

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

AMERICAN WHITEWATER, et al)	
)	
Plaintiffs,)	
)	
v.)	
)	
THOMAS TIDWELL, in his official capacity as)	Civil Action No 8:09-cv-02665
Chief of the United States Forest Service; et al)	
)	
Defendants.)	
)	
)	
)	

I am filing the attached document related to this matter:

AFFIDAVIT OF JOSEPH C. STUBBS

DATED: October 15, 2009

NELSON GALBREATH, LLC

s/ J. Nathan Galbreath
Cecil H. Nelson, Jr. (Fed. ID #2511)
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ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

AMERICAN WHITEWATER, et al.)	
)	
Plaintiffs,)	
v.)	
)	
THOMAS TIDWELL, in his official capacity as Chief)	Civil Action No.
of the United States Forest Service, et al.)	
)	
Defendants.)	

AFFIDAVIT OF JOSEPH C. STUBBS

Before me, the undersigned authority, Joseph C. Stubbs, being by me duly sworn, deposed as follows:

My name is Joseph C. Stubbs. I reside at 535 Earlvine Way, Kennesaw, Georgia 30152. My date of birth is August 3, 1951. I am an American Whitewater member who, prior to the unlawful closure, paddled the upper reaches of the Chattooga WSR. My primitive recreational floating use of the Headwaters of the Chattooga River, North of Highway 28, has been interrupted by Defendants' unlawful closure of that portion of the river to primitive recreational floating and to no other primitive recreational uses.

I legally paddled the now closed portions of the river prior to the unlawful closure and am now prevented from lawfully doing so. I am personally irreparably harmed by the closure because I am no longer allowed to access one of my favorite waterways for river adventure and the myriad other primitive floating activities that I currently would enjoy if the river were open for floating recreation in accordance with applicable law.

I am irreparably harmed because there are only a limited number of days a year that the Headwaters carry enough water to float, and each of those days that go by can never be regained, nor can I be adequately compensated for the loss of those days. The Headwaters provide a quality of floating that is not available on any other river in the Southeast United States.

Furthermore, I am now 58 years of age and the number of years remaining in my life that I will be physically able to float these challenging, magnificent waters and see the unique scenery along the Headwaters are limited. Unless this Temporary Restraining Order and Preliminary Injunction are granted, restoring my legal right to be on the Headwaters, I will be irreparably harmed by losing most, if not all of my opportunities to ever again float the headwaters. I expect that I will be physically able to float the headwaters very few more years.

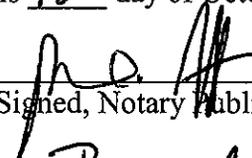
Further Affiant sayeth not.


JOSEPH C. STUBBS

STATE OF GEORGIA
COUNTY OF Cobb

Sworn to and subscribed before me this 12 day of October 2009, by Joseph C. Stubbs.




Signed, Notary Public-State of Georgia
Bruce A. Neff
Printed, Notary Public-State of Georgia

Personally Known OR Produced Identification

Type of Identification Produced _____