91 - 7755

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4001)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 42N Range 11E Section: 4 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Downstream Boundary - Heller Creek
   Township: 43N Range 10E Section: 20 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
67	67	90	115	115	115
July	August	September	October	November	December
77	63	39	23	47	67

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

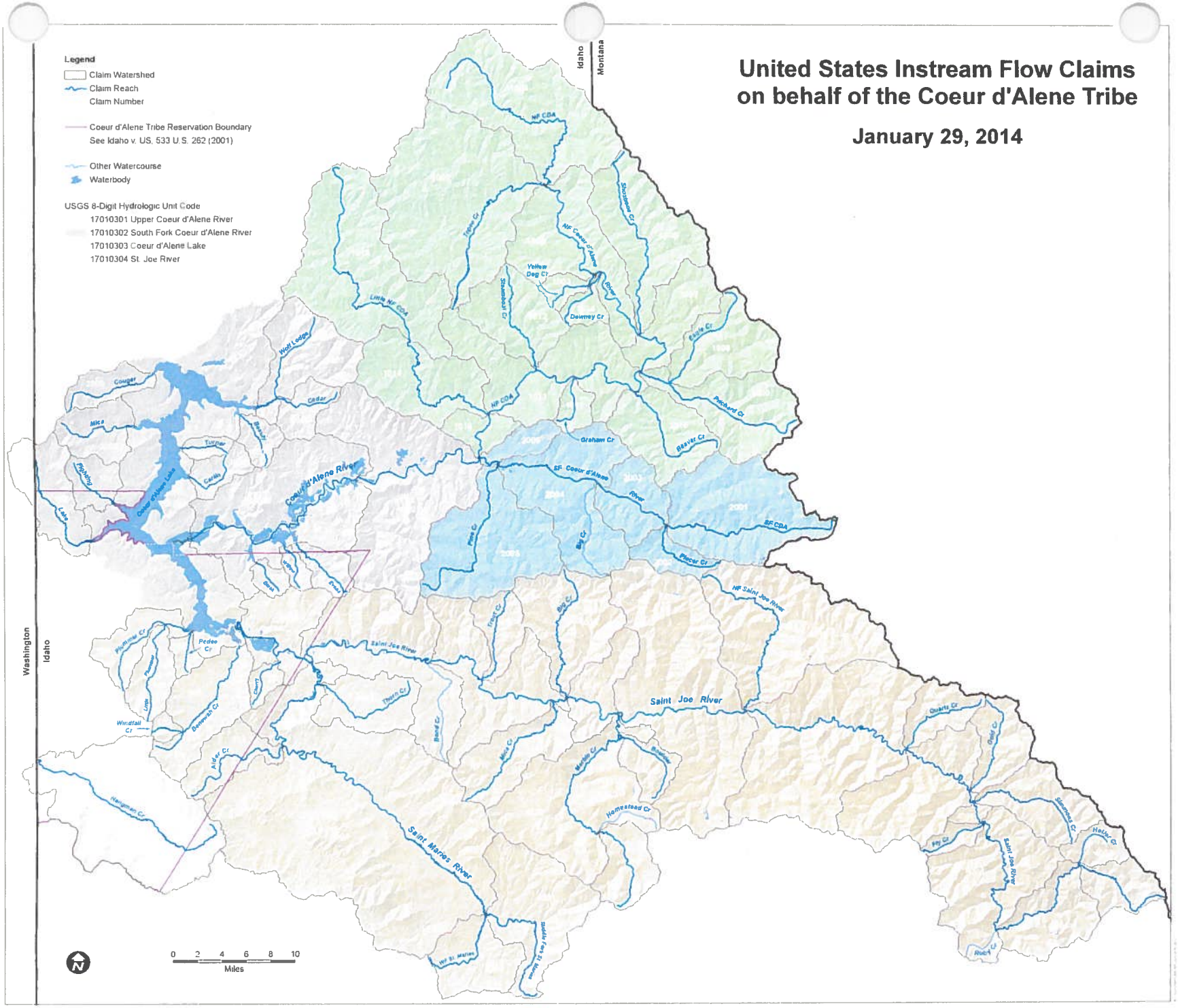
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
Coeur d'Alene Lake
NF CDA
SF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
NF Saint Joe River
Little NF CDA
Wolf Lodge
Cougar
Cedar
Mica
Turner
Carlin
Pighting
Lake
Pedee Cr
Windfall Cr
Benewah Cr
Alder Cr
Hangman Cr
Thorn Cr
Trout Cr
Big Cr
Pine Cr
Placer Cr
Graham Cr
Beaver Cr
Pritchard Cr
Eagle Cr
Dewney Cr
Yellow Dog Cr
Steamboat Cr
Shoshone Cr
Quartz Cr
Gold Cr
Hatter Cr
Fly Cr
Rock Cr
Homestead Cr
Marble Cr
Mica Cr
Band Cr
Hemlock Cr
Staddle Fork St Maries
WF St Maries
0 2 4 6 8 10
Miles

91-7756

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Heller Creek (Fed ID #4002)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 43N Range 10E Section: 11 QQ (__1/4 of __1/4): NWSW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 43N Range 10E Section: 20 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	February	March	April	May	June
43	35	47	73	73	73
July	August	September	October	November	December
45	32	20	11	23	36

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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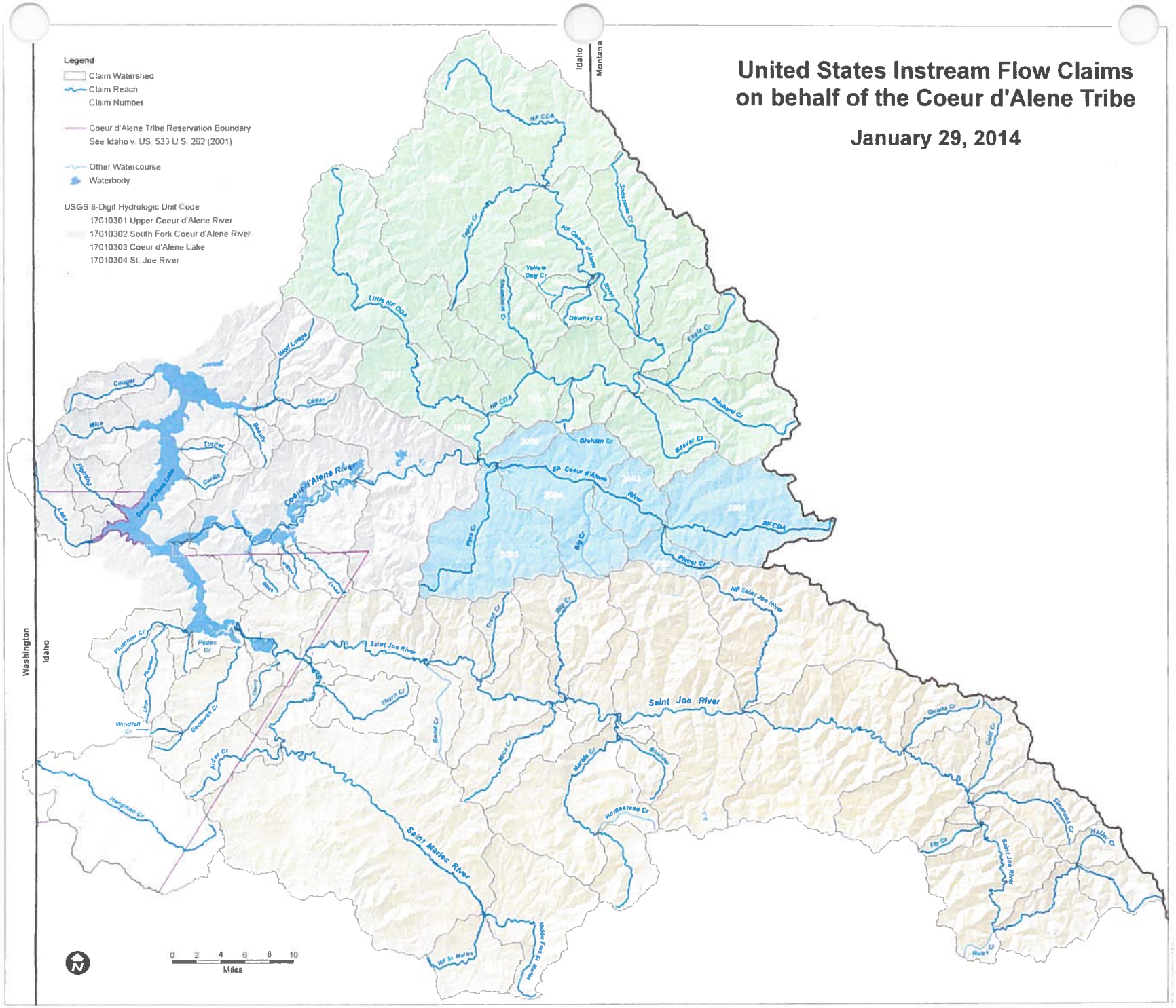
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US 533 U.S. 262 (2001)
Other Watercourse
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17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
SF CDA
NF Saint Joe River
Coeur d'Alene Lake
Wolf Lodge
Cougar
Cedar
Beauty
Turner
Carlin
Fighting
Lake
Plummer Cr
Pedes Cr
Windfall Cr
Benewah Cr
Alder Cr
Hangman Cr
Thorn Cr
Band Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Fly Cr
Hatter Cr
Ruby Cr
Yellow Dog Cr
Downey Cr
Eagle Cr
Prichard Cr
Beaver Cr
Graham Cr
Placer Cr
Big Cr
Trout Cr
Pine Cr
Shoshone Cr
Tepee Cr
Stanton Cr
Hoffer Cr
Rubin Cr
Saint Joe River
Saint Maries River
WF St Maries
Middle Fork St Maries
0 2 4 6 8 10
Miles

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4003)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Heller Creek
   Township: 43N Range 10E Section: 20 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Downstream Boundary - Ruby Creek
   Township: 42N Range 9E Section: 18 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
130	130	185	224	224	224
July	August	September	October	November	December
149	163	104	75	130	130

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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U.S. Bureau of Indian Affairs

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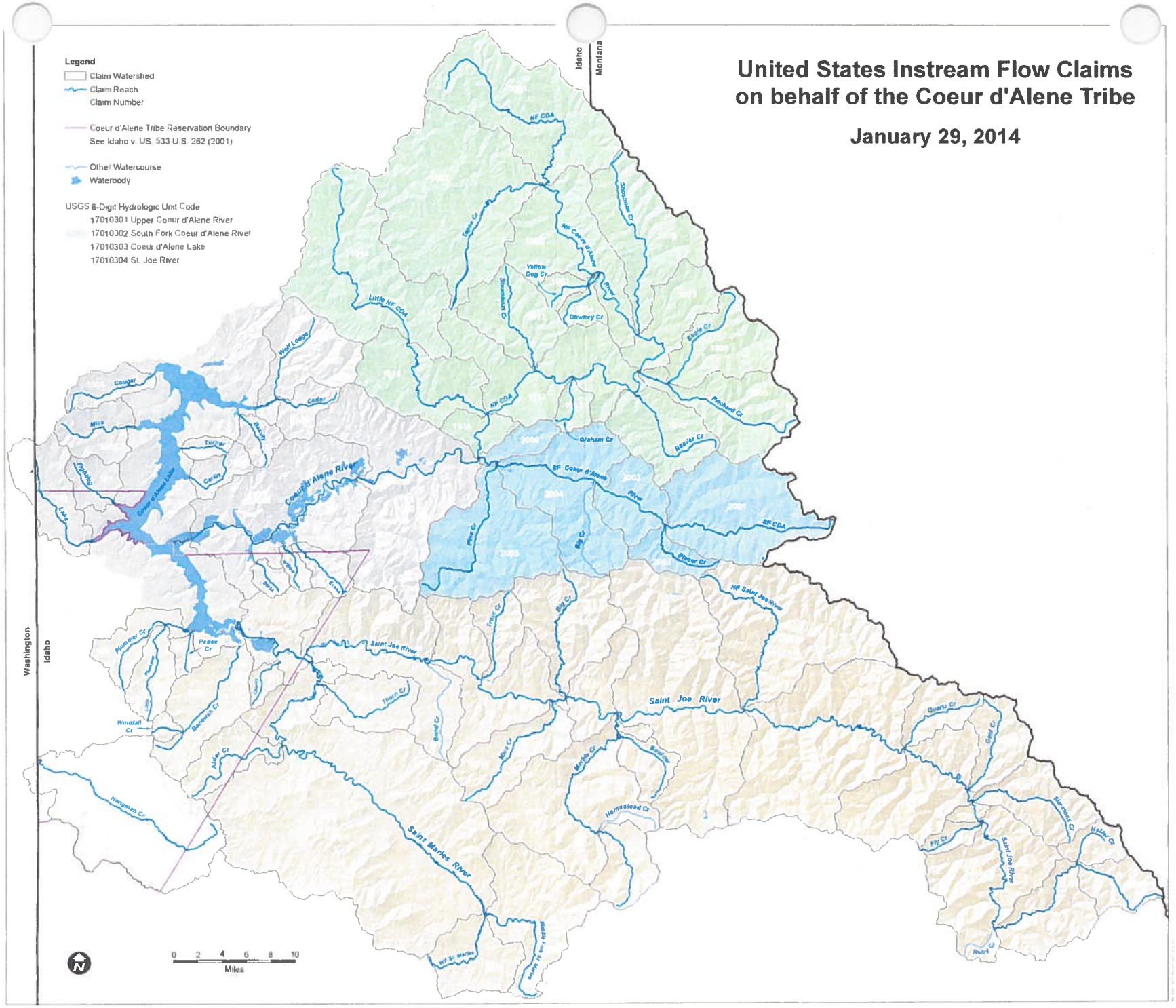
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
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Mica
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Turner
Beauty
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Plummer Cr
Pedee Cr
Windfall Cr
Hangman Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Homestead Cr
Quartz Cr
Gold C.
Fly Cr
Slate Cr
Haller Cr
Rock Cr
Yellow Dog Cr
Downey Cr
Graham Cr
Pine Cr
Big Cr
Pioneer Cr
Packard Cr
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Eagle Cr
Shoshone Cr
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   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4004)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Ruby Creek
   Township: 42N Range 9E Section: 18 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Downstream Boundary - Fly Creek
   Township: 44N Range 8E Section: 36 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
178	178	258	307	307	307
July	August	September	October	November	December
205	245	160	129	178	178

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

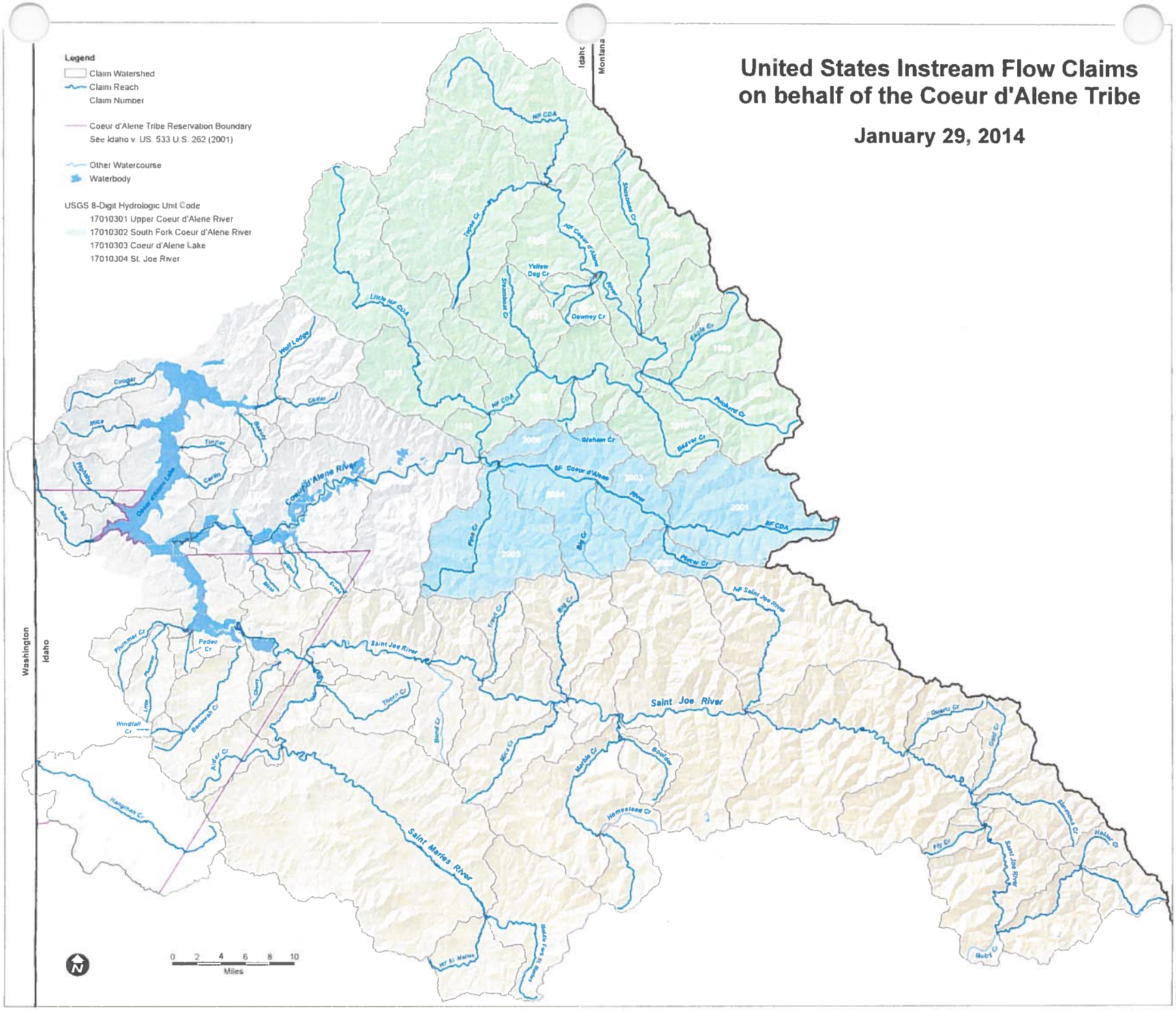
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
NF CDA
Little NF CDA
Yellow Dog Cr
Downey Cr
Eagle Cr
Pritchard Cr
Graham Cr
Beaver Cr
BF Coeur d'Alene River
BF CDA
Pierce Cr
Big Cr
Fivemile Cr
Coeur d'Alene River
Coeur d'Alene Lake
Wolf Lodge
Cougar
Cedar
Mica
Twenty
Benewah
Carlin
Hayden
Hayden Lake
Plummer Cr
Pedee Cr
Plummer
Little
Cherry
Benewah Cr
Windfall Cr
Alder Cr
Hangman Cr
Saint Joe River
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Saint Maries River
NF St. Maries
Clarkia Fork St. Maries
HF Saint Joe River
Quartz Cr
Slate Cr
Fly Cr
Simmons Cr
Heller Cr
Ruby Cr
0 2 4 6 8 10
Miles

91-7759

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Fly Creek (Fed ID #4005)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 43N Range 8E Section: 7 QQ (__1/4 of __1/4): SESE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 44N Range 8E Section: 36 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
24	23	32	45	45	45

July	August	September	October	November	December
26	11	7.9	6.3	11	17

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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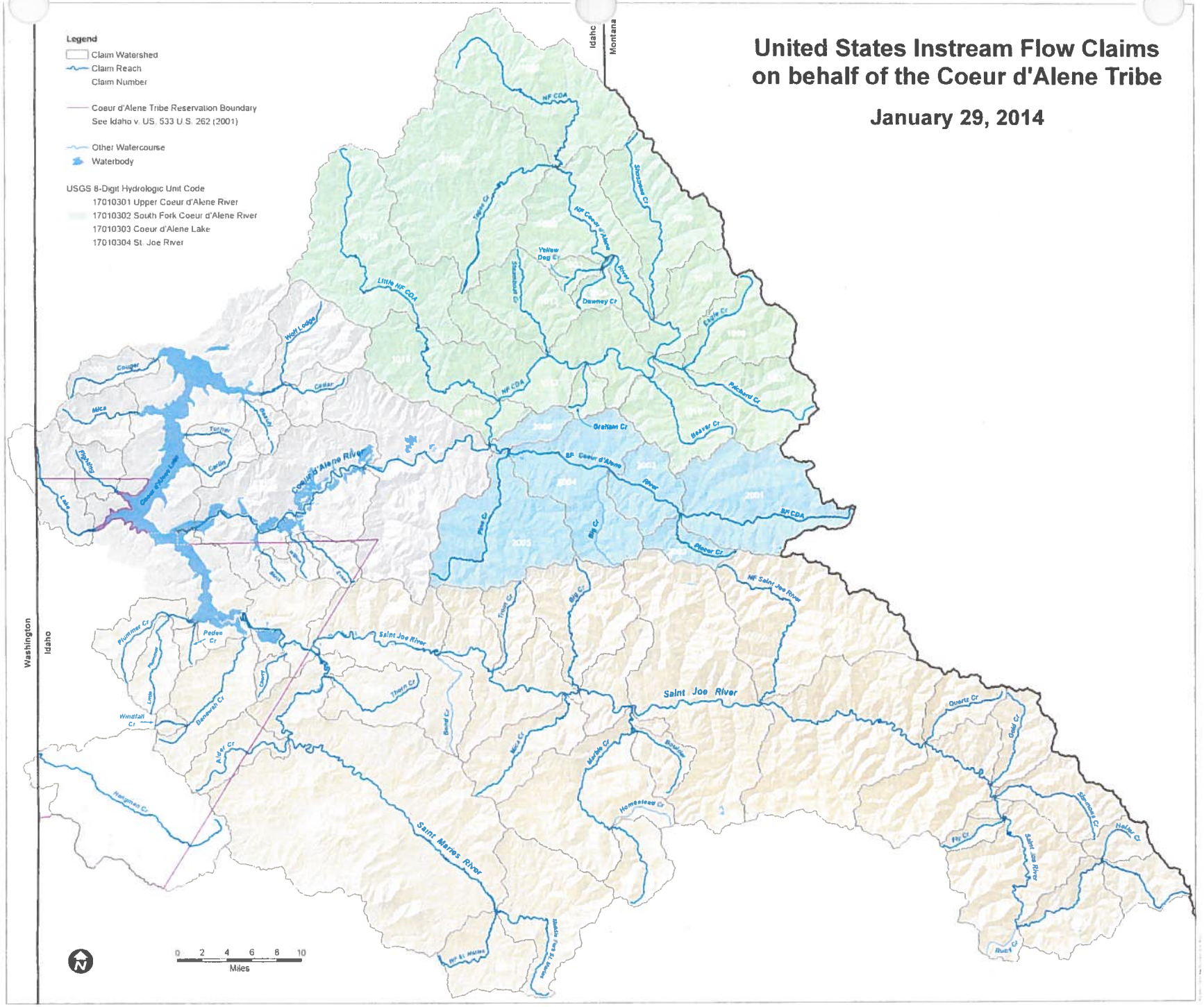
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7760

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4006)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Fly Creek
   Township: 44N Range 8E Section: 36 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Downstream Boundary - Simmons Creek
   Township: 44N Range 8E Section: 24 QQ (__1/4 of __1/4): SESW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
183	183	266	316	316	316
July	August	September	October	November	December
210	250	164	138	183	183

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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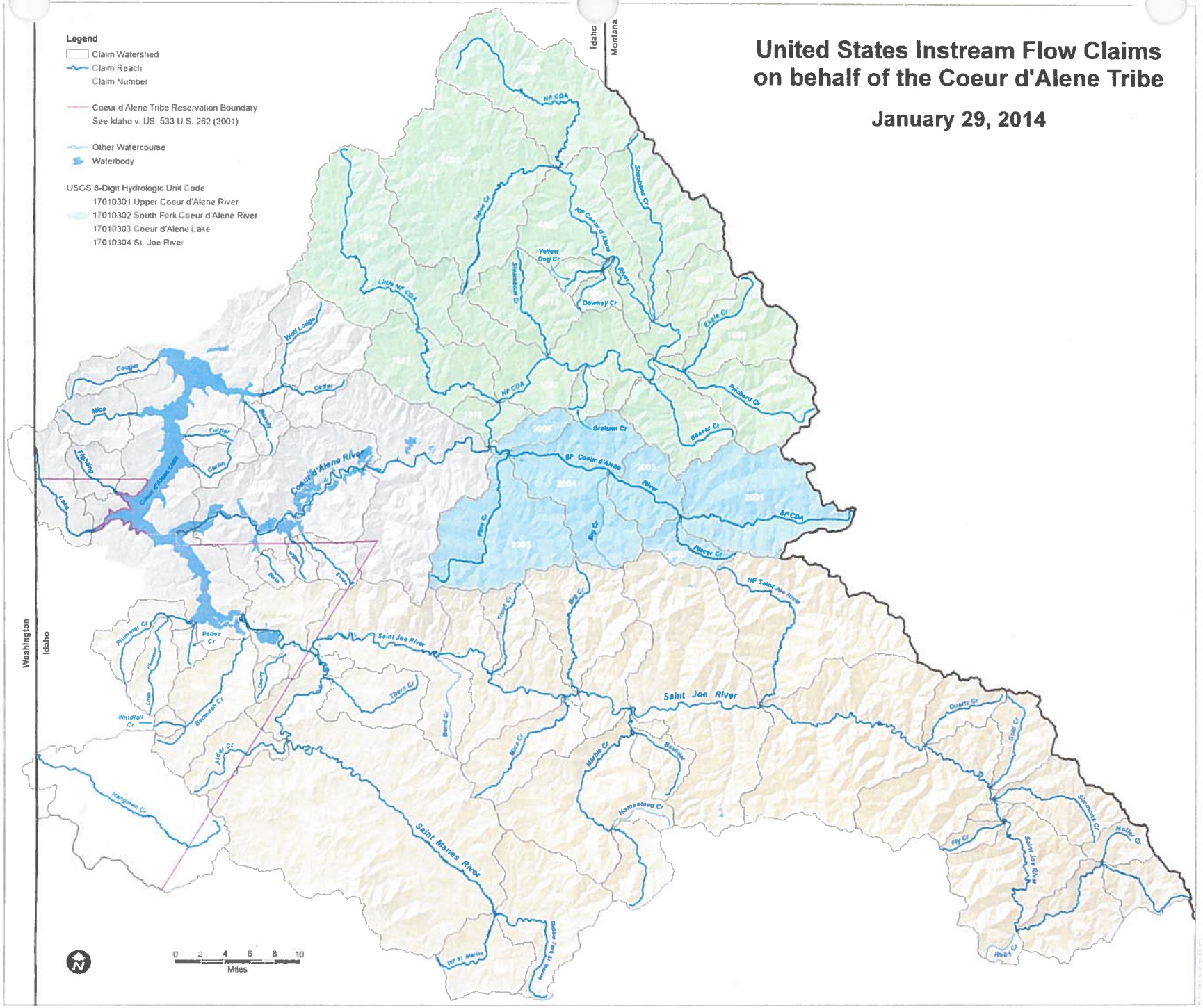
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US. 533 U.S. 262 (2001)
Other Watercourse
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17010301 Upper Coeur d'Alene River
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Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
SF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
NF Saint Joe River
Yellow Dog Cr
Downey Cr
Graham Cr
Beaver Cr
Pinchard Cr
Placer Cr
Big Cr
Trout Cr
Thorn Cr
Bend Cr
Mica Cr
Marble Cr
Homestead Cr
Quartz Cr
Gold Cr
Fly Cr
Simmons Cr
Hatter Cr
Ruby Cr
Plummer Cr
Windfall Cr
Benewah Cr
Alder Cr
Hangman Cr
Cougar
Mica
Turner
Carlin
Fighting
Lake
Wolf Lodge
Cedar
Coeur d'Alene Lake
0 2 4 6 8 10
Miles

91-7761

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Simmons Creek (Fed ID #4007)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 43N Range 10E Section: 8 QQ (__1/4 of __1/4): NESW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 44N Range 8E Section: 24 QQ (__1/4 of __1/4): SESW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	February	March	April	May	June
50	50	120	115	115	115
July	August	September	October	November	December
77	62	41	38	50	50

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

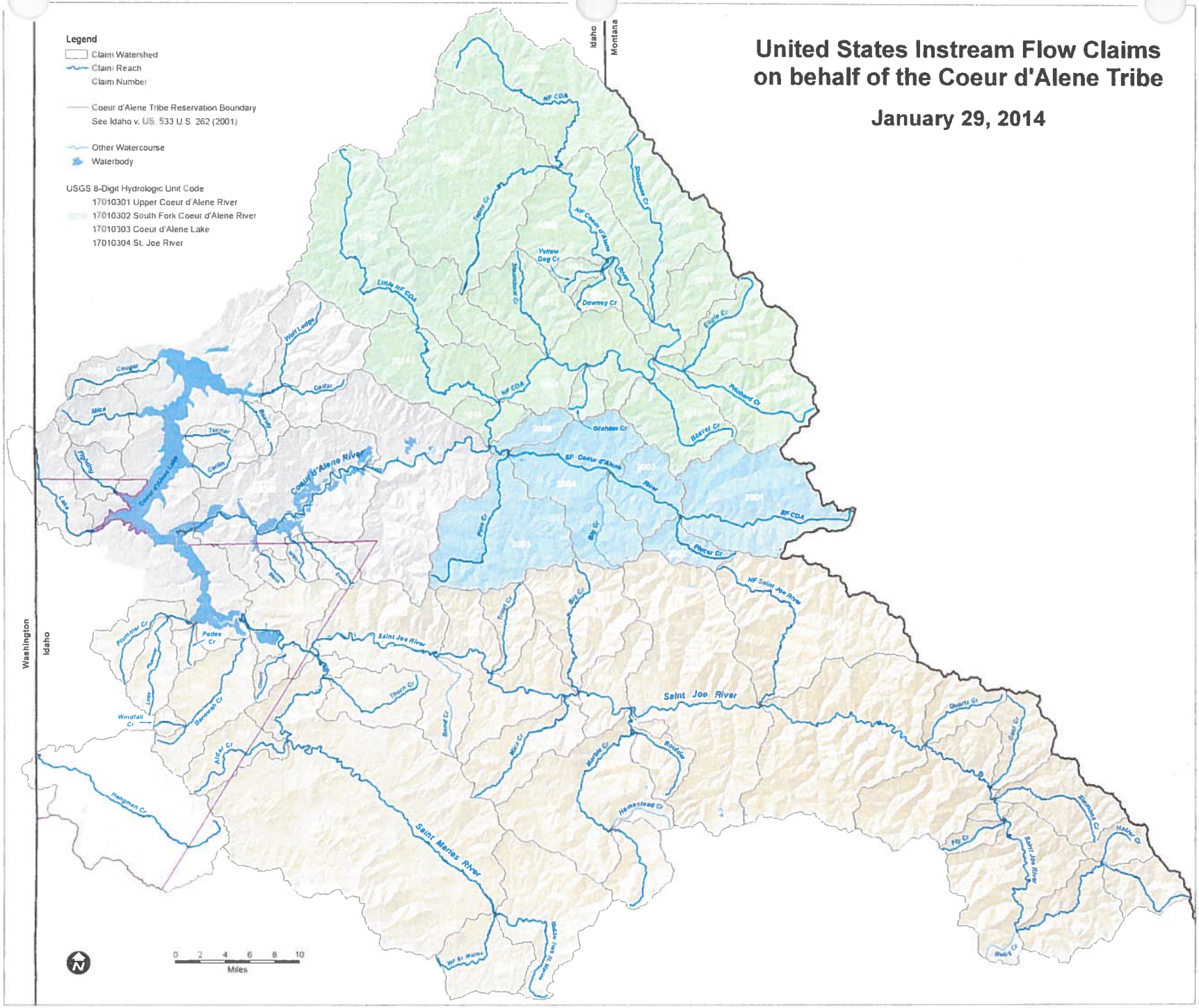
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
NF CDA
Little NF CDA
NF Coeur d'Alene River
Yellow Dog Cr
Downey Cr
Eagle Cr
Pritchard Cr
Beaver Cr
Graham Cr
SF Coeur d'Alene River
SF CDA
Placer Cr
NF Saint Joe River
Coeur d'Alene River
Coeur d'Alene Lake
Wolf Lodge
Cougar
Cedar
Mica
Turner
Carlin
Fighting
Lake
Pine Cr
Big Cr
Trout Cr
Saint Joe River
Plummer Cr
Pedee Cr
Windfall Cr
Barnwah Cr
Alder Cr
Hangman Cr
Thorn Cr
Band Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Saint Maries River
WF St Maries
Middle Fork St Maries
Quartz Cr
Gold Cr
Fly Cr
Saint Joe River
Slamons Cr
Halter Cr
Ruby Cr
0 2 4 6 8 10
Miles

91-7762

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Gold Creek (Fed ID #4008)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 45N Range 8E Section: 12 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 44N Range 8E Section: 14 QQ (__1/4 of __1/4): SESE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
55	55	72	94	94	94
July	August	September	October	November	December
62	34	23	22	40	53

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

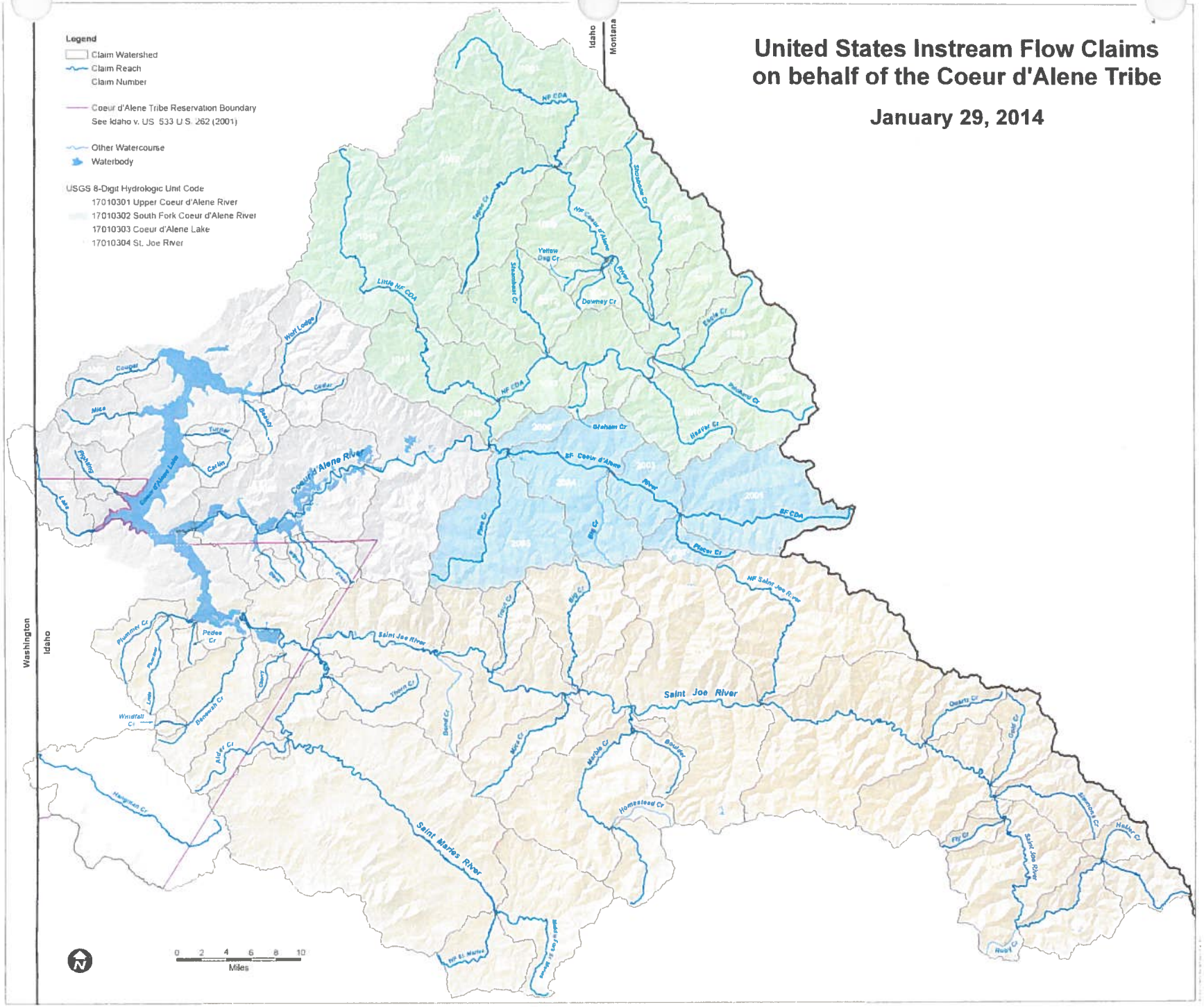
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
Shoshone Cr
NF Coeur d'Alene River
Yellow Dog Cr
Downey Cr
Eagle Cr
Prichard Cr
Graham Cr
Heller Cr
BF Coeur d'Alene River
BF CDA
Pine Cr
Big Cr
Placer Cr
NF Saint Joe River
Trout Cr
Wolf Lodge
Cougar
Cedar
Mica
Turner
Beauty
Fighting
Carlin
Lake
Plummer Cr
Pedee Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Simmons Cr
Huber Cr
Fly Cr
Hangman Cr
Alder Cr
Benewah Cr
Cherry
Little
Wildcat Cr
NF St. Maries
Big Elk
Bacon
0 2 4 6 8 10
Miles

91-7763

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4009)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Simmons Creek
   Township: 44N Range 8E Section: 24 QQ (__1/4 of __1/4): SESW
   B.M., County of Shoshone
   Downstream Boundary - Quartz Creek
   Township: 45N Range 7E Section: 36 QQ (__1/4 of __1/4): NESW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
133	133	350	175	175	175

July	August	September	October	November	December
116	250	200	200	133	133

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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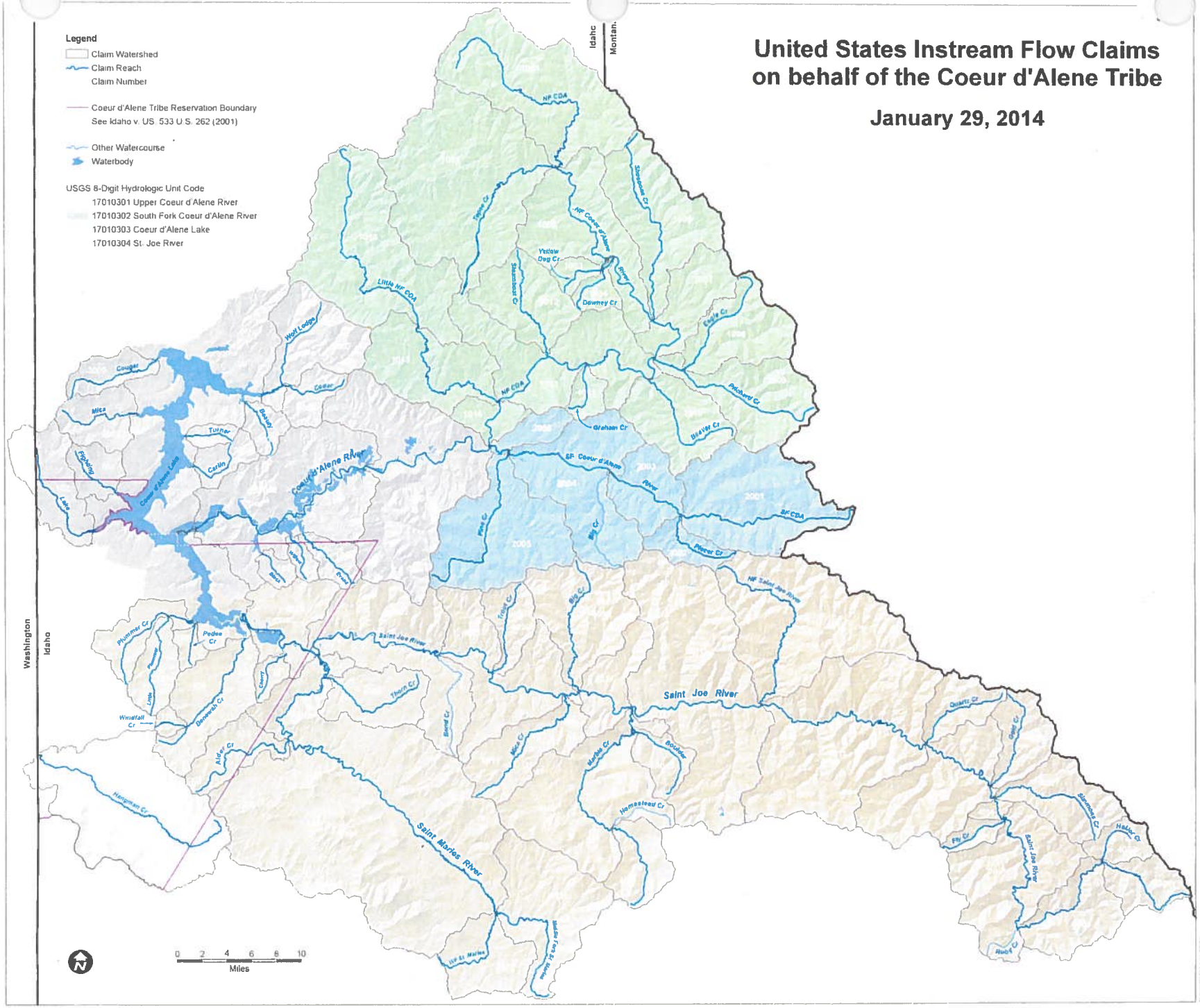
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7764

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Quartz Creek (Fed ID #4010)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 45N Range 8E Section: 12 QQ (__1/4 of __1/4): NESW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 45N Range 7E Section: 36 QQ (__1/4 of __1/4): NESW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
44	44	57	75	75	75

July	August	September	October	November	December
50	23	16	20	32	34

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

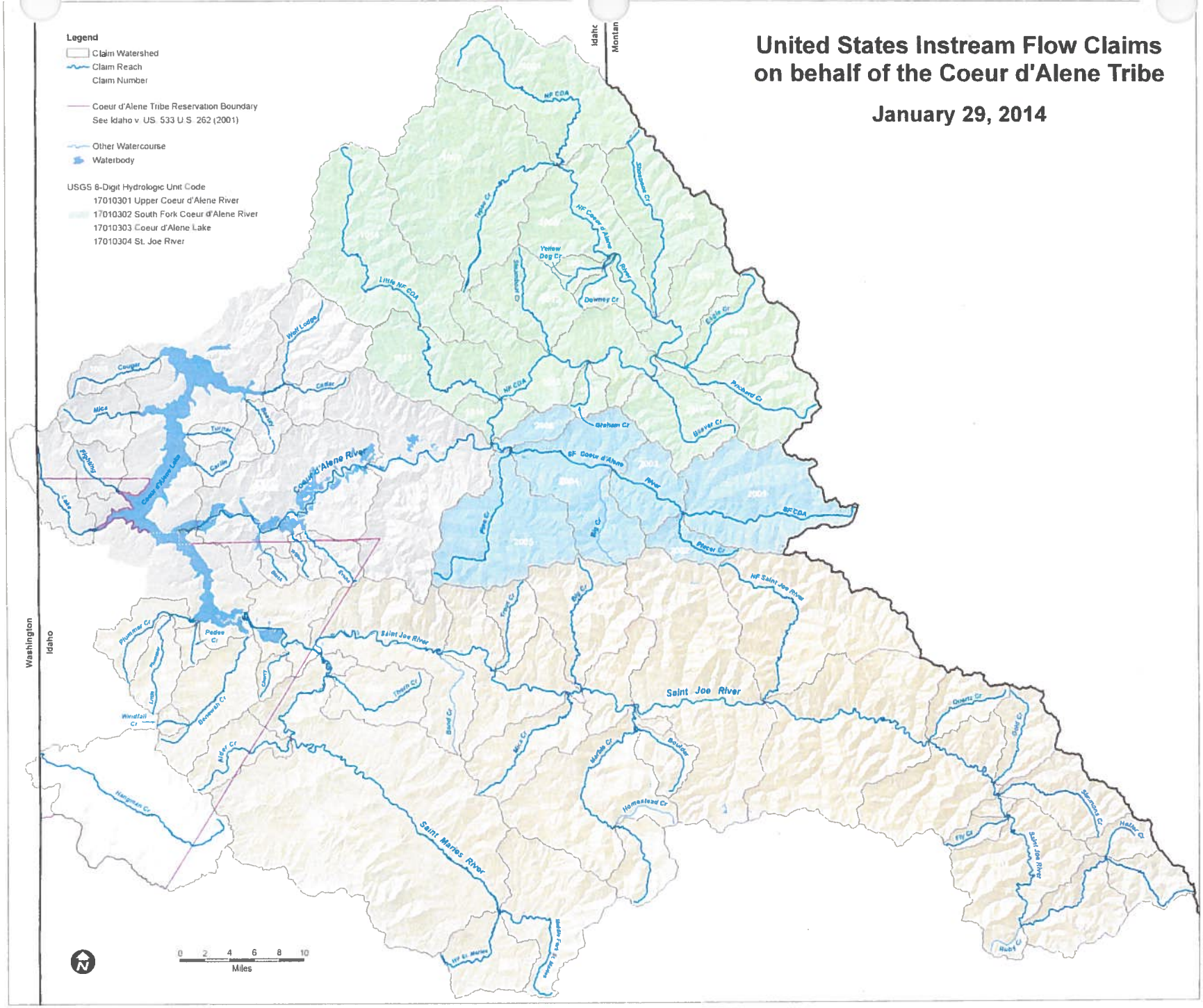
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7765

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4011)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Quartz Creek
   Township: 45N Range 7E Section: 36 QQ (__1/4 of __1/4): NESW
   B.M., County of Shoshone
   Downstream Boundary - North Fork Saint Joe River
   Township: 45N Range 5E Section: 14 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
295	295	442	510	510	510
July	August	September	October	November	December
340	442	330	315	295	295

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

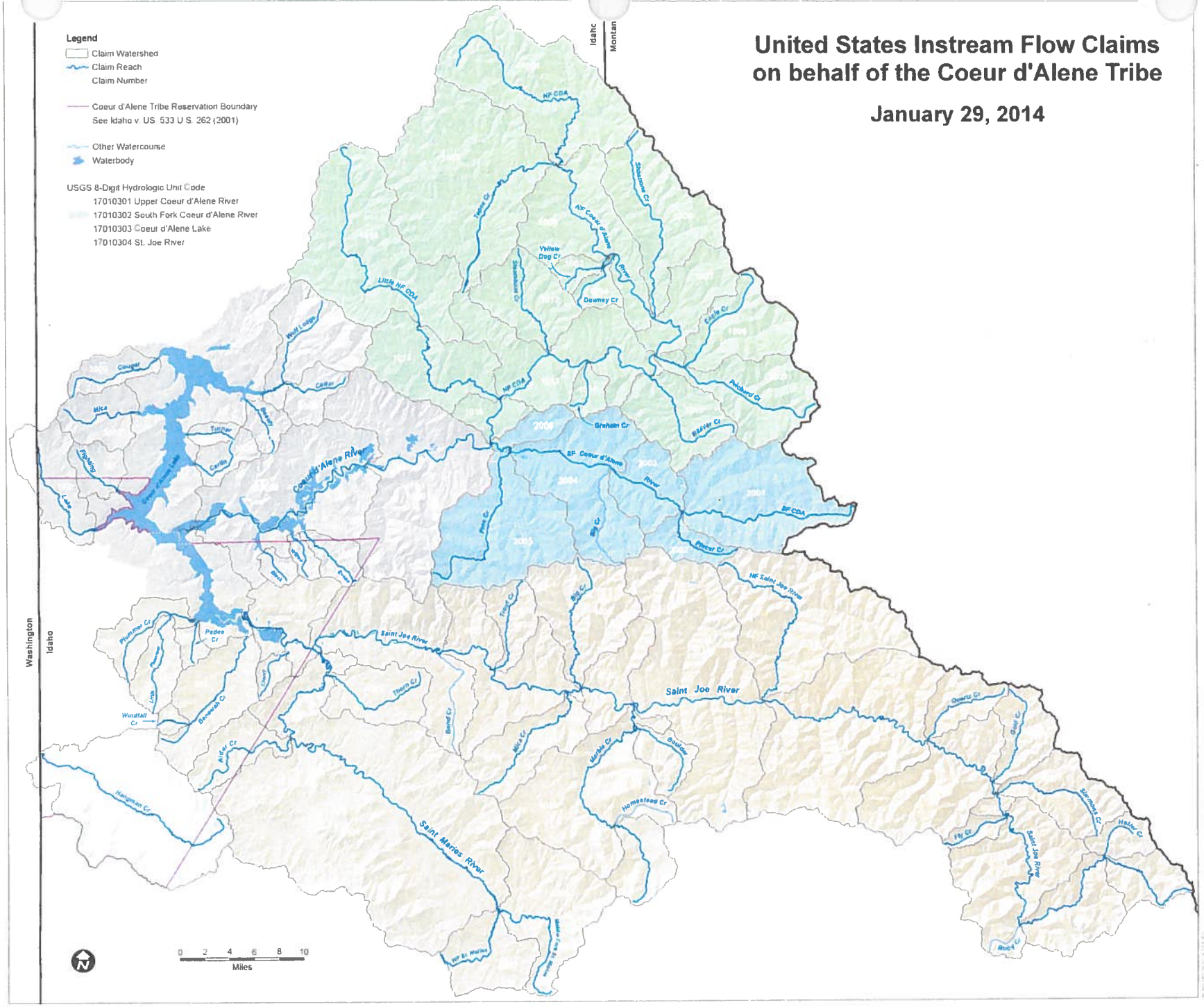
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7766

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** NF Saint Joe River (Fed ID #4012)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 47N Range 5E Section: 19 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 45N Range 5E Section: 14 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
41	41	125	150	150	150

July	August	September	October	November	December
100	89	63	62	41	41

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

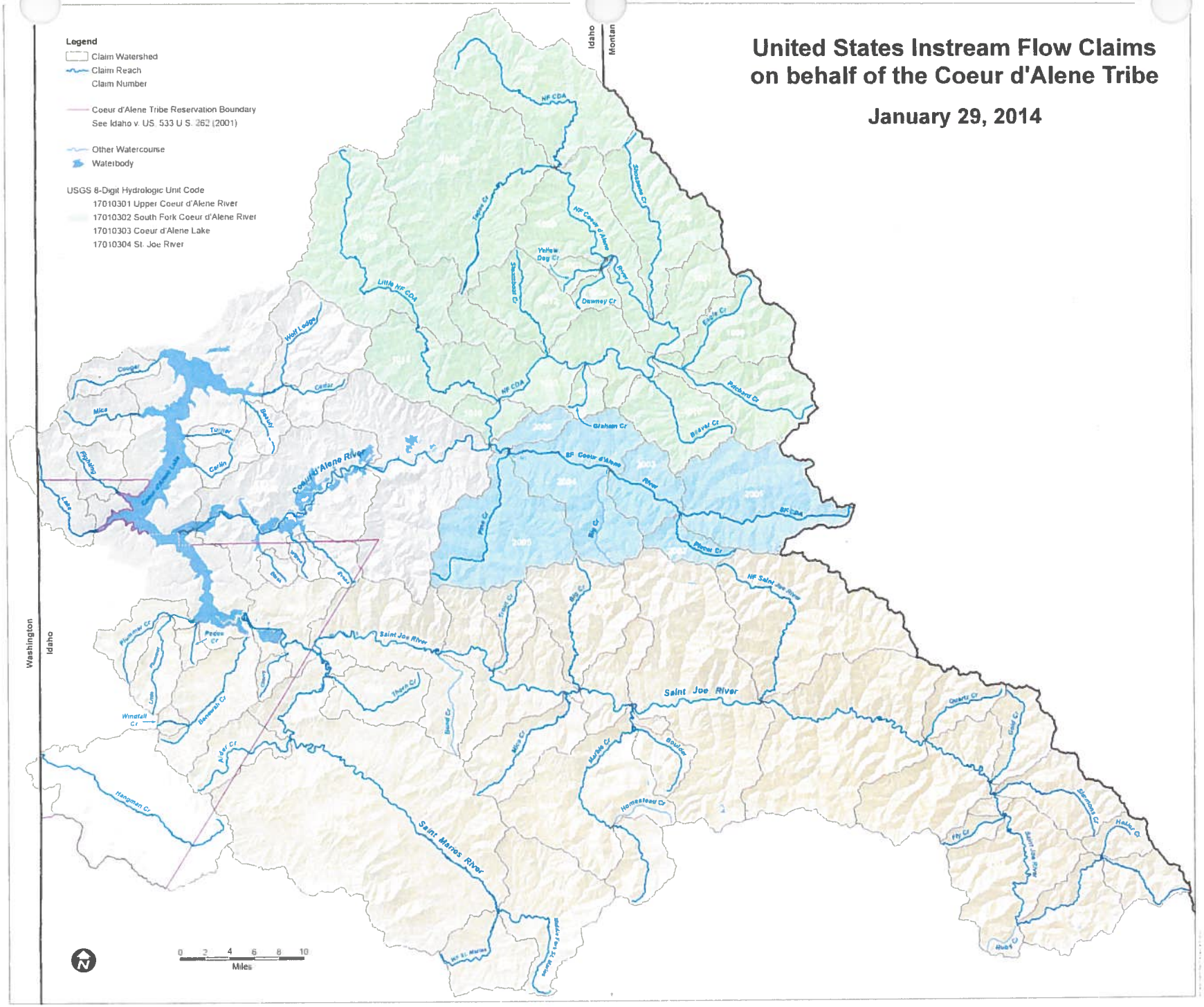
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7767

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4013)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - North Fork Saint Joe River
   Township: 45N Range 5E Section: 14 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Downstream Boundary - Marble Creek
   Township: 45N Range 3E Section: 13 QQ (__1/4 of __1/4): NENW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
282	282	466	466	466	466
July	August	September	October	November	December
310	466	432	423	282	282

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

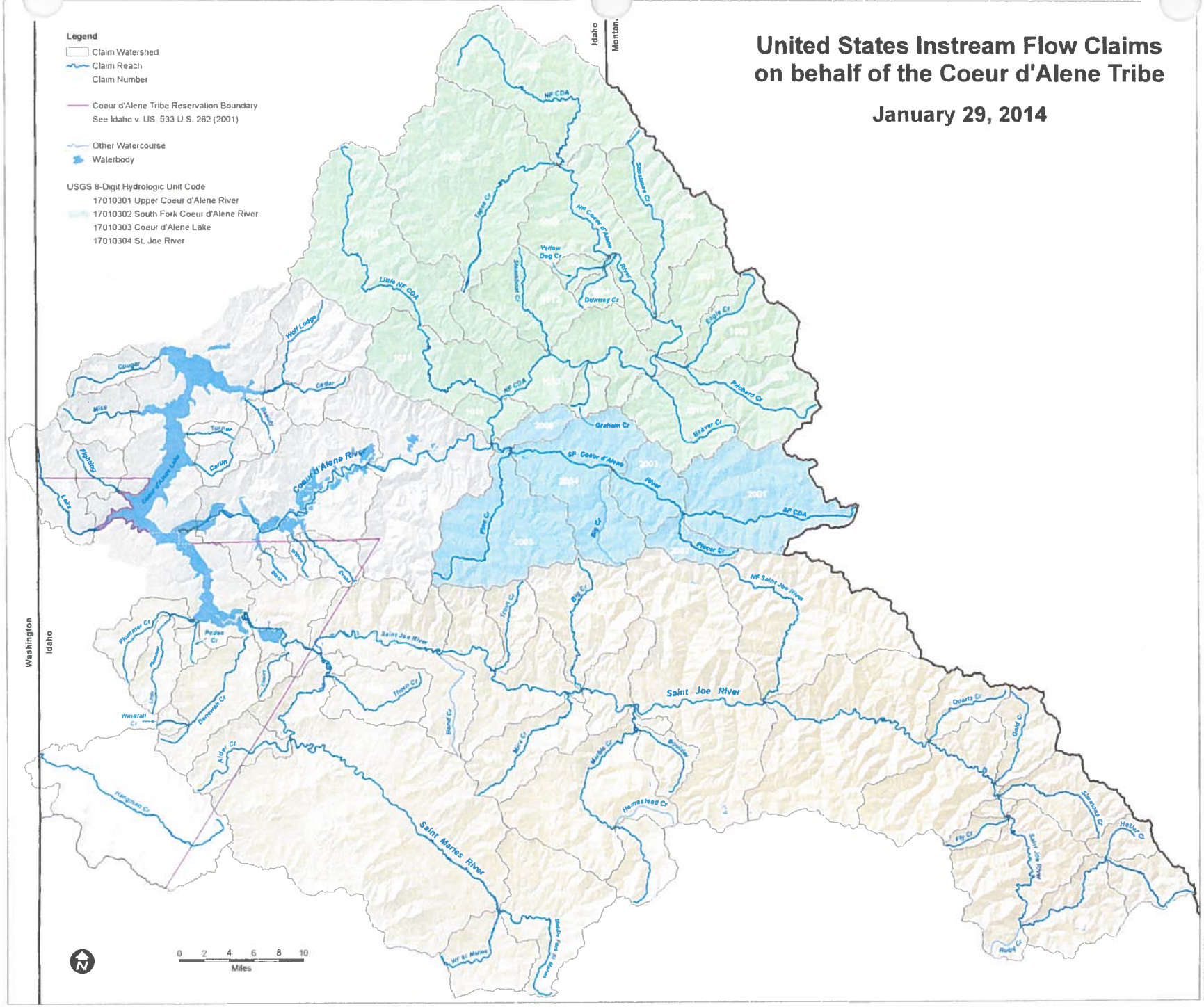
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7768

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Marble Creek (Fed ID #4014)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 42N Range 3E Section: 1 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Downstream Boundary - Homestead Creek
   Township: 43N Range 3E Section: 2 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
60	60	79	102	102	102
July	August	September	October	November	December
68	42	27	20	41	60

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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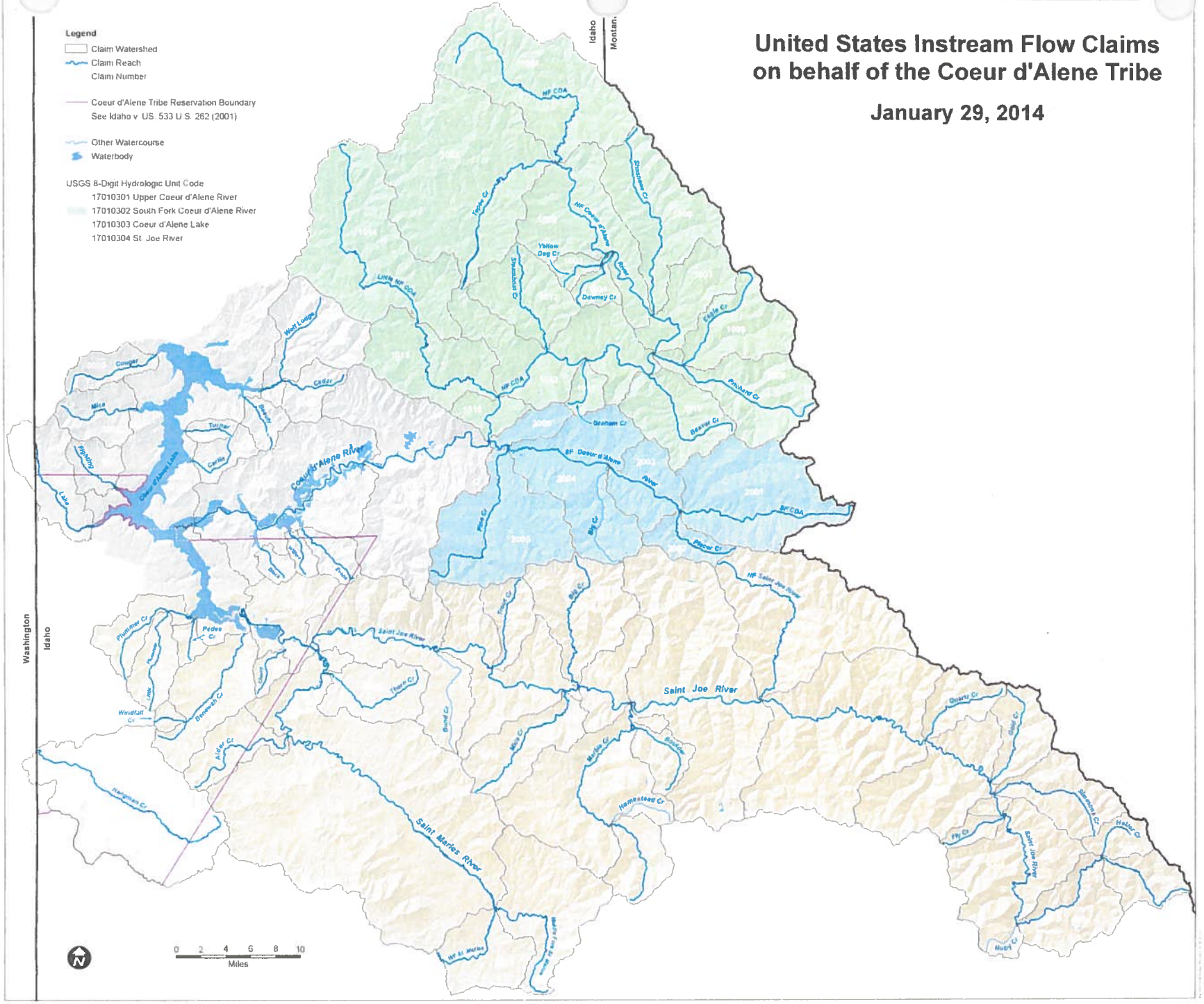
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7769

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Boulder Creek (Fed ID #4015)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 44N Range 4E Section: 21 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 45N Range 3E Section: 24 QQ (__1/4 of __1/4): SWSE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
30	32	41	55	55	55
July	August	September	October	November	December
37	12	8.8	11	19	21

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

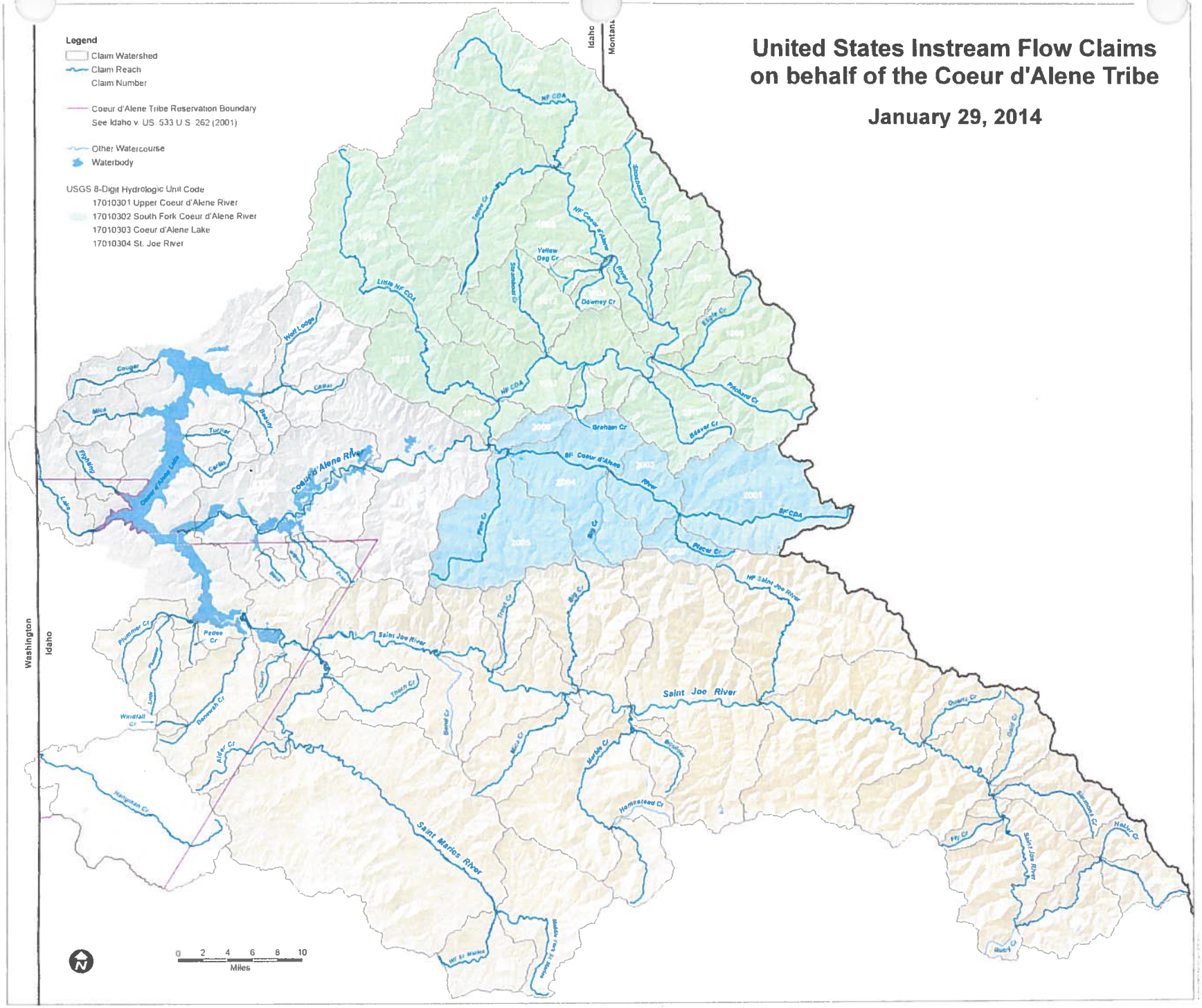
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7770

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Marble Creek (Fed ID #4016)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
At all points along the stream reach located between the following boundaries:
Upstream Boundary - Homestead Creek
Township: 43N Range 3E Section: 2 QQ (__1/4 of __1/4): NWNW
B.M., County of Shoshone
Downstream Boundary - Mouth
Township: 45N Range 3E Section: 13 QQ (__1/4 of __1/4): NENW
B.M., County of Shoshone
Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
100	100	175	275	275	275

July	August	September	October	November	December
183	117	83	85	100	100

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

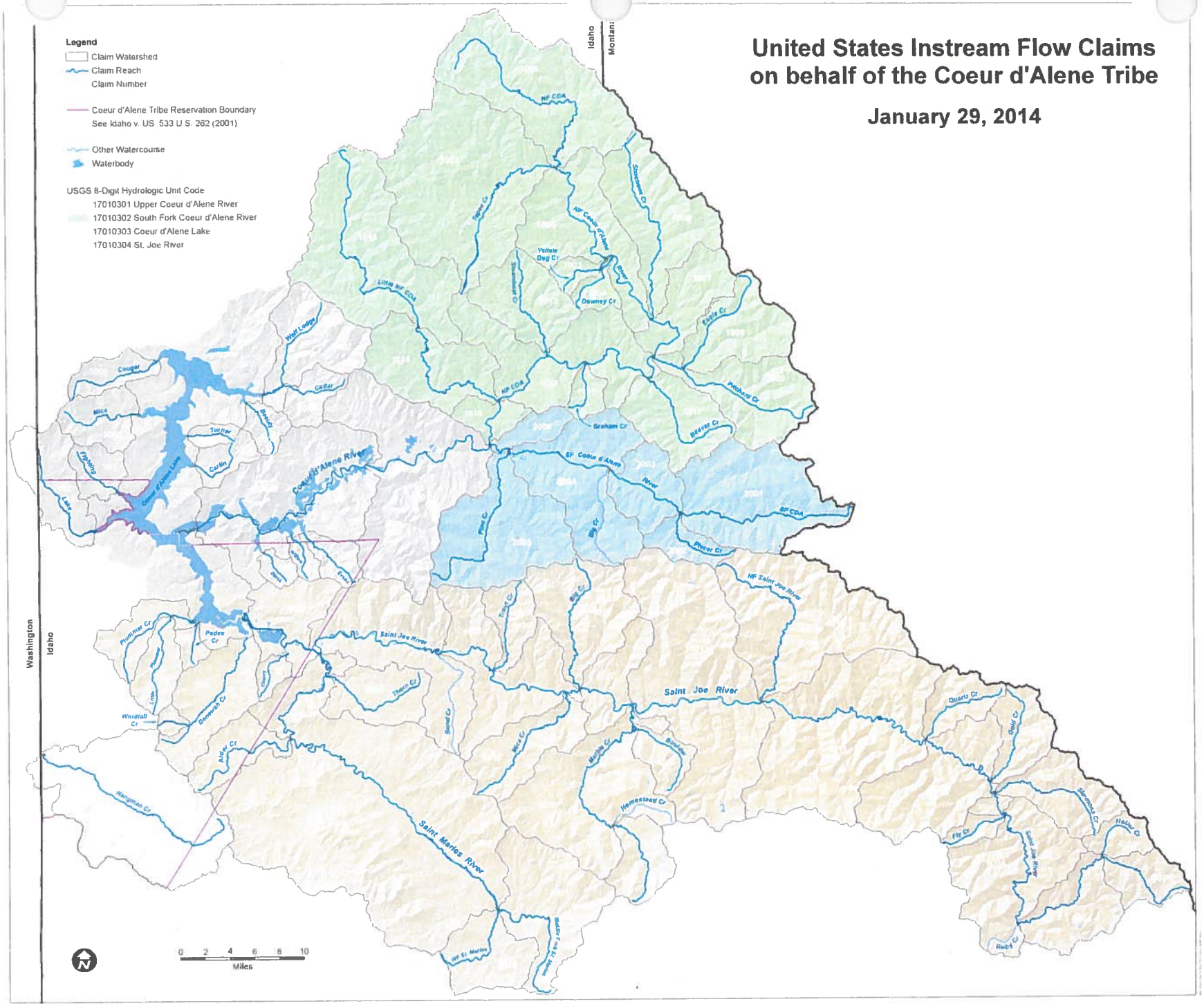
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7771

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4017)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
At all points along the stream reach located between the following boundaries:
Upstream Boundary - Marble Creek
Township: 45N Range 3E Section: 13 QQ (__1/4 of __1/4): NENW
B.M., County of Shoshone
Downstream Boundary - Big Creek
Township: 45N Range 3E Section: 5 QQ (__1/4 of __1/4): SESW
B.M., County of Shoshone
Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
396	396	606	685	685	685

July	August	September	October	November	December
456	606	519	510	396	396

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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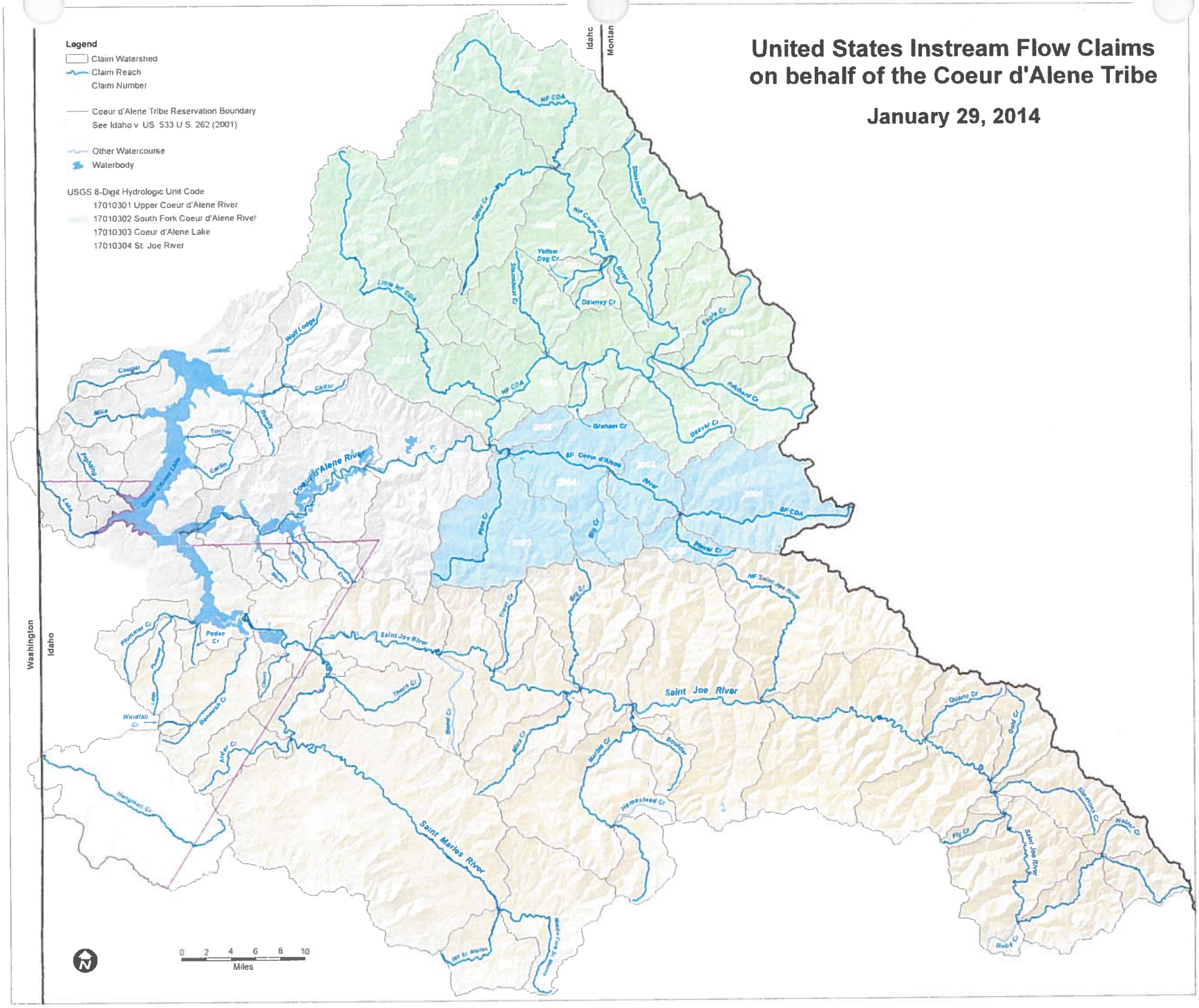
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7772

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Big Creek (Fed ID #4018)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Middle Fork Big Creek Headwaters
   Township: 47N Range 3E Section: 17 QQ (__1/4 of __1/4): SENW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 45N Range 3E Section: 5 QQ (__1/4 of __1/4): SESW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
35	35	80	80	80	80

July	August	September	October	November	December
53	32	25	31	35	35

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

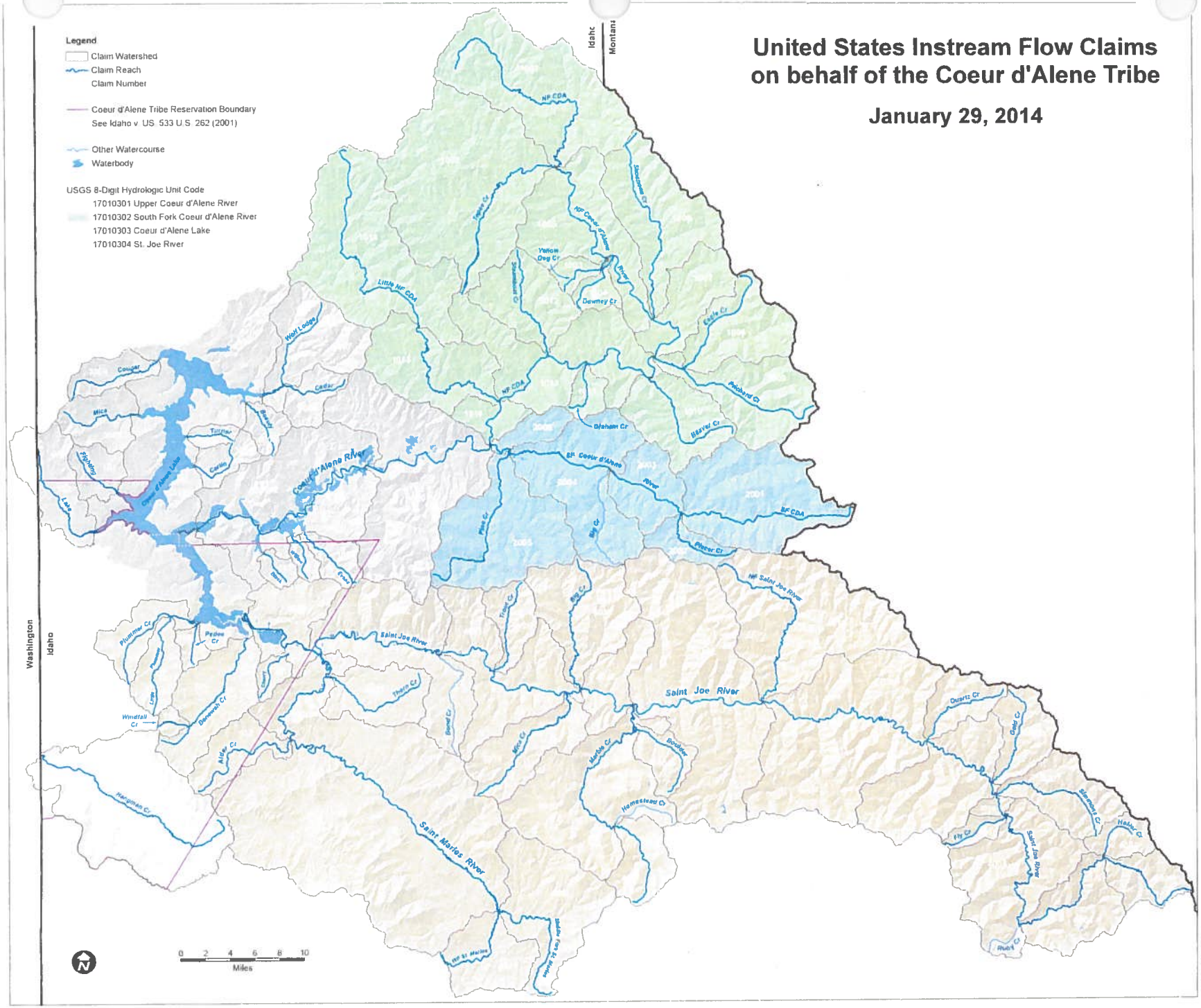
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7773

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Mica Creek (Fed ID #4019)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 44N Range 1E Section: 24 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 45N Range 3E Section: 7 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
53	53	69	90	90	90

July	August	September	October	November	December
47	20	16	18	37	48

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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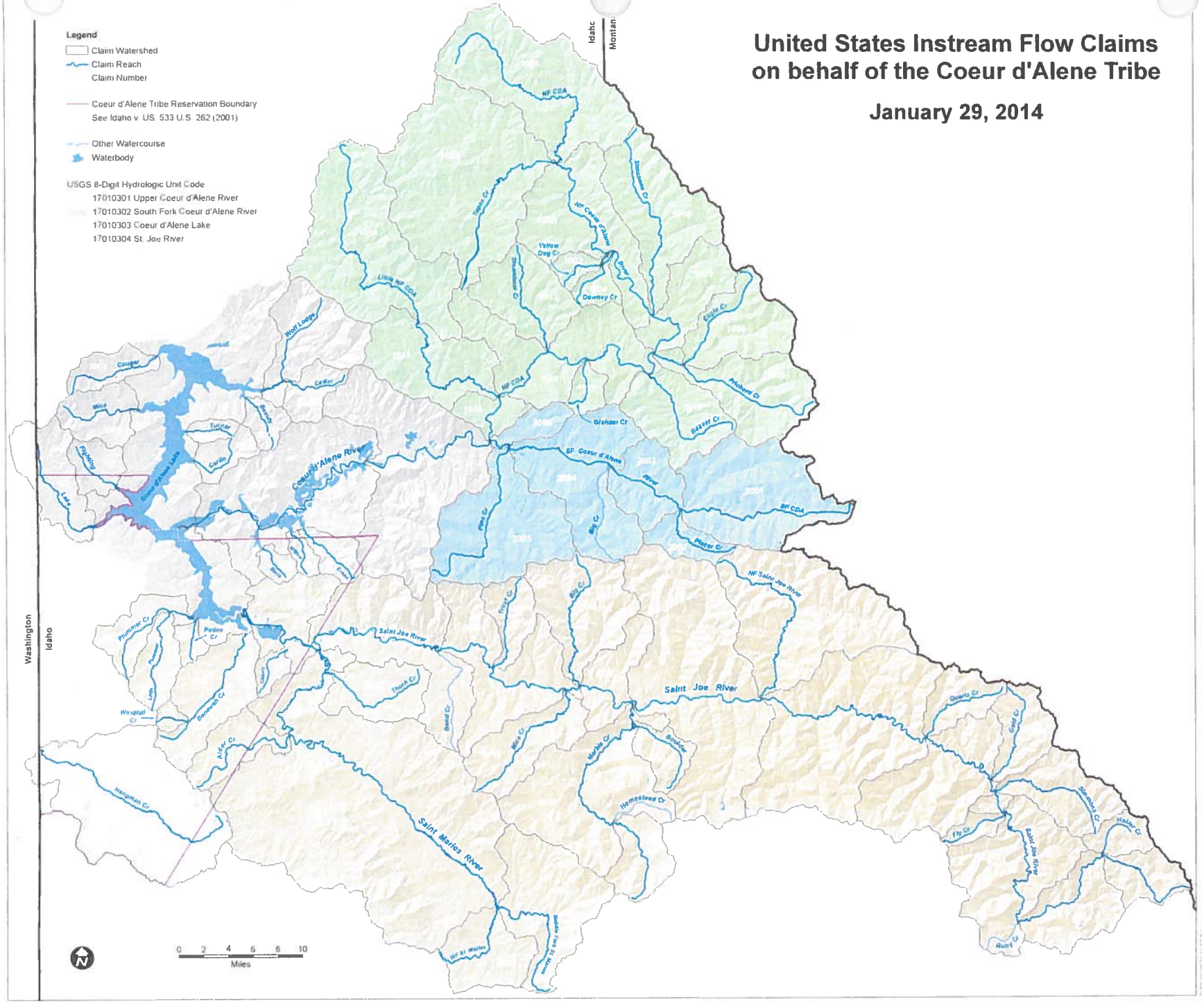
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7774

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Trout Creek (Fed ID #4020)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 47N Range 2E Section: 28 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 46N Range 2E Section: 31 QQ (__1/4 of __1/4): SENW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
38	38	48	64	64	64
July	August	September	October	November	December
29	10	8.6	11	21	28

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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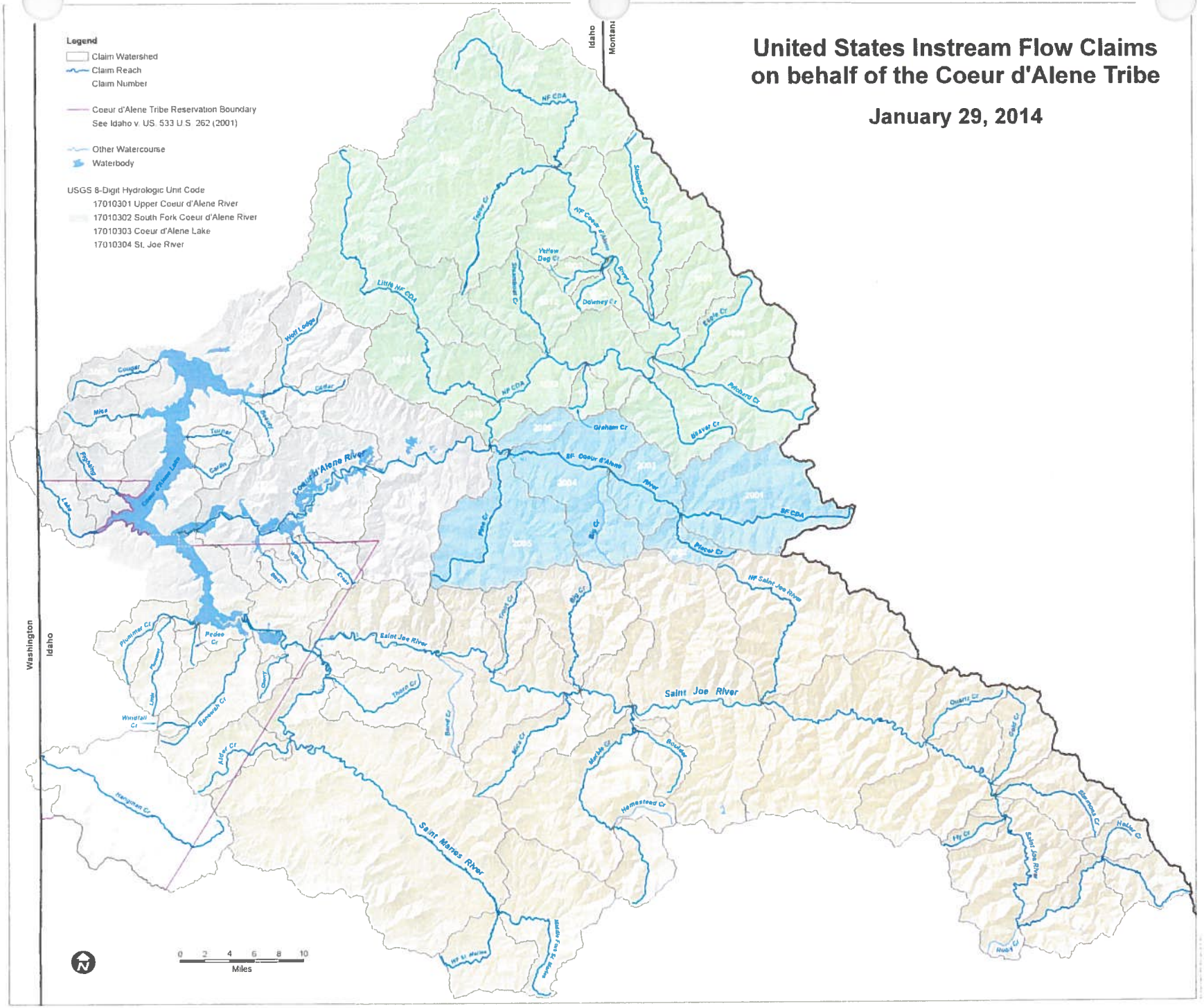
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7775

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4021)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Big Creek
   Township: 45N Range 3E Section: 5 QQ (__1/4 of __1/4): SESW
   B.M., County of Shoshone
   Downstream Boundary - Bond Creek
   Township: 46N Range 1E Section: 20 QQ (__1/4 of __1/4): SESE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	February	March	April	May	June
428	428	658	741	741	741
July	August	September	October	November	December
494	658	566	582	428	428

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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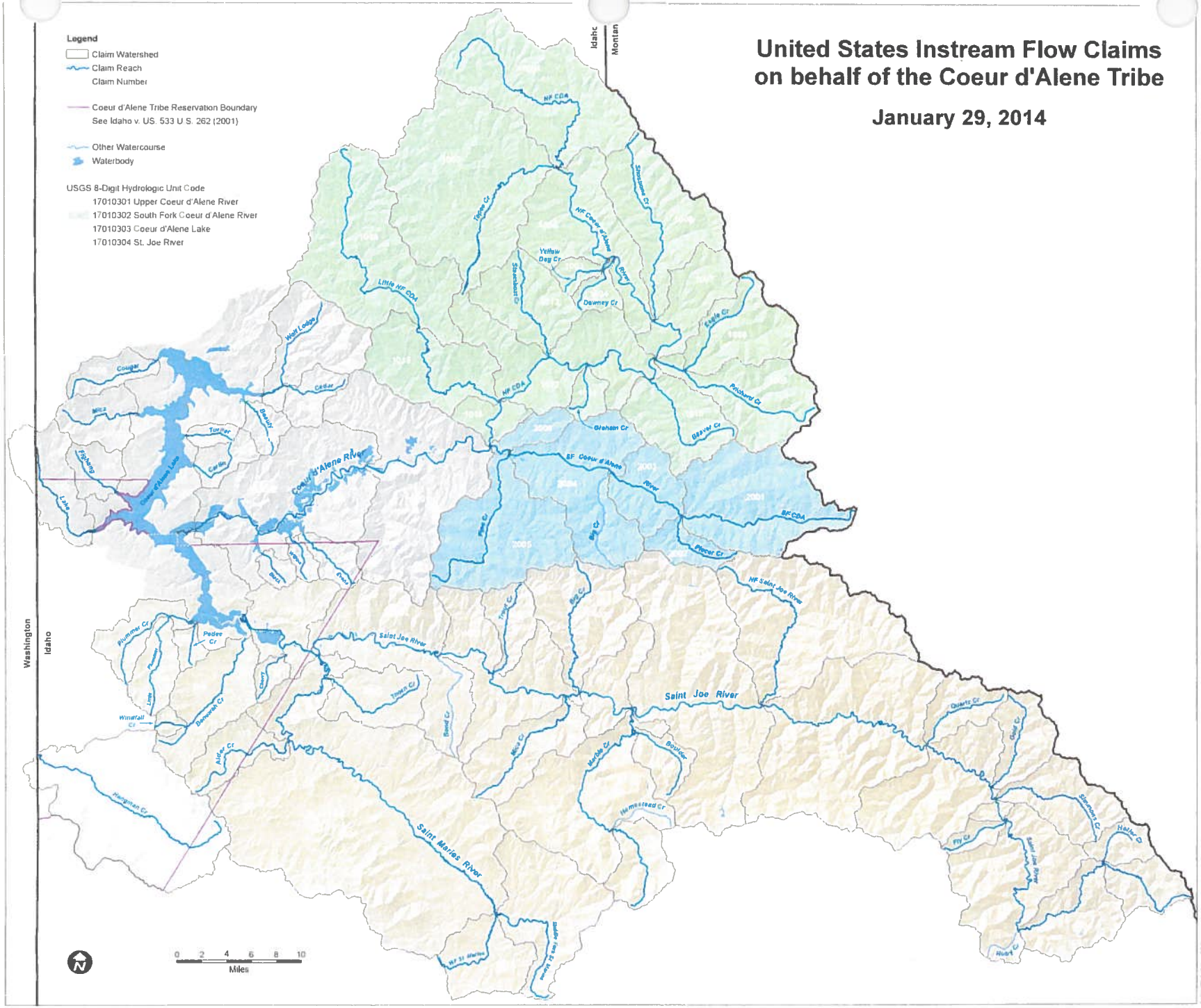

United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
NF CDA
Little NF CDA
Tepee Cr
Stevenson Cr
NF Coeur d'Alene River
Yellow Dog Cr
Steamboat Cr
Downey Cr
Lewis Cr
Wolf Lodge
Cougar
Cedar
Mica
Turner
Beauty
Fighting
Carlin
Coeur d'Alene Lake
Coeur d'Alene River
Patchwell Cr
Graham Cr
Beaver Cr
BF Coeur d'Alene River
Pine Cr
Big Cr
BF CDA
Placer Cr
NF Saint Joe River
Trout Cr
Big Cr
Plummer Cr
Pearee Cr
Saint Joe River
Timber Cr
Bond Cr
Saint Joe River
Quartz Cr
Gold Cr
Winetall Cr
Benewah Cr
Alder Cr
Mica Cr
Marble Cr
Boulder
Hangman Cr
Saint Maries River
Homestead Cr
Stevenson Cr
Heller Cr
Fly Cr
Saint Joe River
Hobo Cr
0 2 4 6 8 10
Miles

91-7776

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4022)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Bond Creek
   Township: 46N Range 1E Section: 20 QQ (__1/4 of __1/4): SESE
   B.M., County of Benewah
   Downstream Boundary - Saint Maries River
   Township: 46N Range 2W Section: 23 QQ (__1/4 of __1/4): NESW
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	February	March	April	May	June
396	396	650	750	750	750
July	August	September	October	November	December
500	439	563	594	396	396

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

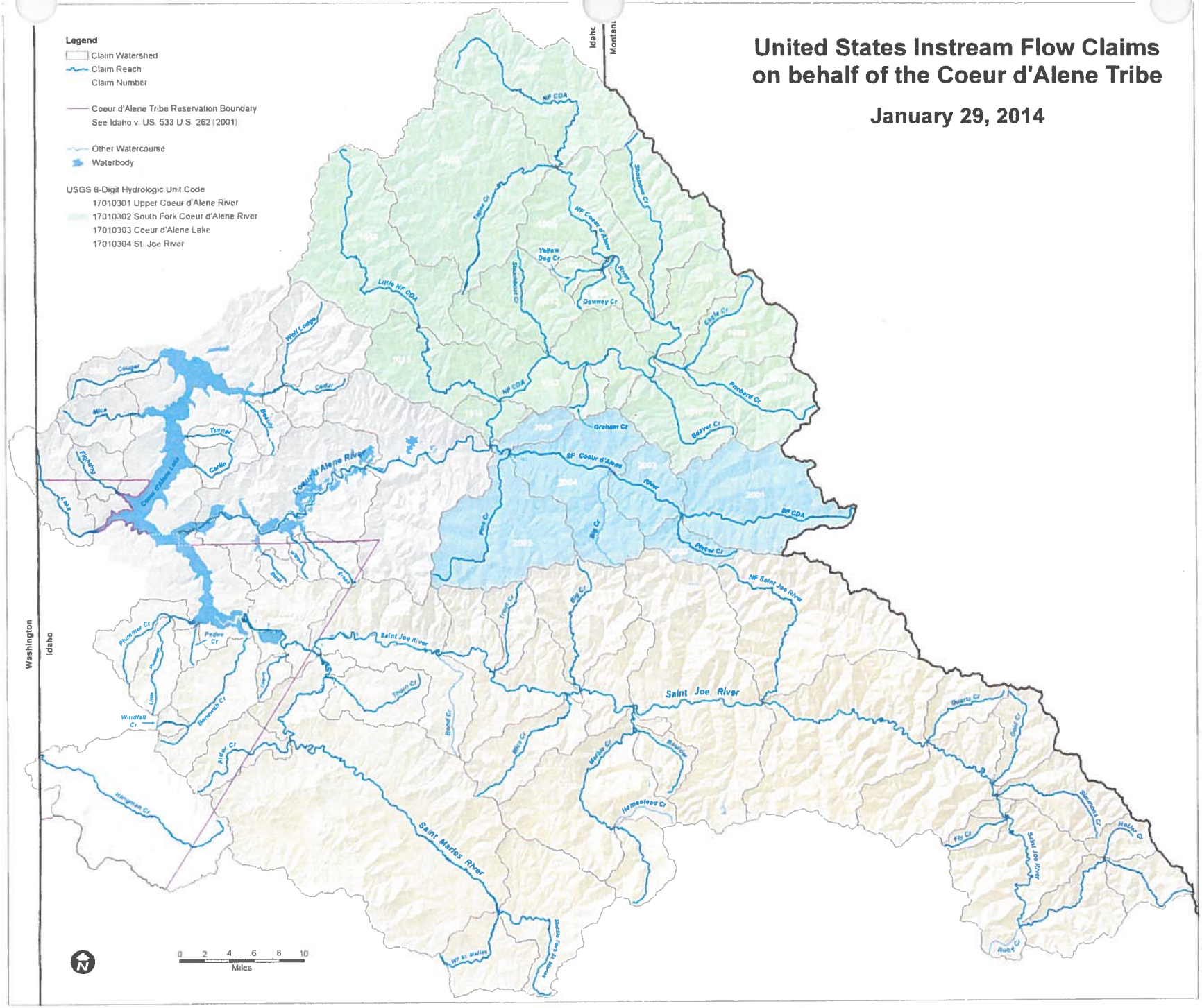
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7777

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Joe River (Fed ID #4023)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Saint Maries River
   Township: 46N Range 2W Section: 23 QQ (__1/4 of __1/4): NESW
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 3W Section: 2 QQ (__1/4 of __1/4): NWSW
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	February	March	April	May	June
491	491	762	850	850	850

July	August	September	October	November	December
566	762	657	703	491	491

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

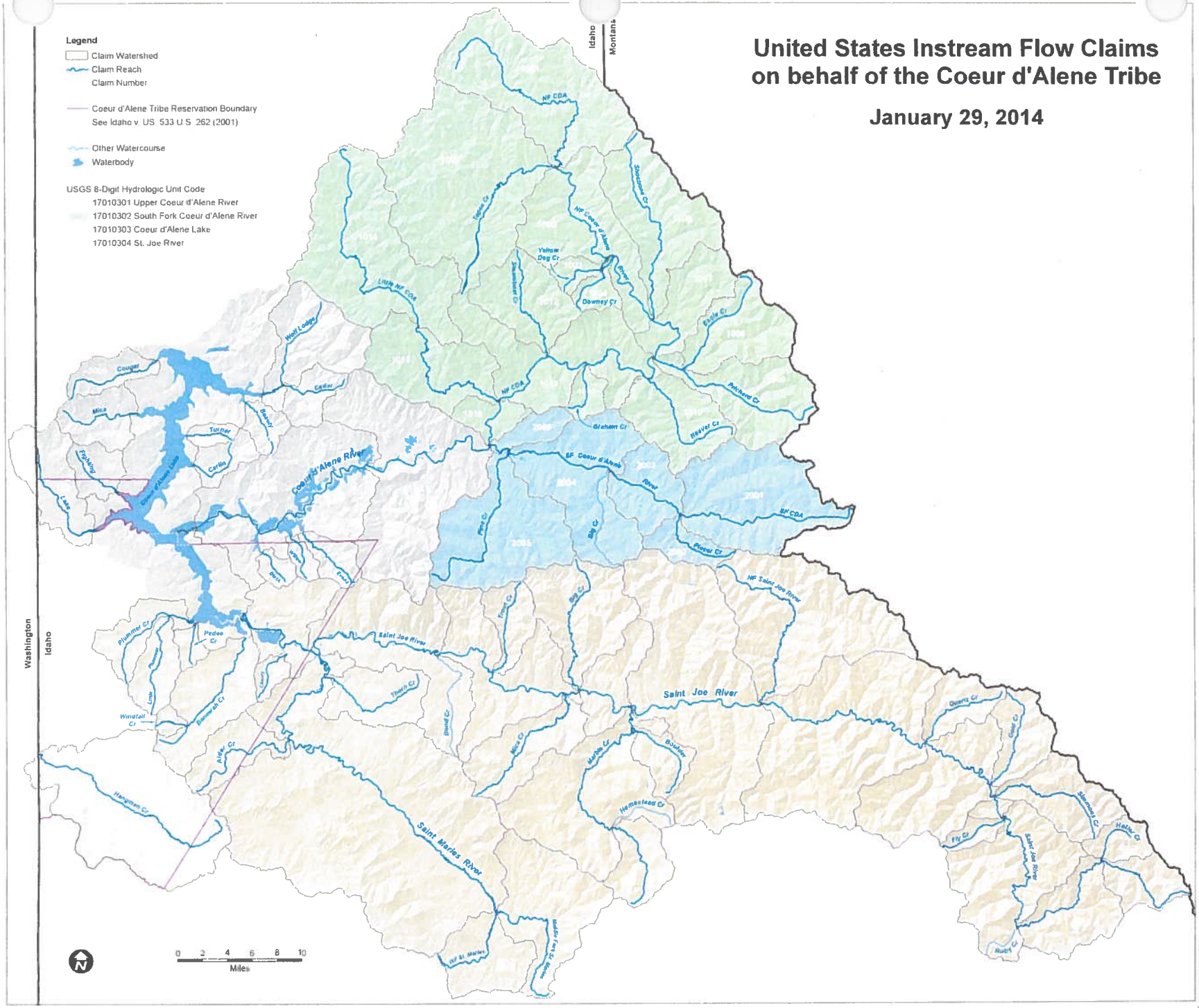
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



91-7778

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** St. Joe River (Fed ID # SJn1)

4. **Point of Diversion:**

Township: 46N Range: 3W Section: 2 Q: NE1/4 QQ: L9

5. **Place of Use:** Total Acres: 335

Township: 46N	Range: 3W	Section: 1	Q: NW1/4	QQ: SE1/4	Acres: 15.8
Township: 46N	Range: 3W	Section: 1	Q: NW1/4	QQ: SW1/4	Acres: 39.8
Township: 46N	Range: 3W	Section: 1	Q: NW1/4	QQ: L5	Acres: 15.9
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: NE1/4	Acres: 28.5
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: NW1/4	Acres: 35.2
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: SE1/4	Acres: 18.5
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: SW1/4	Acres: 29.8
Township: 46N	Range: 3W	Section: 2	Q: NE1/4	QQ: SE1/4	Acres: 39.4
Township: 46N	Range: 3W	Section: 2	Q: NE1/4	QQ: L9	Acres: 20.2

Township: 46N	Range: 3W	Section: 2	Q: SE1/4	QQ: NE1/4	Acres: 40.0
Township: 46N	Range: 3W	Section: 2	Q: SE1/4	QQ: L16	Acres: 13.9
Township: 46N	Range: 3W	Section: 12	Q: NW1/4	QQ: NE1/4	Acres: 38.0

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 1,041

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

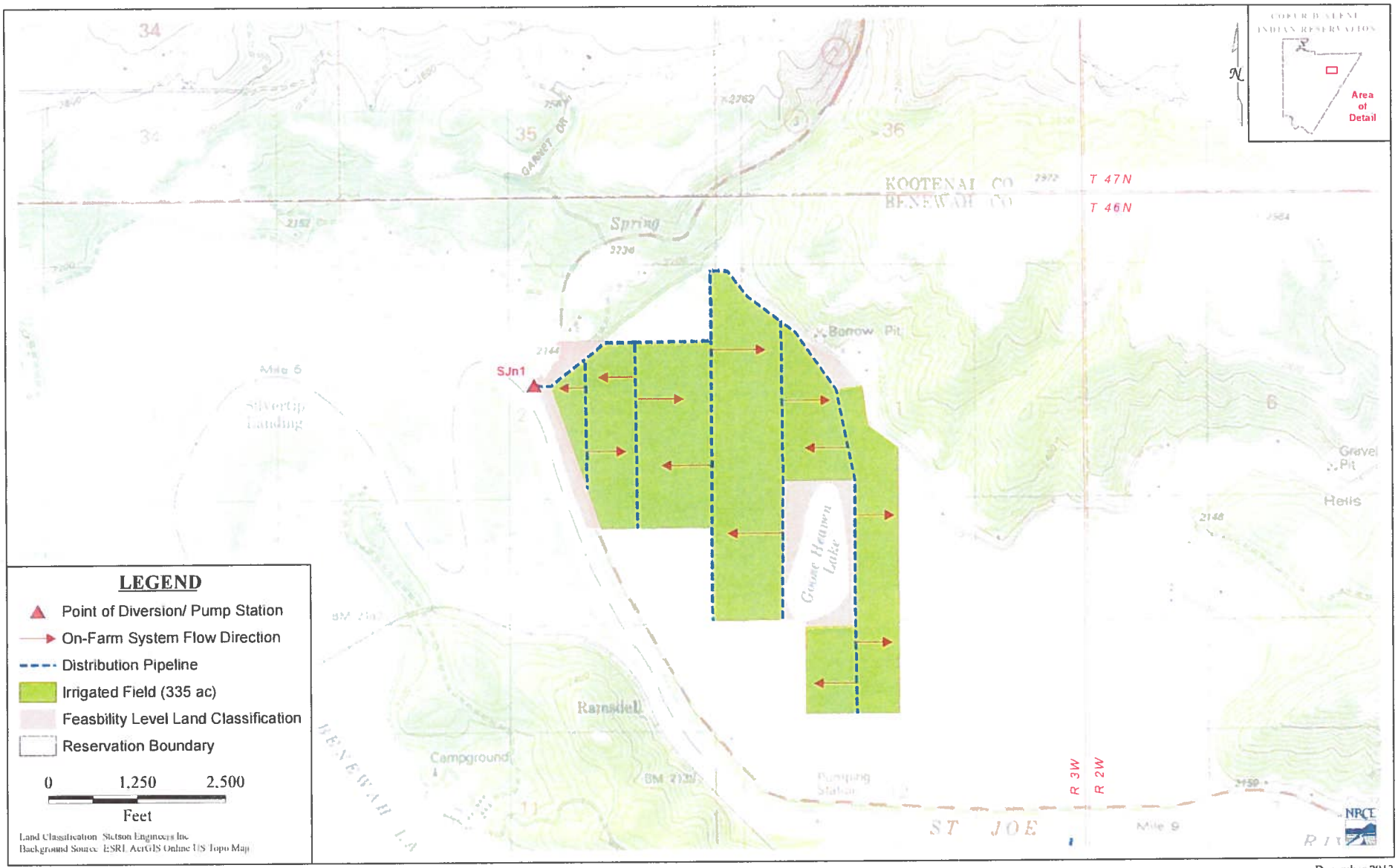
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
St. Joe River North Area

December 2013

91-7779

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #FS4)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0024

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 526244 5245873; which is located in:

   Township: 46N Range 03W Section: 01 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.0047 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

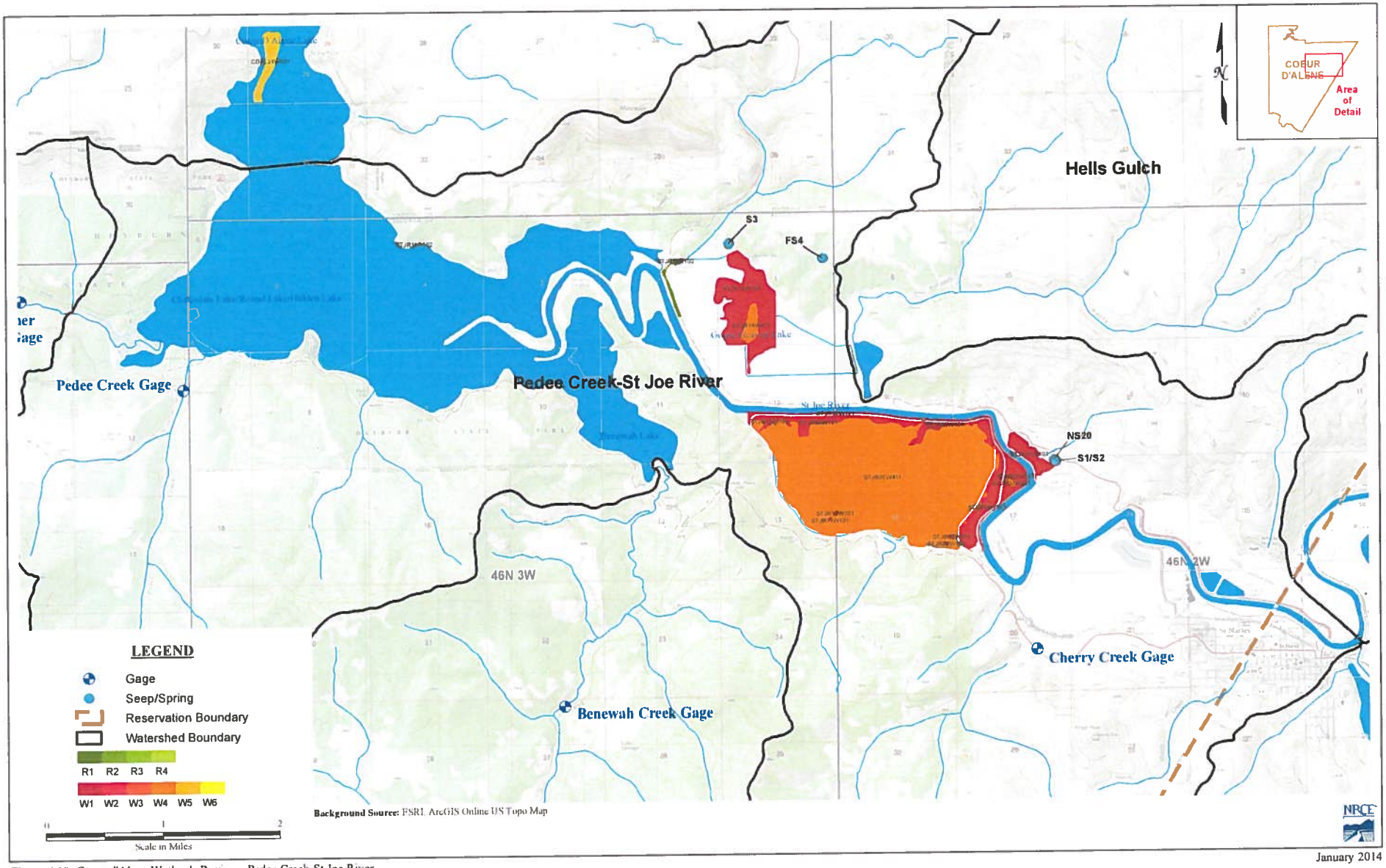
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

91-7780

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #NS20)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.1686

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 529427 5243072; which is located in:

   Township: 46N Range 02W Section: 17 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.5443 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

