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WATER LAW

Sierra Club v. Yeutter, 911 F.2d 1405

Author: Judge Tacha

Defendants, Yeutter and Peterson ("Yeutter"), appealed the district court's decision granting plaintiff Sierra Club's request for a declaratory judgment. The declaratory judgment stated that the Wilderness Act of 1964 creates federal reserve water rights in all twenty-four wilderness areas administered by the United States Forest Service ("Forest Service"). Yeutter contended that the district court was without jurisdiction. Accordingly, he challenged the district court order which directed the Forest Service to prepare a plan to ensure the protection of wilderness water values.

The Tenth Circuit dismissed and vacated the district court's judgment. The court held that the issue presented on appeal was not entitled to judicial review because Sierra Club did not show an irreconcilable threat to the Wilderness Act's preservation mandate. The court considered the legal nature of the question presented, the finality of the administrative action, and the speculative and contingent nature of the harm in deciding that the case was not ripe for adjudication. Also, the district court's order requiring the Forest Service to prepare reports was essential for determining jurisdiction. Accordingly, the court's order would remain part of the record. The Forest Service would not be bound, however, by policy statements in the reports.

