Committee to Save  
30 Our Fish  
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