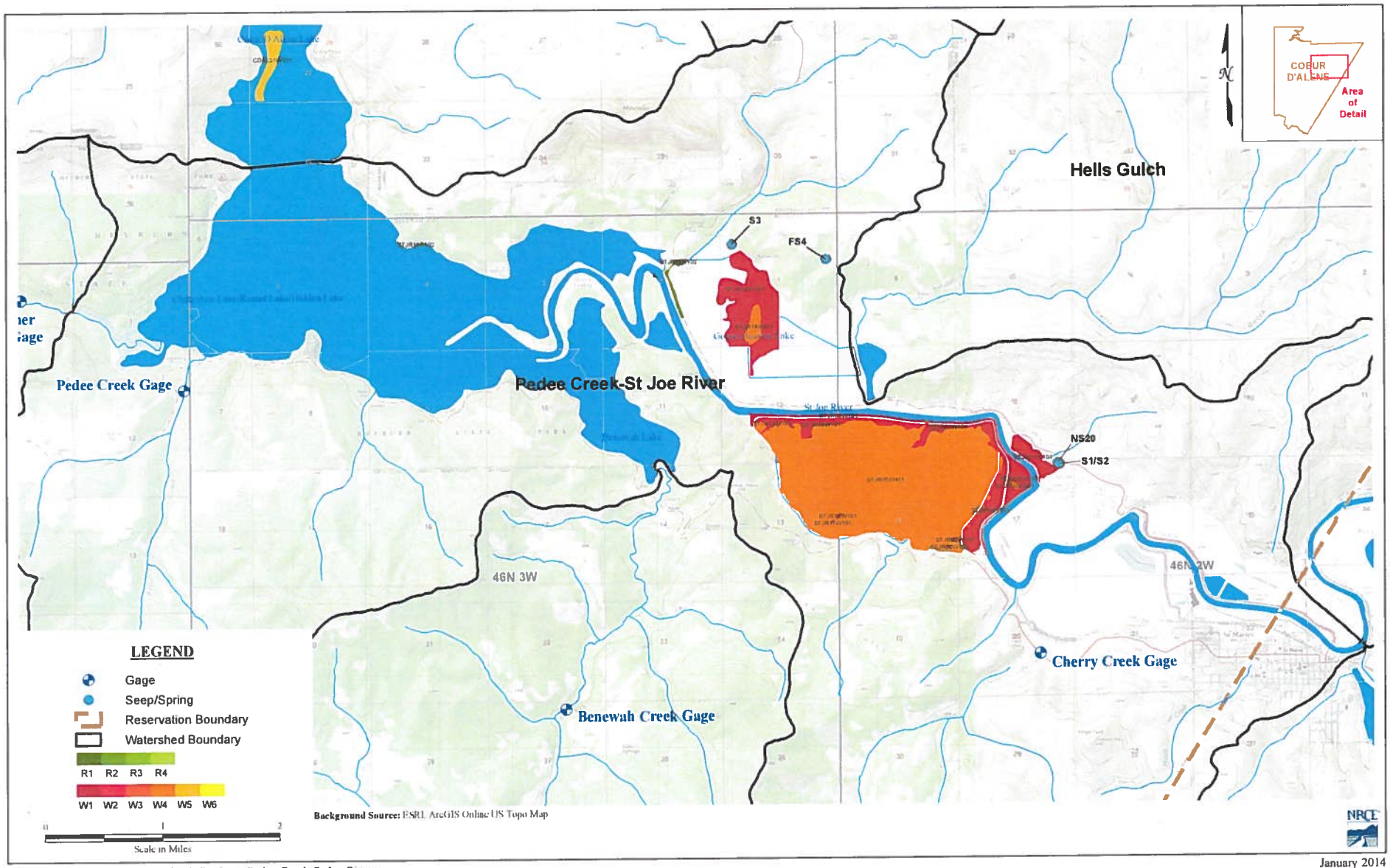
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

91-7781

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #S1/S2)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.1502

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 529430 5243033; which is located in:

   Township: 46N Range 02W Section: 17 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.4851 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

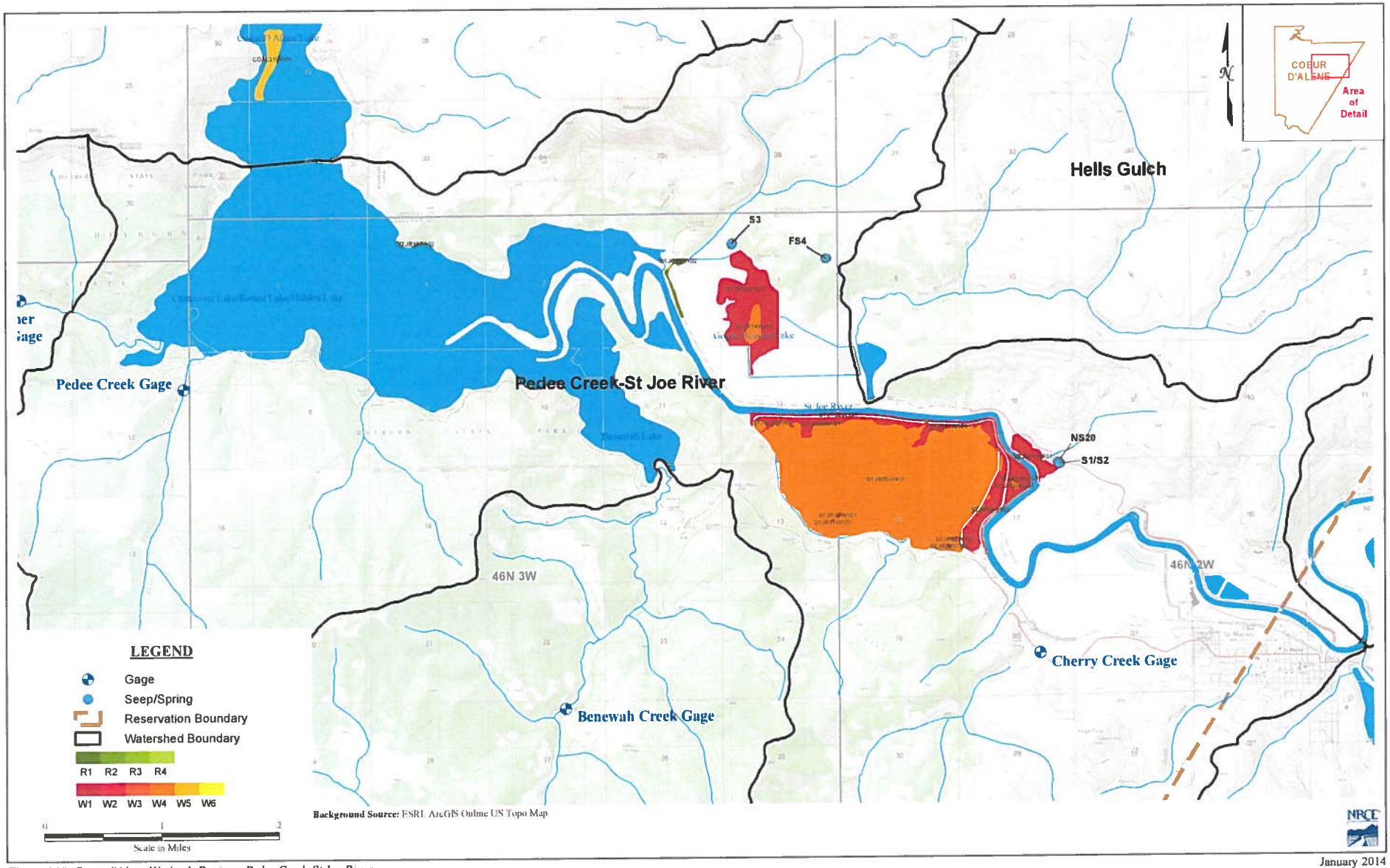


Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7782

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR01W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 35.96

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 529077 5243132; which is located in:

   Township: 46N Range: 02W Section: 08 Q: SE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 78.90 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

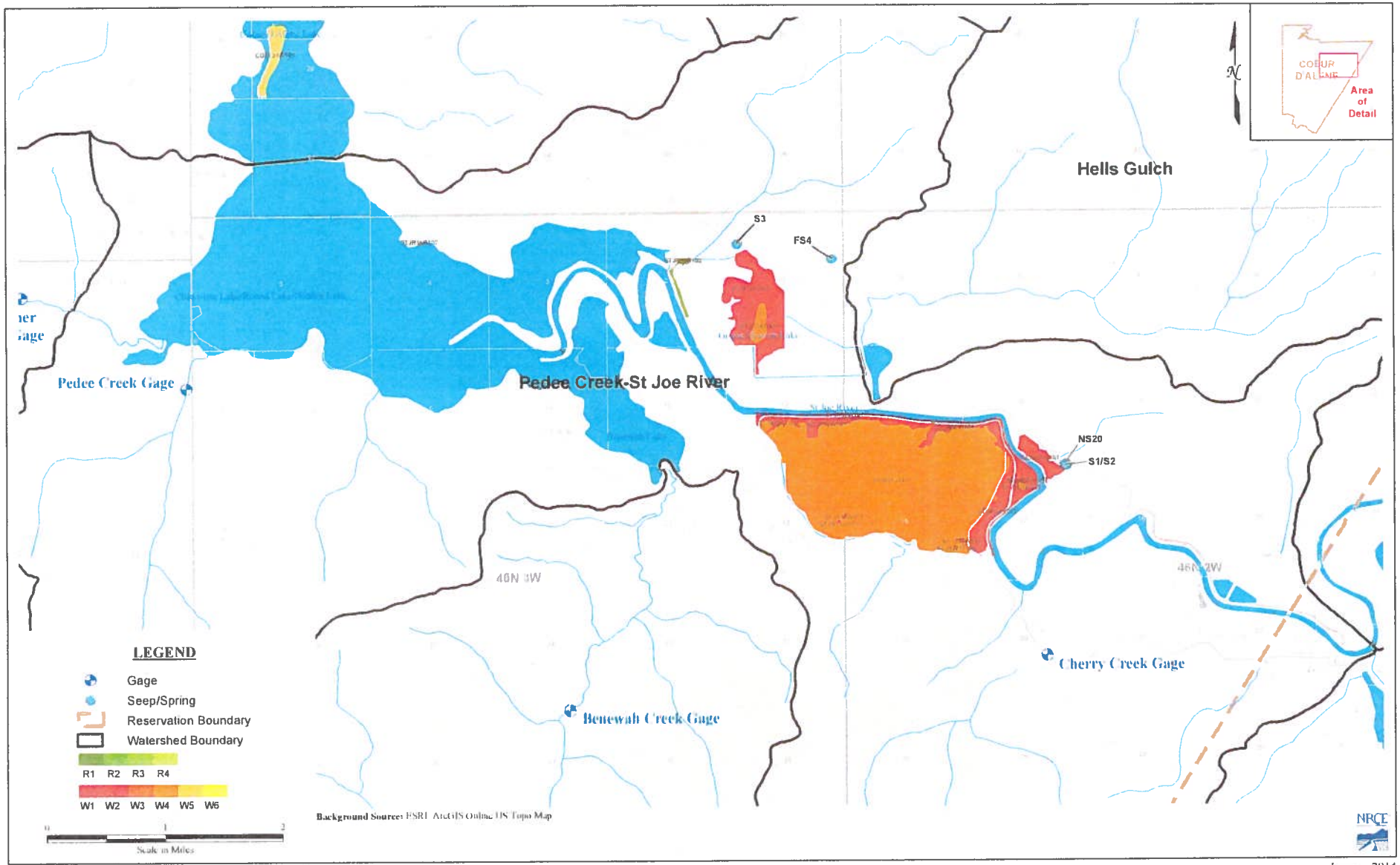


Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7783

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR02W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 59.72

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 528031 5243122; which is located in:

   Township: 46N Range: 02W Section: 08 Q: SW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 131.03 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

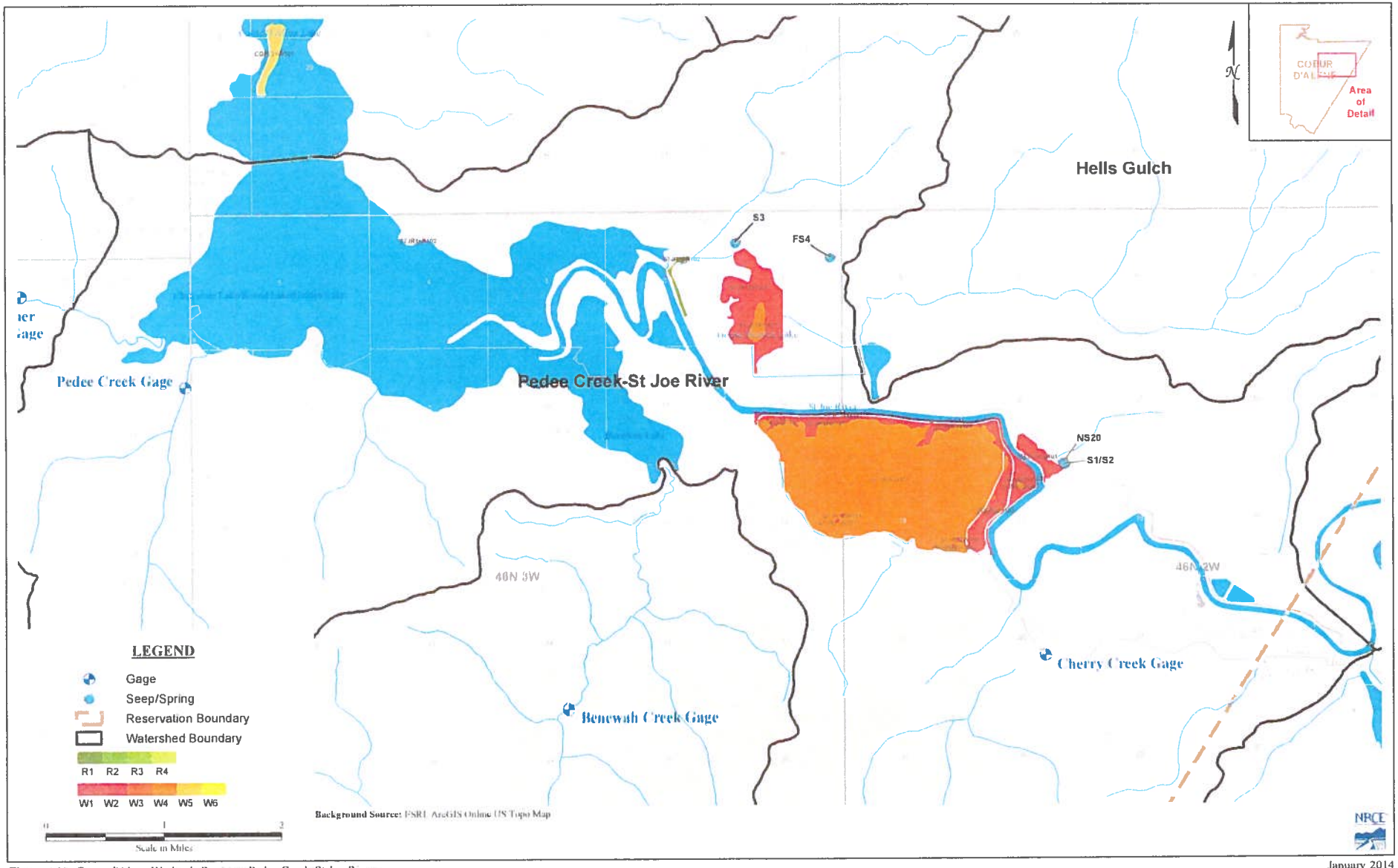


Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7784

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR03W421)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.77
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 528827 5242738; which is located in:
   Township: 46N Range: 02W Section: 17 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.27 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

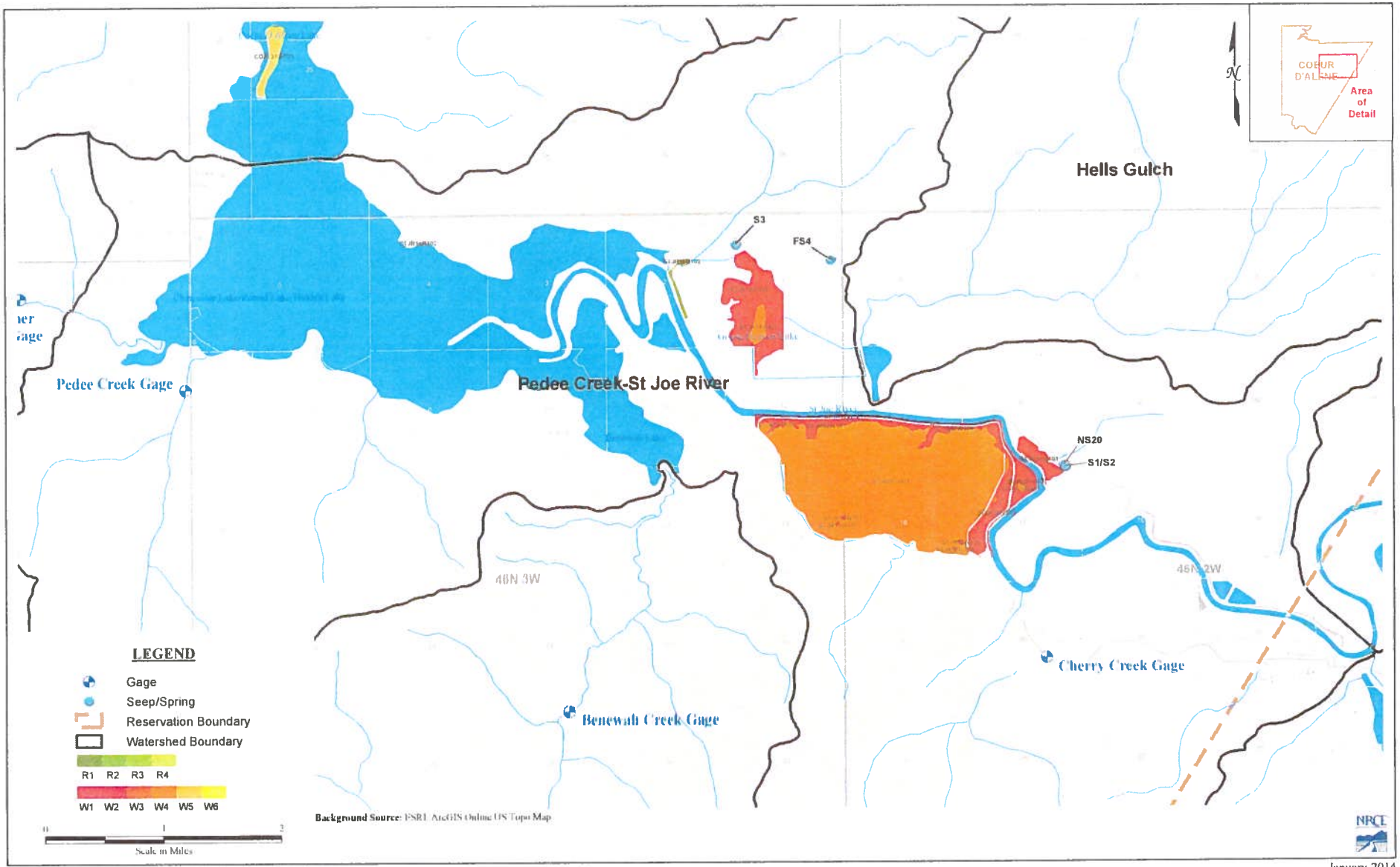


Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7785

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR04W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 53.89

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 528433 5242406; which is located in:

   Township: 46N Range: 02W Section: 17 Q: NW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 118.24 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

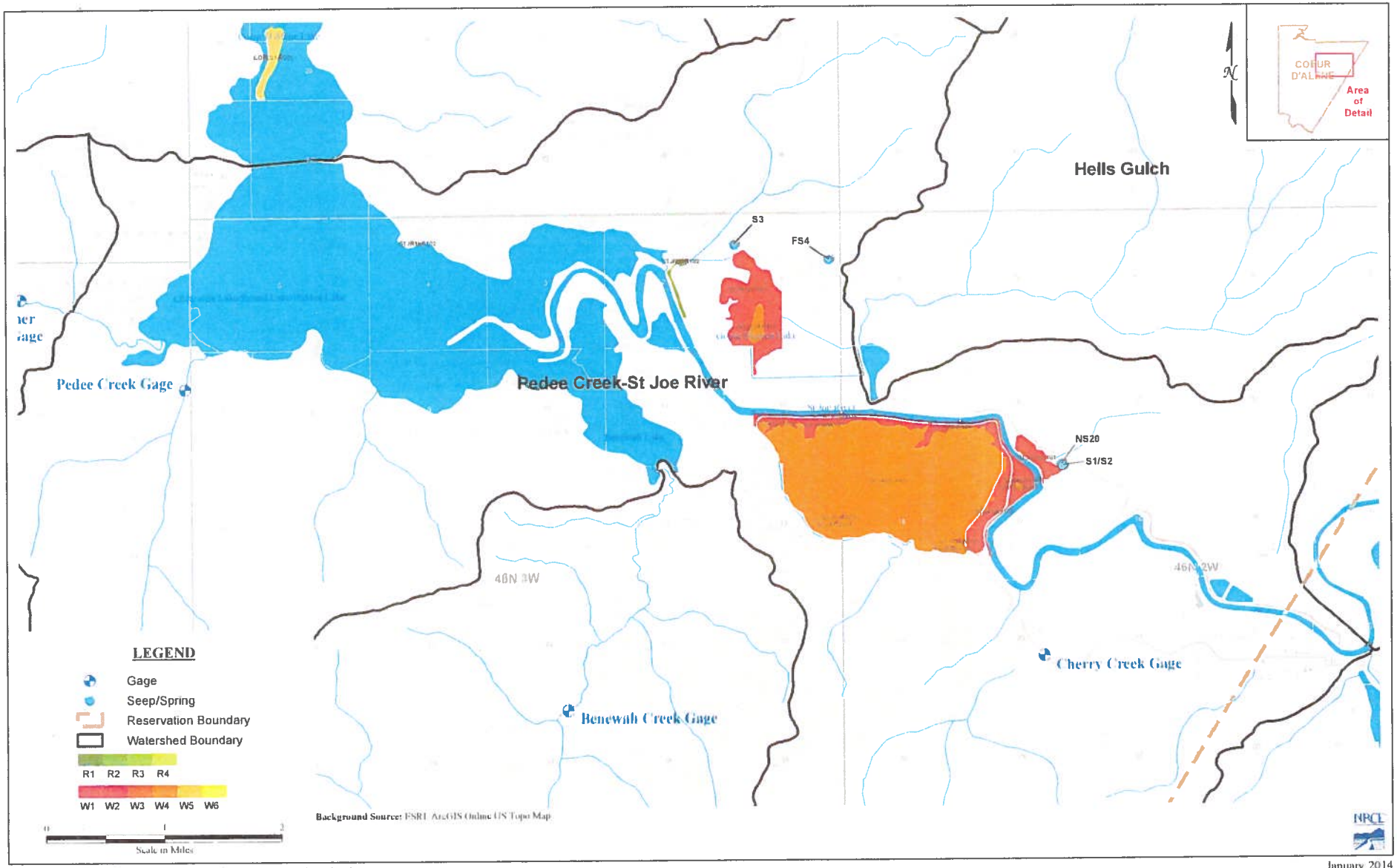


Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7786

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR12W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 185.44
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 525210 5245205; which is located in:
   Township: 46N Range: 03W Section: 01 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 406.88 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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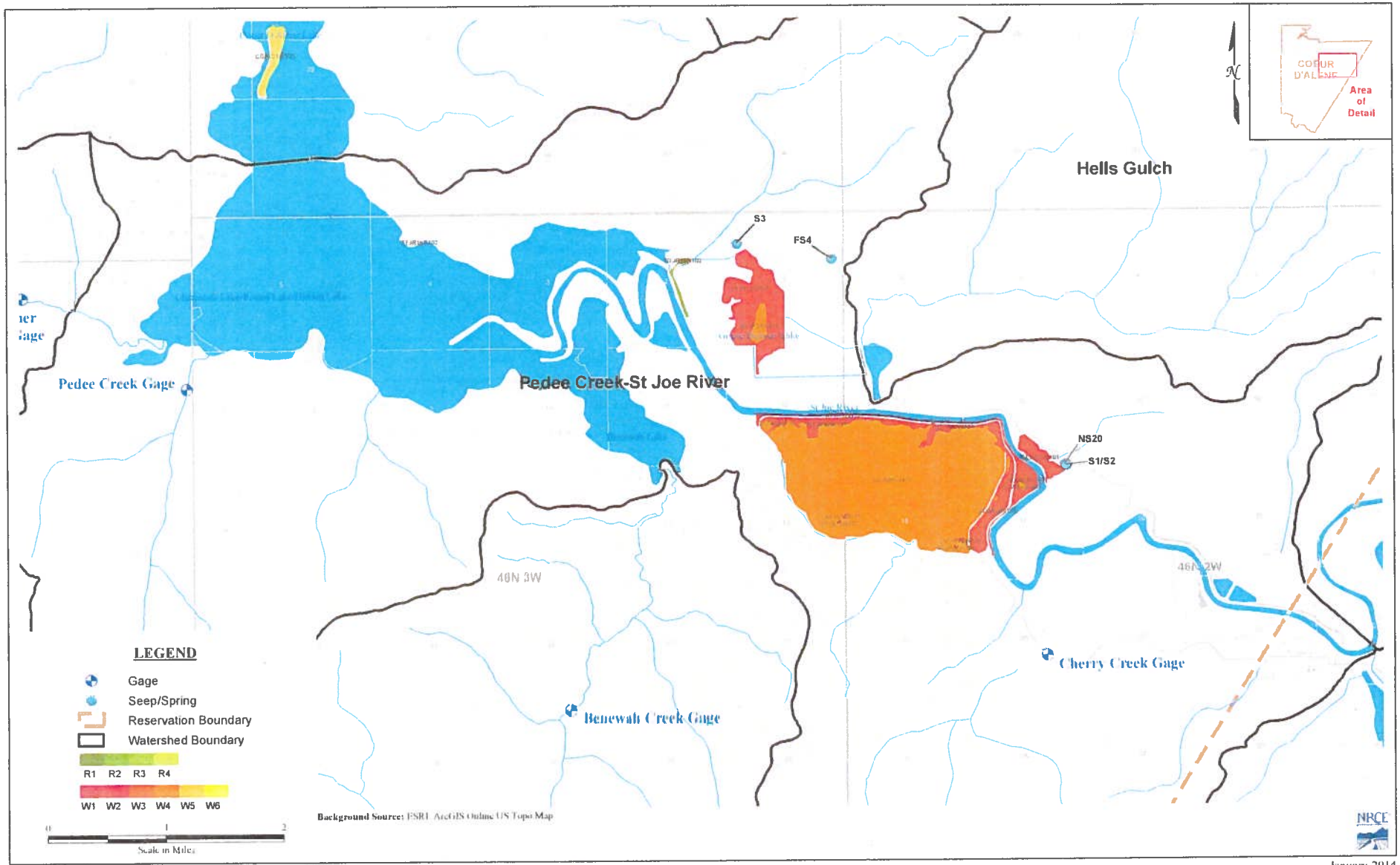

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7787

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR14W411)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 20.42
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 525261 5244949; which is located in:
   Township: 46N Range: 03W Section: 01 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 30.17 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

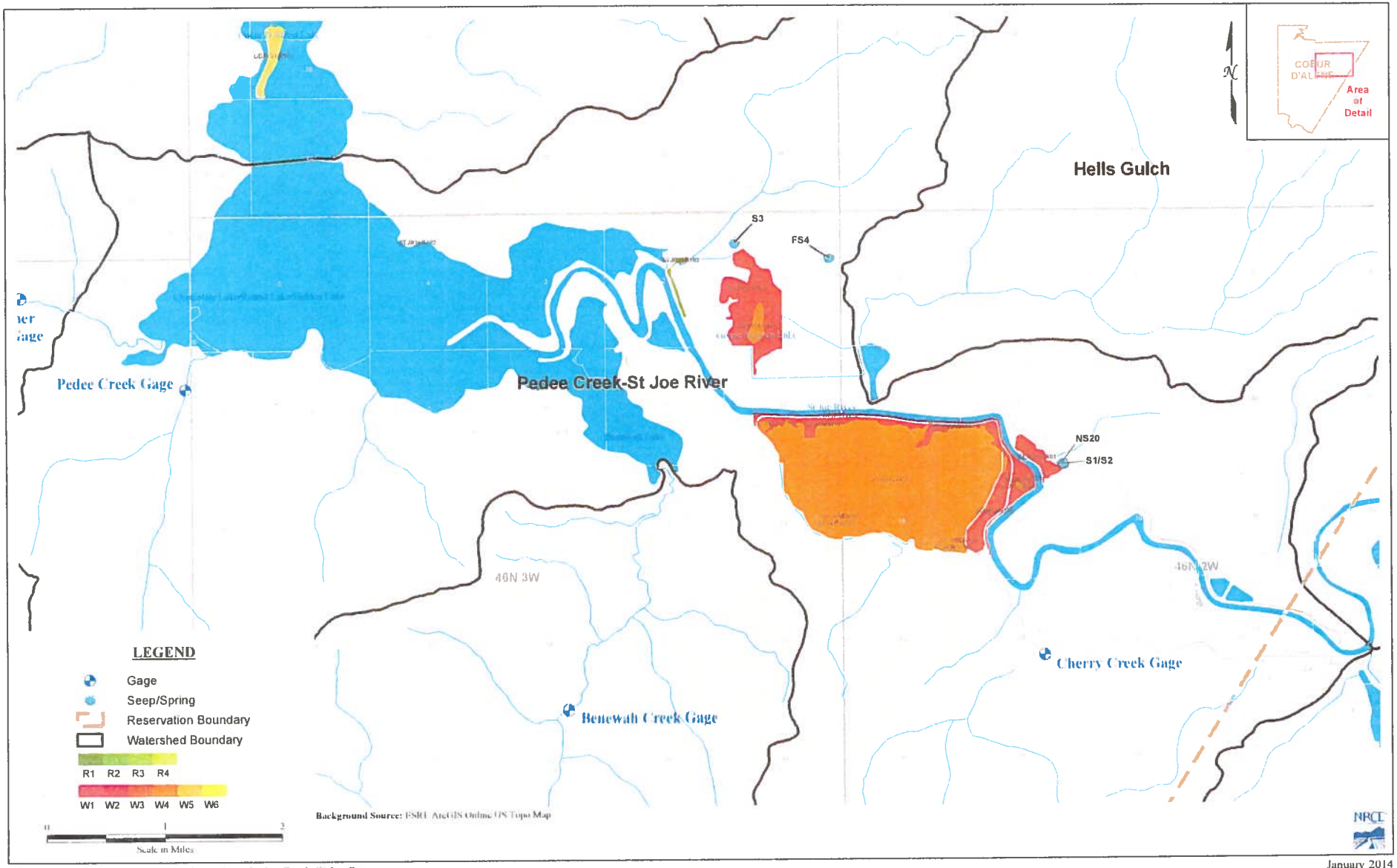

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7788

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR15R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.57

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 524181 5245547; which is located in:

   Township: 46N Range: 03W Section: 02 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 23.04 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

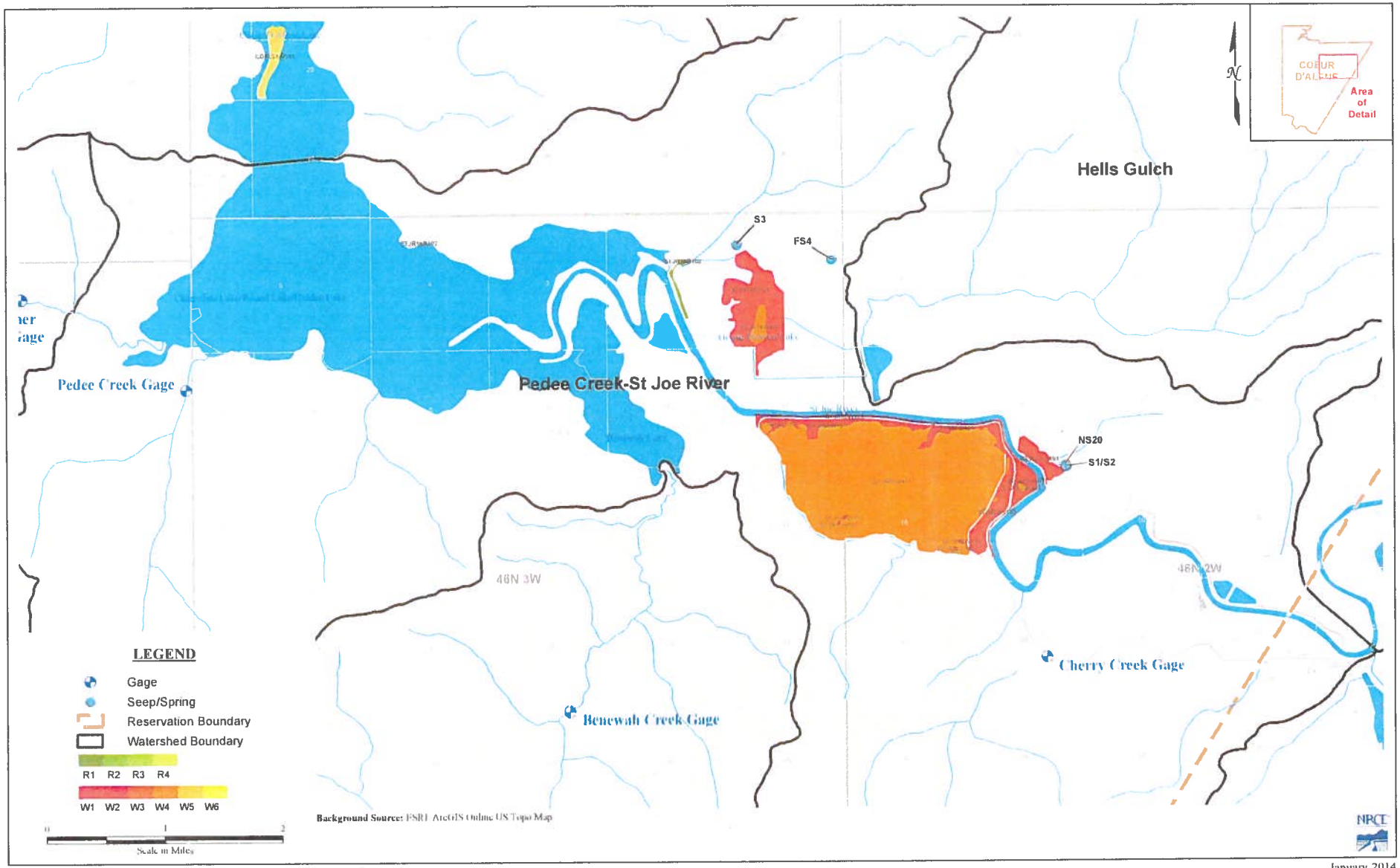

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

91-7789

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR16R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.81

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 520556 5246104; which is located in:

   Township: 46N Range: 03W Section: 04 Q: NW QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.95 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

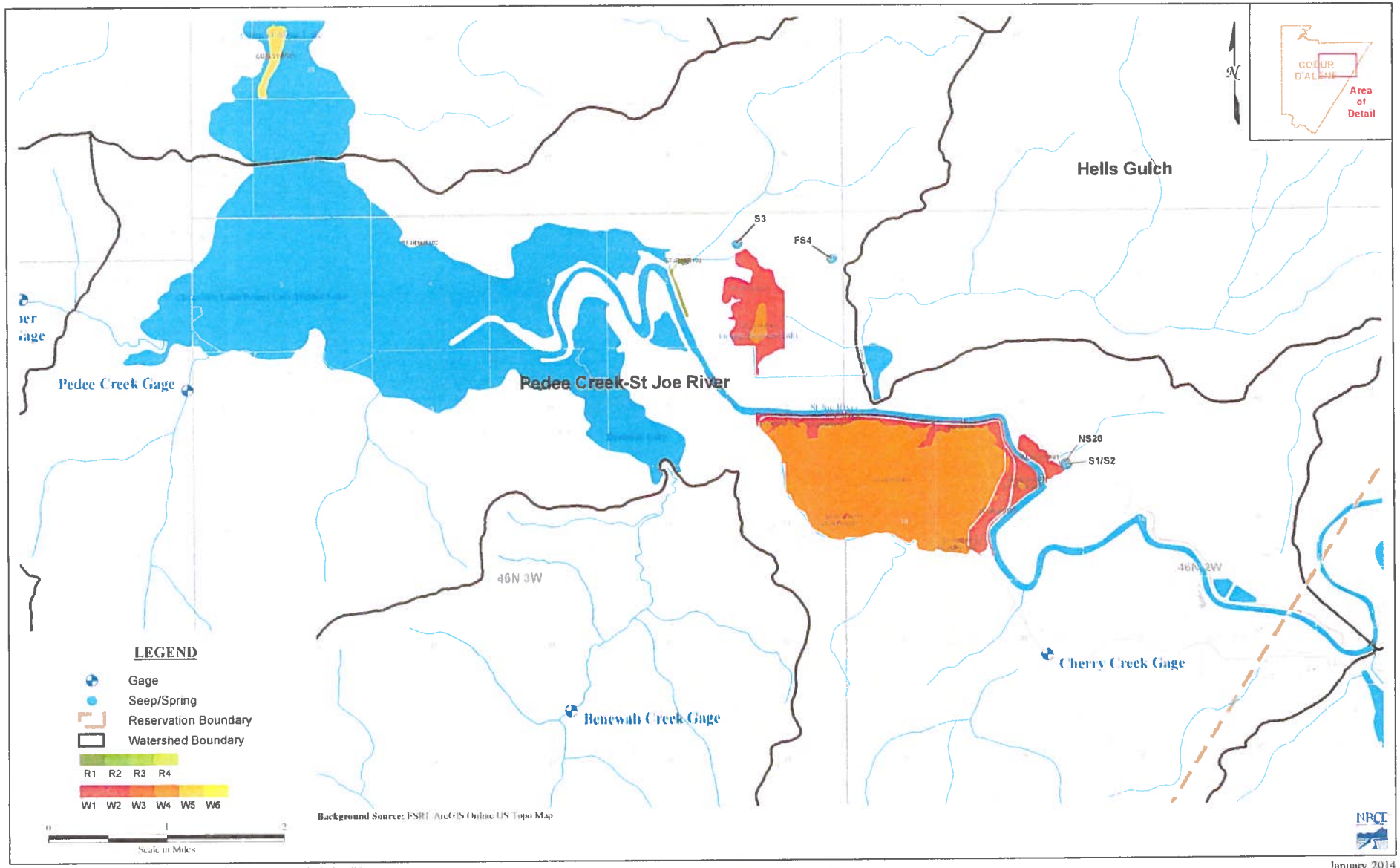

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10906

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Cherry Creek (Fed ID #111)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 45N Range 3W Section: 12 QQ (__1/4 of __1/4): NWNE
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 2W Section: 20 QQ (__1/4 of __1/4): NWSE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
8	8	8	5	5	2.4
July	August	September	October	November	December
0.84	0.48	0.48	0.53	0.98	5.6

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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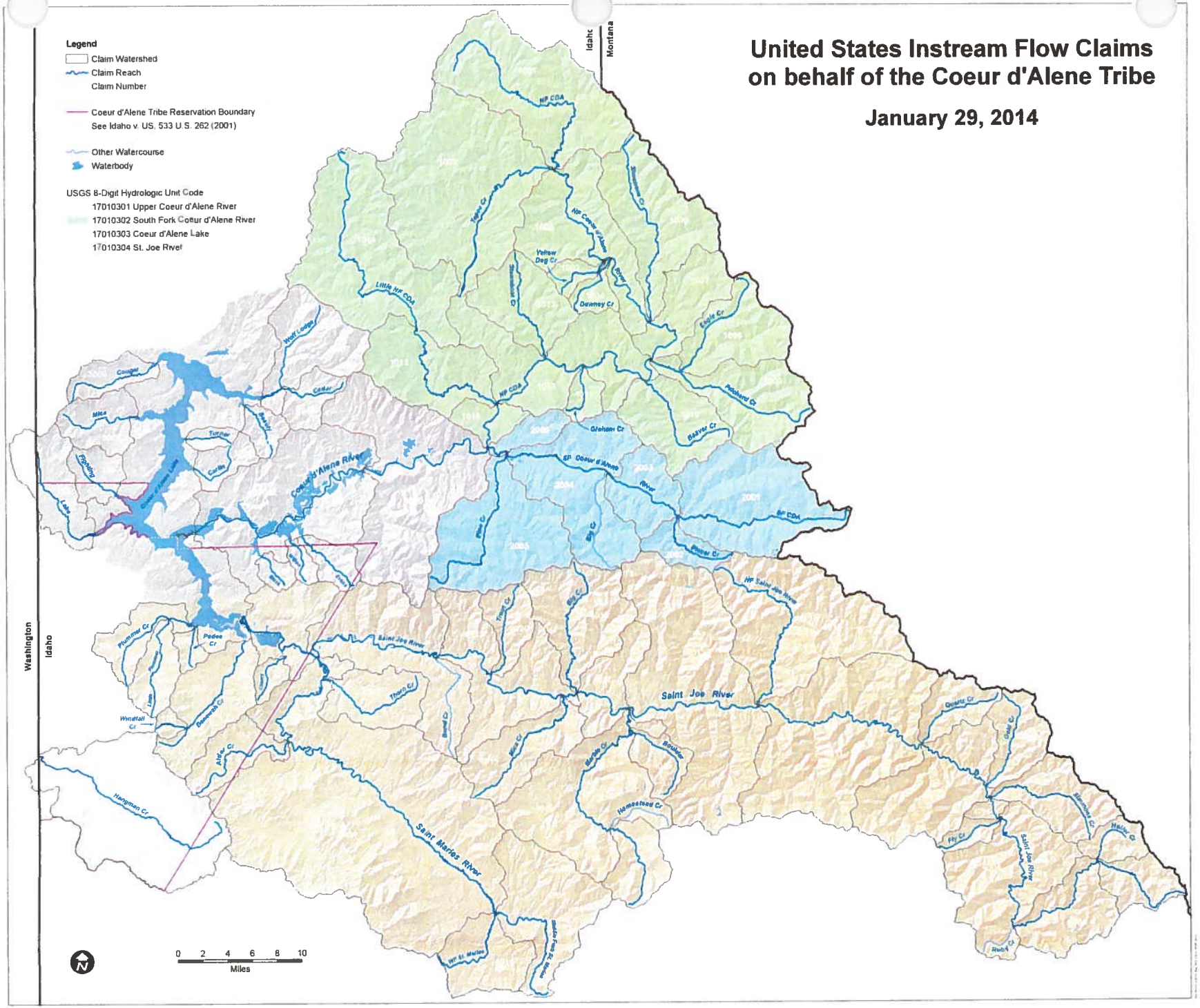
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



92-10907

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Alder Creek (Fed ID #112)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 44N Range 4W Section: 13 QQ (__1/4 of __1/4): SENE
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 45N Range 2W Section: 29 QQ (__1/4 of __1/4): SENE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
24	24	24	24	24	24
July	August	September	October	November	December
8.8	3.1	4.4	7.8	23	24

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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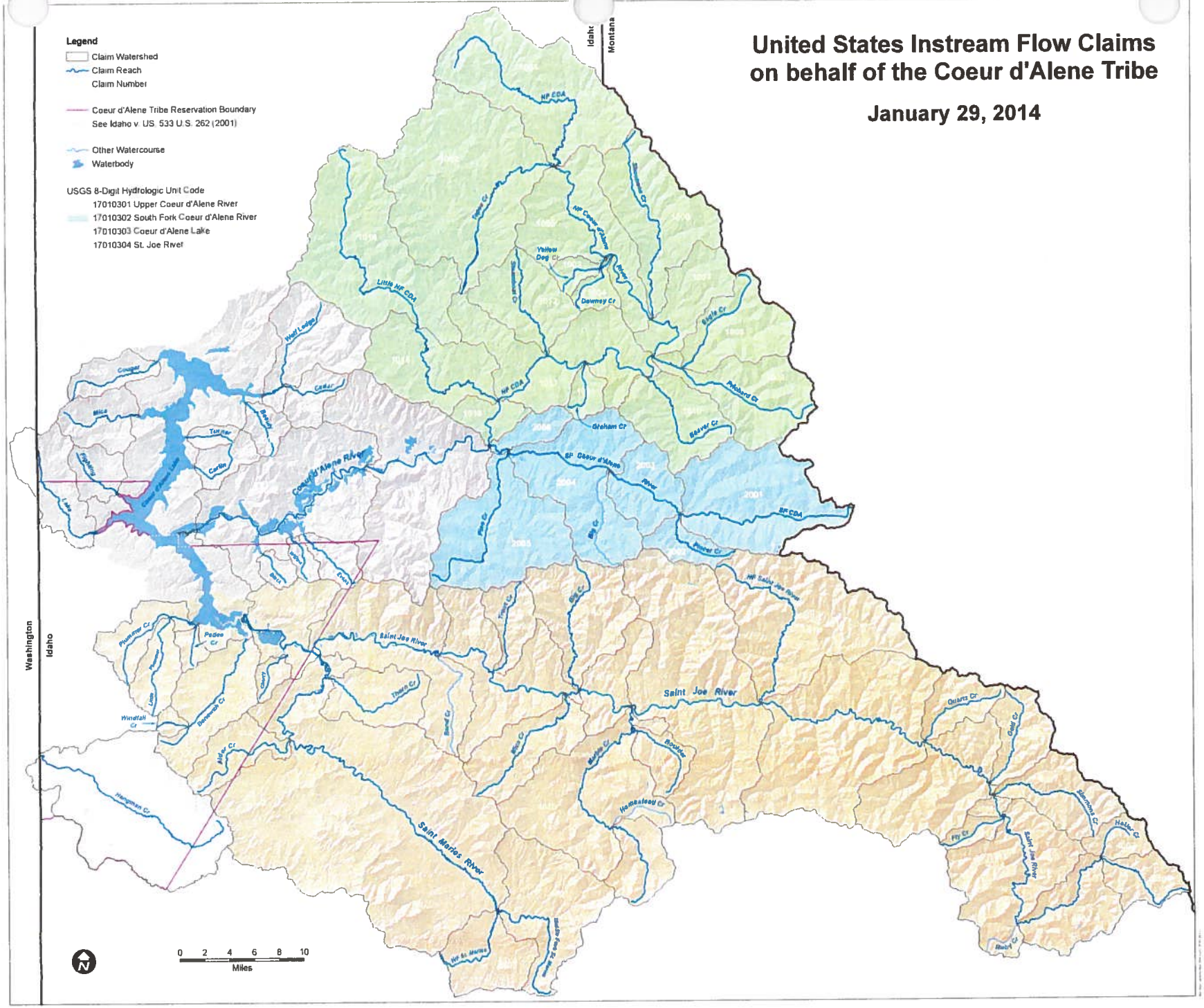
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



92-10908

RECEIVED
JAN 31 2024
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Middle Fork Saint Maries River (Fed ID #4501)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 41N Range 2E Section: 11 QQ (__1/4 of __1/4): NENE
   B.M., County of Clearwater
   Downstream Boundary - MF/WF Confluence
   Township: 42N Range 2E Section: 6 QQ (__1/4 of __1/4): SWNE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
67	67	90	114	114	114
July	**August**	**September**	**October**	**November**	**December**
76	30	25	36	62	67

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

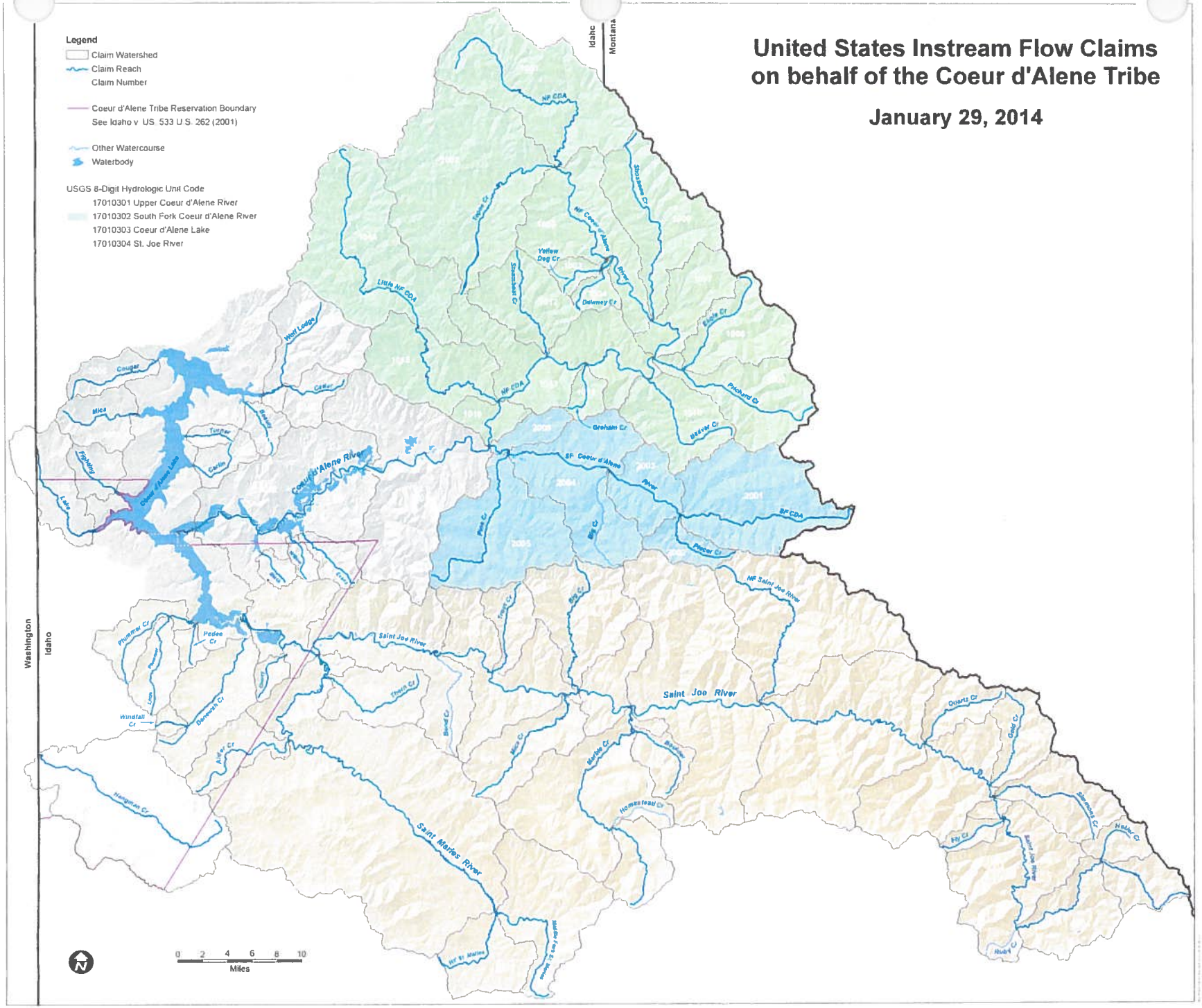
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



92-10909

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** West Fork Saint Maries River (Fed ID #4502)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 42N Range 1E Section: 29 QQ (__1/4 of __1/4): NENE
   B.M., County of Latah
   Downstream Boundary - MF/WF Confluence
   Township: 42N Range 2E Section: 6 QQ (__1/4 of __1/4): SWNE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	February	March	April	May	June
44	44	57	75	75	52
July	**August**	**September**	**October**	**November**	**December**
18	13	12	10	23	44

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

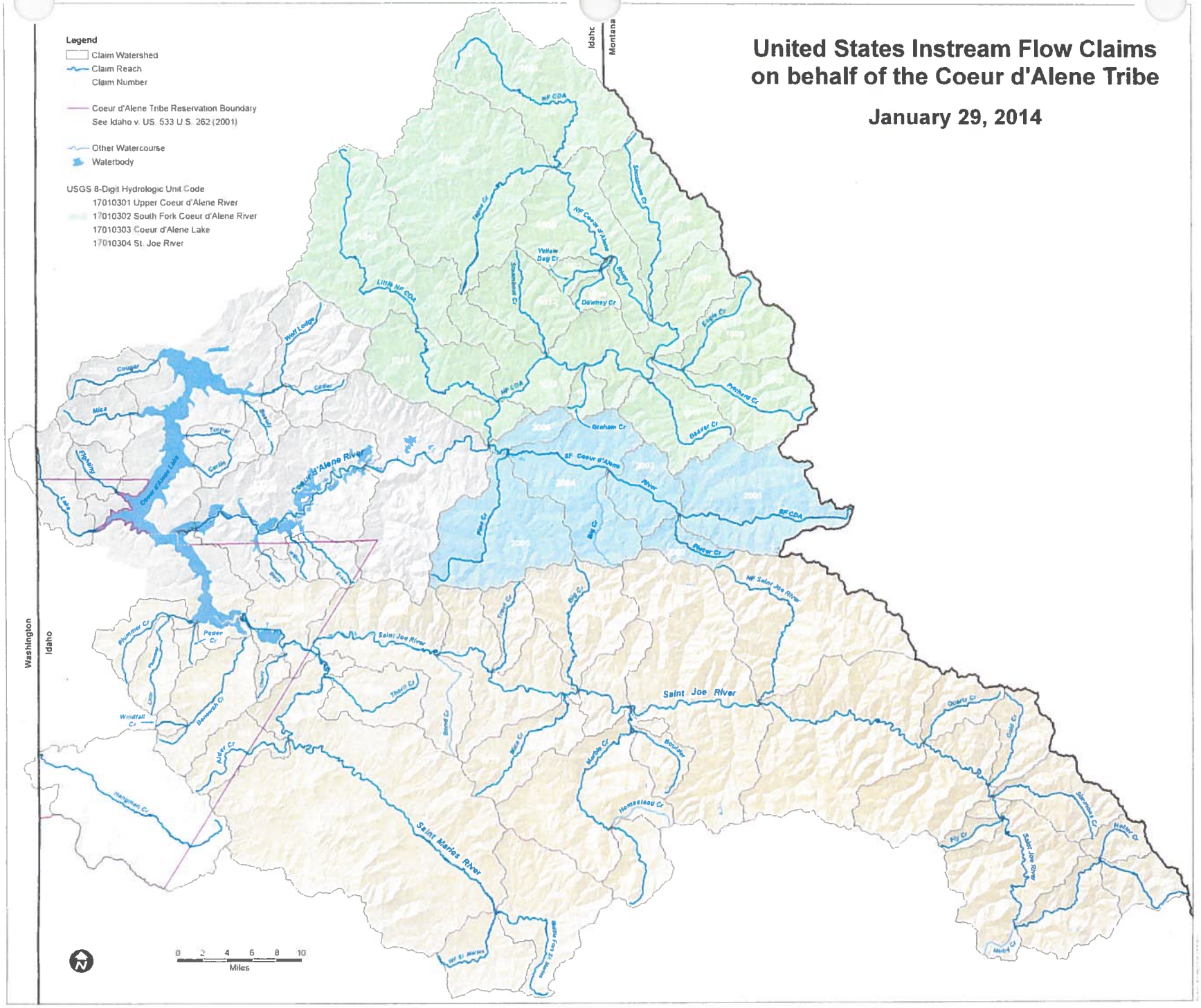
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US. 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
SF CDA
NF Saint Joe River
Saint Joe River
Saint Joe River
Wolf Lodge
Cougar
Mica
Turner
Cedar
Fighting
Lake
Carlin
Coeur d'Alene Lake
Plummer Cr
Pedee Cr
Windfall Cr
Benewah Cr
Alder Cr
Hangman Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Yellow Dog Cr
Downey Cr
Graham Cr
Pine Cr
Big Cr
Placer Cr
Pritchard Cr
Beaver Cr
Quartz Cr
Gold Cr
Fly Cr
Nutrit Cr
Hotter Cr
Slimmons Cr
0 2 4 6 8 10
Miles

92-10910

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Thorn Creek (Fed ID #4503)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 46N Range 1E Section: 31 QQ (__1/4 of __1/4): SENW
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 2W Section: 36 QQ (__1/4 of __1/4): NWSW
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
29	29	36	49	49	18
July	August	September	October	November	December
7.5	5.1	4.9	4.5	10	24

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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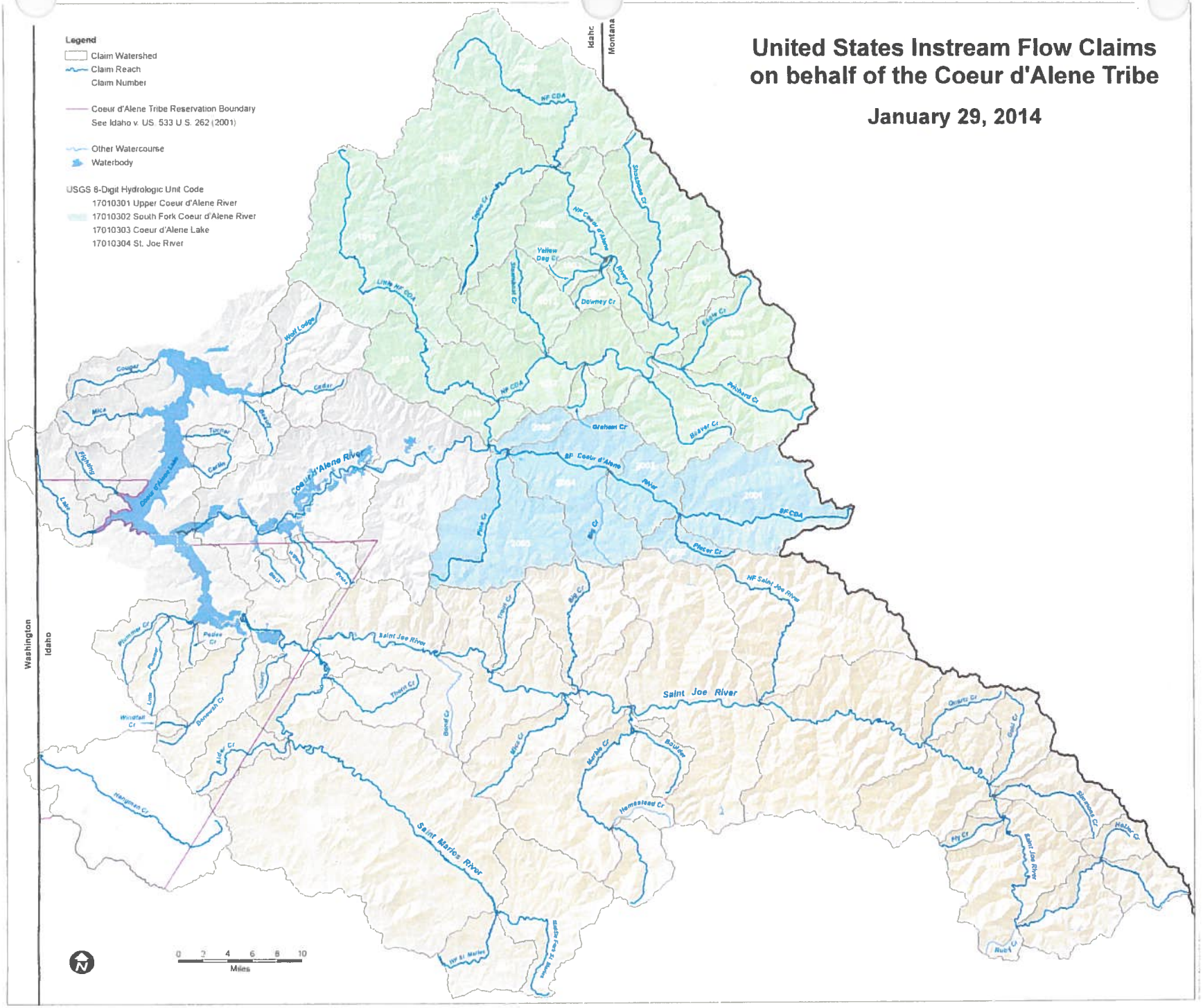
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



92-10911

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Saint Maries River (Fed ID #4504)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - MF/WF Confluence
   Township: 42N Range 2E Section: 6 QQ (__1/4 of __1/4): SWNE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 46N Range 2W Section: 23 QQ (__1/4 of __1/4): NESW
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
150	150	350	250	250	250
July	August	September	October	November	December
167	103	91	100	150	150

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

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(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

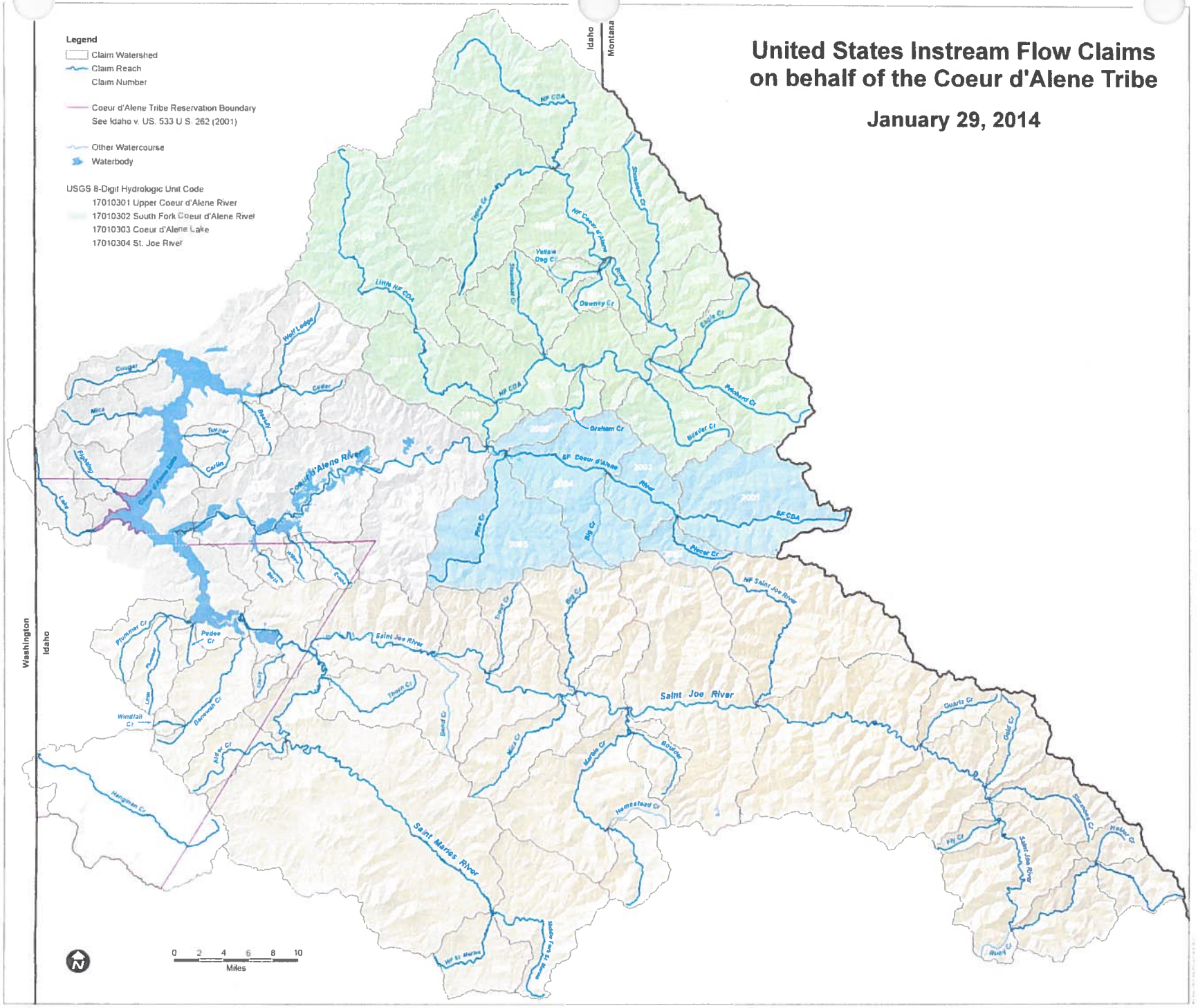
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US. 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
SF CDA
NF Saint Joe River
Saint Joe River
Saint Joe River
Wolf Lodge
Cougar
Cedar
Mica
Turner
Carlin
Fighting
Lake
Beauty
Yellow Dog Cr
Downey Cr
Graham Cr
Beaver Cr
Pritchard Cr
Placer Cr
Big Cr
Pine Cr
Trout Cr
Thorn Cr
Bend Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Fly Cr
Hangman Cr
Alder Cr
Beaver Cr
Windfall Cr
Pedee Cr
Plummer Cr
Hemlock Cr
Ruby Cr
0 2 4 6 8 10
Miles

92-10912

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** St. Joe River (Fed ID # SJs1 & SJs2)

4. **Point of Diversion:**

Township: 46N Range: 2W Section: 7 Q: SE1/4 QQ: L8
Township: 46N Range: 3W Section: 12 Q: SE1/4 QQ: L8

5. **Place of Use:** Total Acres: 971

Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: SE1/4	Acres: 39.6
Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: SW1/4	Acres: 36.4
Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: L6	Acres: 3.6
Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: L8	Acres: 3.3
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: SE1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: SW1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: L4	Acres: 10.5
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: L5	Acres: 7.7
Township: 46N	Range: 2W	Section: 8	Q: SW1/4	QQ: L3	Acres: 45.1
Township: 46N	Range: 2W	Section: 8	Q: SW1/4	QQ: L4	Acres: 8.1
Township: 46N	Range: 2W	Section: 17	Q: NW1/4	QQ: NW1/4	Acres: 38.4
Township: 46N	Range: 2W	Section: 17	Q: NW1/4	QQ: SW1/4	Acres: 13.6
Township: 46N	Range: 2W	Section: 17	Q: NW1/4	QQ: L3	Acres: 6.0

Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: NE1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: NW1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: SE1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: SW1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: NE1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: NW1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: SE1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: SW1/4	Acres: 40.6
Township: 46N	Range: 2W	Section: 18	Q: SE1/4	QQ: NE1/4	Acres: 35.2
Township: 46N	Range: 2W	Section: 18	Q: SE1/4	QQ: NW1/4	Acres: 25.3
Township: 46N	Range: 2W	Section: 18	Q: SW1/4	QQ: NE1/4	Acres: 14.2
Township: 46N	Range: 2W	Section: 18	Q: SW1/4	QQ: NW1/4	Acres: 16.0
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: SE1/4	Acres: 39.7
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: SW1/4	Acres: 38.9
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: L7	Acres: 9.0
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: L8	Acres: 11.6
Township: 46N	Range: 3W	Section: 12	Q: SW1/4	QQ: SE1/4	Acres: 9.9
Township: 46N	Range: 3W	Section: 12	Q: SW1/4	QQ: L6	Acres: 11.1
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: NE1/4	Acres: 39.9
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: NW1/4	Acres: 38.9
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: SE1/4	Acres: 39.4
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: SW1/4	Acres: 13.5
Township: 46N	Range: 3W	Section: 13	Q: NW1/4	QQ: NE1/4	Acres: 0.1
Township: 46N	Range: 3W	Section: 13	Q: SE1/4	QQ: NE1/4	Acres: 11.4

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 3,017

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The

quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

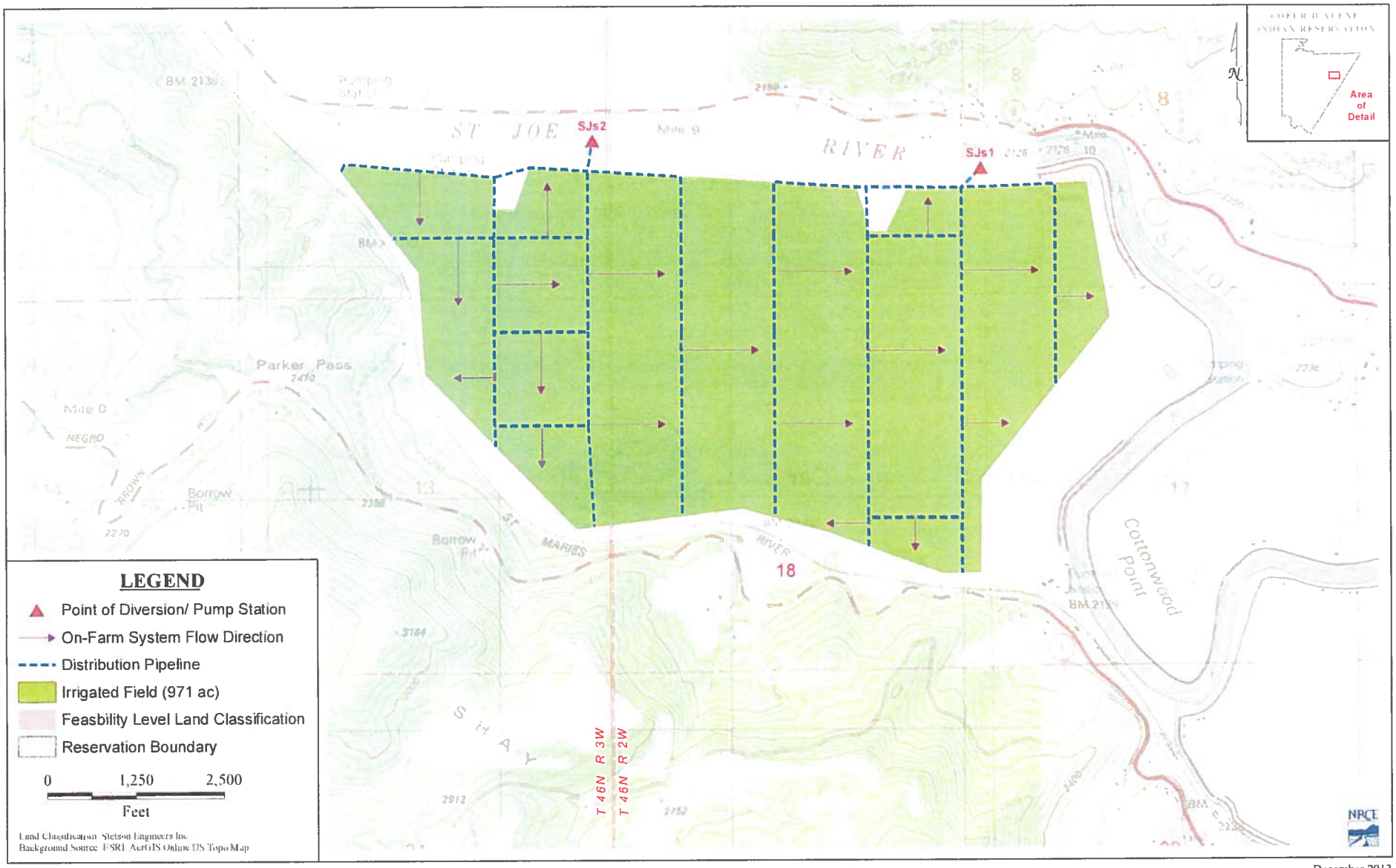
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
St. Joe River South Area

December 2013

92-10913

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Alder Creek (Fed ID #AC01R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.47

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 517202 5224437; which is located in:

   Township: 44N Range: 04W Section: 12 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 17.98 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

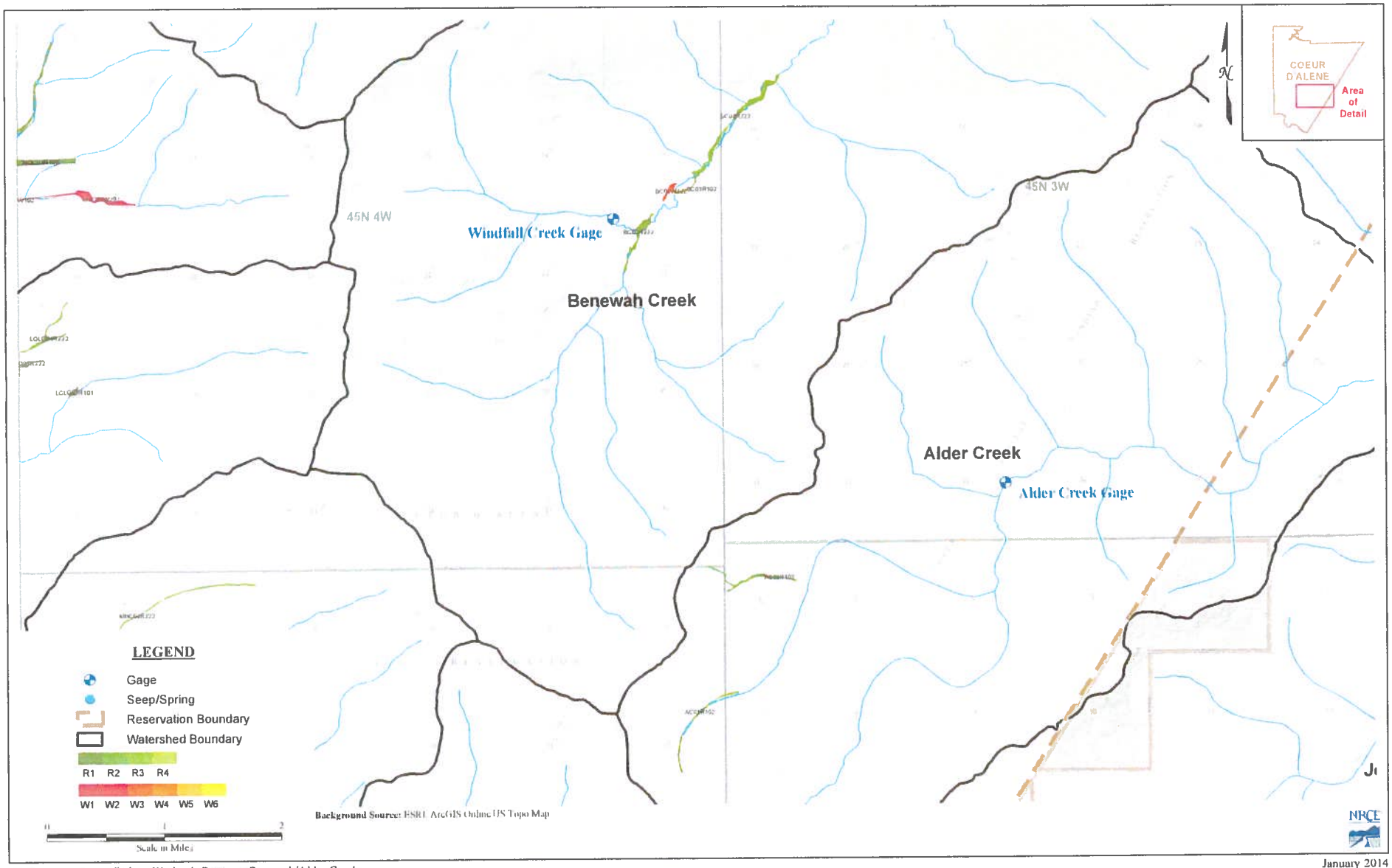

Figure A3 : Coeur d'Alene Wetlands Review - Benewah/Alder Creek

January 2014

92-10914

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Alder Creek (Fed ID #AC02R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.83

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 517922 5226413; which is located in:

   Township: 44N Range: 03W Section: 06 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 21.25 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

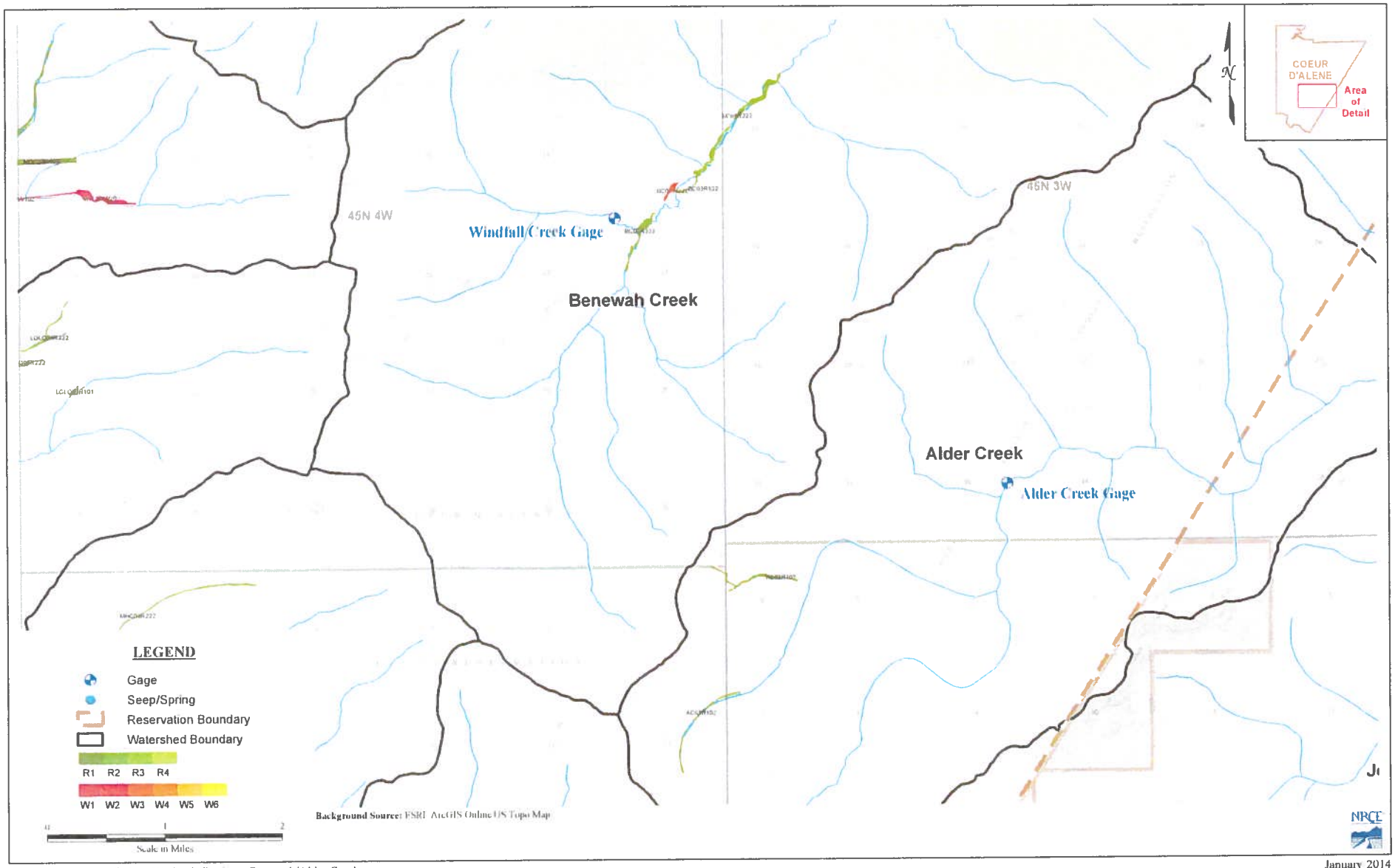

Figure A3 : Coeur d'Alene Wetlands Review - Benewah/Alder Creek

January 2014

92-10915

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Department of Water Resource
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR05W411)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1060.41
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 527055 5242832; which is located in:
   Township: 46N Range: 02W Section: 18 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1566.98 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

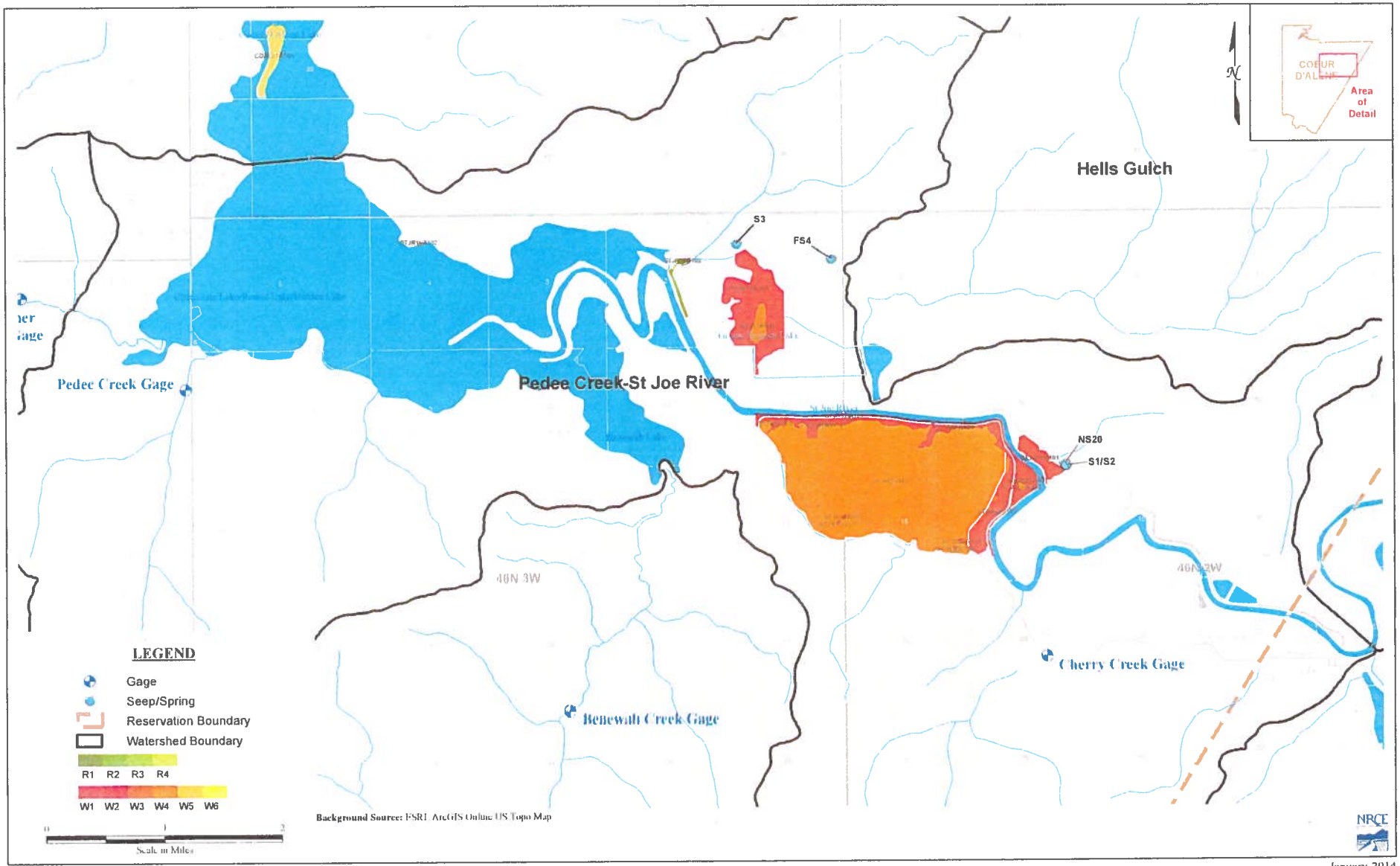

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10916

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR06W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.51
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 527919 5241920; which is located in:
   Township: 46N Range: 02W Section: 18 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.12 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

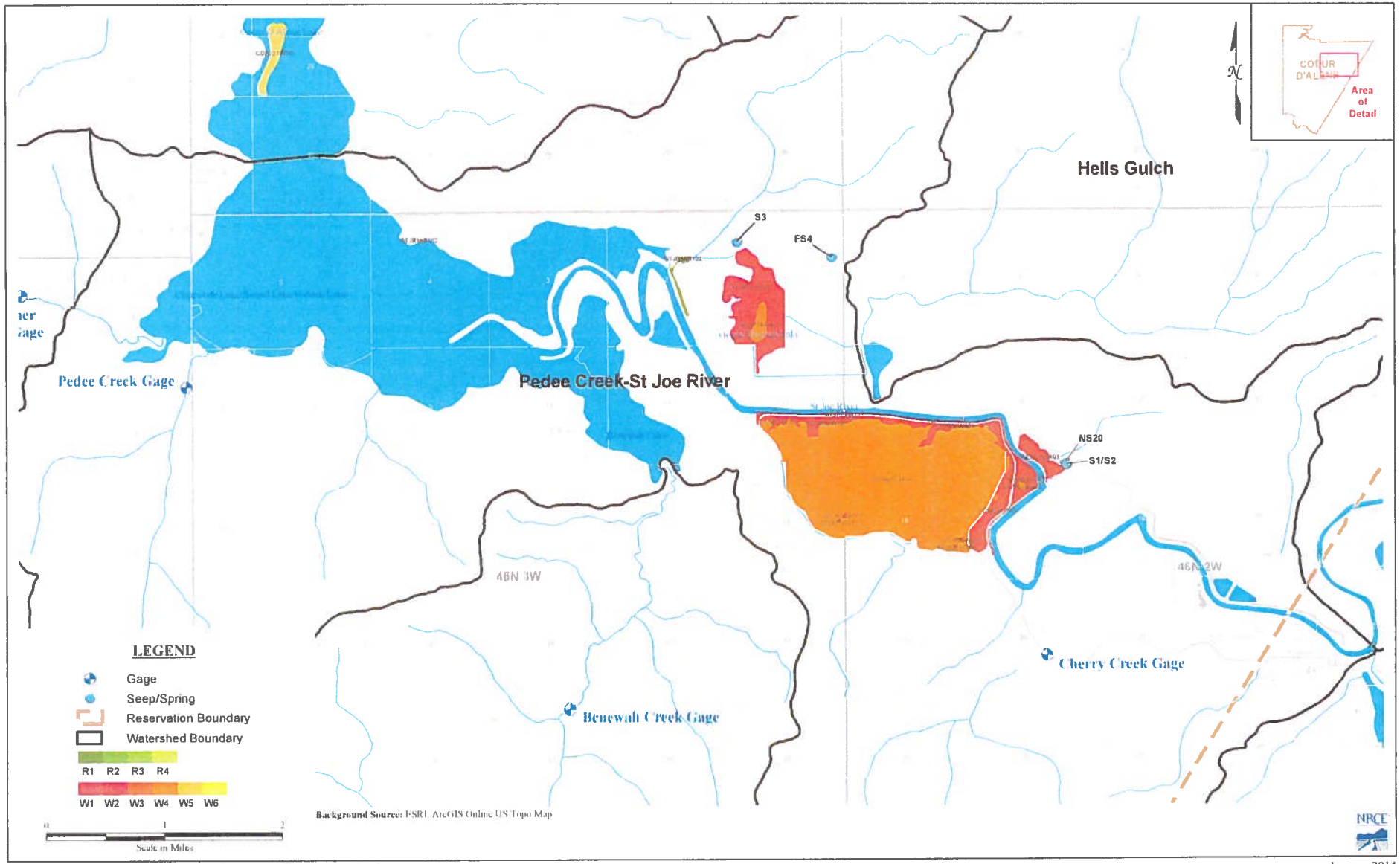

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10917

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR07W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.38
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 528002 5242006; which is located in:
   Township: 46N Range: 02W Section: 18 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.03 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

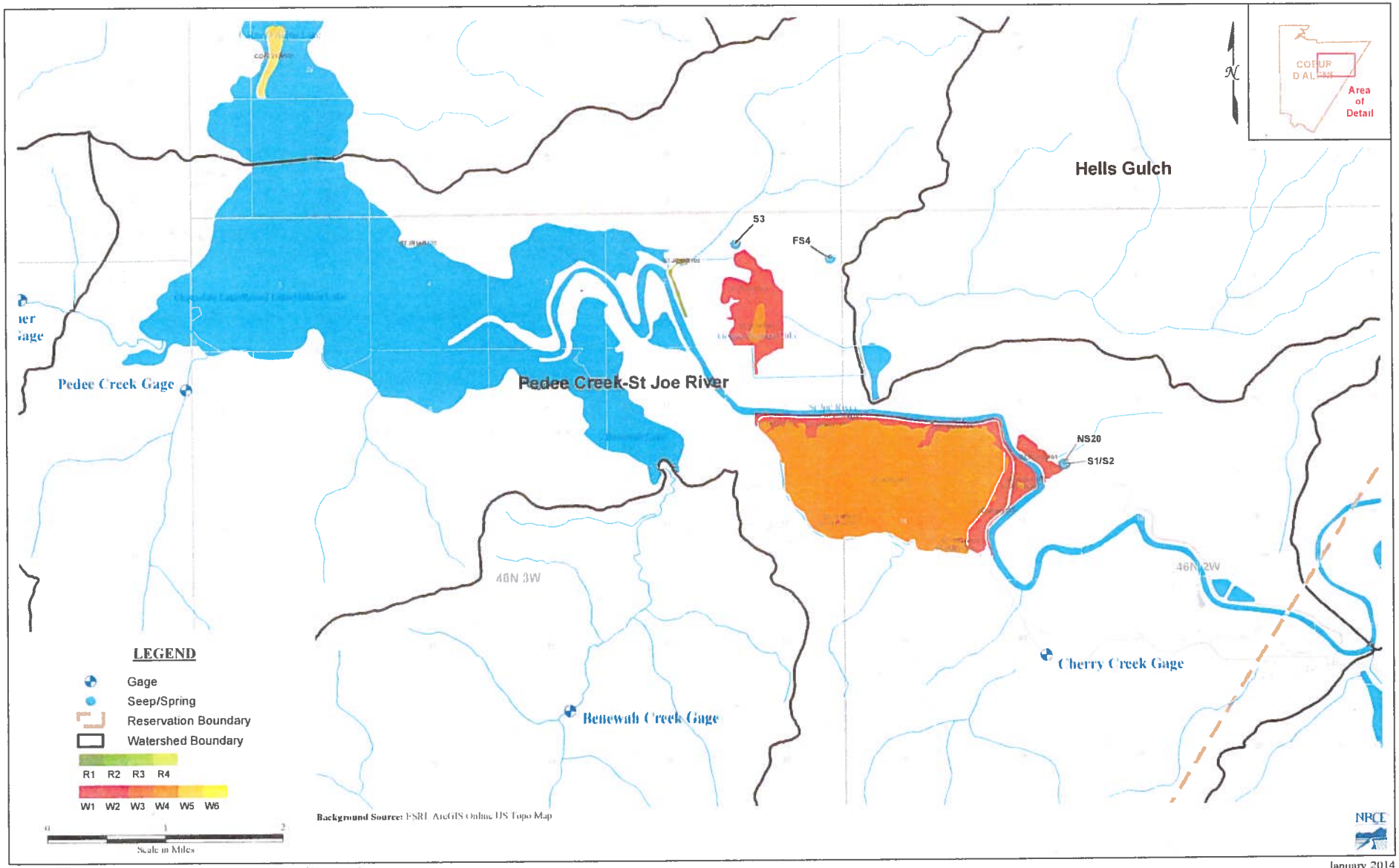

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10918

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR08W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 29.95
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 528044 5243473; which is located in:
   Township: 46N Range: 02W Section: 08 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 65.71 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Boise, Idaho 83724

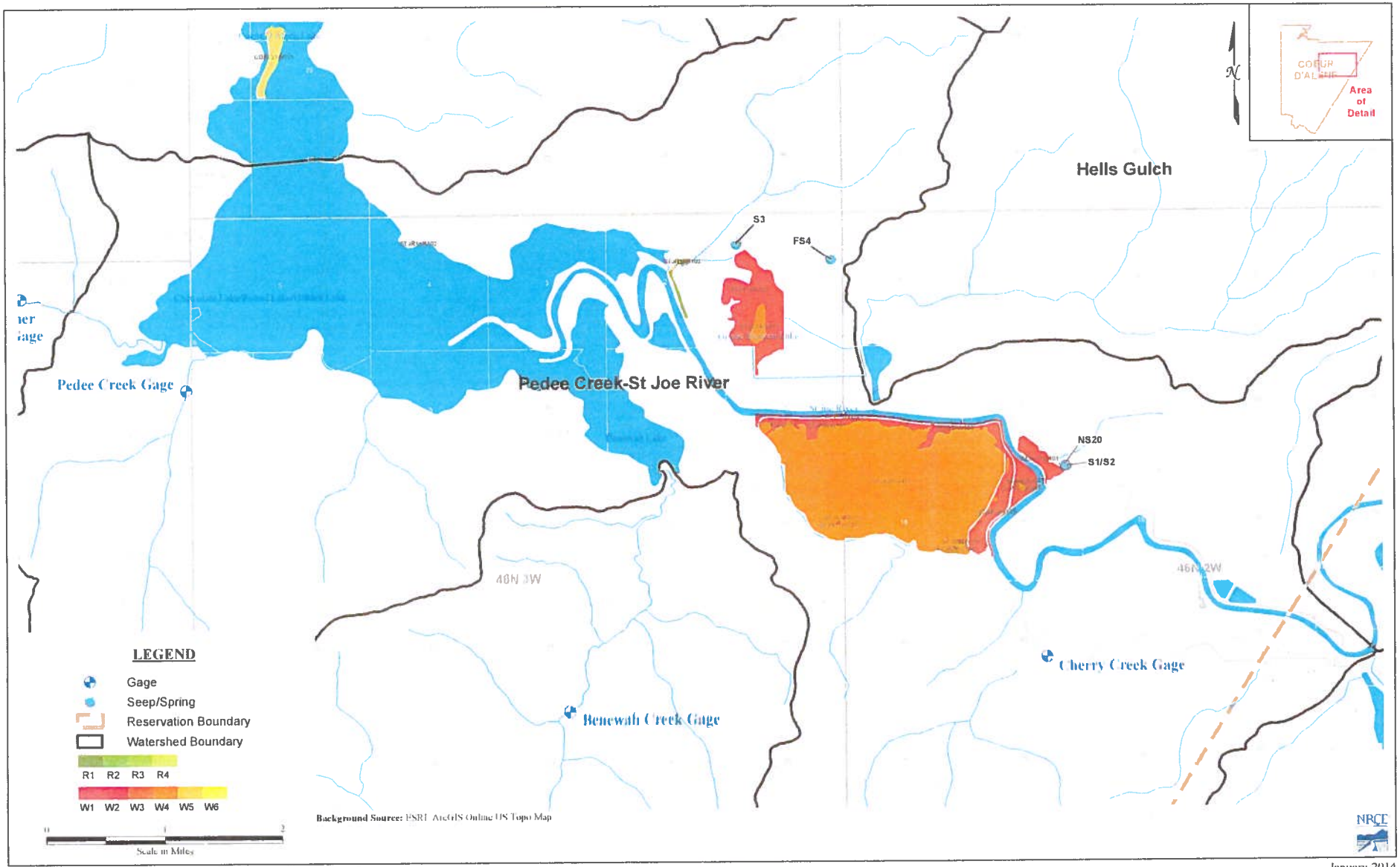

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10919

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR09W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 43.75
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 526432 5243608; which is located in:
   Township: 46N Range: 02W Section: 07 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 95.99 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

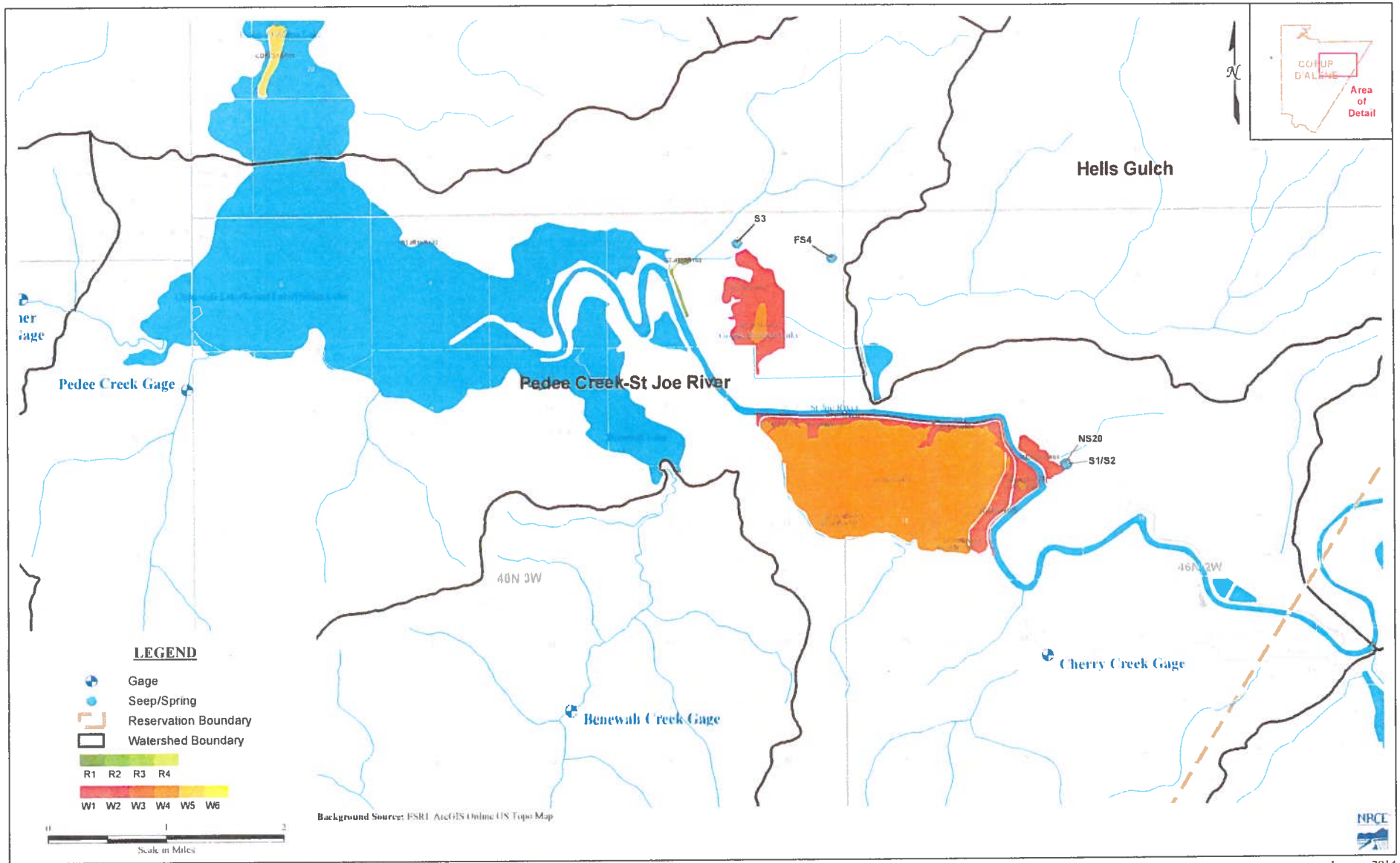

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10920

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR10W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.72
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 526414 5242344; which is located in:
   Township: 46N Range: 02W Section: 18 Q: NW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.58 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

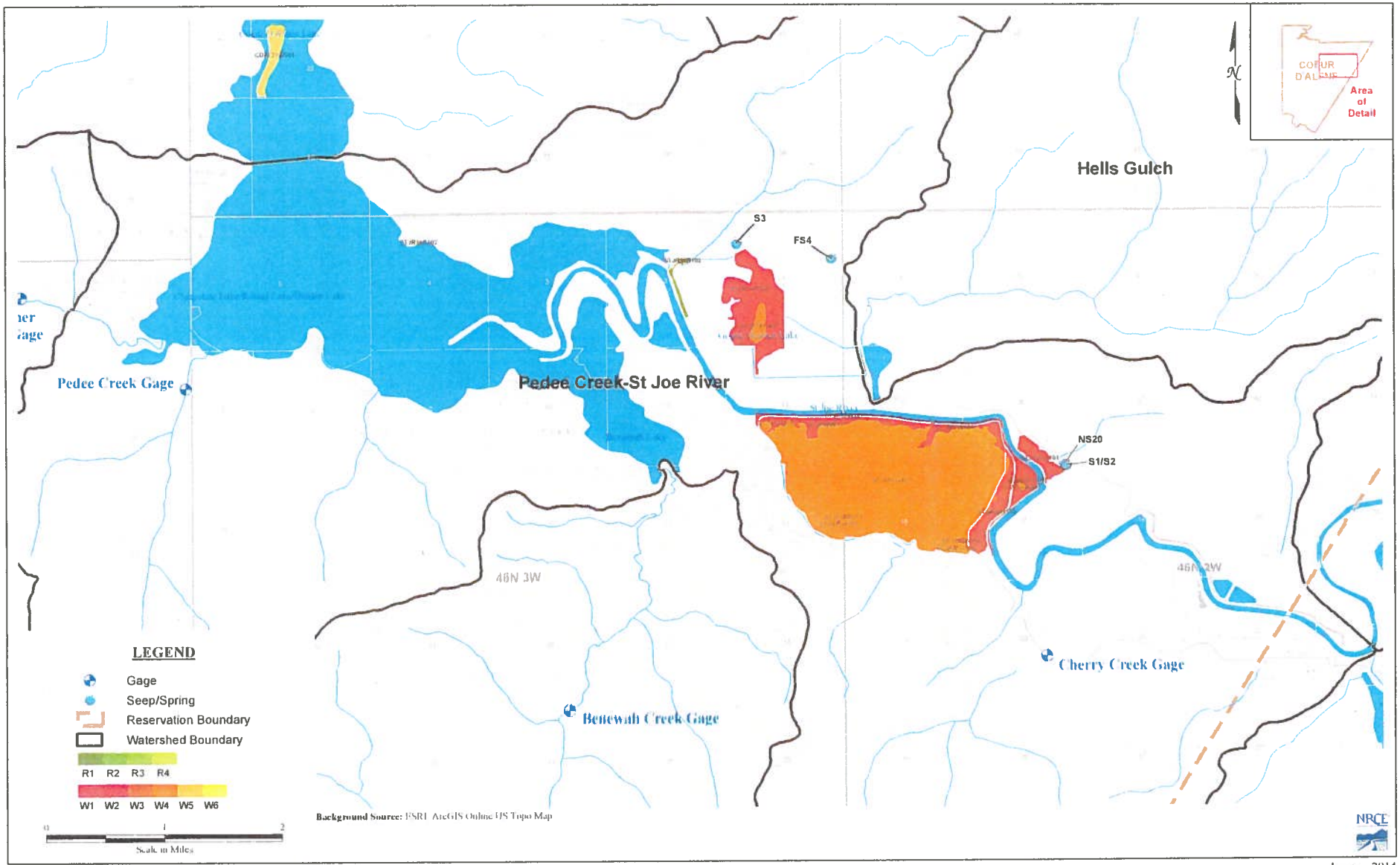

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10921

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR11W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.53
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 526325 5242264; which is located in:
   Township: 46N Range: 03W Section: 13 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.16 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

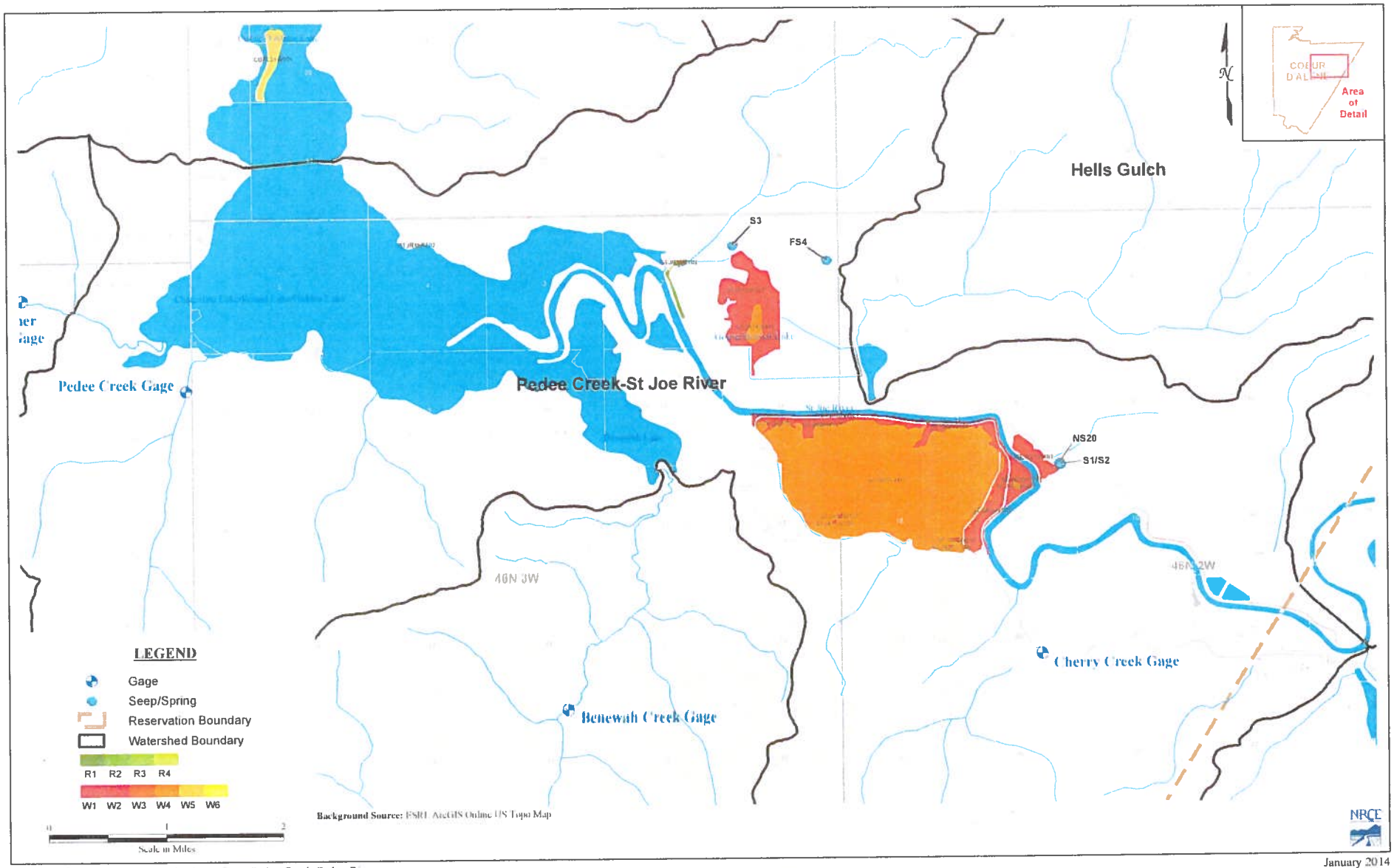

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

92-10922

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
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   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Pedee Creek-St Joe River (Fed ID #STJR13W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.27
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 525454 5243627; which is located in:
   Township: 46N Range: 03W Section: 12 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 18.15 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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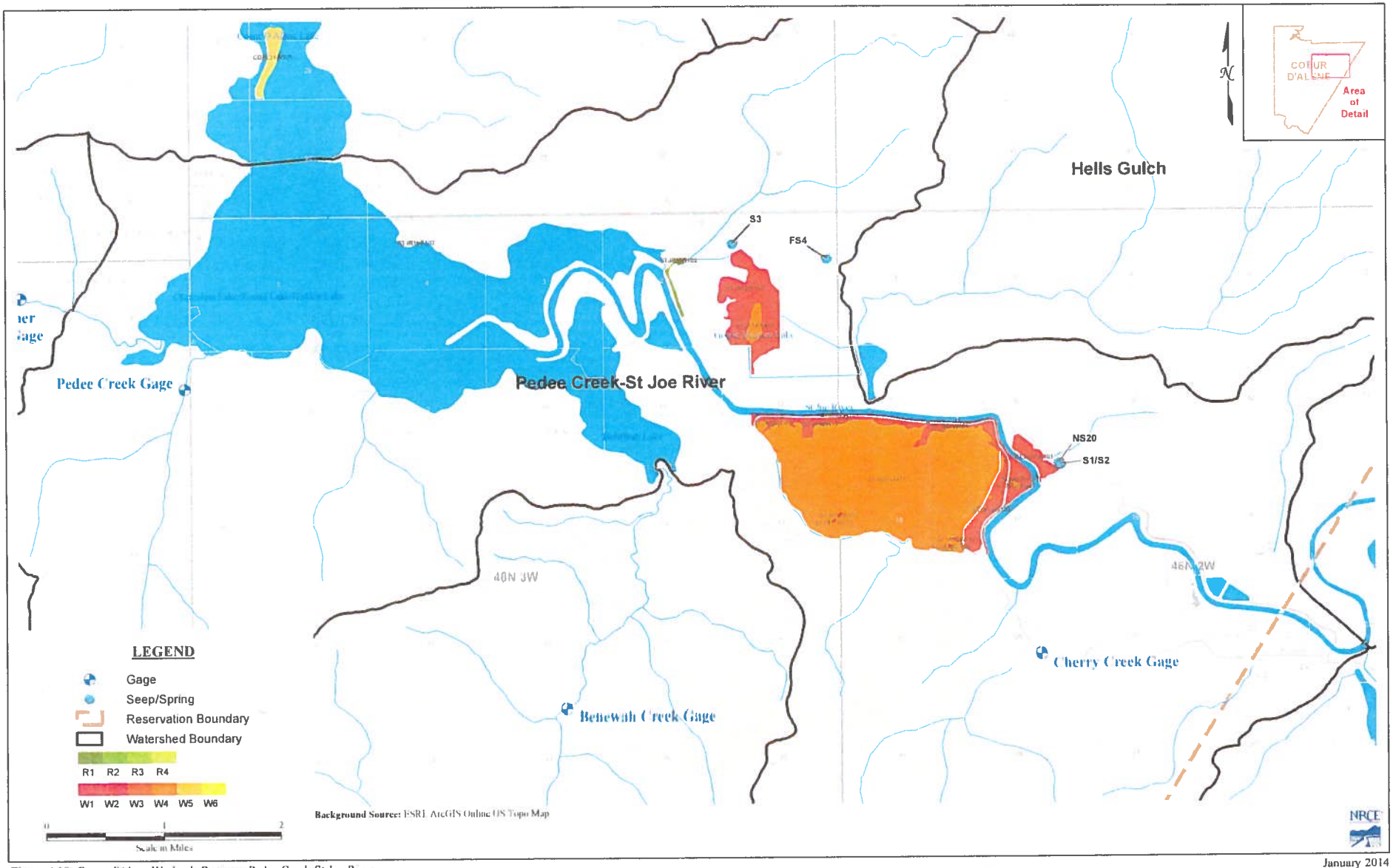

Figure A10: Coeur d'Alene Wetlands Review - Pedee Creek-St Joe River

January 2014

93-7462

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Groundwater (Casino and Hotel Complex Well)

4. **Point of Diversion:**

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SW1/4 B.M. County: Kootenai

5. **Place of Use:**

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SW1/4 B.M. County: Kootenai

6. **Purpose of Water Use:** Commercial – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** 92.1 Acre Feet (0.39 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93-7463

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM**
	)	**Federal Reserved Water Right**
CASE NO. 49576	)	

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Circling Raven Golf Course)

4. Point of Diversion:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SE1/4 B.M. County: Kootenai

5. Place of Use:

Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: NE1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: NW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: SE1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: SW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 9	Q: SW1/4	QQ: NE1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: SE1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: SW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 15	Q: NW1/4	QQ: NE1/4	B.M.	County: Kootenai

Township: 47N	Range: 5W	Section: 15	Q: NW1/4	QQ: NW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 15	Q: NW1/4	QQ: SE1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 15	Q: NW1/4	QQ: SW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 15	Q: NE1/4	QQ: NW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 15	Q: NE1/4	QQ: SW1/4	B.M.	County: Kootenai
Township: 47N	Range: 5W	Section: 16	Q: NE1/4	QQ: NE1/4	B.M.	County: Kootenai

6. Purpose of Water Use: Commercial and Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 280.5 Acre Feet (1.87 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St.

Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93 - 7464

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Casino and Hotel Complex expansion (future))

4. Point of Diversion:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SW1/4 B.M. County: Kootenai

5. Place of Use:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SW1/4 B.M. County: Kootenai

6. Purpose of Water Use: Commercial– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 92.1 Acre Feet (0.39 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93-7465

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (RV Park adjacent to Circling Raven Golf Course (future))

4. Point of Diversion:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SE1/4 B.M. County: Kootenai

5. Place of Use:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SE1/4 B.M. County: Kootenai

6. Purpose of Water Use: Commercial– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 7.0 Acre Feet (0.02 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X__ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93-7466

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Water Park (future))

4. Point of Diversion:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SE1/4 B.M. County: Kootenai

5. Place of Use:

Township: 47N Range: 5W Section: 9 Q: SW1/4 QQ: SE1/4 B.M. County: Kootenai

6. Purpose of Water Use: Commercial– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 12.3 Acre Feet (0.15 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93-7467

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: Time Immemorial, or in the alternative, November 8, 1873

3. **Source:** Groundwater (Sub-Agency Community Water System Complex)

4. **Point of Diversion:**

Township: 46N Range: 5W Section: 22 Q: SW1/4 QQ: SW1/4 B.M. County: Benewah

5. **Place of Use:**

Township: 46N Range: 5W Section: 22 Q: SW1/4 QQ: NW1/4 B.M. County: Benewah
Township: 46N Range: 5W Section: 22 Q: SW1/4 QQ: SW1/4 B.M. County: Benewah

6. **Purpose of Water Use:** Municipal– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. Quantity Reserved: 38.8 Acre Feet (0.13 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.* Alternatively, the priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93-7468

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM**
	)	**Federal Reserved Water Right**
CASE NO. 49576	)	

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: Time Immemorial, or in the alternative, November 8, 1873

3. Source: Groundwater (Desmet Community Water System)

4. Point of Diversion:

Township: 44N Range: 5W Section: 23 Q: NE1/4 QQ: NE1/4 B.M. County: Benewah

5. Place of Use:

Township: 44N Range: 5W Section: 23 Q: NE1/4 QQ: NE1/4 B.M. County: Benewah
Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NW1/4 B.M. County: Benewah

6. Purpose of Water Use: Municipal– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 52.8 Acre Feet (0.18 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for

food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.* Alternatively, the priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

93-7469

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Hangman Creek (Fed ID #113.1)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 44N Range 3W Section: 29 QQ (__1/4 of __1/4): SESE
   B.M., County of Benewah
   Downstream Boundary - ID State Line
   Township: 45N Range 6W Section: 36 QQ (__1/4 of __1/4): SENW
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
45	45	40	40	40	23
July	August	September	October	November	December
4.9	2.3	2	2	9.7	39

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

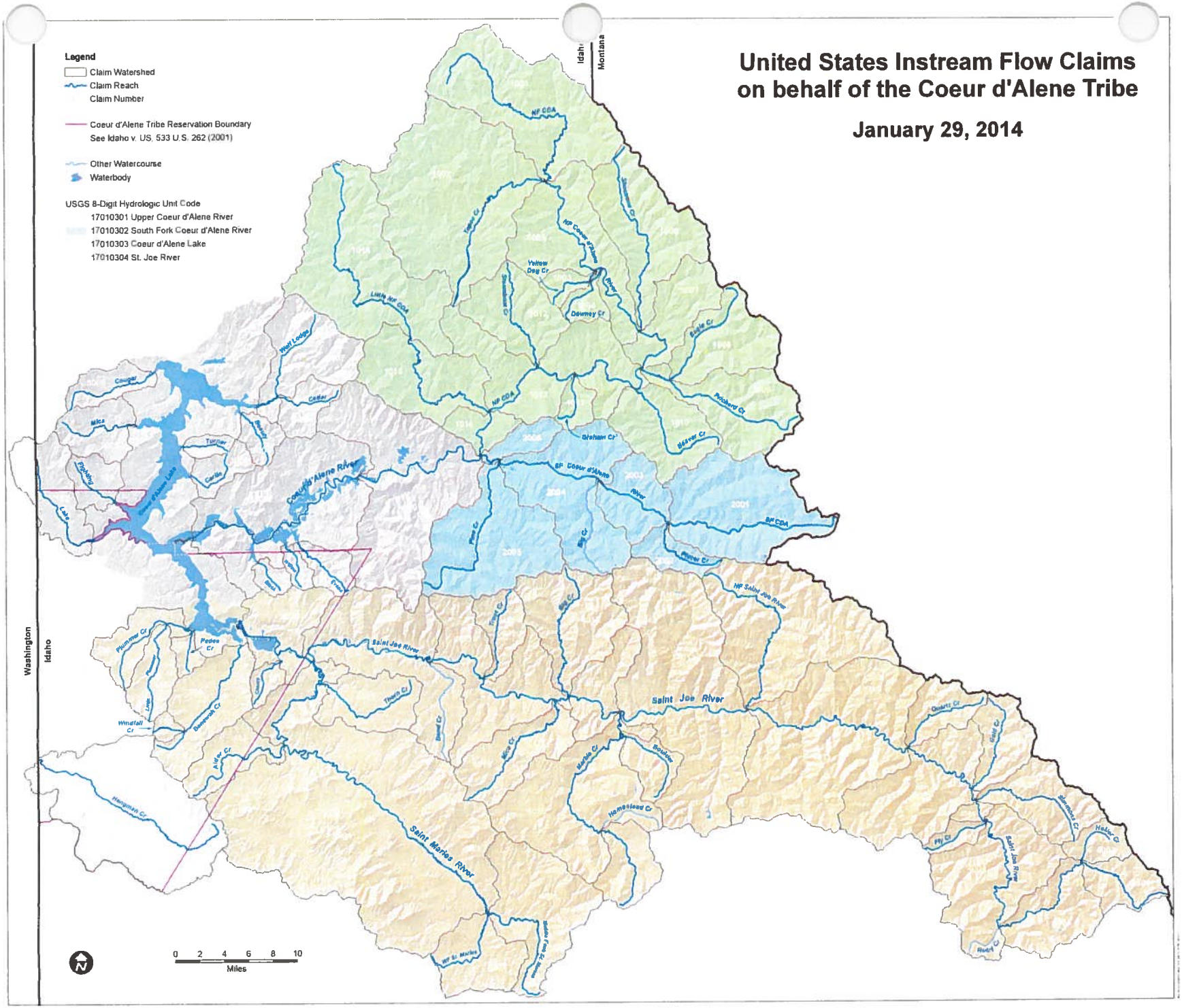
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
NF Coeur d'Alene River
Yellow Dog Cr
Downey Cr
Graham Cr
SF Coeur d'Alene River
SF CDA
NF Saint Joe River
Pioneer Cr
Beaver Cr
Pickerd Cr
Eagle Cr
Wolf Lodge
Cougar
Cedar
Mica
Turner
Carlin
Pigeon
Lake
Coeur d'Alene Lake
Plummer Cr
Pedee Cr
Windfall Cr
Benewah Cr
Alder Cr
Hangman Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Simmons Cr
Hoker Cr
Fly Cr
Rocky Cr
NF St Maries
0 2 4 6 8 10
Miles

93-7470

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Hangman Creek (Conditional) (Fed ID #113.2)

   Hangman Creek historically provided spawning habitat for anadromous fish, however, downstream dams currently block anadromous fish from returning to Hangman Creek. This conditional claim will apply in the event that anadromous fish passage is restored in the future and those fish return to Hangman Claim to spawn.

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**

   At all points along the stream reach located between the following boundaries:

   Upstream Boundary - Headwaters

   Township: 44N Range 3W Section: 29 QQ (__1/4 of __1/4): SESE

   B.M., County of Benewah

   Downstream Boundary - ID State Line

   Township: 45N Range 6W Section: 36 QQ (__1/4 of __1/4): SENW

B.M., County of Benewah

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
169	169	110	110	65	23

July	August	September	October	November	December
4.9	2.3	2	2	9.7	39

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United*

States and Coeur d'Alene Tribe v. Idaho, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

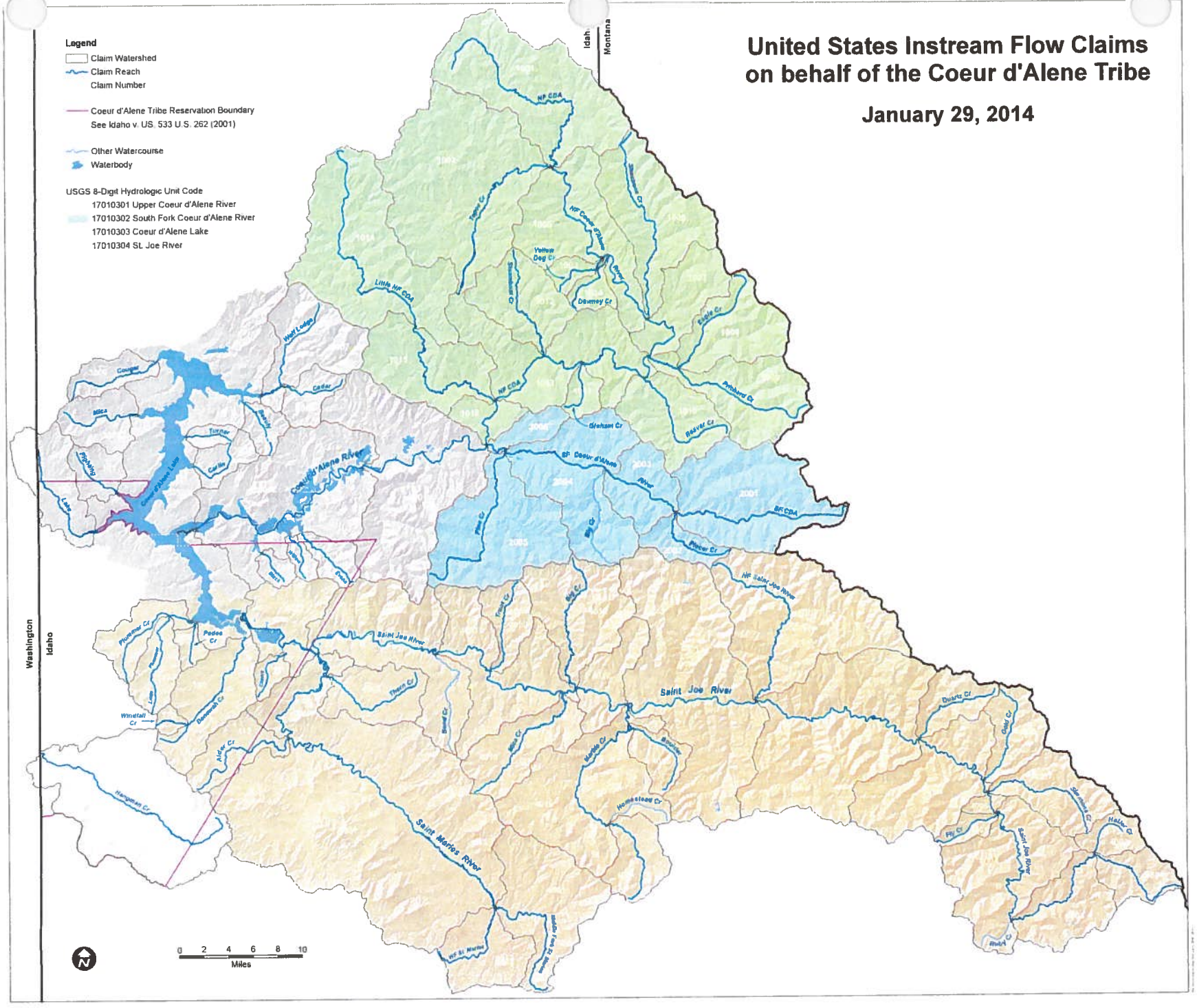
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Coeur d'Alene Lake
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
SF Coeur d'Alene River
NF Saint Joe River
0 2 4 6 8 10
Miles

93-7471

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC0a)

4. **Point of Diversion:**

Township: 44N Range: 4W Section: 29 Q: NE1/4 QQ: SW1/4

Pond Storage Location - Township: 44N Range: 4W Section: 29 Q: NW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 128

Township: 44N	Range: 4W	Section: 28	Q: NW1/4	QQ: SW1/4	Acres: 9.4
Township: 44N	Range: 4W	Section: 29	Q: NE1/4	QQ: SE1/4	Acres: 17.1
Township: 44N	Range: 4W	Section: 29	Q: NE1/4	QQ: SW1/4	Acres: 26.4
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: NE1/4	Acres: 15.5
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: NW1/4	Acres: 26.6
Township: 44N	Range: 4W	Section: 29	Q: SE1/4	QQ: NE1/4	Acres: 22.9

Township: 44N Range: 4W Section: 29 Q: SE1/4 QQ: NW1/4 Acres: 10.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 455

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

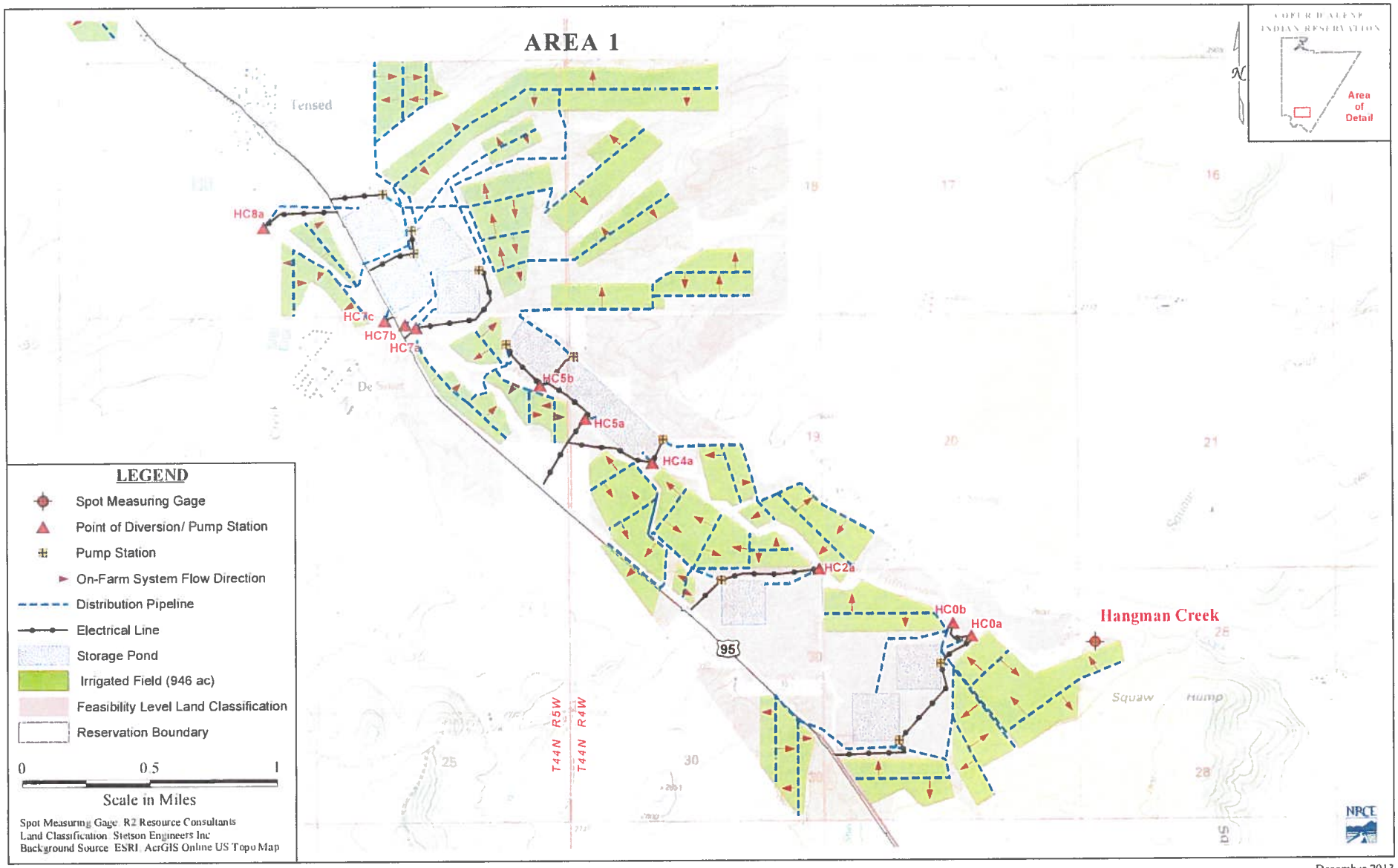
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7472

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC0b)

4. **Point of Diversion:**

Township: 44N Range: 4W Section: 29 Q: NE1/4 QQ: NW1/4

Pond Storage Location –
Township: 44N Range: 4W Section: 29 Q: NW1/4 QQ: SE1/4
Township: 44N Range: 4W Section: 29 Q: NW1/4 QQ: SW1/4
Township: 44N Range: 4W Section: 29 Q: SW1/4 QQ: NE1/4
Township: 44N Range: 4W Section: 29 Q: SW1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 118

Township: 44N Range: 4W Section: 29 Q: NE1/4 QQ: SW1/4 Acres: 2.6
Township: 44N Range: 4W Section: 29 Q: SE1/4 QQ: NW1/4 Acres: 27.3
Township: 44N Range: 4W Section: 29 Q: SE1/4 QQ: SW1/4 Acres: 11.0

Township: 44N Range: 4W Section: 29 Q: SW1/4 QQ: SE1/4 Acres: 23.5
Township: 44N Range: 4W Section: 29 Q: SW1/4 QQ: SW1/4 Acres: 13.2
Township: 44N Range: 4W Section: 30 Q: SE1/4 QQ: NE1/4 Acres: 24.9
Township: 44N Range: 4W Section: 30 Q: SE1/4 QQ: SE1/4 Acres: 15.5

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 423

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St.

Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

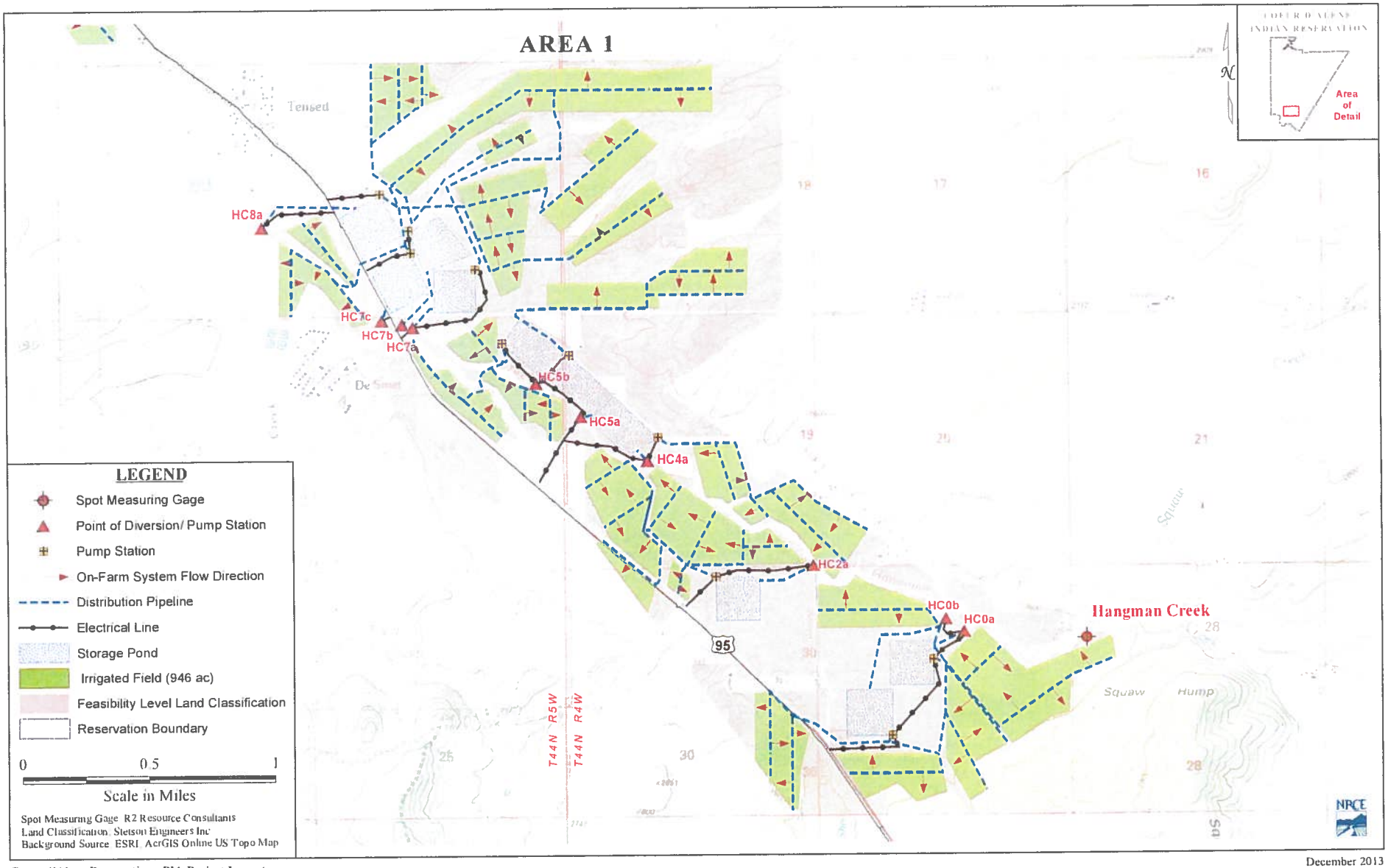
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

94-7473

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC2a)

4. **Point of Diversion:**

Township: 44N Range: 4W Section: 30 Q: NE1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 4W Section: 30 Q: NE1/4 QQ: NE1/4
Township: 44N Range: 4W Section: 30 Q: NE1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 140

Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: NW1/4	Acres: 0.8
Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SE1/4	Acres: 11.4
Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SW1/4	Acres: 30.9
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: NE1/4	Acres: 16.3
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: SE1/4	Acres: 33.3
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: L3	Acres: 18.7
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: L4	Acres: 13.7
Township: 44N	Range: 4W	Section: 30	Q: NW1/4	QQ: L1	Acres: 1.3
Township: 44N	Range: 4W	Section: 30	Q: NW1/4	QQ: L5	Acres: 13.5

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 386

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

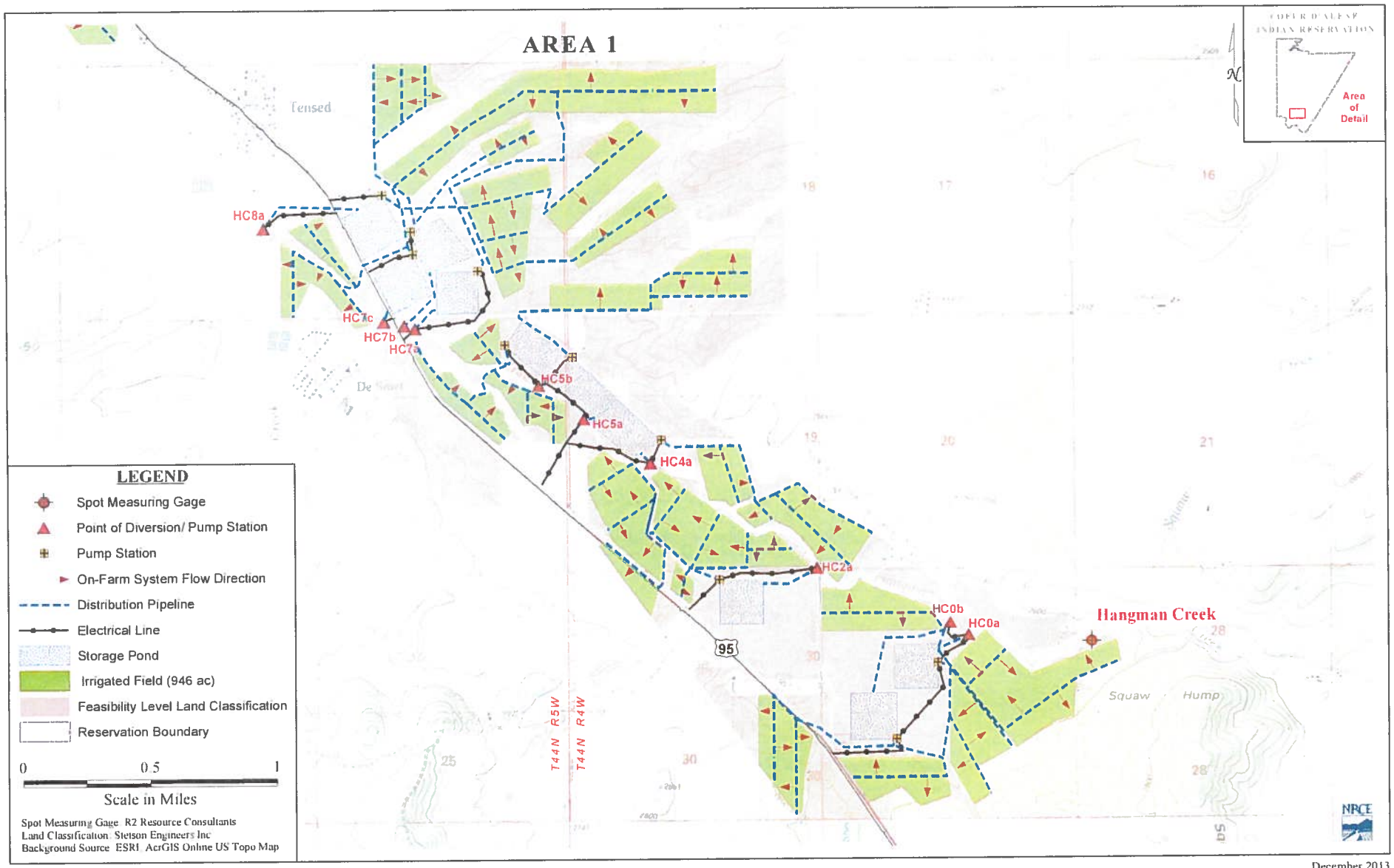
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7474

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC4a)

4. **Point of Diversion:**

Township: 44N Range: 4W Section: 19 Q: SW1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: SE1/4
Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: L2
Township: 44N Range: 4W Section: 19 Q: SW1/4 QQ: NE1/4
Township: 44N Range: 4W Section: 19 Q: SW1/4 QQ: L3

5. **Place of Use:** Total Acres: 76

Township: 44N Range: 4W Section: 19 Q: SE1/4 QQ: NE1/4 Acres: 7.5
Township: 44N Range: 4W Section: 19 Q: SE1/4 QQ: NW1/4 Acres: 25.1

Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SE1/4	Acres: 17.7
Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SW1/4	Acres: 2.8
Township: 44N	Range: 4W	Section: 20	Q: SW1/4	QQ: SW1/4	Acres: 21.0
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: NW1/4	Acres: 1.8

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 284

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St.

Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

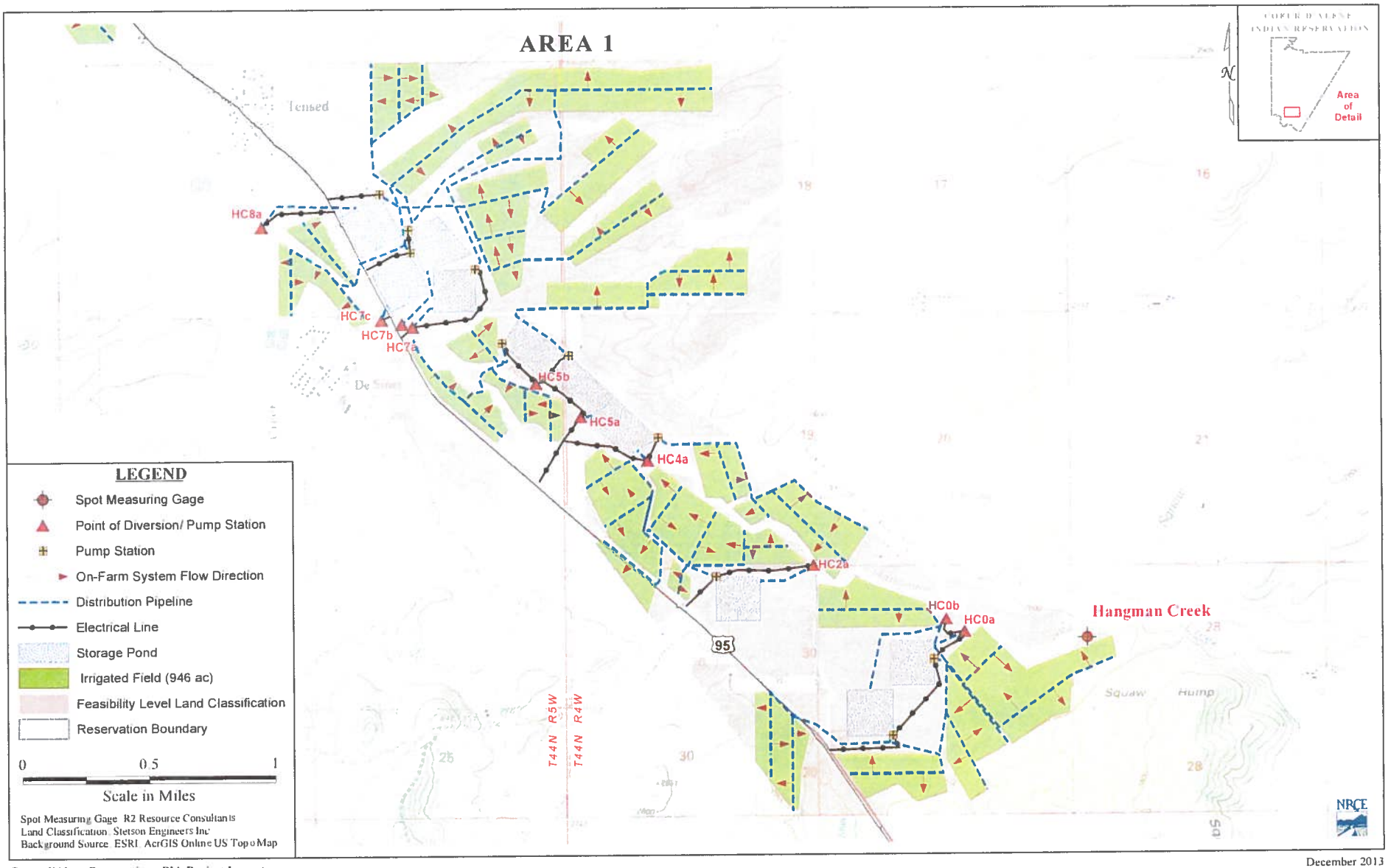
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7475

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Hangman Creek (Fed ID # HC5a)

4. Point of Diversion:

Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: L2

Pond Storage Location –
Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: L1
Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: L2
Township: 44N Range: 5W Section: 24 Q: NE 1/4 QQ: NE1/4
Township: 44N Range: 5W Section: 24 Q: NE 1/4 QQ: SE1/4

5. Place of Use: Total Acres: 64

Township: 44N Range: 4W Section: 18 Q: SE1/4 QQ: NW1/4 Acres: 0.4
Township: 44N Range: 4W Section: 18 Q: SE1/4 QQ: SW1/4 Acres: 26.5
Township: 44N Range: 4W Section: 18 Q: SW1/4 QQ: L4 Acres: 15.9

Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L7	Acres: 16.7
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L8	Acres: 0.9
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: SE1/4	Acres: 3.7

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 244

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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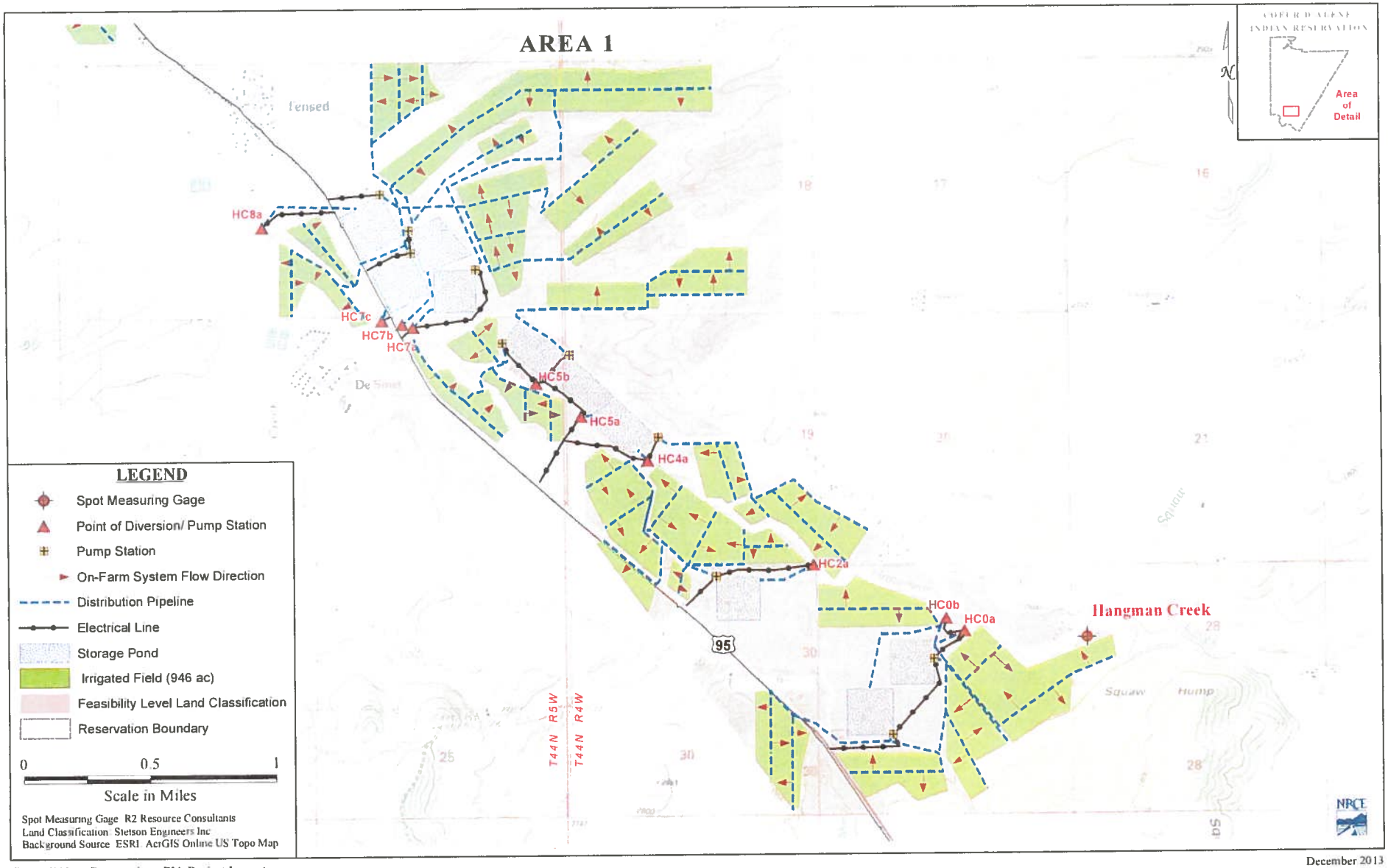
Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

93-7476

RECEIVED

JAN 3 1 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC5b)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NE1/4 QQ: SE1/4

Pond Storage Location –
Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: L1
Township: 44N Range: 5W Section: 24 Q: NE1/4 QQ: NE1/4
Township: 44N Range: 5W Section: 24 Q: NE1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 64

Township: 44N	Range: 5W	Section: 24	Q: NE1/4	QQ: NW1/4	Acres: 17.5
Township: 44N	Range: 5W	Section: 24	Q: NE1/4	QQ: SE1/4	Acres: 21.5
Township: 44N	Range: 5W	Section: 24	Q: NE1/4	QQ: SW1/4	Acres: 20.9
Township: 44N	Range: 5W	Section: 24	Q: NW1/4	QQ: NE1/4	Acres: 3.4

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: SE1/4 Acres: 0.6

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 244

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

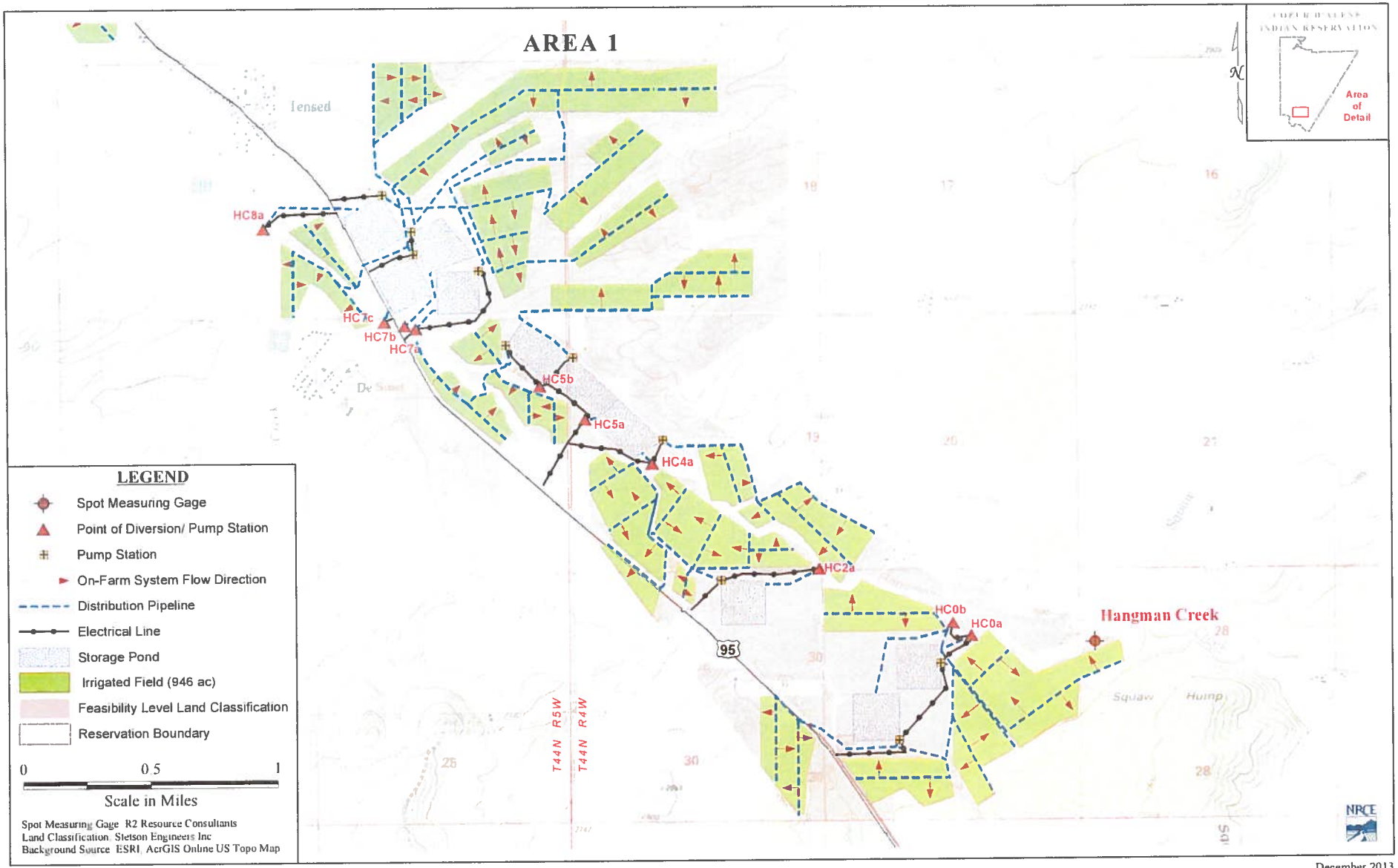
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7477

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC7a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 13 Q: SE1/4 QQ: SW1/4
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 66

Township: 44N	Range: 4W	Section: 18	Q: NE1/4	QQ: NW1/4	Acres: 11.6
Township: 44N	Range: 4W	Section: 18	Q: NW1/4	QQ: NE1/4	Acres: 25.7
Township: 44N	Range: 4W	Section: 18	Q: NW1/4	QQ: L1	Acres: 26.6
Township: 44N	Range: 5W	Section: 13	Q: NE1/4	QQ: NE1/4	Acres: 2.1

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 250

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

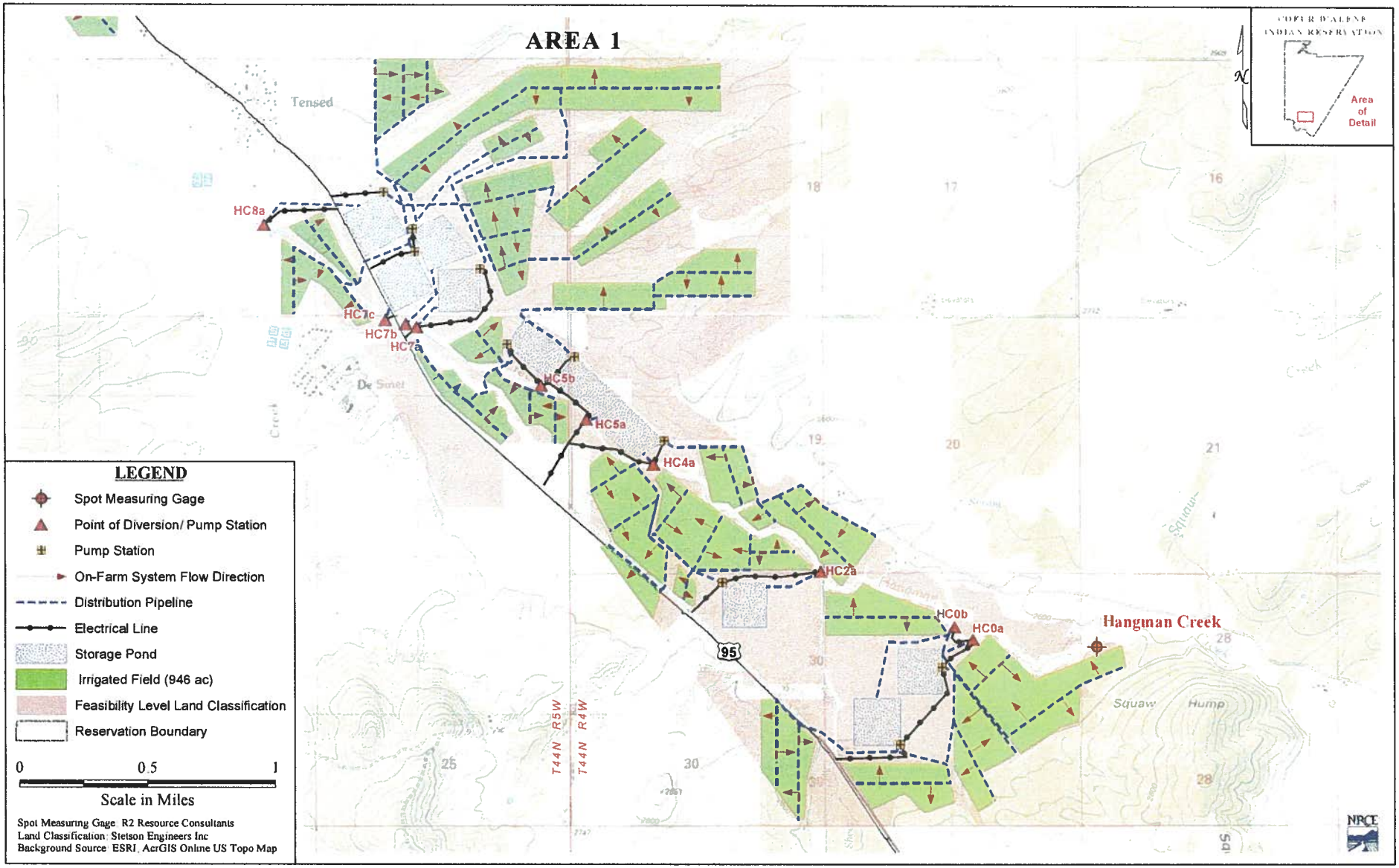
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7478

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC7b)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 13 Q: SE1/4 QQ: NW1/4
Township: 44N Range: 5W Section: 13 Q: SE1/4 QQ: SW1/4
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NE1/4
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 78

Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: NE1/4 Acres: 23.7
Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: NW1/4 Acres: 10.7
Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: SE1/4 Acres: 9.4

Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: SW1/4 Acres: 15.6
Township: 44N Range: 5W Section: 13 Q: NW1/4 QQ: SE1/4 Acres: 17.9
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NE1/4 Acres: 0.7

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 292

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

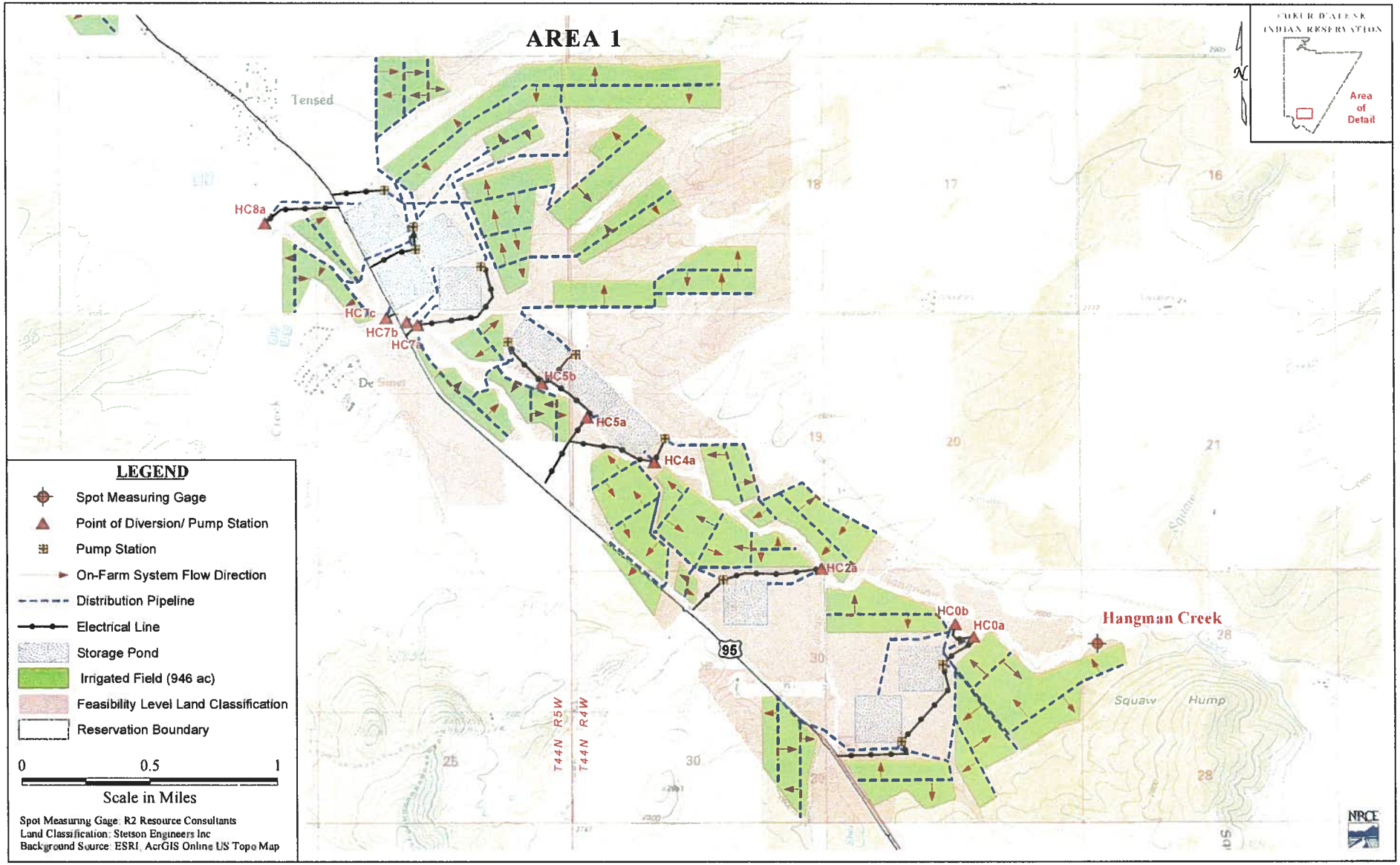
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7479

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC7c)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SE1/4
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 78

Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: NW1/4 Acres: 1.0
Township: 44N Range: 5W Section: 13 Q: NW1/4 QQ: NE1/4 Acres: 32.2
Township: 44N Range: 5W Section: 13 Q: NW1/4 QQ: SE1/4 Acres: 1.9
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NW1/4 Acres: 7.1
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SW1/4 Acres: 15.0

Township: 44N Range: 5W Section: 14 Q: SE1/4 QQ: NE1/4 Acres: 4.4
Township: 44N Range: 5W Section: 14 Q: SE1/4 QQ: SE1/4 Acres: 15.0
Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NW1/4 Acres: 1.5

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 292

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

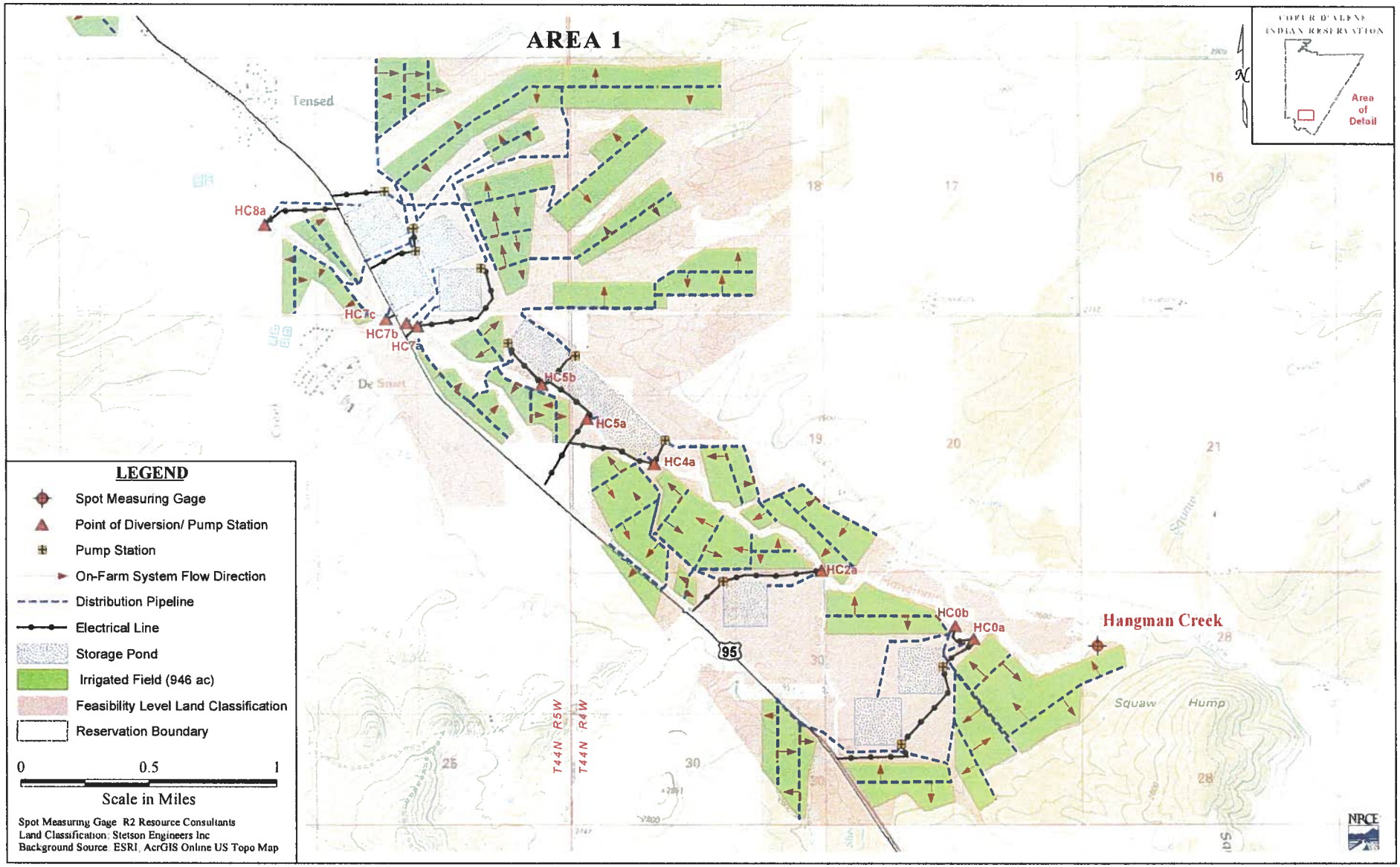
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7480

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC8a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 14 Q: SE1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NE1/4
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NW1/4
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 134

Township: 44N Range: 4W Section: 18 Q: NW1/4 QQ: NE1/4 Acres: 0.2
Township: 44N Range: 4W Section: 18 Q: NW1/4 QQ: SE1/4 Acres: 10.3
Township: 44N Range: 4W Section: 18 Q: SW1/4 QQ: NE1/4 Acres: 14.2
Township: 44N Range: 4W Section: 18 Q: NW1/4 QQ: L1 Acres: 0.2

Township: 44N	Range: 4W	Section: 18	Q: NW1/4	QQ: L2	Acres: 19.4
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L4	Acres: 2.8
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L5	Acres: 10.9
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L6	Acres: 12.5
Township: 44N	Range: 5W	Section: 13	Q: NE1/4	QQ: SE1/4	Acres: 8.8
Township: 44N	Range: 5W	Section: 13	Q: NE1/4	QQ: SW1/4	Acres: 2.8
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: NE1/4	Acres: 22.1
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: NW1/4	Acres: 17.7
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: SE1/4	Acres: 9.2
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: SW1/4	Acres: 3.0

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 397

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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d'Alene Tribe v. Idaho, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

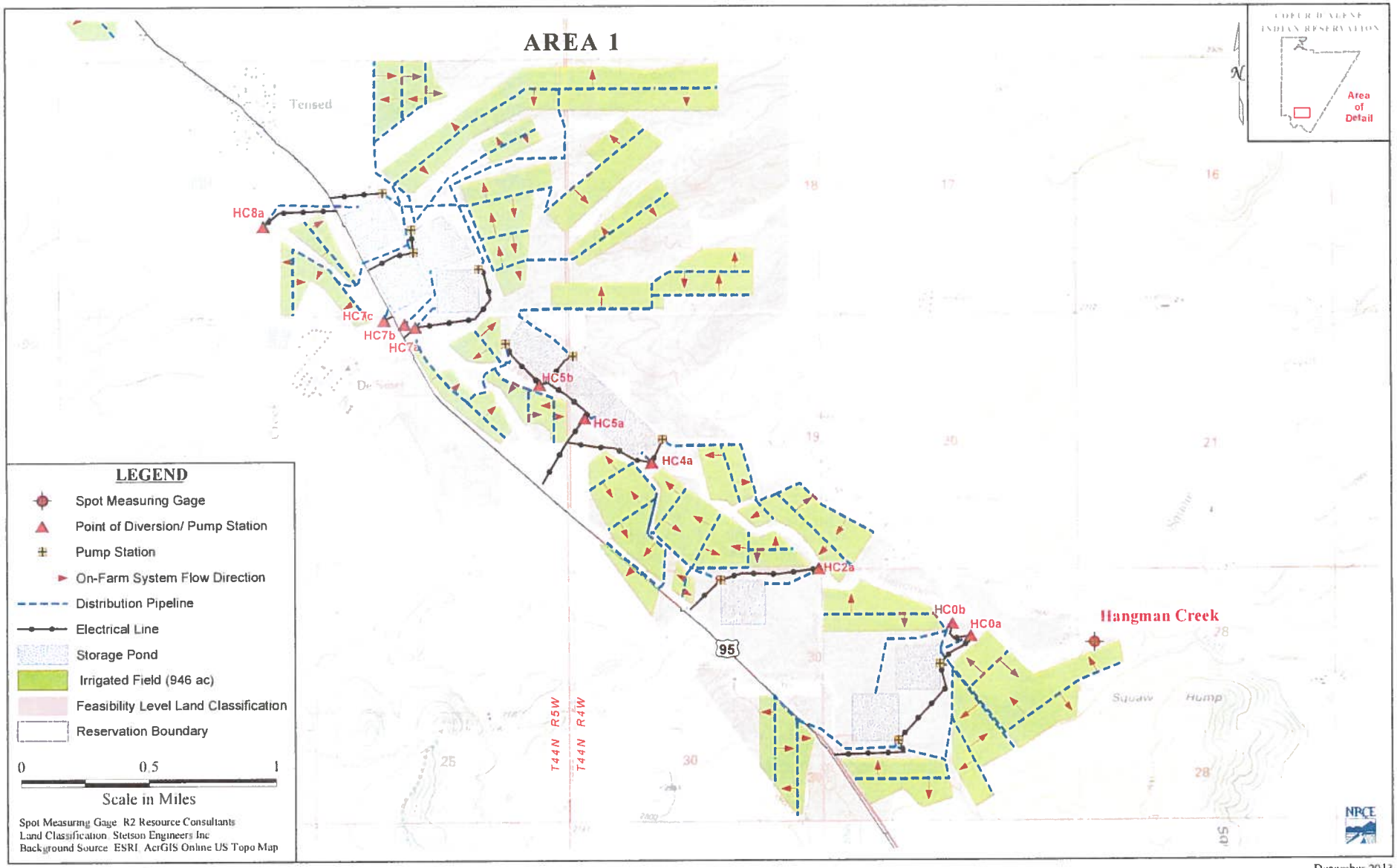
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 1

December 2013

93-7481

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC12a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4
Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NW1/4
Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 79

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4 Acres: 10.5
Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: SE1/4 Acres: 0.1
Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: SW1/4 Acres: 12.5
Township: 44N Range: 5W Section: 11 Q: SW1/4 QQ: NW1/4 Acres: 33.9

Township: 44N Range: 5W Section: 11 Q: SW1/4 QQ: SW1/4 Acres: 22.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 294

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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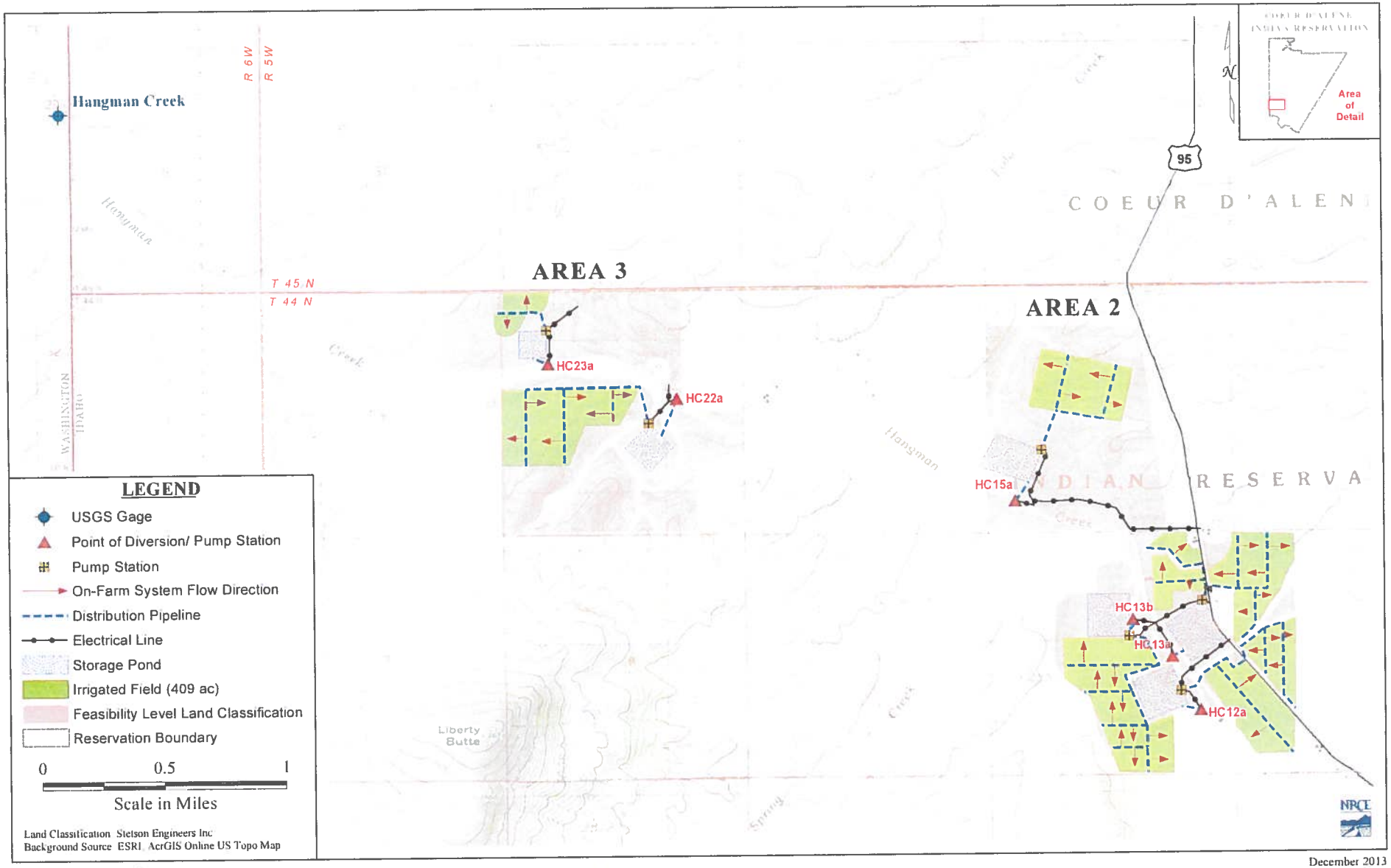
Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 2 and Area 3

93-7482

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC13a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NW1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SE1/4
Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SW1/4
Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4

5. **Place of Use:** Total Acres: 84

Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: NE1/4 Acres: 21.4
Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: NW1/4 Acres: 9.8
Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SW1/4 Acres: 3.7
Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: NW1/4 Acres: 34.7

Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: SW1/4 Acres: 14.4

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 312

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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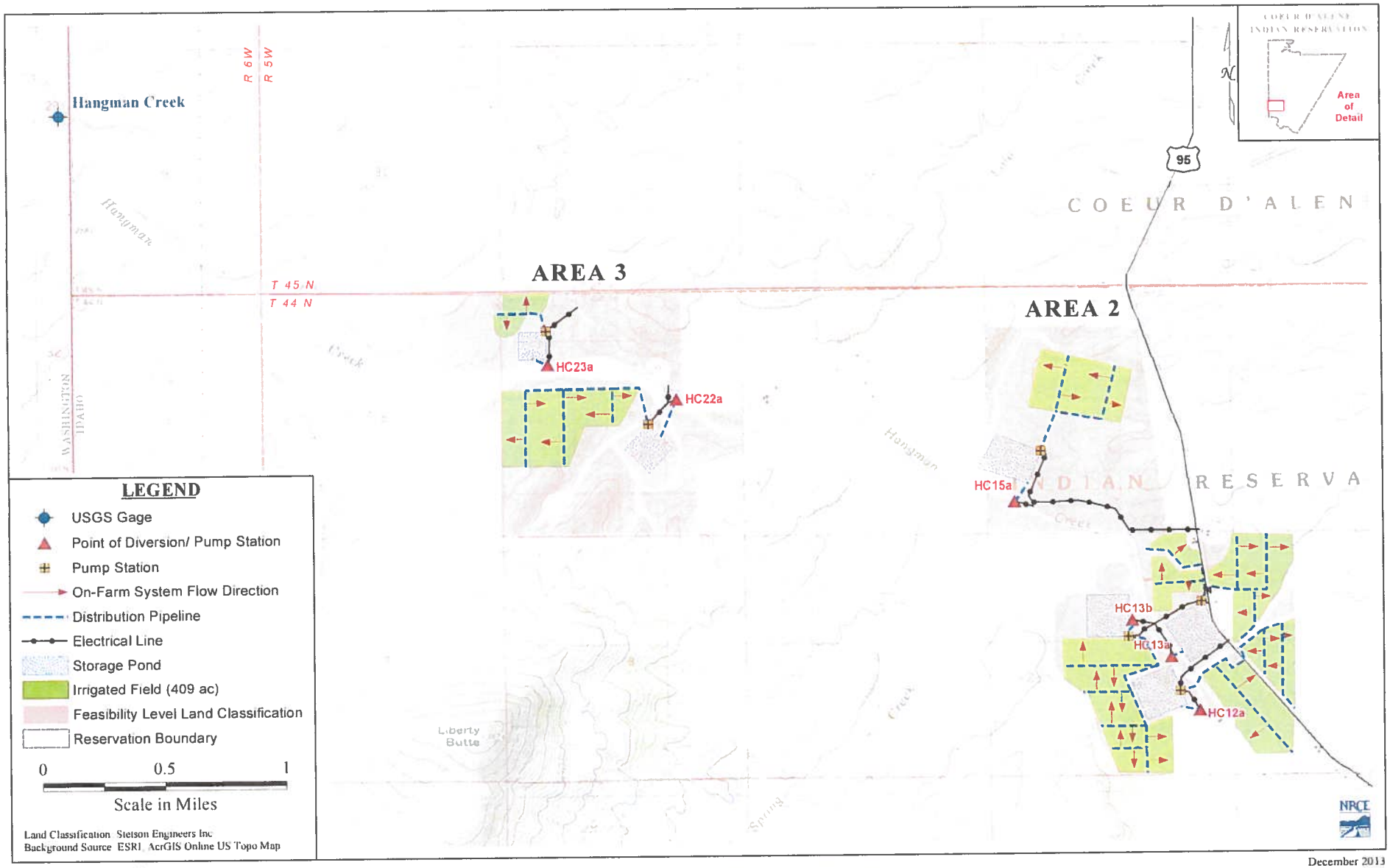
Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 2 and Area 3

93-7483

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Hangman Creek (Fed ID # HC13b)

4. Point of Diversion:

Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SW1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SW1/4
Township: 44N Range: 5W Section: 10 Q: NW1/4 QQ: SE1/4

5. Place of Use: Total Acres: 93

Township: 44N	Range: 5W	Section: 10	Q: NE1/4	QQ: SW1/4	Acres: 5.7
Township: 44N	Range: 5W	Section: 10	Q: NW1/4	QQ: SE1/4	Acres: 7.3
Township: 44N	Range: 5W	Section: 10	Q: SE1/4	QQ: NW1/4	Acres: 18.0
Township: 44N	Range: 5W	Section: 10	Q: SE1/4	QQ: SW1/4	Acres: 35.4
Township: 44N	Range: 5W	Section: 10	Q: SW1/4	QQ: NE1/4	Acres: 23.3

Township: 44N Range: 5W Section: 10 Q: SW1/4 QQ: SE1/4 Acres: 3.3

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 285

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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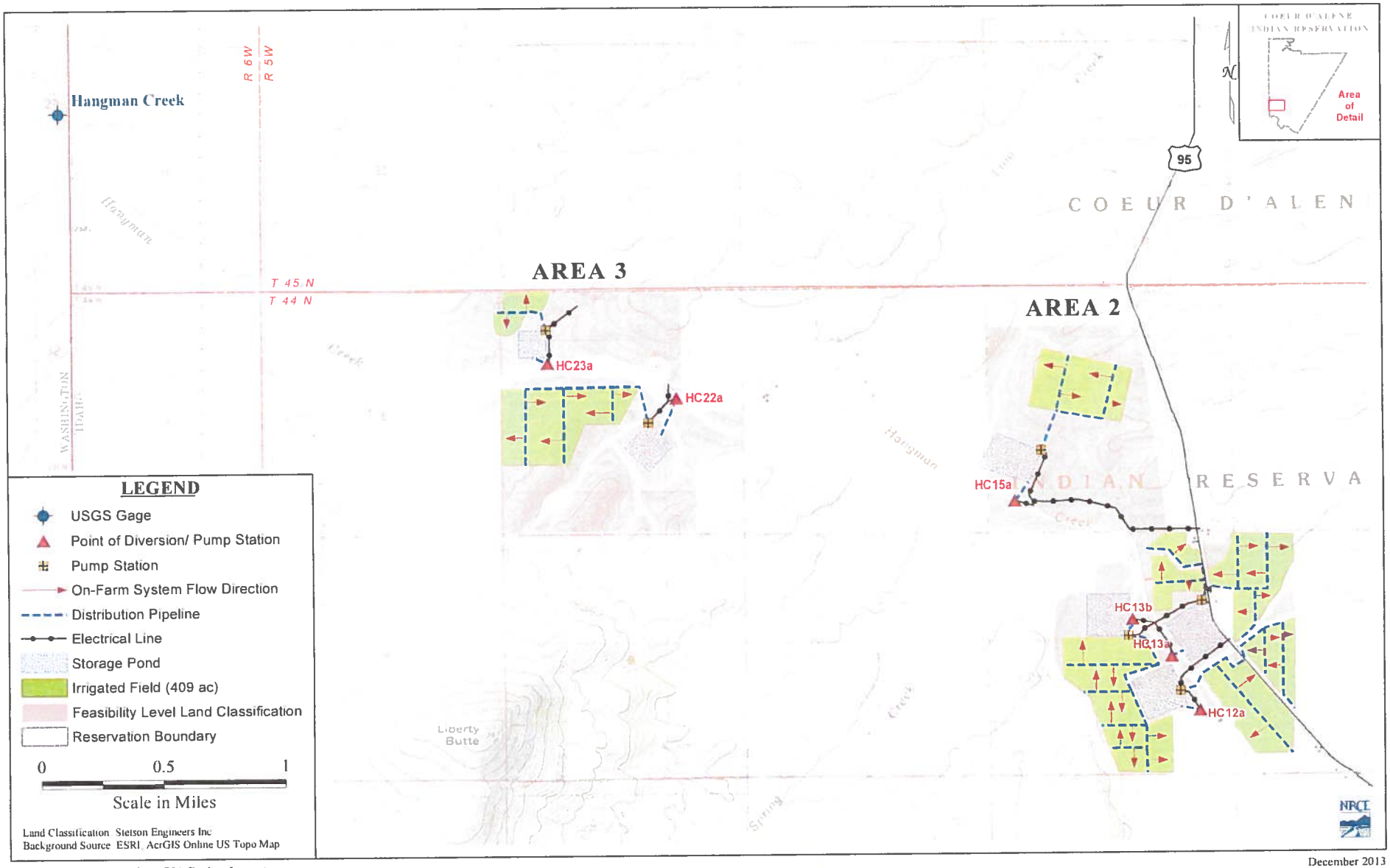
Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 2 and Area 3

93-7484

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC15a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: SW1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: NW1/4
Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: SW1/4
Township: 44N Range: 5W Section: 4 Q: SE1/4 QQ: NE1/4

5. **Place of Use:** Total Acres: 56

Township: 44N	Range: 5W	Section: 3	Q: NE1/4	QQ: SW1/4	Acres: 9.0
Township: 44N	Range: 5W	Section: 3	Q: NW1/4	QQ: SE1/4	Acres: 34.1
Township: 44N	Range: 5W	Section: 3	Q: NW1/4	QQ: SW1/4	Acres: 7.5

Township: 44N Range: 5W Section: 3 Q: SE1/4 QQ: NW1/4 Acres: 1.7
Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: NE 1/4 Acres: 3.6

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 220

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

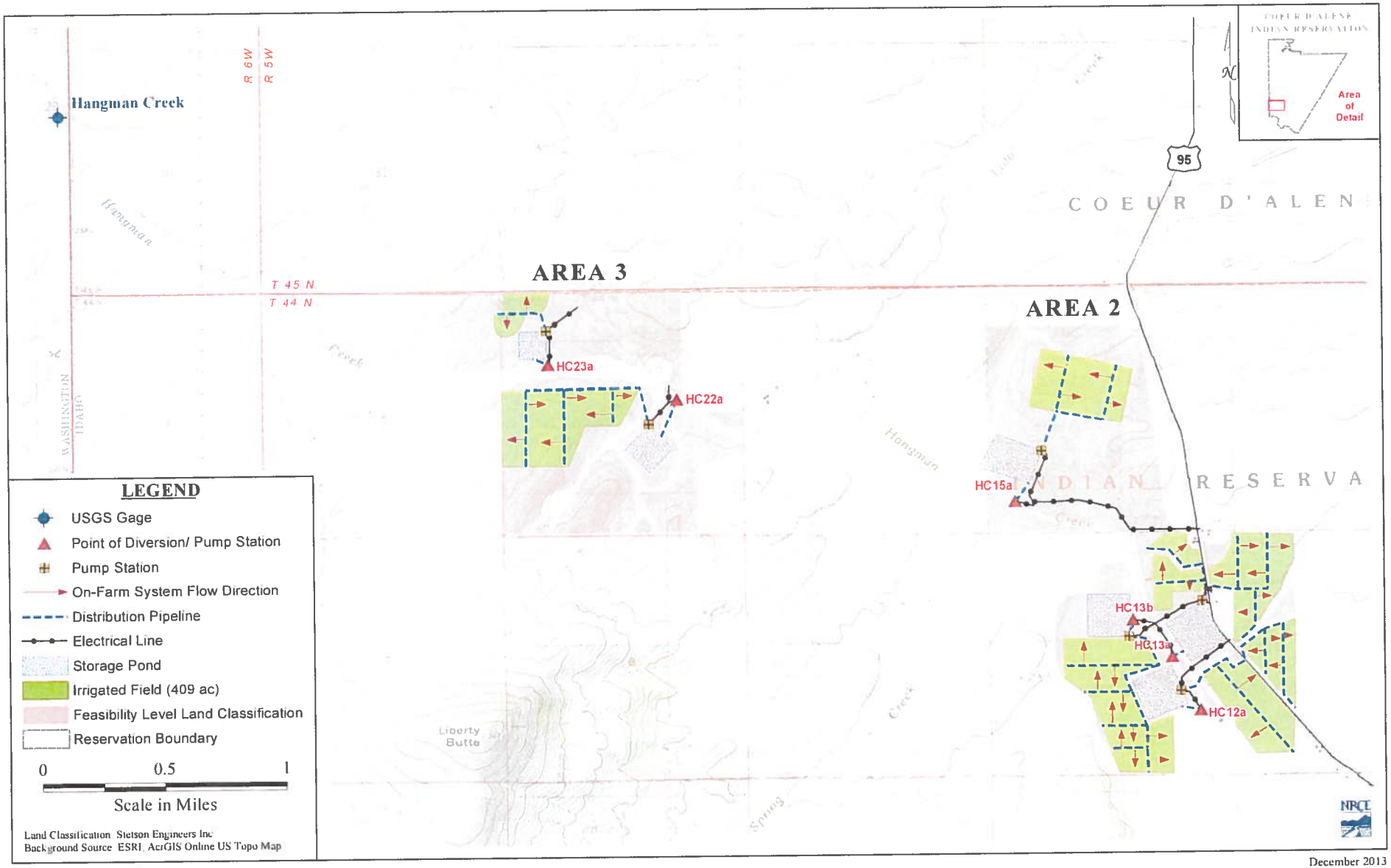
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 2 and Area 3

93-7485

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC22a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 5 Q: NE1/4 QQ: SW1/4

Pond Storage Location - Township: 44N Range: 5W Section: 5 Q: SE1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 82

Township: 44N Range: 5W Section: 5 Q: NE1/4 QQ: SW1/4 Acres: 3.1
Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: SE1/4 Acres: 15.9
Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: SW1/4 Acres: 14.6
Township: 44N Range: 5W Section: 5 Q: SE1/4 QQ: NW1/4 Acres: 0.2
Township: 44N Range: 5W Section: 5 Q: SW1/4 QQ: NE1/4 Acres: 14.8
Township: 44N Range: 5W Section: 5 Q: SW1/4 QQ: NW1/4 Acres: 33.3

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 254

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

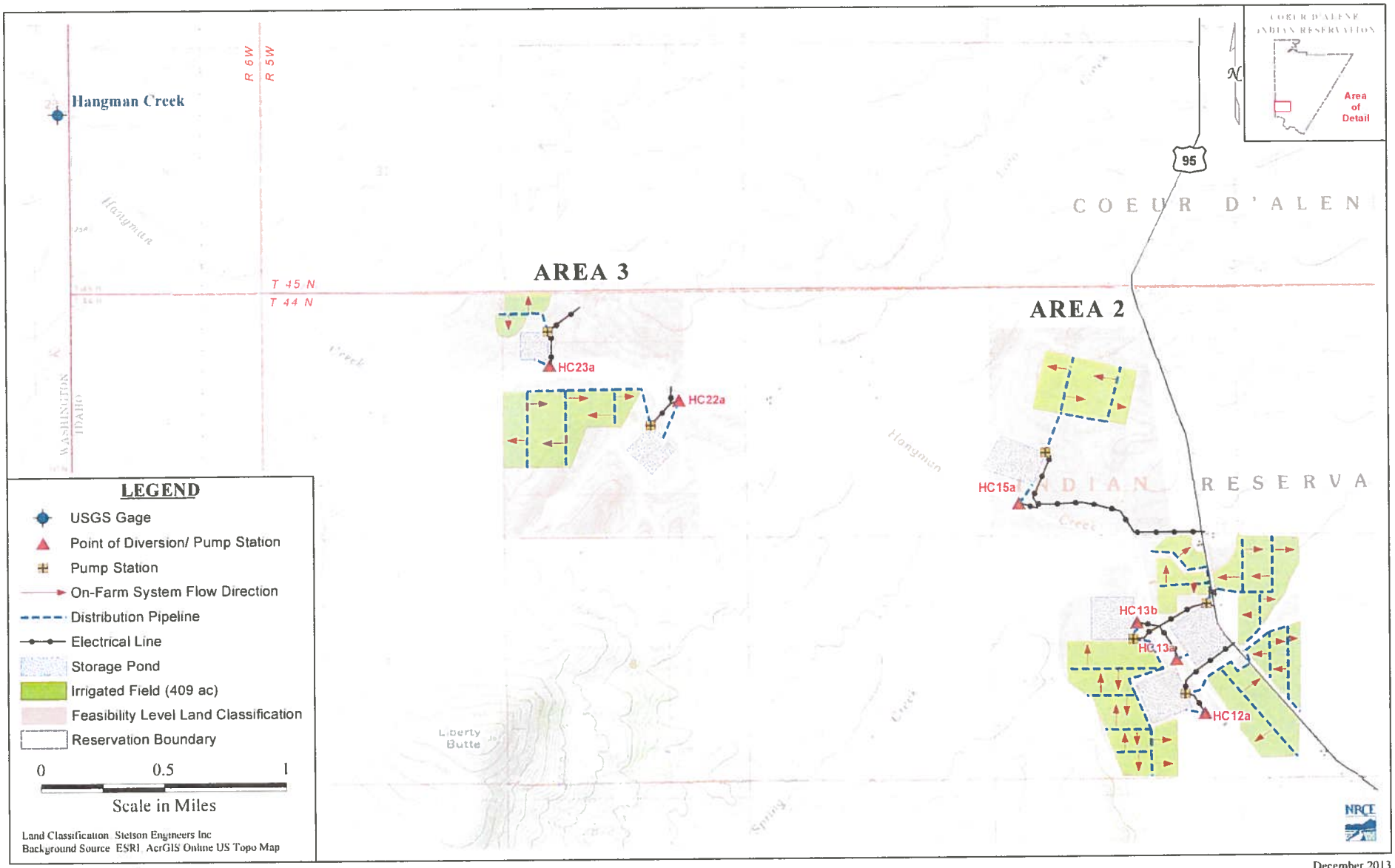
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 2 and Area 3

December 2013

93-7486

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Hangman Creek (Fed ID # HC23a)

4. **Point of Diversion:**

Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: SW1/4

Pond Storage Location –
Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: SW1/4
Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: L4

5. **Place of Use:** Total Acres: 15

Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: L4 Acres: 14.1
Township: 44N Range: 5W Section: 6 Q: NE1/4 QQ: L1 Acres: 0.9

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 69

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

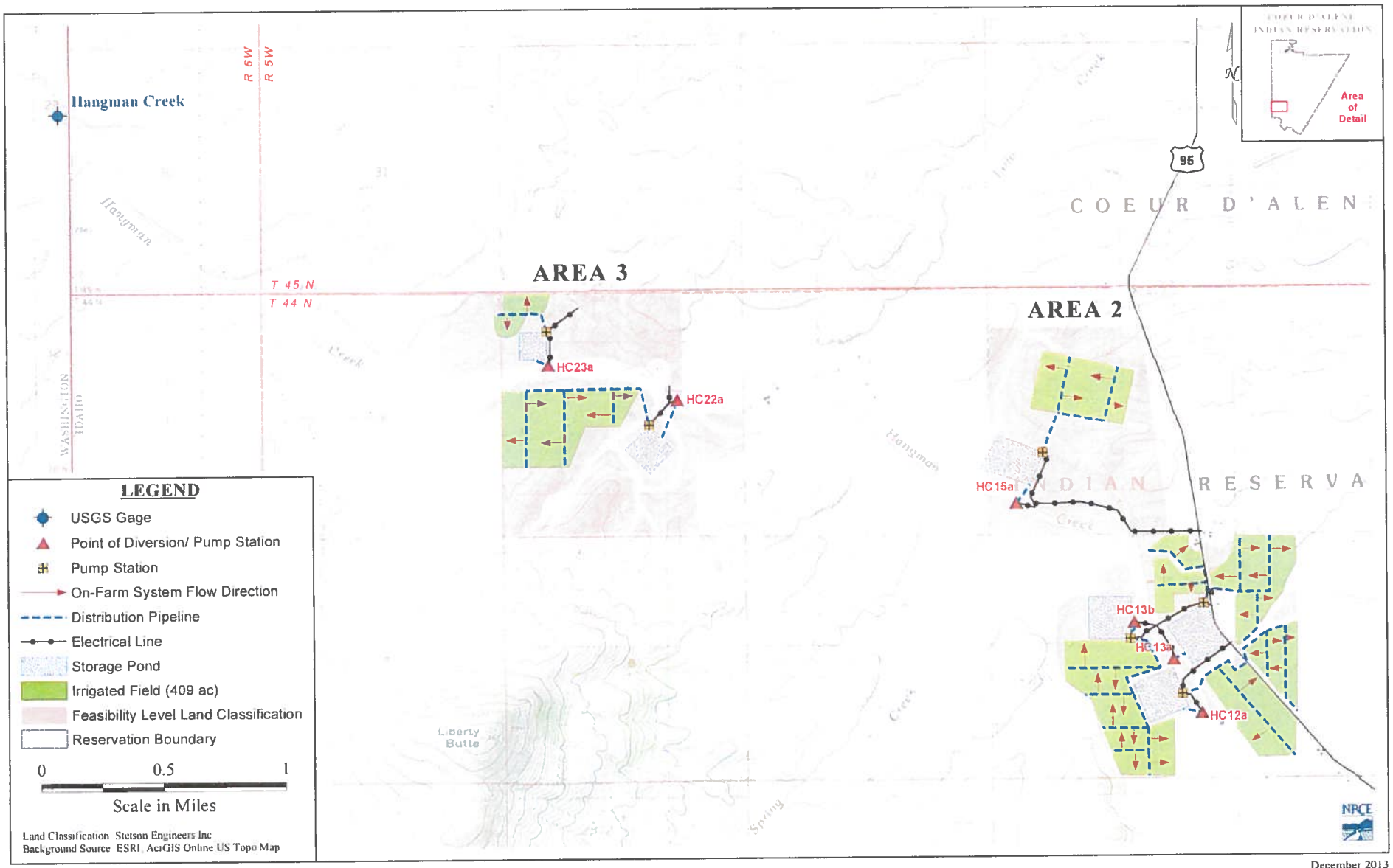
Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Hangman Creek - Area 2 and Area 3

93-7487

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Lolo Creek (Fed ID # LC0a)

4. Point of Diversion:

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NE1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 26 Q: SW1/4 QQ: NW1/4
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NE1/4

5. Place of Use: Total Acres: 72

Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: NE1/4 Acres: 19.5
Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: NW1/4 Acres: 12.1
Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: SE1/4 Acres: 20.4
Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: SW1/4 Acres: 20.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 222

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

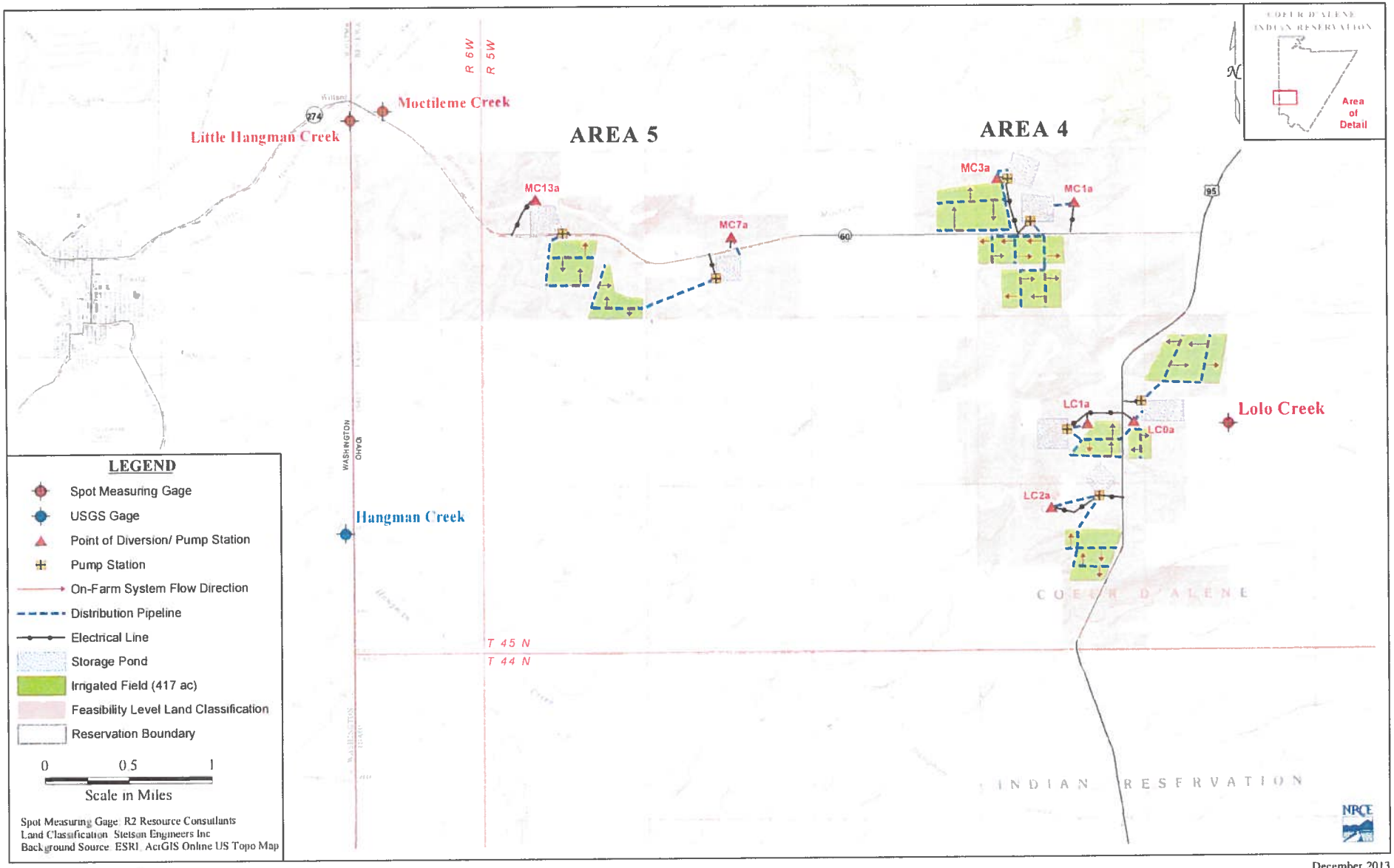
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

December 2013

93-7488

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	**NOTICE OF CLAIM**
CASE NO. 49576	**Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lolo Creek (Fed ID # LC1a)

4. **Point of Diversion:**

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NW1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SW1/4
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NW1/4
Township: 45N Range: 5W Section: 27 Q: SW1/4 QQ: NE1/4
Township: 45N Range: 5W Section: 27 Q: SW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 44

Township: 45N Range: 5W Section: 26 Q: SW1/4 QQ: NW1/4 Acres: 1.4
Township: 45N Range: 5W Section: 26 Q: SW1/4 QQ: SW1/4 Acres: 2.3
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NE1/4 Acres: 11.4

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NW1/4 Acres: 6.7
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SE1/4 Acres: 12.6
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SW1/4 Acres: 9.4

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 182

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **_X_** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director

U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

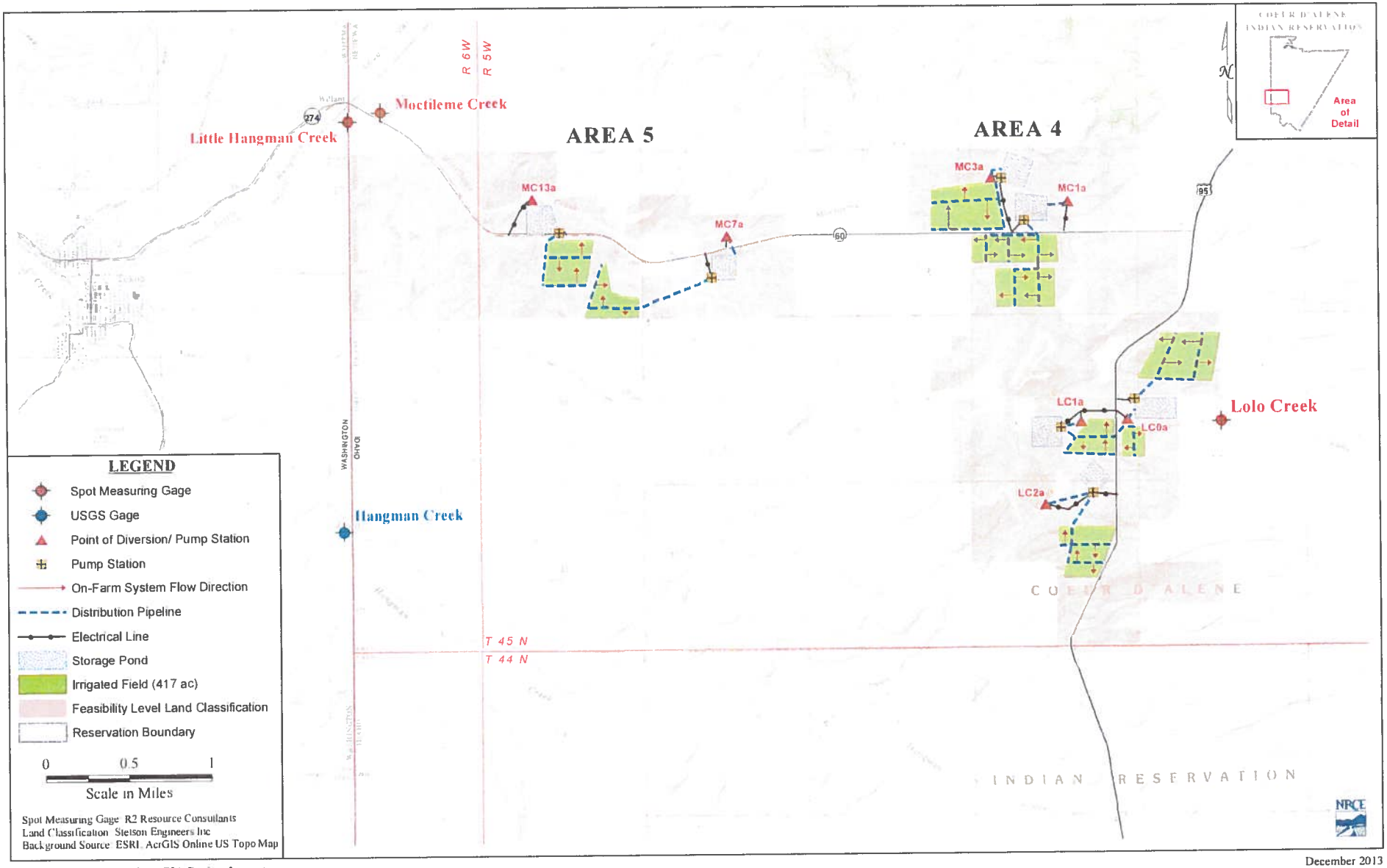
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

93-7489

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lolo Creek (Fed ID # LC2a)

4. **Point of Diversion:**

Township: 45N Range: 5W Section: 34 Q: NW1/4 QQ: NE1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SE1/4
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SW1/4
Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: NE1/4
Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 49

Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: SE1/4 Acres: 9.9
Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: SW1/4 Acres: 28.0
Township: 45N Range: 5W Section: 34 Q: SE1/4 QQ: NE1/4 Acres: 0.9

Township: 45N Range: 5W Section: 34 Q: SE1/4 QQ: NW1/4 Acres: 10.2

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 145

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

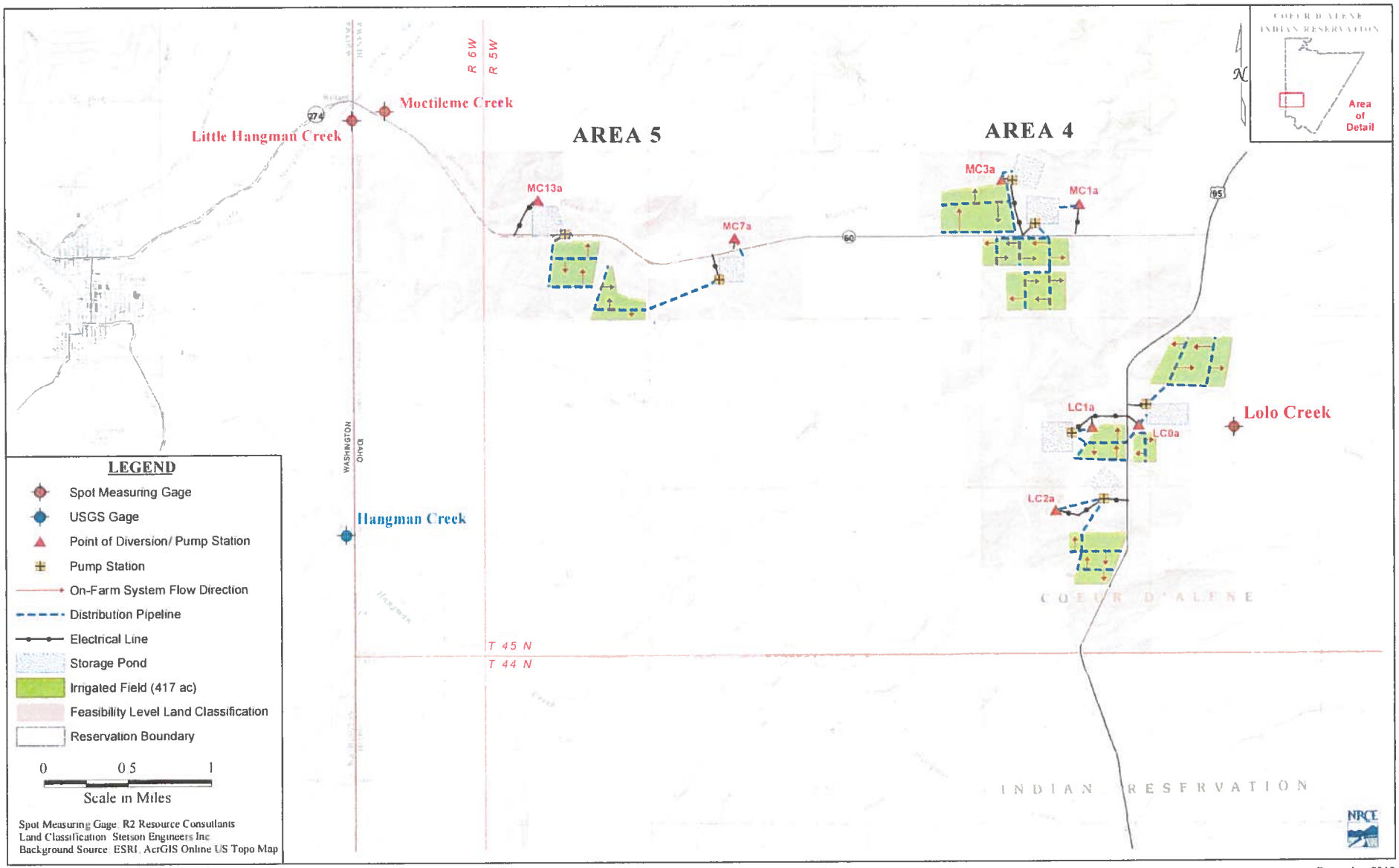
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

December 2013

93-7490

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Moctileme Creek (Fed ID # MC1a)

4. **Point of Diversion:**

Township: 45N Range: 5W Section: 22 Q: NE1/4 QQ: SW1/4

Pond Storage Location – Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 102

Township: 45N	Range: 5W	Section: 22	Q: SE1/4	QQ: NW1/4	Acres: 1.6
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: NE1/4	Acres: 29.7
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: NW1/4	Acres: 26.7
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: SE1/4	Acres: 31.0
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: SW1/4	Acres: 12.9

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 310

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

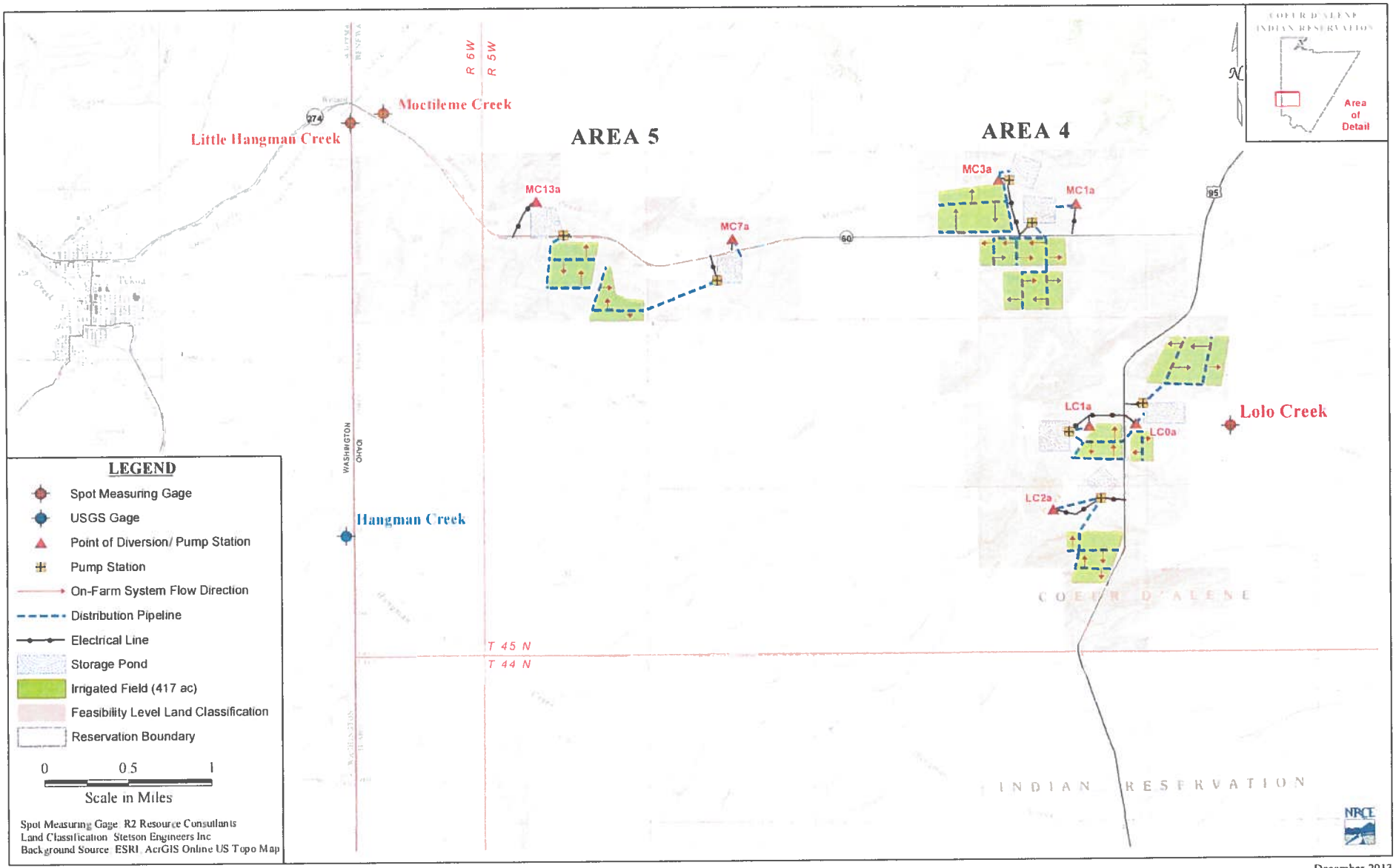
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

December 2013

93-7491

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Moctileme Creek (Fed ID # MC3a)

4. **Point of Diversion:**

Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NE1/4
Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 70

Township: 45N Range: 5W Section: 21 Q: NE1/4 QQ: NE1/4 Acres: 3.7
Township: 45N Range: 5W Section: 21 Q: NE1/4 QQ: SE1/4 Acres: 35.7
Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4 Acres: 4.6
Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: SW1/4 Acres: 25.9

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 225

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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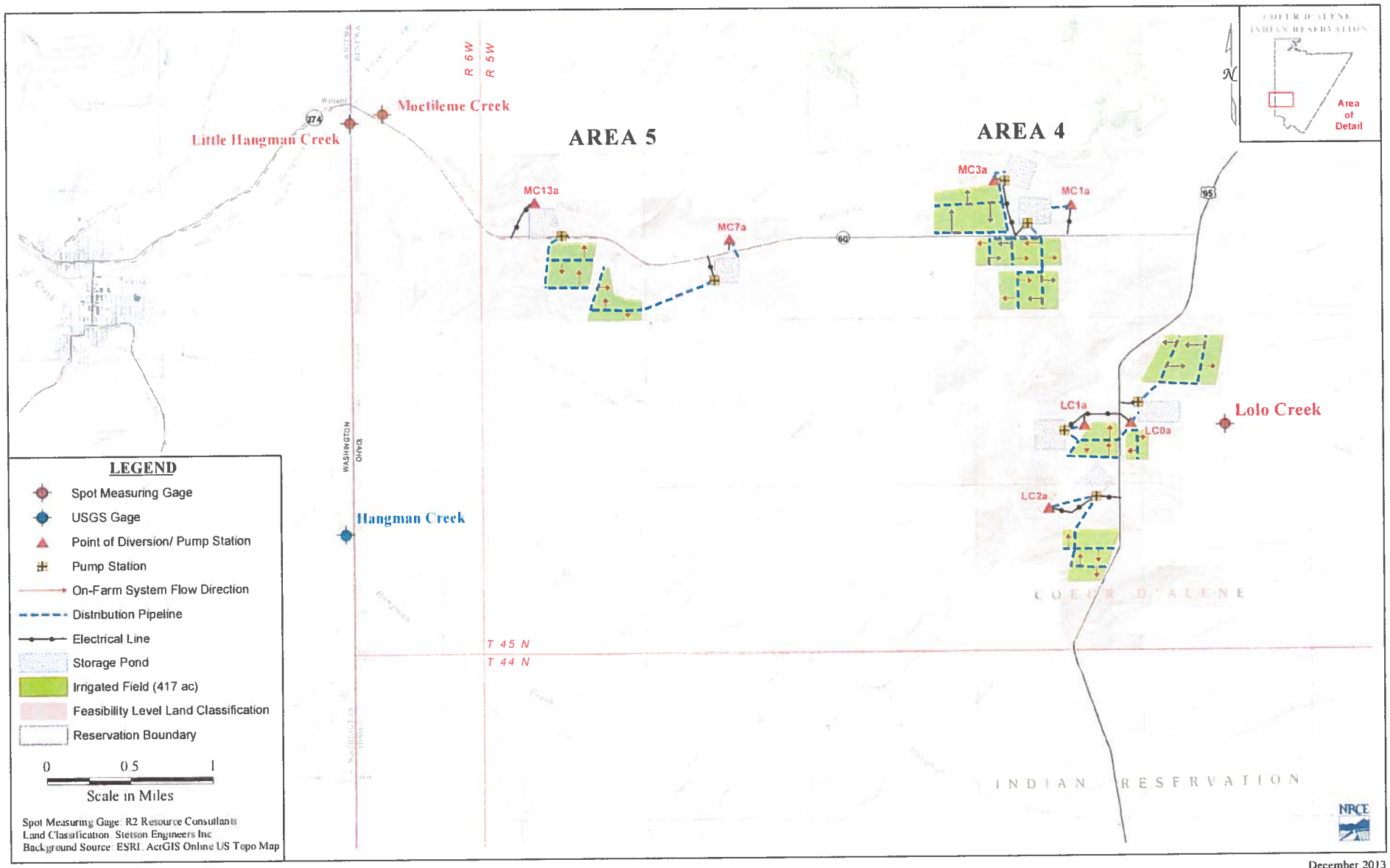
Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

December 2013

93-7492

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM**
	)	**Federal Reserved Water Right**
CASE NO. 49576	)	

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Moctileme Creek (Fed ID # MC7a)

4. **Point of Diversion:**

Township: 45N Range: 5W Section: 20 Q: SE1/4 QQ: NW1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 20 Q: SE1/4 QQ: NW1/4
Township: 45N Range: 5W Section: 20 Q: SE1/4 QQ: SW1/4
Township: 45N Range: 5W Section: 20 Q: SW1/4 QQ: NE1/4
Township: 45N Range: 5W Section: 20 Q: SW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 34

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: NE1/4 Acres: 2.0
Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: NW1/4 Acres: 0.1
Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: SE1/4 Acres: 24.2

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: SW1/4 Acres: 7.7

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 146

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

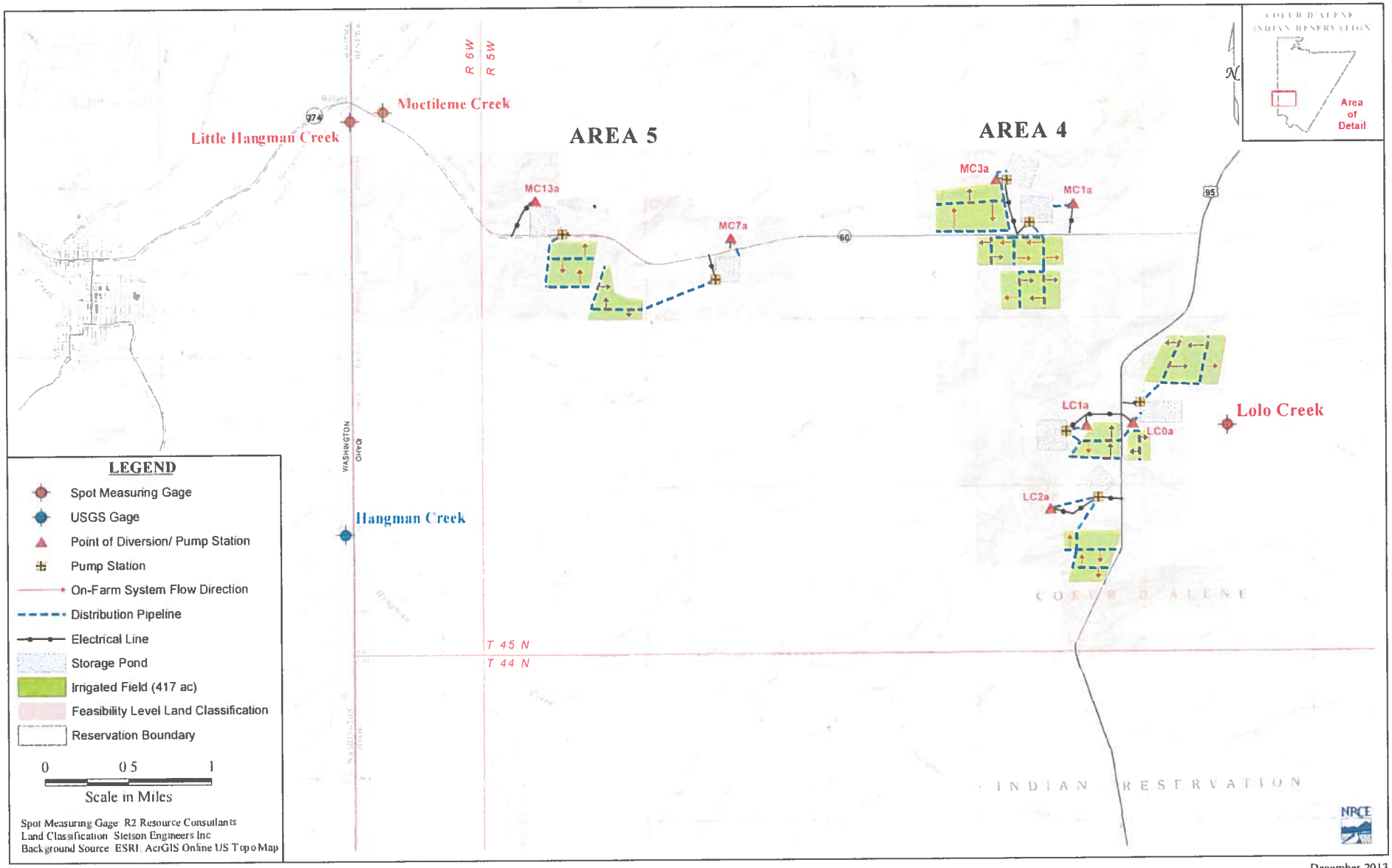
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

December 2013

93-7493

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Moctileme Creek (Fed ID # MC13a)

4. **Point of Diversion:**

Township: 45N Range: 5W Section: 19 Q: NW1/4 QQ: SE1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 19 Q: NE1/4 QQ: SW1/4
Township: 45N Range: 5W Section: 19 Q: NW1/4 QQ: SE1/4

5. **Place of Use:** Total Acres: 46

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: NW1/4 Acres: 27.8
Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: SW1/4 Acres: 5.2
Township: 45N Range: 5W Section: 19 Q: SW1/4 QQ: NE1/4 Acres: 10.4
Township: 45N Range: 5W Section: 19 Q: SW1/4 QQ: SE1/4 Acres: 2.6

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 189

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

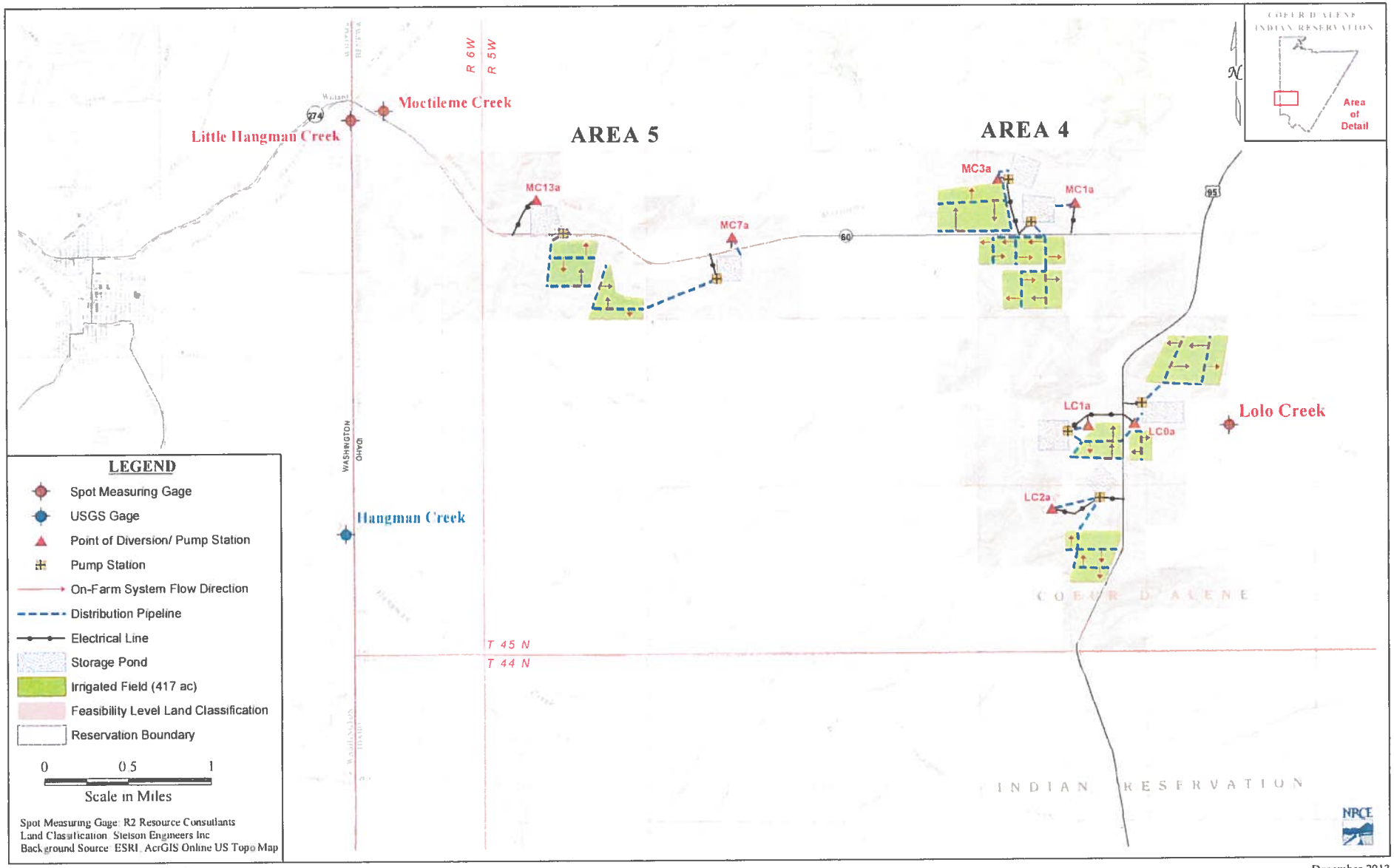
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Moctileme Creek and Lolo Creek - Area 4 and Area 5

December 2013

93-7494

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Little Hangman Creek (Fed ID # LHC3a)

4. **Point of Diversion:**

Township: 46N Range: 5W Section: 32 Q: SW1/4 QQ: NE1/4

Pond Storage Location – Township: 46N Range: 5W Section: 32 Q: SW1/4 QQ: NE1/4

5. **Place of Use:** Total Acres: 43

Township: 46N Range: 5W Section: 33 Q: NW1/4 QQ: SE1/4 Acres: 1.7
Township: 46N Range: 5W Section: 33 Q: NW1/4 QQ: SW1/4 Acres: 0.8
Township: 46N Range: 5W Section: 33 Q: SW1/4 QQ: NE1/4 Acres: 17.4
Township: 46N Range: 5W Section: 33 Q: SW1/4 QQ: NW1/4 Acres: 23.2

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 184

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

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11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

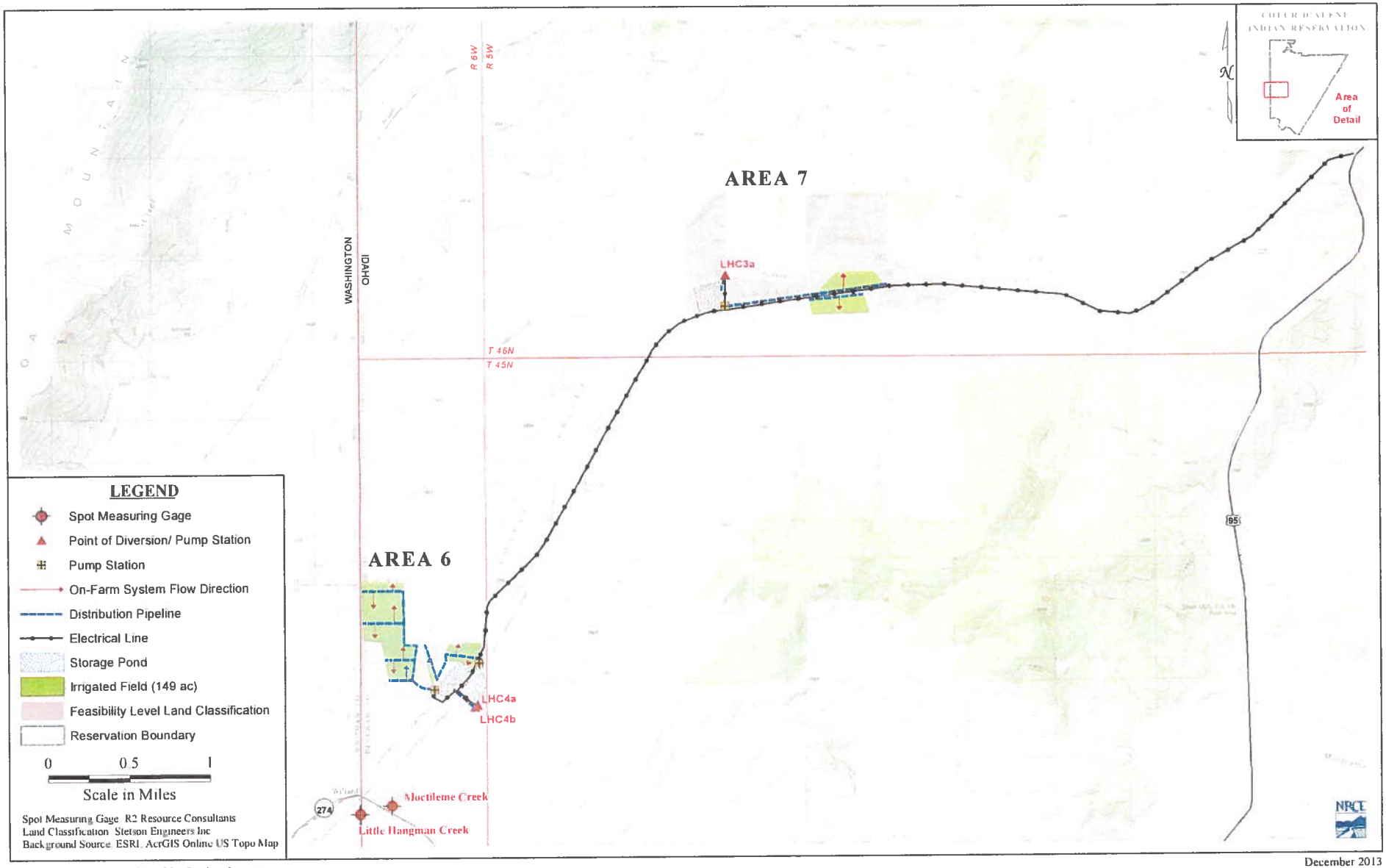
Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Little Hangman Creek - Area 6 and Area 7

93-7495

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Little Hangman Creek (Fed ID # LHC4a)

4. **Point of Diversion:**

Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NE1/4

Pond Storage Location –
Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SE1/4
Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SW1/4
Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NE1/4
Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 86

Township: 45N Range: 6W Section: 12 Q: NW1/4 QQ: L2 Acres: 20.7
Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SW1/4 Acres: 7.8
Township: 45N Range: 6W Section: 12 Q: SW1/4 QQ: L3 Acres: 39.5

Township: 45N Range: 6W Section: 12 Q: SW1/4 QQ: L4 Acres: 18.0

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 265

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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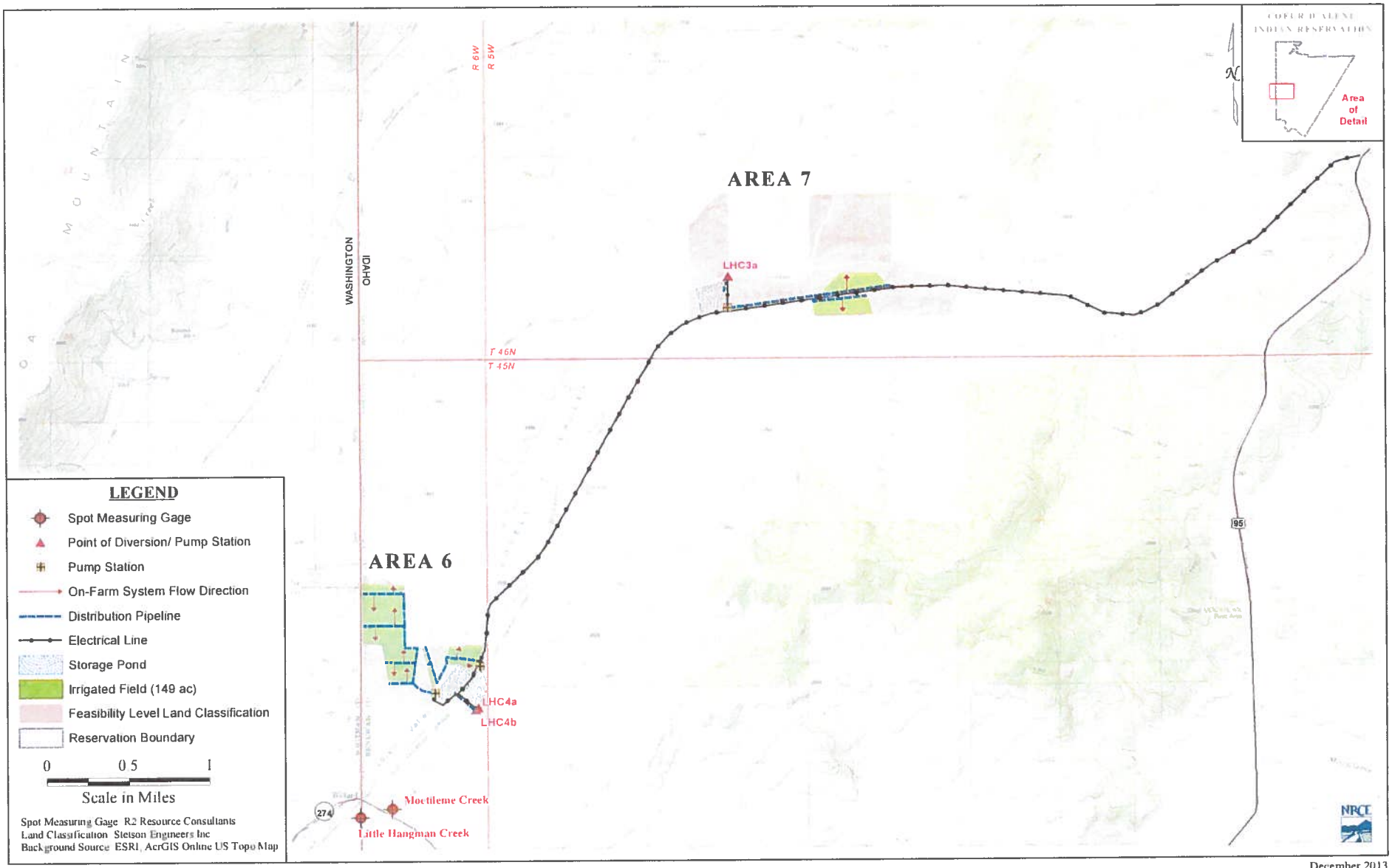
Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Little Hangman Creek - Area 6 and Area 7

December 2013

93-7496

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Little Hangman Creek (Fed ID # LHC4b)

4. **Point of Diversion:**

Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NE1/4

Pond Storage Location –
Township: 45N Range: 5W Section: 7 Q: SW1/4 QQ: L4
Township: 45N Range: 5W Section: 18 Q: NW1/4 QQ: L1
Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SE1/4
Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NE1/4

5. **Place of Use:** Total Acres: 20

Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SE1/4 Acres: 15.9
Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SW1/4 Acres: 4.1

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 98

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

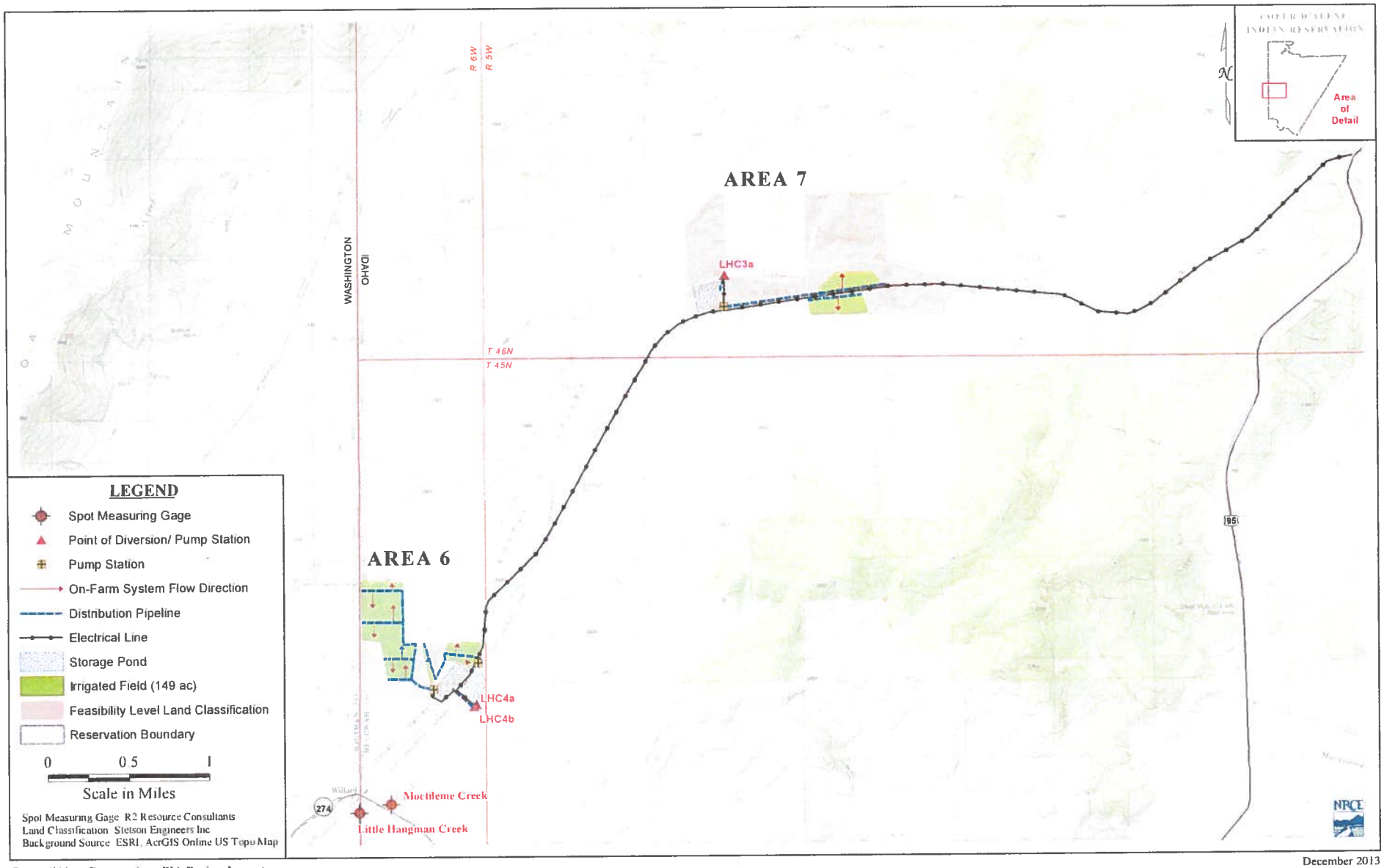
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



December 2013

Coeur d'Alene Reservation - PIA Project Layout
Little Hangman Creek - Area 6 and Area 7

93-7497

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Rose Creek and Groundwater (Fed ID # RsC3a)

4. **Point of Diversion:**

Surface Water - Township: 47N Range: 6W Section: 36 Q: NE1/4 QQ: SW1/4
Groundwater - Township: 47N Range: 6W Section: 36 Q: SE1/4 QQ: NW1/4

Pond Storage Location –
Township: 47N Range: 6W Section: 36 Q: NE1/4 QQ: SW1/4
Township: 47N Range: 6W Section: 36 Q: SE1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 66

Township: 47N	Range: 5W	Section: 31	Q: SW1/4	QQ: L4	Acres: 28.1
Township: 47N	Range: 6W	Section: 36	Q: SE1/4	QQ: NE1/4	Acres: 13.9
Township: 47N	Range: 6W	Section: 36	Q: SE1/4	QQ: SE1/4	Acres: 23.9

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 222

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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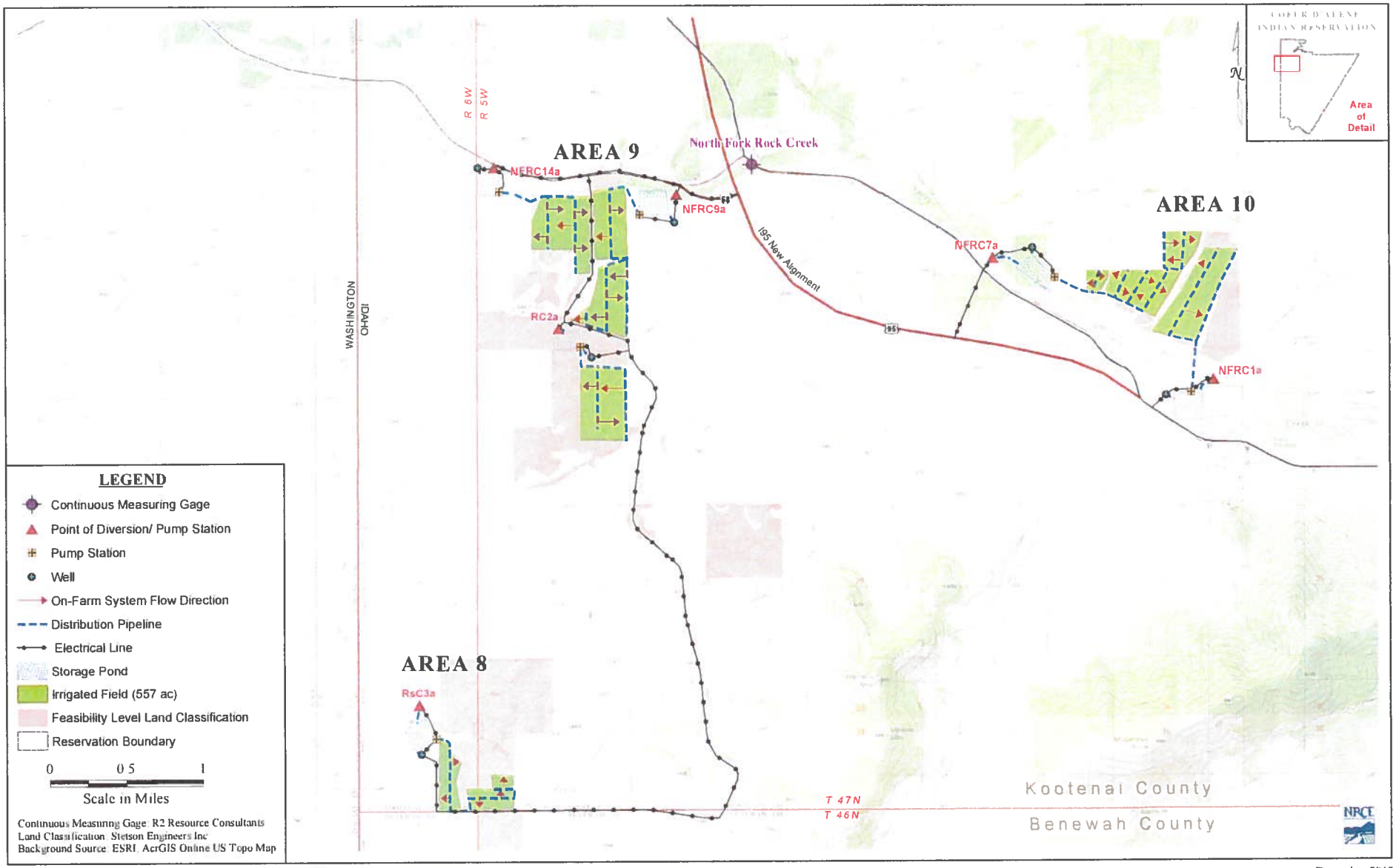
Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

93-7498

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Rock Creek and Groundwater (Fed ID # RC2a)

4. **Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: SW1/4
Groundwater - Township: 47N Range: 5W Section: 19 Q: NE1/4 QQ: NE1/4

Pond Storage Location – Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 88

Township: 47N Range: 5W Section: 19 Q: NE1/4 QQ: NE1/4 Acres: 20.2
Township: 47N Range: 5W Section: 19 Q: NE1/4 QQ: NW1/4 Acres: 5.2
Township: 47N Range: 5W Section: 19 Q: NE1/4 QQ: SE1/4 Acres: 37.3
Township: 47N Range: 5W Section: 19 Q: NE1/4 QQ: SW1/4 Acres: 9.3
Township: 47N Range: 5W Section: 19 Q: SE1/4 QQ: NE1/4 Acres: 12.7
Township: 47N Range: 5W Section: 19 Q: SE1/4 QQ: NW1/4 Acres: 3.2

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 270

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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Attorney for the United States of America

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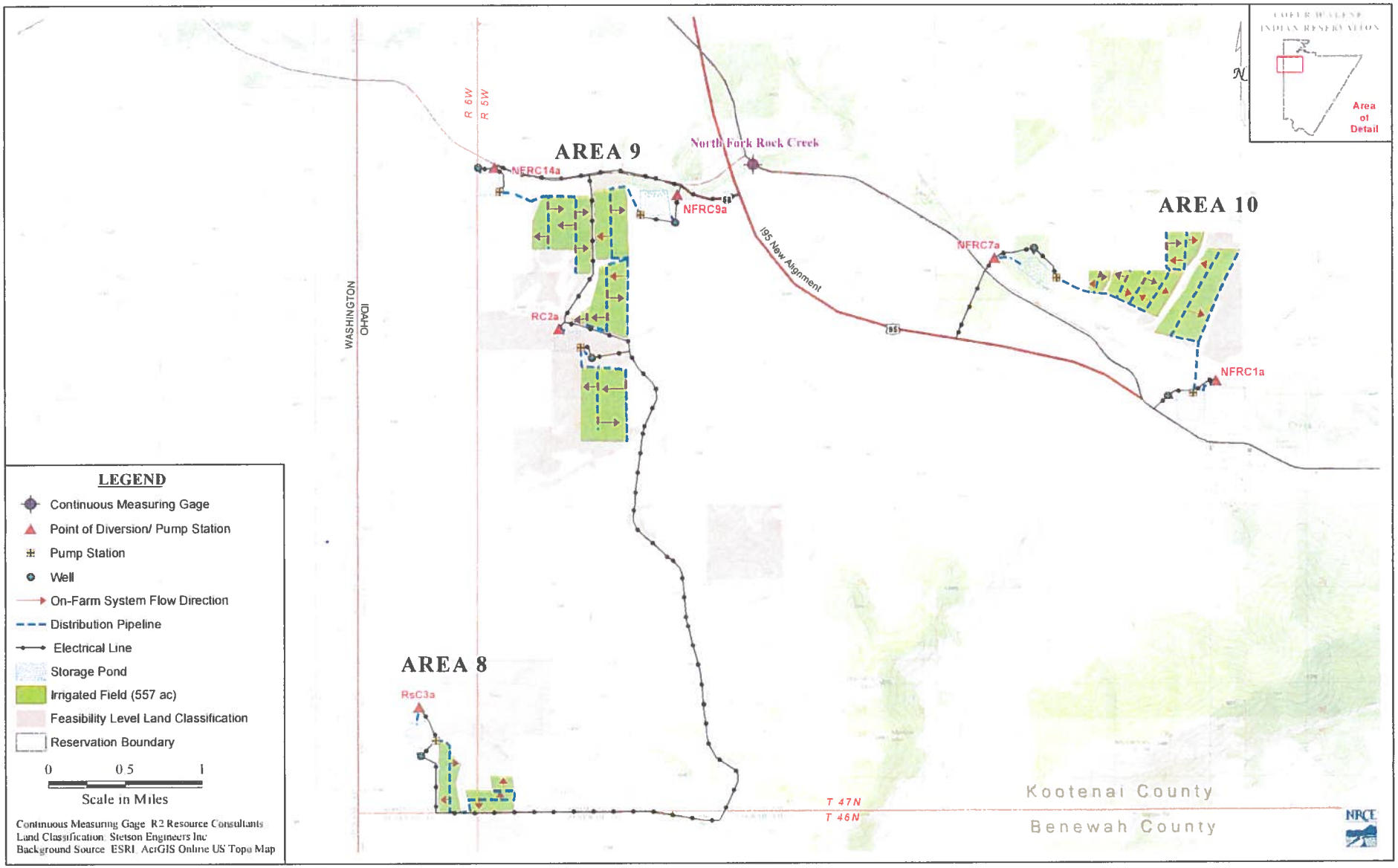


Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

93-7499

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC9a)

4. **Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 8 Q: SW1/4 QQ: SE1/4
Groundwater - Township: 47N Range: 5W Section: 17 Q: NW1/4 QQ: NE1/4

Pond Storage Location –
Township: 47N Range: 5W Section: 17 Q: NW1/4 QQ: NE1/4
Township: 47N Range: 5W Section: 17 Q: NW1/4 QQ: NW1/4
Township: 47N Range: 5W Section: 8 Q: SW1/4 QQ: SE1/4
Township: 47N Range: 5W Section: 8 Q: SW1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 126

Township: 47N Range: 5W Section: 7 Q: SE1/4 QQ: SE1/4 Acres: 5.8
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: NE1/4 Acres: 33.7

Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: SE1/4 Acres: 28.0
Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: NE1/4 Acres: 33.5
Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: NW1/4 Acres: 0.2
Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: SE1/4 Acres: 20.6
Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: SW1/4 Acres: 4.2

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 375

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

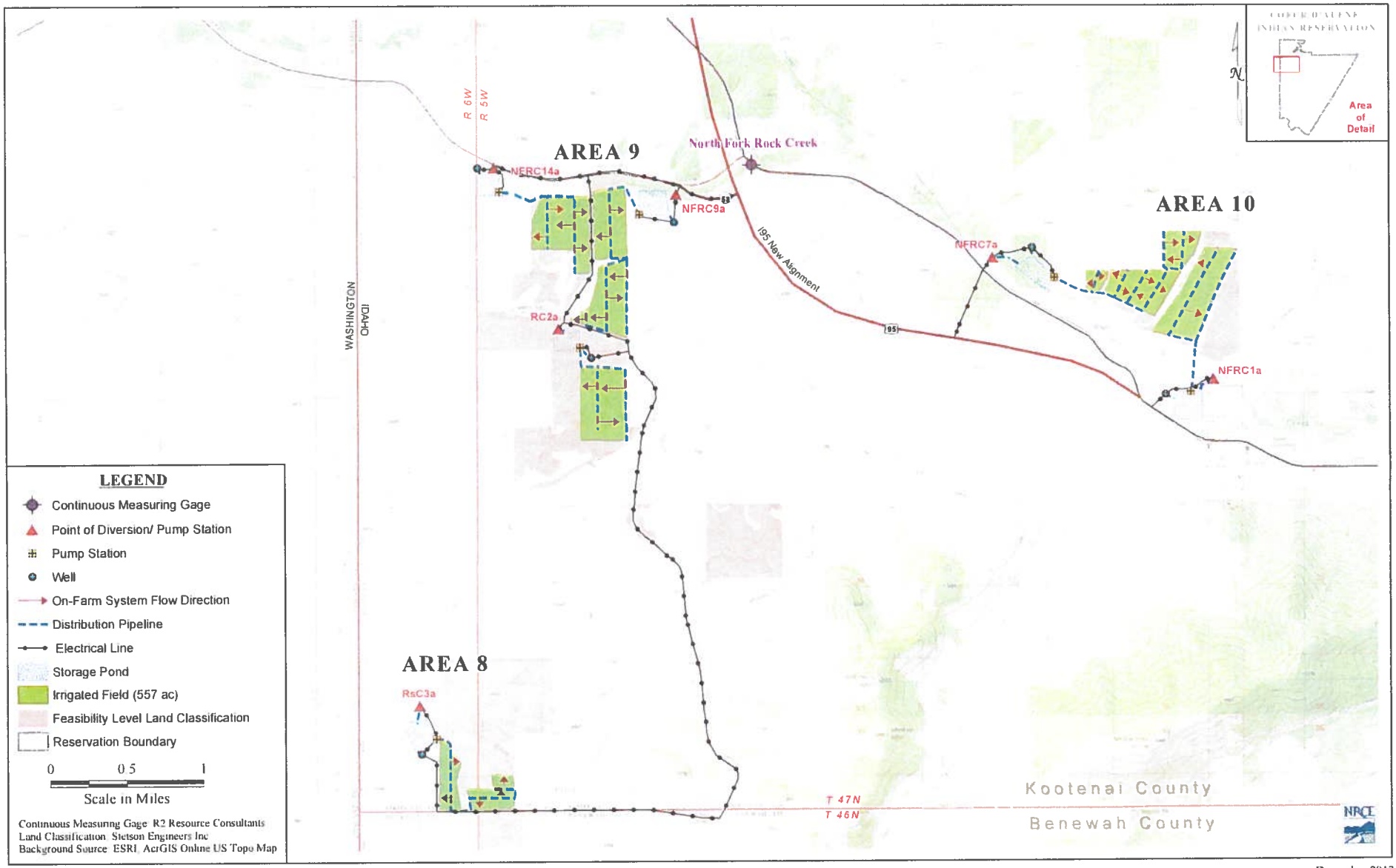
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

93-7500

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC14a)

4. **Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 7 Q: SW1/4 QQ: L4
Groundwater - Township: 47N Range: 5W Section: 7 Q: SW1/4 QQ: L4

Pond Storage Location – Township: 47N Range: 5W Section: 7 Q: SW1/4 QQ: L4

5. **Place of Use:** Total Acres: 88

Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: NE1/4 Acres: 1.4
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: NW1/4 Acres: 39.1
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: SE1/4 Acres: 1.4
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: SW1/4 Acres: 24.1
Township: 47N Range: 5W Section: 18 Q: NW1/4 QQ: NE1/4 Acres: 15.0
Township: 47N Range: 5W Section: 18 Q: NW1/4 QQ: SE1/4 Acres: 7.0

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 270

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

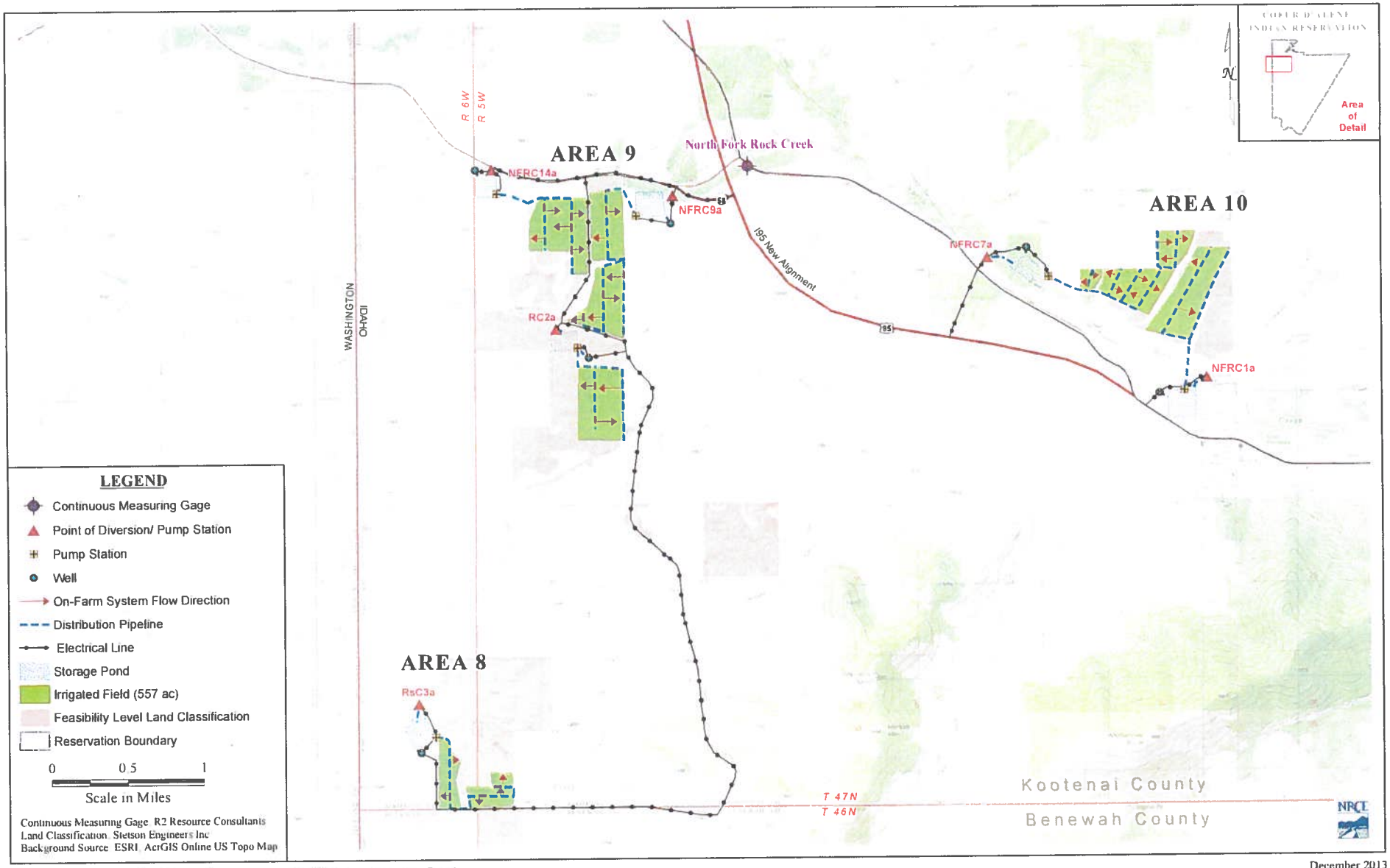
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

93-7501

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC1a)

4. **Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 23 Q: NE1/4 QQ: NE1/4
Groundwater - Township: 47N Range: 5W Section: 23 Q: NE1/4 QQ: SW1/4

Pond Storage Location – Township: 47N Range: 5W Section: 23 Q: NE1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 90

Township: 47N Range: 5W Section: 14 Q: NE1/4 QQ: SE1/4 Acres: 17.1
Township: 47N Range: 5W Section: 14 Q: NE1/4 QQ: SW1/4 Acres: 1.7
Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: NE1/4 Acres: 17.0
Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: NW1/4 Acres: 20.2
Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: SE1/4 Acres: 2.0

Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: SW1/4 Acres: 29.3
Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: SE1/4 Acres: 2.6

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 332

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Title and Organization: Northwest Regional Director

U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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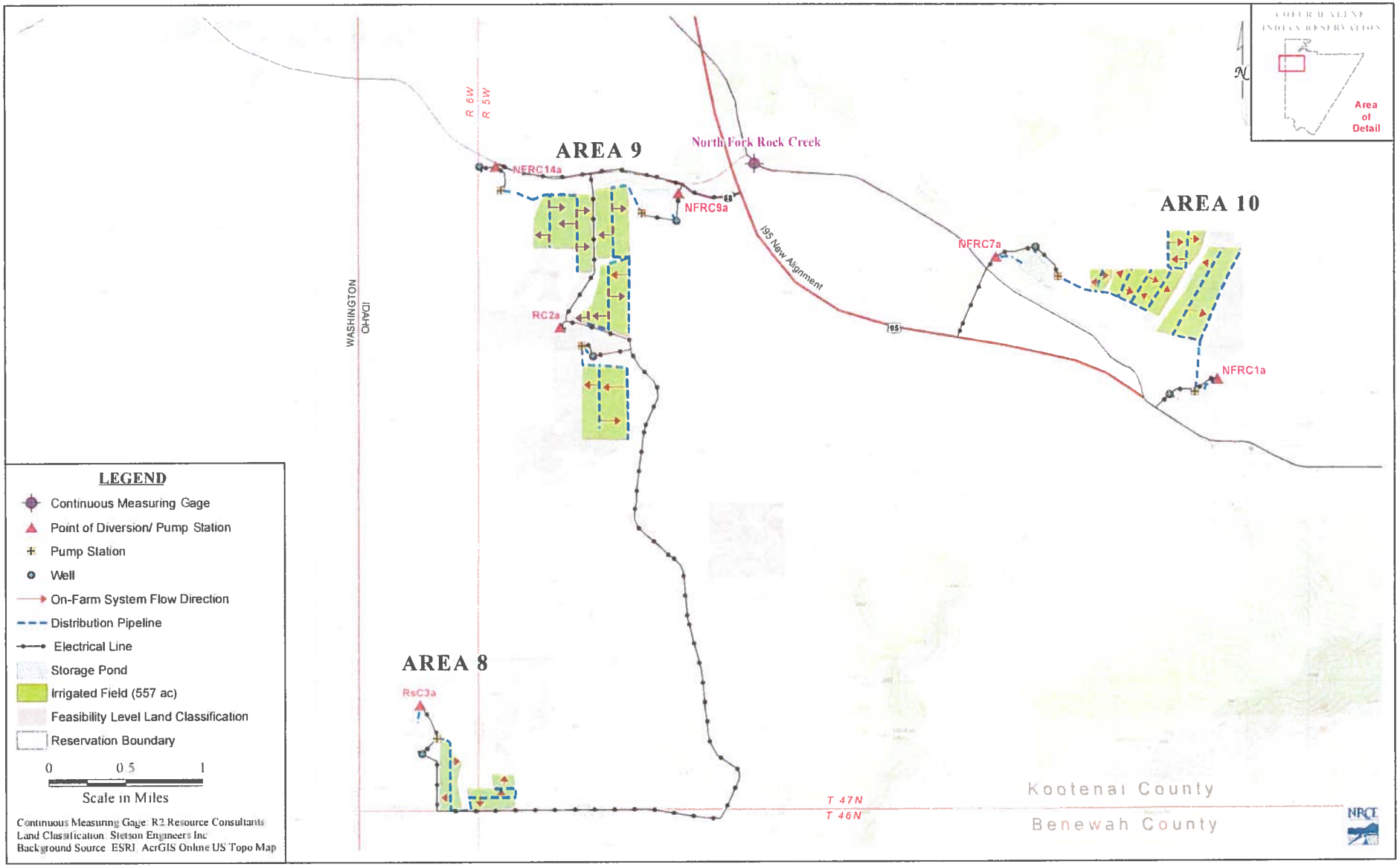
Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

93-7502

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC7a)

4. **Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 15 Q: NW1/4 QQ: SE1/4
Groundwater - Township: 47N Range: 5W Section: 15 Q: NE1/4 QQ: SW1/4

Pond Storage Location –
Township: 47N Range: 5W Section: 15 Q: NE1/4 QQ: SW1/4
Township: 47N Range: 5W Section: 15 Q: SE1/4 QQ: NE1/4
Township: 47N Range: 5W Section: 15 Q: SE1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 99

Township: 47N Range: 5W Section: 14 Q: NE1/4 QQ: SW1/4 Acres: 29.5
Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: NW1/4 Acres: 7.7
Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: NE1/4 Acres: 37.4

Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: NW1/4 Acres: 22.0
Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: SE1/4 Acres: 2.4

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 299

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **_X_** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

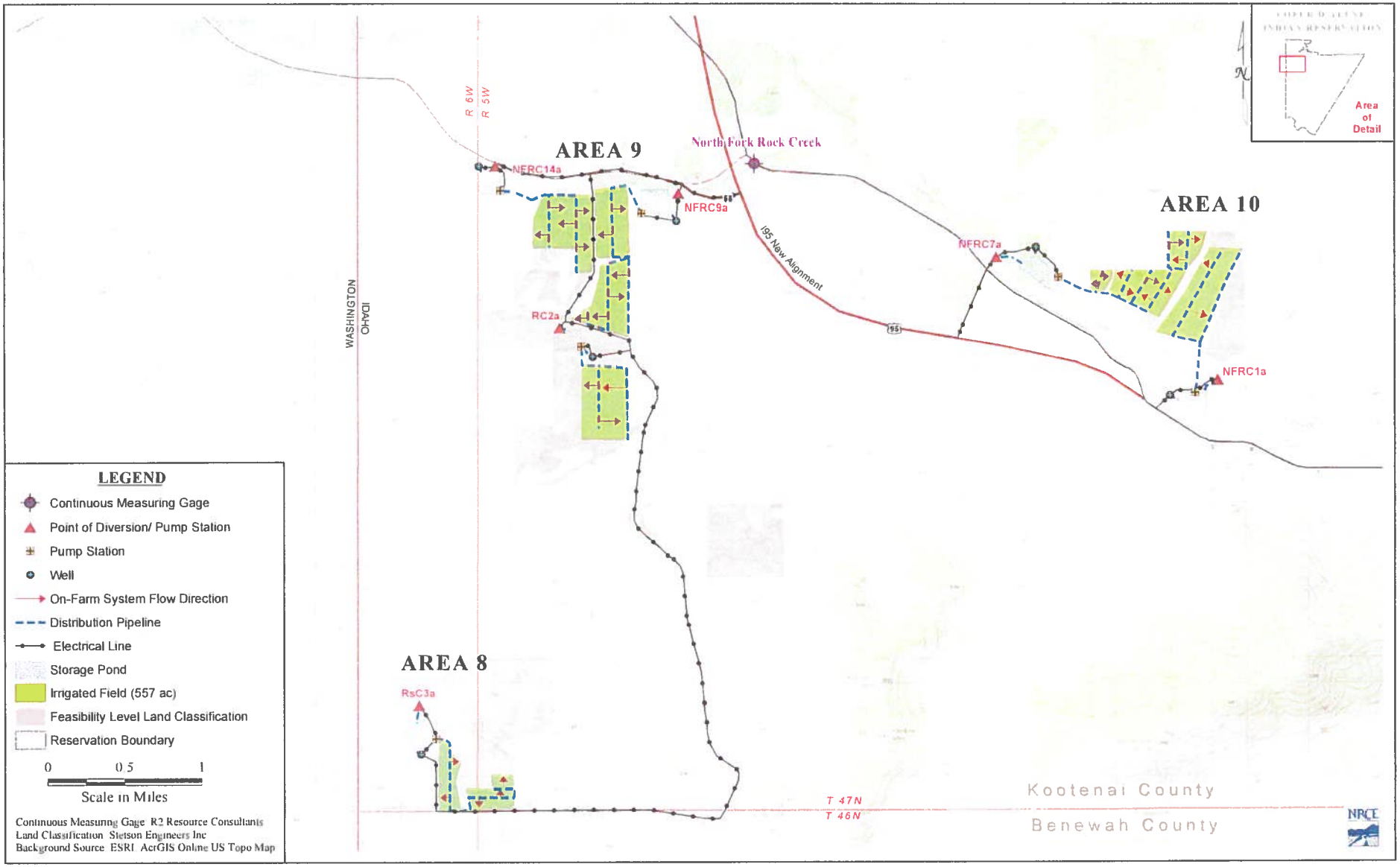
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

93-7503

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #HP68)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0172

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 502811 5233793; which is located in:

   Township: 45N Range 05W Section: 09 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.0316 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

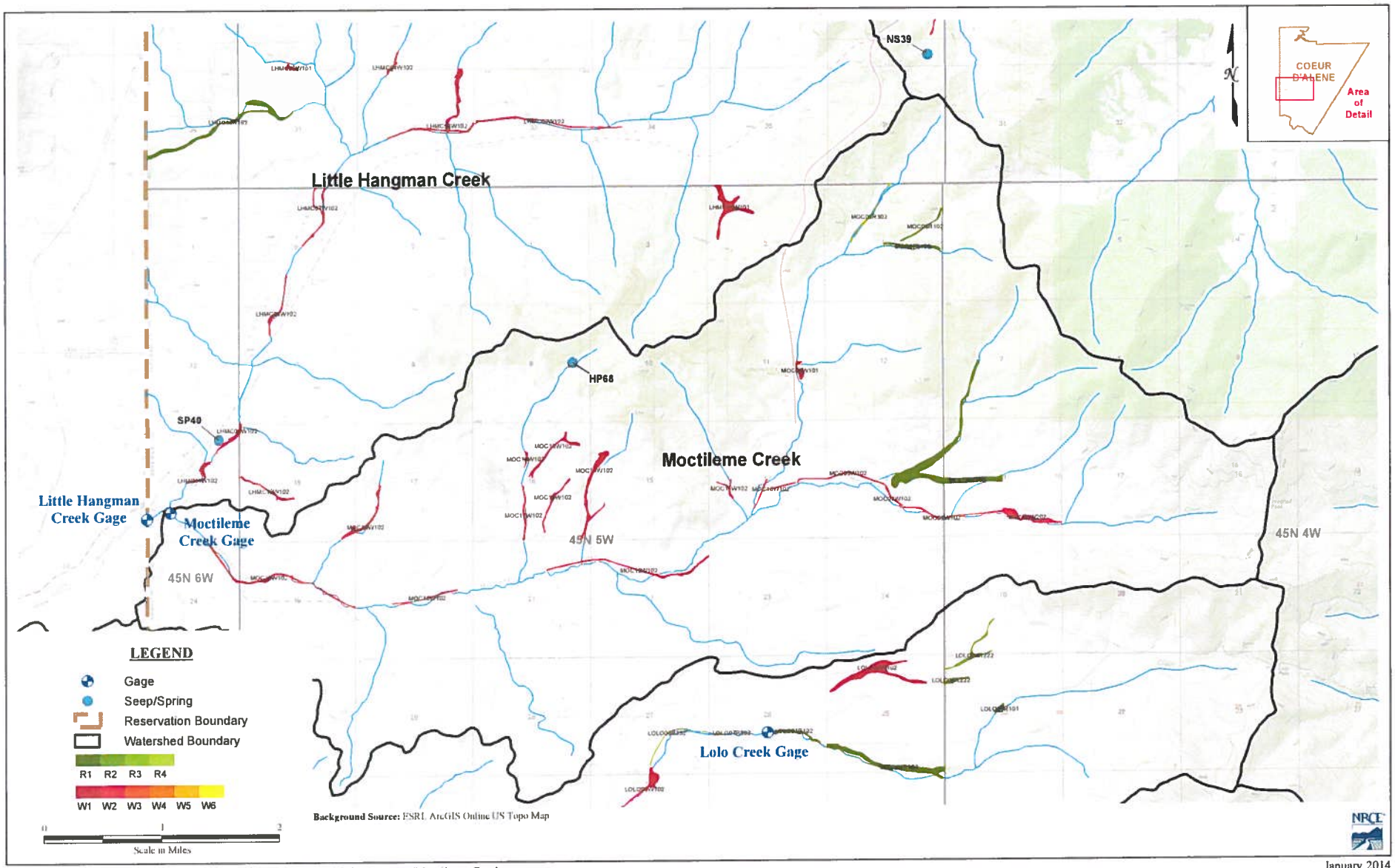


Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7504

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP13)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.149

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500806 5252305; which is located in:

   Township: 47N Range 05W Section: 08 Q: SE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.2864 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

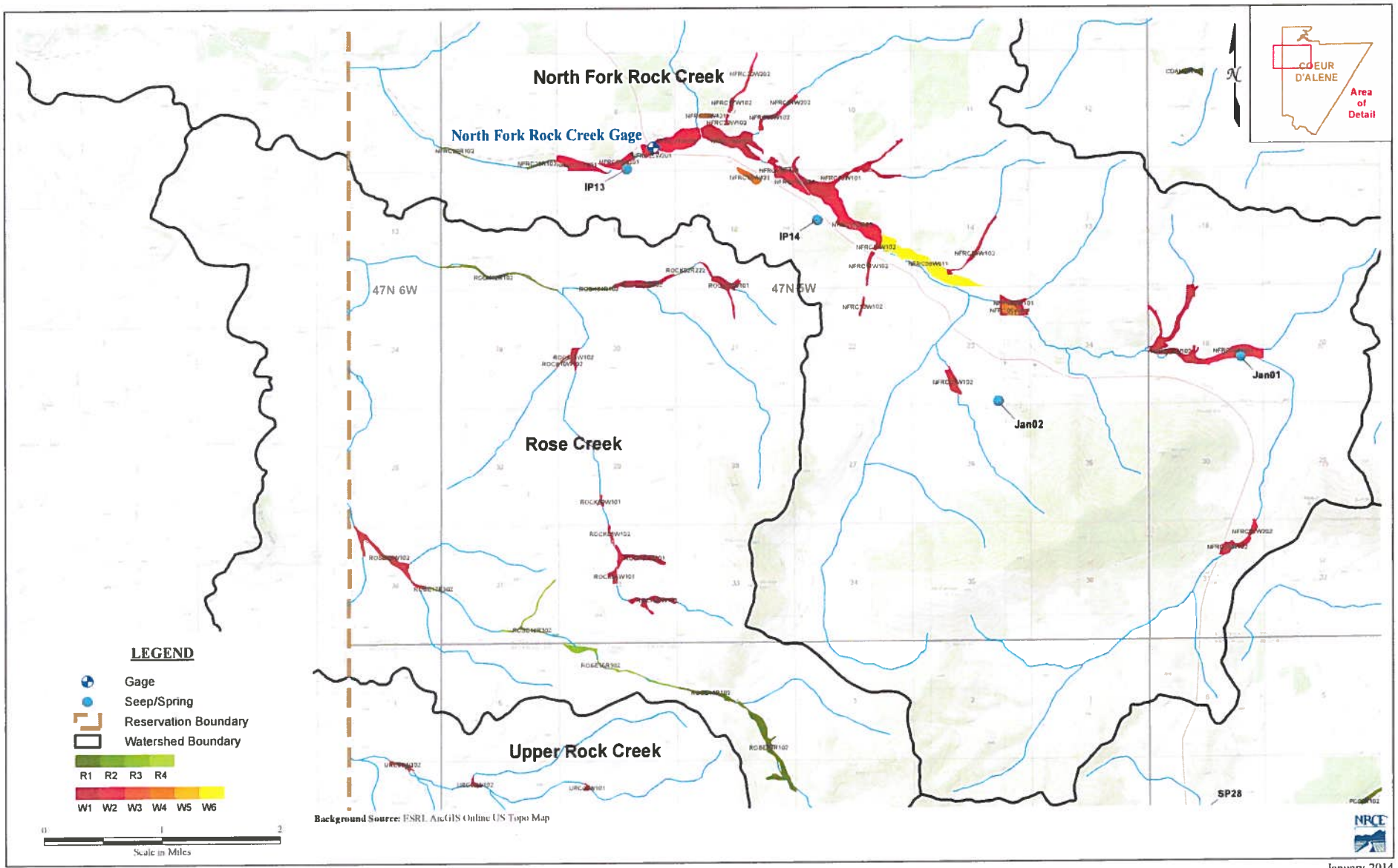


Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7505

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP14)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.3473

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 503395 5251606; which is located in:

   Township: 47N Range 05W Section: 15 Q: NW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.7167 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

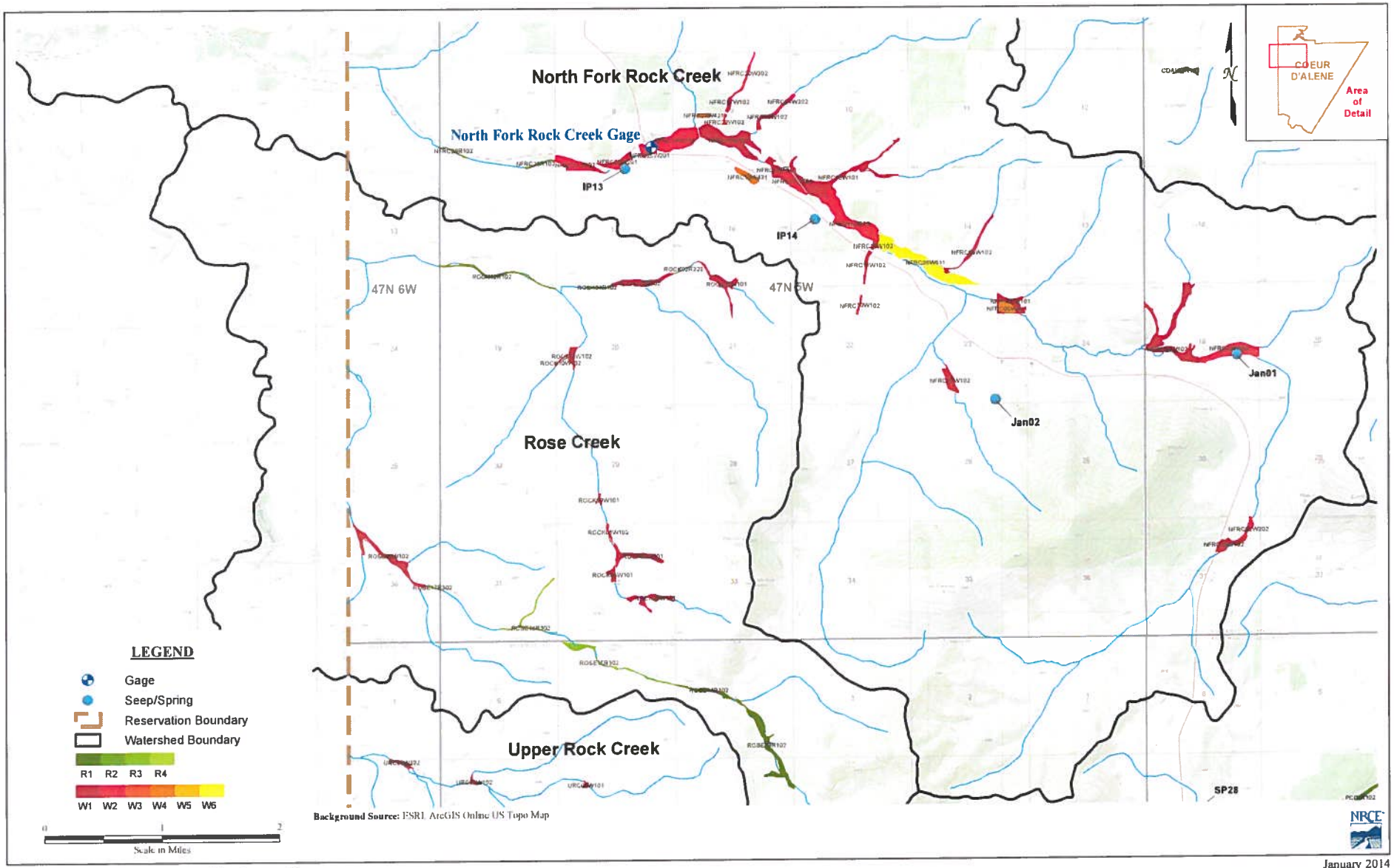


Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7506

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP97)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0525

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 509455 5219179; which is located in:

   Township: 44N Range 04W Section: 30 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.0966 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

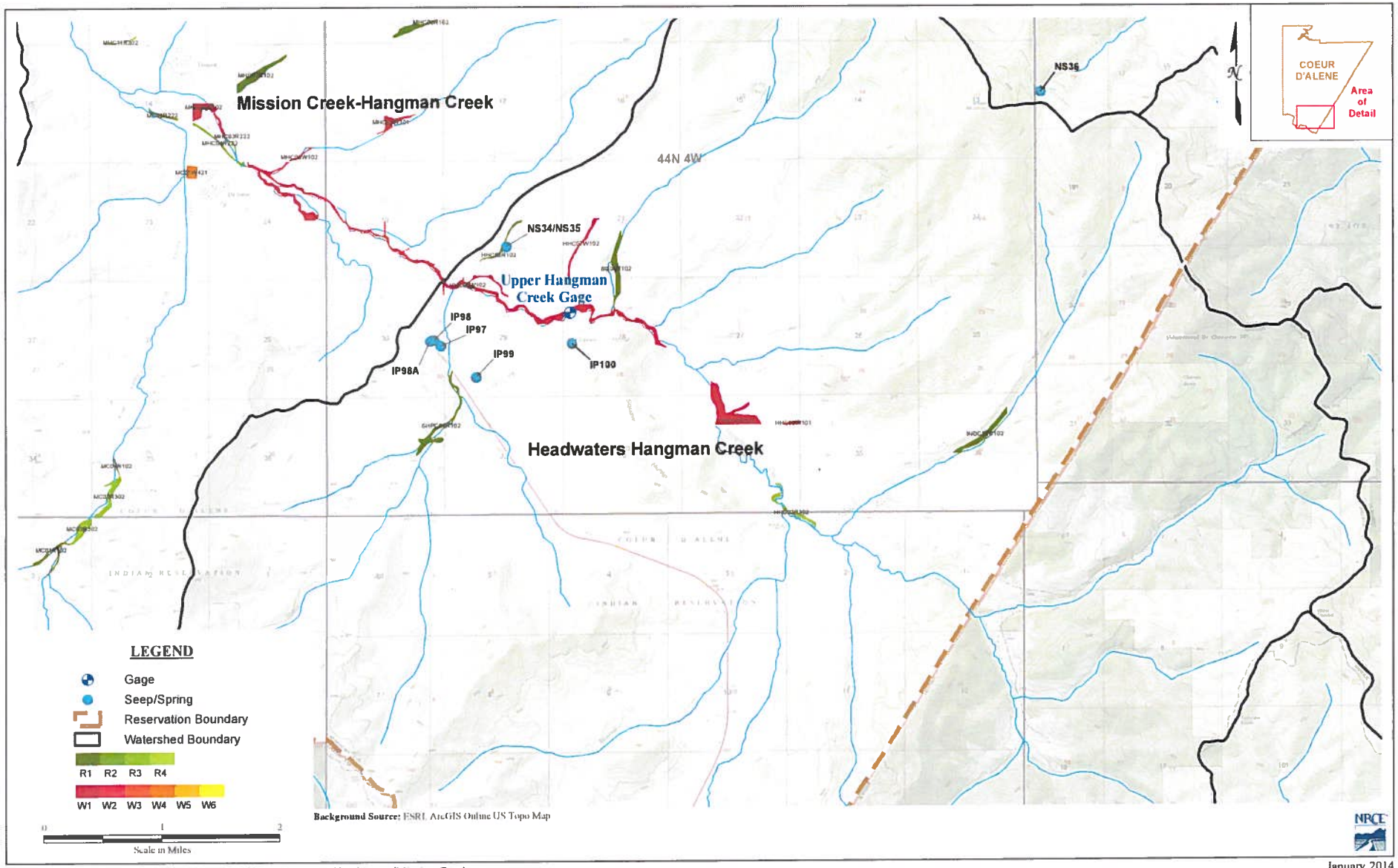


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7507

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP98)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0739

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 509383 5219266; which is located in:

   Township: 44N Range 04W Section: 30 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.1359 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d`Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d`Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d`Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute`s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d`Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

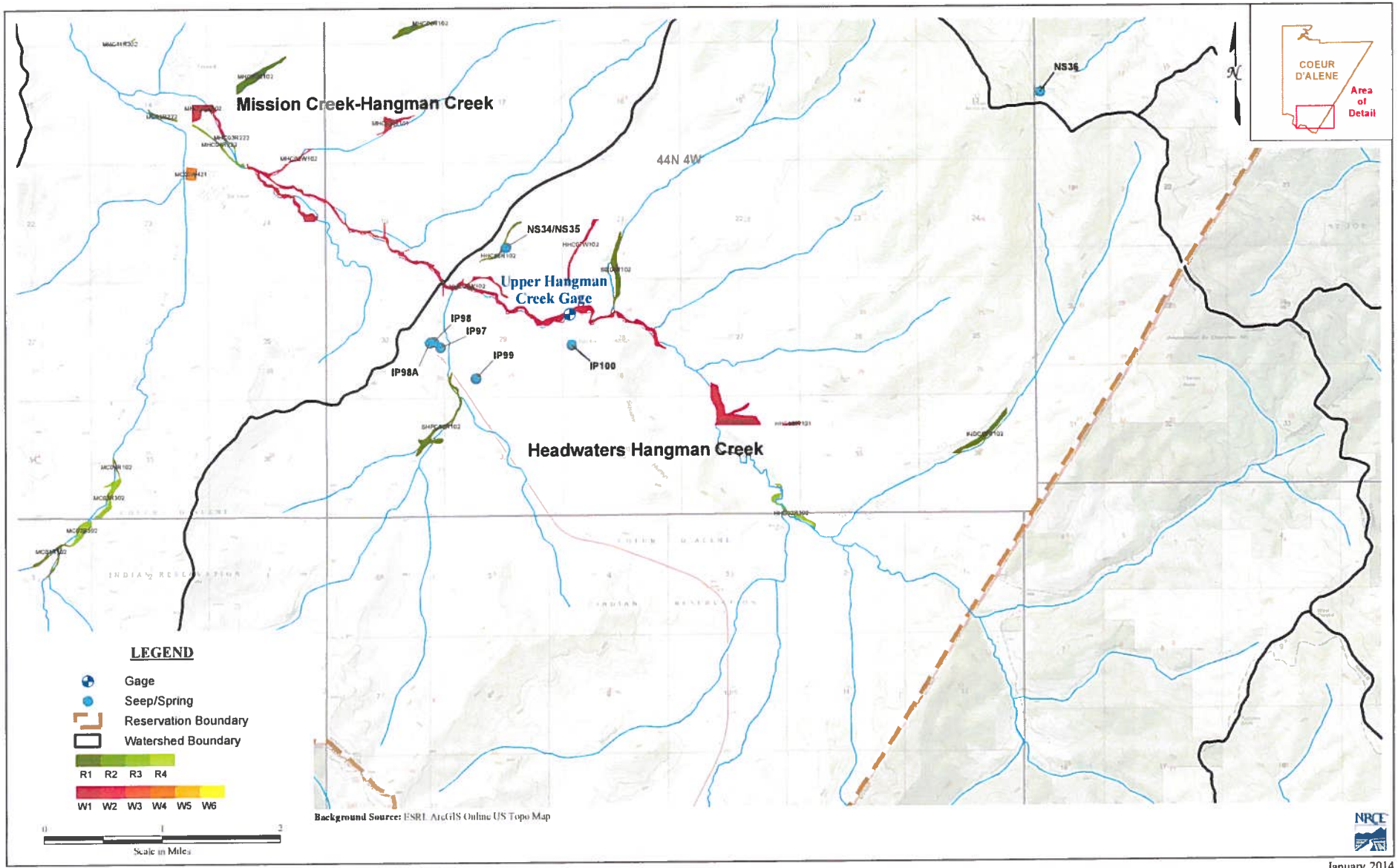


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7508

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP98A)

4. **Point of Diversion:**
   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0644
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509312 5219255; which is located in:
   Township: 44N Range 04W Section: 30 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.1183 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

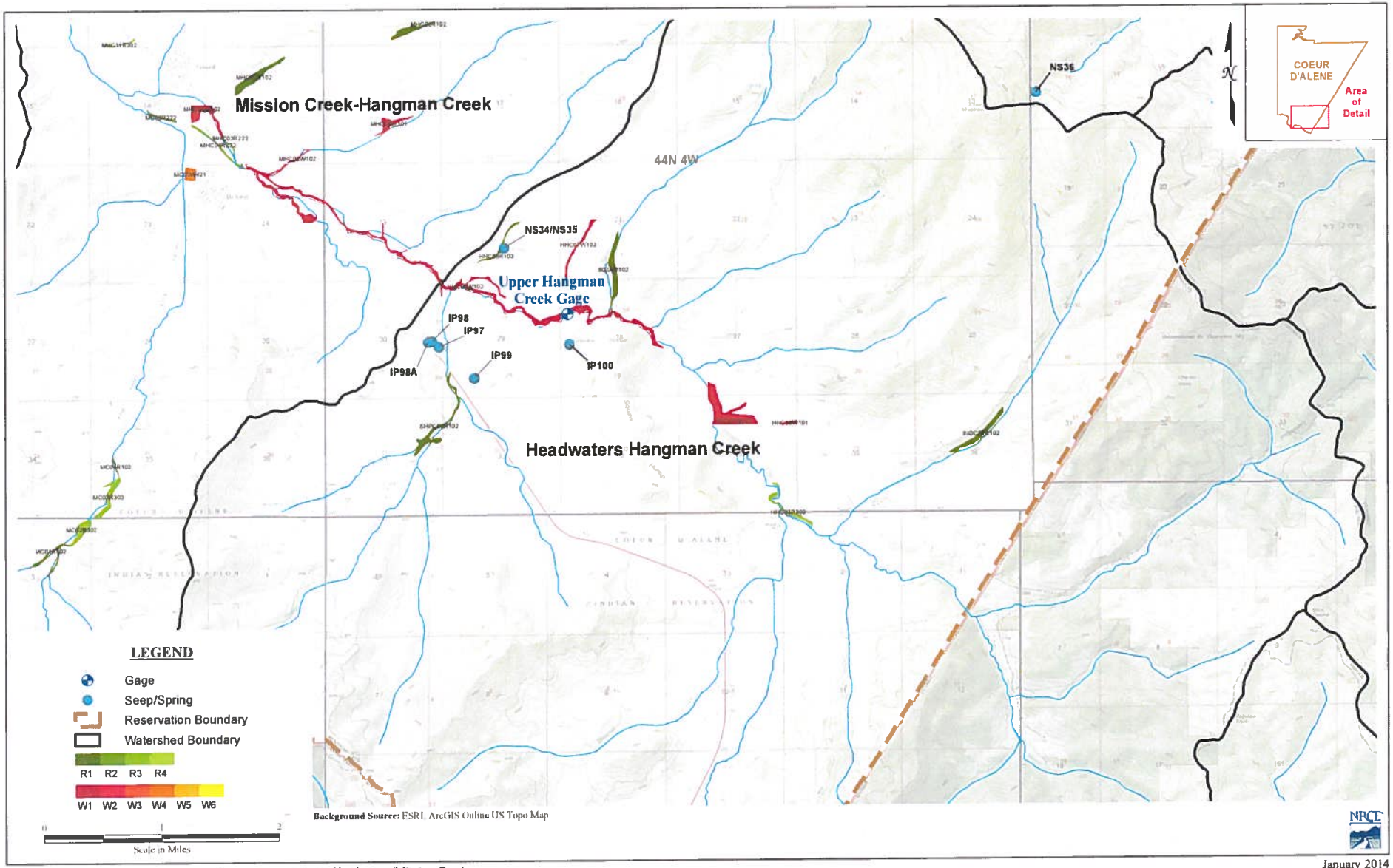


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7509

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP99)

4. **Point of Diversion:**
   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.1075
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509951 5218765; which is located in:
   Township: 44N Range 04W Section: 29 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.2052 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

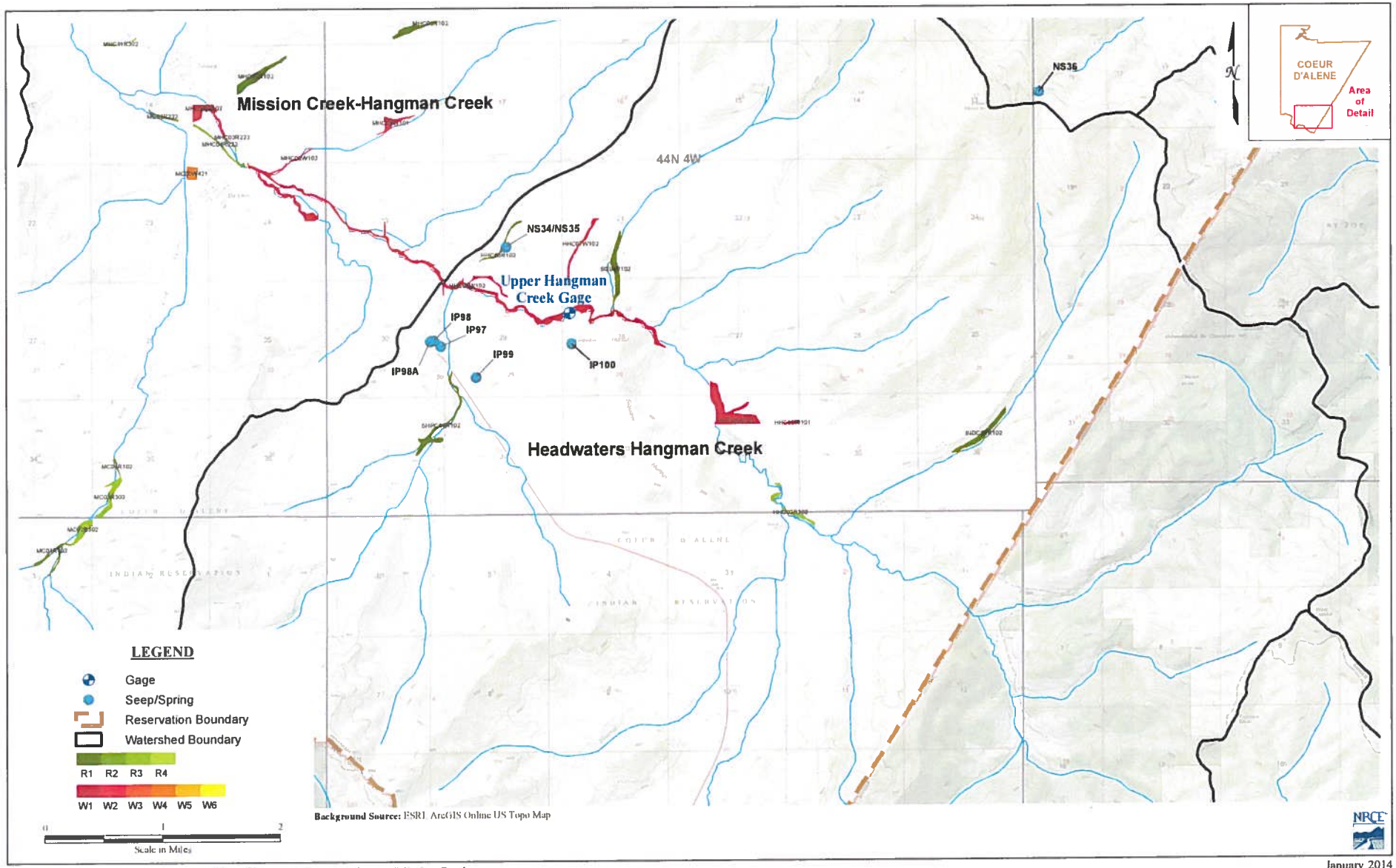


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7510

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP128)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.6456

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500781 5225812; which is located in:

   Township: 44N Range 05W Section: 05 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.2214 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

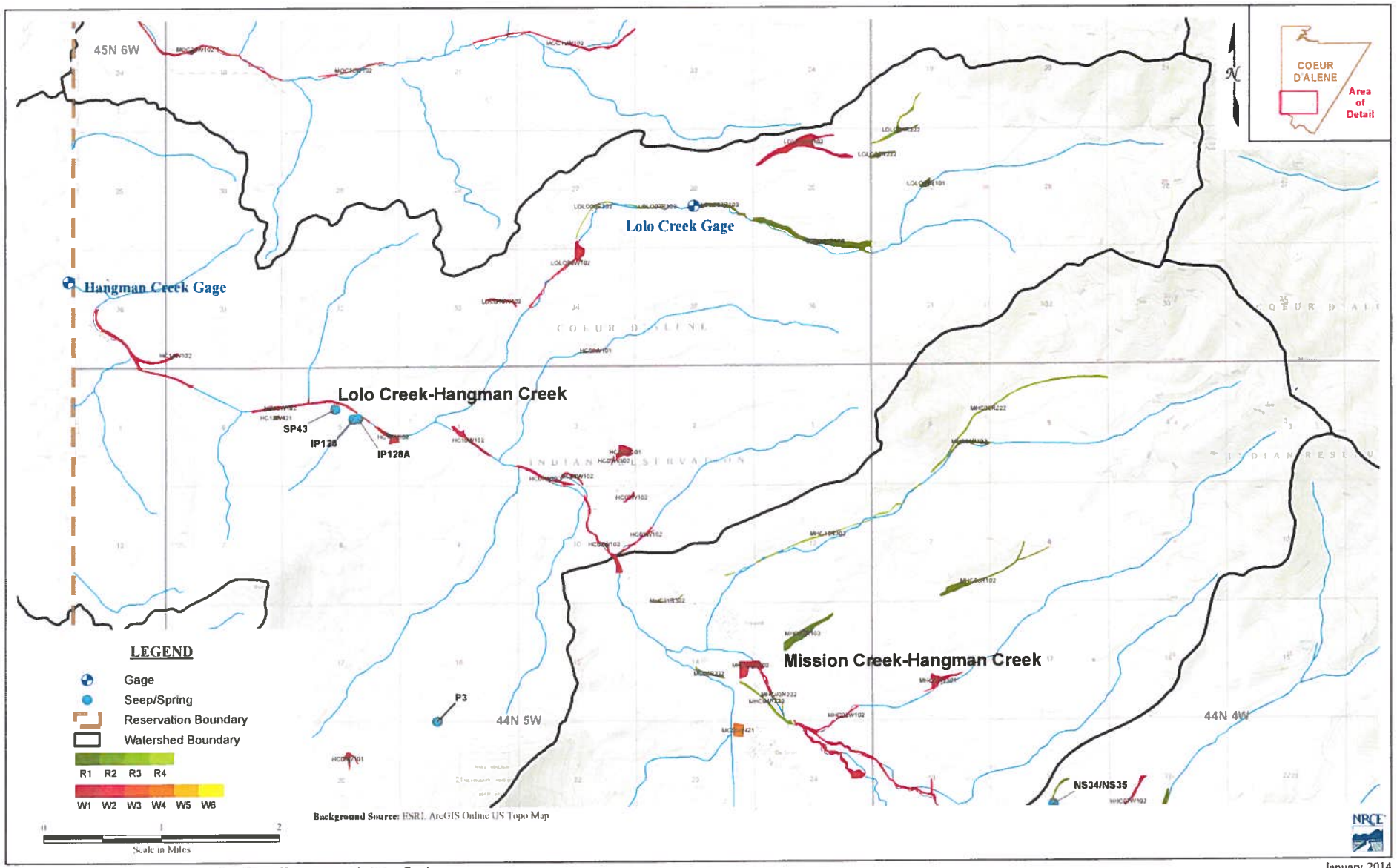


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7511

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP128A)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 1.0978

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500860 5225784; which is located in:

   Township: 44N Range 05W Section: 05 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.8278 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

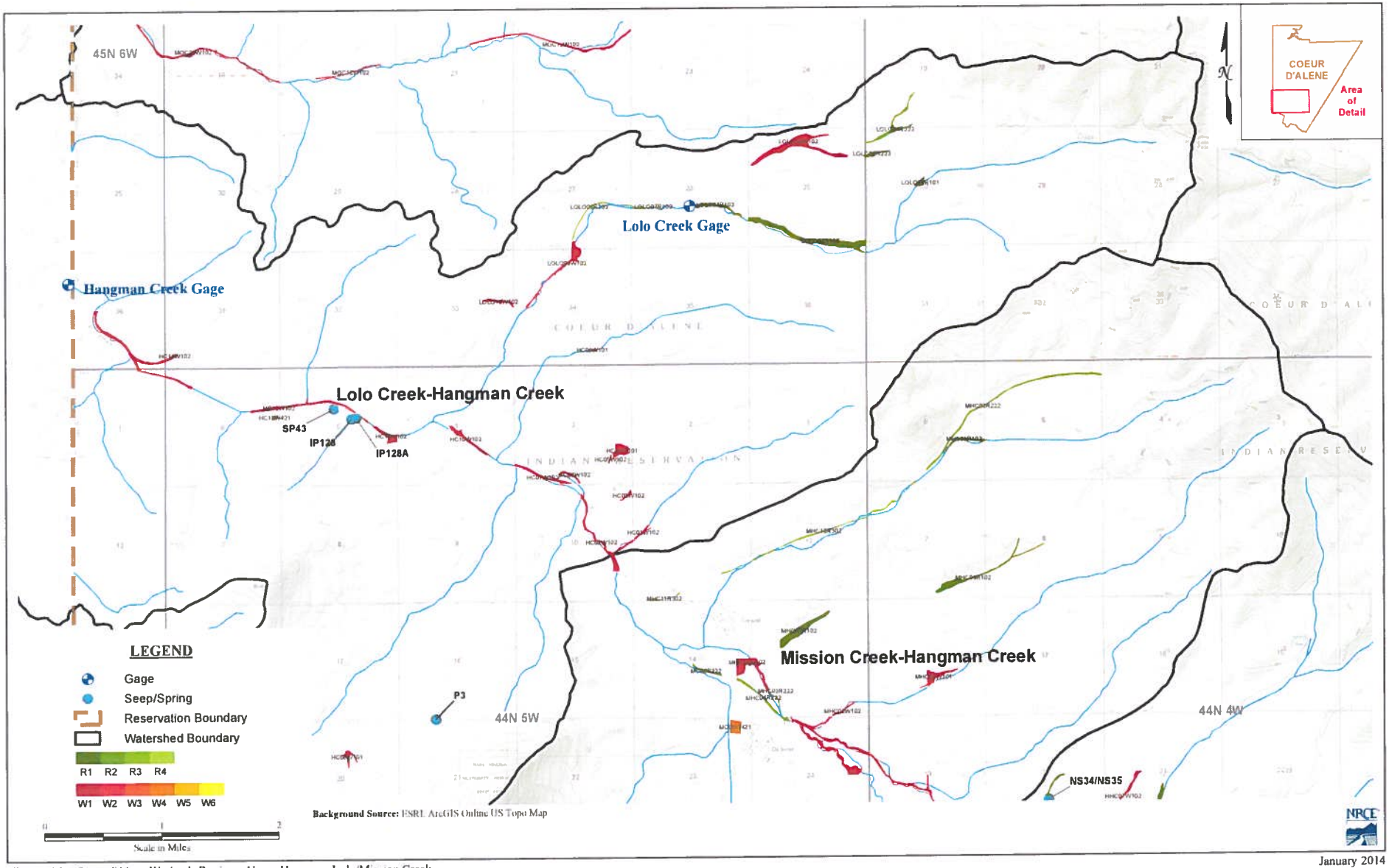


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7512

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #NS34/NS35)

4. **Point of Diversion:**
   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 1.2845
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 510362 5220518; which is located in:
   Township: 44N Range 04W Section: 20 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.1636 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

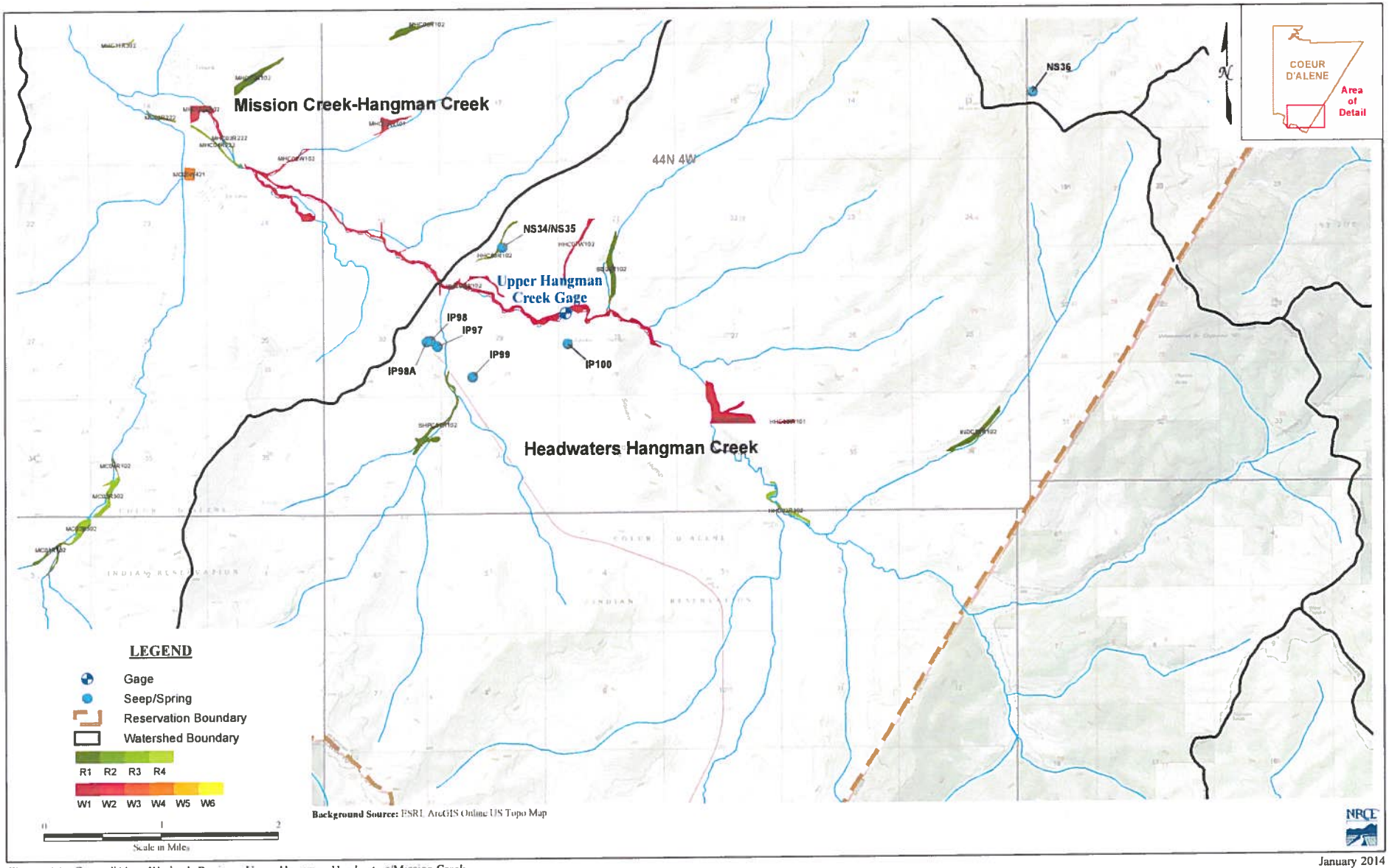


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7513

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #P3)

4. **Point of Diversion:**
   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0138
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501968 5221703; which is located in:
   Township: 44N Range 05W Section: 21 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.0374 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

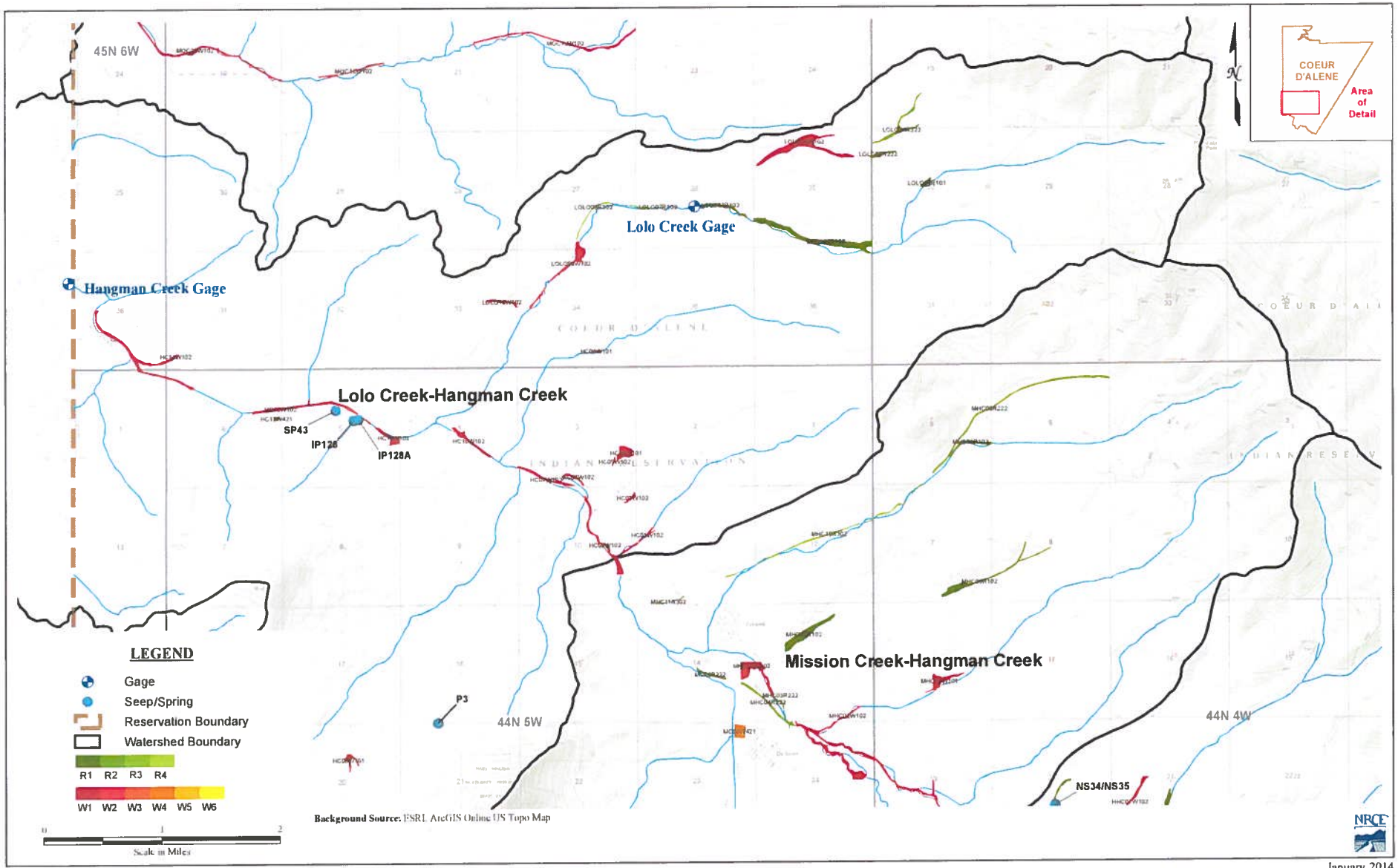


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7514

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #SP43)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.3958

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500600 5225956; which is located in:

   Township: 44N Range 05W Section: 05 Q: NW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.7553 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

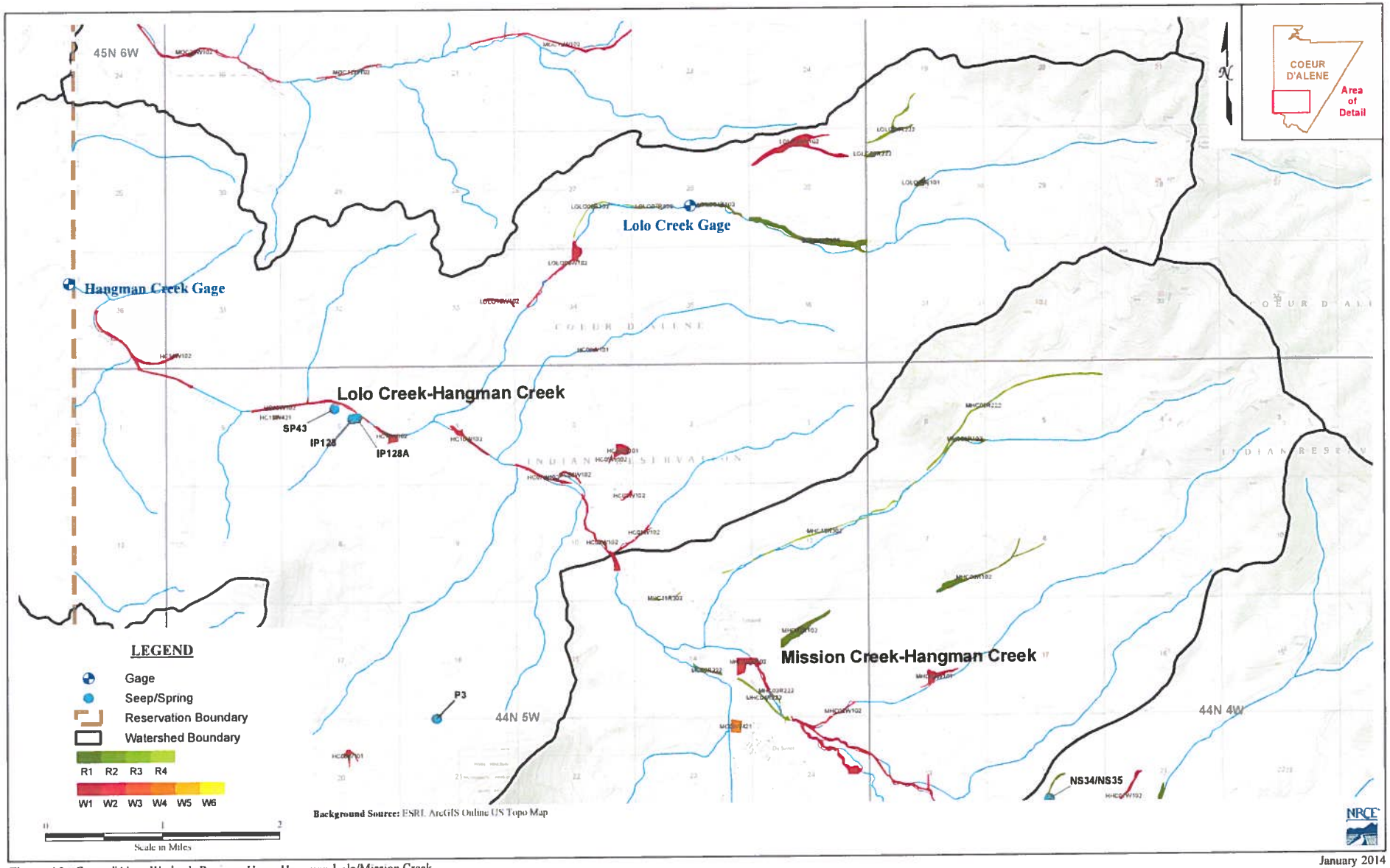


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7515

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #Jan01)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0055

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 509144 5249715; which is located in:

   Township: 47N Range 04W Section: 19 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.0116 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

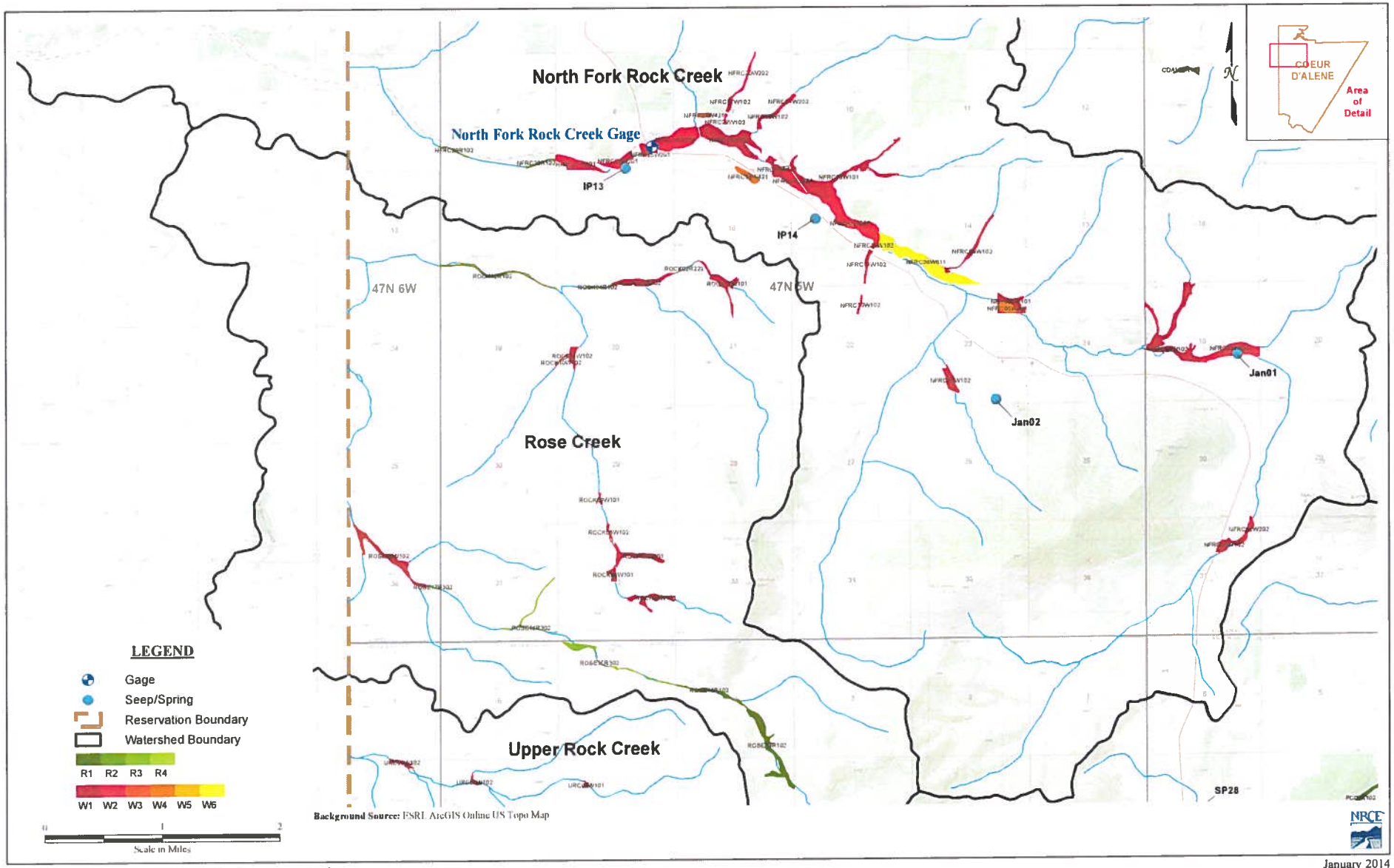
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

93-7516

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #Jan02)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 1.0000

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 505848 5249125; which is located in:

   Township: 47N Range 05W Section: 23 Q: SE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.5120 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

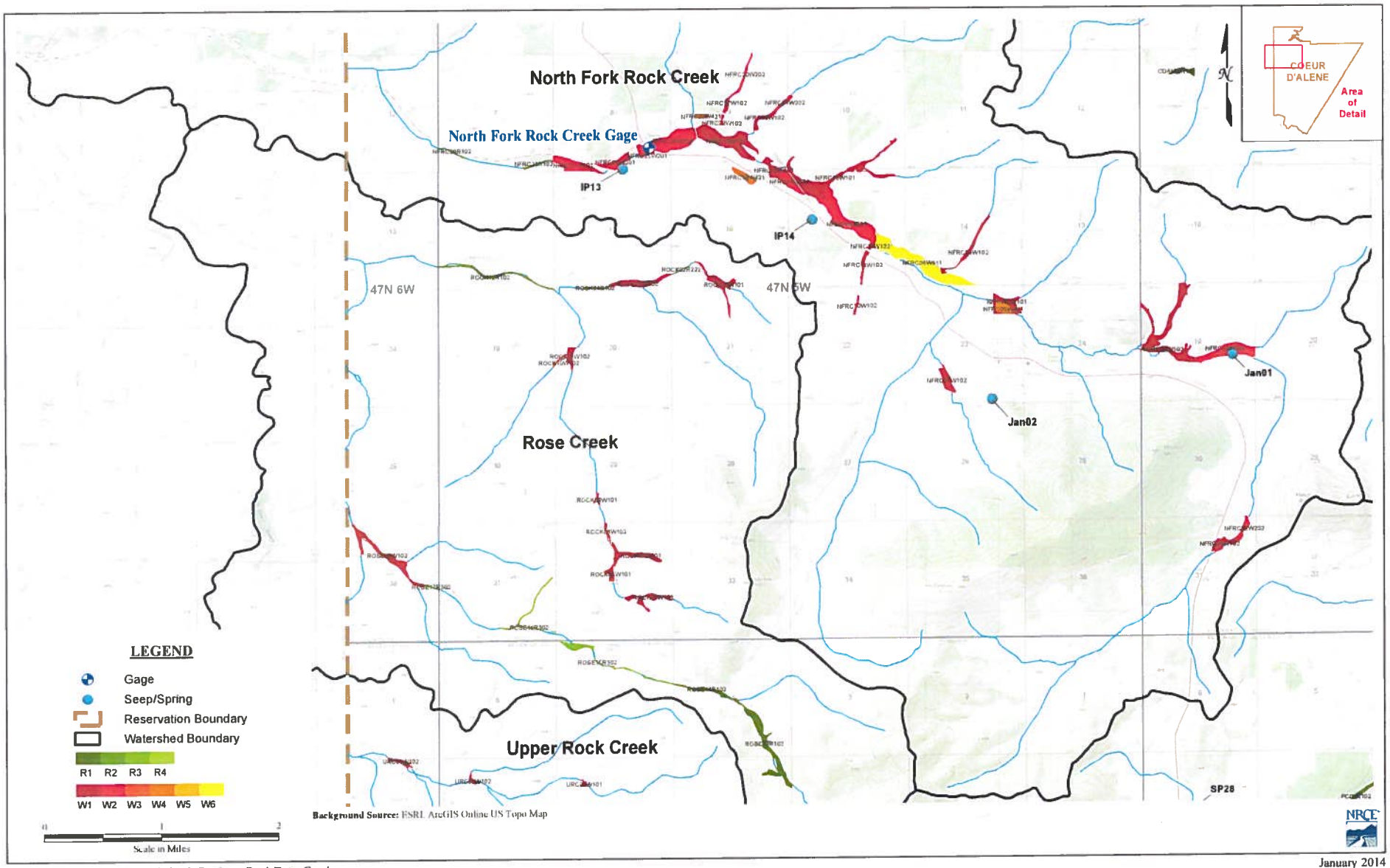


Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7517

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #SP40)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 1.1668

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 497988 5232793; which is located in:

   Township: 45N Range 06W Section: 13 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.1988 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

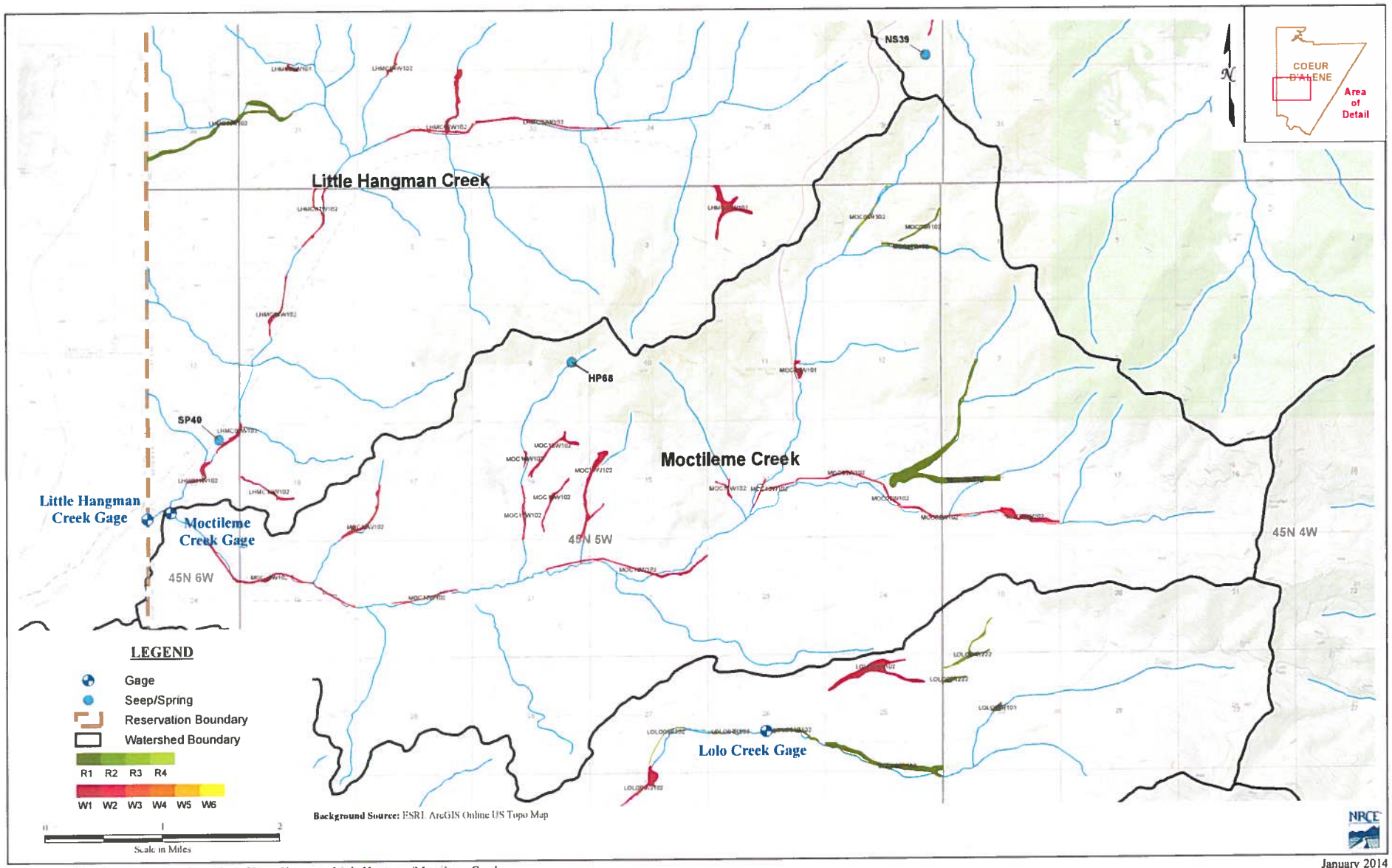

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7518

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #HHC02R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 11.08
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 514224 5216966; which is located in:
   Township: 44N Range: 04W Section: 34 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 26.25 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

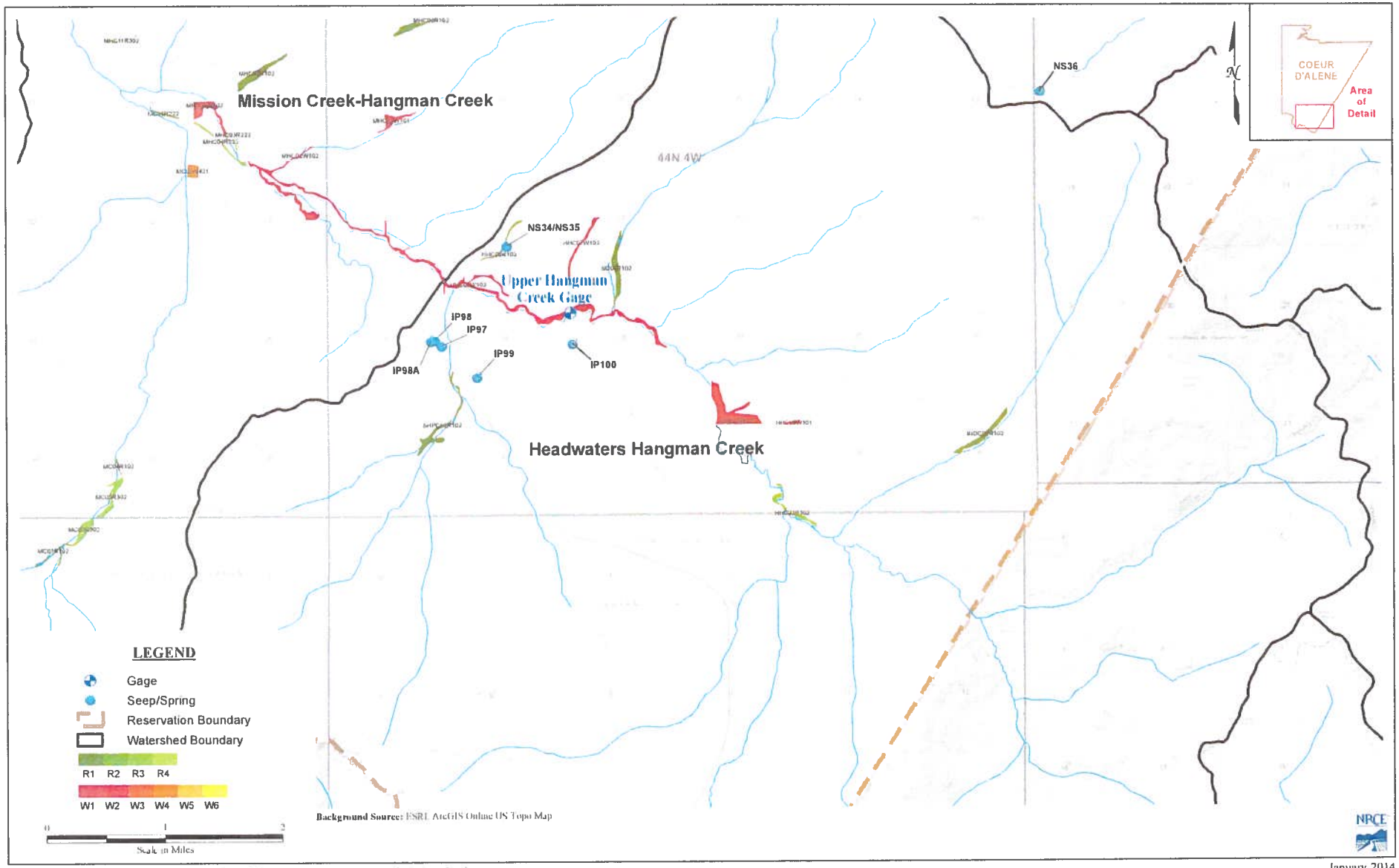

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93- 7519

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #HHC03W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.79
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 514265 5218115; which is located in:
   Township: 44N Range: 04W Section: 34 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.93 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

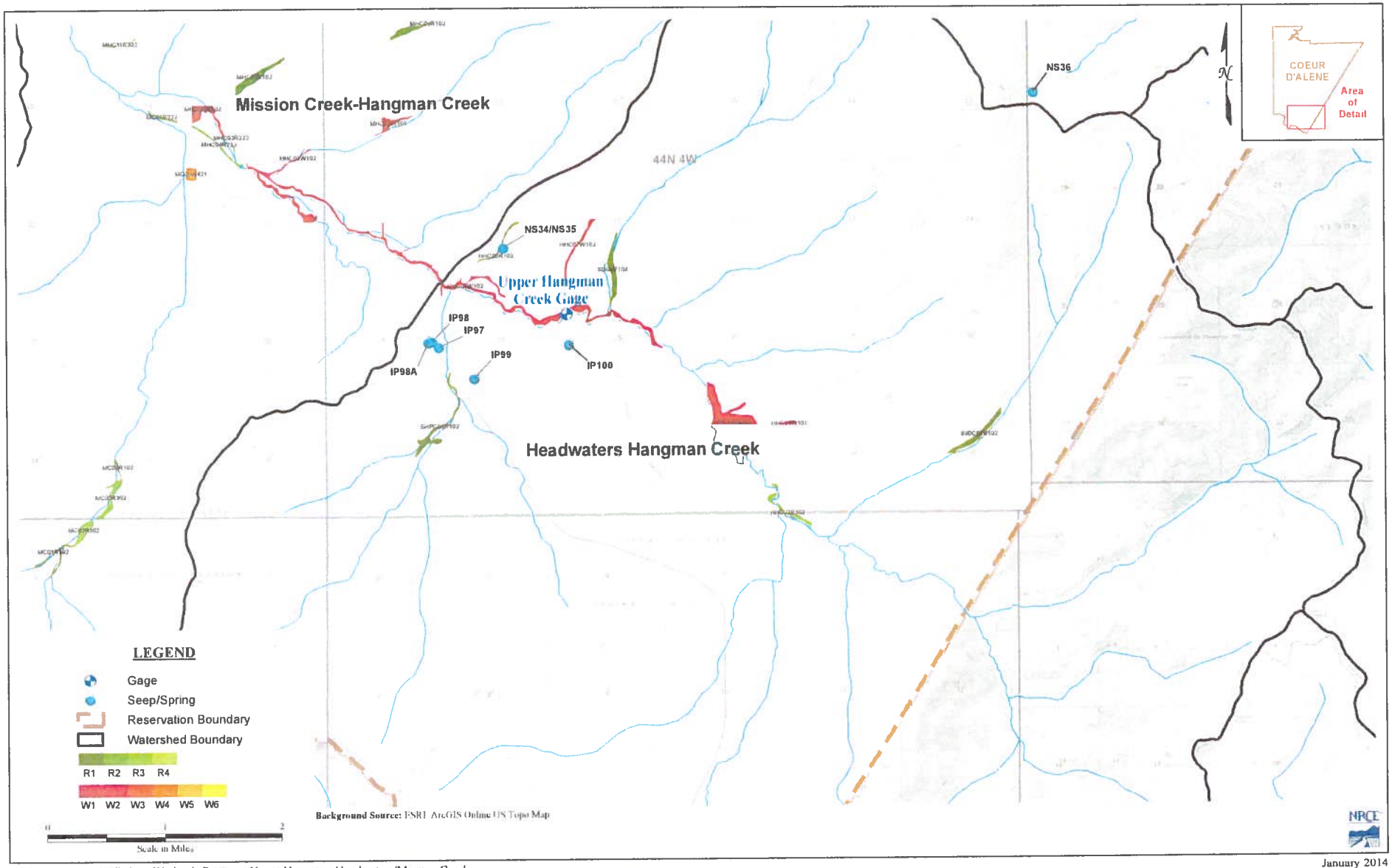

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7520

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #HHC04W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 35.34
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 513406 5218276; which is located in:
   Township: 44N Range: 04W Section: 34 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 77.54 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

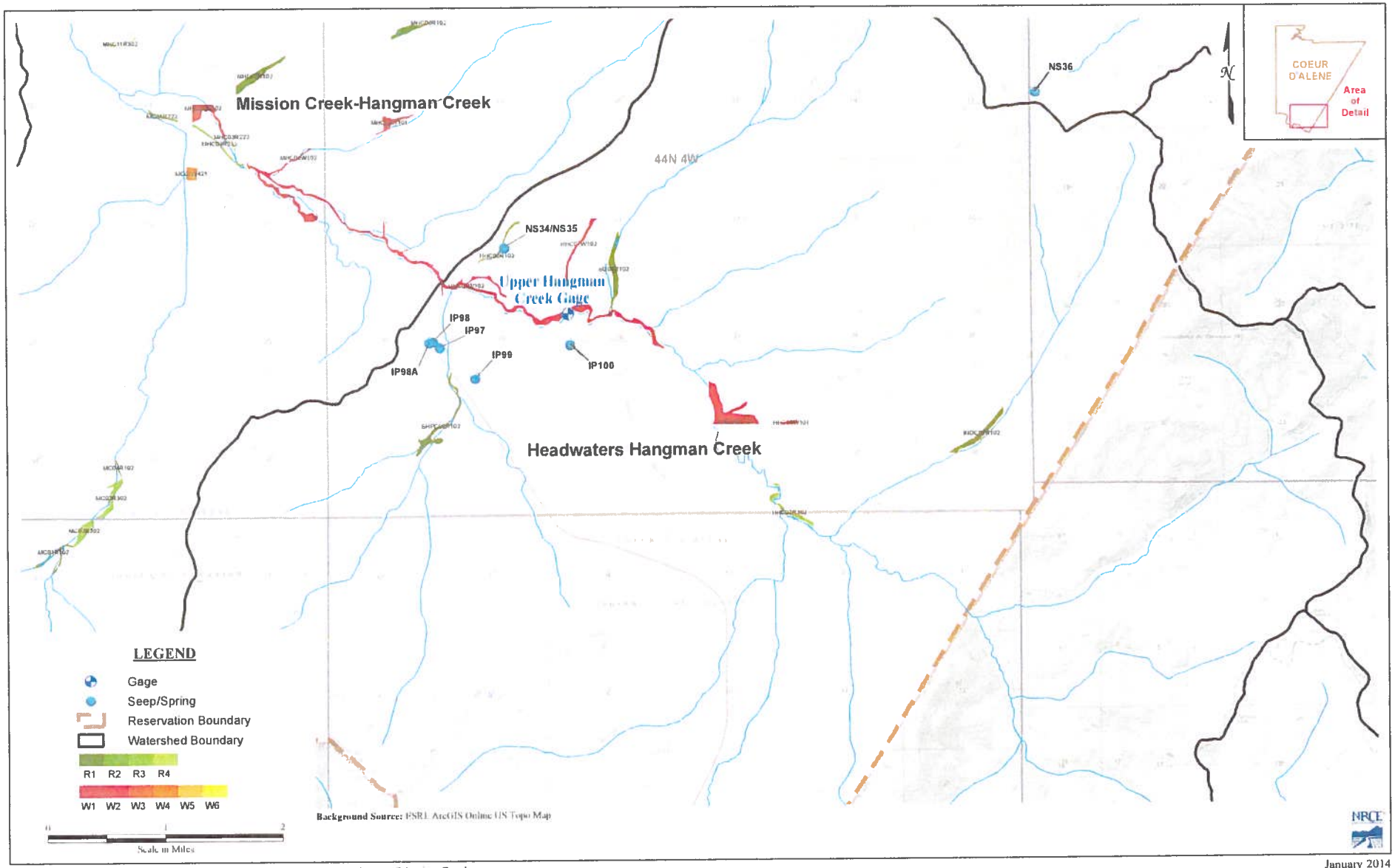

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7521

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #HHC07W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.14
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 511376 5220533; which is located in:
   Township: 44N Range: 04W Section: 21 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 22.53 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
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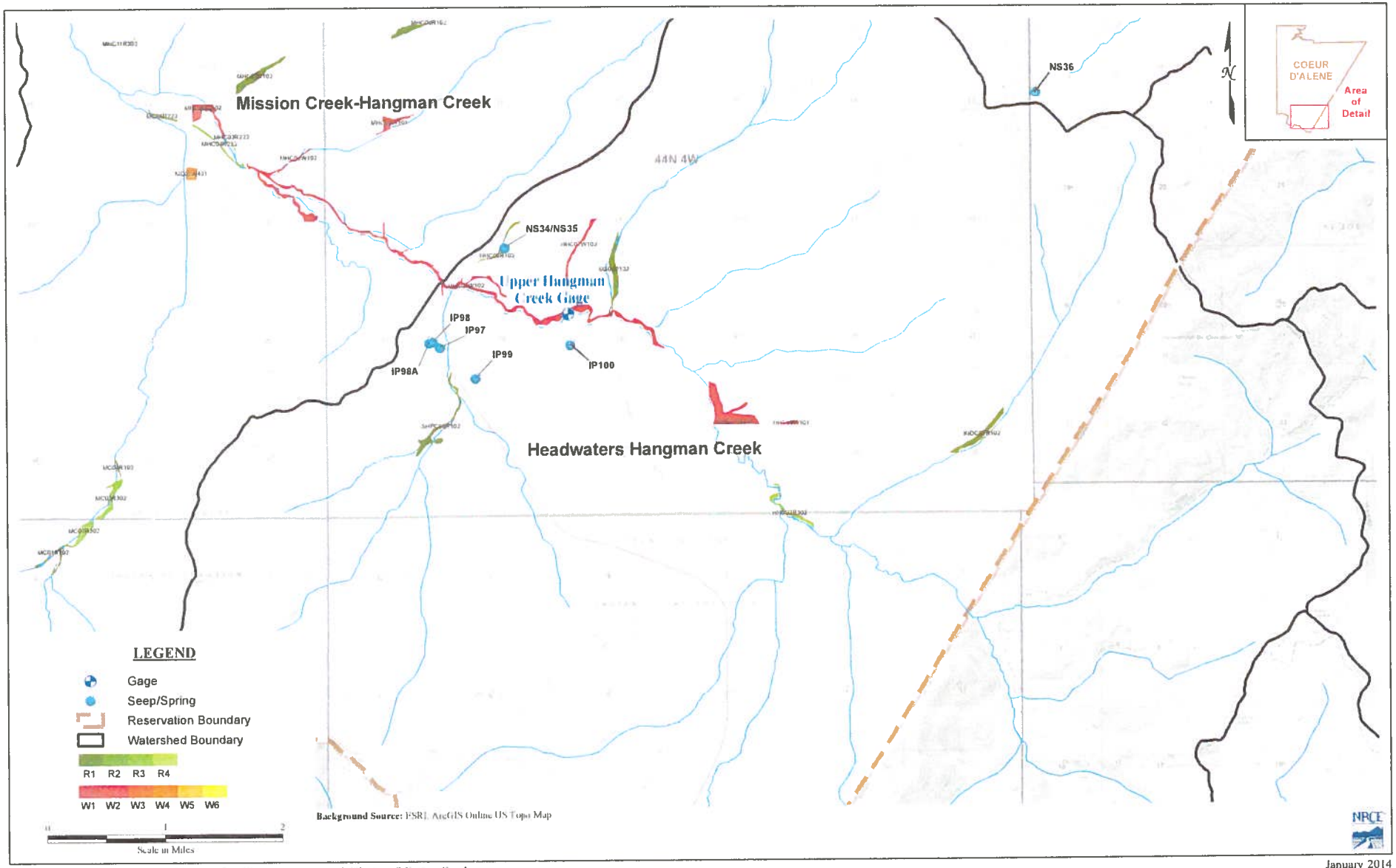

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7522

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #HHC08R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.16
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 510320 5220610; which is located in:
   Township: 44N Range: 04W Section: 20 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.01 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

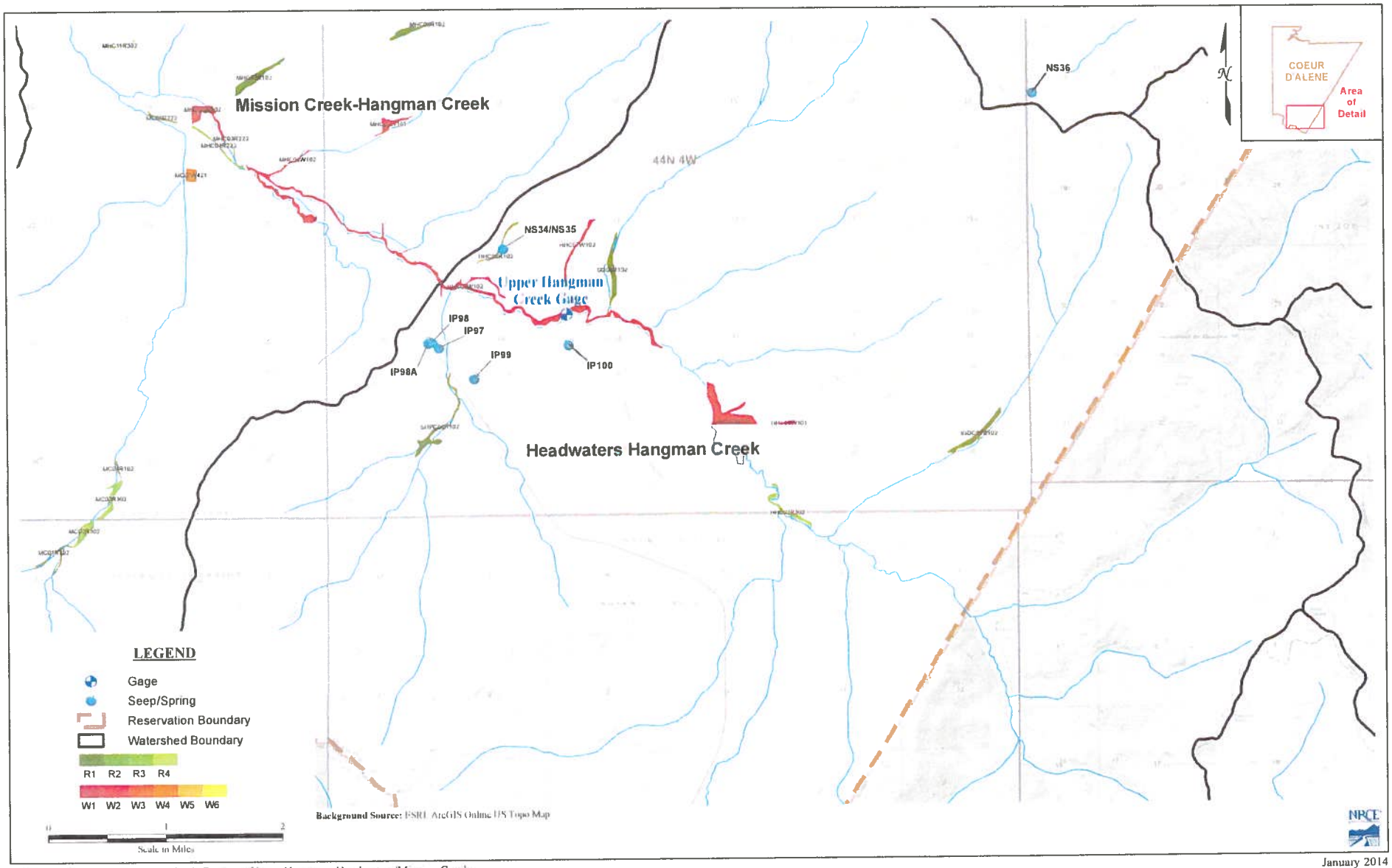

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7523

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #INDC01R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.31
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 516848 5217955; which is located in:
   Township: 44N Range: 04W Section: 36 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 32.04 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

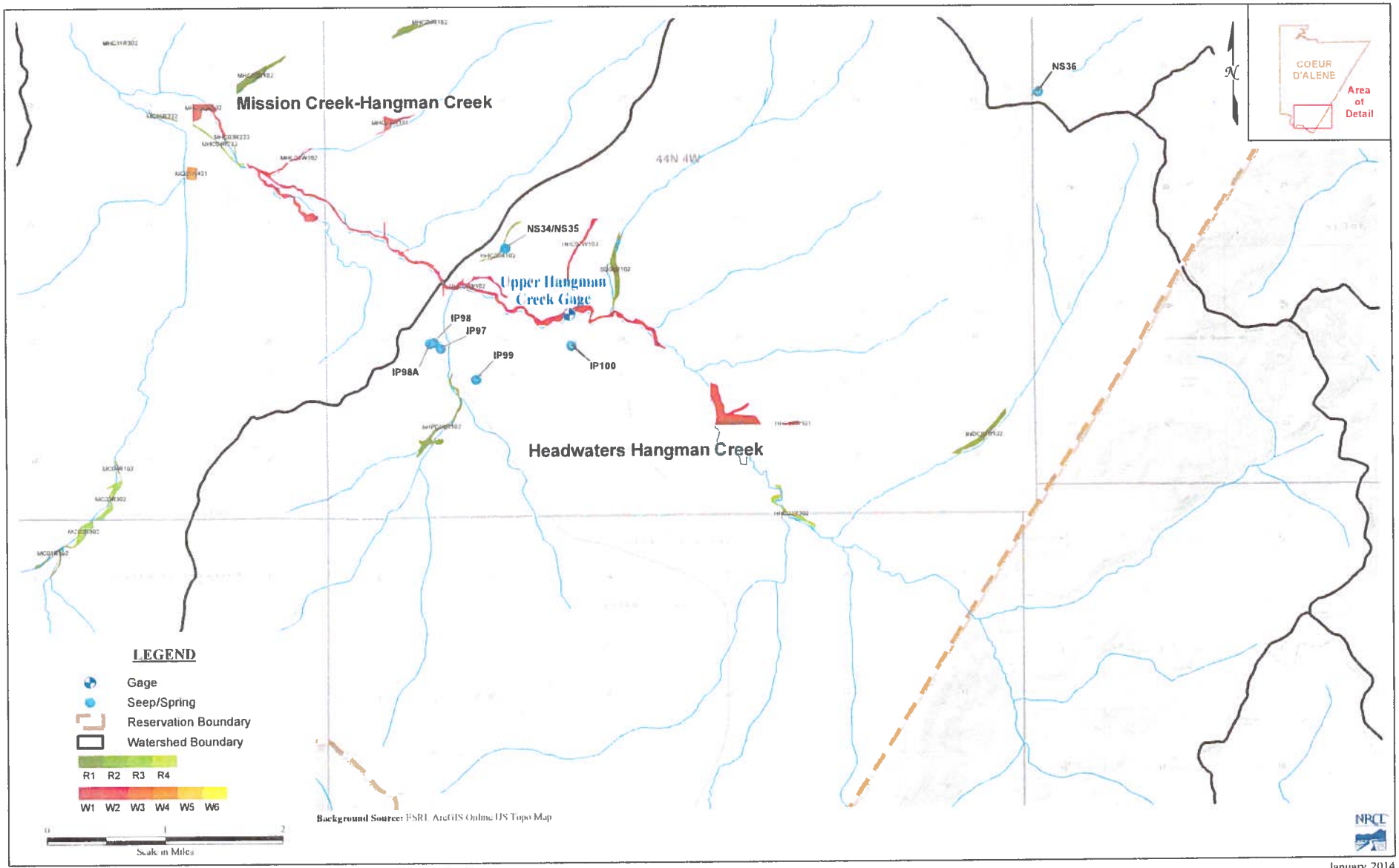

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7524

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #SHPC09R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 15.83
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509422 5218104; which is located in:
   Township: 44N Range: 04W Section: 31 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 38.10 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

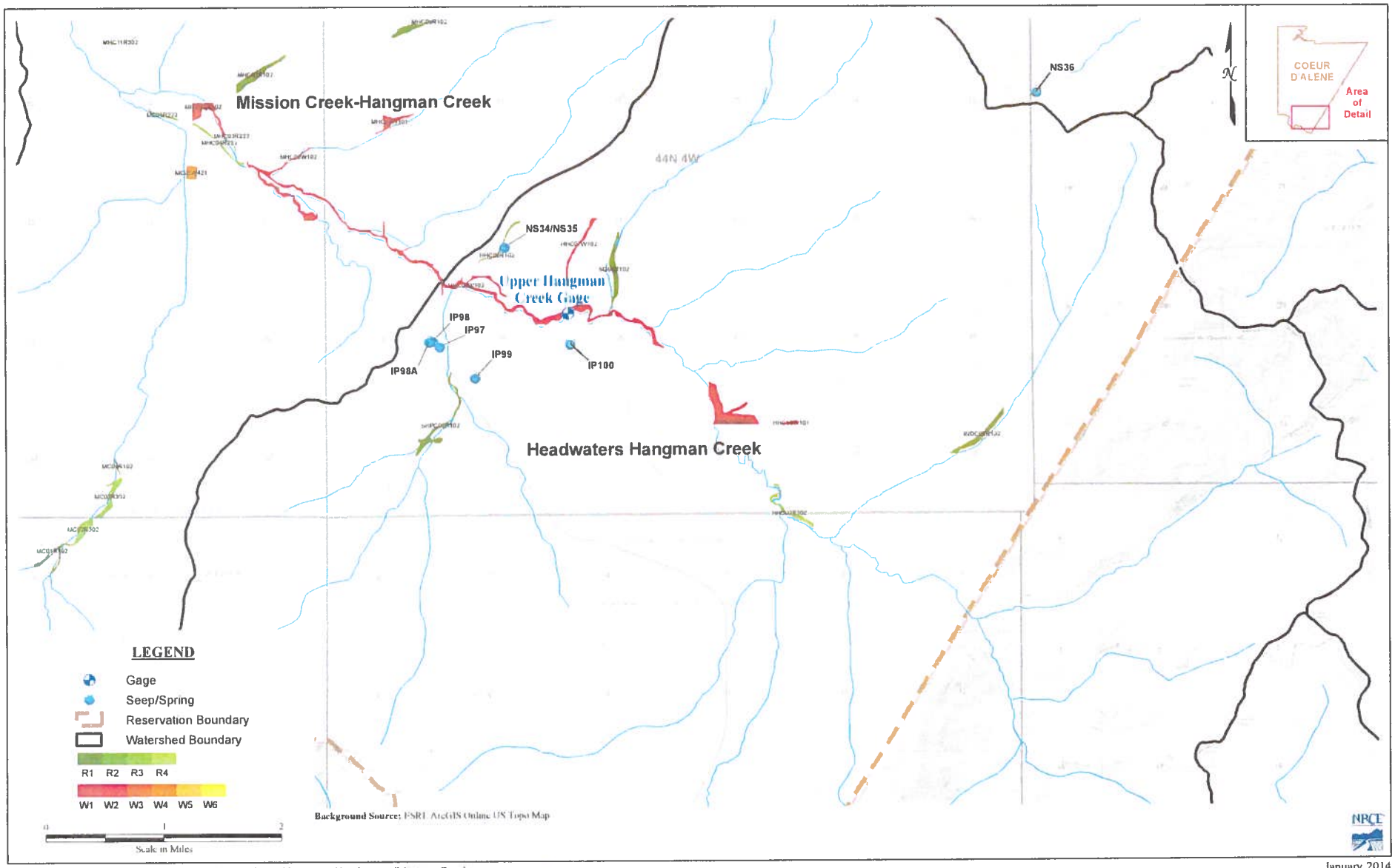

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7525

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Headwaters Hangman Creek (Fed ID #SQ06R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 14.39
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 511863 5220225; which is located in:
   Township: 44N Range: 04W Section: 21 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 34.64 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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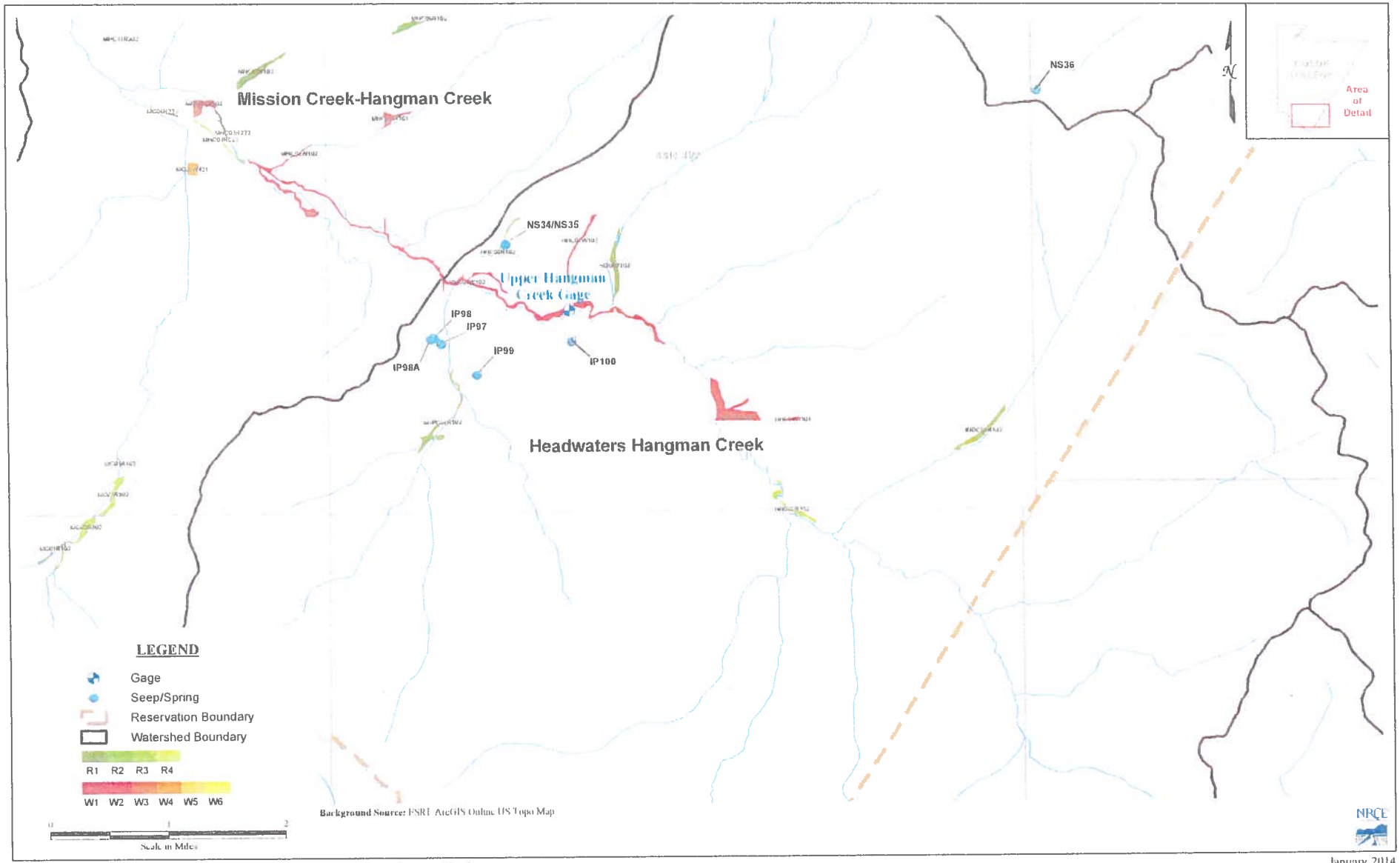

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7526

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC01W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 18.07
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504937 5235901; which is located in:
   Township: 45N Range: 05W Section: 02 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 39.65 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
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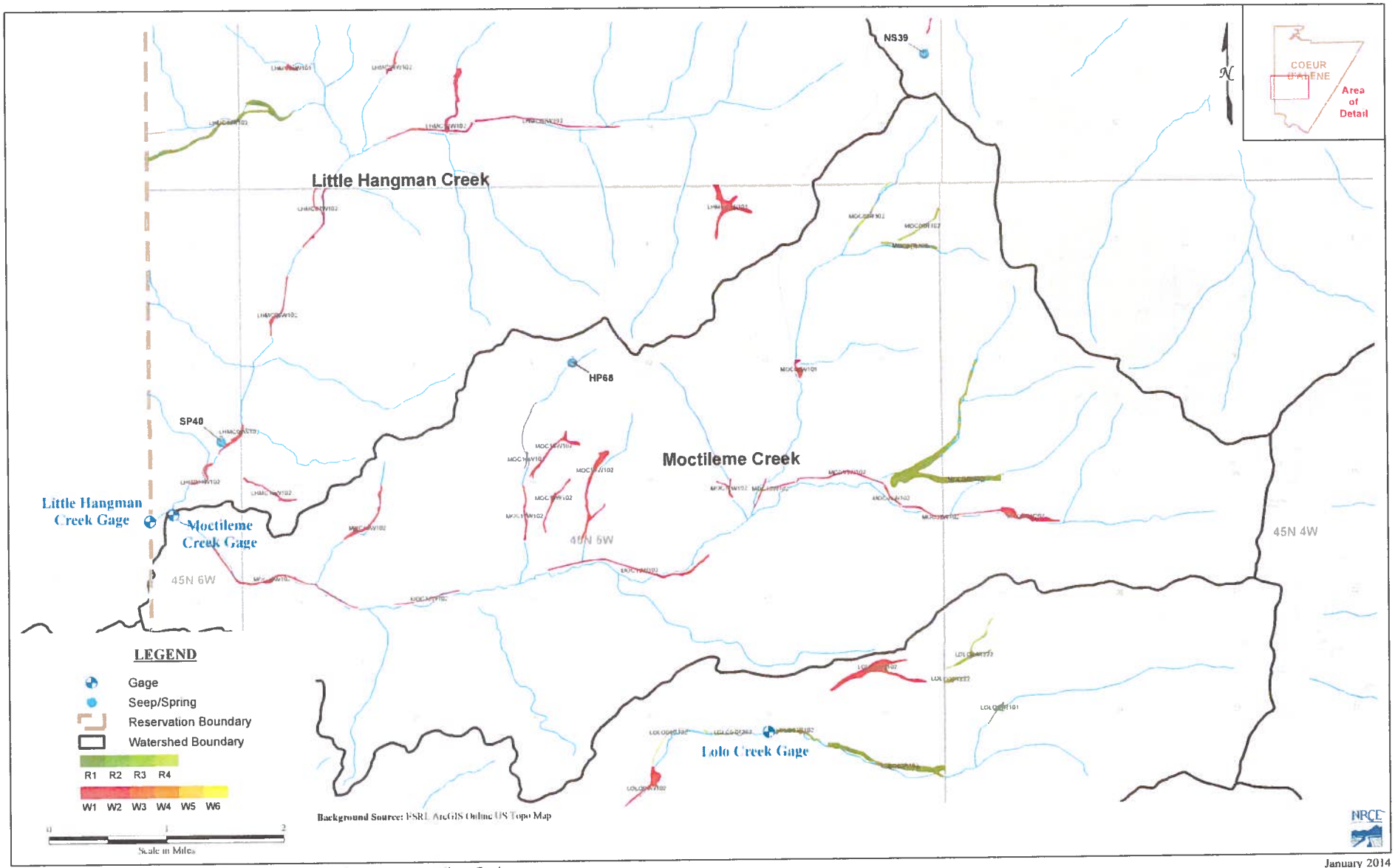

January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7527

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC02W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.95
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502434 5237067; which is located in:
   Township: 46N Range: 05W Section: 33 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 28.25 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

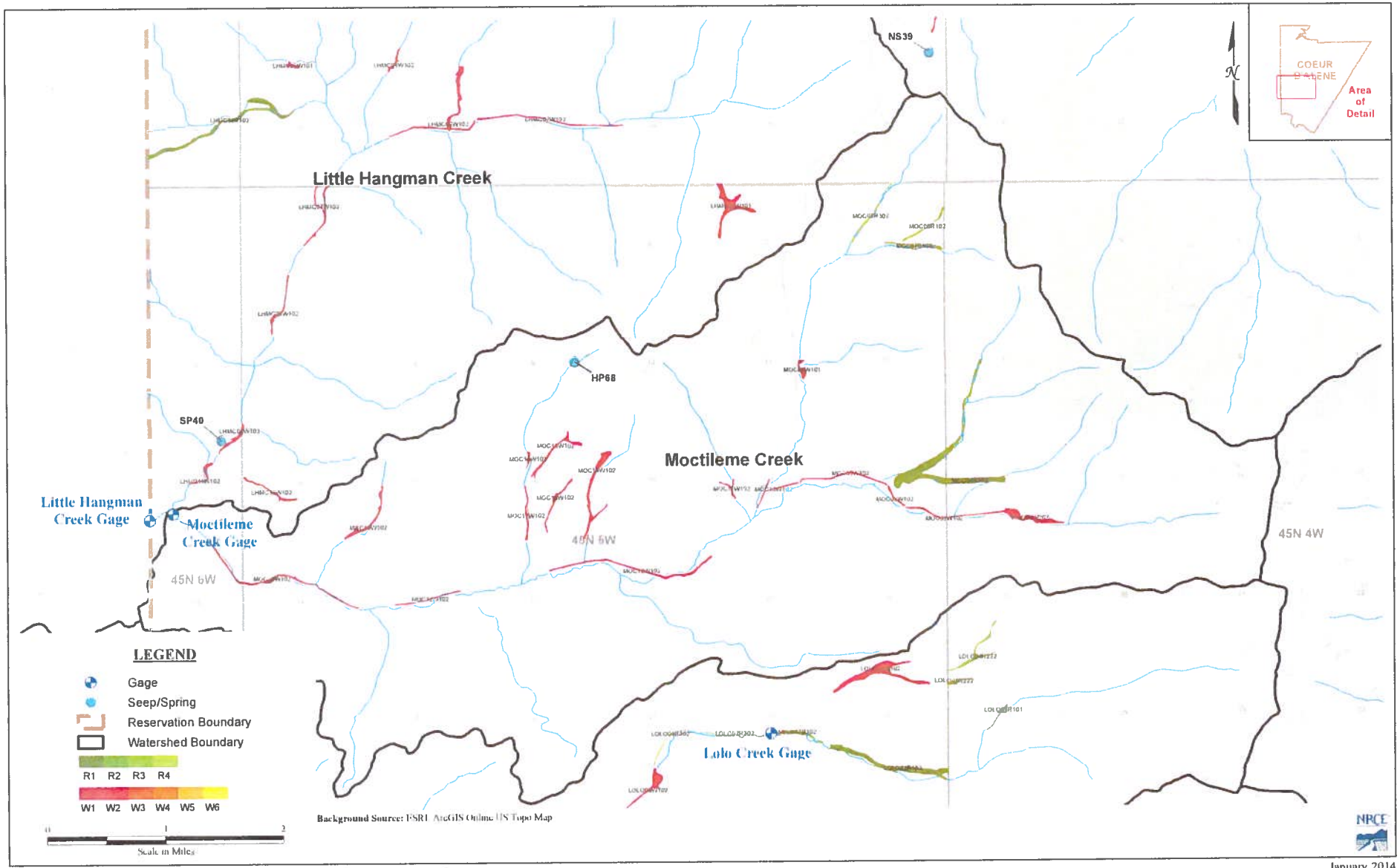

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7528

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC03W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 17.12
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501112 5237247; which is located in:
   Township: 46N Range: 05W Section: 32 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 54.03 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

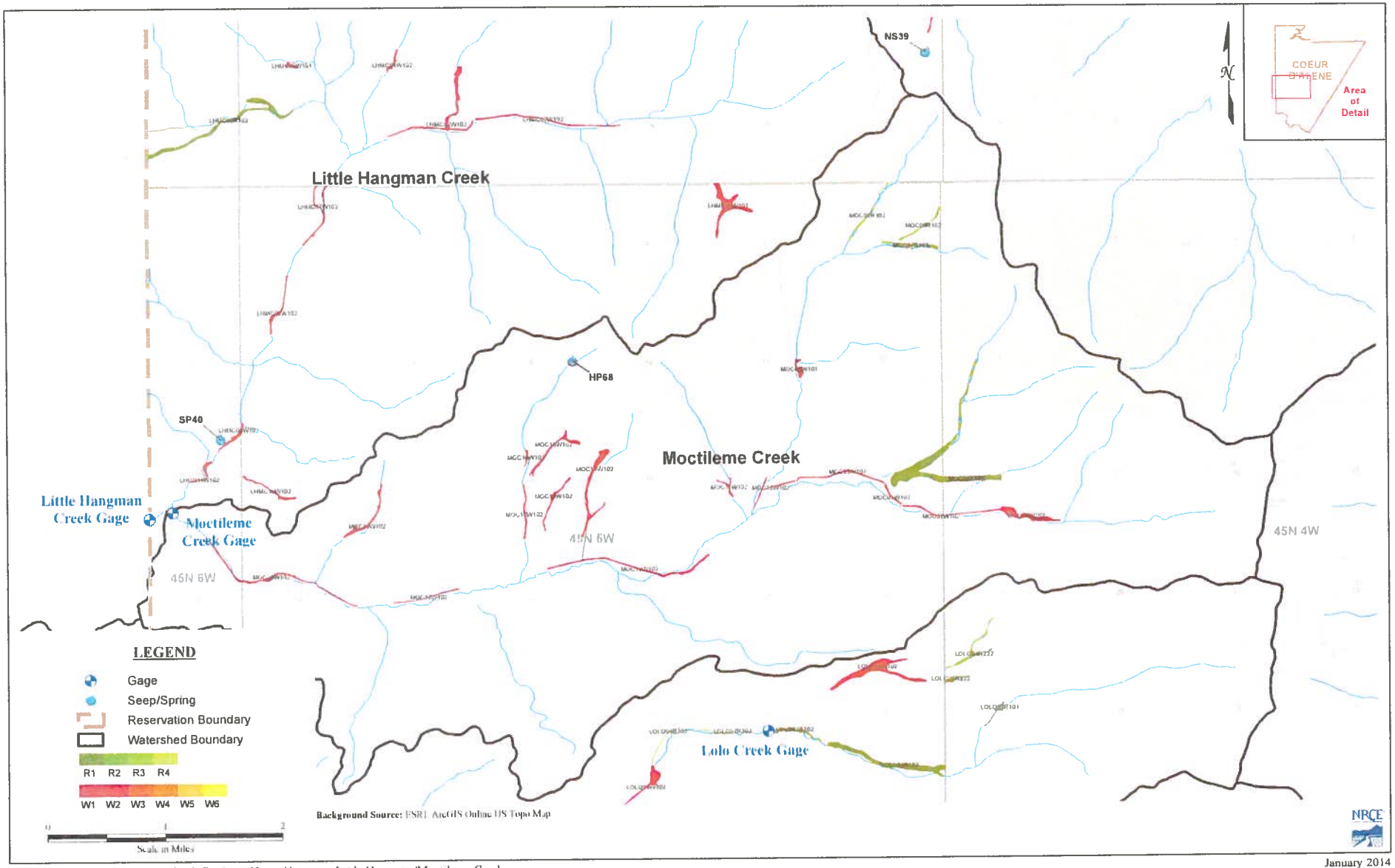

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7529

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC04W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.59
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500366 5237872; which is located in:
   Township: 46N Range: 05W Section: 29 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 8.17 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

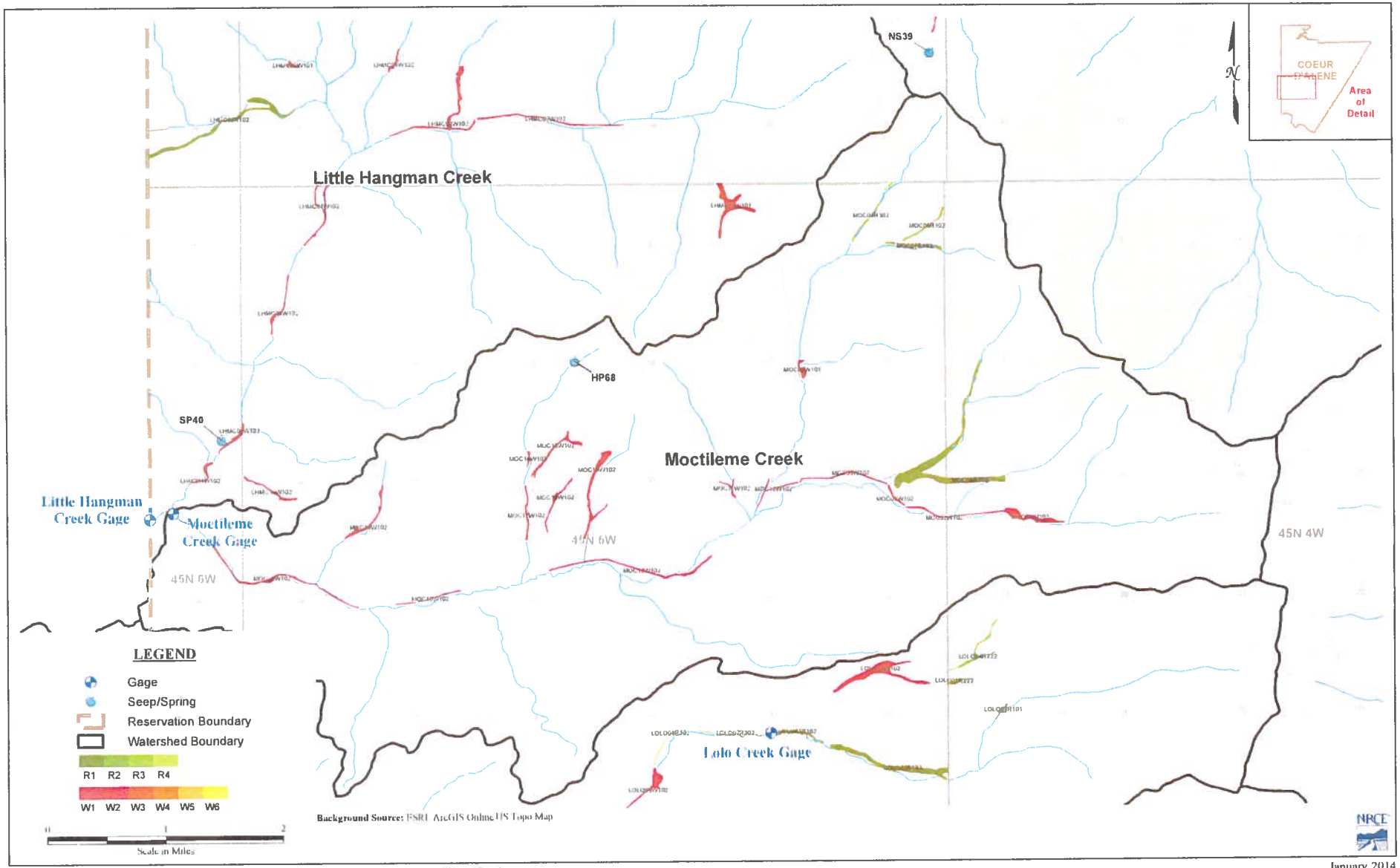

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7530

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC05W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.95
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498977 5237836; which is located in:
   Township: 46N Range: 05W Section: 30 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.28 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

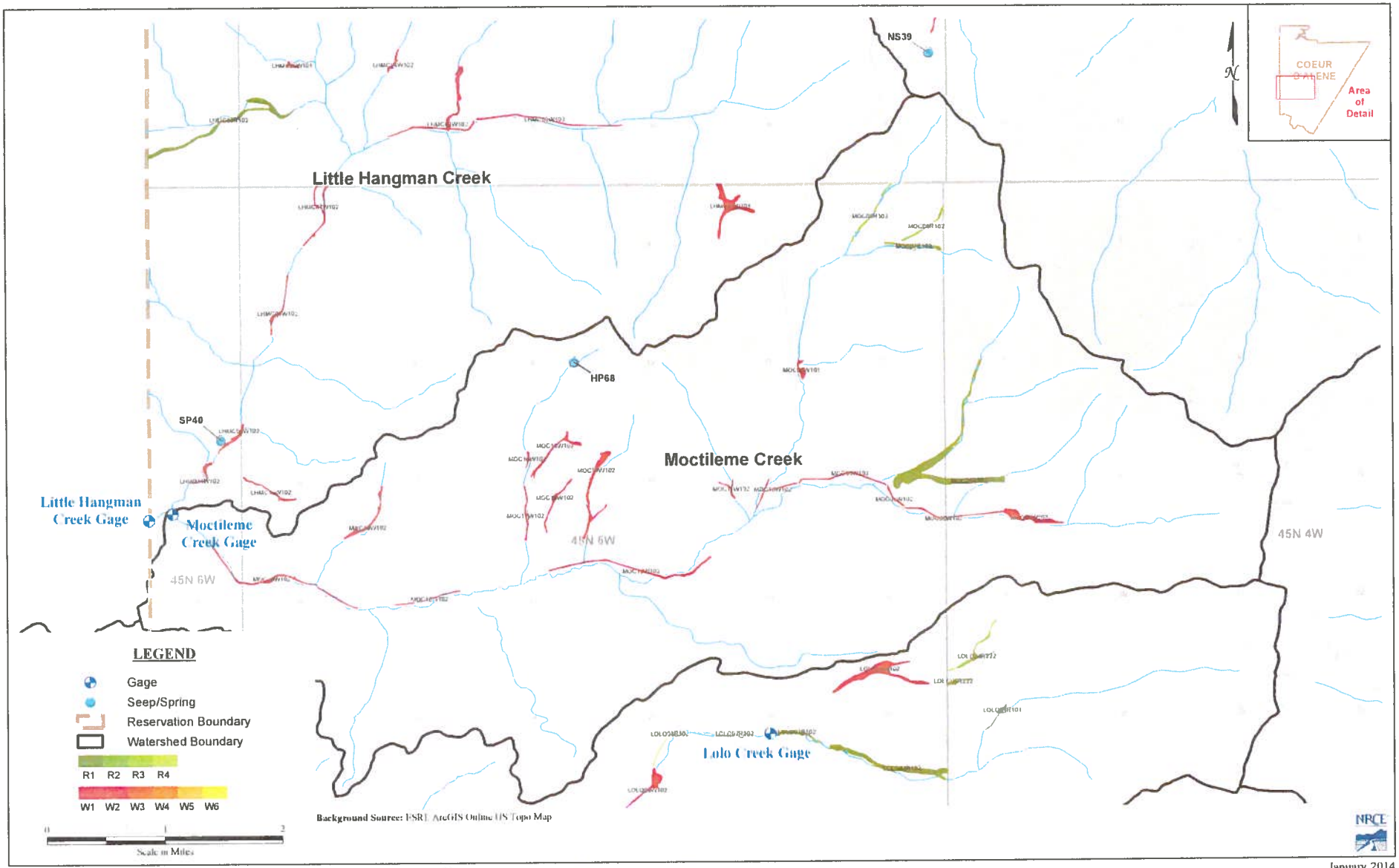


Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7531

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC06R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 30.03
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498071 5237052; which is located in:
   Township: 46N Range: 06W Section: 36 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 72.28 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

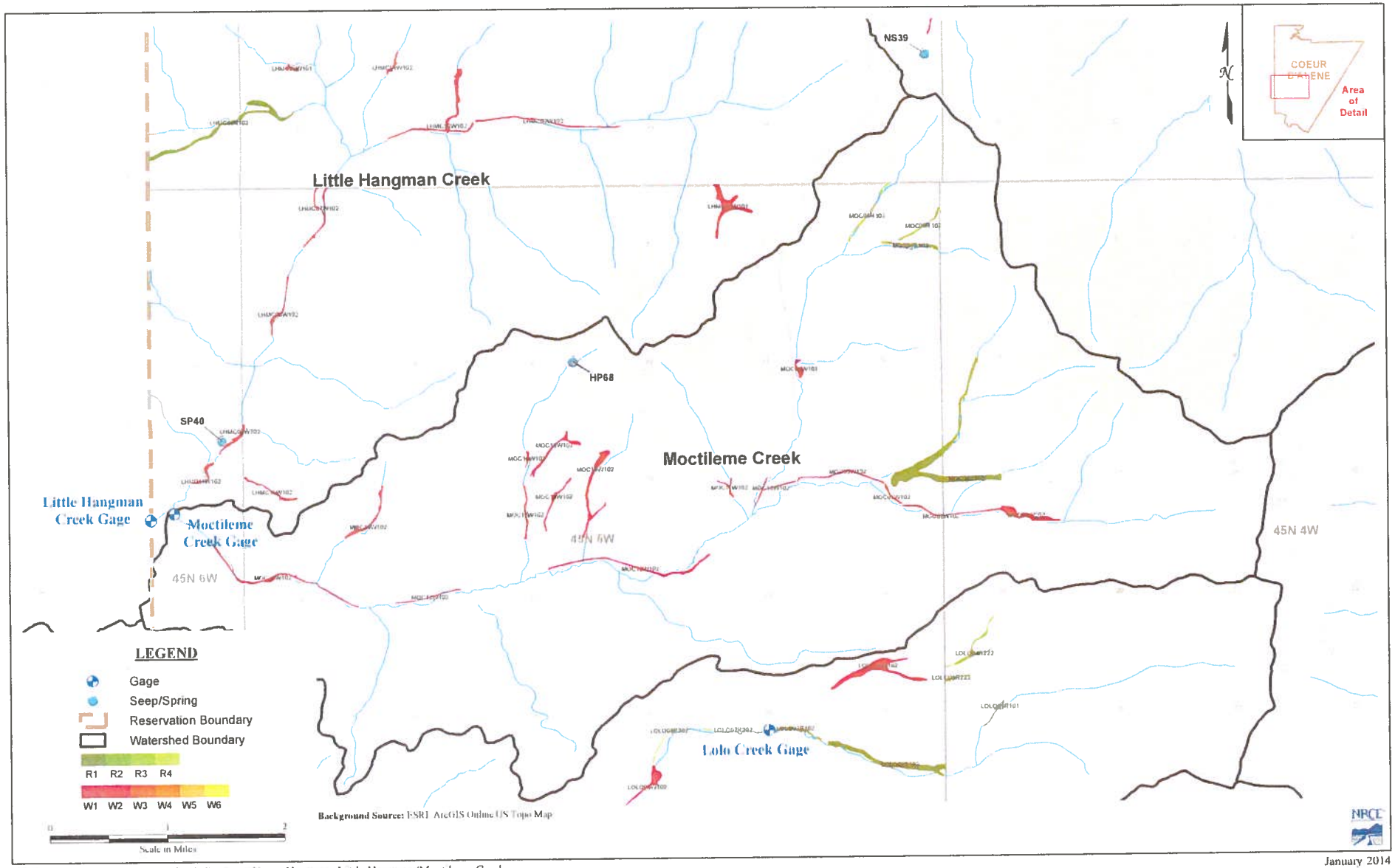
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7532

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC07W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.29
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 499325 5235833; which is located in:
   Township: 45N Range: 05W Section: 06 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 19.85 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

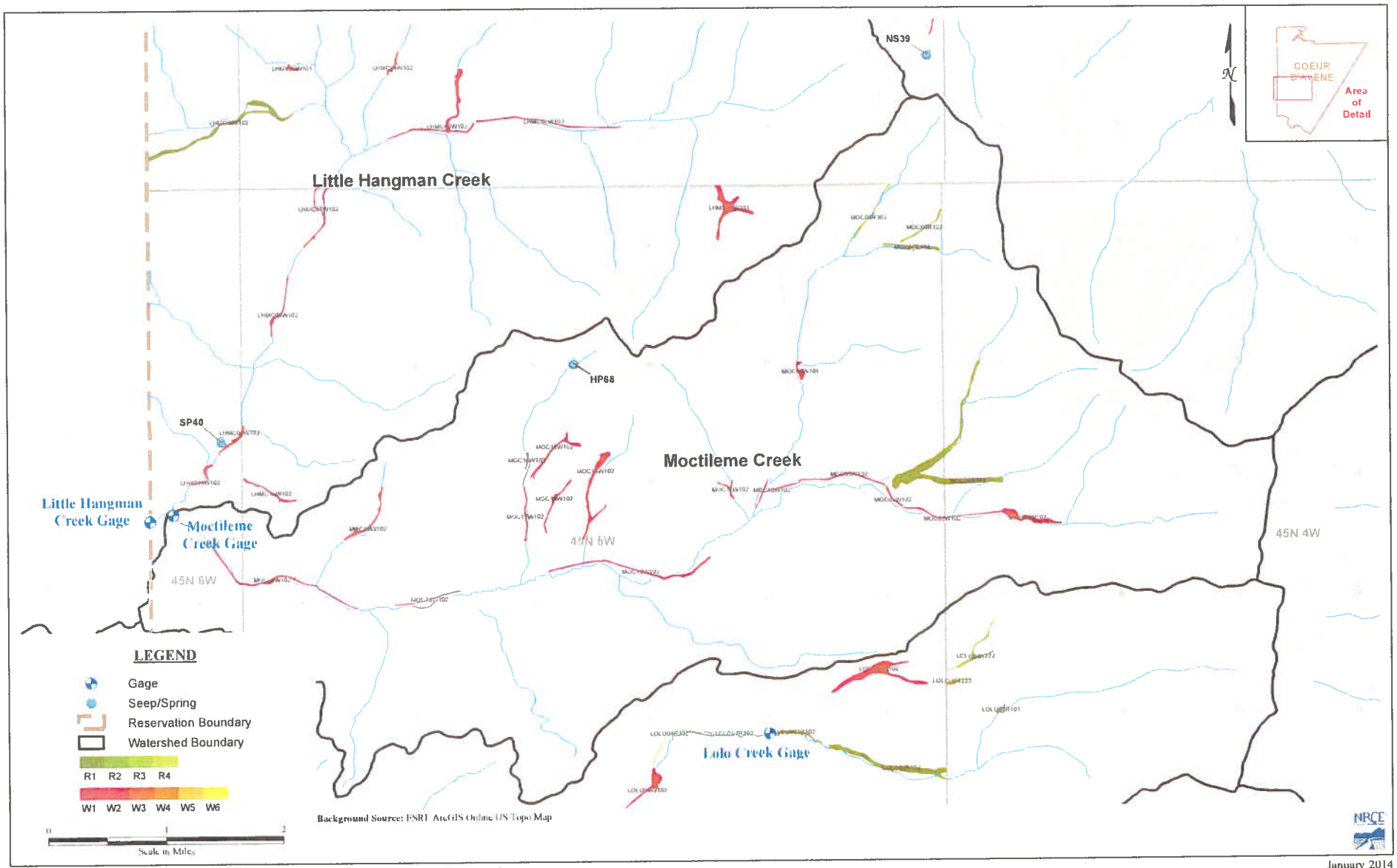


Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93 - 7533

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC08W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.92

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 498767 5234538; which is located in:

   Township: 45N Range: 05W Section: 07 Q: NW QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 15.53 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
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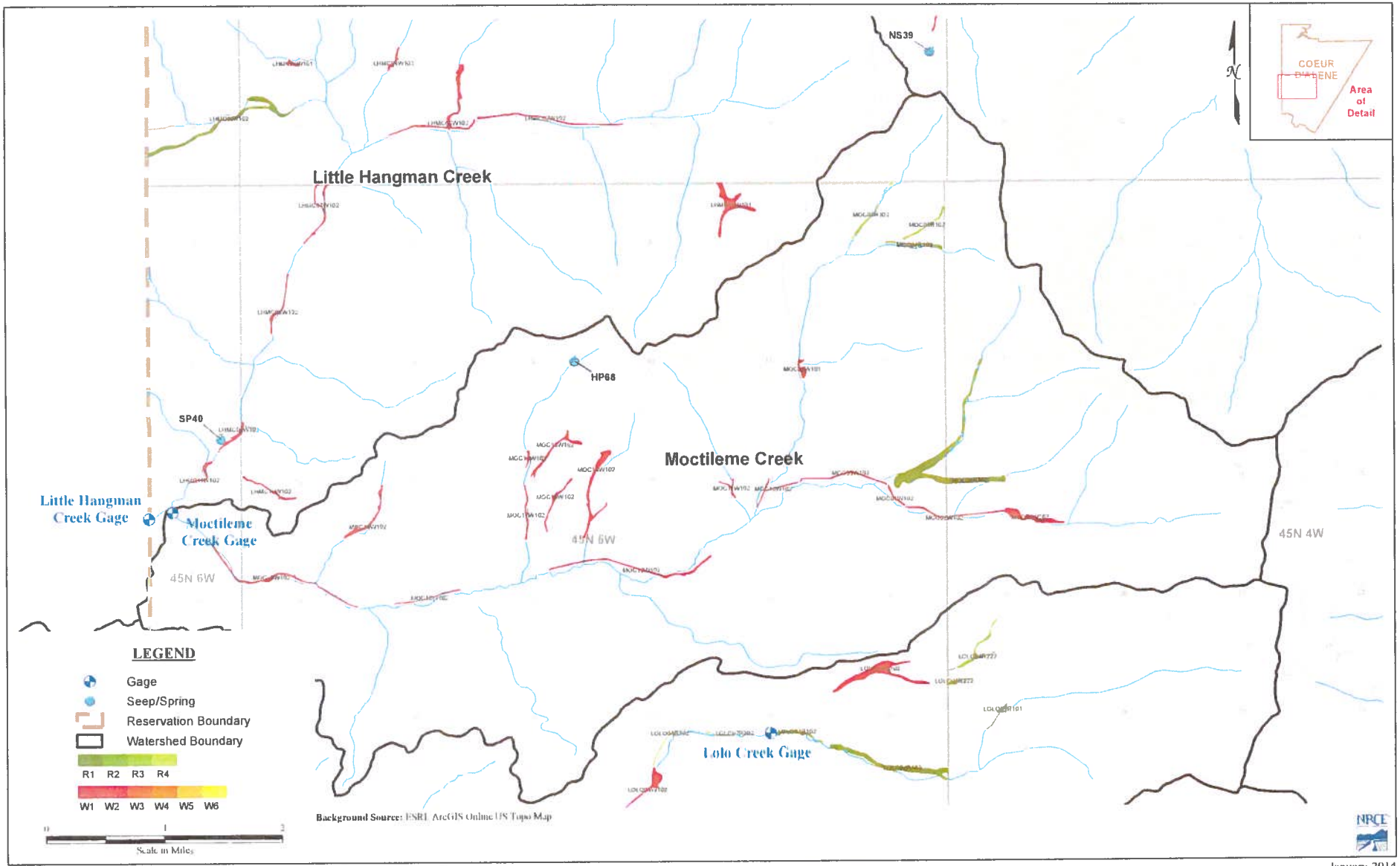

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7534

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC09W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.86
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498142 5232784; which is located in:
   Township: 45N Range: 06W Section: 13 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 15.34 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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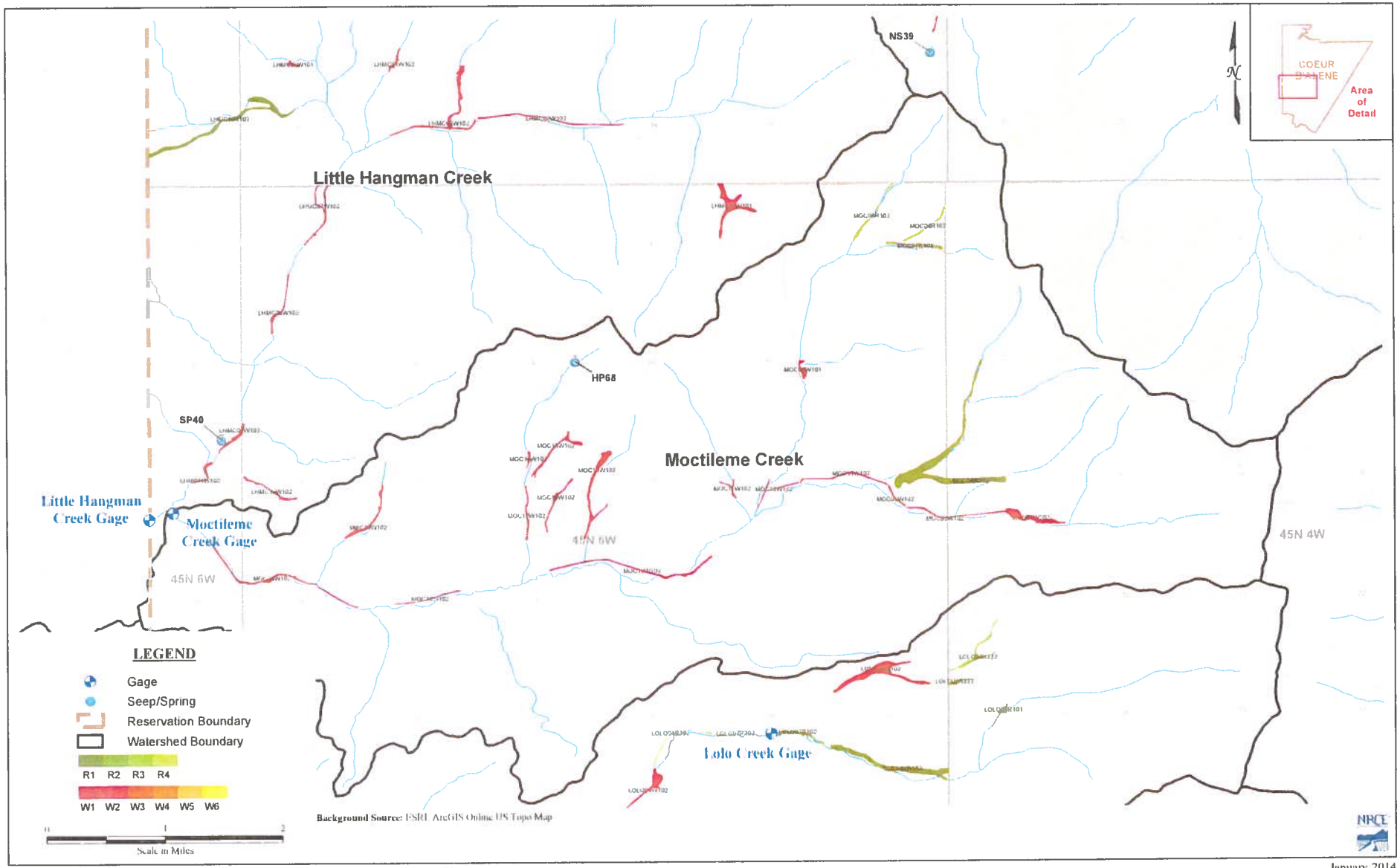

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7535

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC10W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.3
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498653 5232058; which is located in:
   Township: 45N Range: 05W Section: 18 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 16.73 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

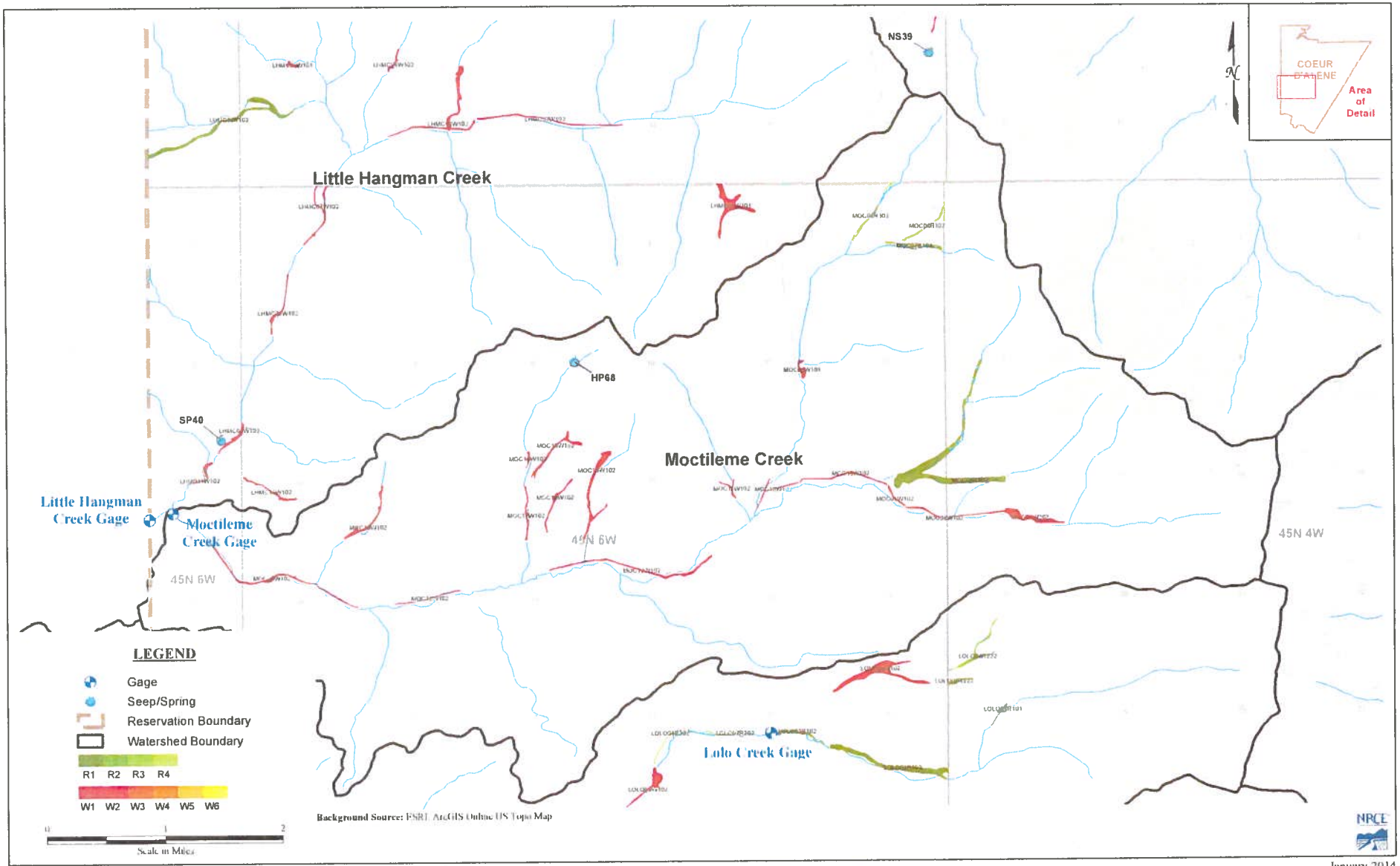

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7536

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Little Hangman Creek (Fed ID #LHMC11W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.16
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 497729 5232310; which is located in:
   Township: 45N Range: 06W Section: 13 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.13 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

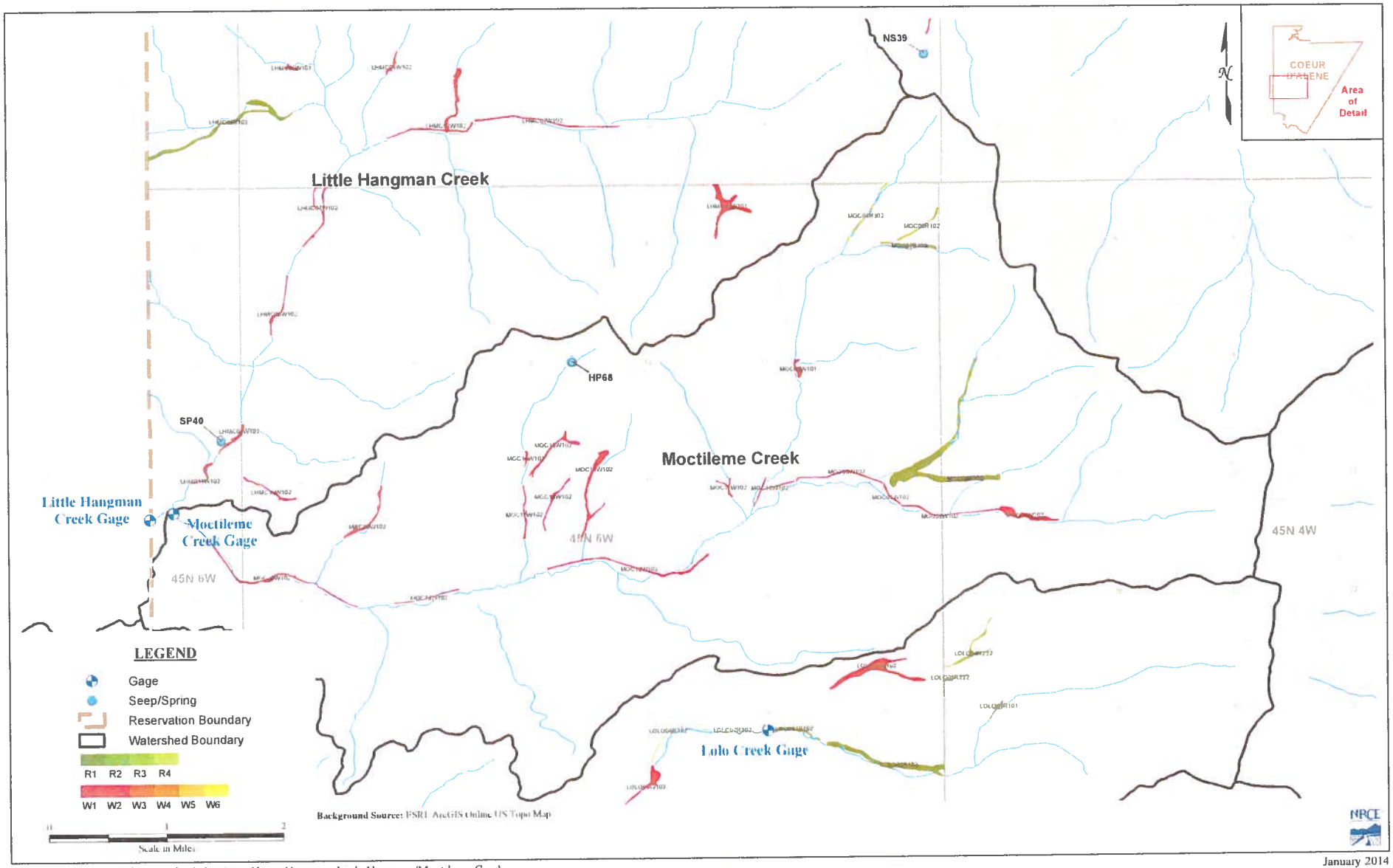

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7537

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC01W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.79

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 504803 5224247; which is located in:

   Township: 44N Range: 05W Section: 11 Q: NW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 5.65 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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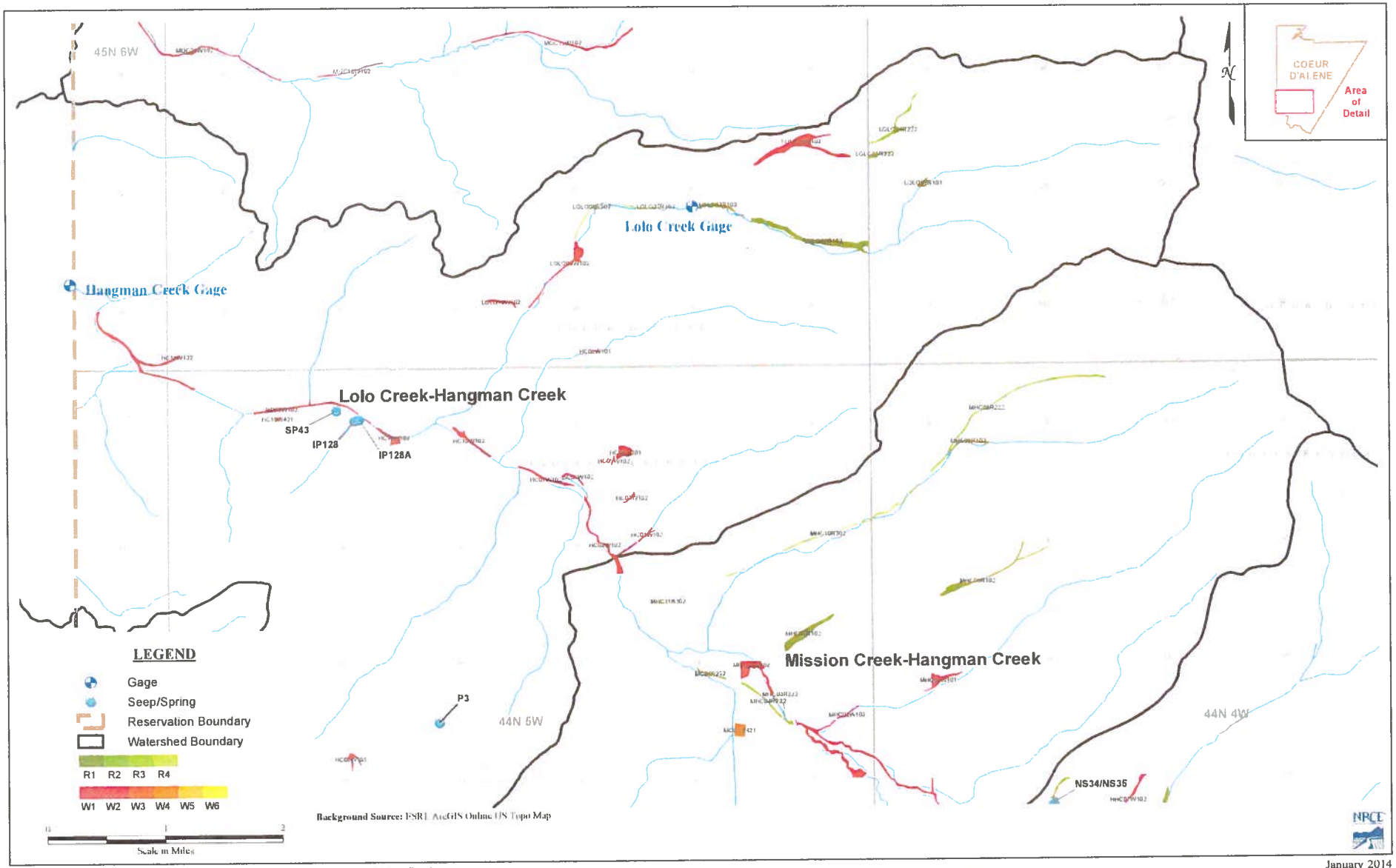

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7538

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC02W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 12.78
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504274 5224117; which is located in:
   Township: 44N Range: 05W Section: 10 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 40.33 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
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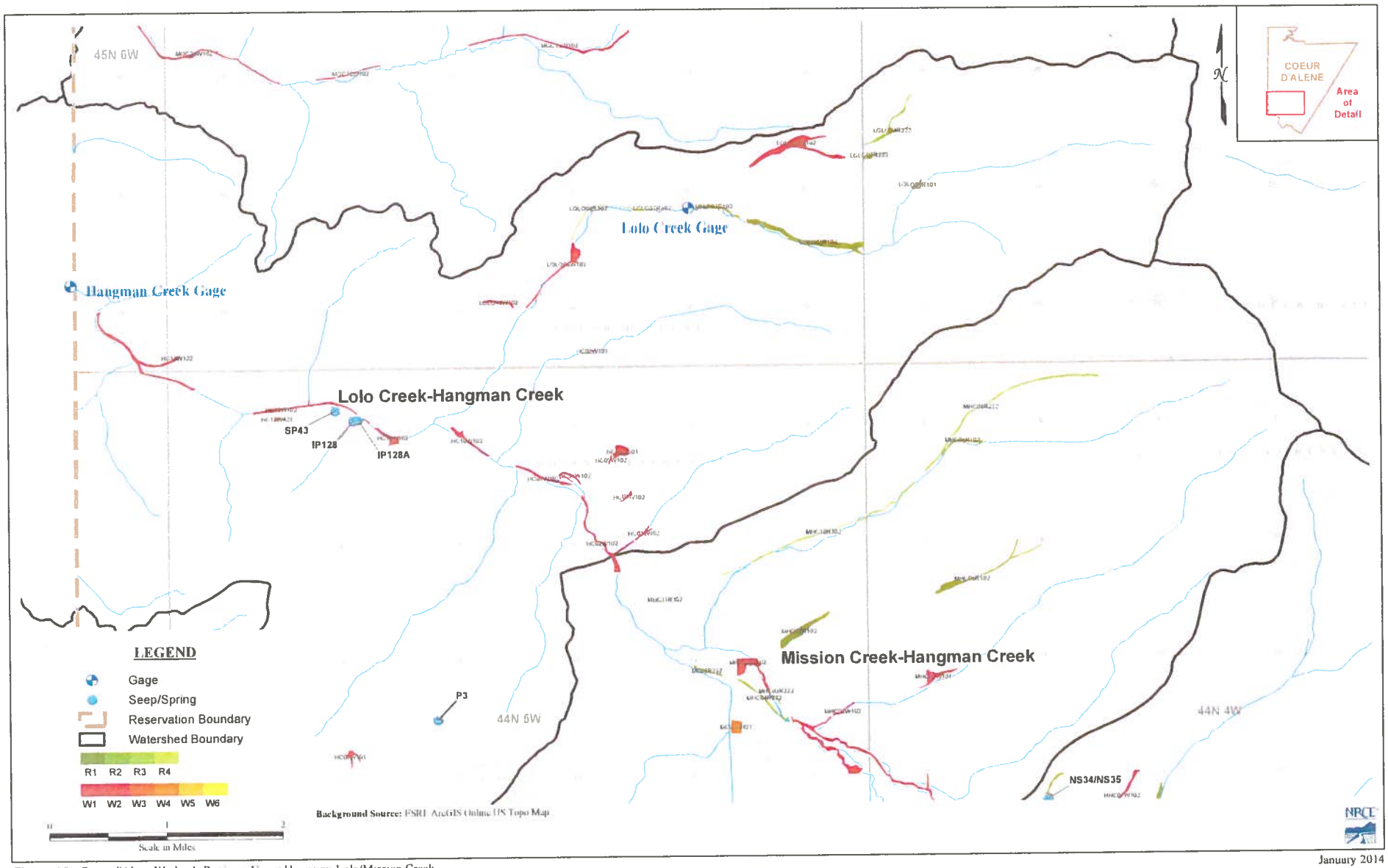


January 2014

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

93-7539

RECEIVED
JAN 31
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC03W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.37
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504593 5224753; which is located in:
   Township: 44N Range: 05W Section: 10 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.32 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

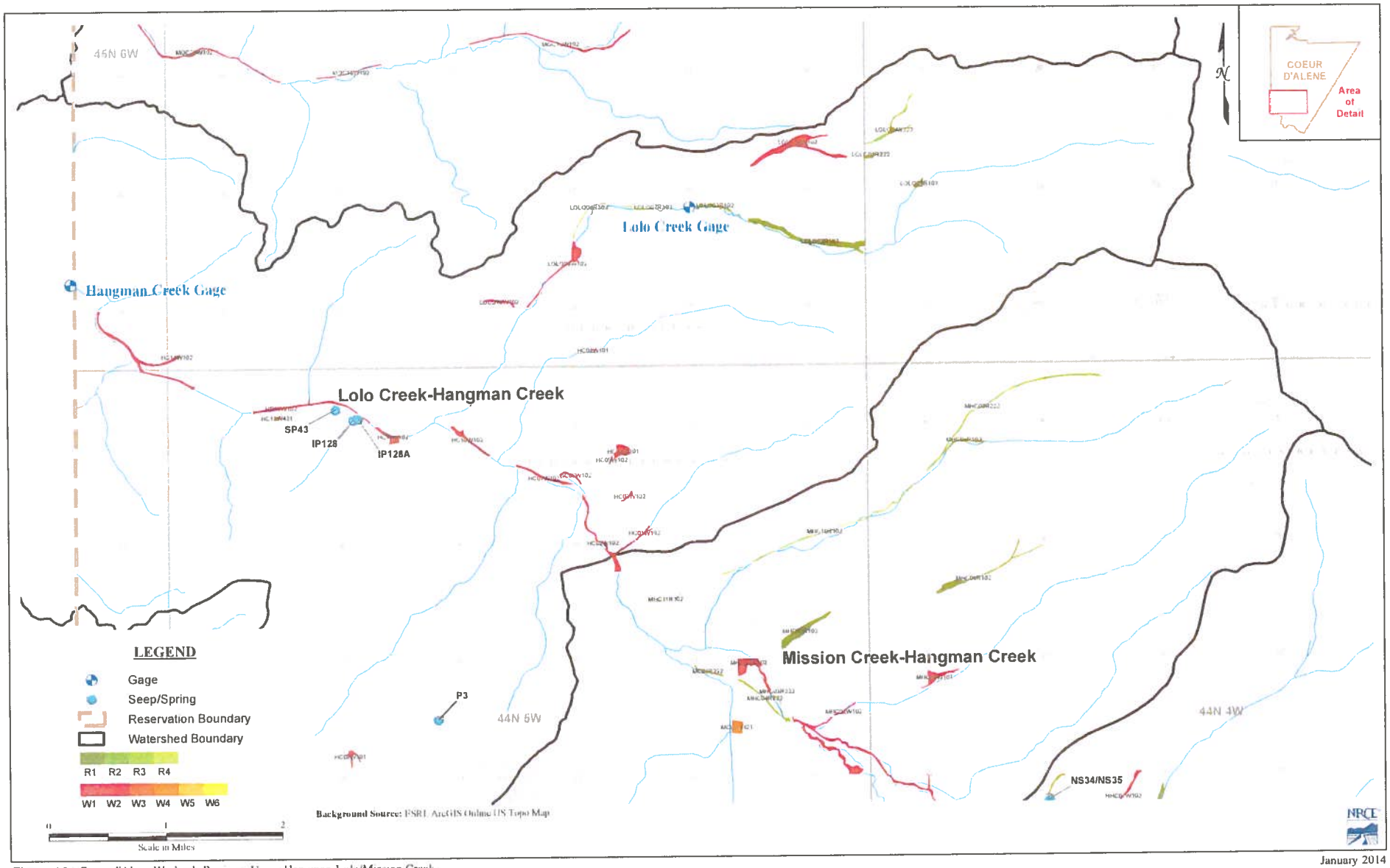
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

93-7540

RECEIVED
JAN 31 2011
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC04W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.61

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 504506 5225370; which is located in:

   Township: 44N Range: 05W Section: 03 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.50 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

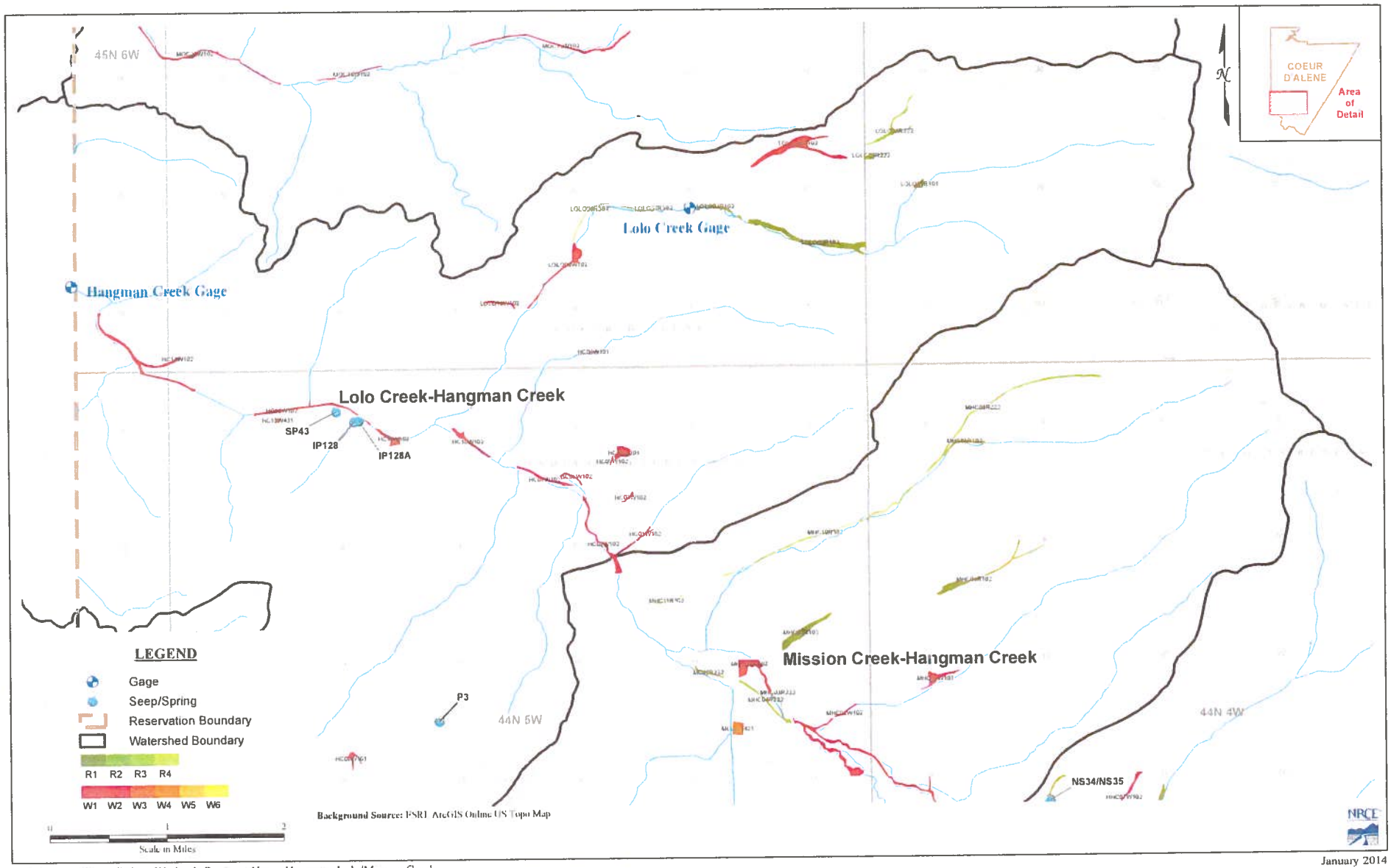


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7541

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC05W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.67
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504358 5225251; which is located in:
   Township: 44N Range: 05W Section: 03 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.11 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

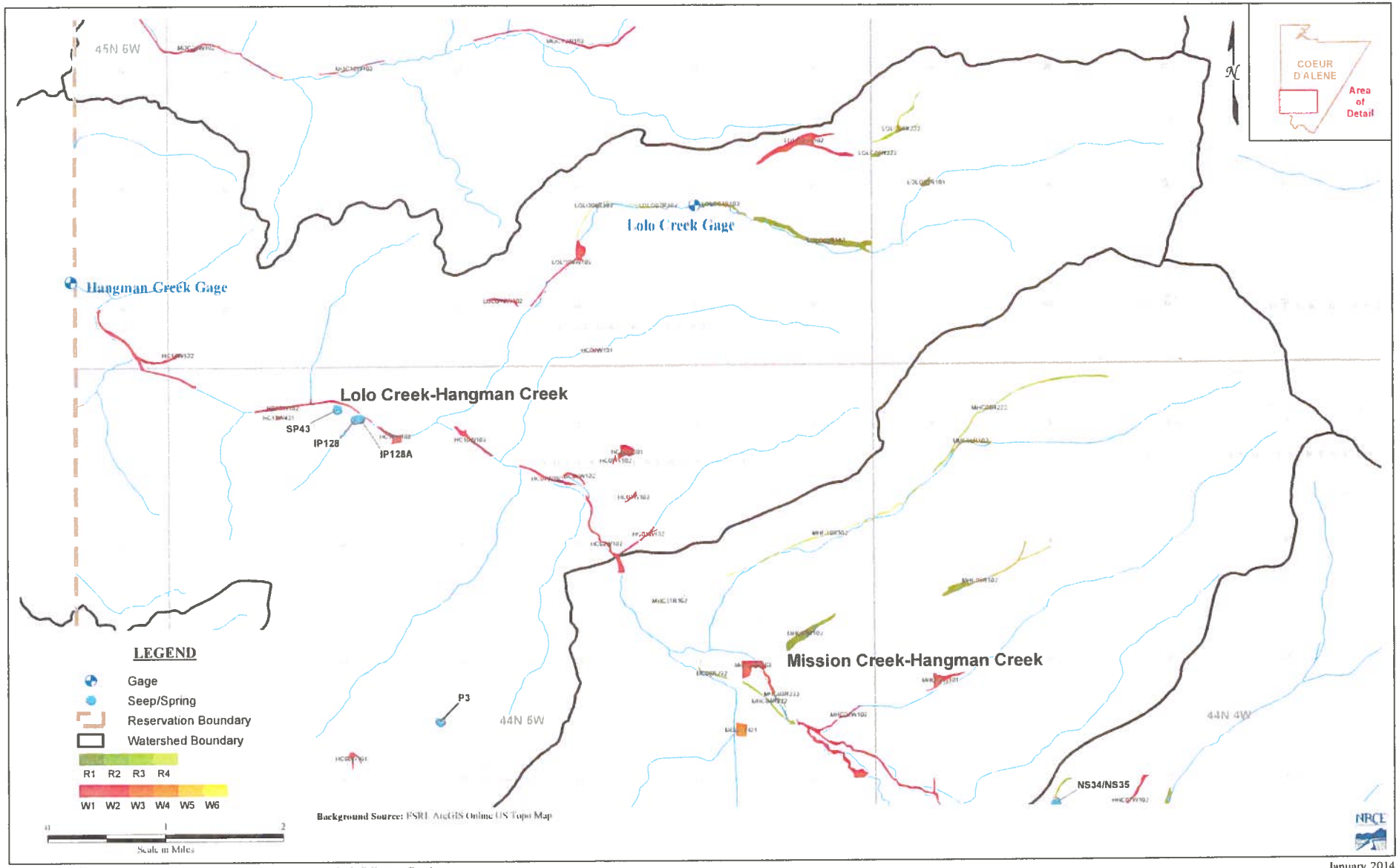


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7542

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC06W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.21
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 503805 5225028; which is located in:
   Township: 44N Range: 05W Section: 03 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 6.97 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

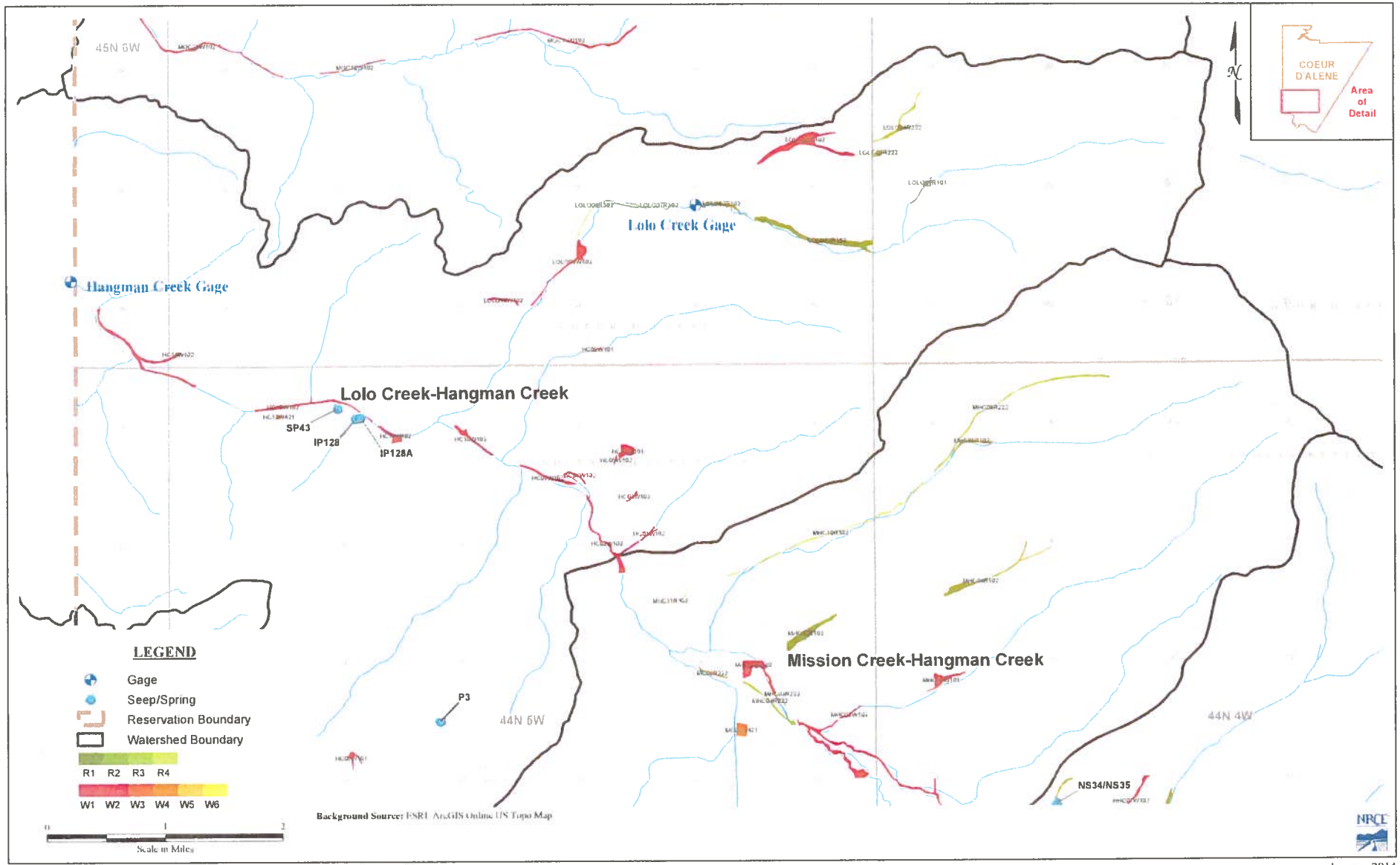


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7543

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC07W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.42

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 503427 5225035; which is located in:

   Township: 44N Range: 05W Section: 03 Q: SW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 17.11 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

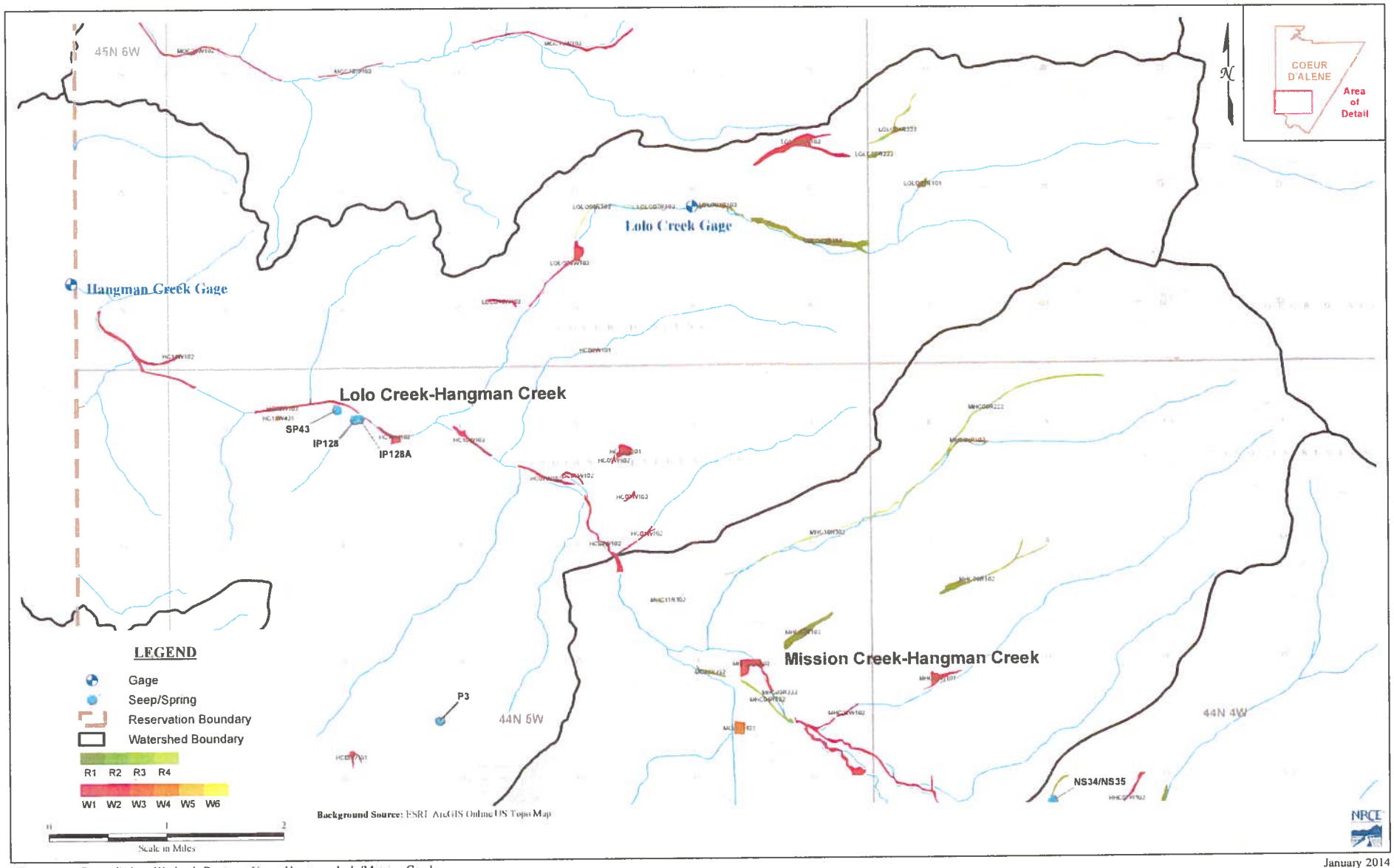


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7544

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC08W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.36
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500755 5221200; which is located in:
   Township: 44N Range: 05W Section: 20 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 7.37 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

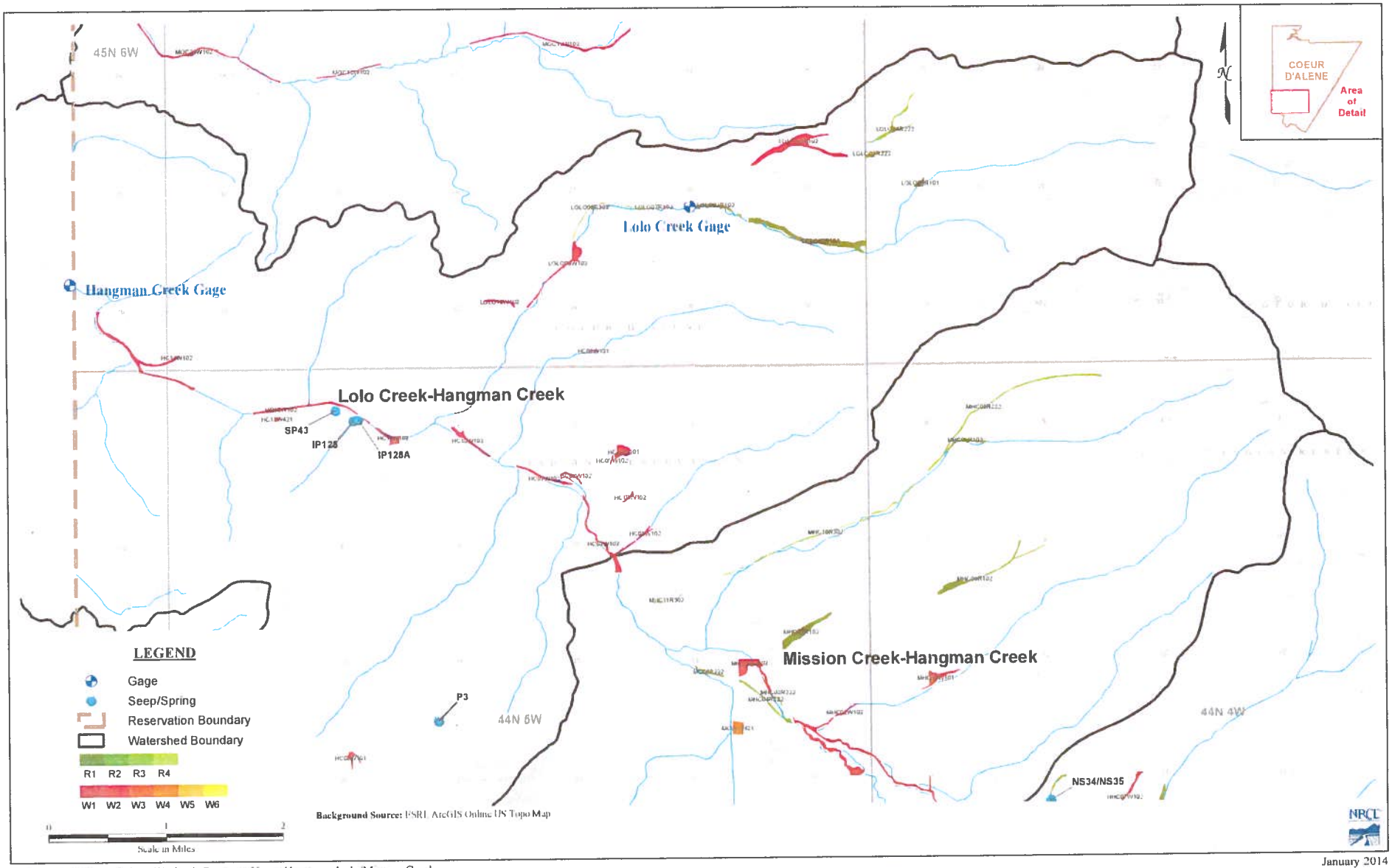


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7545

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC09W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.36
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504123 5226758; which is located in:
   Township: 45N Range: 05W Section: 34 Q: SE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.79 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
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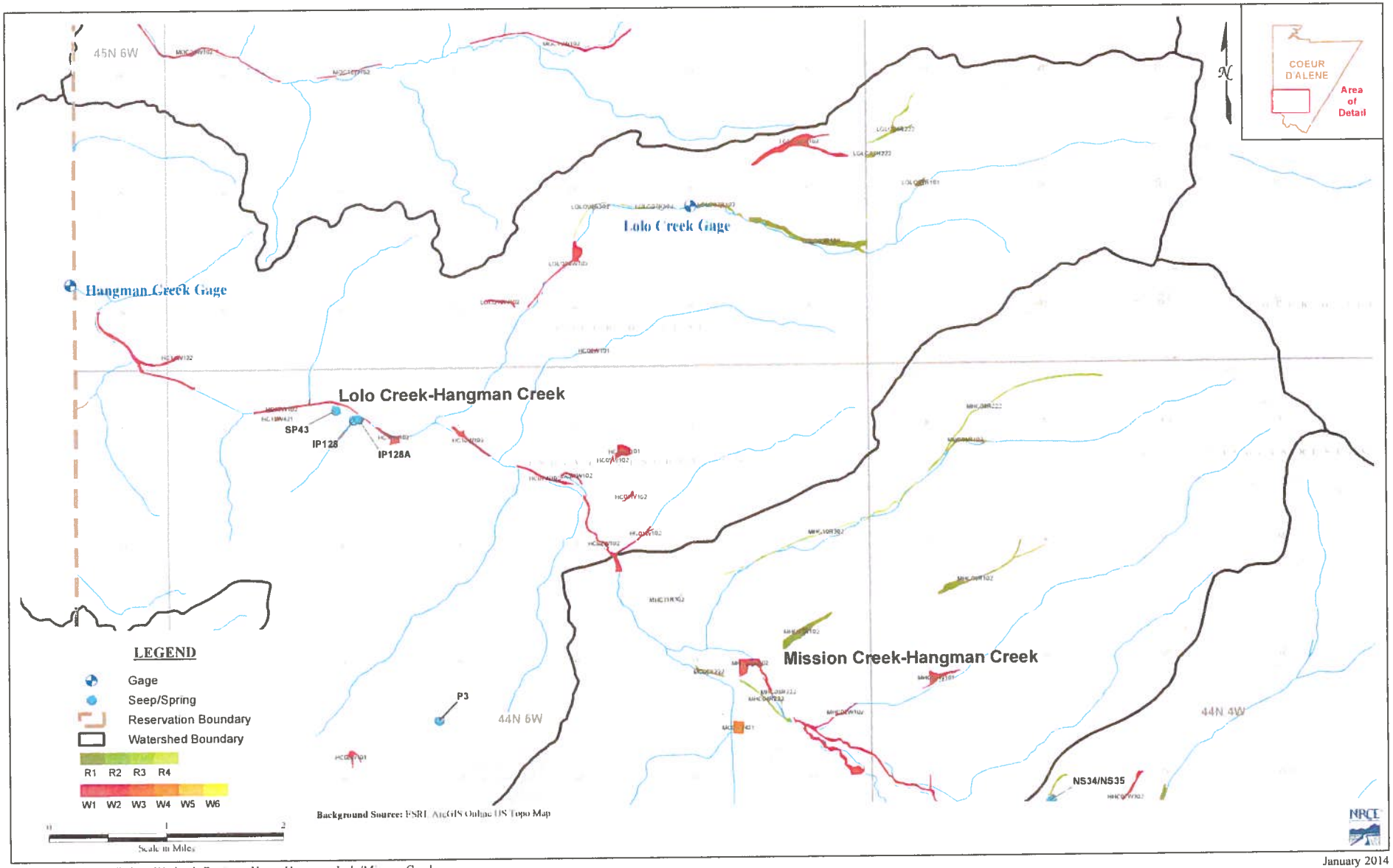

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7546

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC10W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502384 5225544; which is located in:
   Township: 44N Range: 05W Section: 04 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 18.94 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
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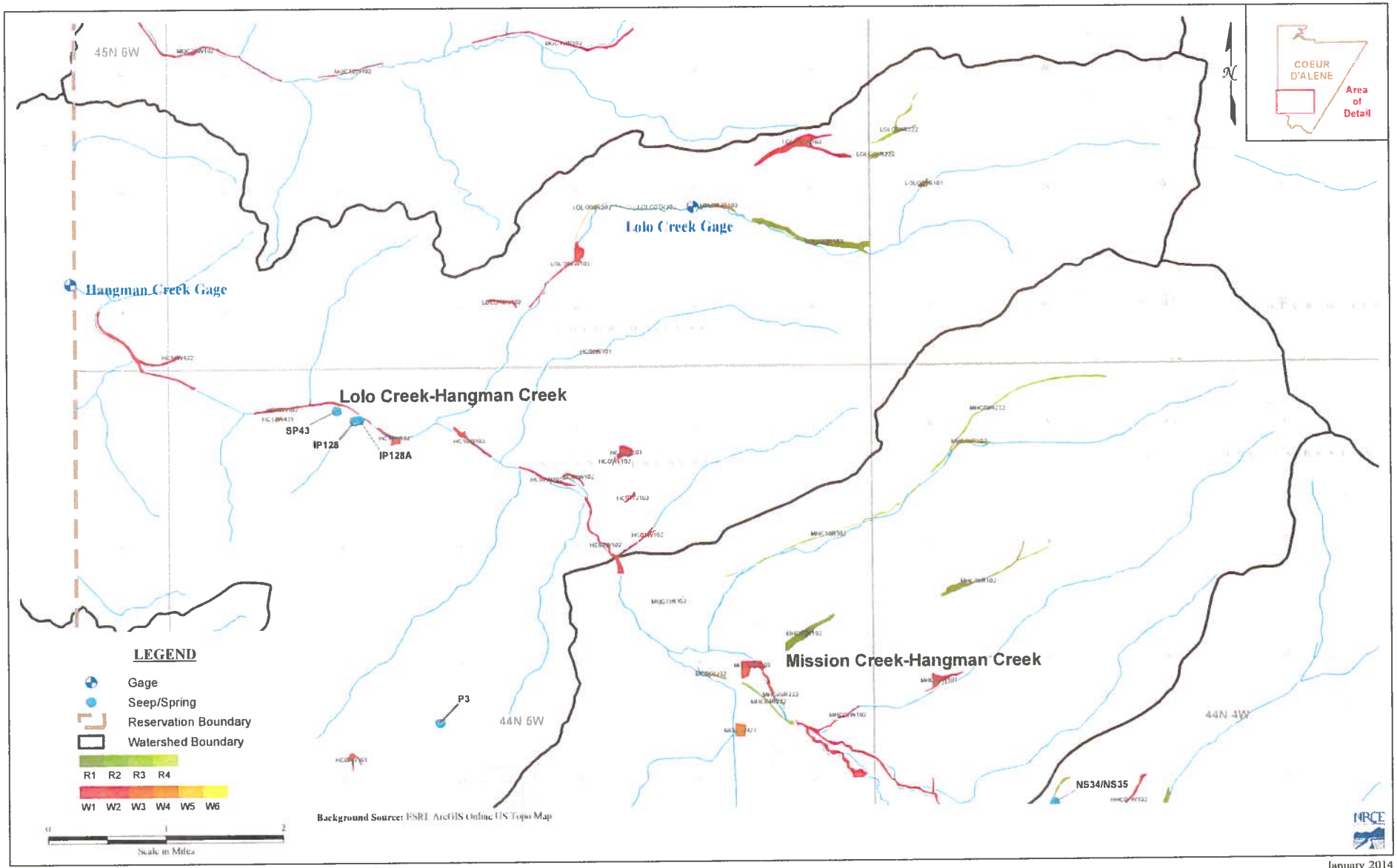

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7547

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC11W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.67
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501309 5225593; which is located in:
   Township: 44N Range: 05W Section: 05 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 17.89 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

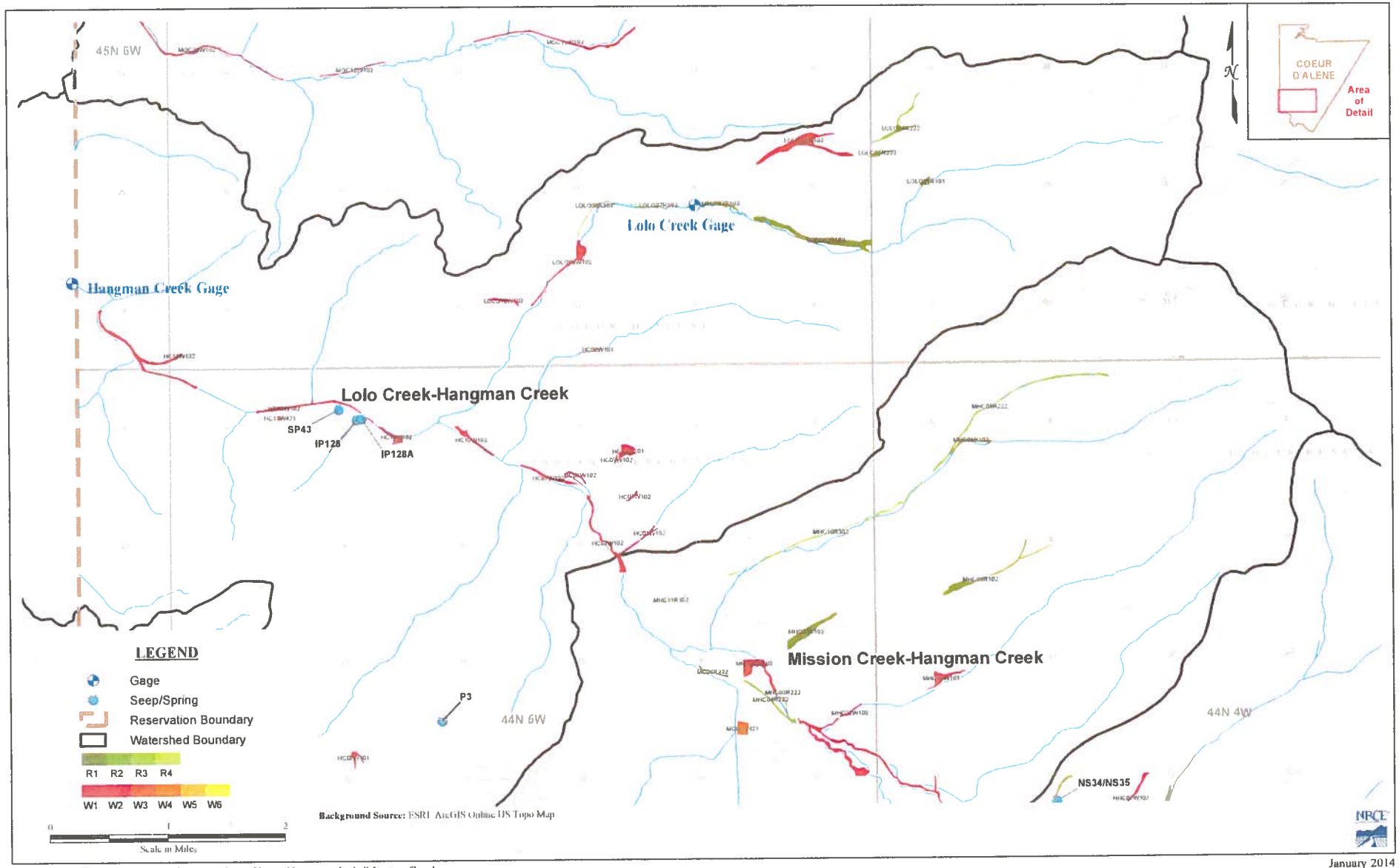

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7548

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC12W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 11.12
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500178 5226000; which is located in:
   Township: 44N Range: 05W Section: 05 Q: NW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 35.09 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

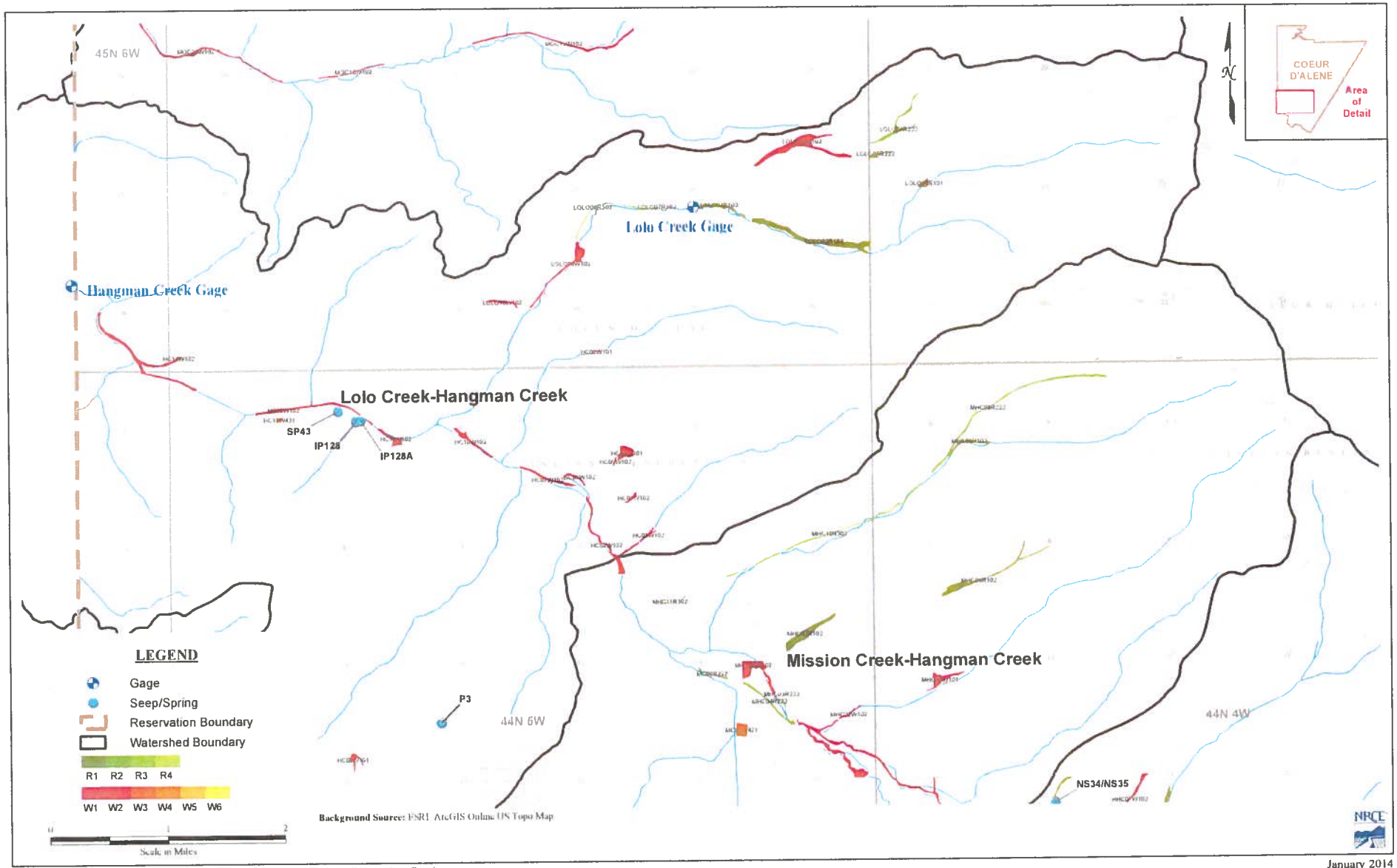

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7549

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC13W421)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.21
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 499757 5225862; which is located in:
   Township: 44N Range: 05W Section: 06 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.24 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

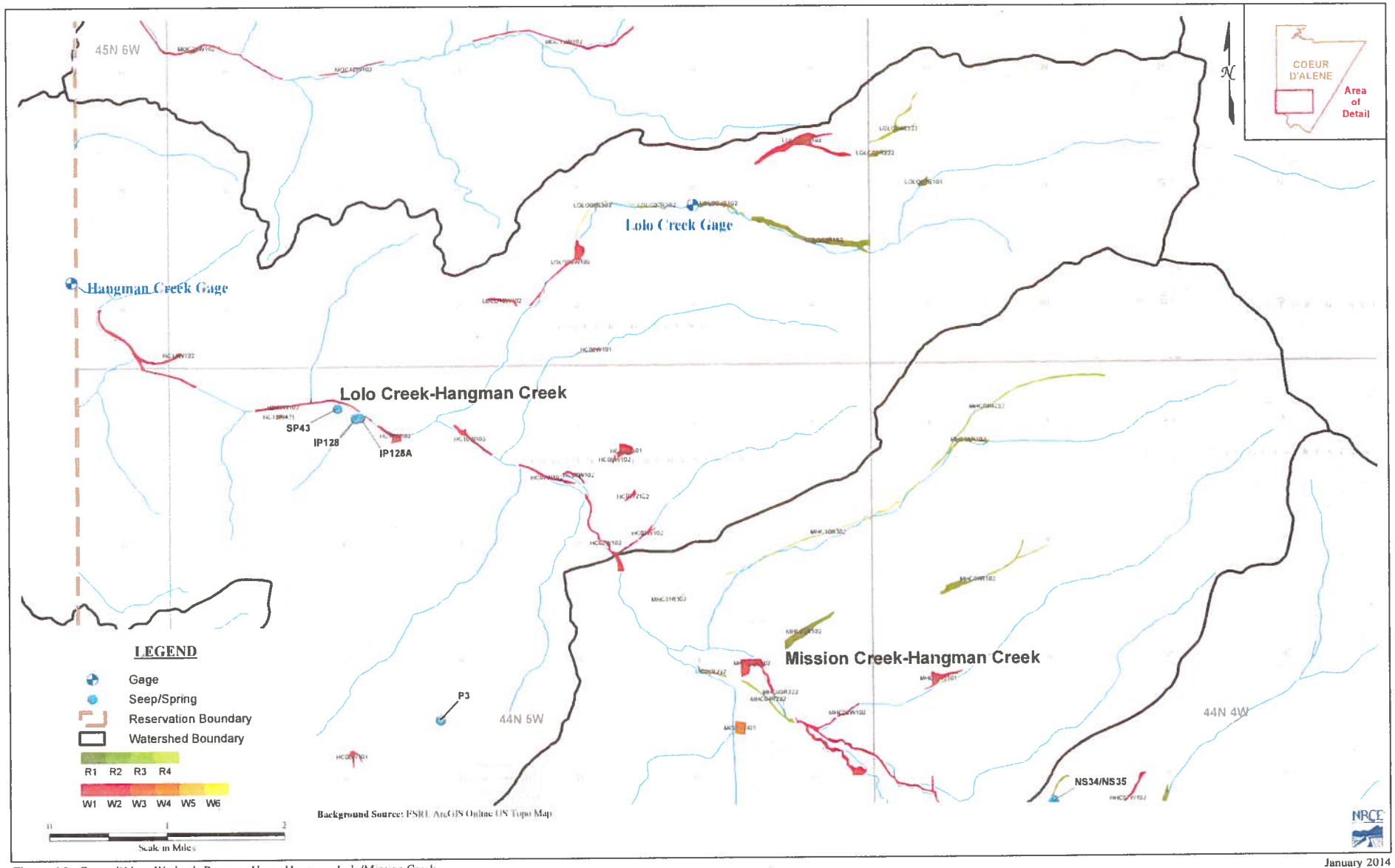

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7550

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #HC14W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 19.84
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 497904 5226722; which is located in:
   Township: 45N Range: 06W Section: 36 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 62.61 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
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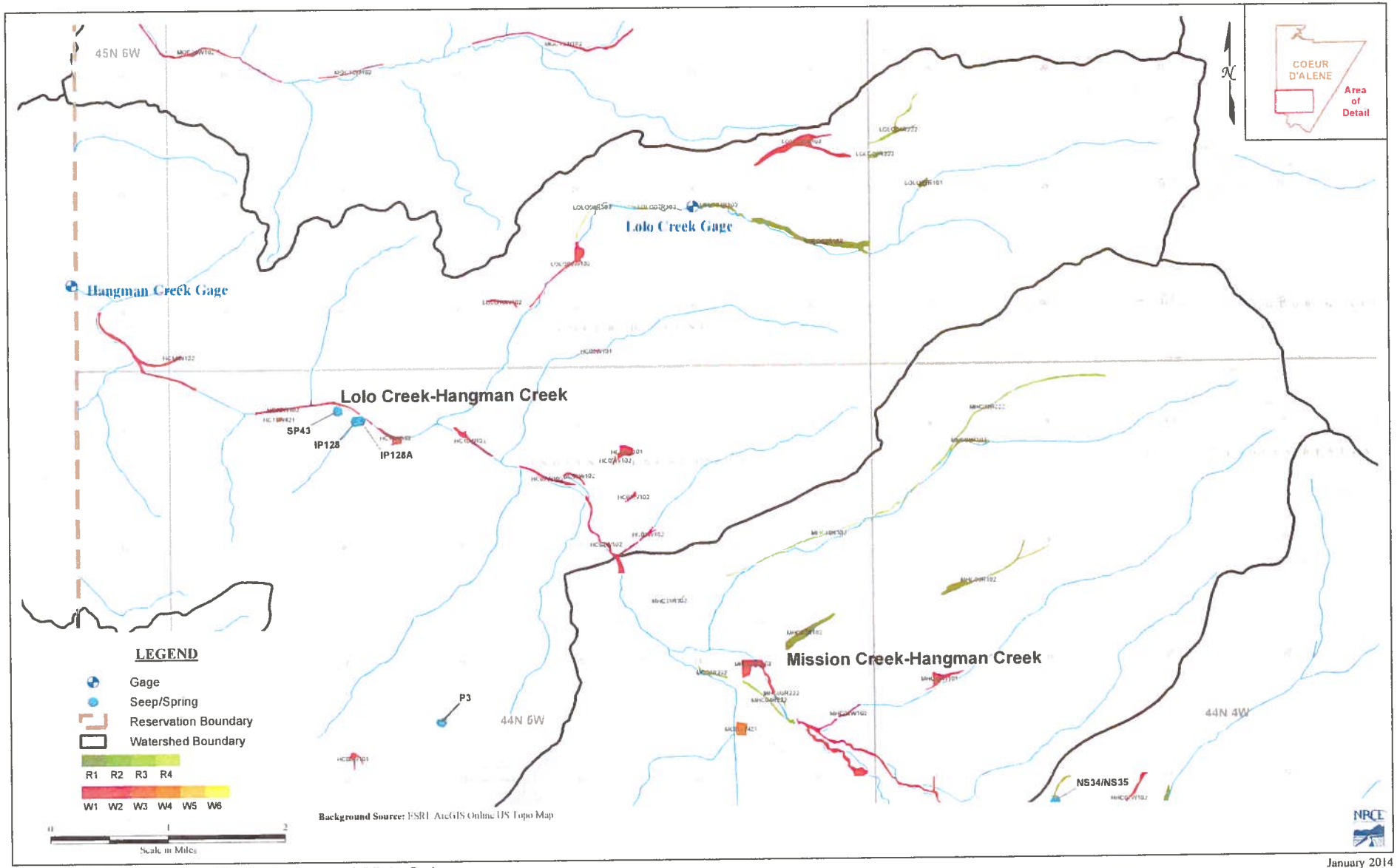
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

93-7551

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO01R101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.6
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508628 5229018; which is located in:
   Township: 45N Range: 04W Section: 30 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 6.26 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

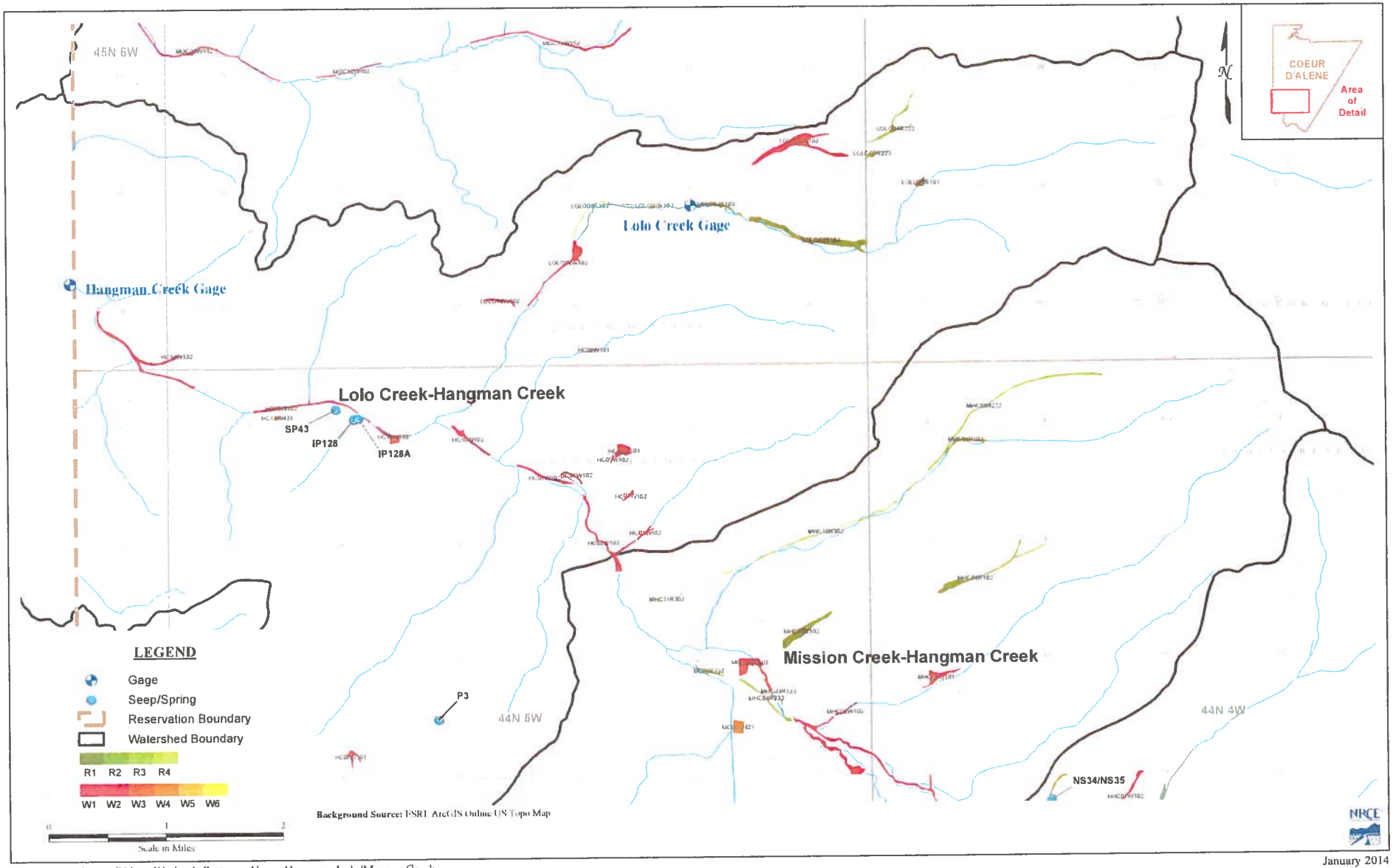


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7552

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO02R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 27.98
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507136 5228289; which is located in:
   Township: 45N Range: 05W Section: 25 Q: SE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 67.35 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

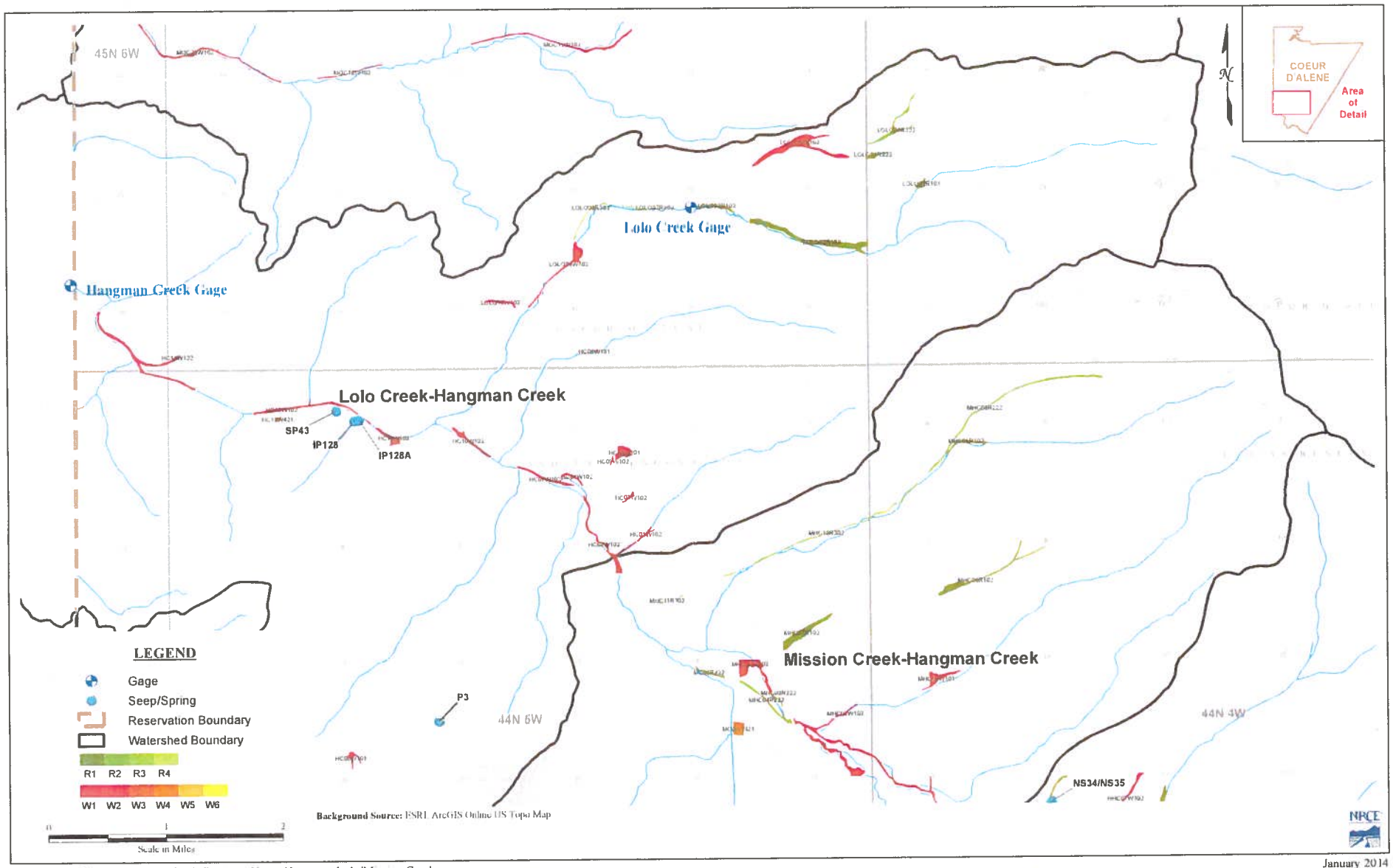


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7553

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO03R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.9
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 505809 5228705; which is located in:
   Township: 45N Range: 05W Section: 26 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.20 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

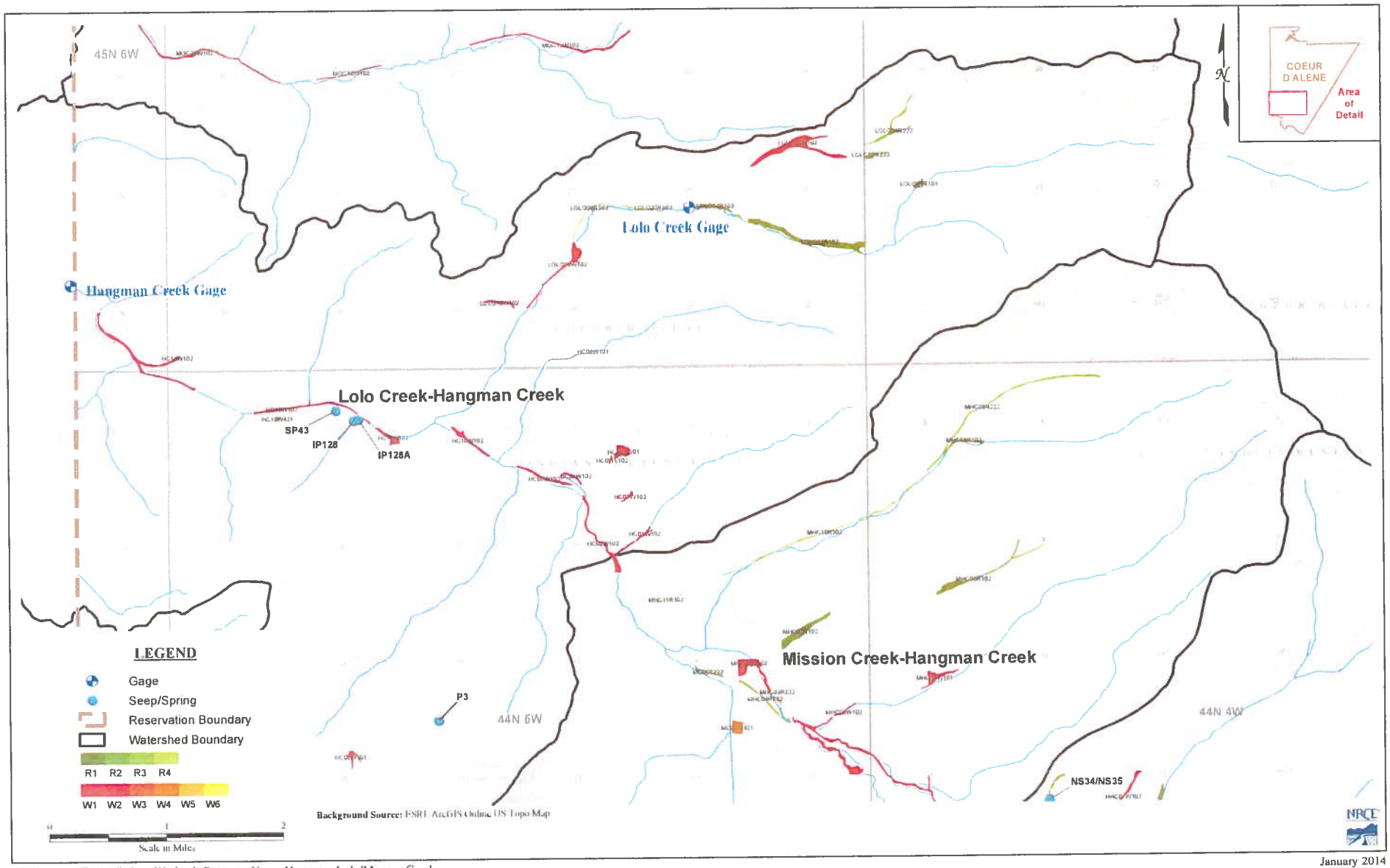

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7554

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO04R222)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.22

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 508273 5229812; which is located in:

   Township: 45N Range: 04W Section: 19 Q: SW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.92 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
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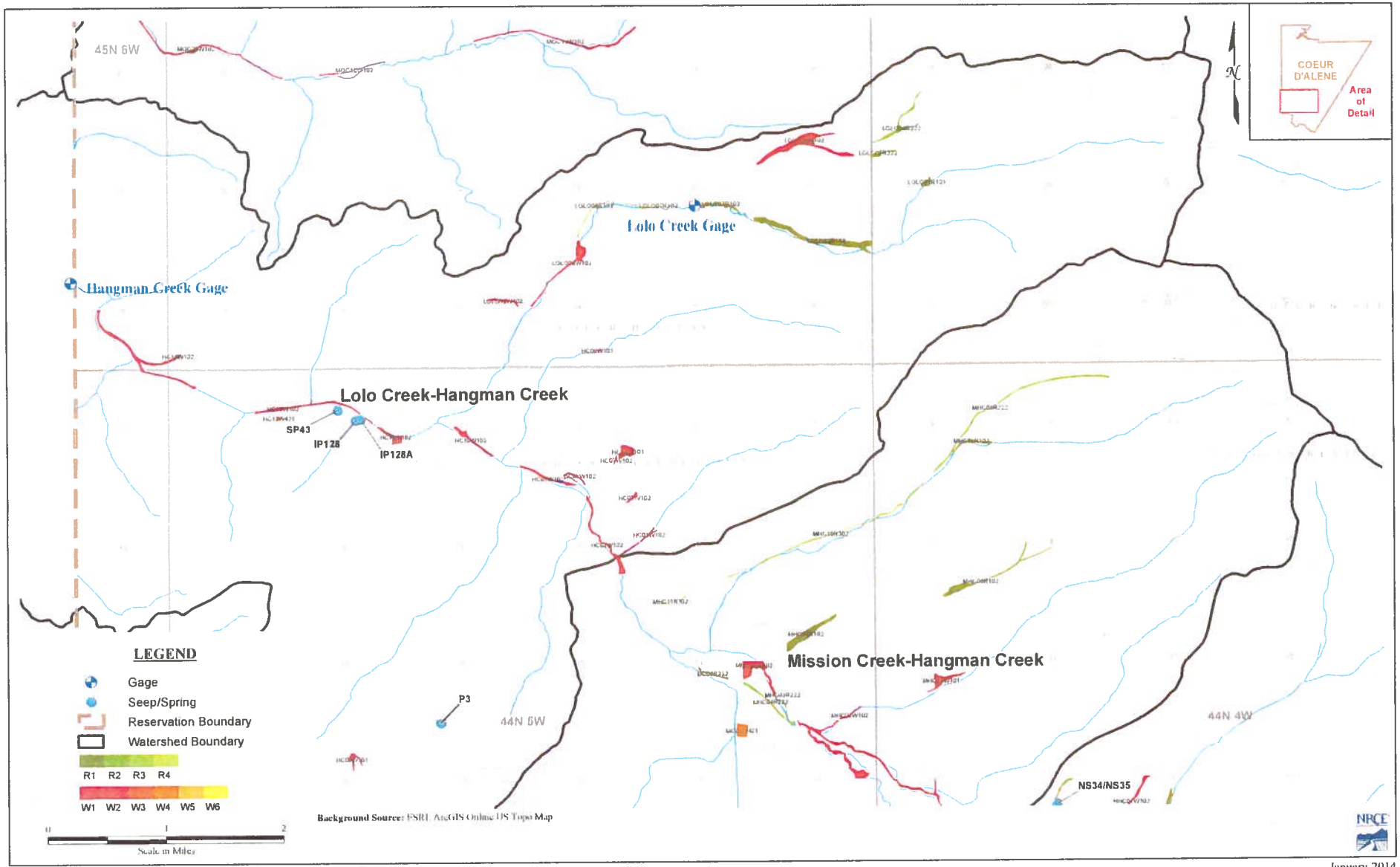


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7555

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO05R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.39
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508006 5229416; which is located in:
   Township: 45N Range: 04W Section: 30 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 7.69 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

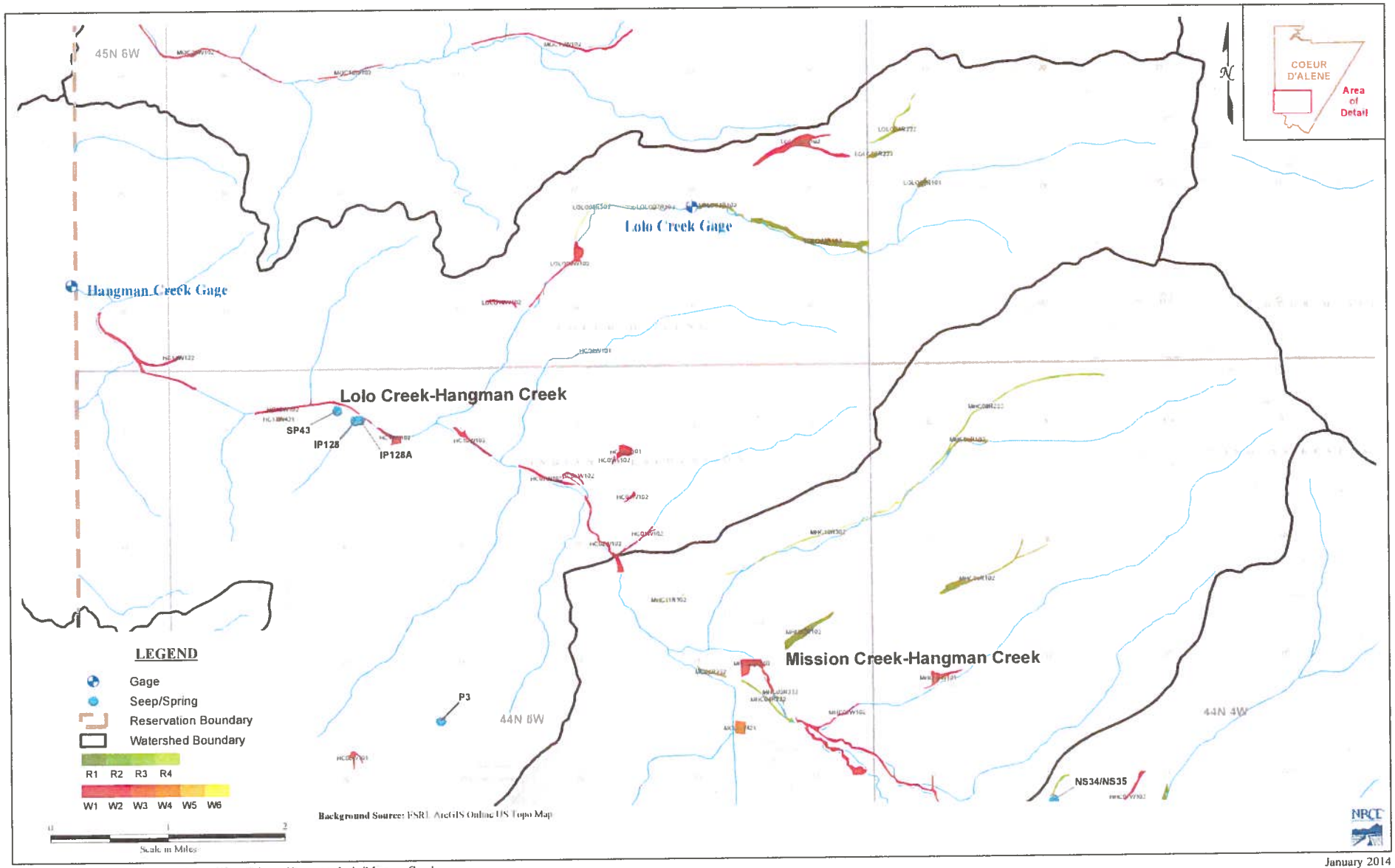
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

93-7556

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO06W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 26.53
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506938 5229510; which is located in:
   Township: 45N Range: 05W Section: 25 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 83.73 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

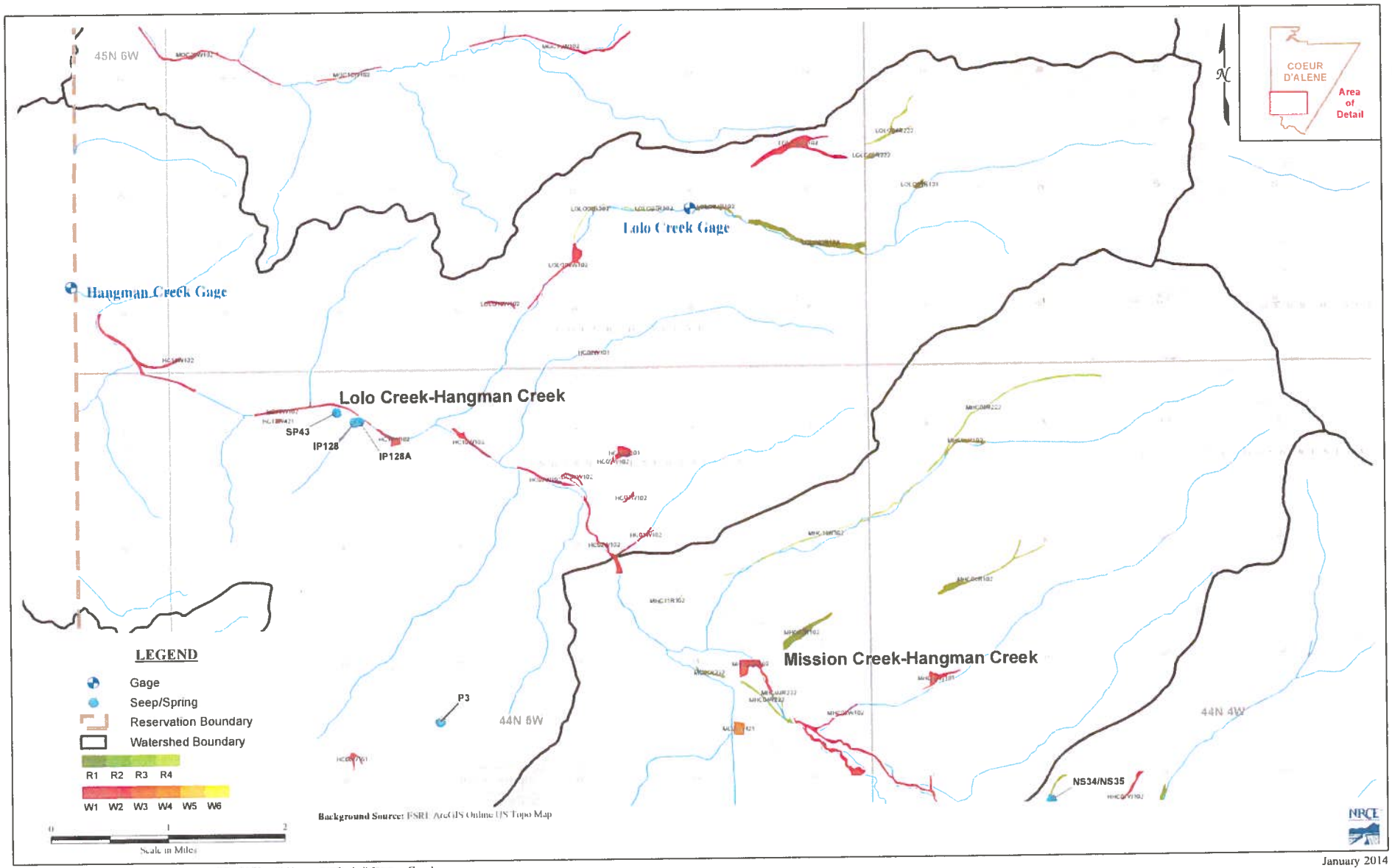
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

93-7557

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO07R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.67
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504745 5228719; which is located in:
   Township: 45N Range: 05W Section: 26 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 6.33 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
Environment and Natural Resources Division
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Boise, Idaho 83724

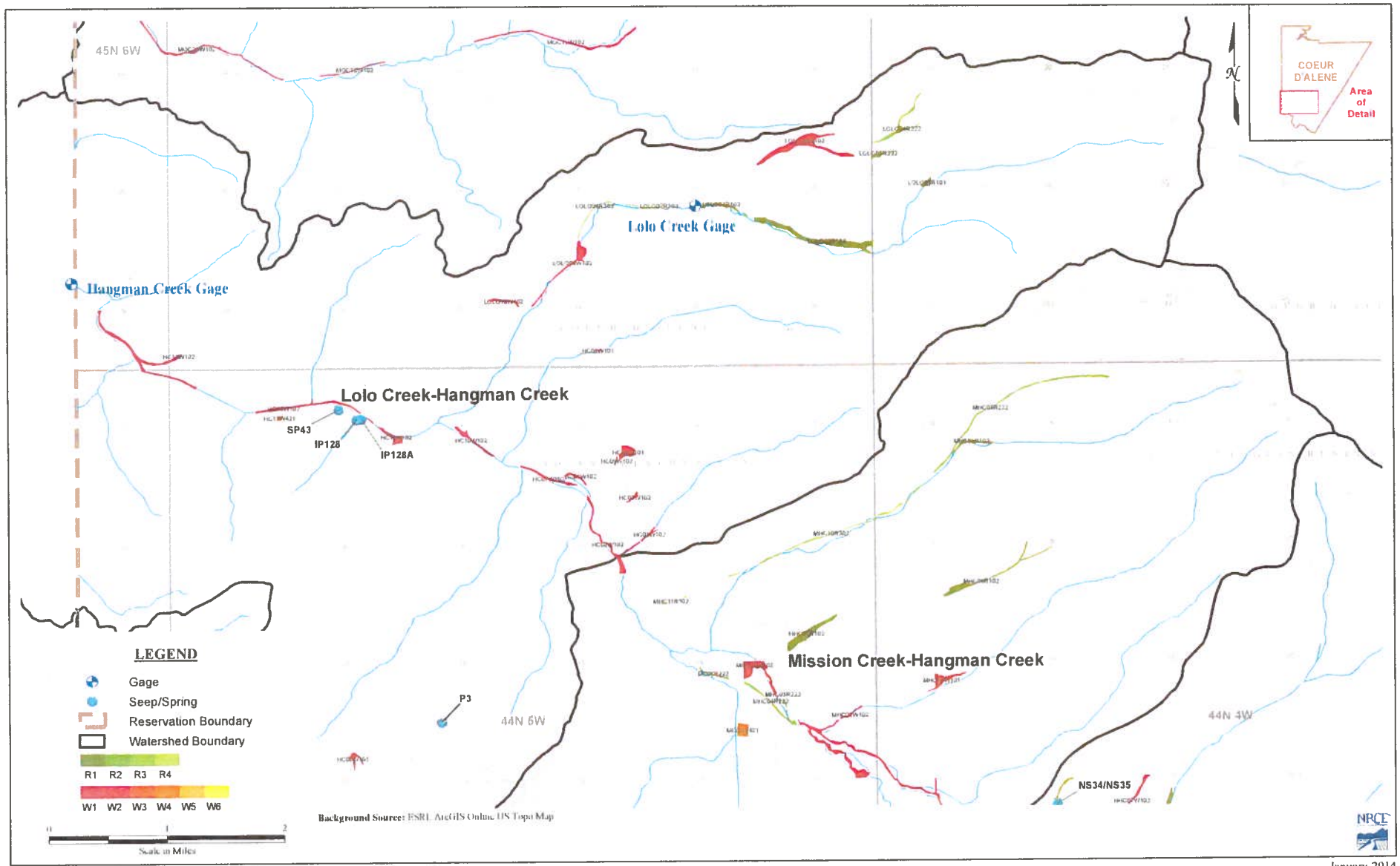

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7558

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO08R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.63
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504089 5228603; which is located in:
   Township: 45N Range: 05W Section: 27 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 8.60 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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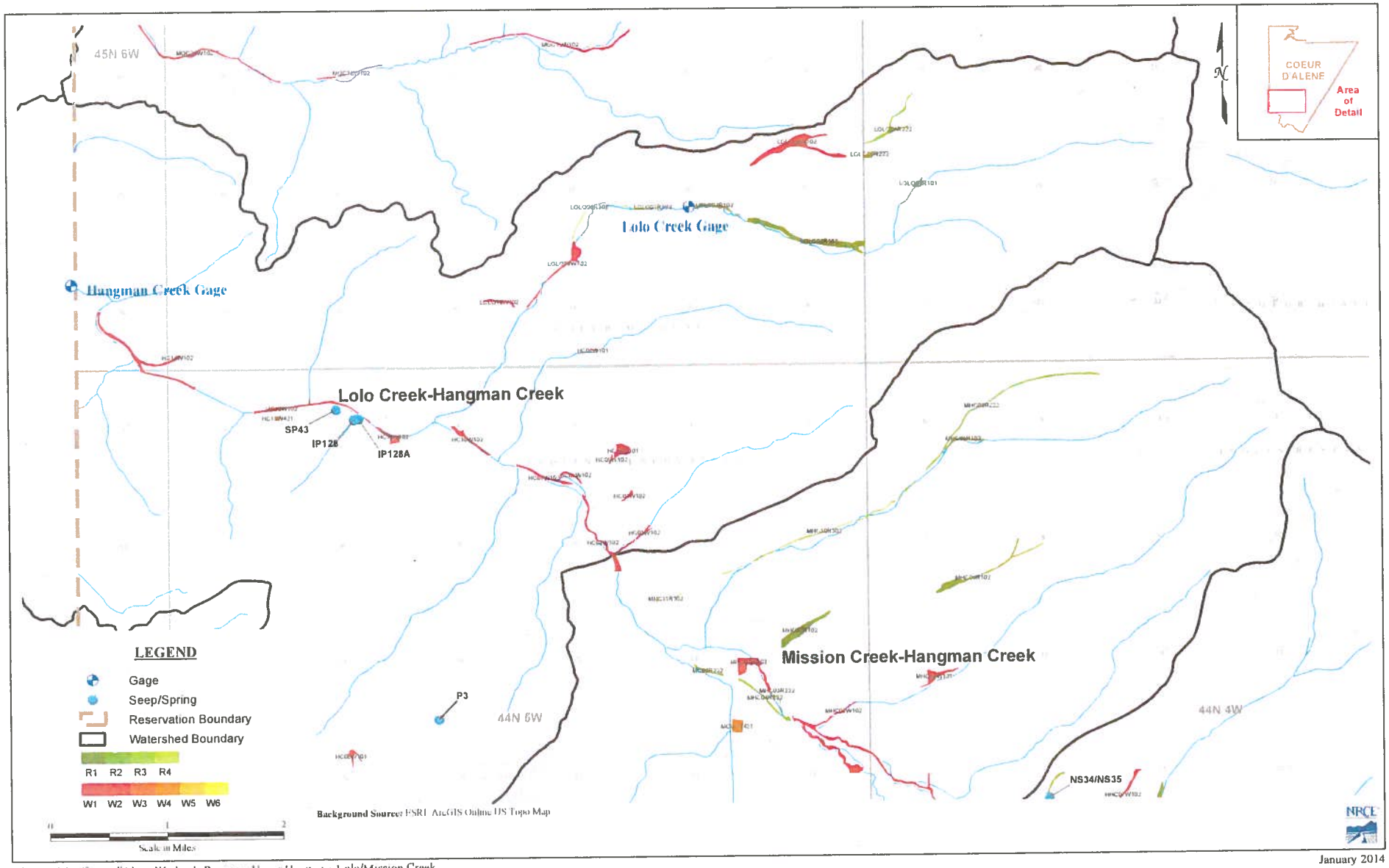

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7559

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
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   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO09W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 10.42

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 503757 5227948; which is located in:

   Township: 45N Range: 05W Section: 34 Q: NW QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 32.89 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

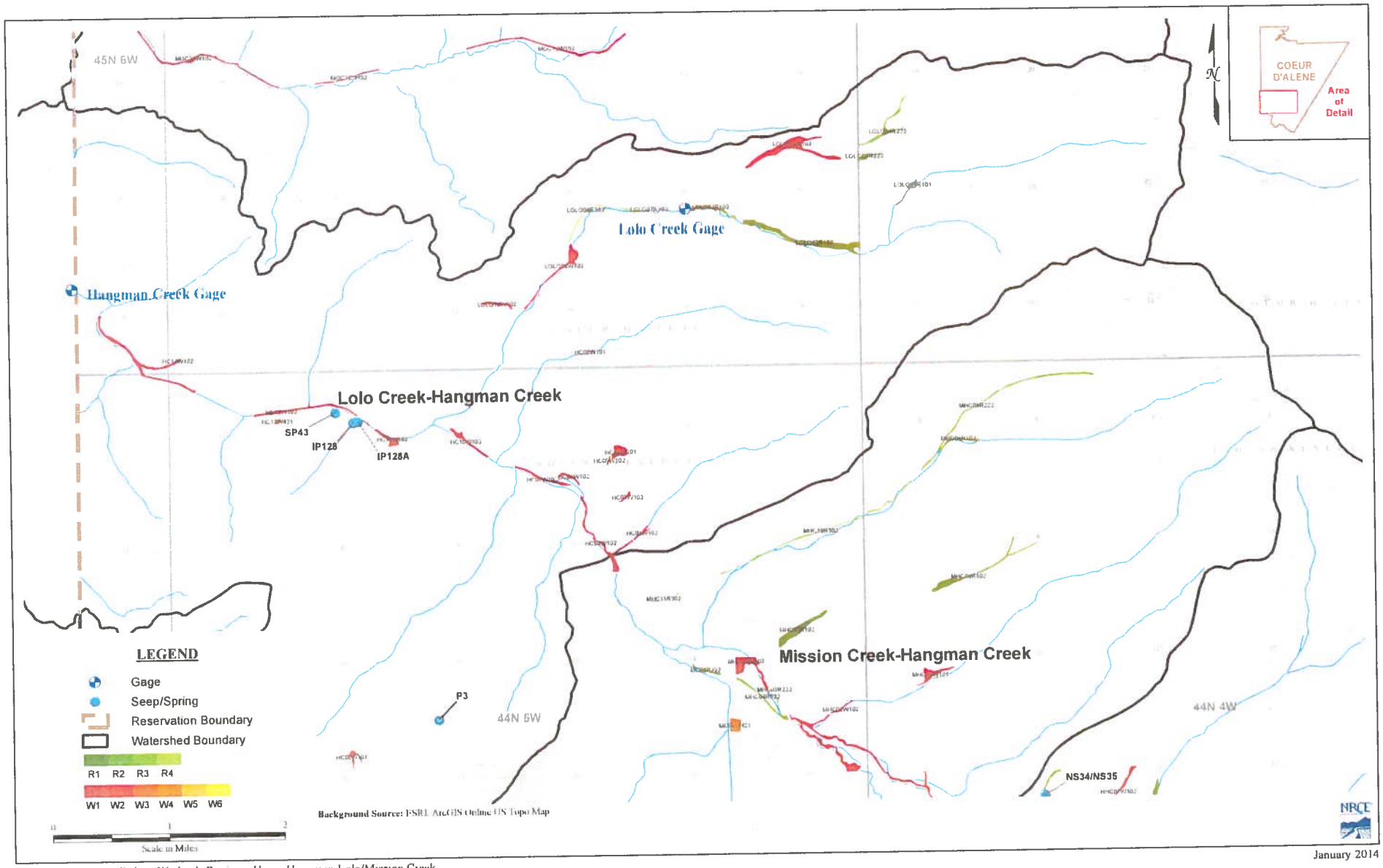
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

93-7560

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lolo Creek-Hangman Creek (Fed ID #LOLO10W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.08
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502835 5227428; which is located in:
   Township: 45N Range: 05W Section: 33 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 9.72 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

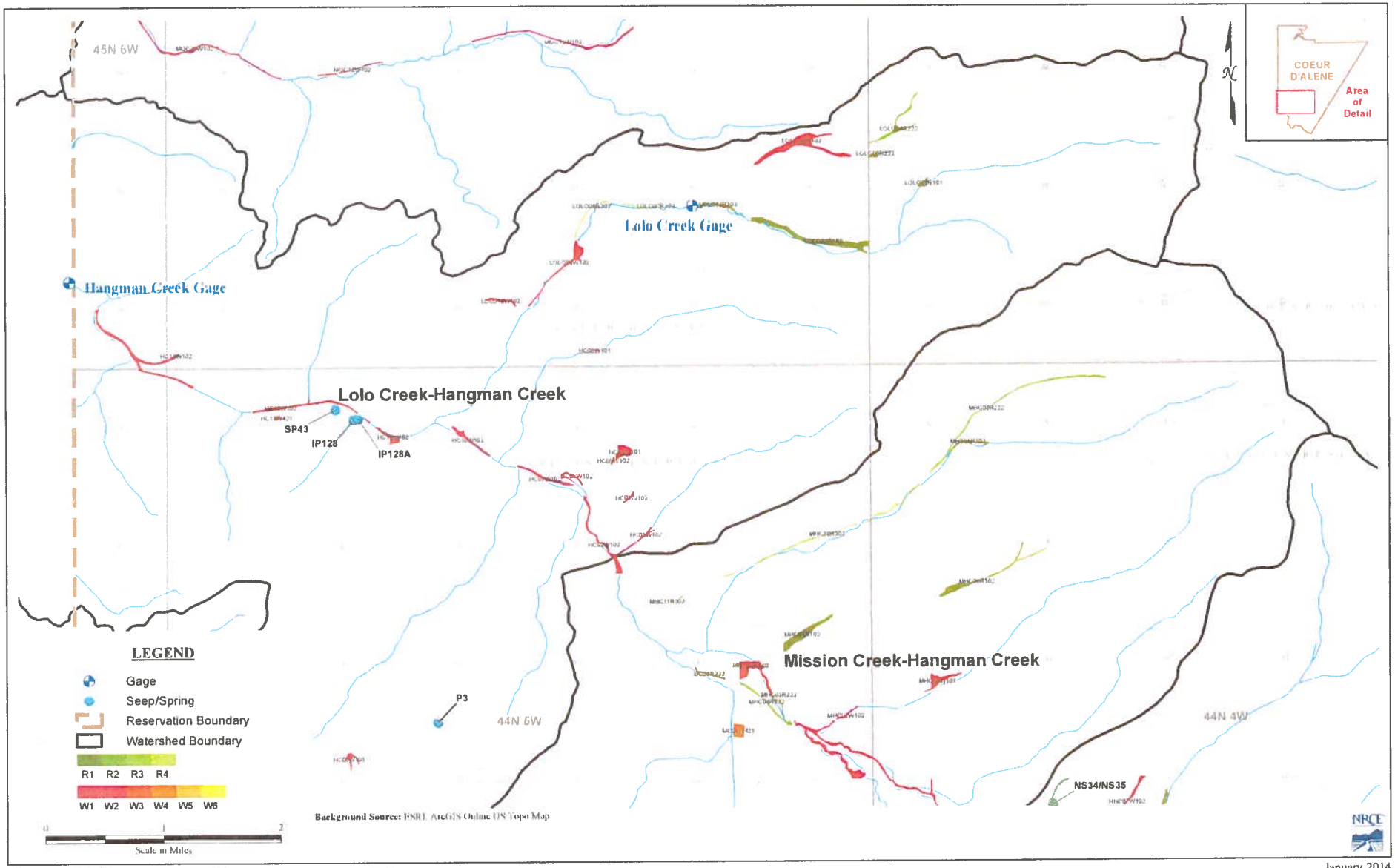


Figure A2 : Coeur d'Alene Wetlands Review - Upper Hangman-Lolo/Mission Creek

January 2014

93-7561

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #HHC05W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 90.32
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509605 5220280; which is located in:
   Township: 44N Range: 04W Section: 20 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 285.05 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

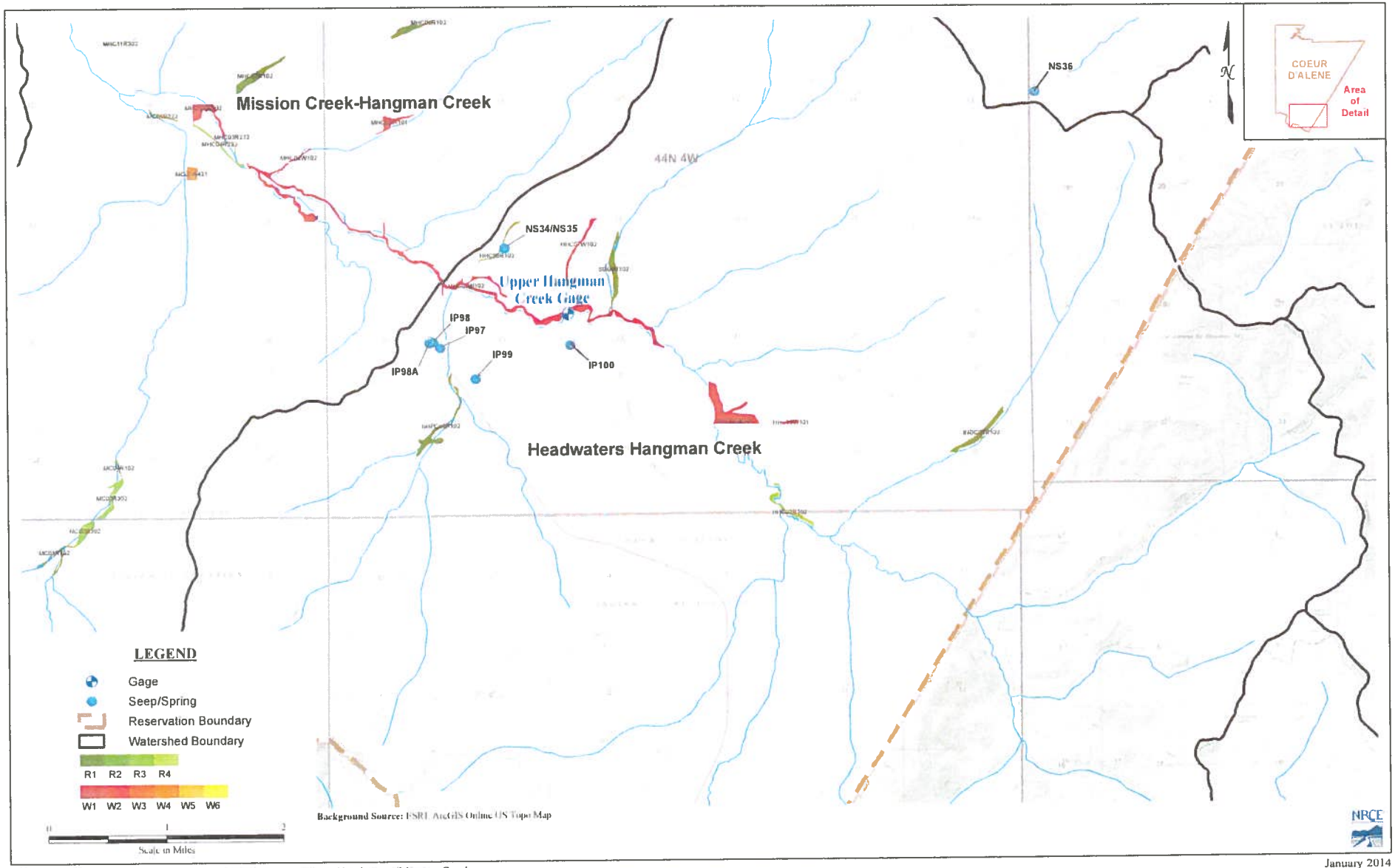


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7562

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MC01R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.69
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504142 5216347; which is located in:
   Township: 43N Range: 05W Section: 03 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.70 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
Environment and Natural Resources Division
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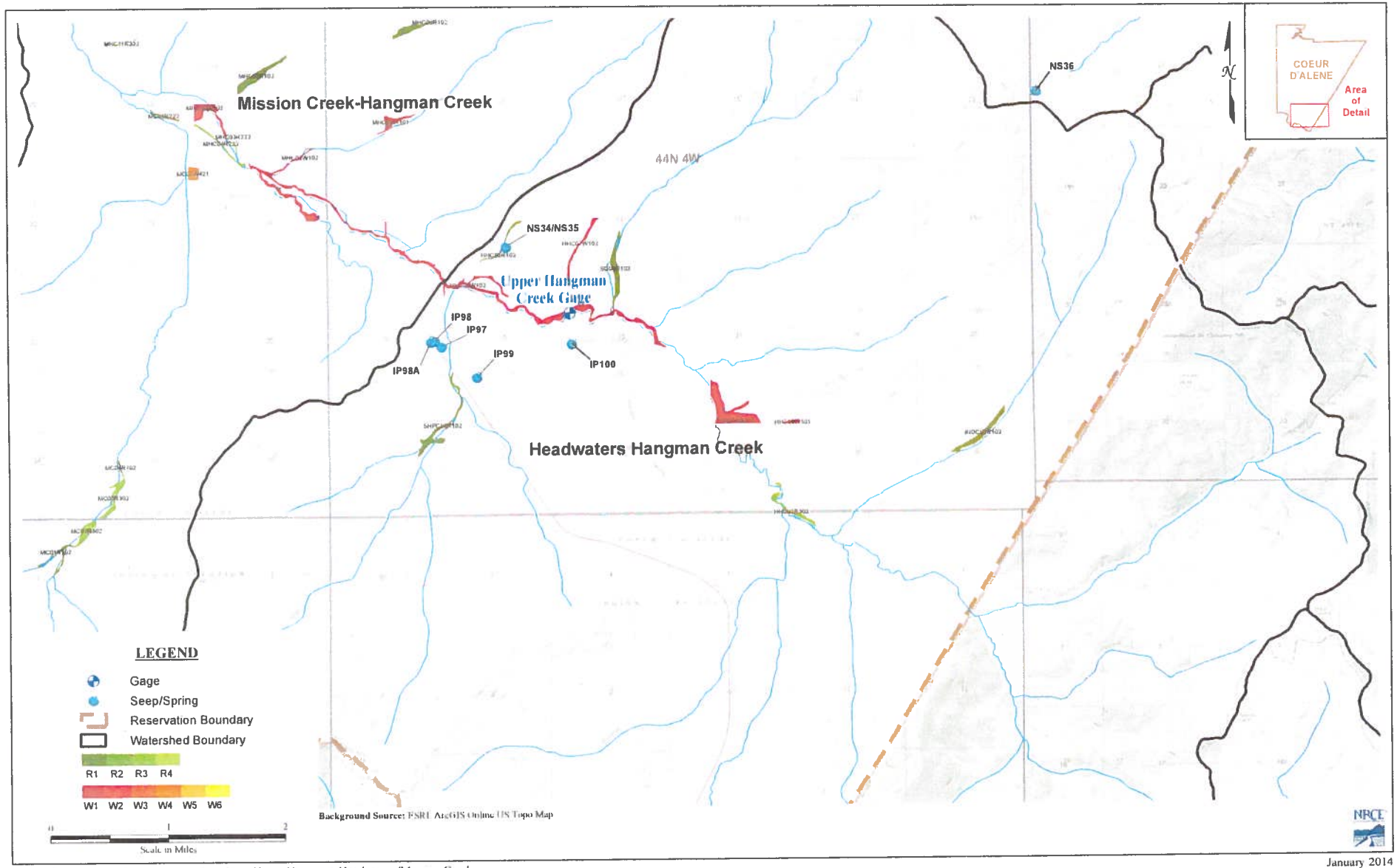


January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7563

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MC02R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 10.42
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504558 5216708; which is located in:
   Township: 43N Range: 05W Section: 03 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 24.69 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

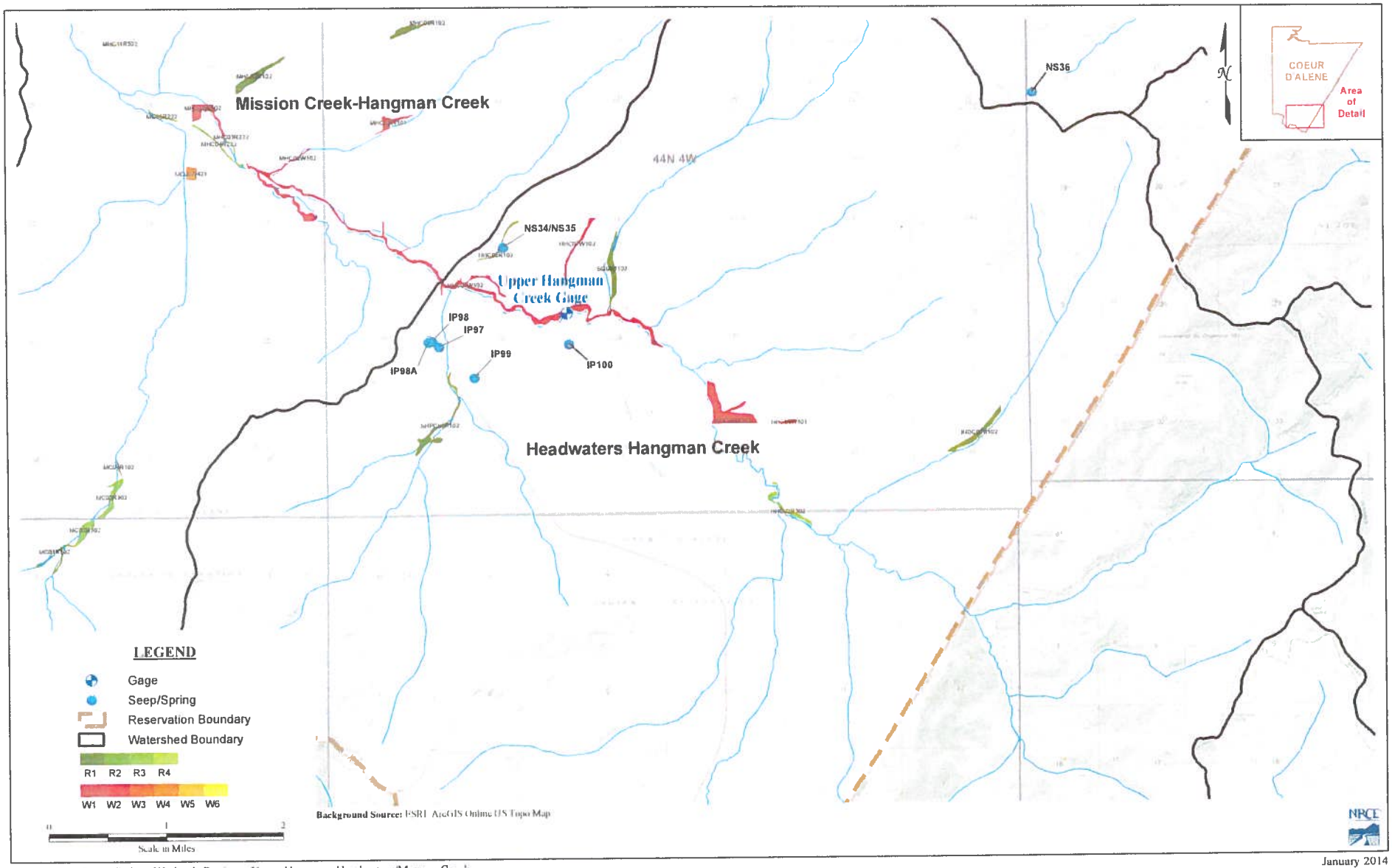
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7564

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MC03R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 12.36
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504933 5217158; which is located in:
   Township: 44N Range: 05W Section: 35 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 29.29 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

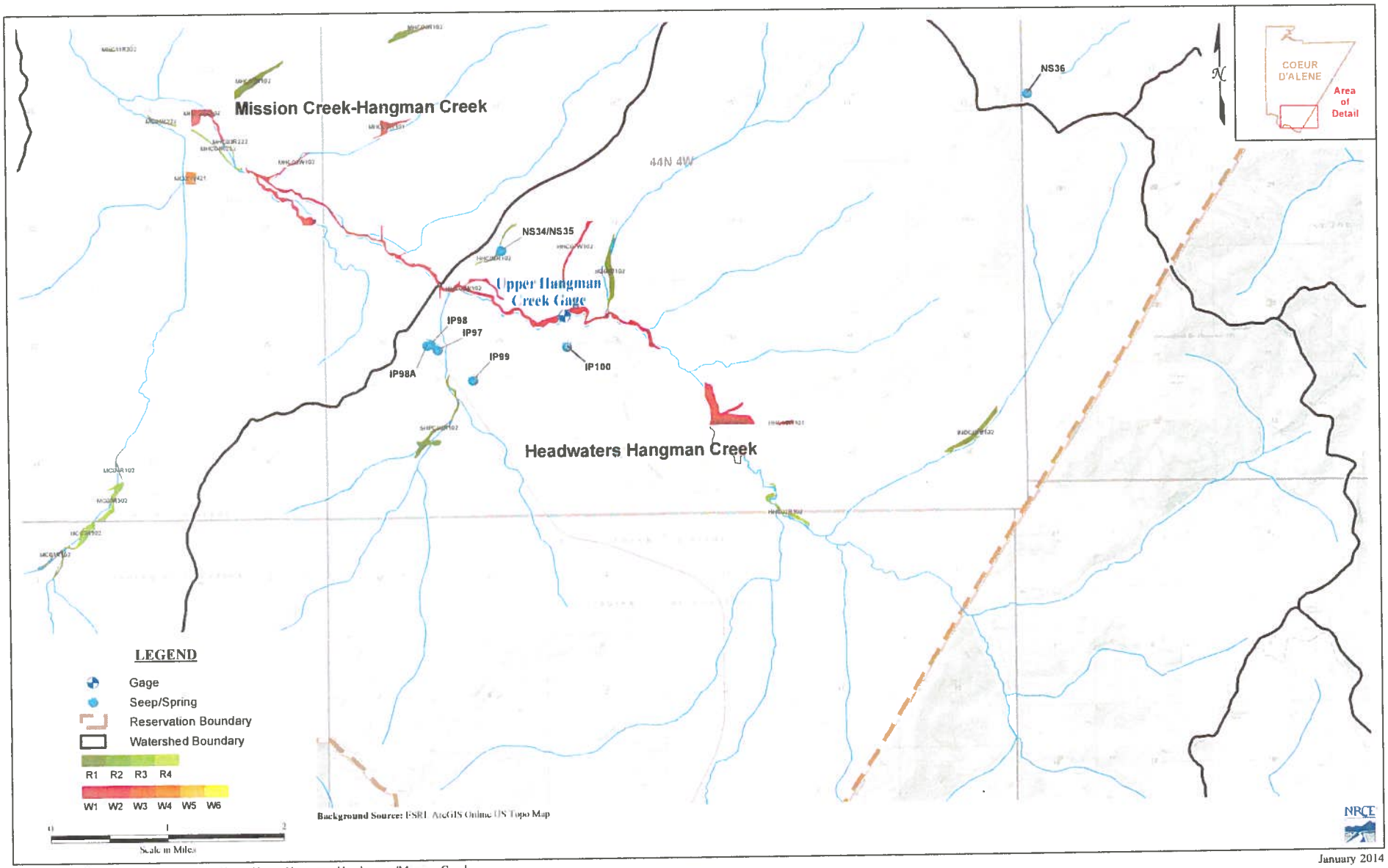
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7565

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MC04R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.01
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 505031 5217573; which is located in:
   Township: 44N Range: 05W Section: 35 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.43 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

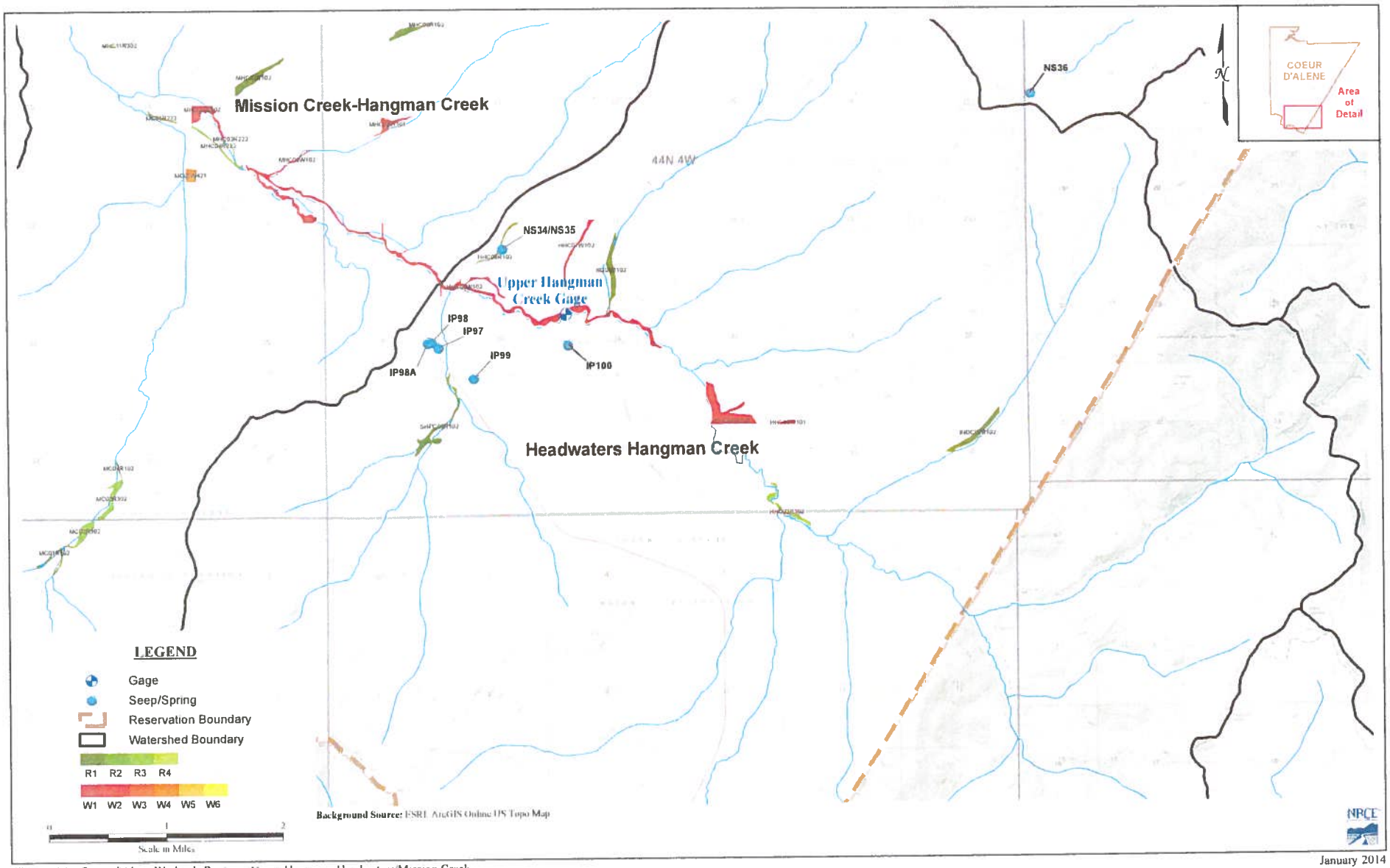
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7566

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MC05W421)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.31

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 506064 5221563; which is located in:

   Township: 44N Range: 05W Section: 23 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 11.67 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
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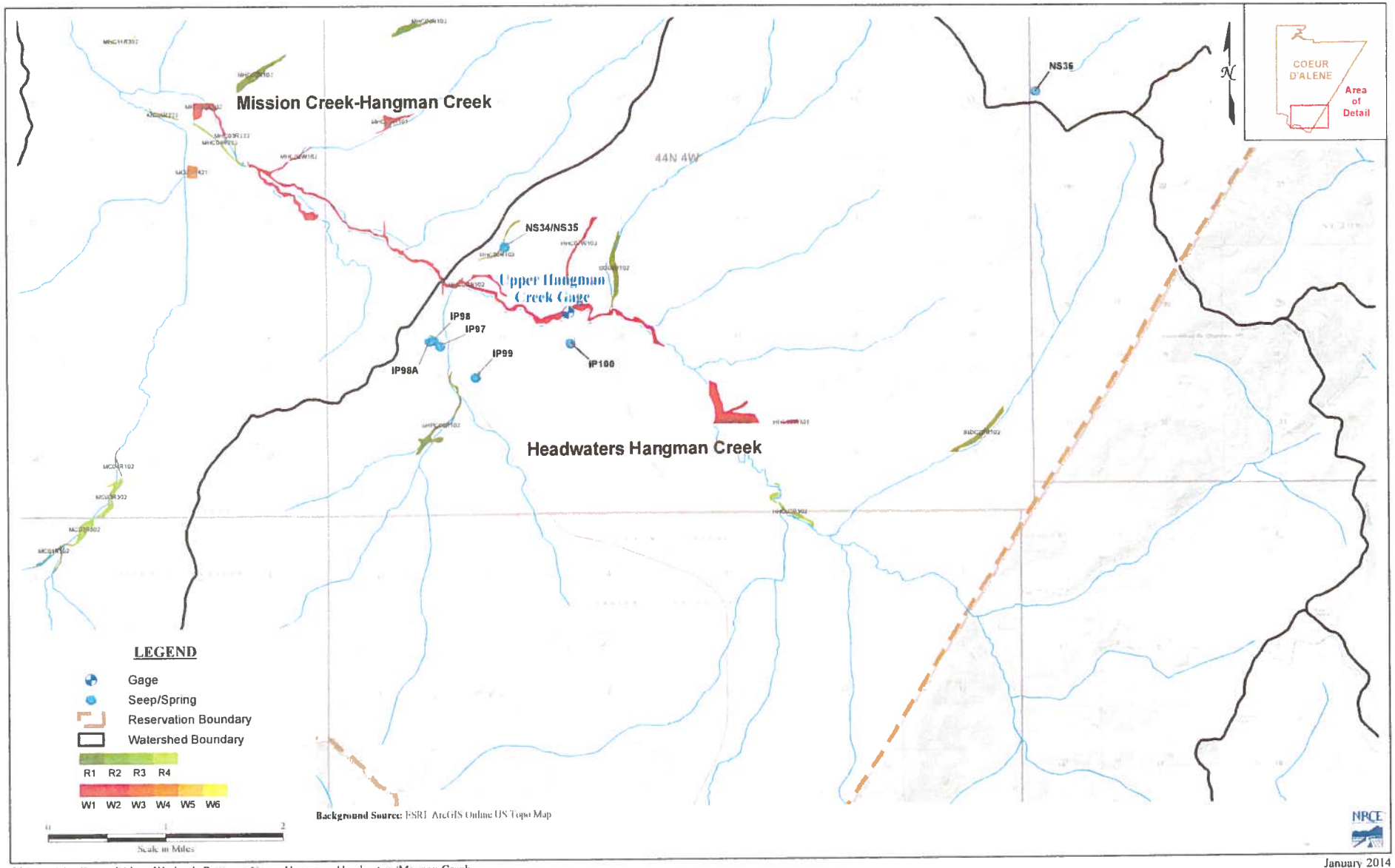


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7567

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MC06R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.4
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 505666 5222345; which is located in:
   Township: 44N Range: 05W Section: 14 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 7.72 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

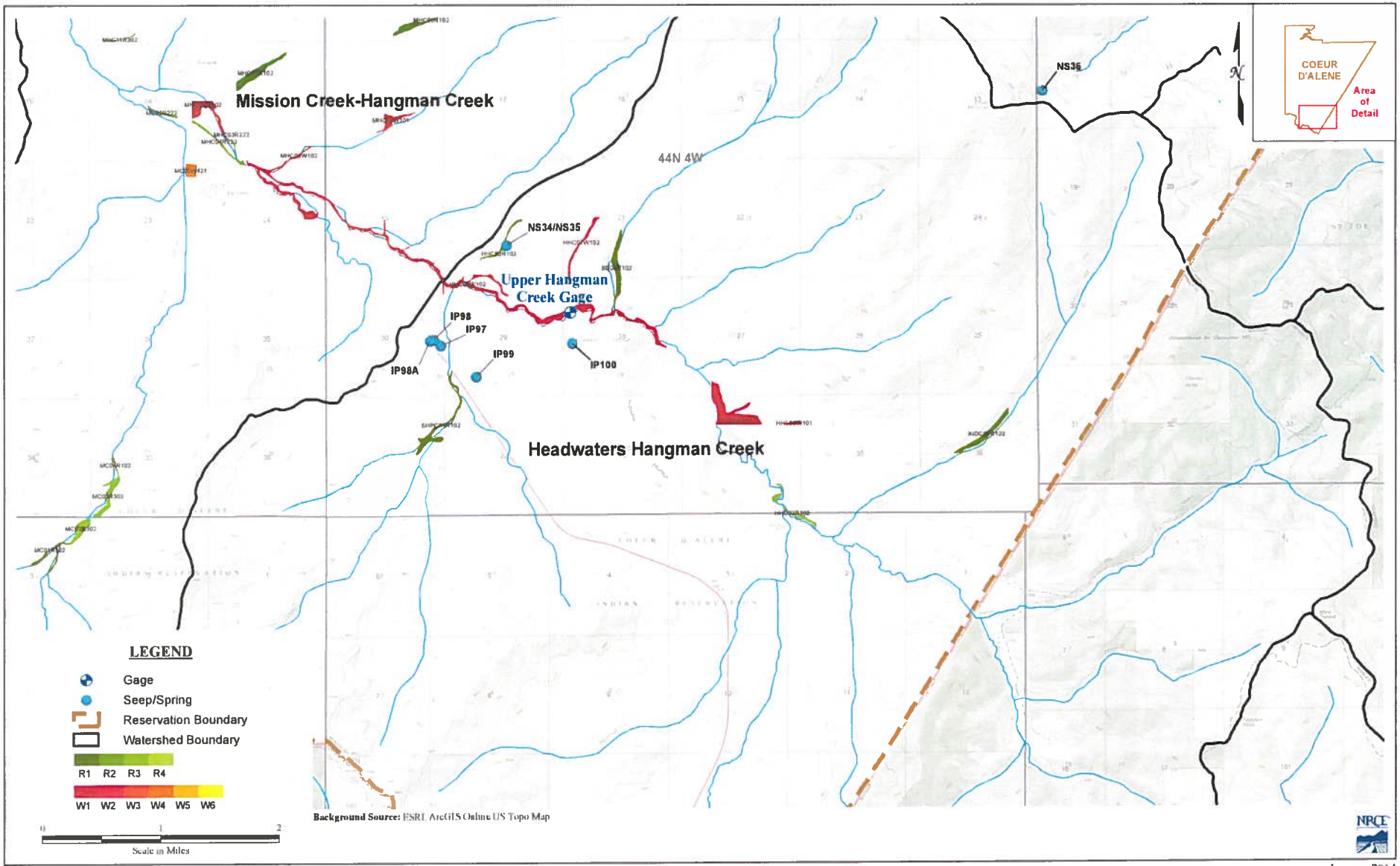


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7568

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC01W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.33
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508804 5222237; which is located in:
   Township: 44N Range: 04W Section: 18 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 16.08 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

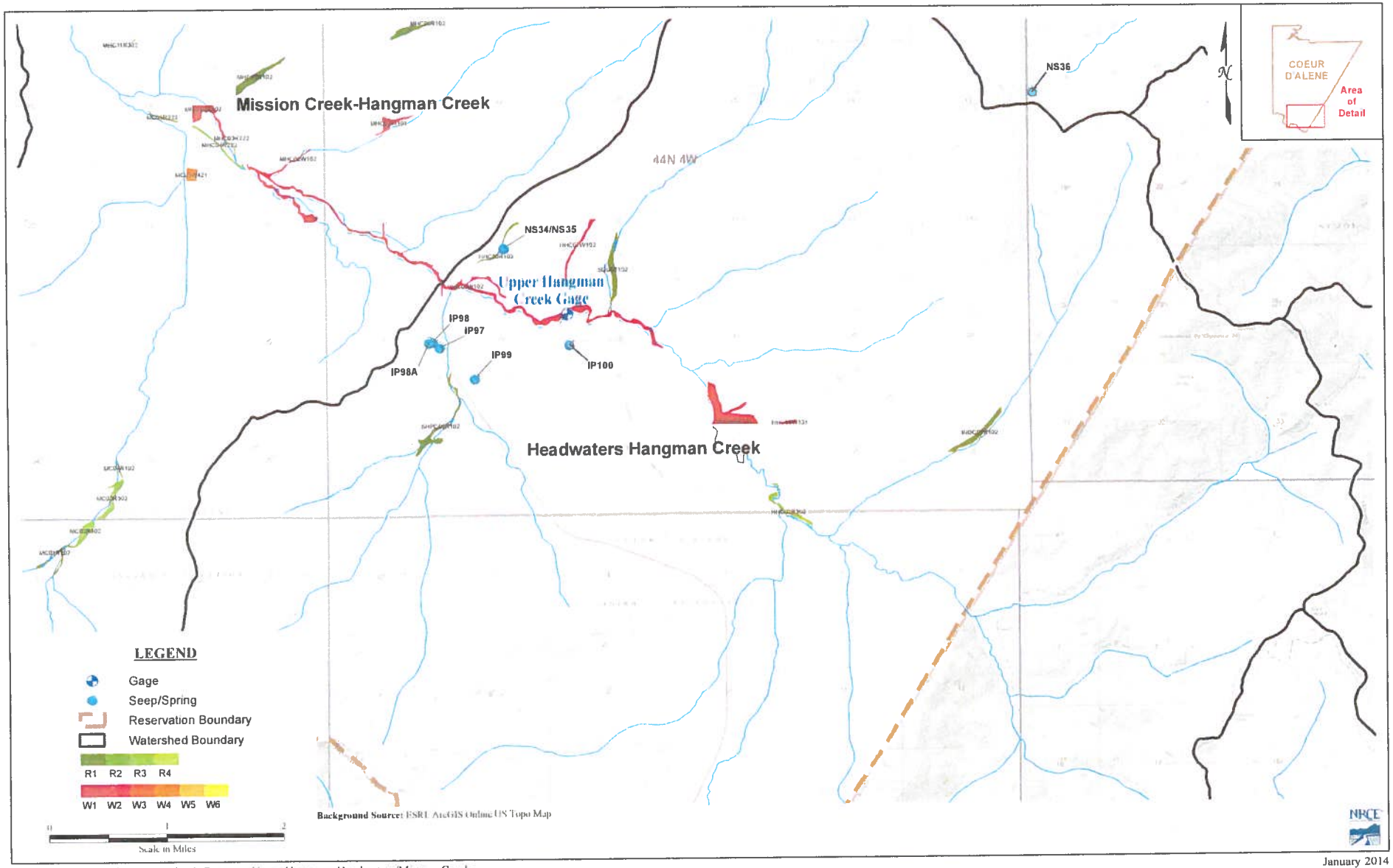
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7569

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC02W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.53
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507534 5221778; which is located in:
   Township: 44N Range: 05W Section: 13 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.83 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

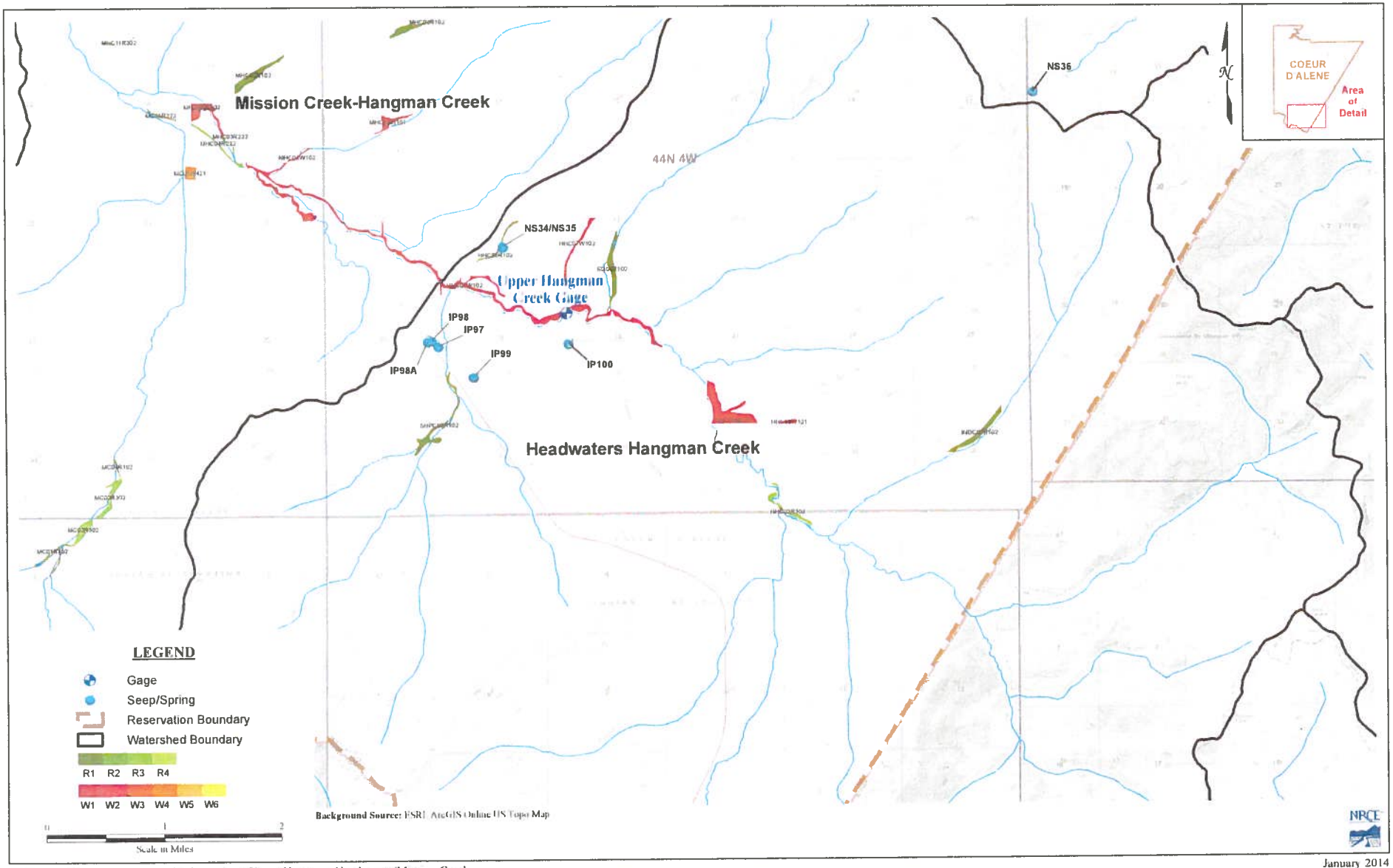


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7570

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC03R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.73
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506623 5221926; which is located in:
   Township: 44N Range: 05W Section: 13 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.93 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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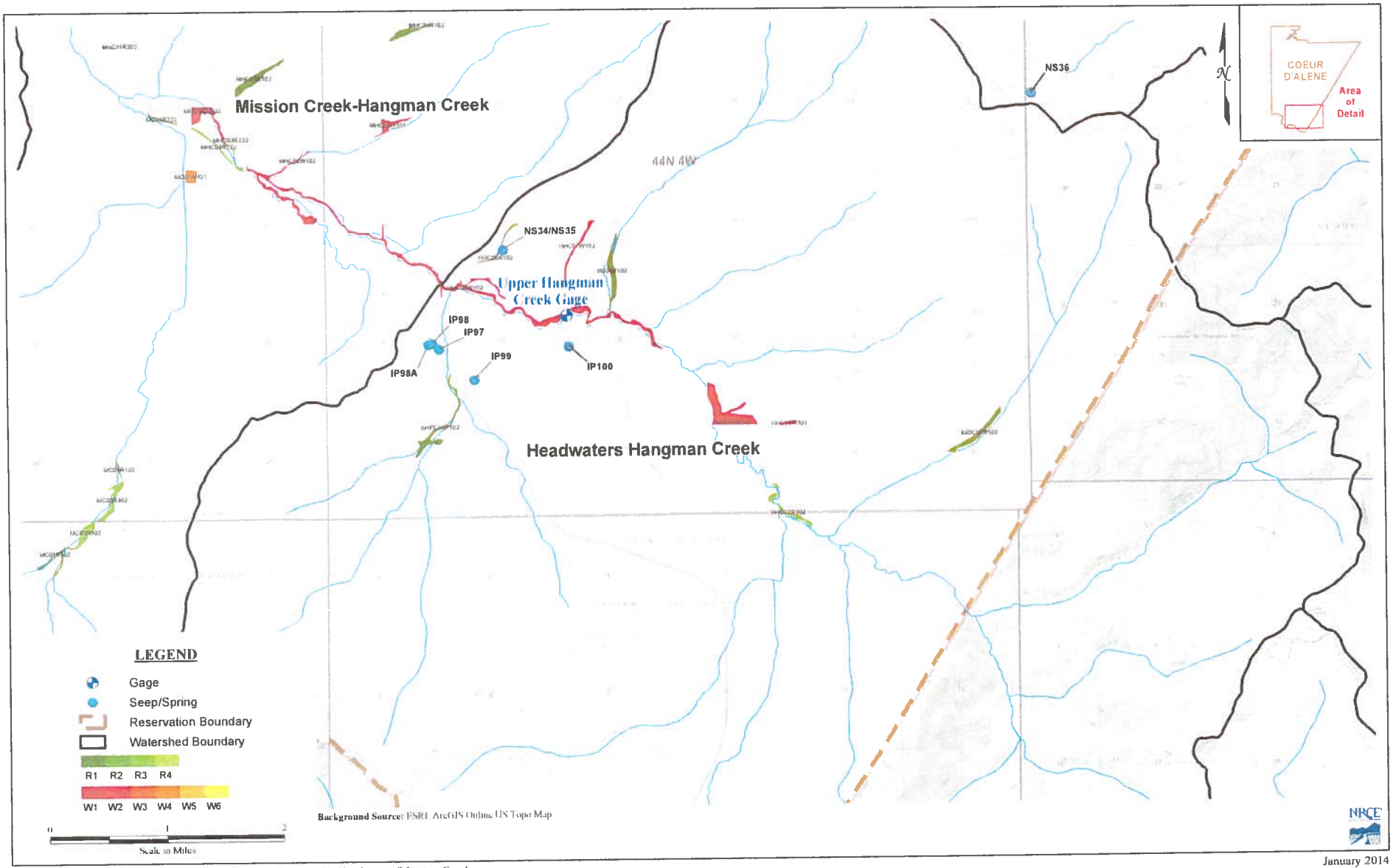


January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7571

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC04R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.65
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506452 5221936; which is located in:
   Township: 44N Range: 05W Section: 13 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 15.09 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

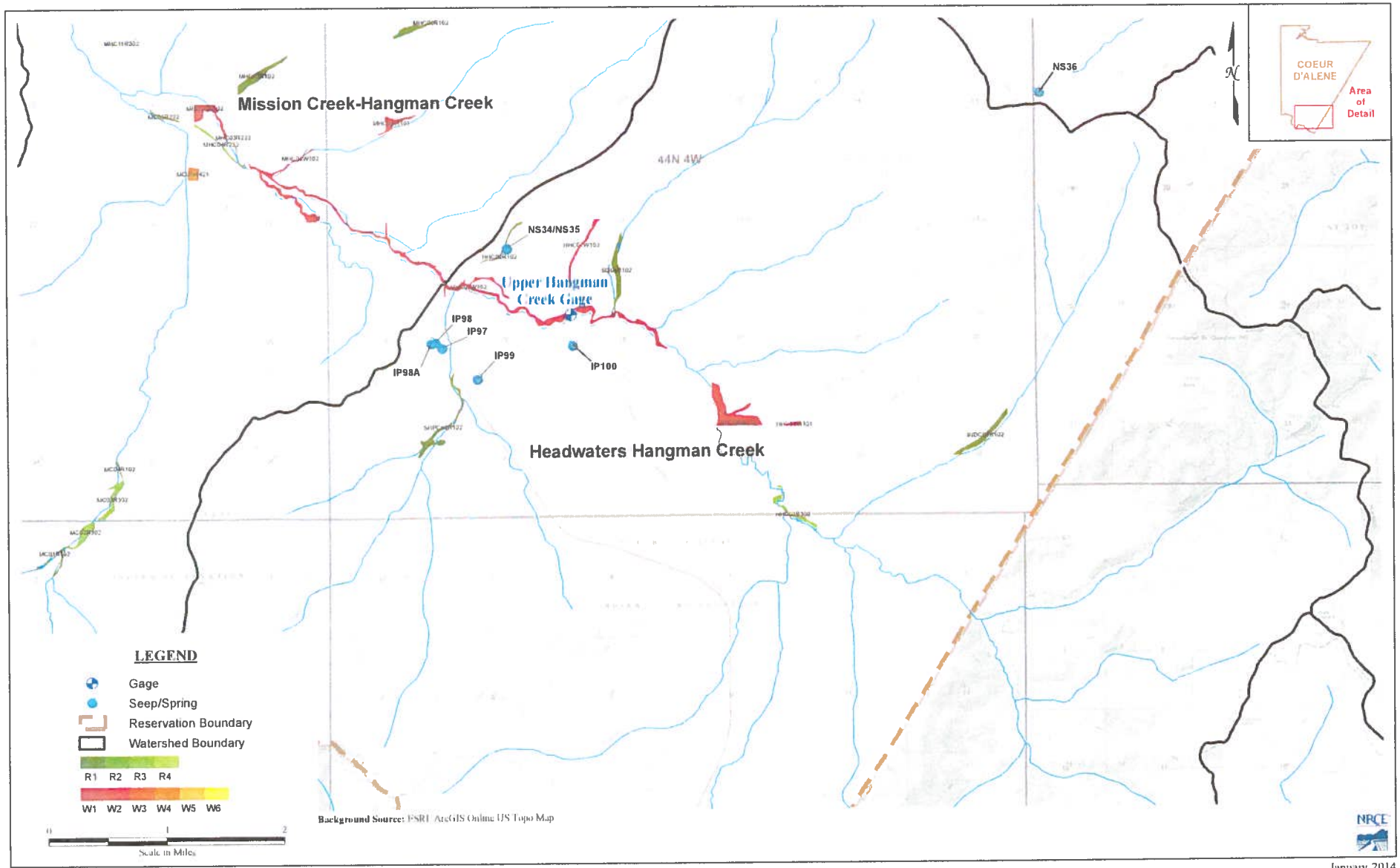


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7572

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC05W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.65

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 506251 5222376; which is located in:

   Township: 44N Range: 05W Section: 14 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 43.08 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

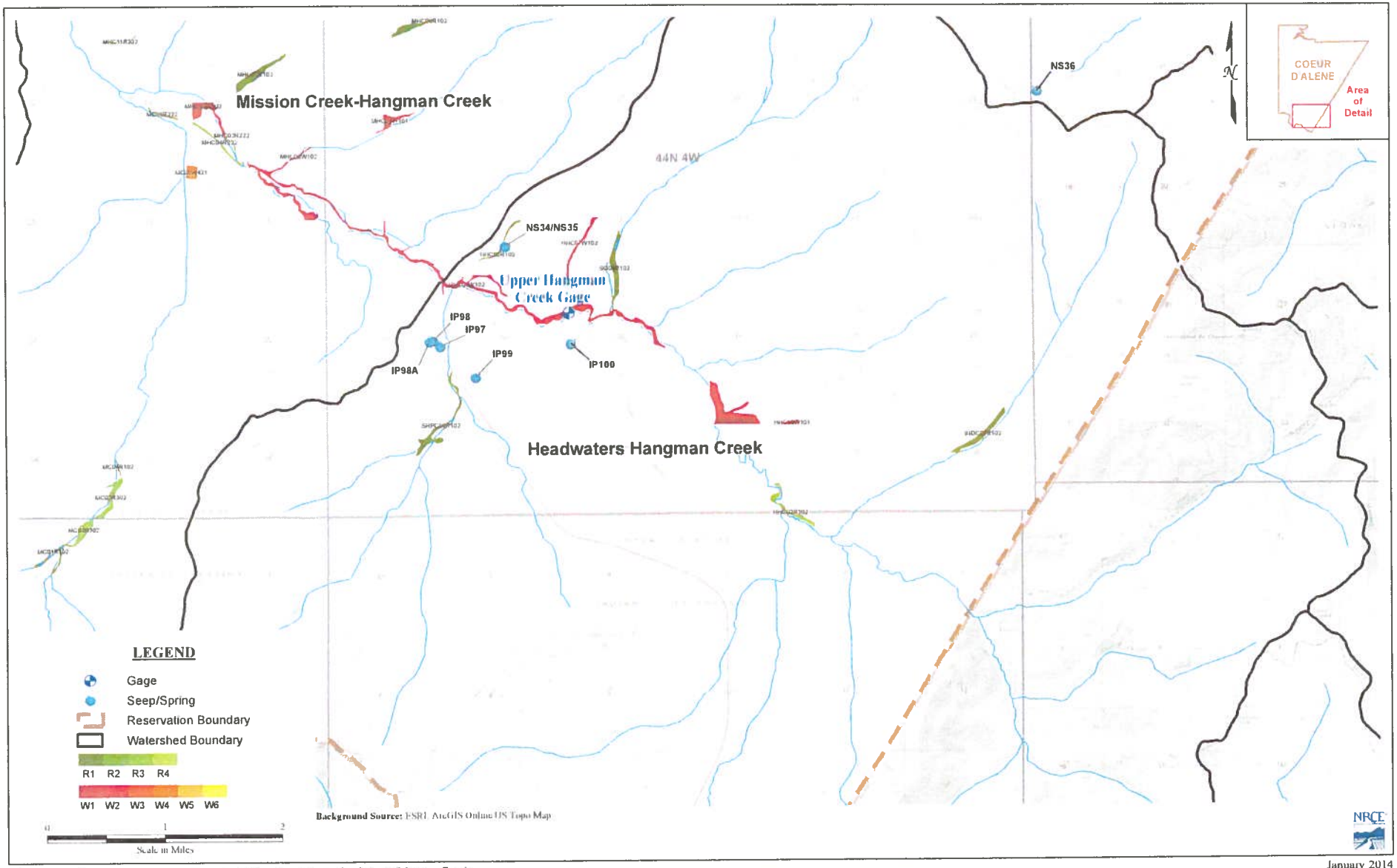


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7573

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC06R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.59
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509332 5223631; which is located in:
   Township: 44N Range: 04W Section: 07 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 32.71 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

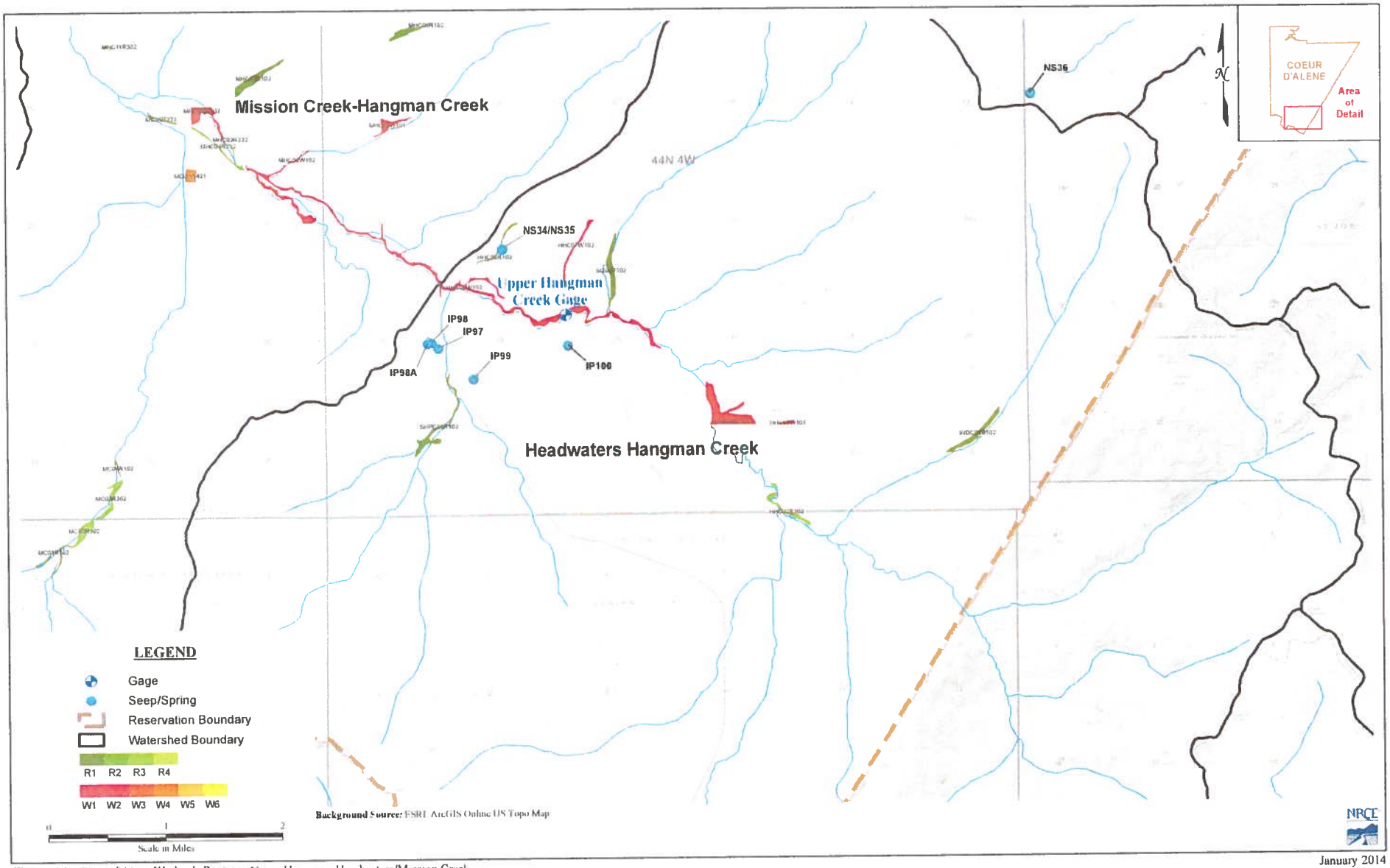
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7574

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC07R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 15.73
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506953 5222882; which is located in:
   Township: 44N Range: 05W Section: 13 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 37.86 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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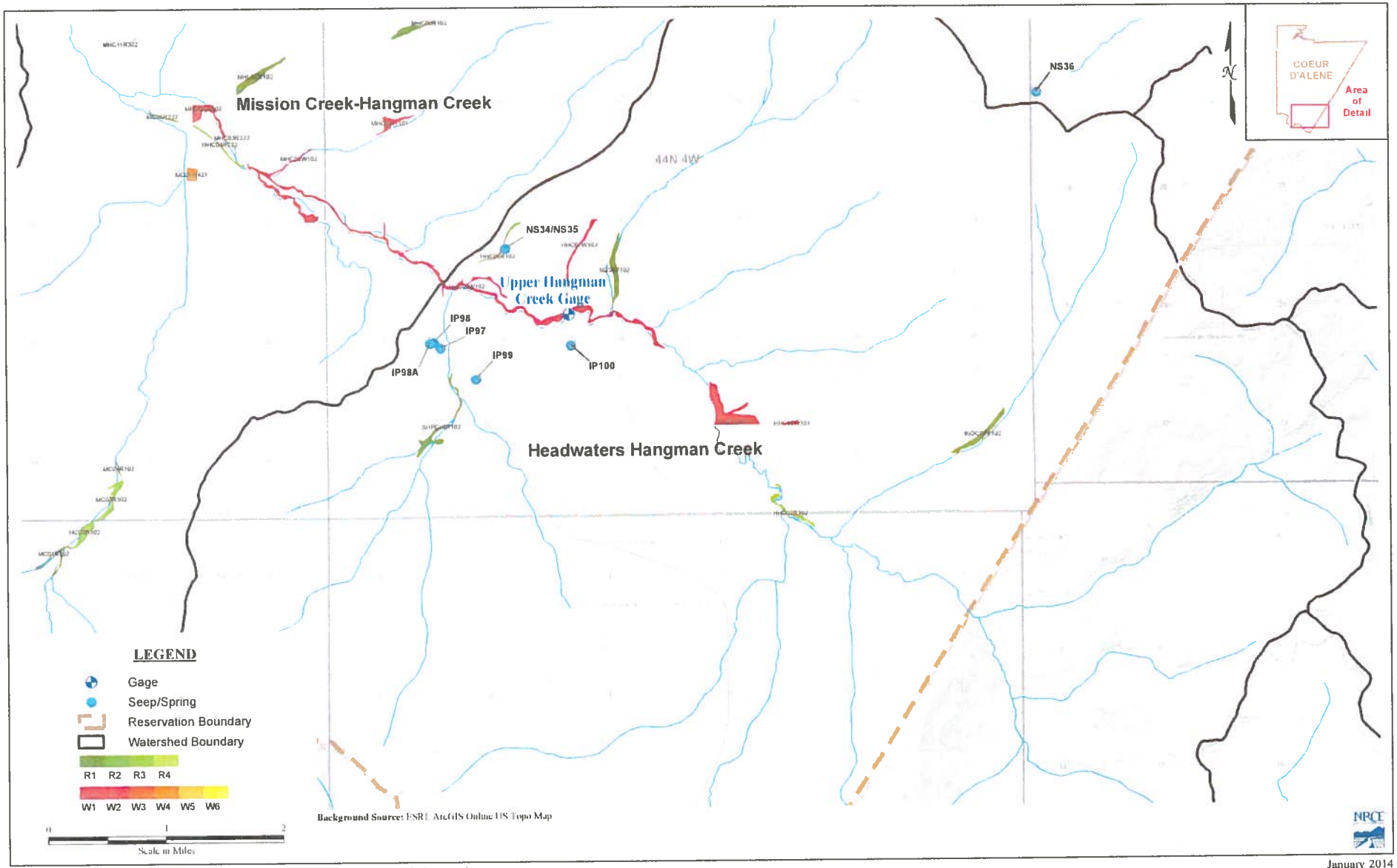

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7575

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
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   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC08R222)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 15.92

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 509774 5225950; which is located in:

   Township: 44N Range: 04W Section: 05 Q: NW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 36.13 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

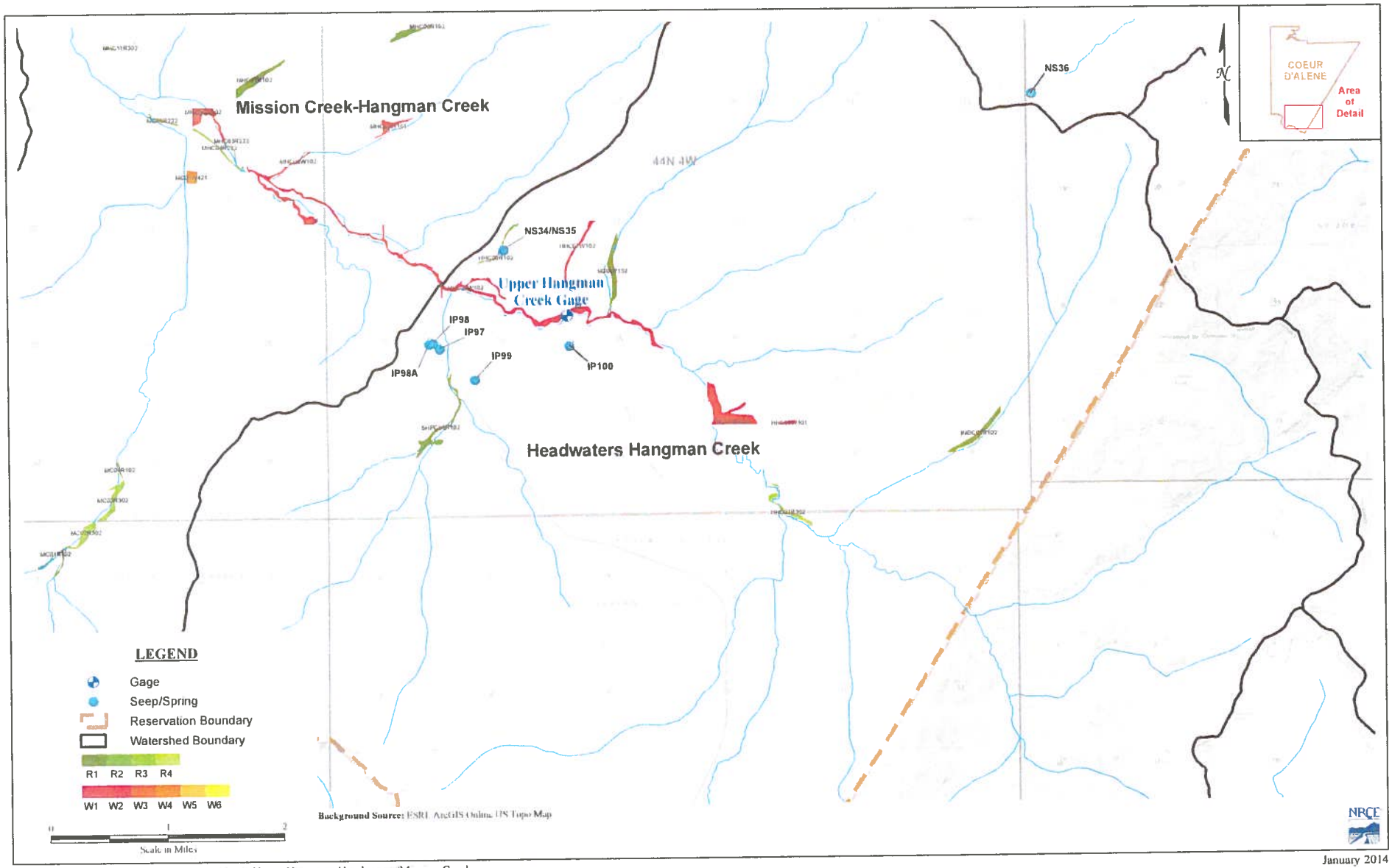
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7576

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC09R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.92
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509211 5225461; which is located in:
   Township: 44N Range: 04W Section: 06 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 9.44 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

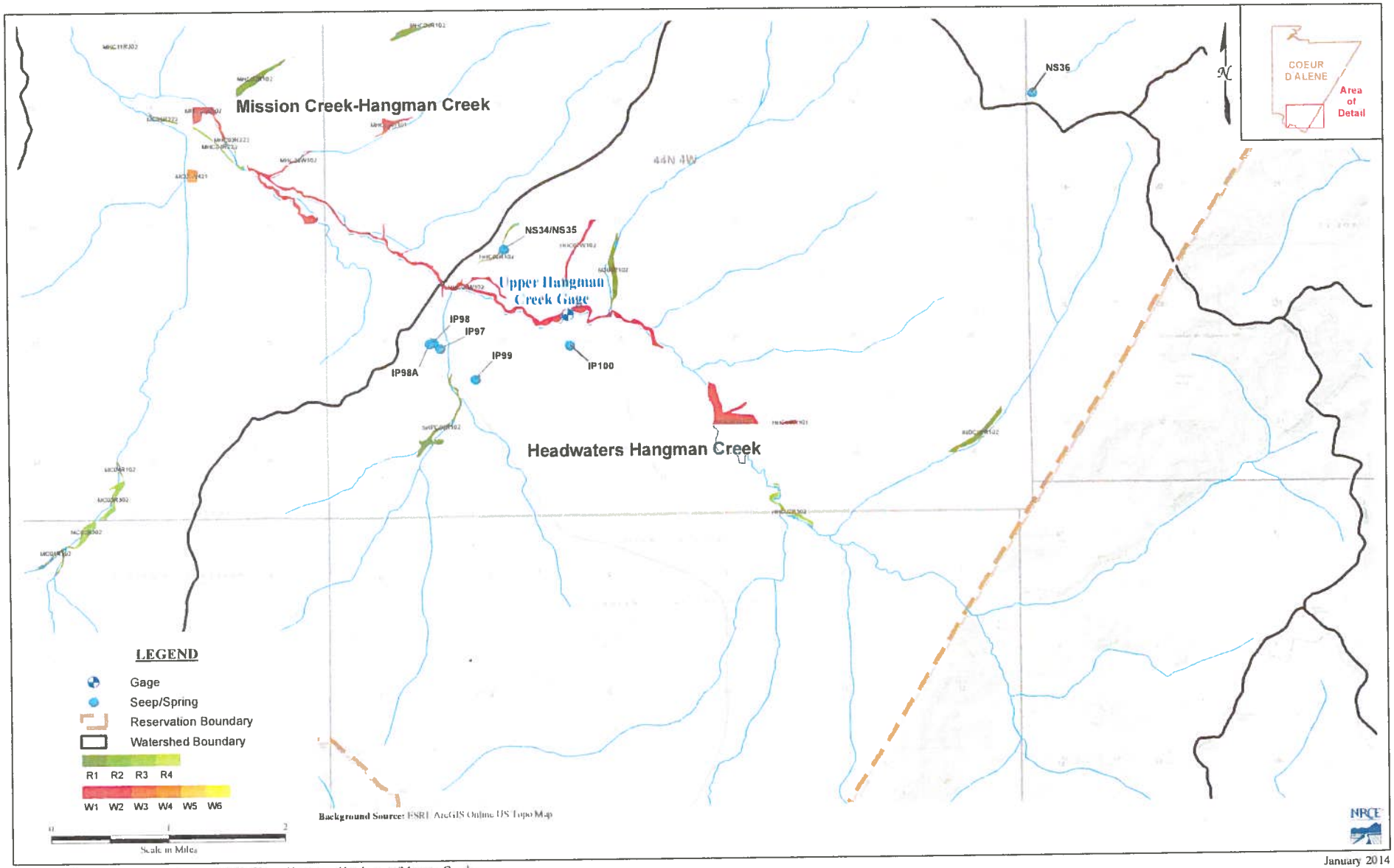
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7577

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC10R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.35
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507287 5224255; which is located in:
   Township: 44N Range: 05W Section: 12 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 31.63 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
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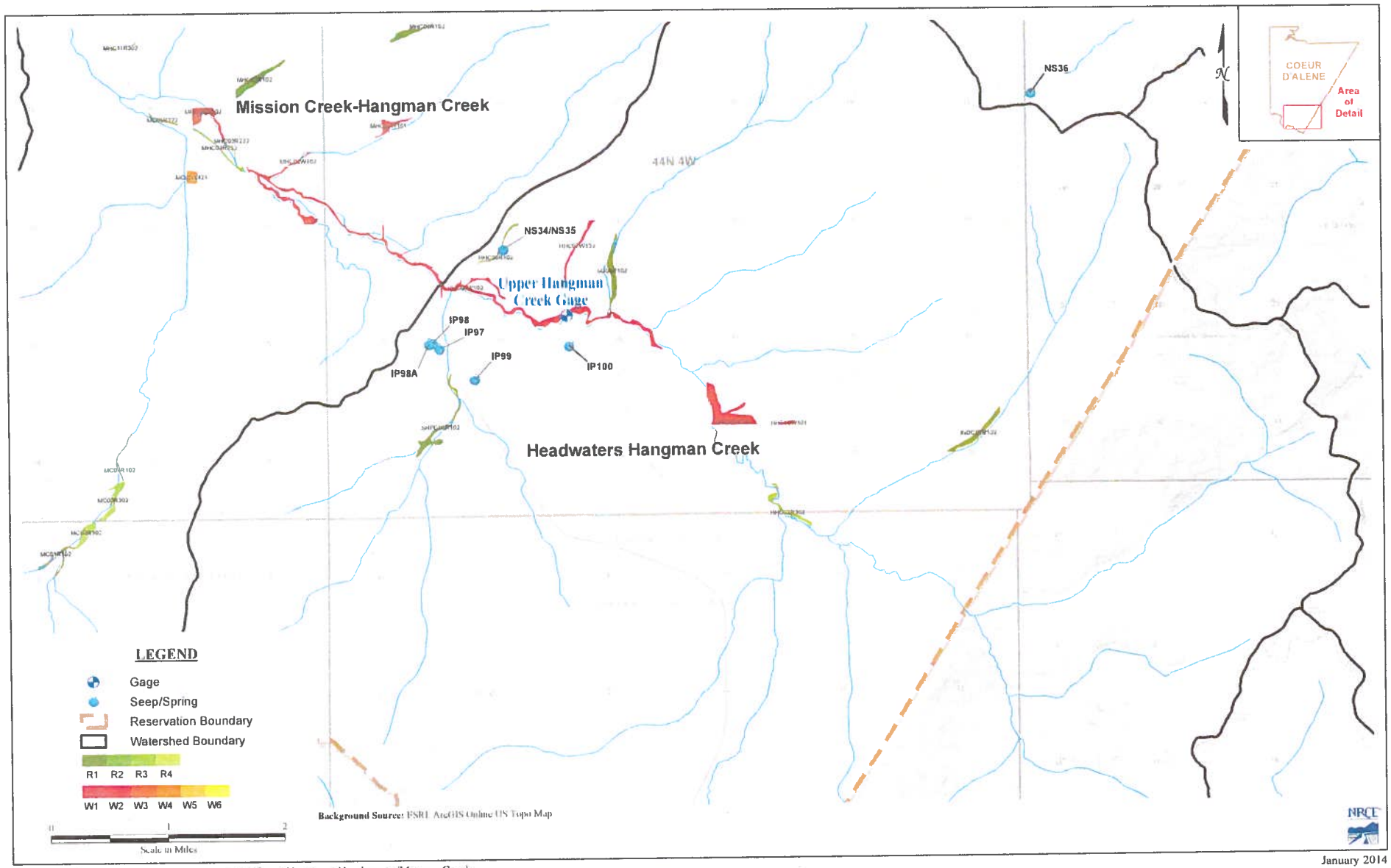
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

93-7578

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Mission Creek-Hangman Creek (Fed ID #MHC11R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.73
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 505109 5223347; which is located in:
   Township: 44N Range: 05W Section: 11 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.10 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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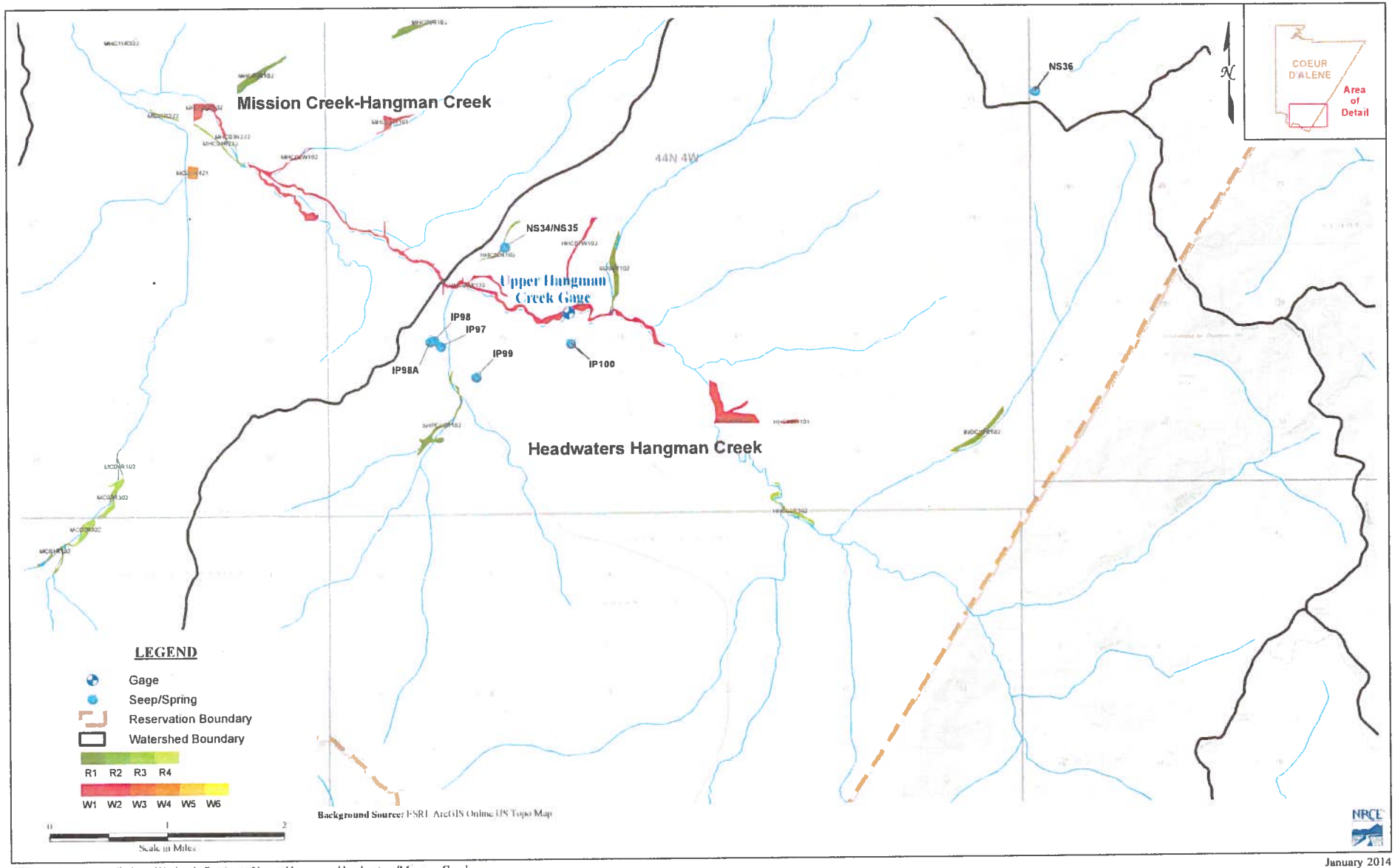


Figure A1 : Coeur d'Alene Wetlands Review - Upper Hangman-Headwaters/Mission Creek

January 2014

93-7579

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC01W202)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.58
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508981 5231642; which is located in:
   Township: 45N Range: 04W Section: 18 Q: SE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 38.37 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

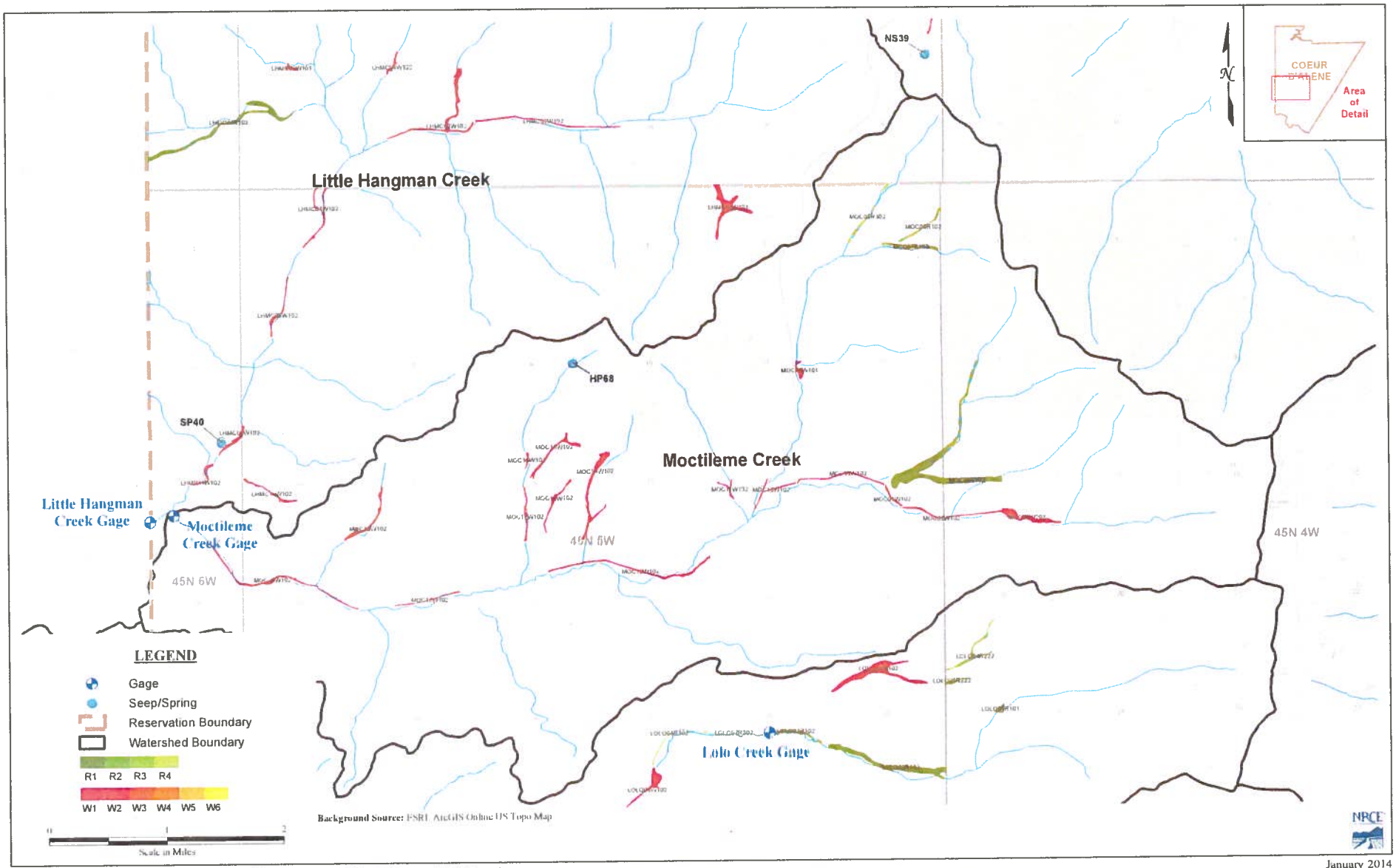


Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7580

RECEIVED
JAN 31
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC02W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.74
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507852 5231705; which is located in:
   Township: 45N Range: 05W Section: 13 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.96 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

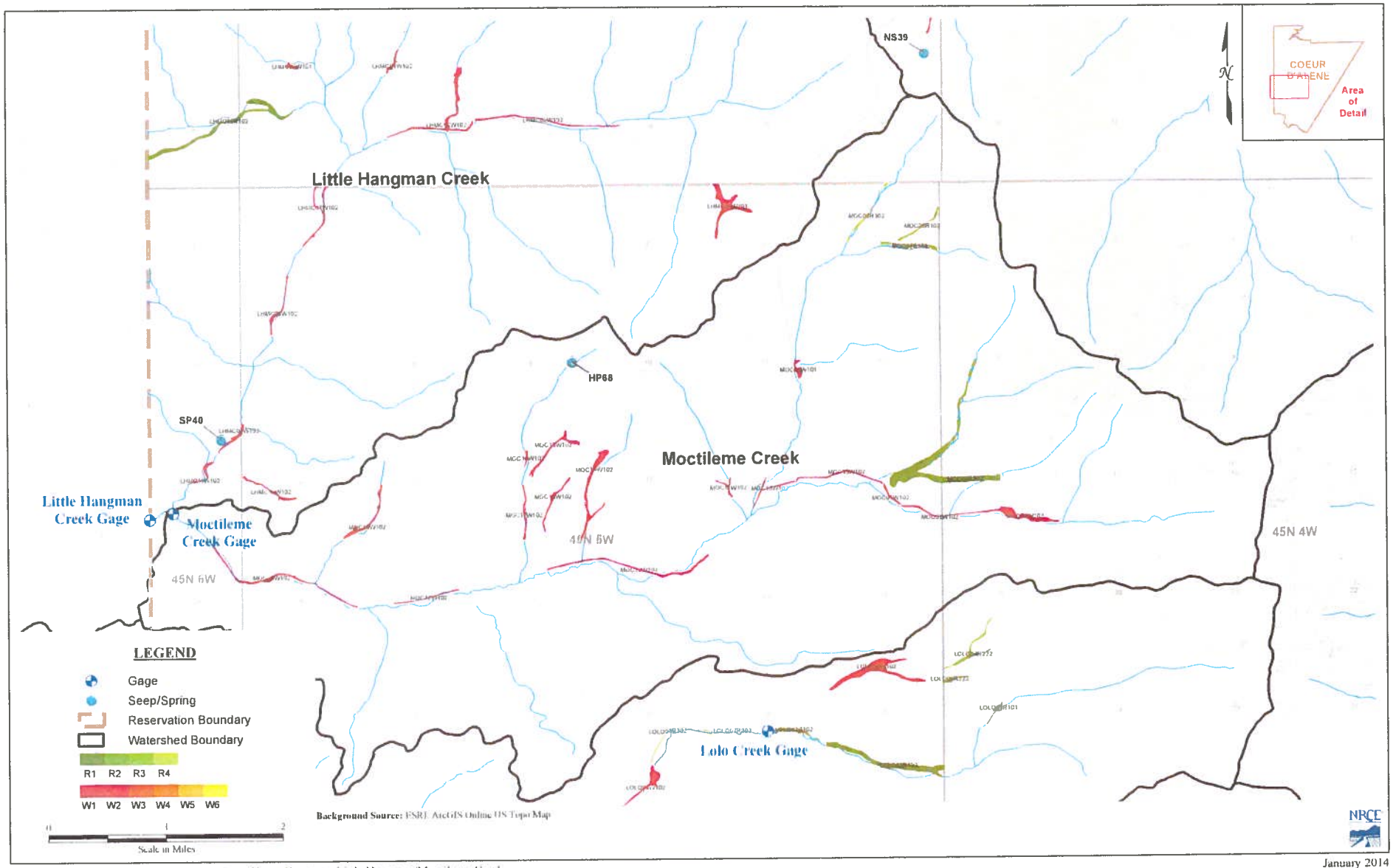


Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7581

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC03W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.02
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507171 5231935; which is located in:
   Township: 45N Range: 05W Section: 13 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 6.38 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

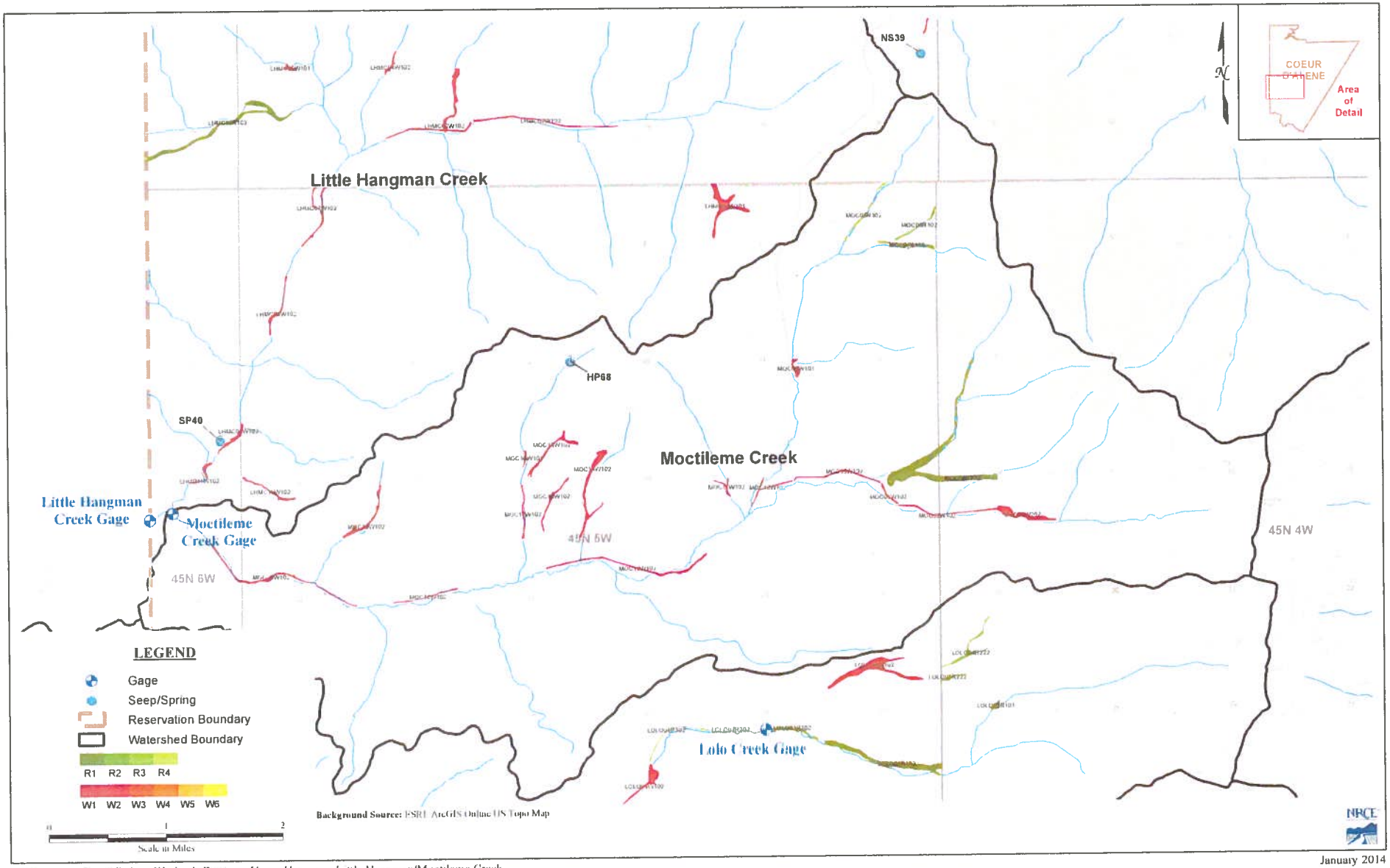
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7582

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC04R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 55.36

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 507820 5232387; which is located in:

   Township: 45N Range: 05W Section: 13 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 133.25 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
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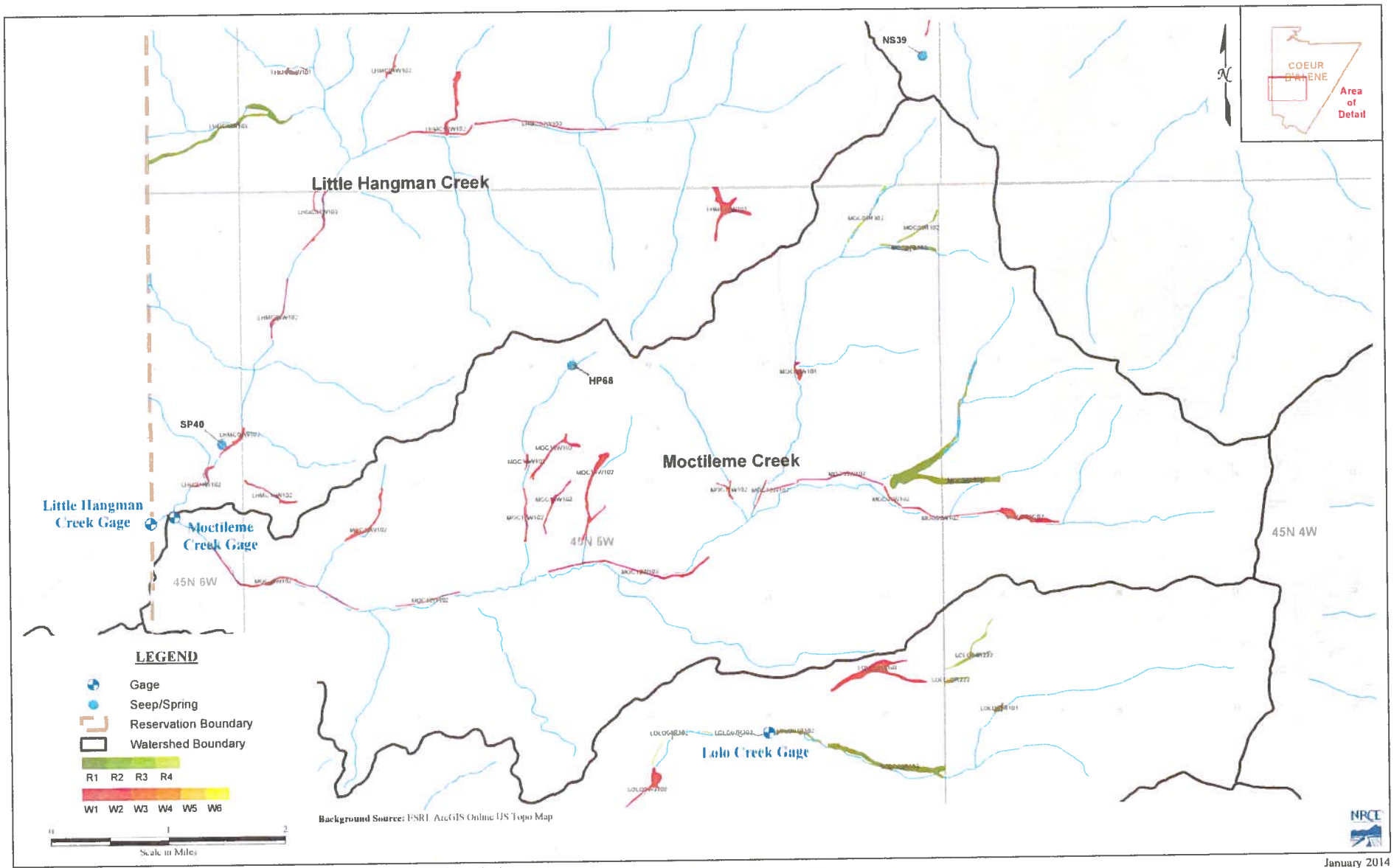


January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7583

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC05W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.56
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506519 5232193; which is located in:
   Township: 45N Range: 05W Section: 13 Q: NW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 17.55 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

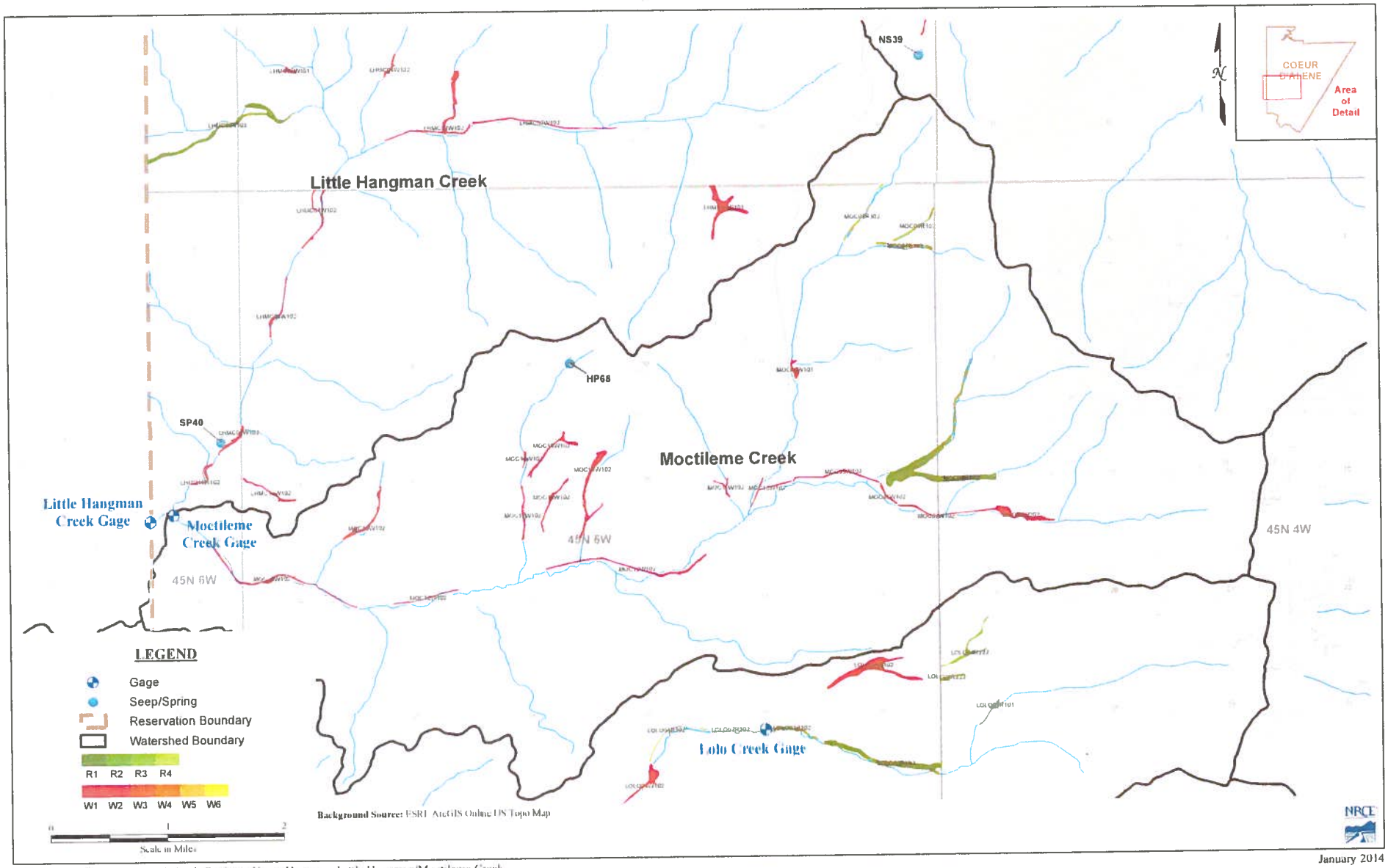
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7584

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC06R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.96
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507610 5235621; which is located in:
   Township: 45N Range: 05W Section: 01 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 9.53 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

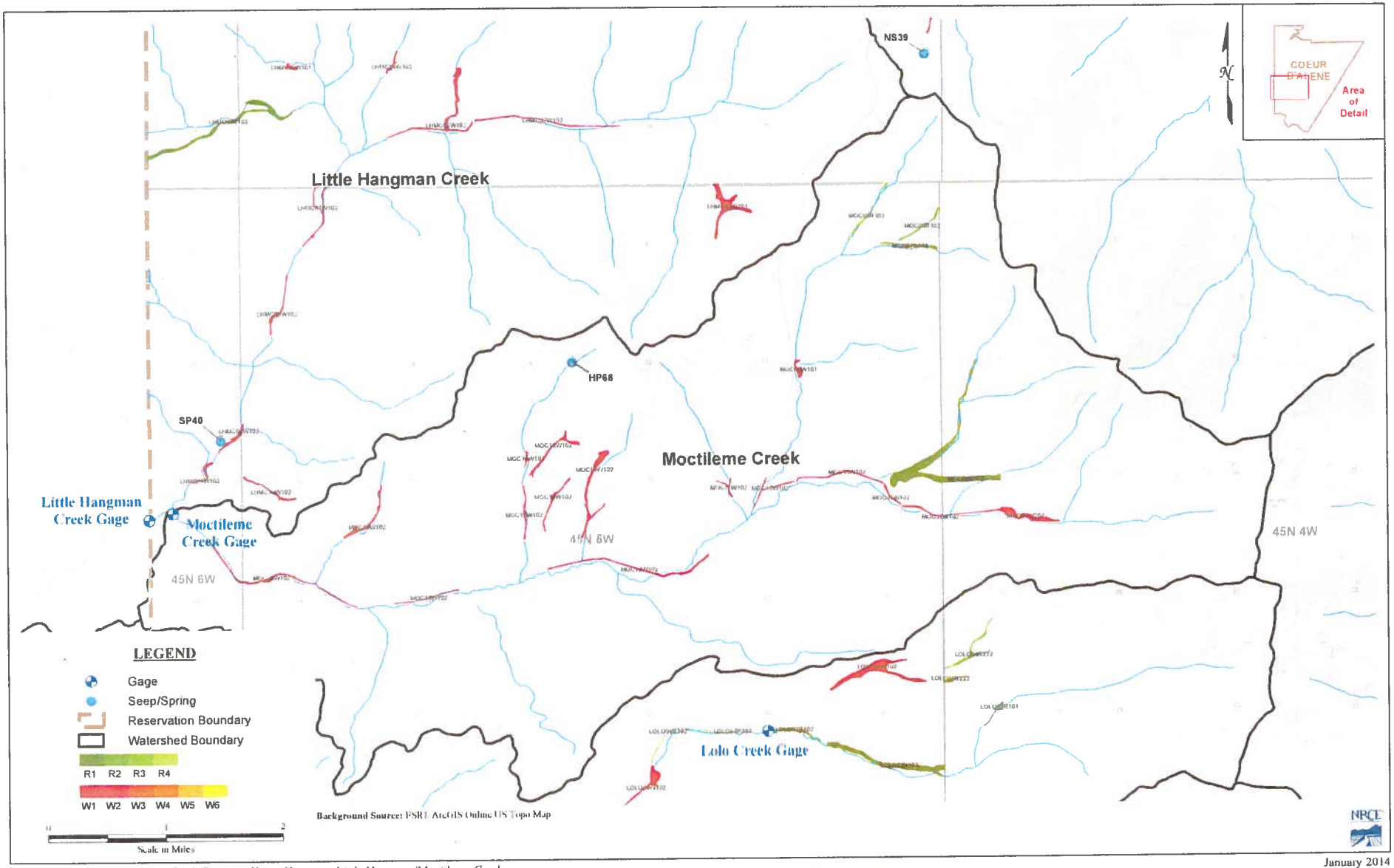


Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7585

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC07R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.78
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507458 5235359; which is located in:
   Township: 45N Range: 05W Section: 01 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.91 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

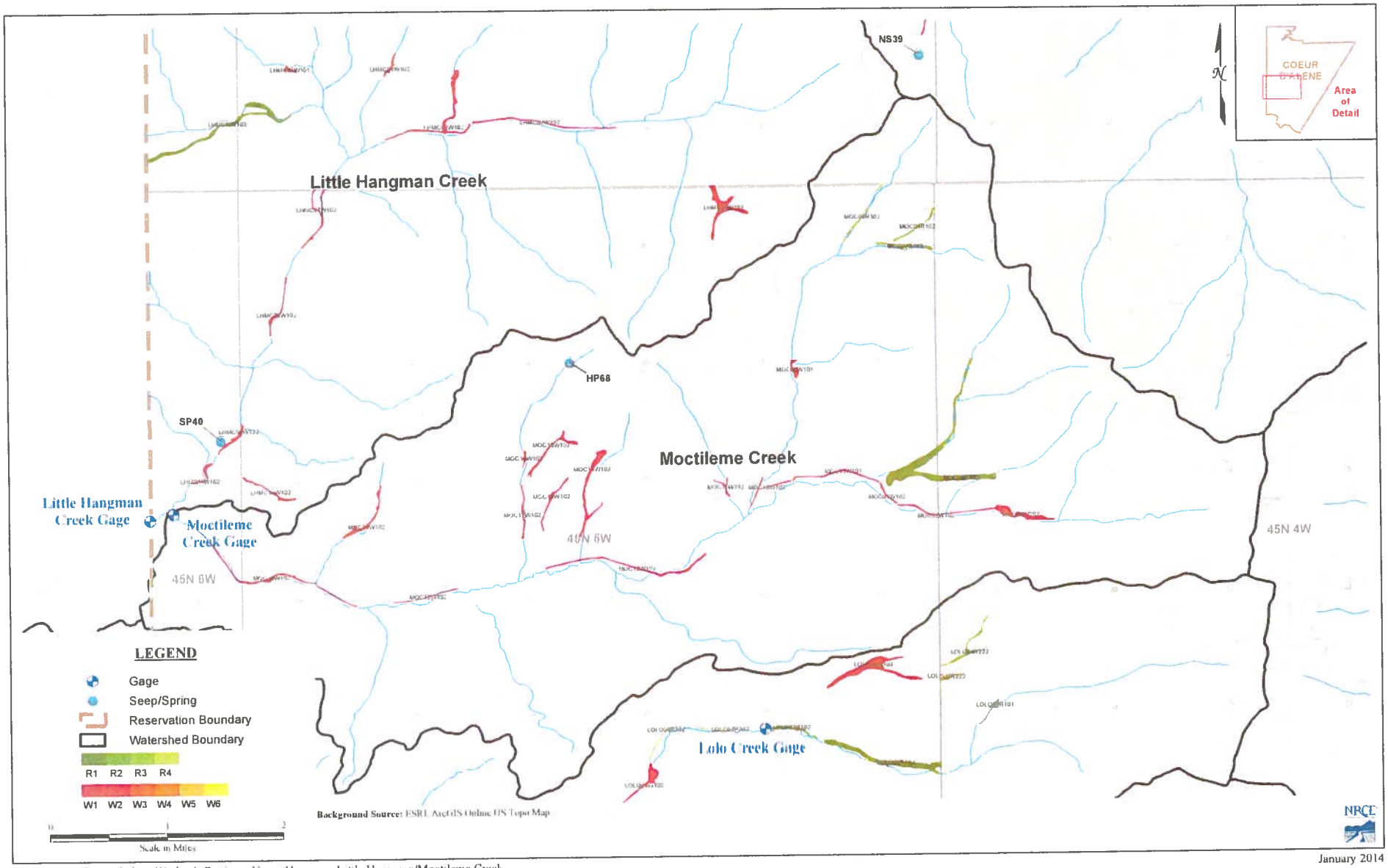
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7586

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC08R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.96
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506866 5235793; which is located in:
   Township: 45N Range: 05W Section: 01 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 16.49 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

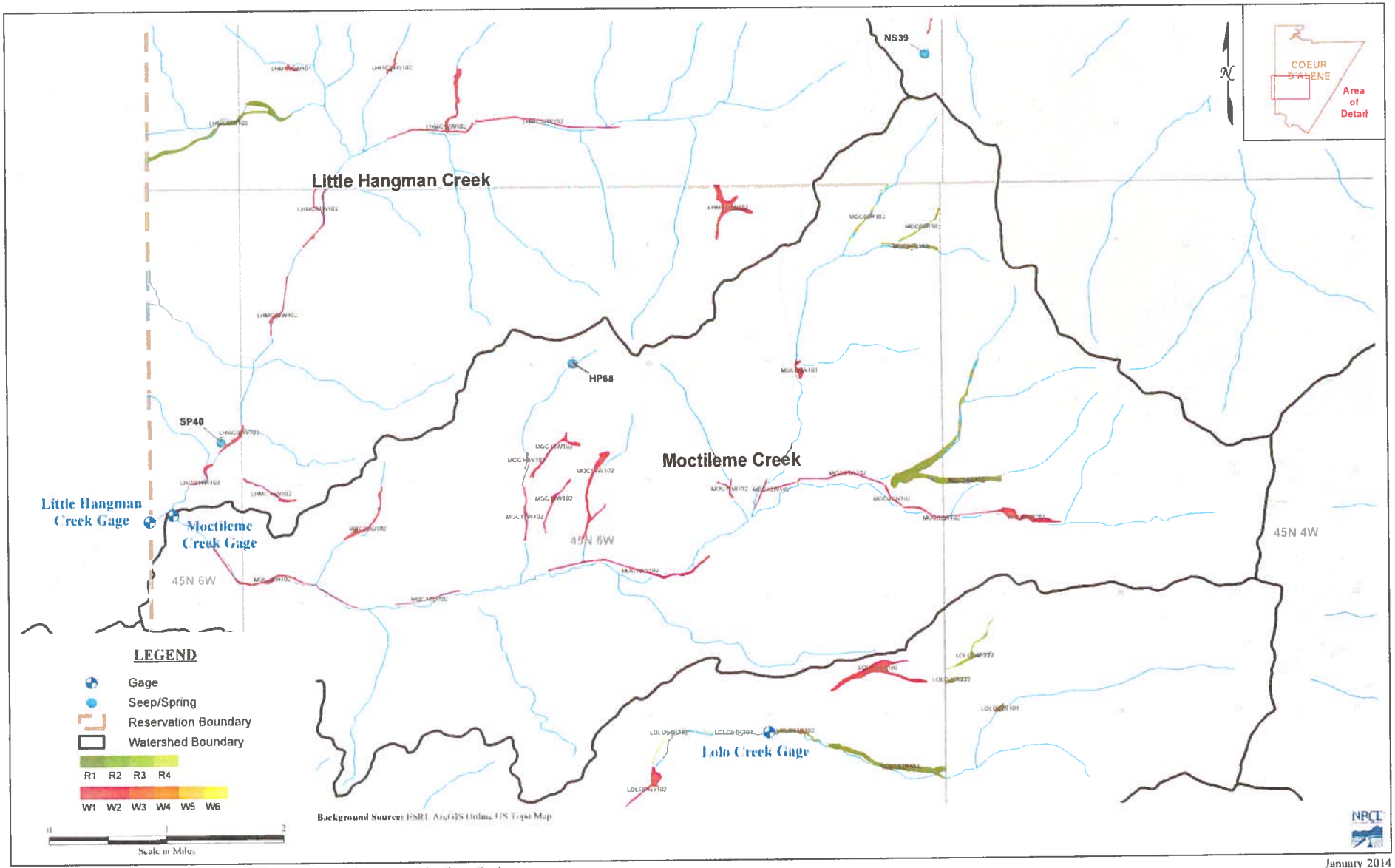

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7587

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC09W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.67
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 505915 5233664; which is located in:
   Township: 45N Range: 05W Section: 11 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 8.05 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

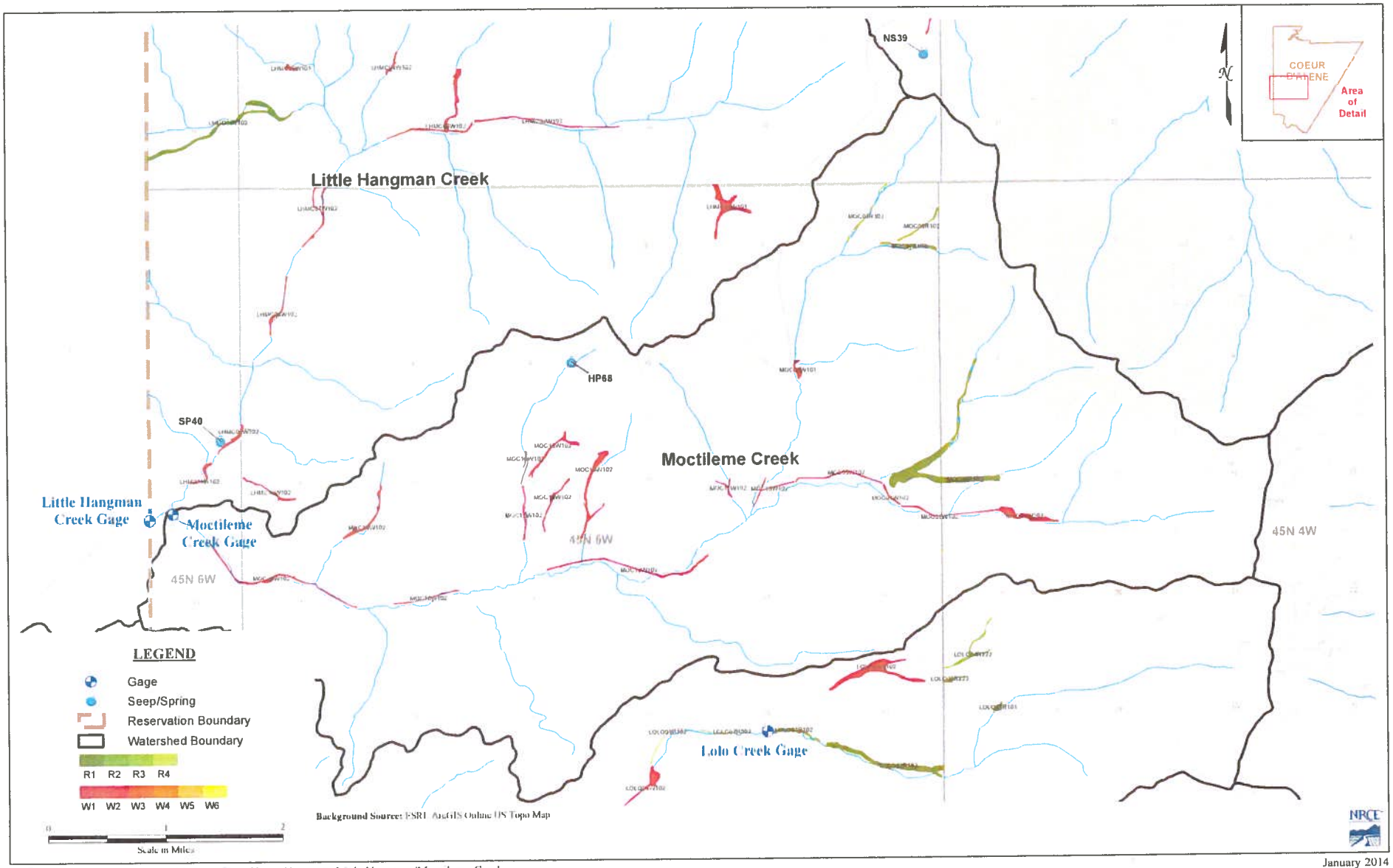

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7588

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC10W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.45
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 505510 5232028; which is located in:
   Township: 45N Range: 05W Section: 14 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.89 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

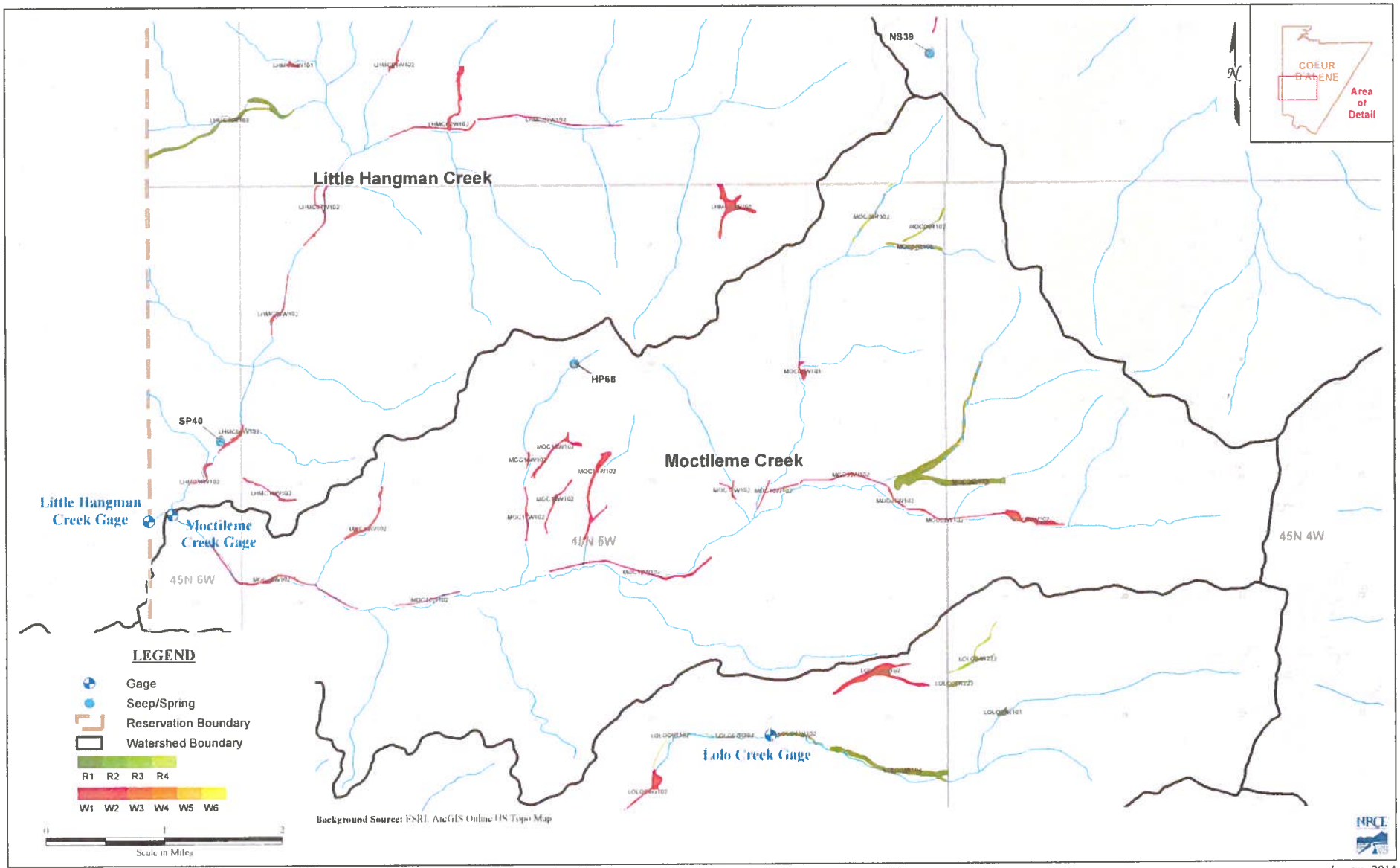

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7589

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC11W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.26
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504926 5232055; which is located in:
   Township: 45N Range: 05W Section: 14 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 7.13 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

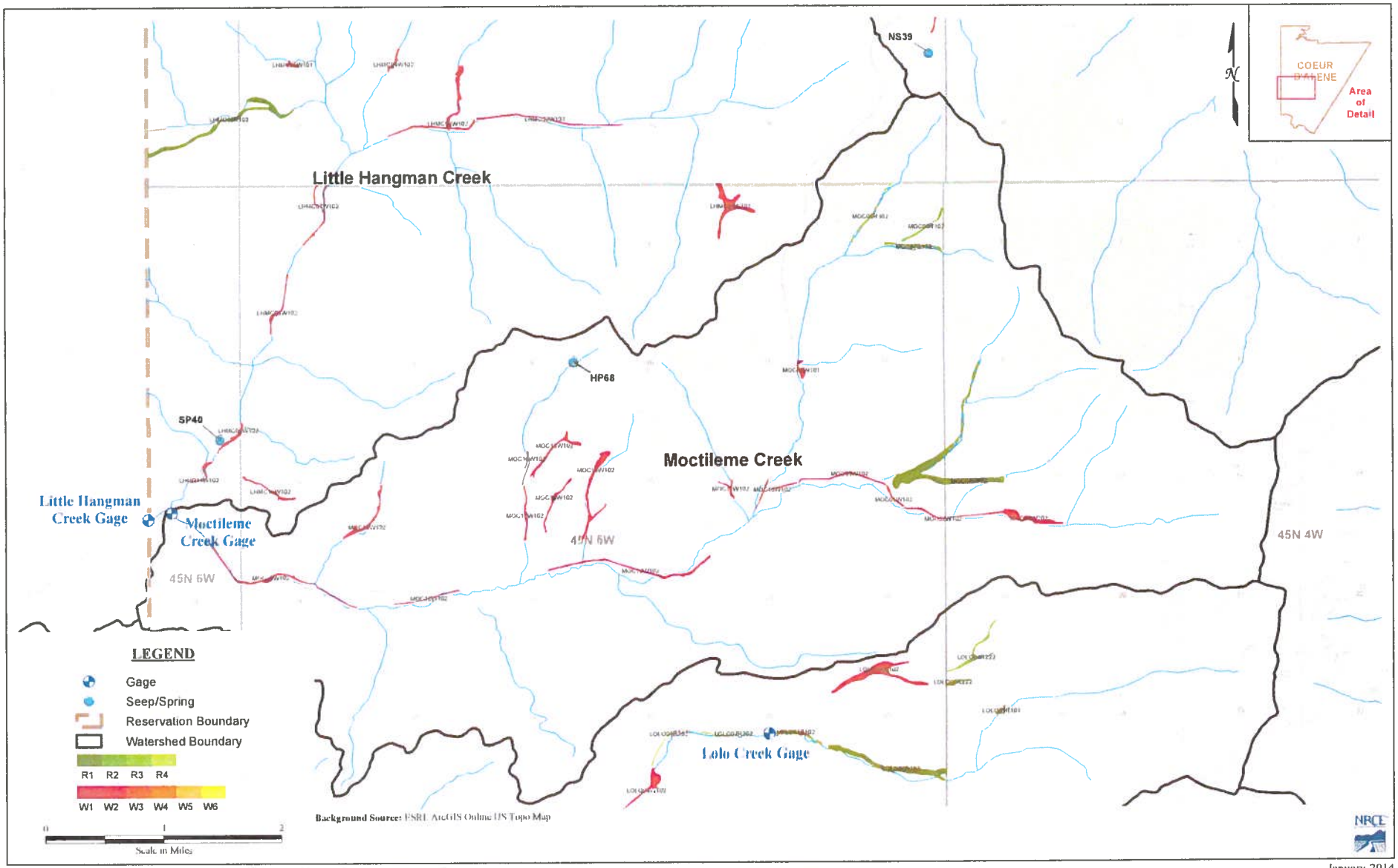

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7590

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC12W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 12.52
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 503706 5230976; which is located in:
   Township: 45N Range: 05W Section: 22 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 39.51 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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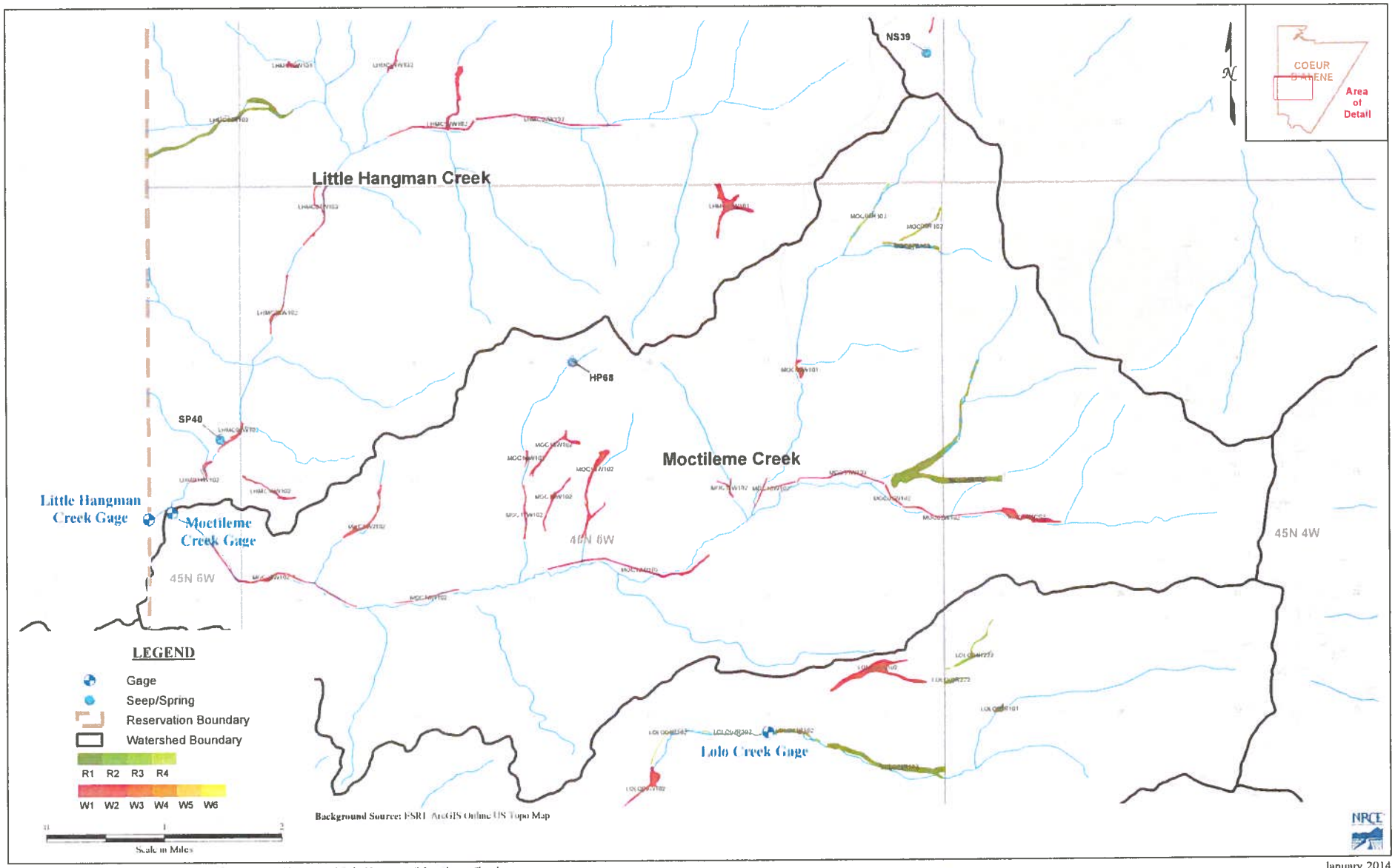

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7591

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC13W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 15.21
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 503089 5232080; which is located in:
   Township: 45N Range: 05W Section: 15 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 48.00 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

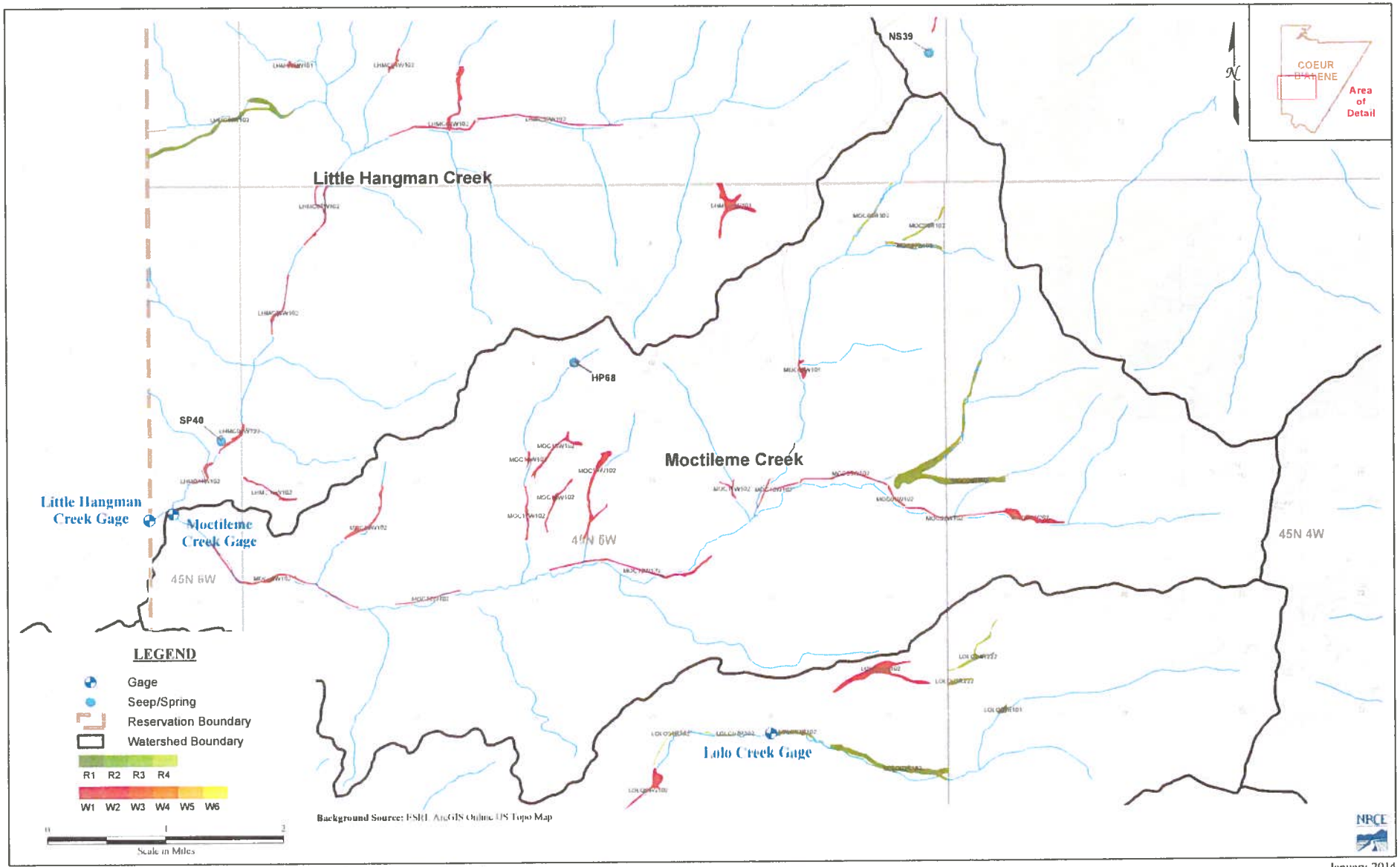

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7592

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Department of Water Resources
Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC14W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.18

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 502540 5231880; which is located in:

   Township: 45N Range: 05W Section: 16 Q: SE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 16.35 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

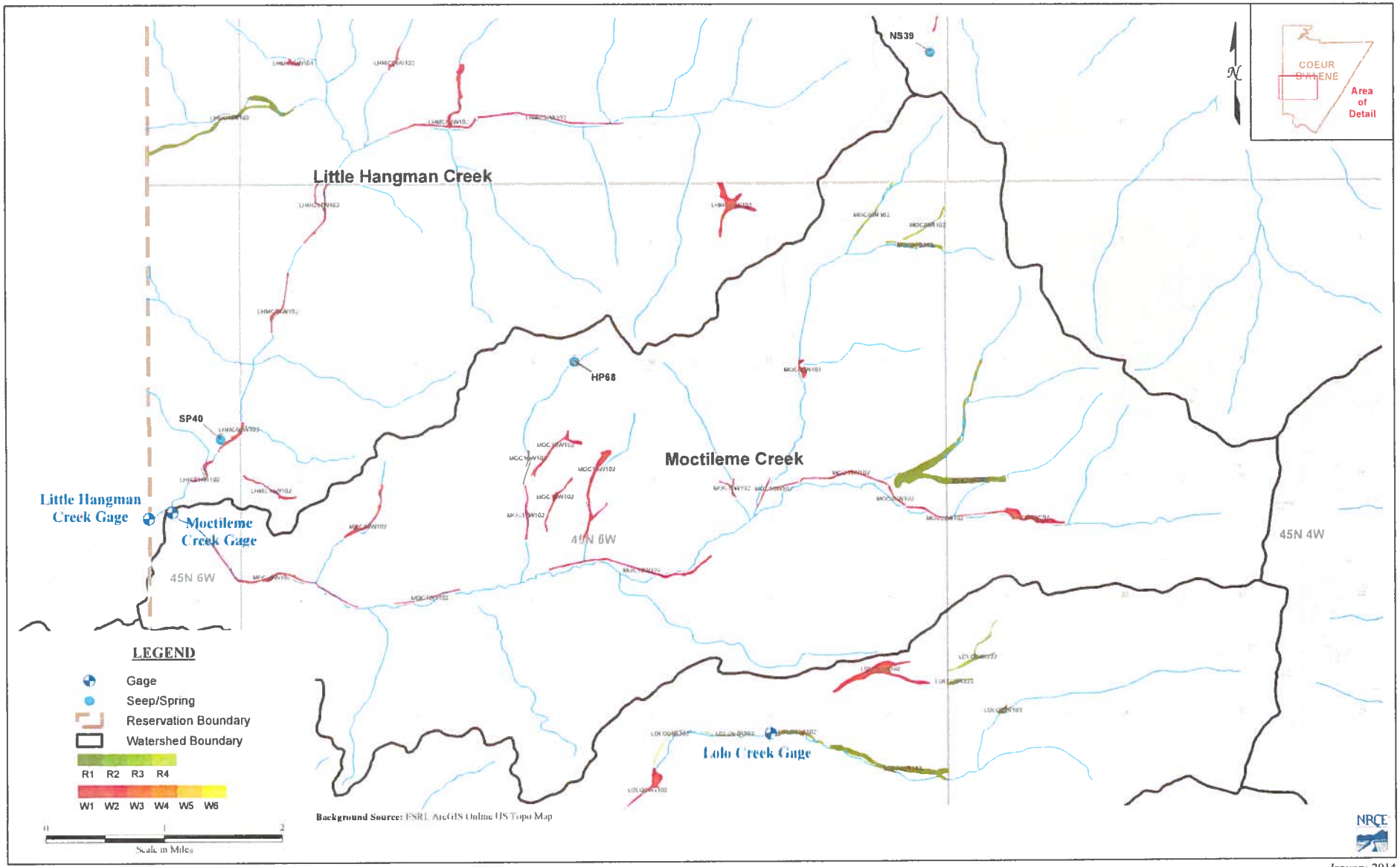

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7593

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JAN 31 2014
Department of Water Resource
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC15W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.98
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502547 5232569; which is located in:
   Township: 45N Range: 05W Section: 16 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 25.18 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
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Boise, Idaho 83724

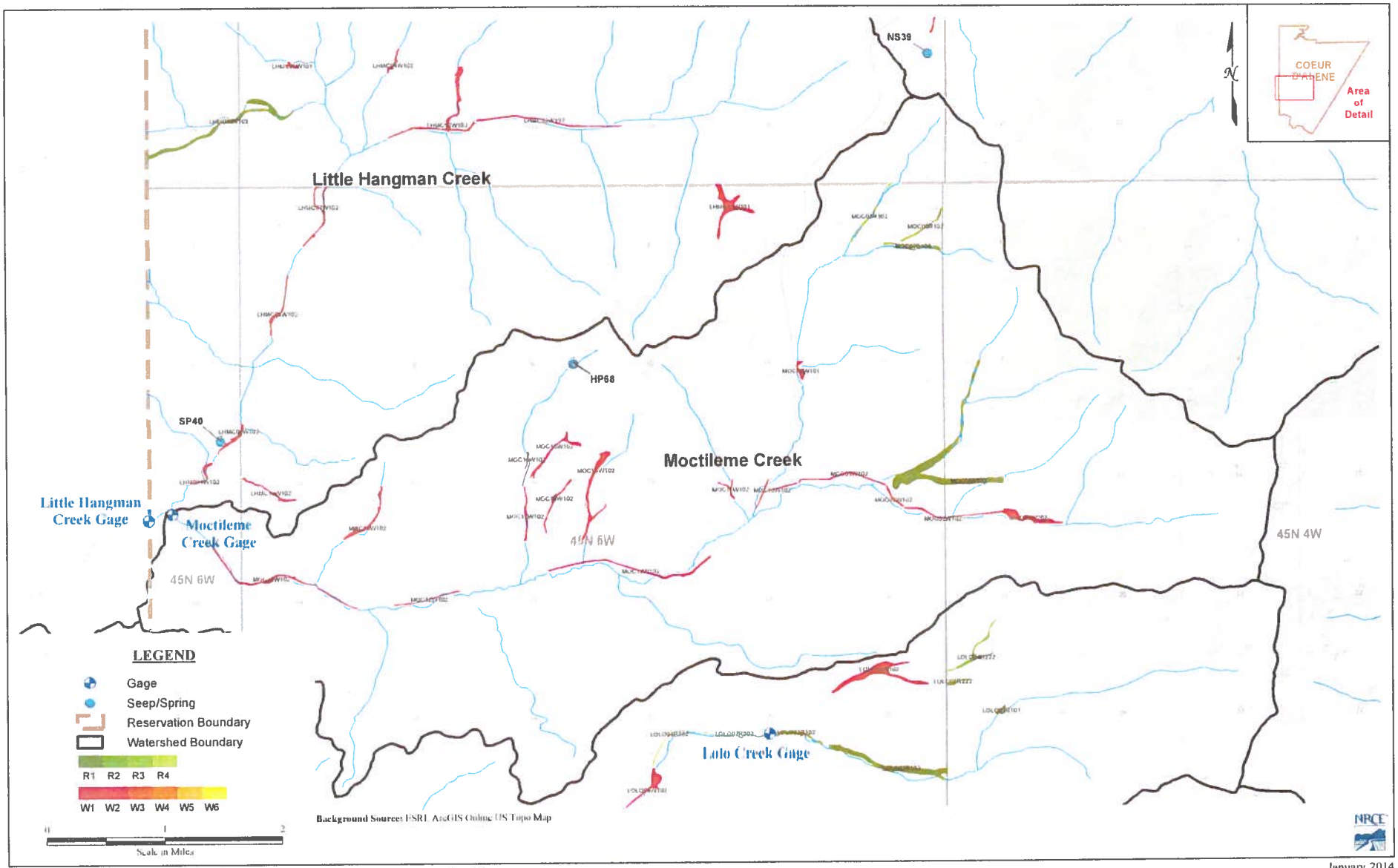

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7594

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC16W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.38
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502168 5232478; which is located in:
   Township: 45N Range: 05W Section: 16 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.36 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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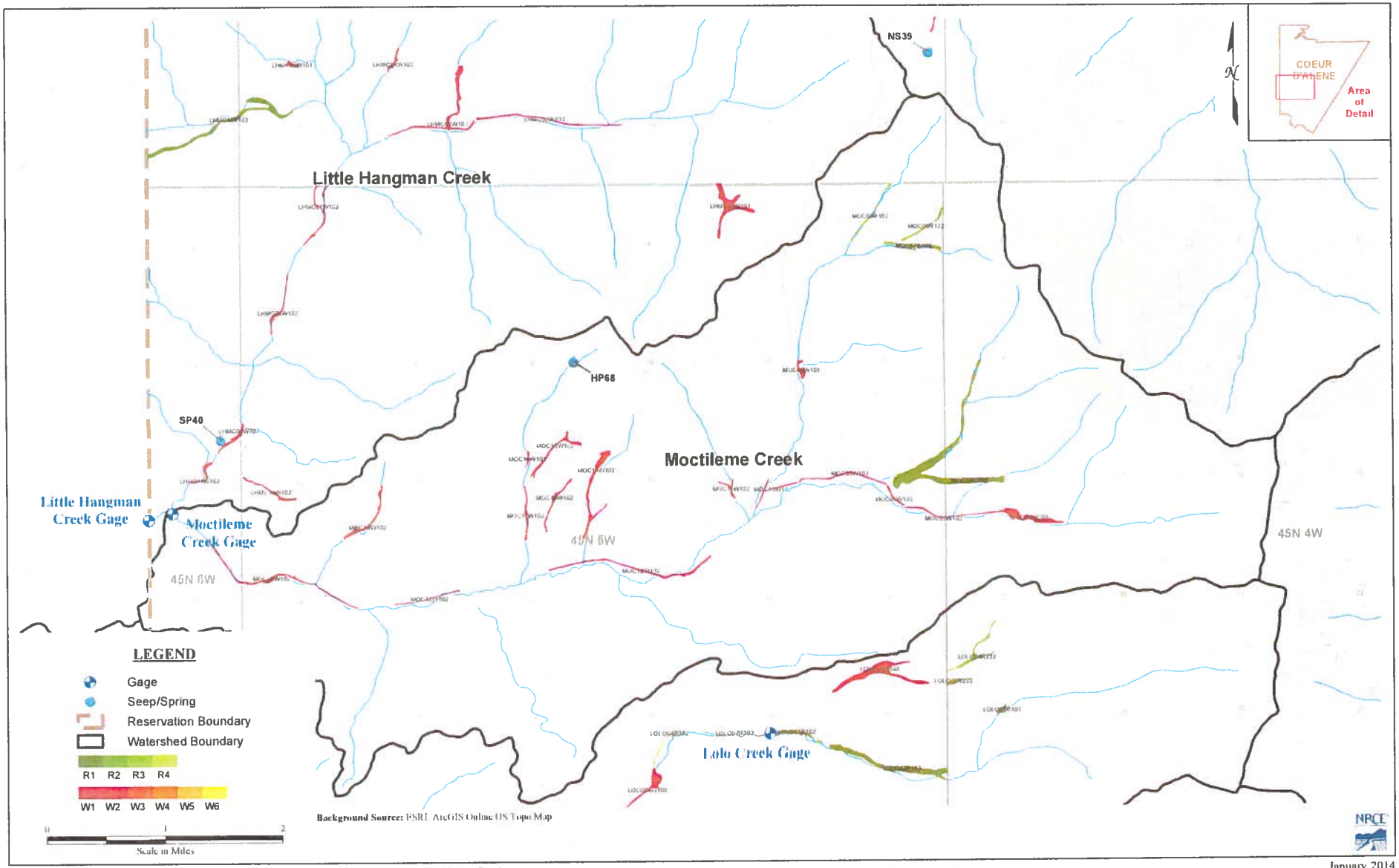

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7595

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC17W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.57

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 502144 5231706; which is located in:

   Township: 45N Range: 05W Section: 16 Q: SW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 11.27 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

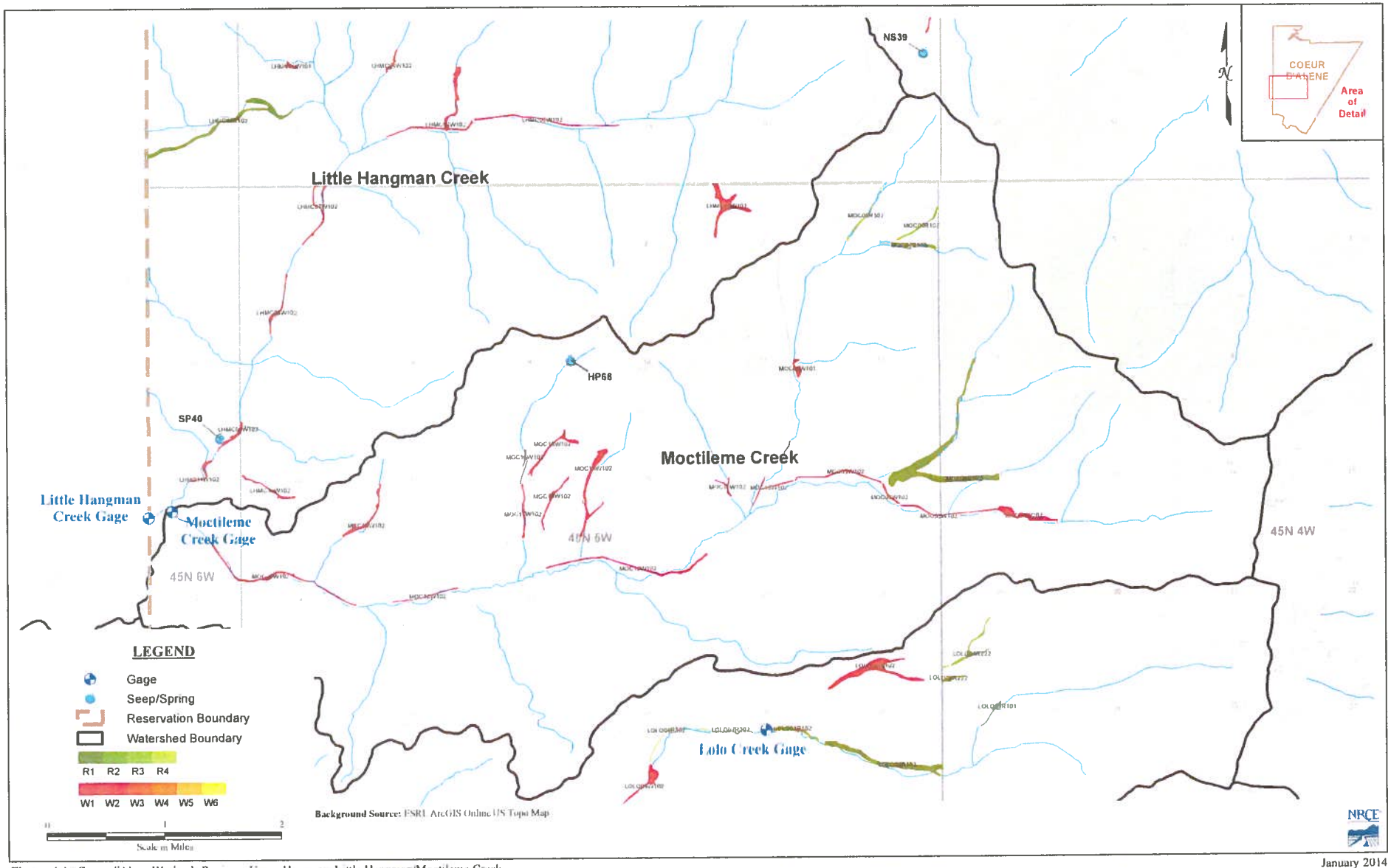

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7596

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC18W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.2
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500783 5230584; which is located in:
   Township: 45N Range: 05W Section: 20 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.10 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

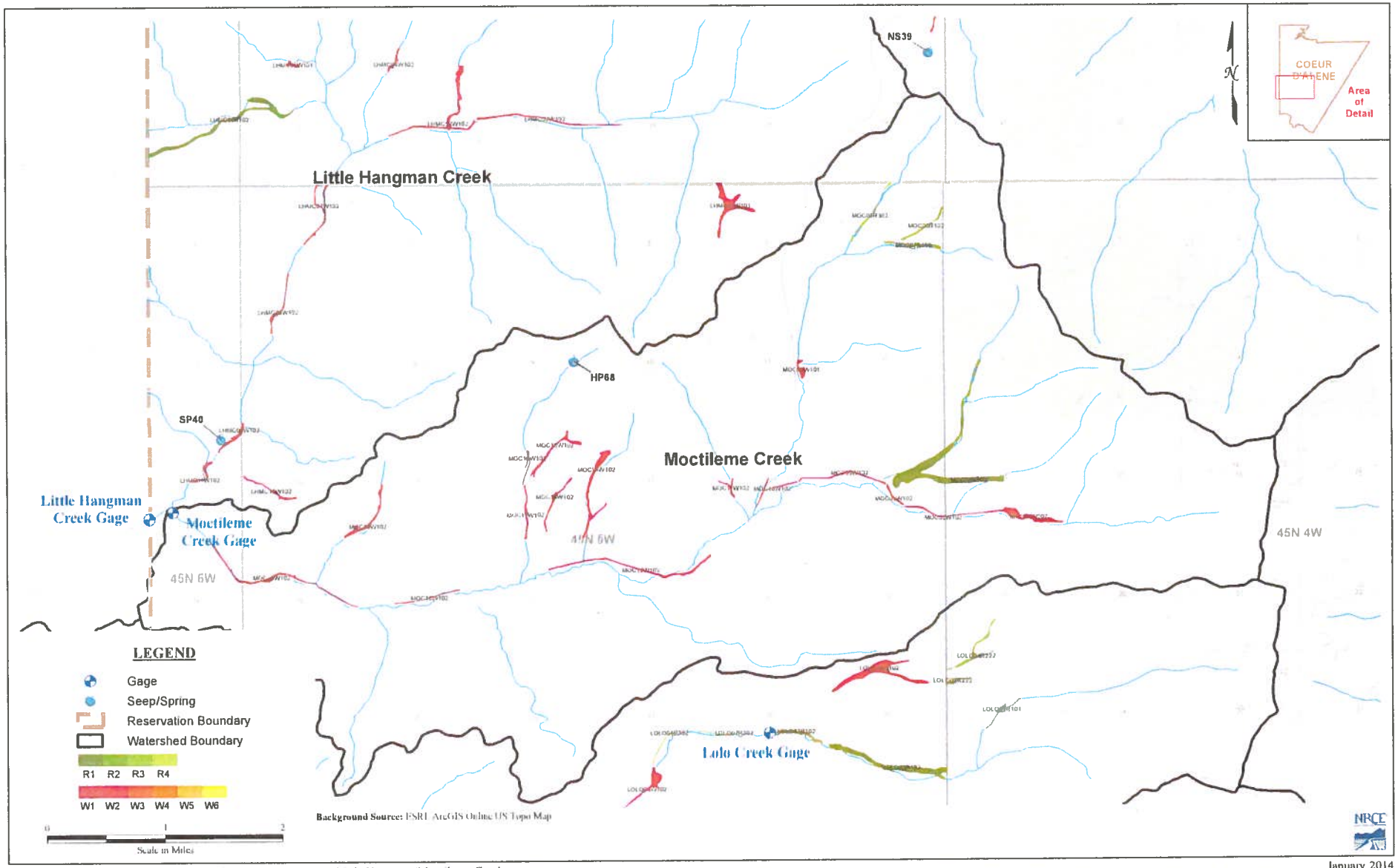

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7597

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC19W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.42
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 499968 5231675; which is located in:
   Township: 45N Range: 05W Section: 17 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 26.57 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

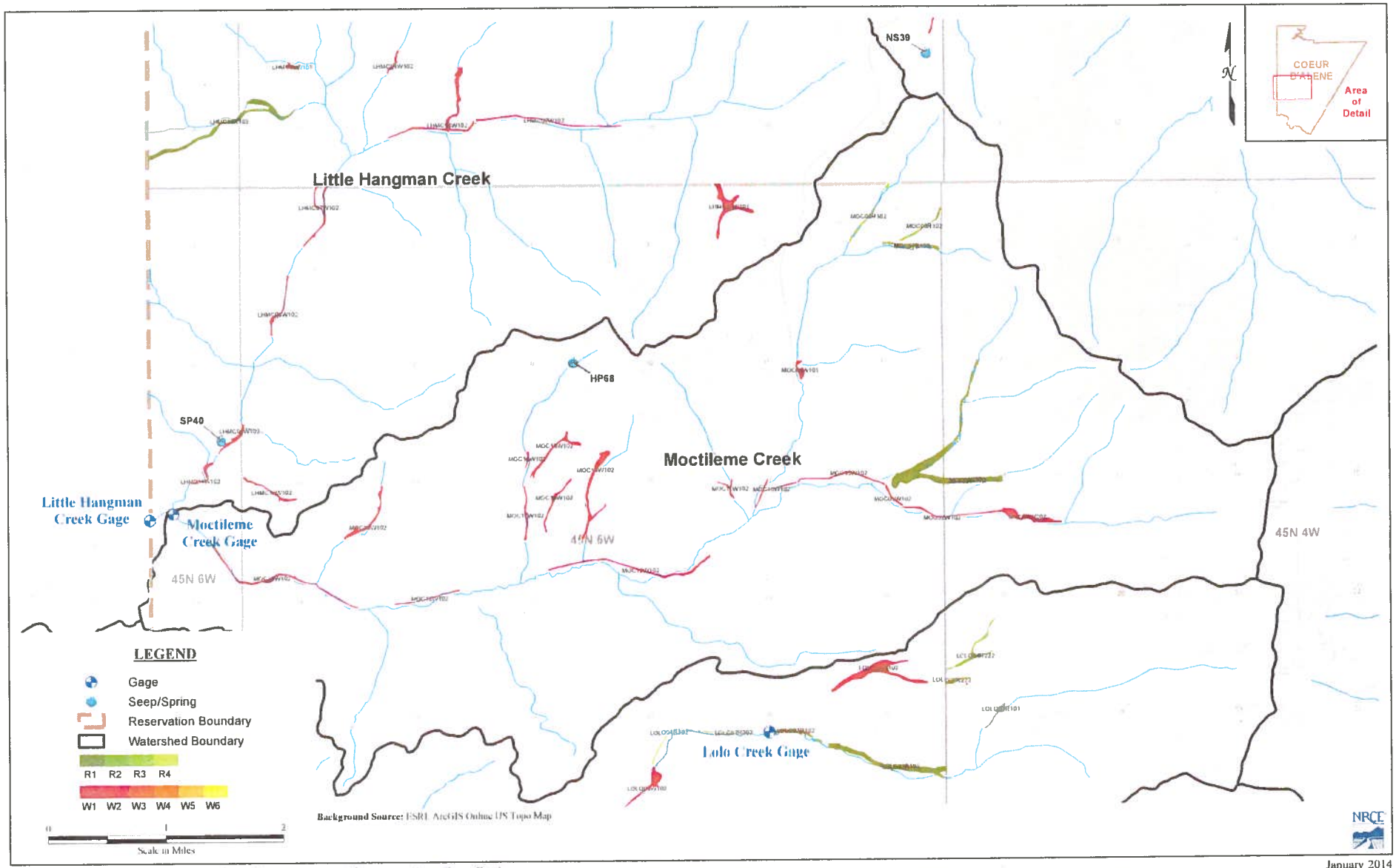

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

January 2014

93-7598

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Moctileme Creek (Fed ID #MOC20W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 12.93
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498652 5230875; which is located in:
   Township: 45N Range: 05W Section: 19 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 40.81 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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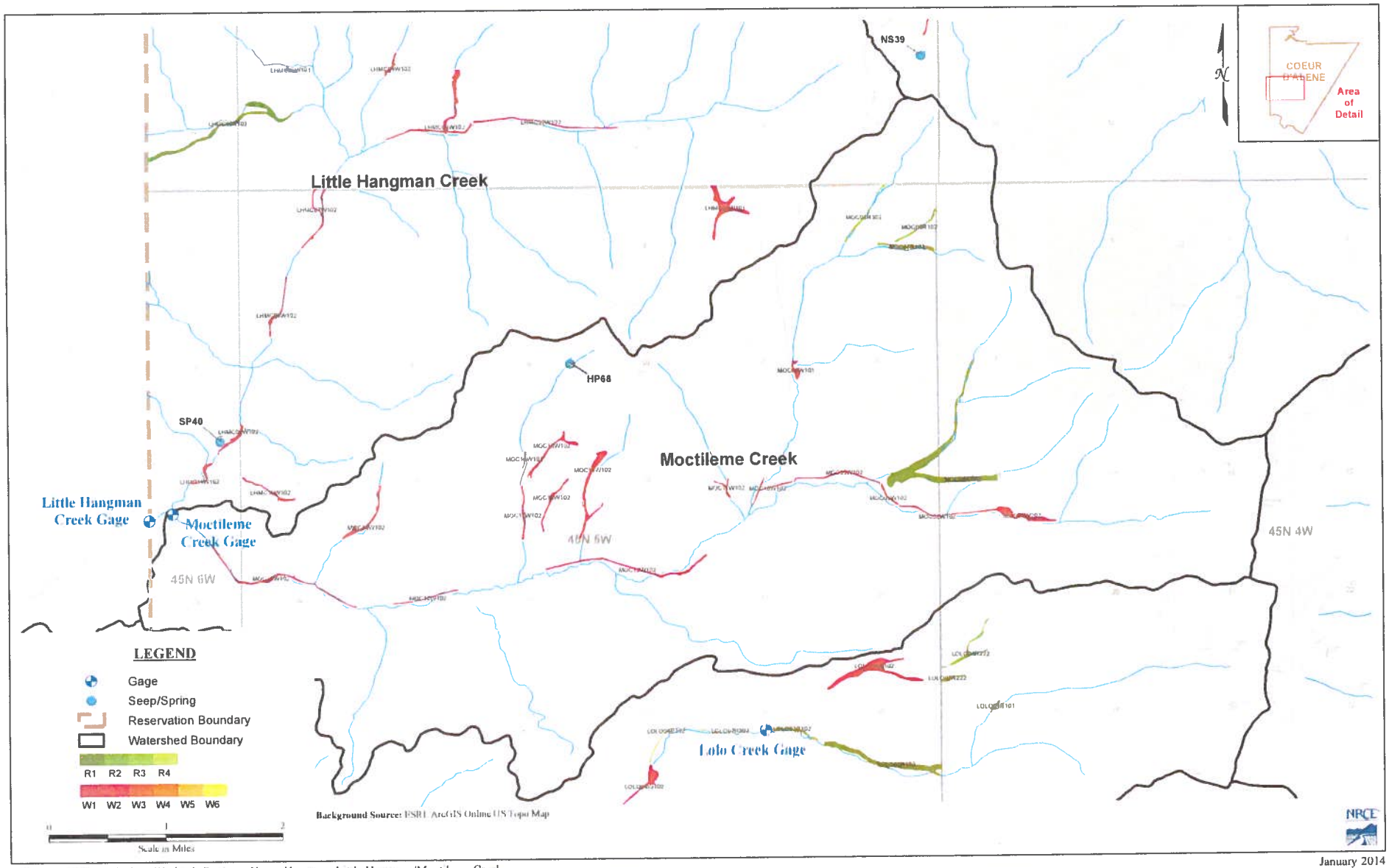

January 2014

Figure A4 : Coeur d'Alene Wetlands Review - Upper Hangman-Little Hangman/Moctileme Creek

93-7599

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC01W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.96
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509009 5247108; which is located in:
   Township: 47N Range: 04W Section: 31 Q: NE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 28.28 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

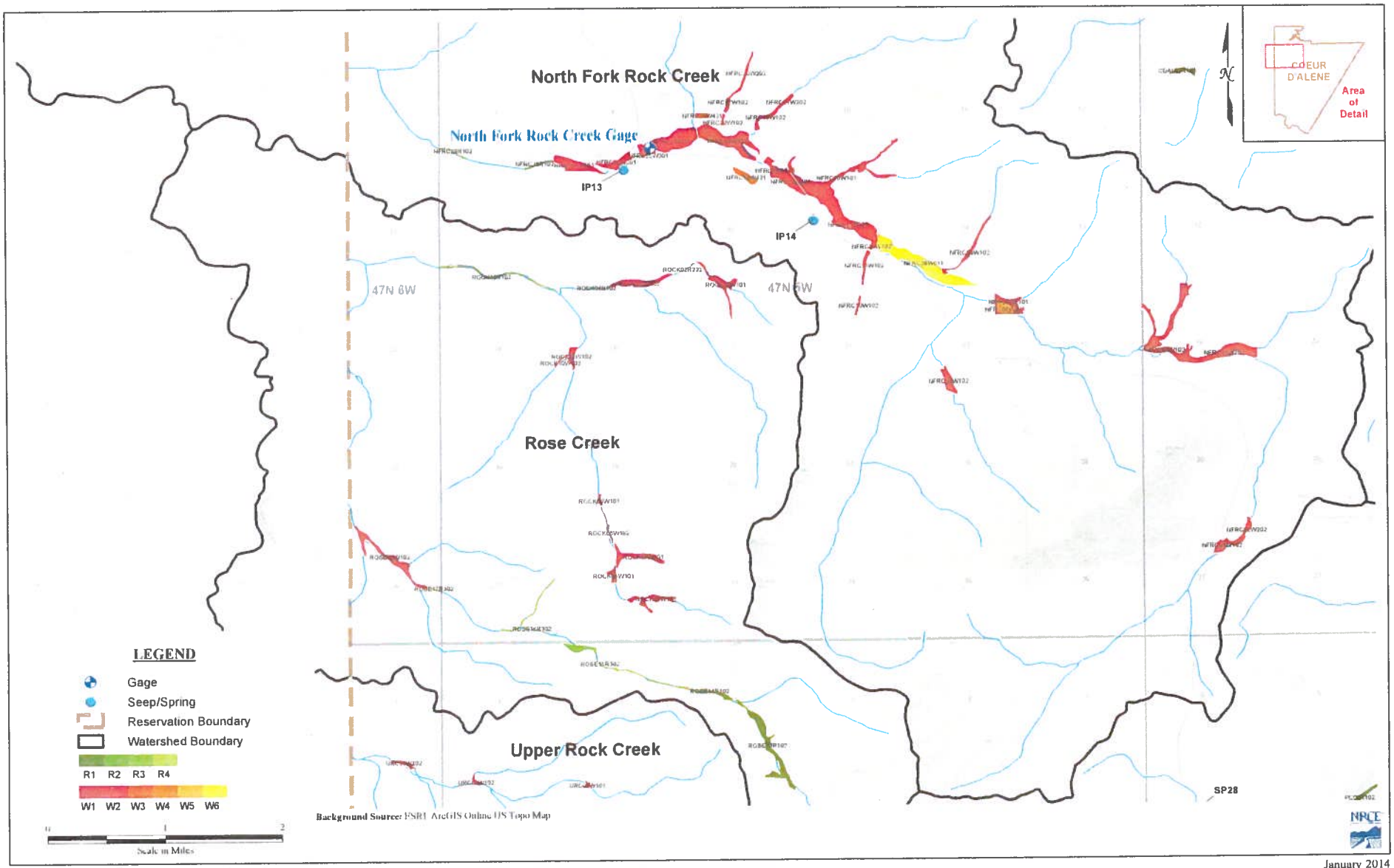

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7600

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC02W202)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.05
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509291 5247319; which is located in:
   Township: 47N Range: 04W Section: 31 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.27 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

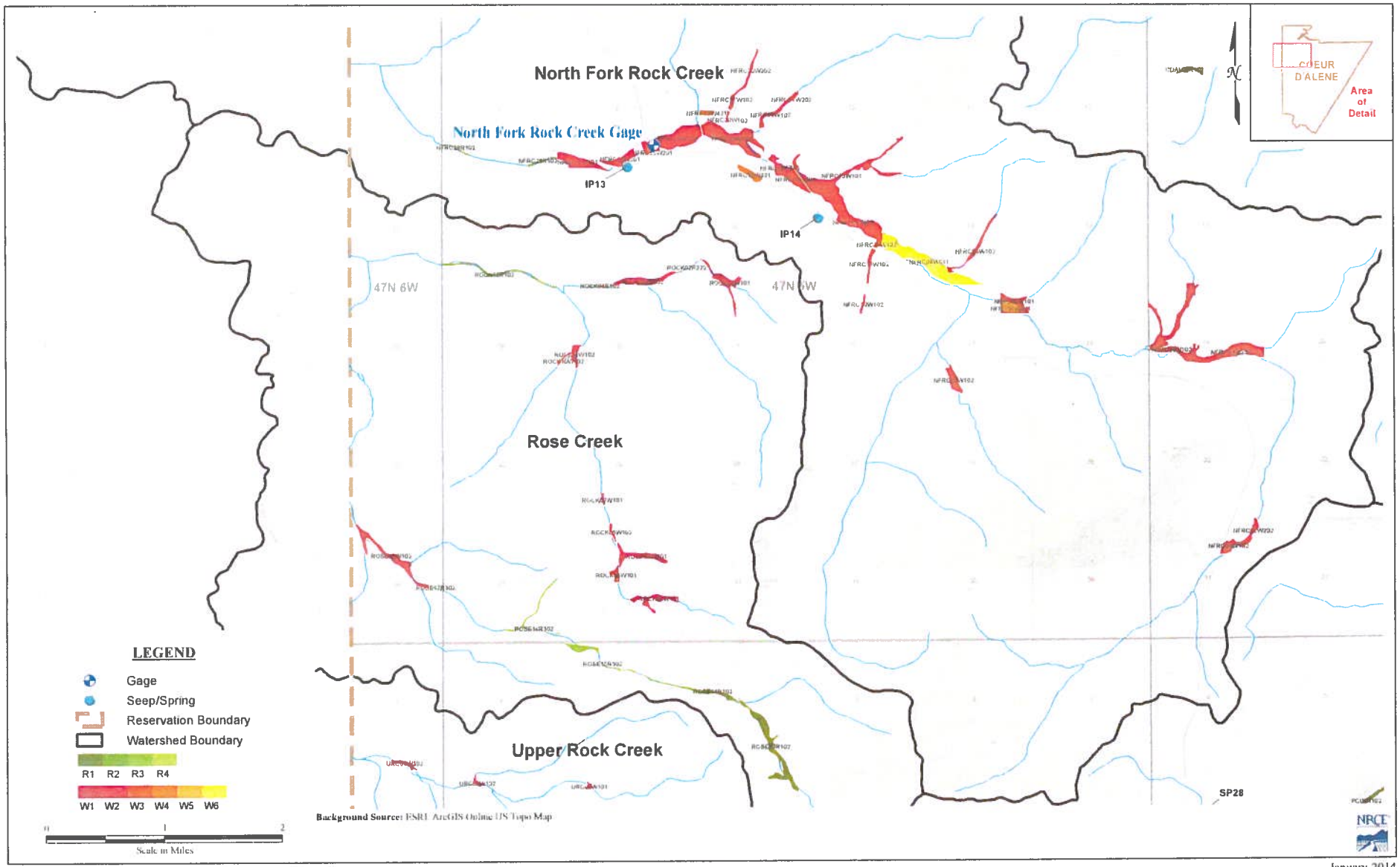

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7601

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC03W202)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 24.32
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509088 5249749; which is located in:
   Township: 47N Range: 04W Section: 19 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 68.72 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

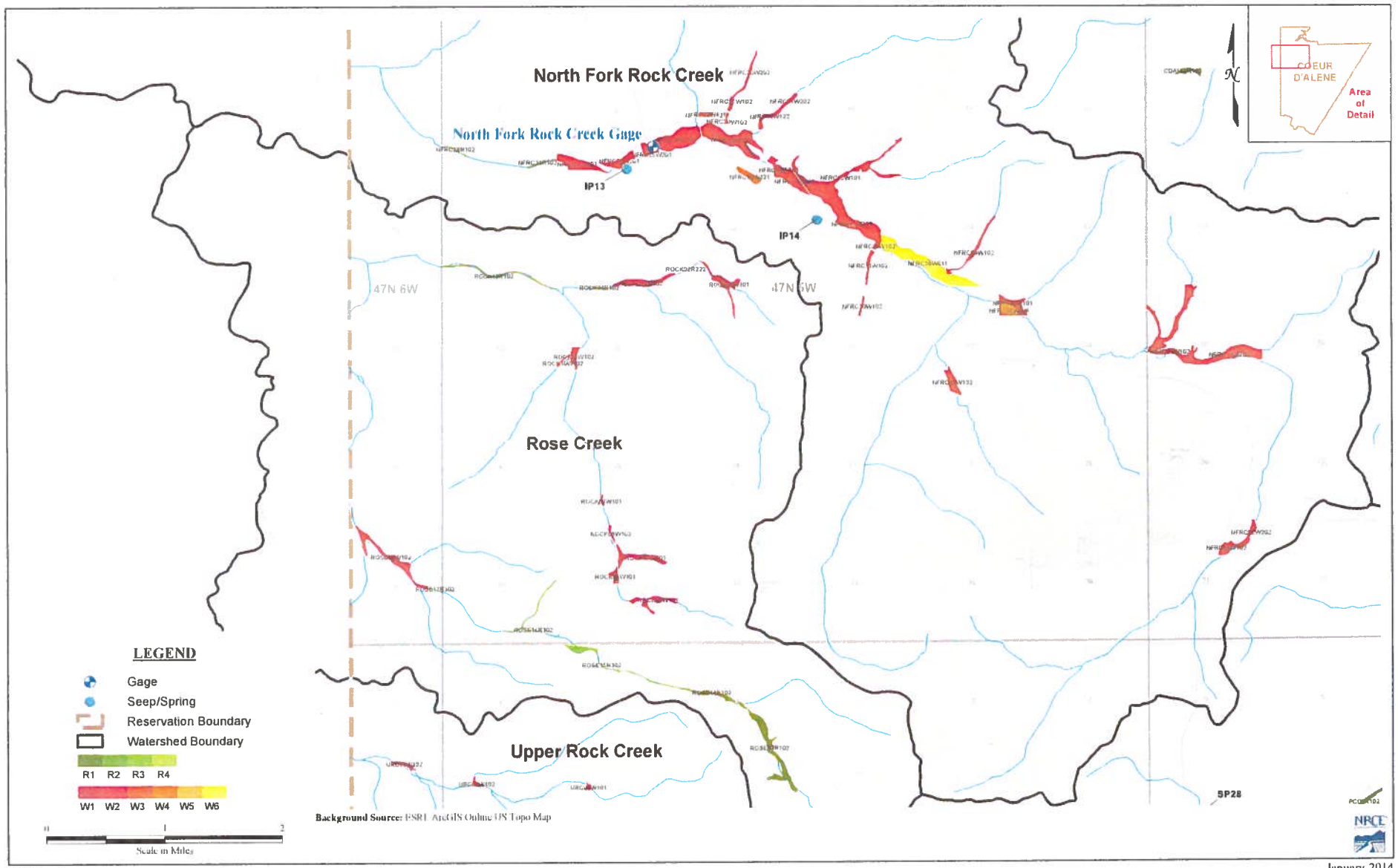

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7602

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
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   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC04W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 43.58
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508270 5250034; which is located in:
   Township: 47N Range: 04W Section: 19 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 137.54 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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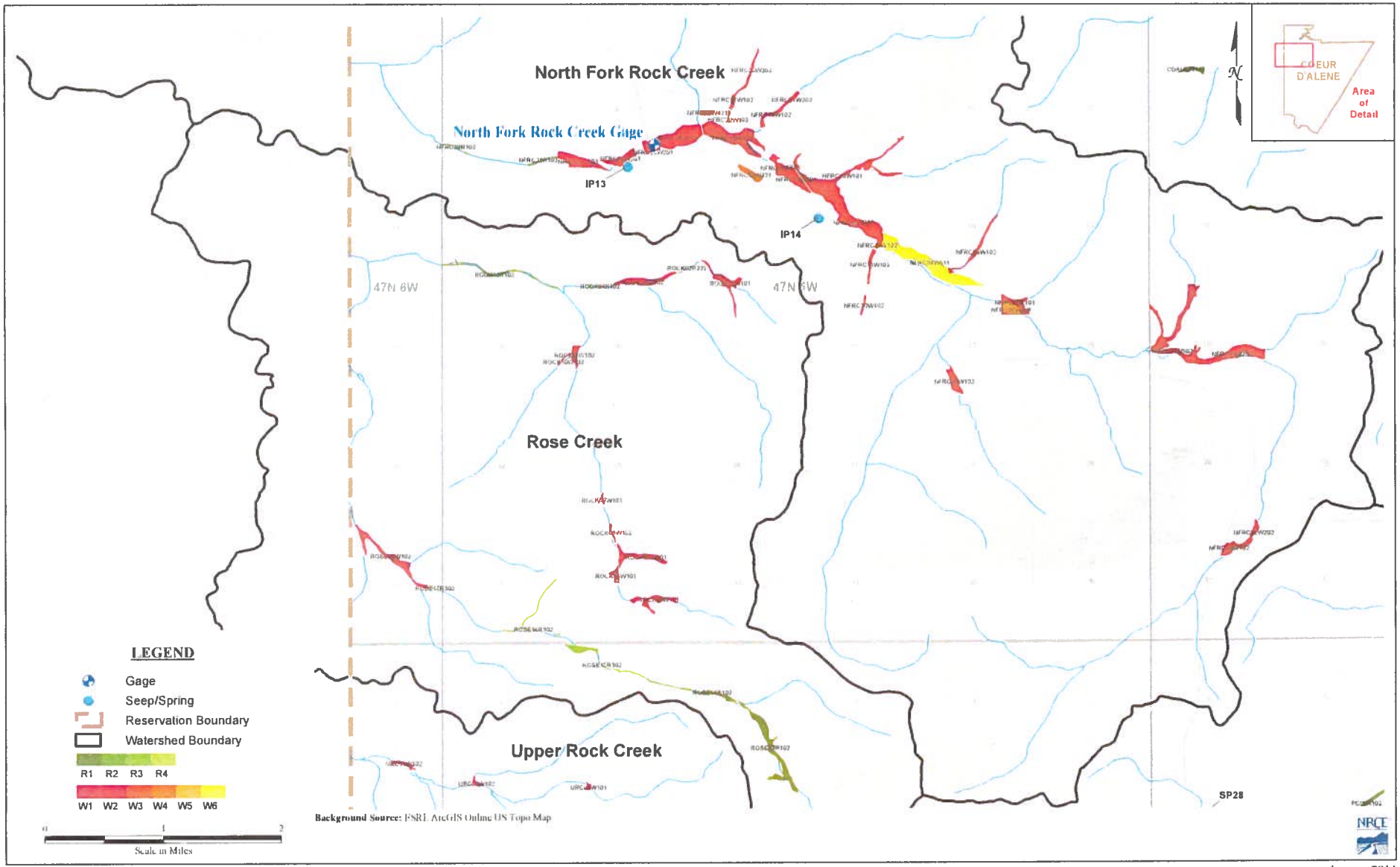

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7603

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC05W421)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.39

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 506008 5250362; which is located in:

   Township: 47N Range: 05W Section: 23 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.67 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

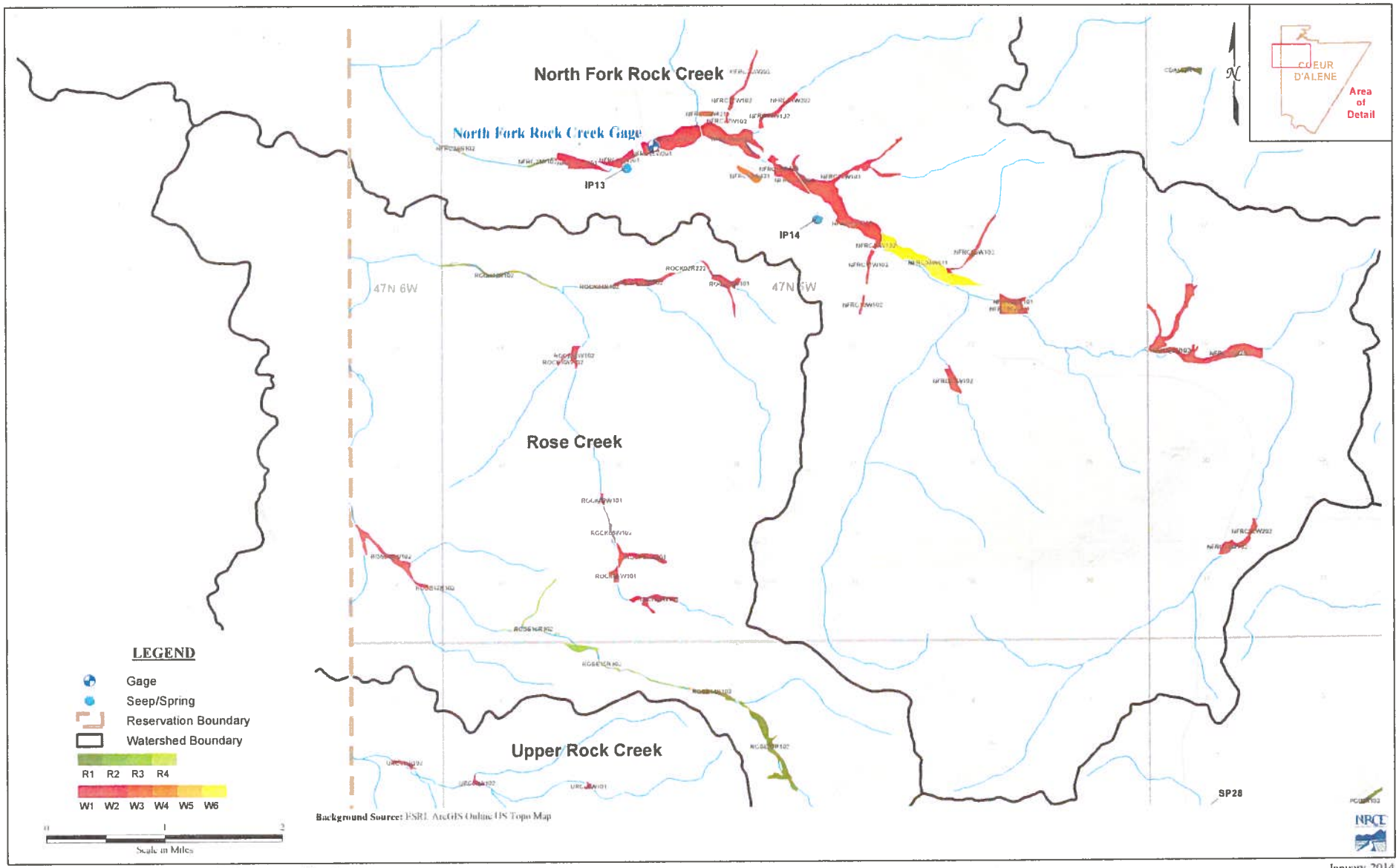

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7604

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC06W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 11.96
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 506057 5250418; which is located in:
   Township: 47N Range: 05W Section: 23 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 26.24 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

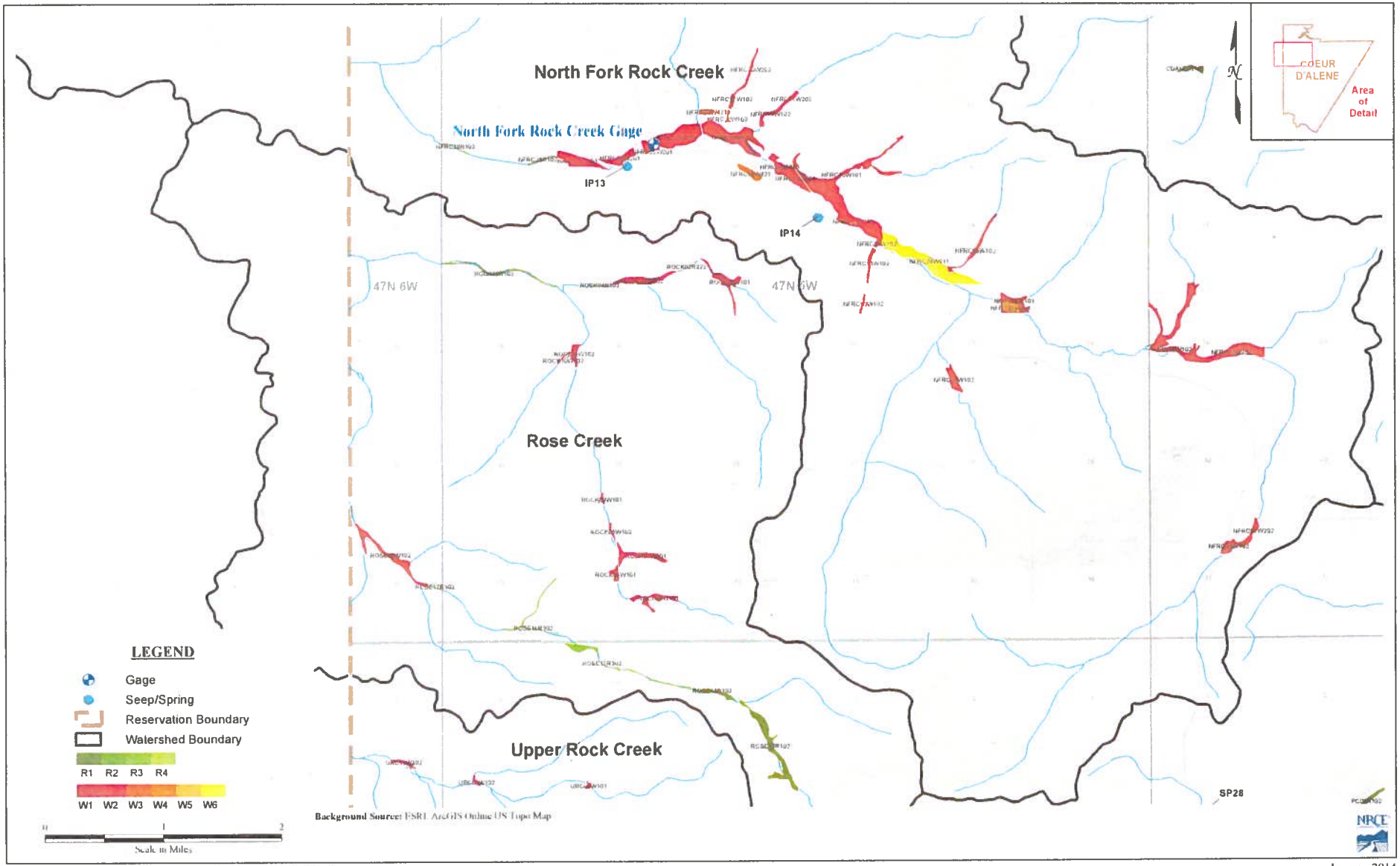

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7605

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC07W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.34

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 505229 5249382; which is located in:

   Township: 47N Range: 05W Section: 23 Q: SW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 29.48 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

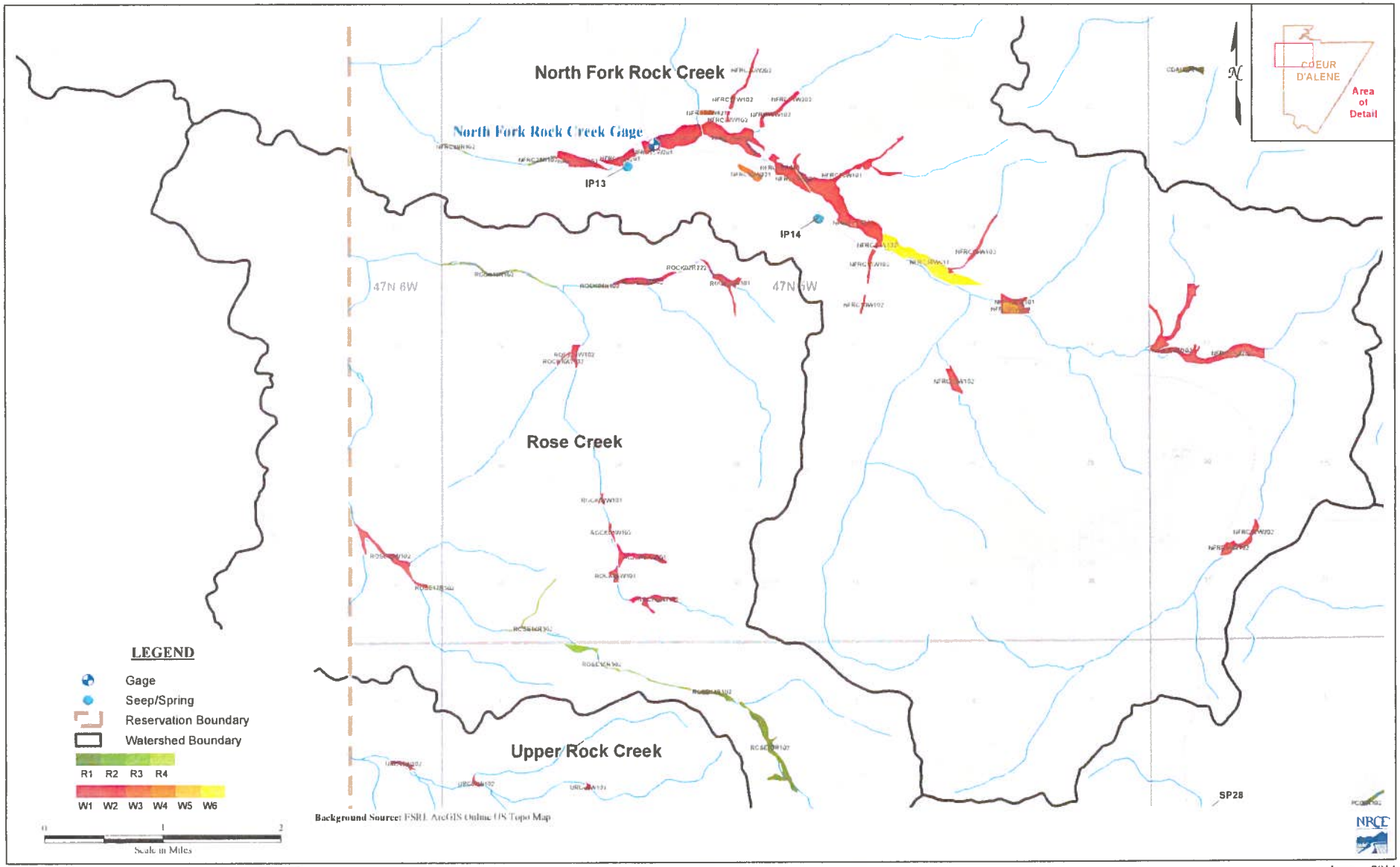

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7606

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC08W611)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 55.51

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 504857 5250999; which is located in:

   Township: 47N Range: 05W Section: 14 Q: SW QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 113.74 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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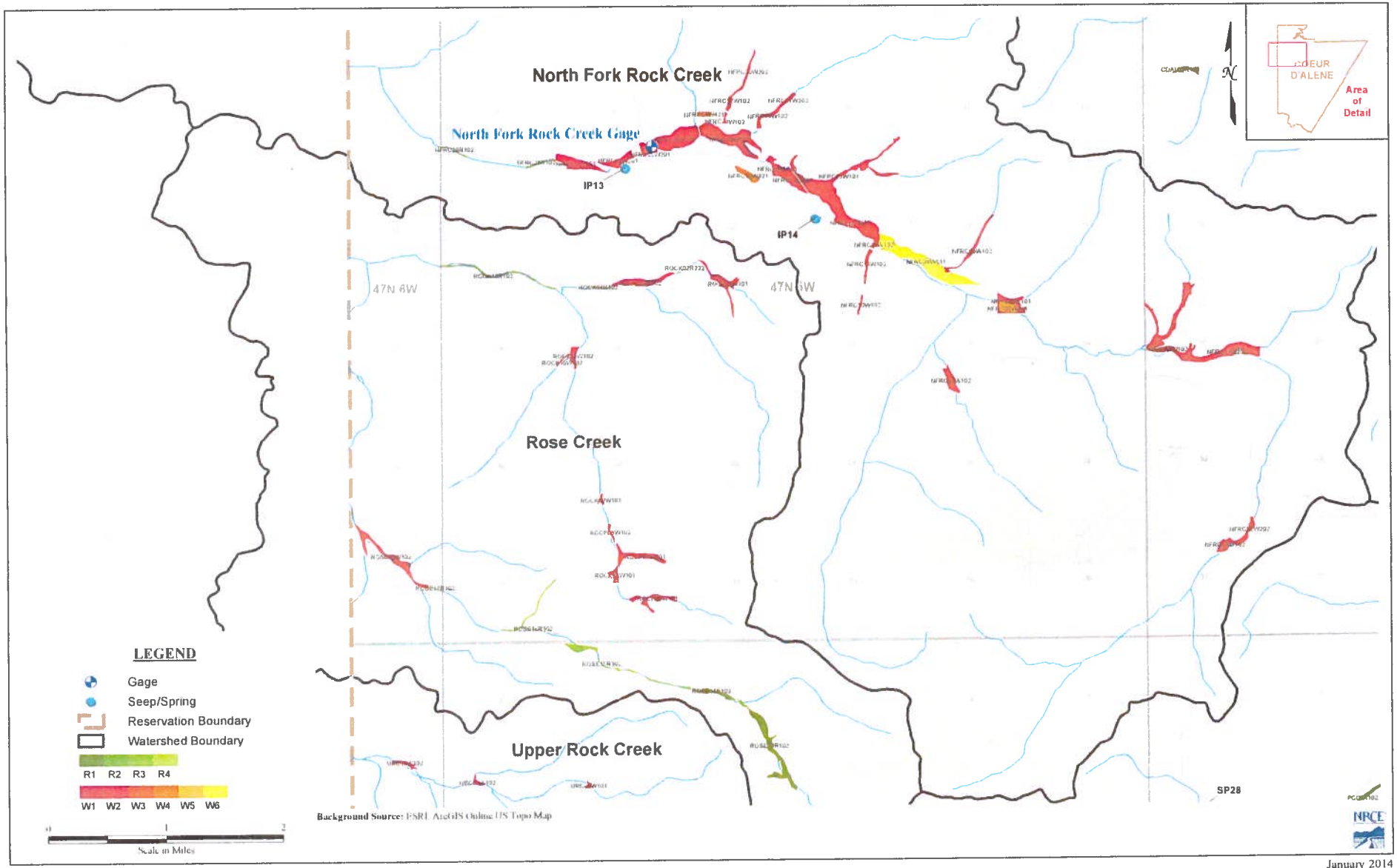

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7607

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC09W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.97

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 505534 5251212; which is located in:

   Township: 47N Range: 05W Section: 14 Q: SE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 28.31 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

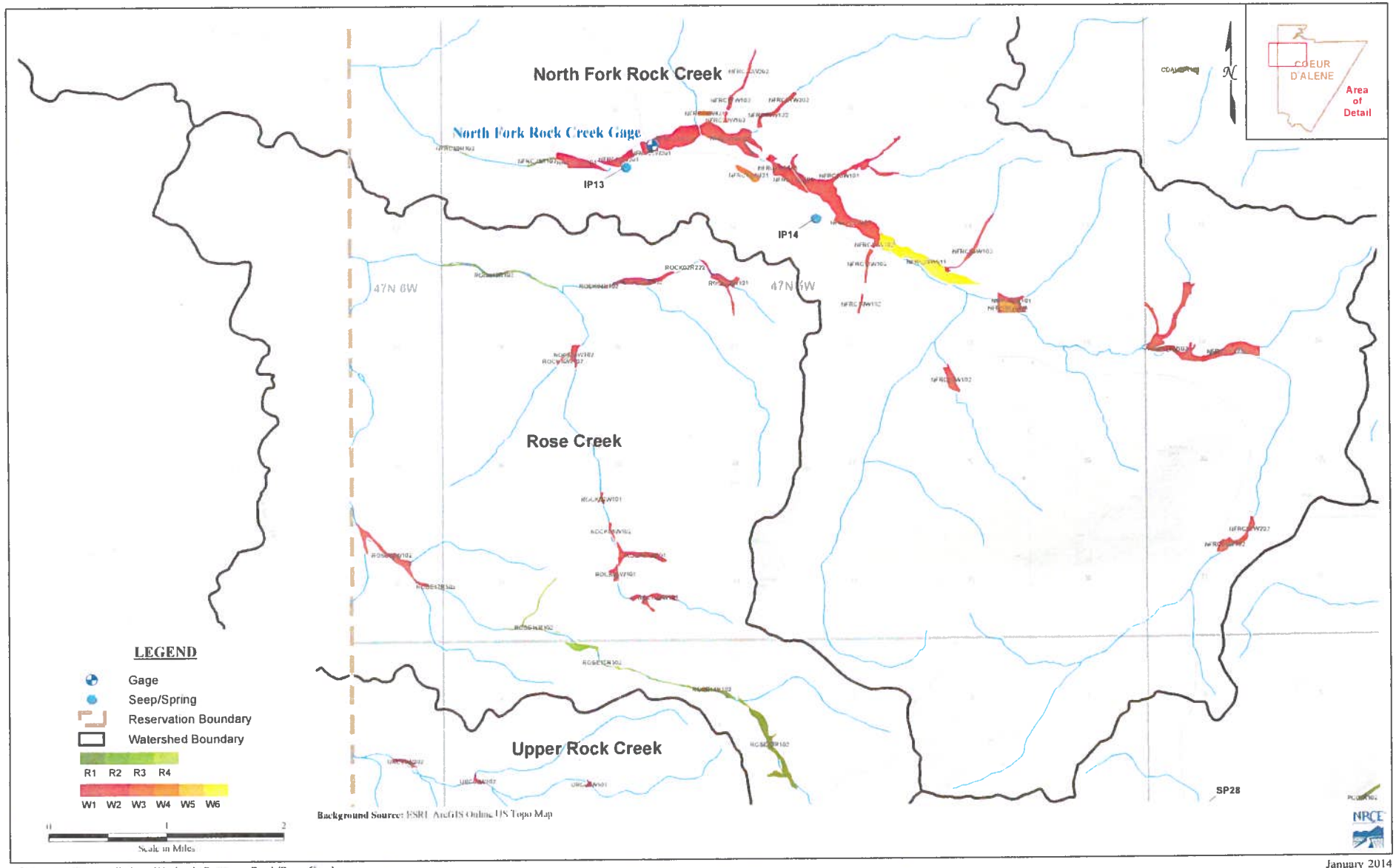

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7608

RECEIVED
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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC10W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.96
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 503995 5250418; which is located in:
   Township: 47N Range: 05W Section: 22 Q: NE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 6.19 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

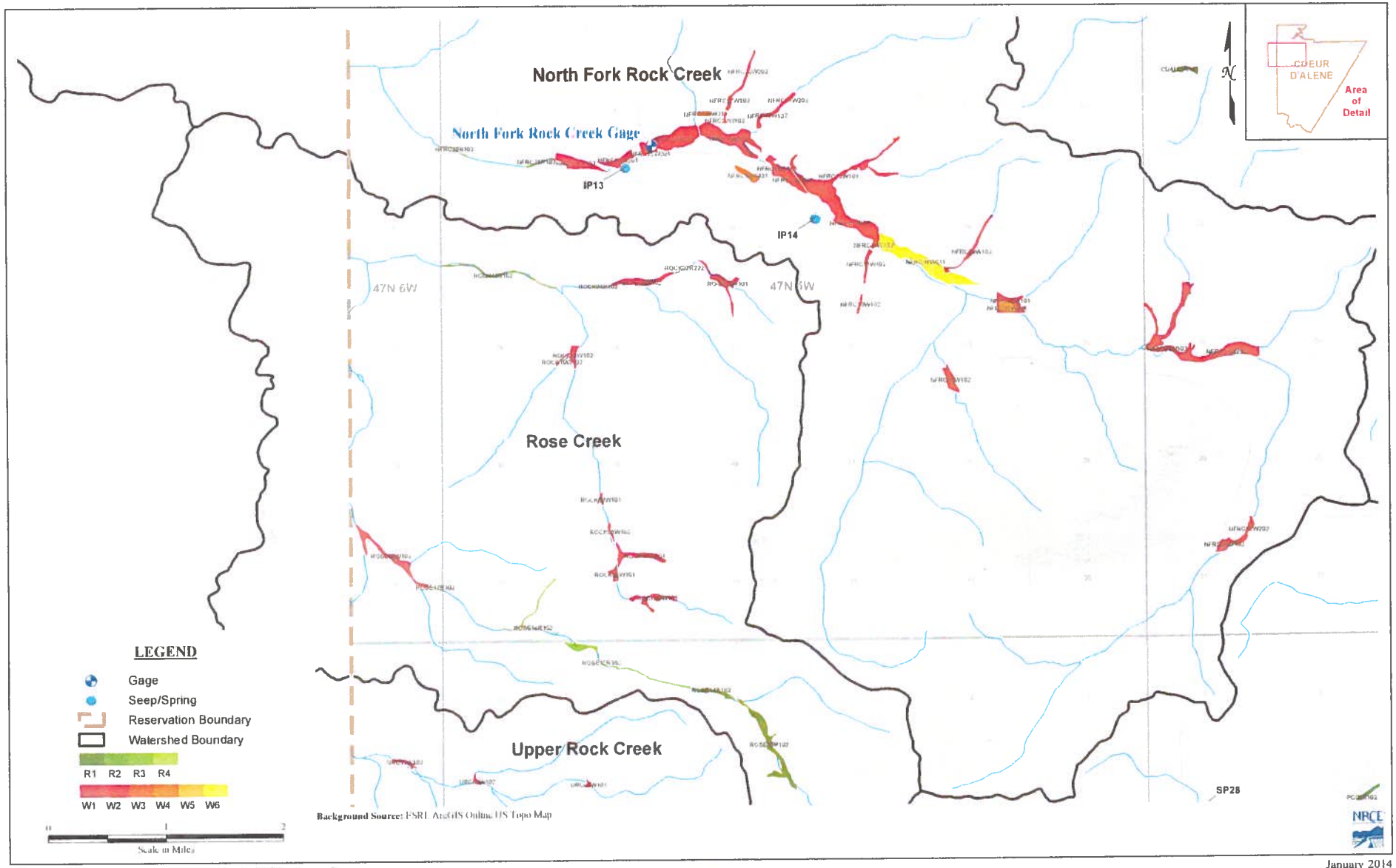

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7609

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC11W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.73
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504111 5251024; which is located in:
   Township: 47N Range: 05W Section: 15 Q: SE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 18.08 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

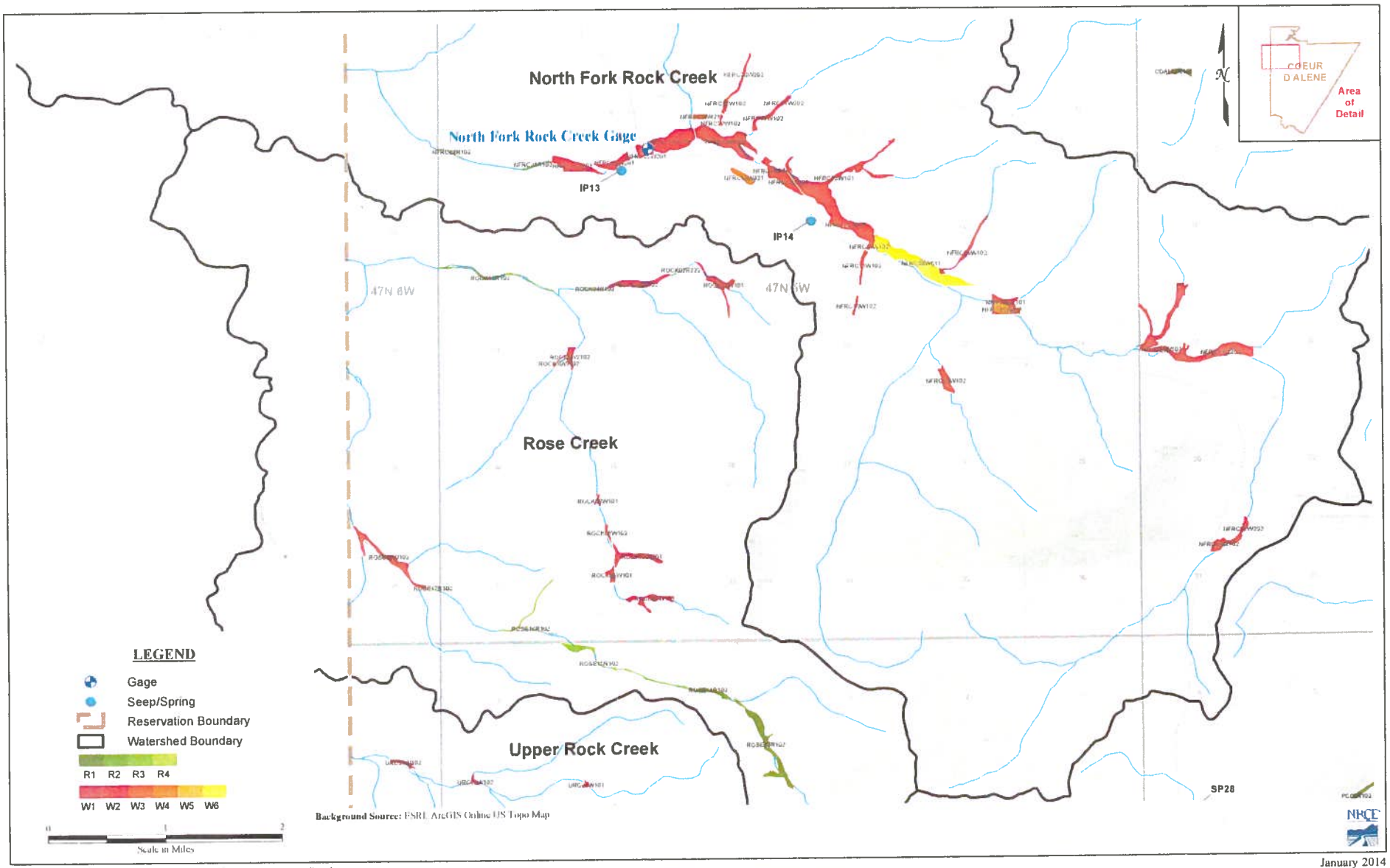

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7610

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC12W201)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 42.3
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 503863 5251607; which is located in:
   Township: 47N Range: 05W Section: 15 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 91.69 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

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(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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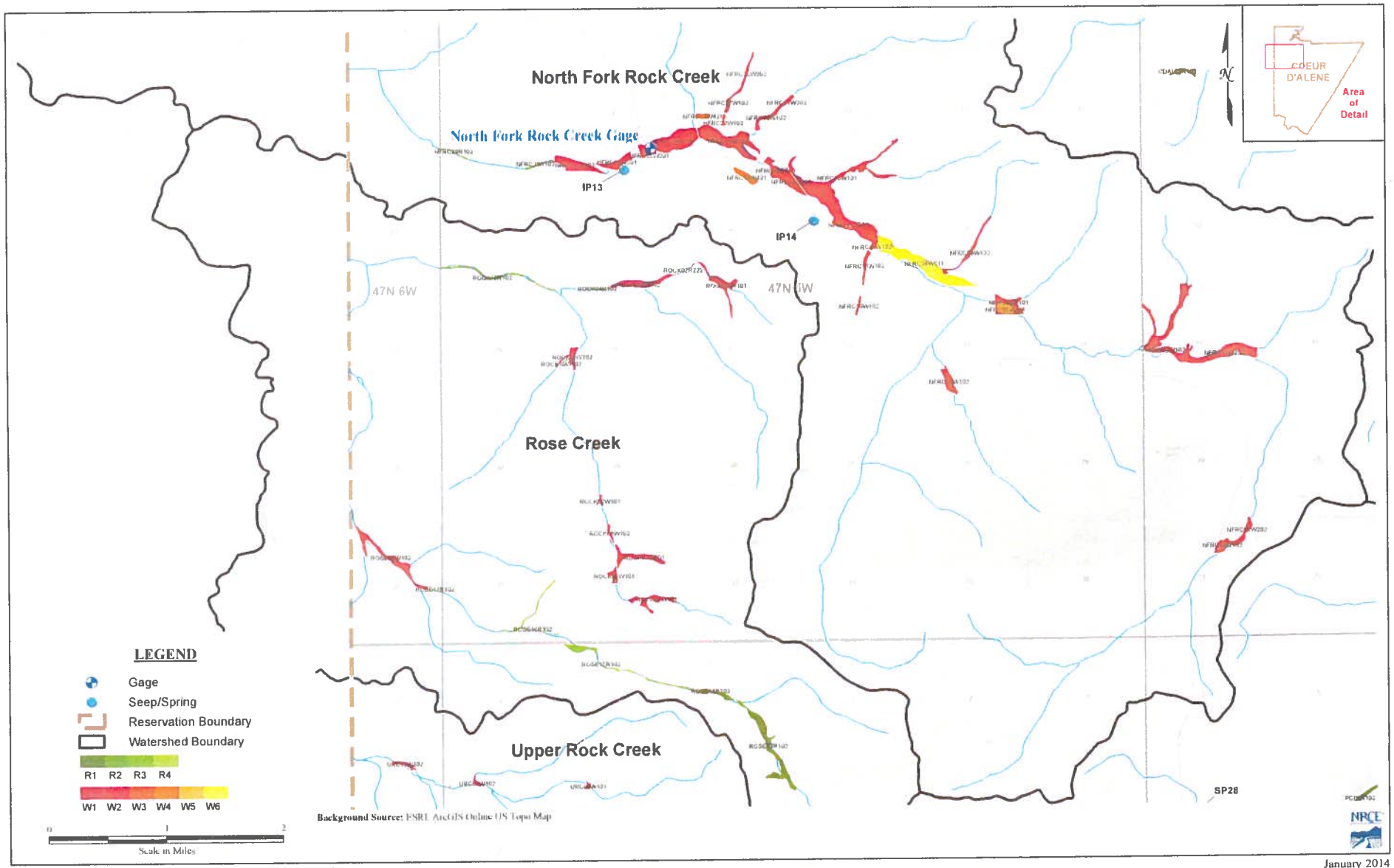

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93- 7611

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC13W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 39.24
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 503683 5252170; which is located in:
   Township: 47N Range: 05W Section: 15 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 86.10 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

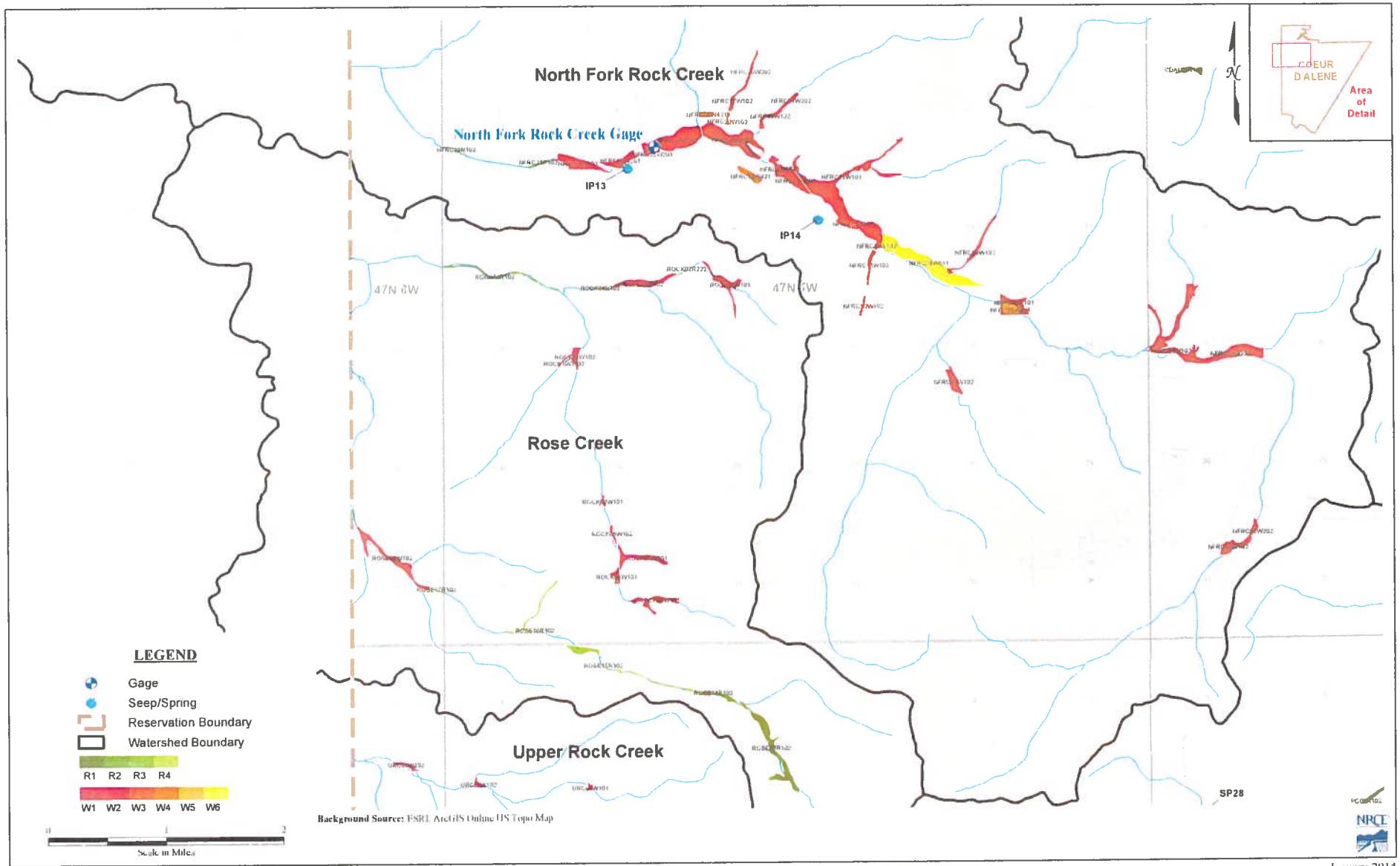

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7612

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC14W201)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 10.94

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 503090 5252122; which is located in:

   Township: 47N Range: 05W Section: 15 Q: NW QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 23.71 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

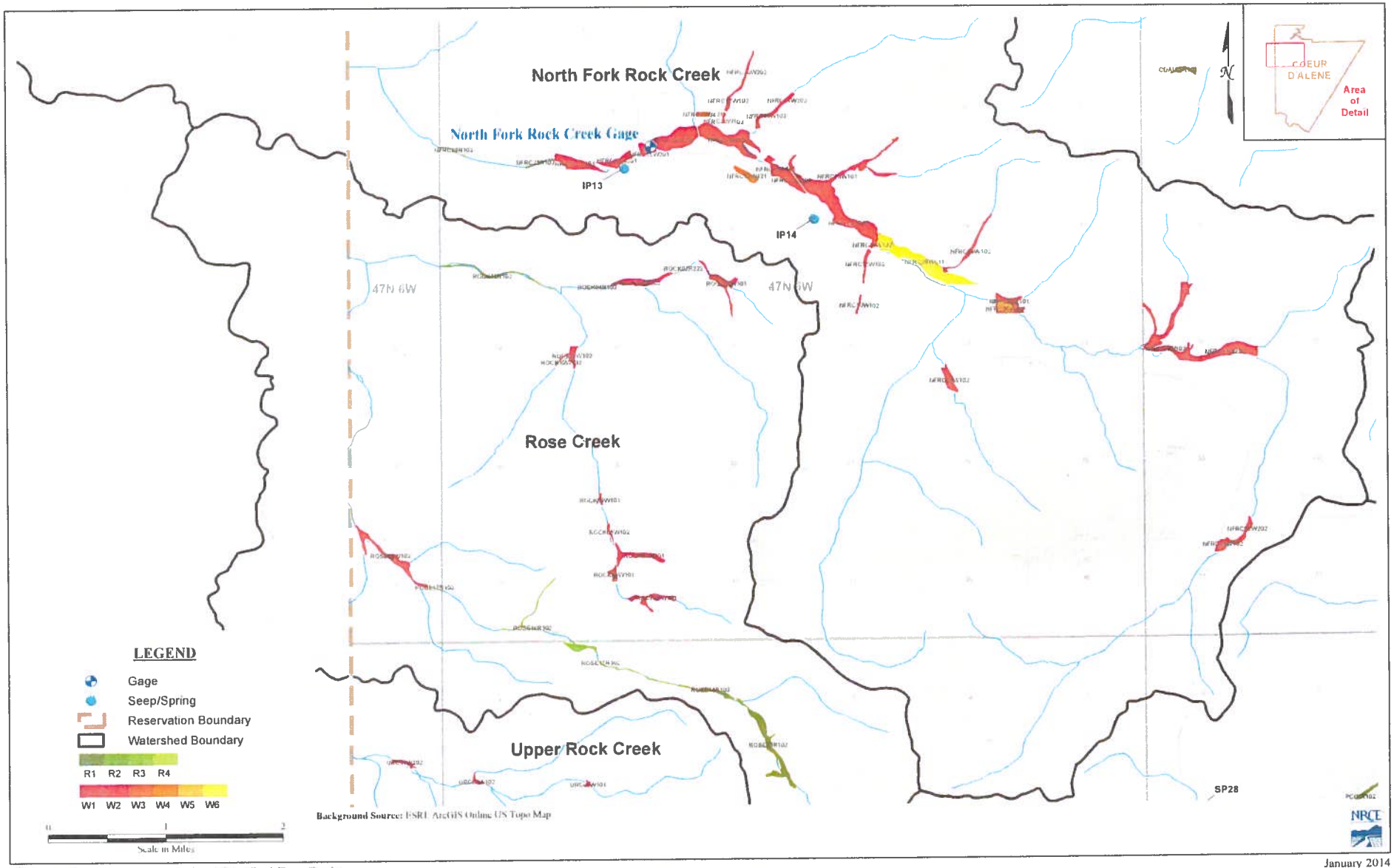

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7613

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC15W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.16
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502860 5252276; which is located in:
   Township: 47N Range: 05W Section: 16 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.10 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

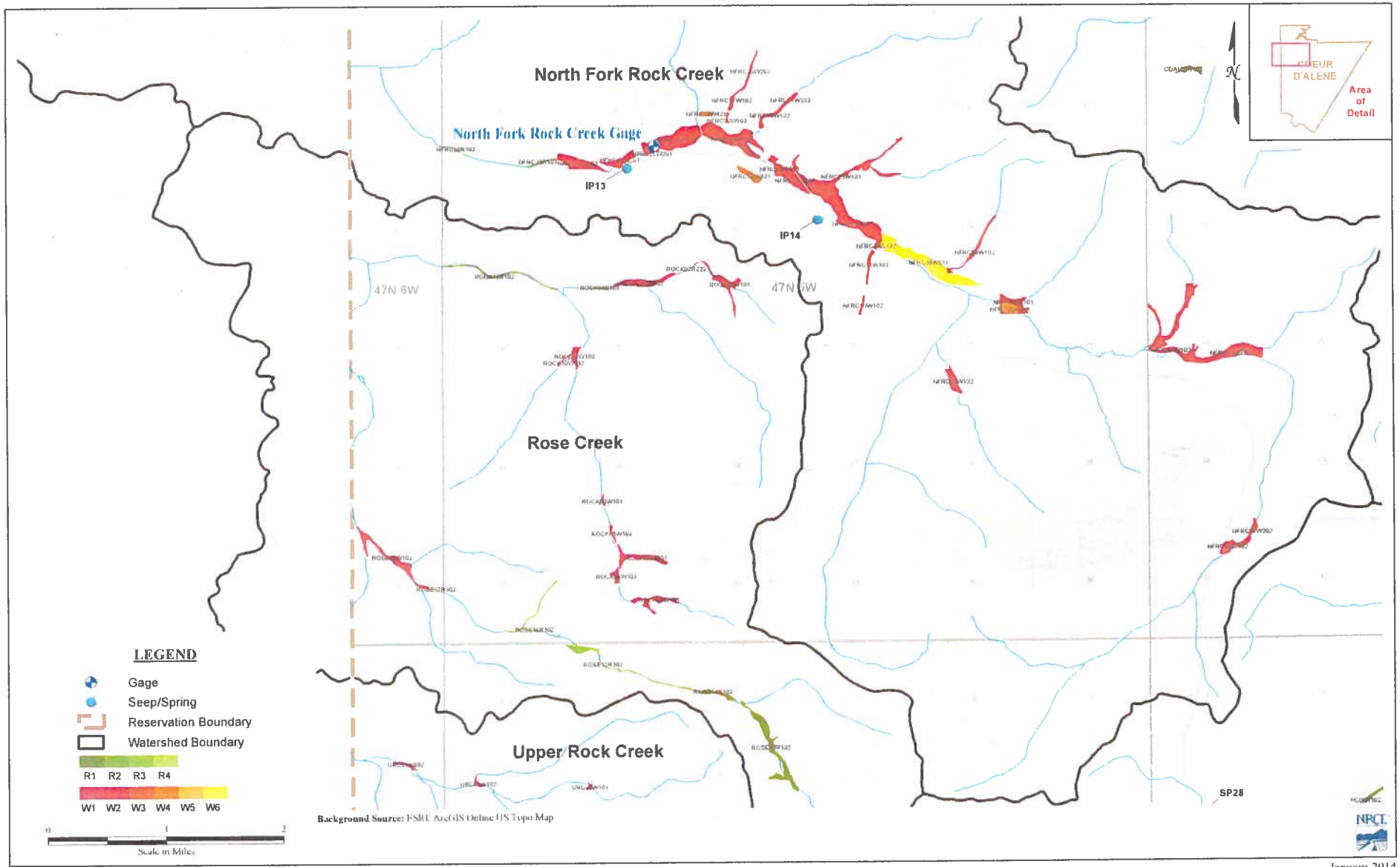

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7614

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC16W421)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.23

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 502468 5252198; which is located in:

   Township: 47N Range: 05W Section: 16 Q: NE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.38 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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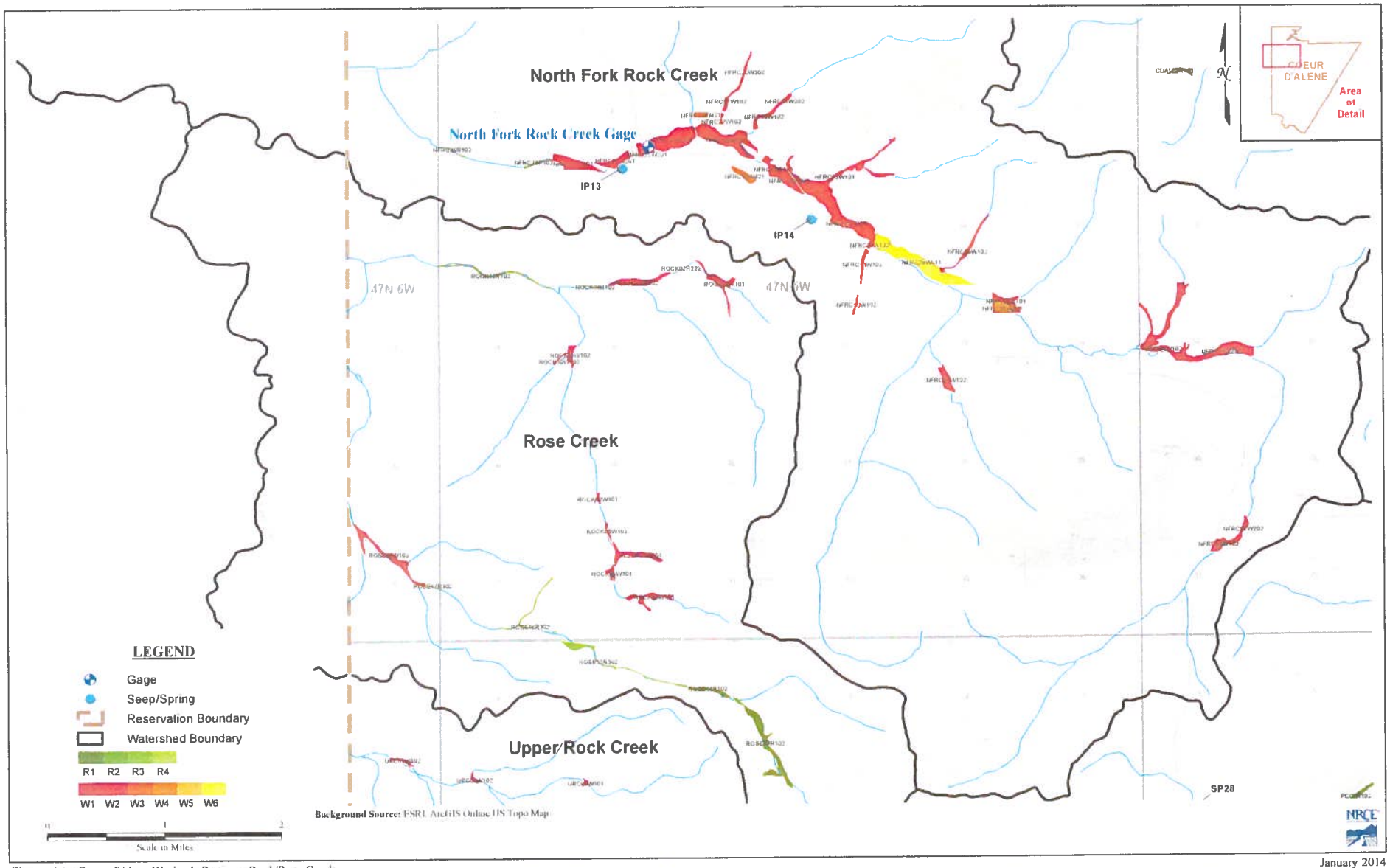

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7615

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC17W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.75
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502241 5253207; which is located in:
   Township: 47N Range: 05W Section: 09 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 11.83 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

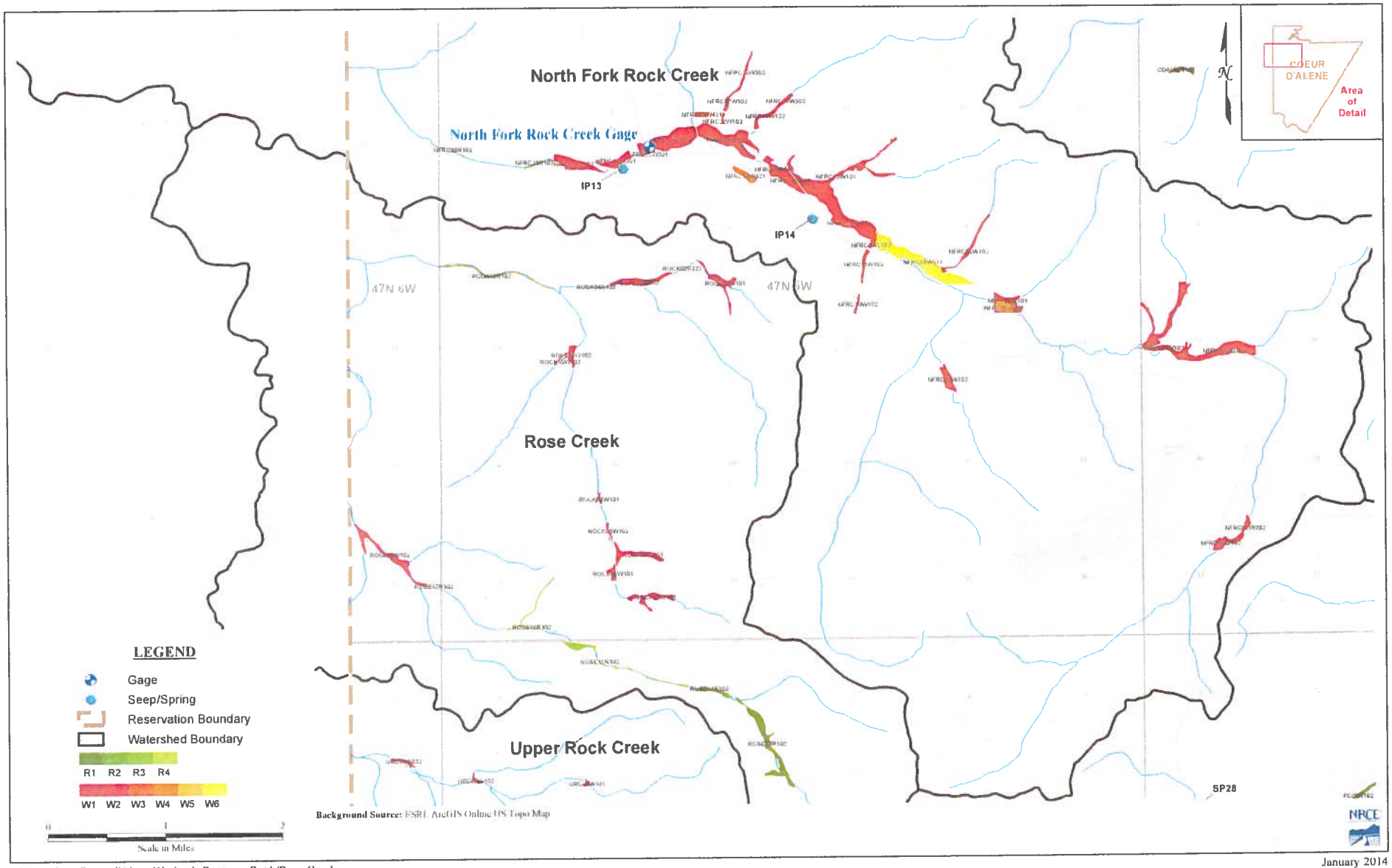

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7616

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC18W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.43
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502725 5252973; which is located in:
   Township: 47N Range: 05W Section: 09 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 17.14 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

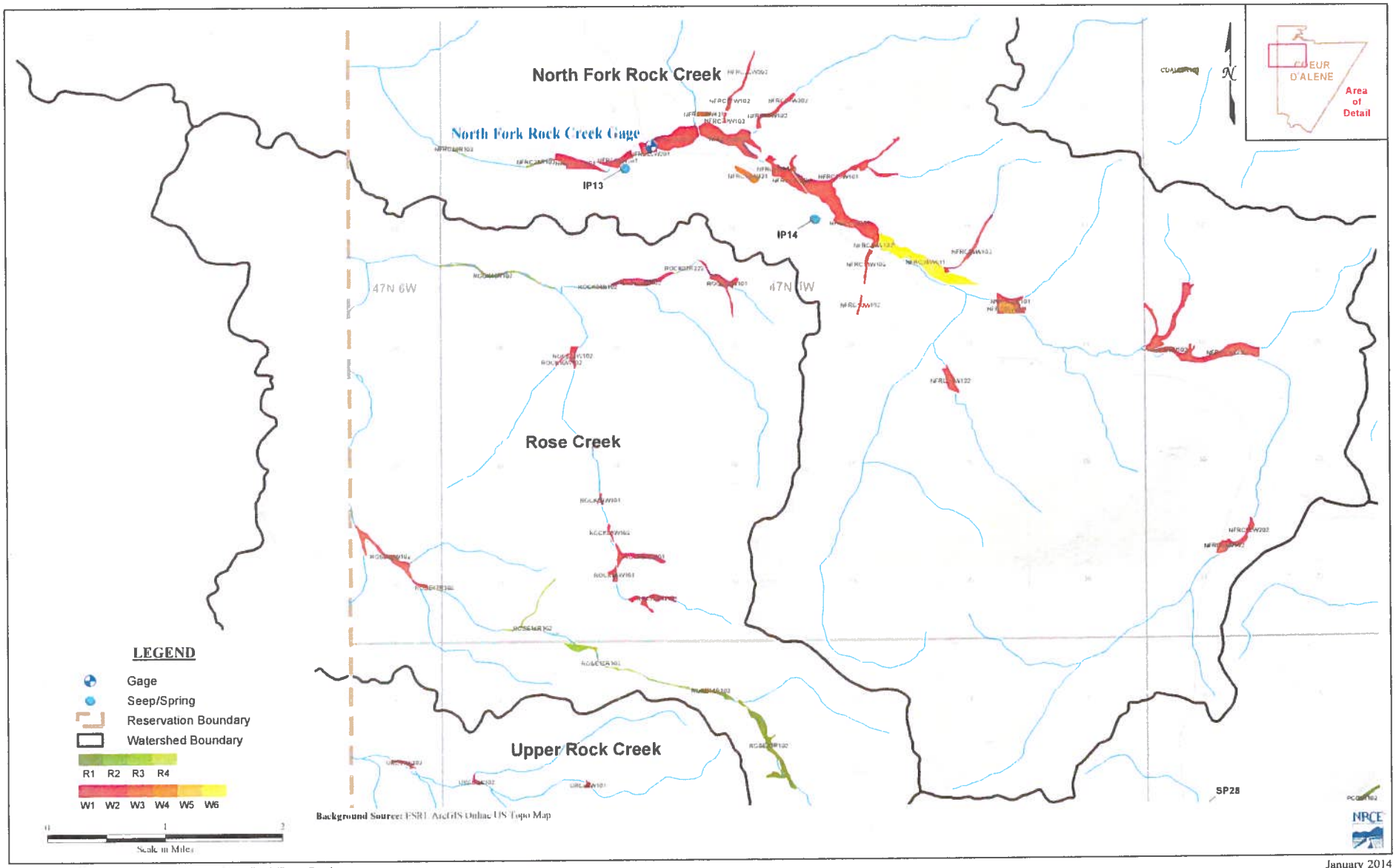

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7617

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC19W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 40.11
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502229 5252686; which is located in:
   Township: 47N Range: 05W Section: 09 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 88.01 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

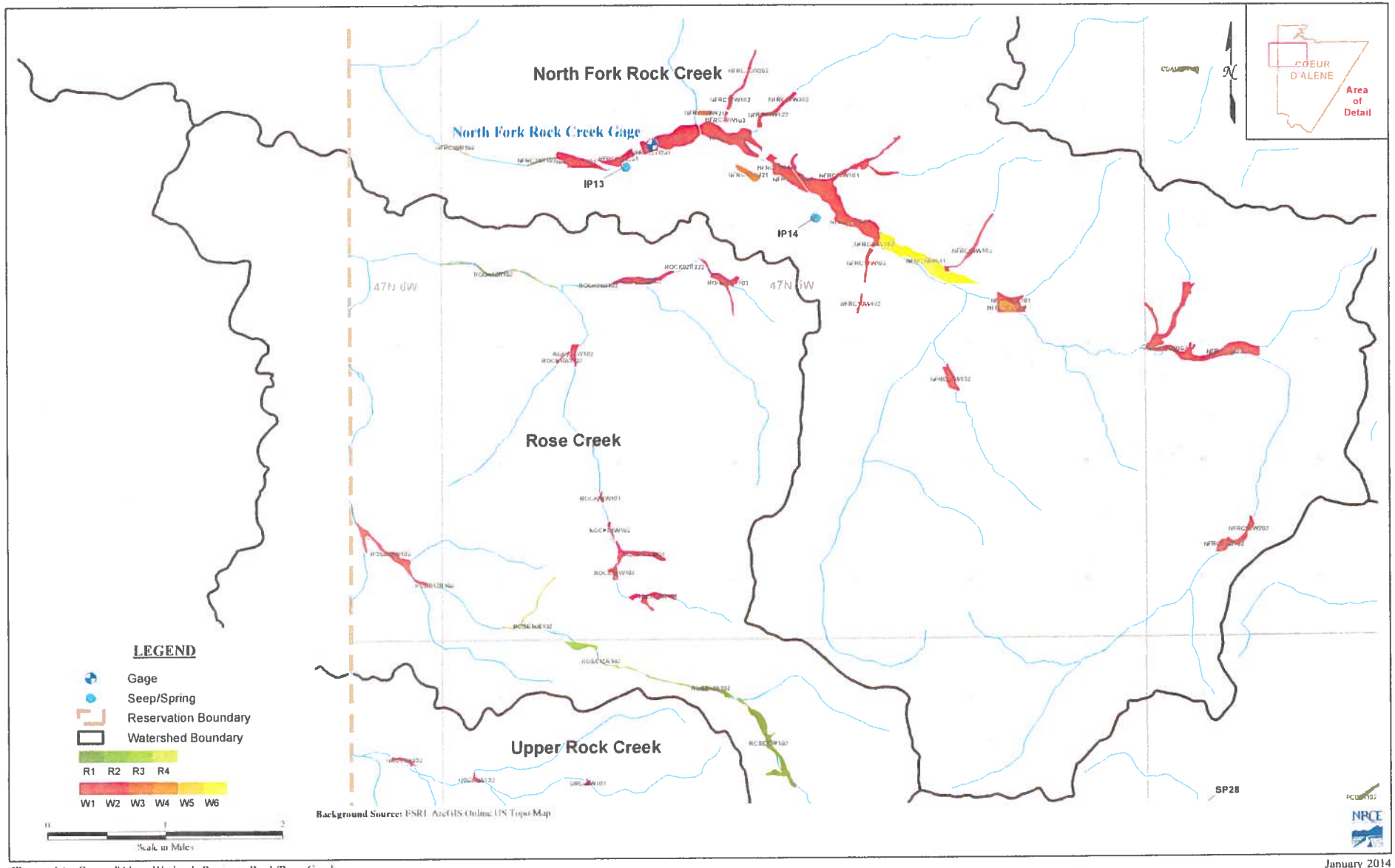

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7618

RECEIVED
JAN 31 2014
Department of Water Resource
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC20W202)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.6

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 502473 5253597; which is located in:

   Township: 47N Range: 05W Section: 09 Q: NE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.00 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
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Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

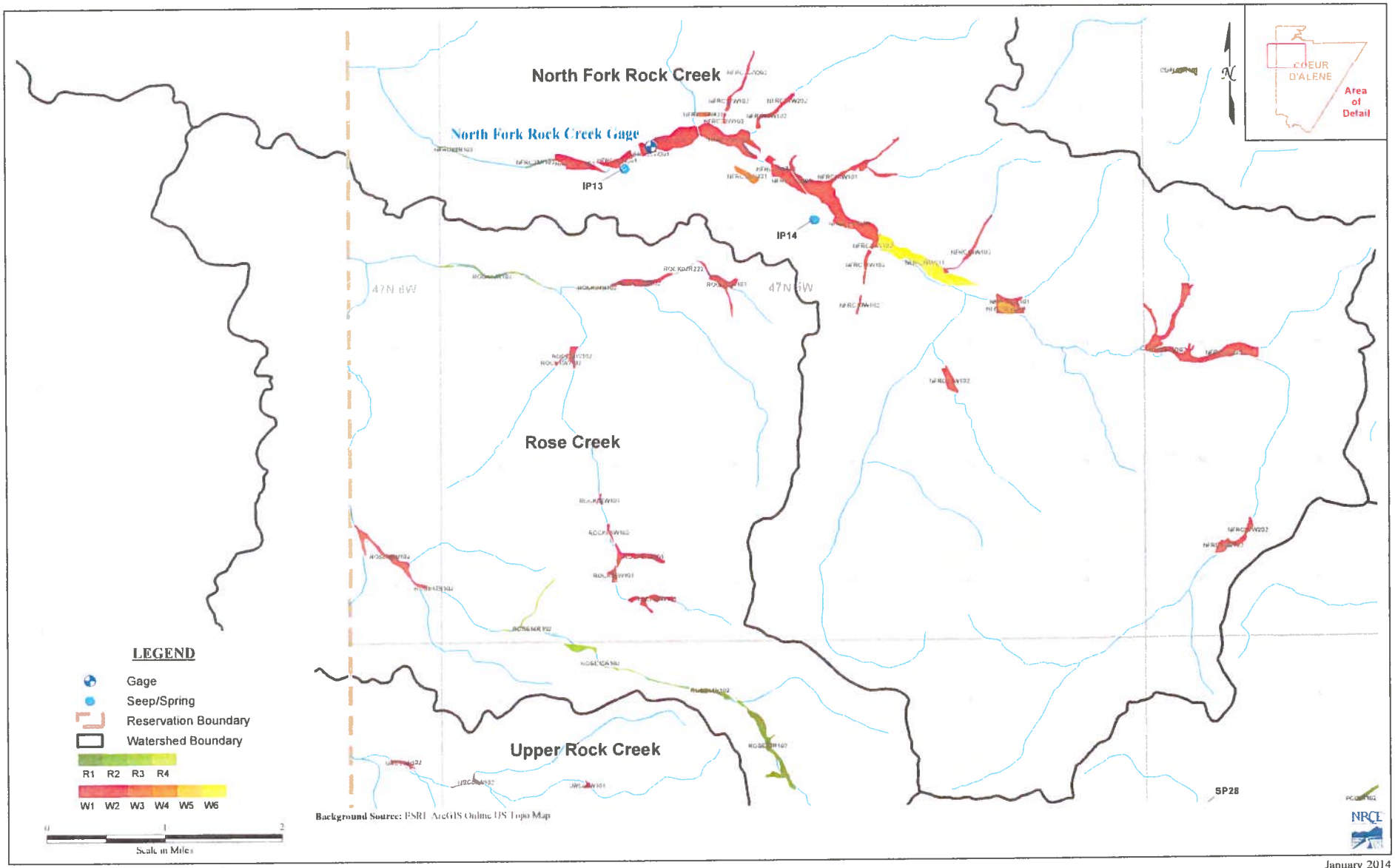

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7619

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC21W202)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.75

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 503014 5253206; which is located in:

   Township: 47N Range: 05W Section: 09 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.60 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

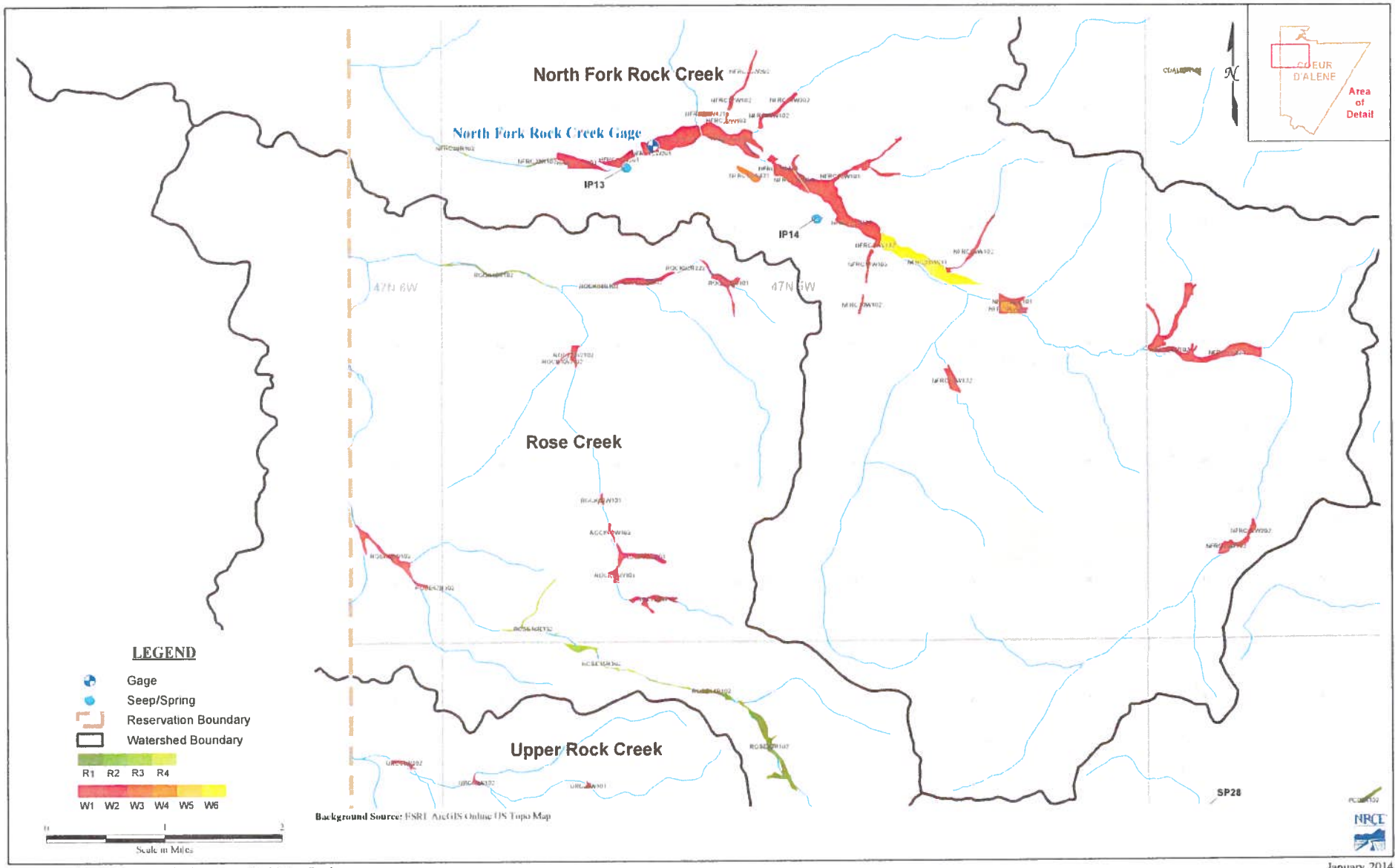

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7620

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC22W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.05
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502162 5252974; which is located in:
   Township: 47N Range: 05W Section: 09 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.31 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

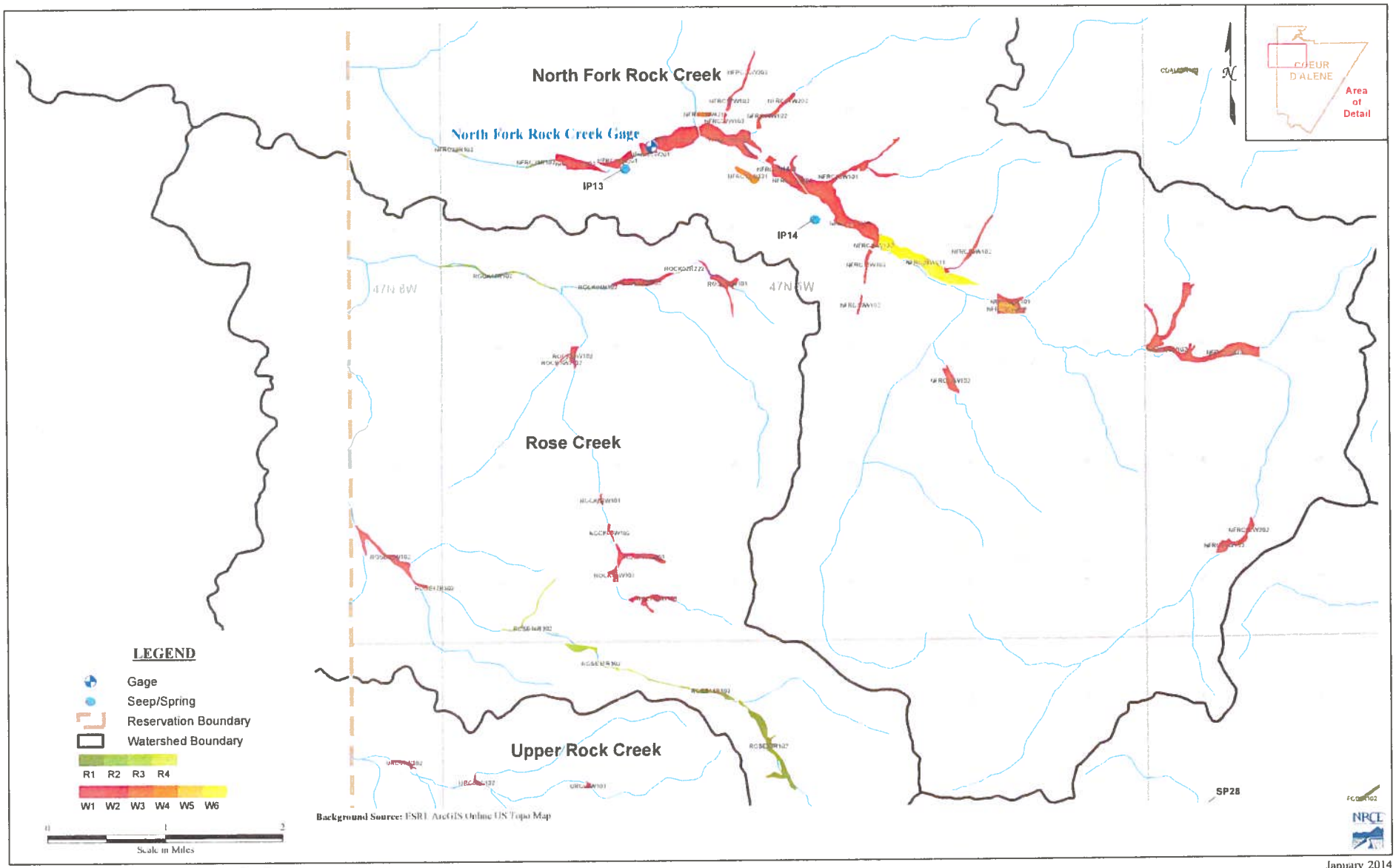

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7621

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC23W421)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.64
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501874 5253024; which is located in:
   Township: 47N Range: 05W Section: 09 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.88 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

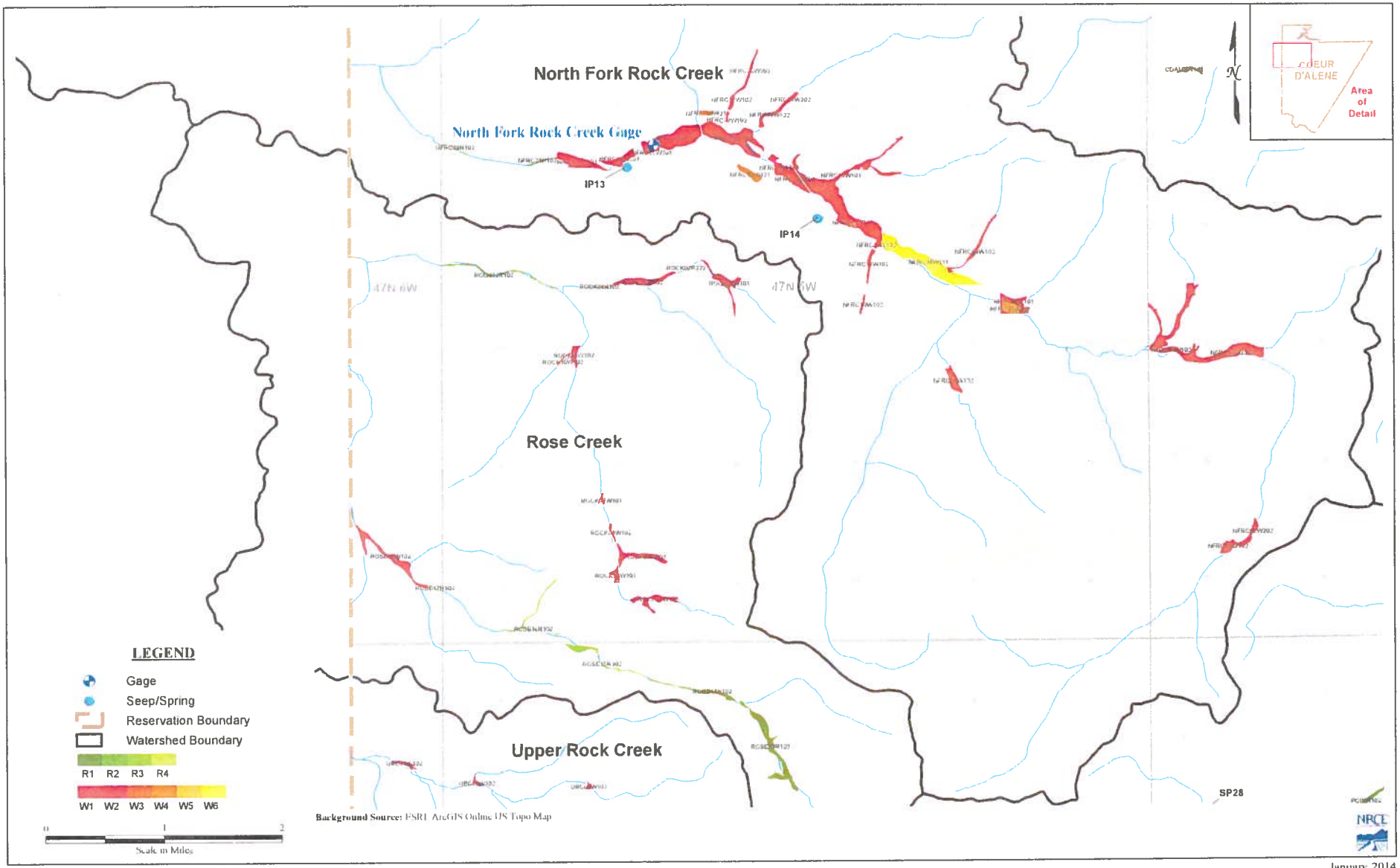

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7622

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC24W201)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 33.84

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 501506 5252689; which is located in:

   Township: 47N Range: 05W Section: 09 Q: SW QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 73.35 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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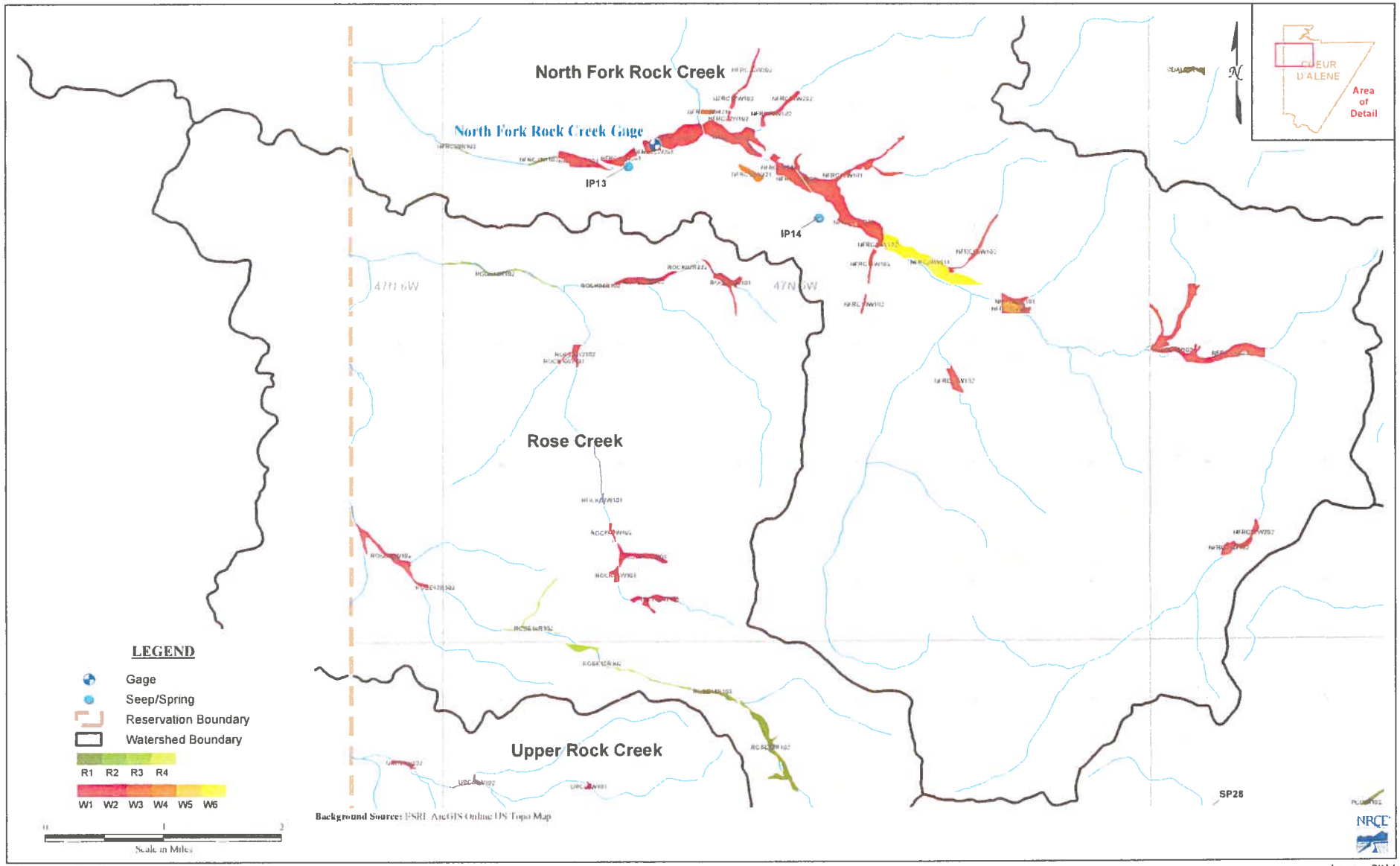

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7623

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM** **Federal Reserved Water Right**
CASE NO. 49576	)	

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC25W201)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.78
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501090 5252553; which is located in:
   Township: 47N Range: 05W Section: 08 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.70 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

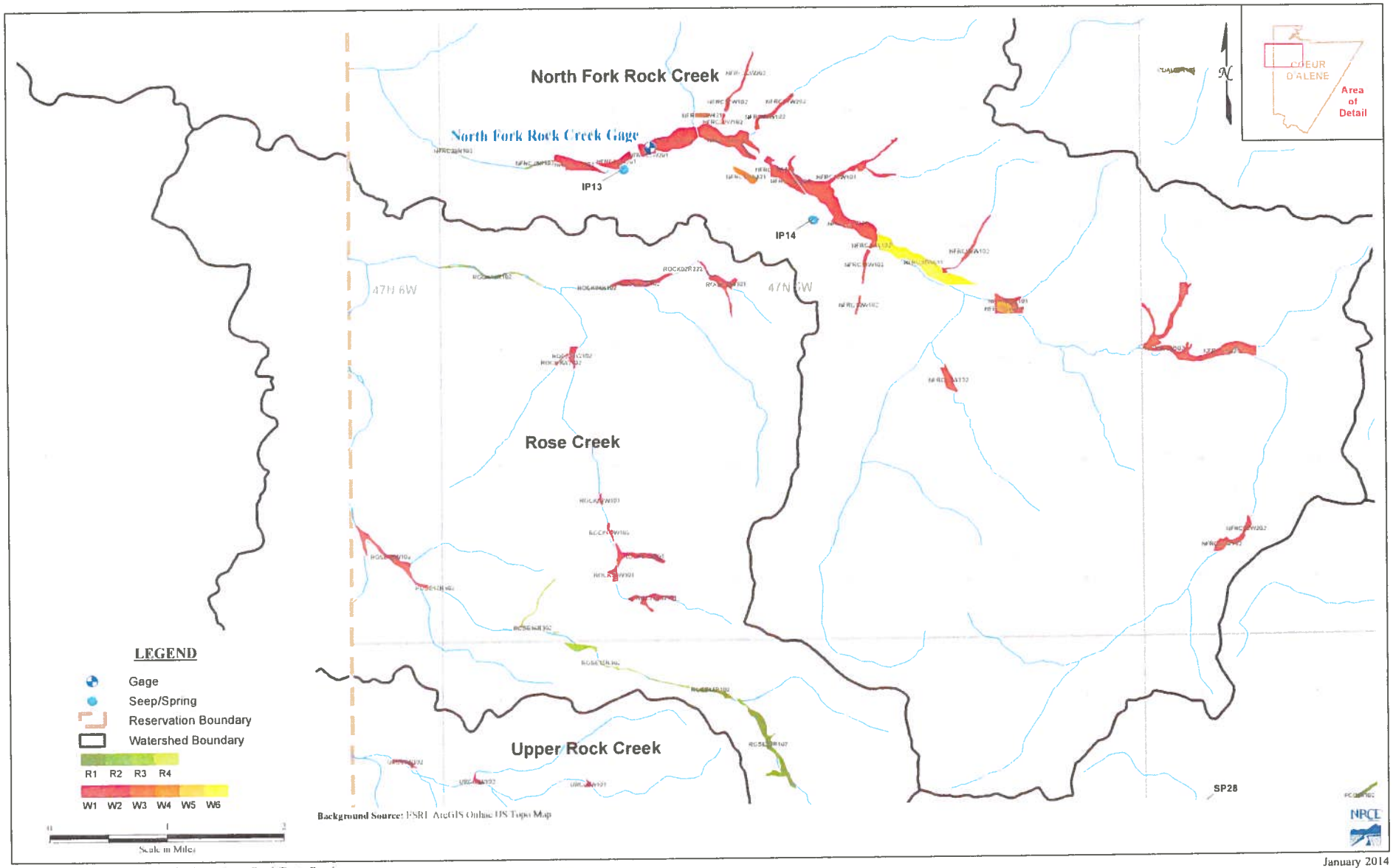

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7624

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC26W201)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 10.26

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500707 5252392; which is located in:

   Township: 47N Range: 05W Section: 08 Q: SE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 22.24 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

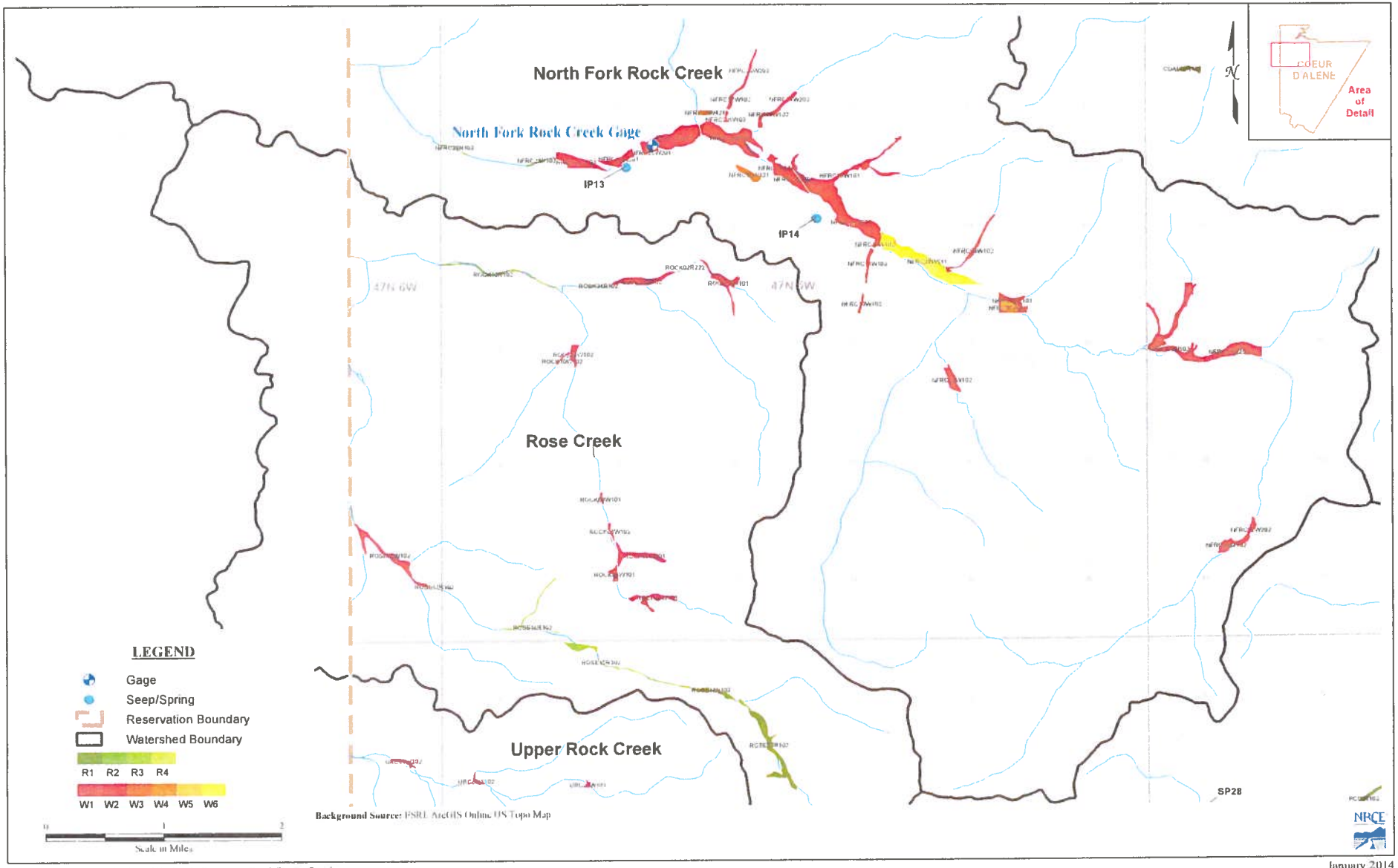

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7625

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC27W201)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 17.65
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500117 5252363; which is located in:
   Township: 47N Range: 05W Section: 08 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 38.26 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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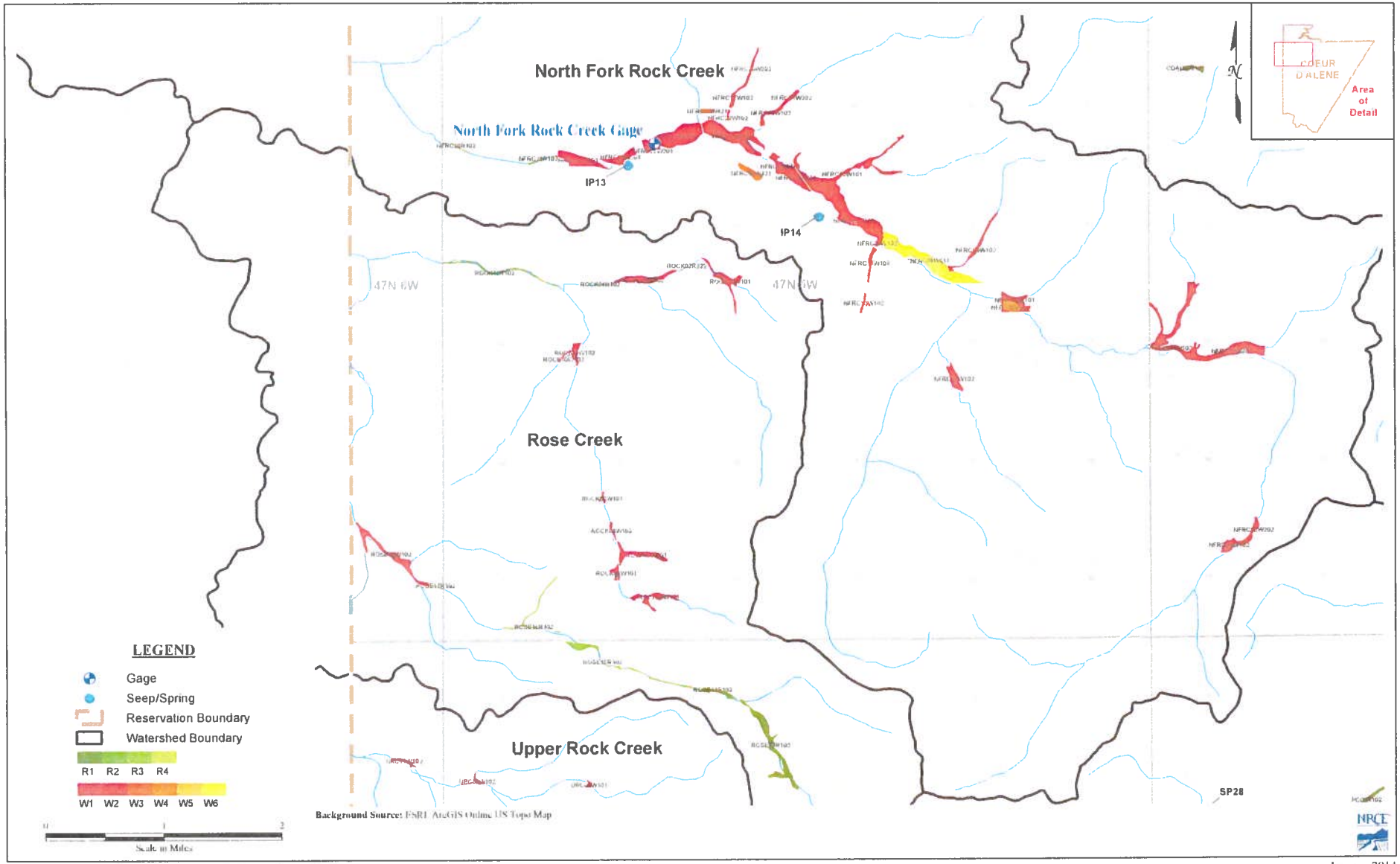

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7626

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC28R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.77

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 499635 5252384; which is located in:

   Township: 47N Range: 05W Section: 07 Q: SE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.26 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

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e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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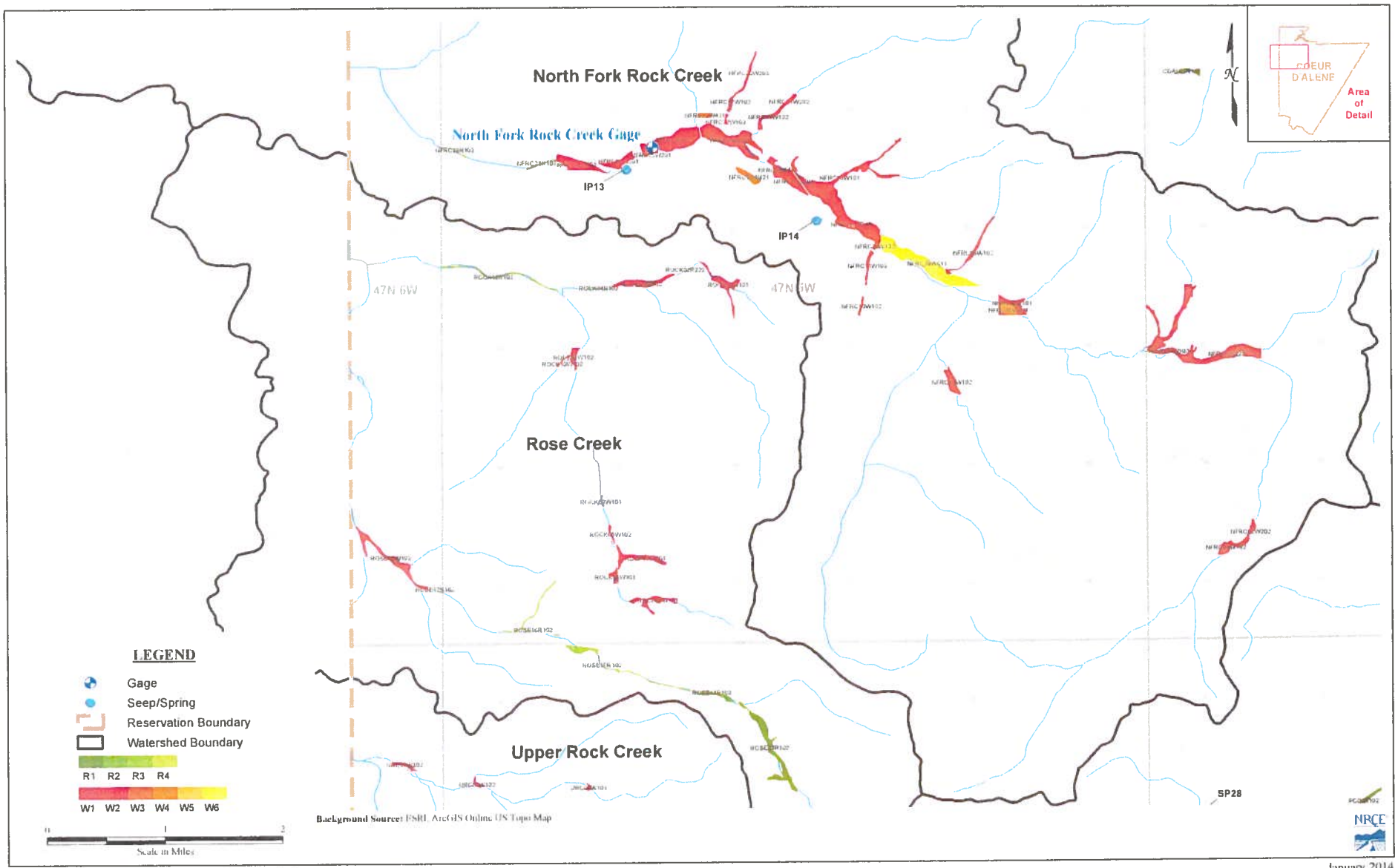

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7627

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC29R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.57
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498453 5252554; which is located in:
   Township: 47N Range: 05W Section: 07 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.78 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

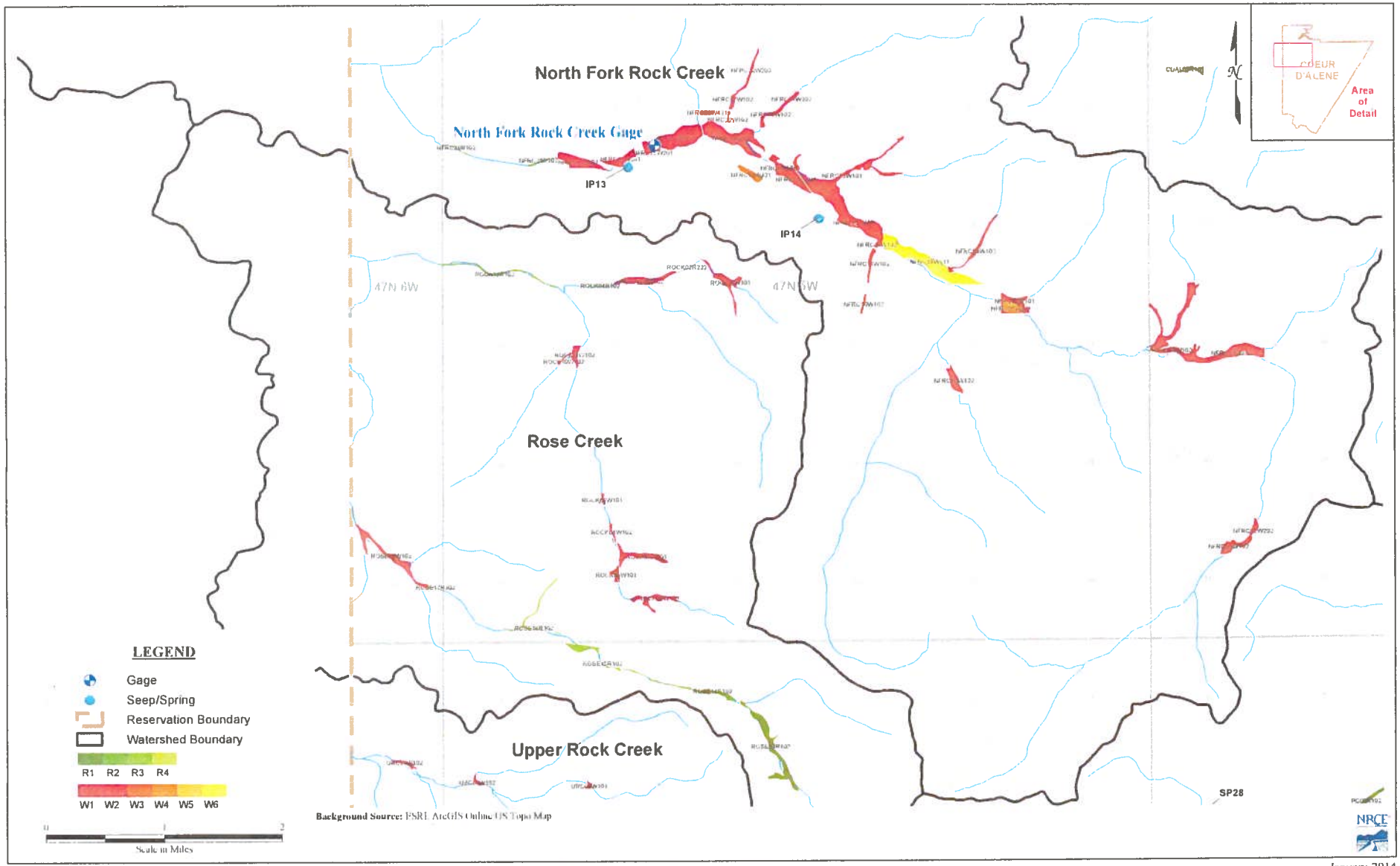

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7628

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC30W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.19
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 499983 5255325; which is located in:
   Township: 47N Range: 05W Section: 05 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 11.39 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

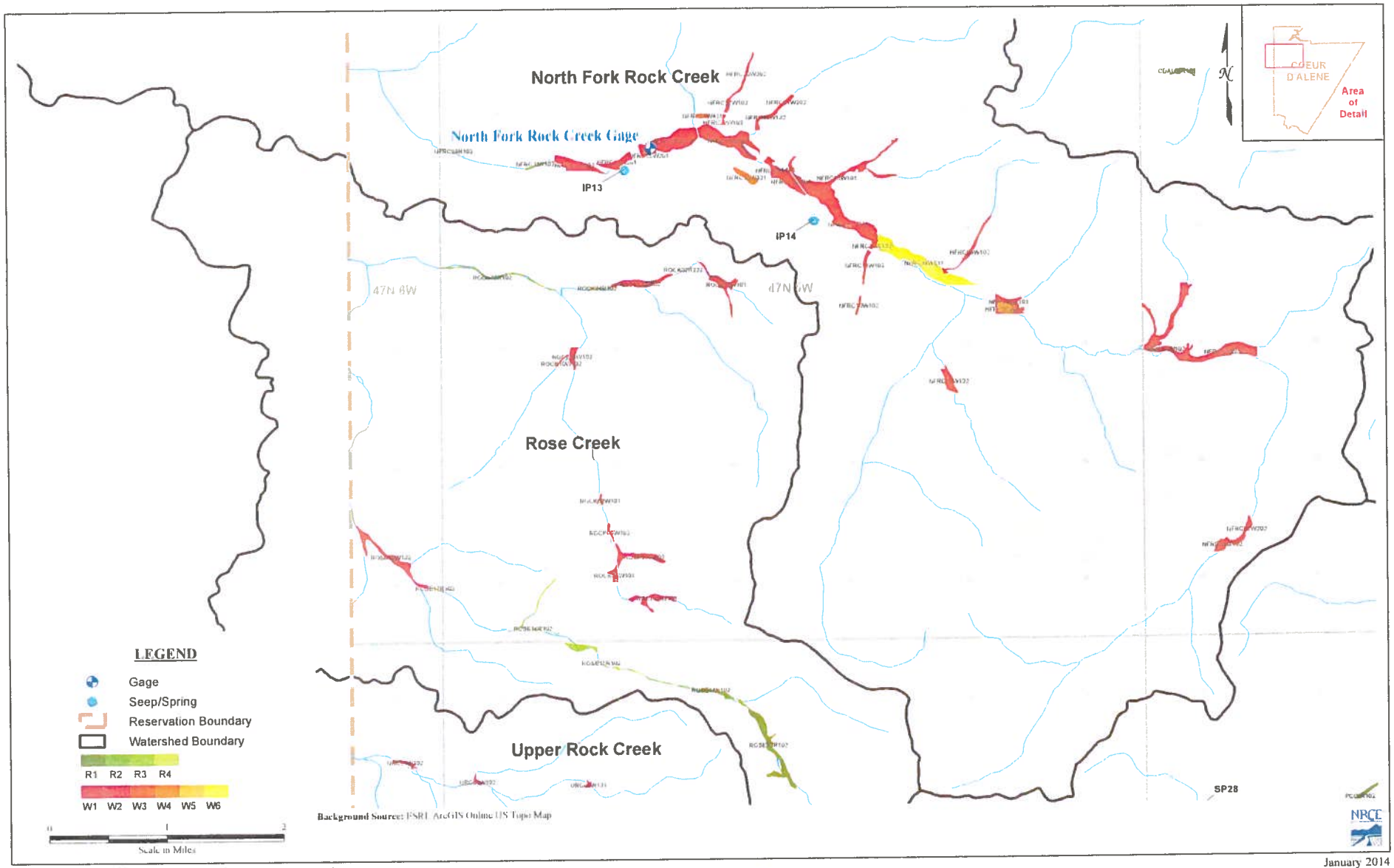

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7629

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC31W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.89

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 499671 5255415; which is located in:

   Township: 47N Range: 05W Section: 06 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.73 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

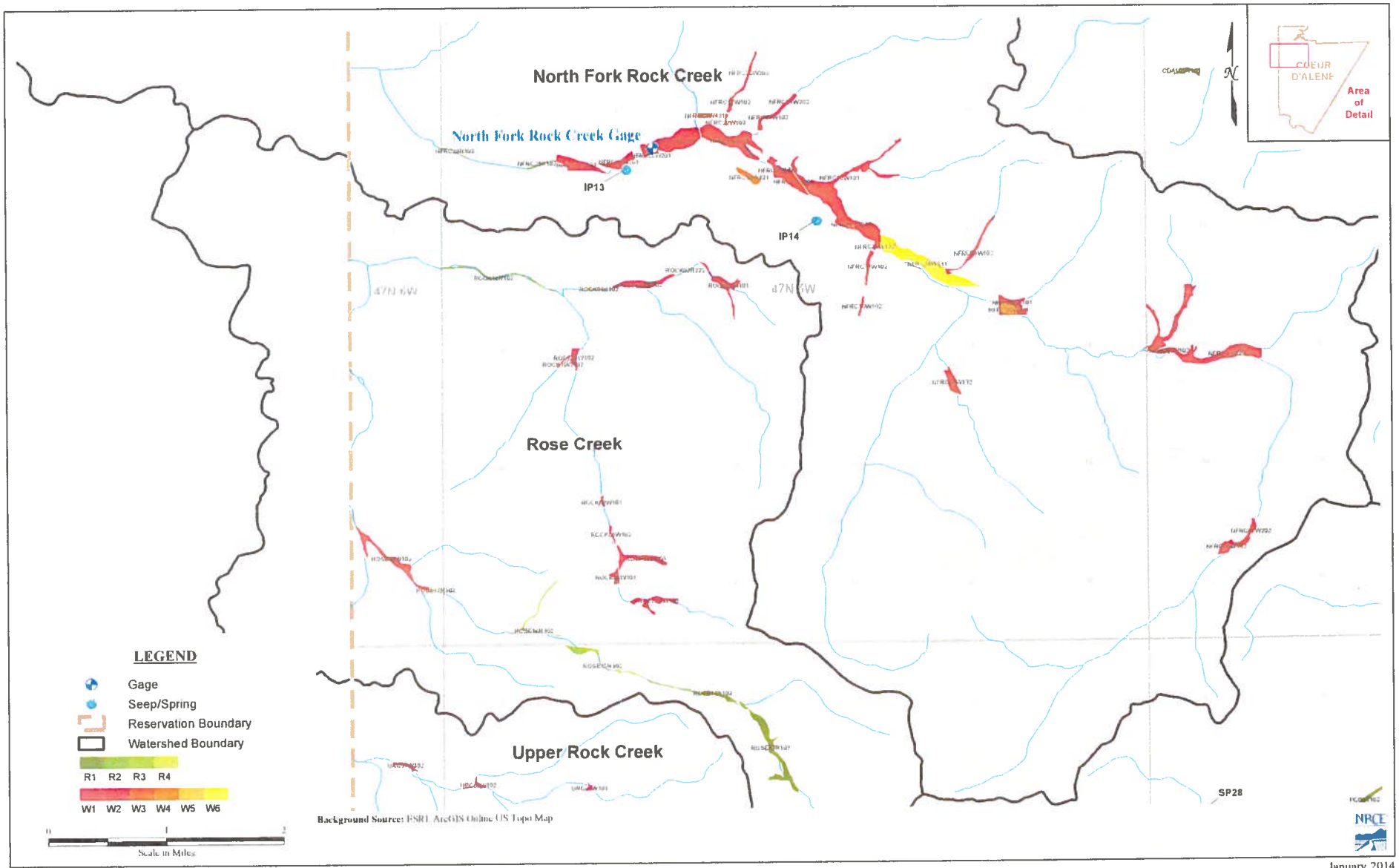

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7630

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC32W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.12
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 499239 5255374; which is located in:
   Township: 47N Range: 05W Section: 06 Q: NE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.46 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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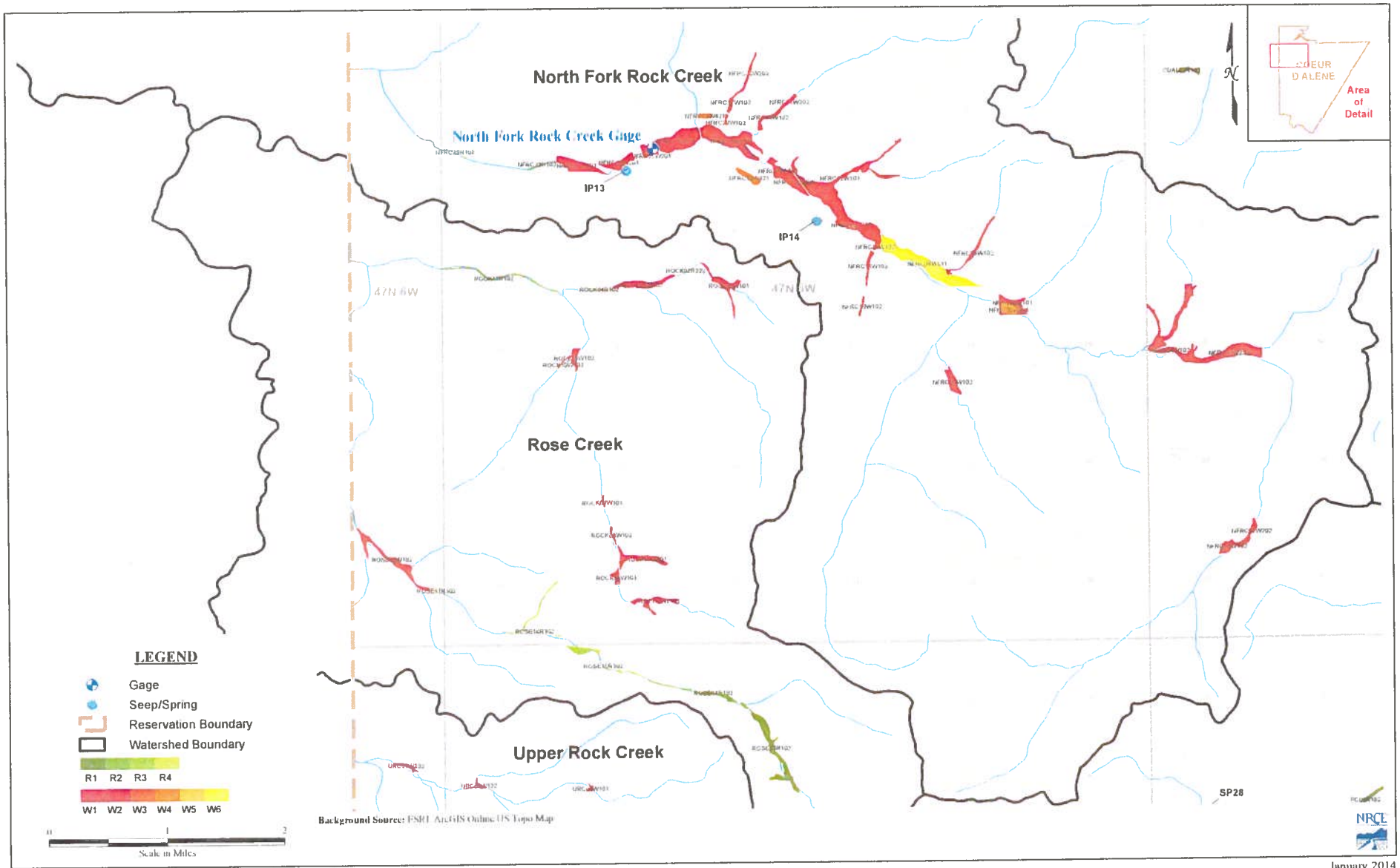

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7631

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or North Fork Rock Creek (Fed ID #NFRC33W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 10.3

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 499217 5255013; which is located in:

   Township: 47N Range: 05W Section: 06 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 32.51 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

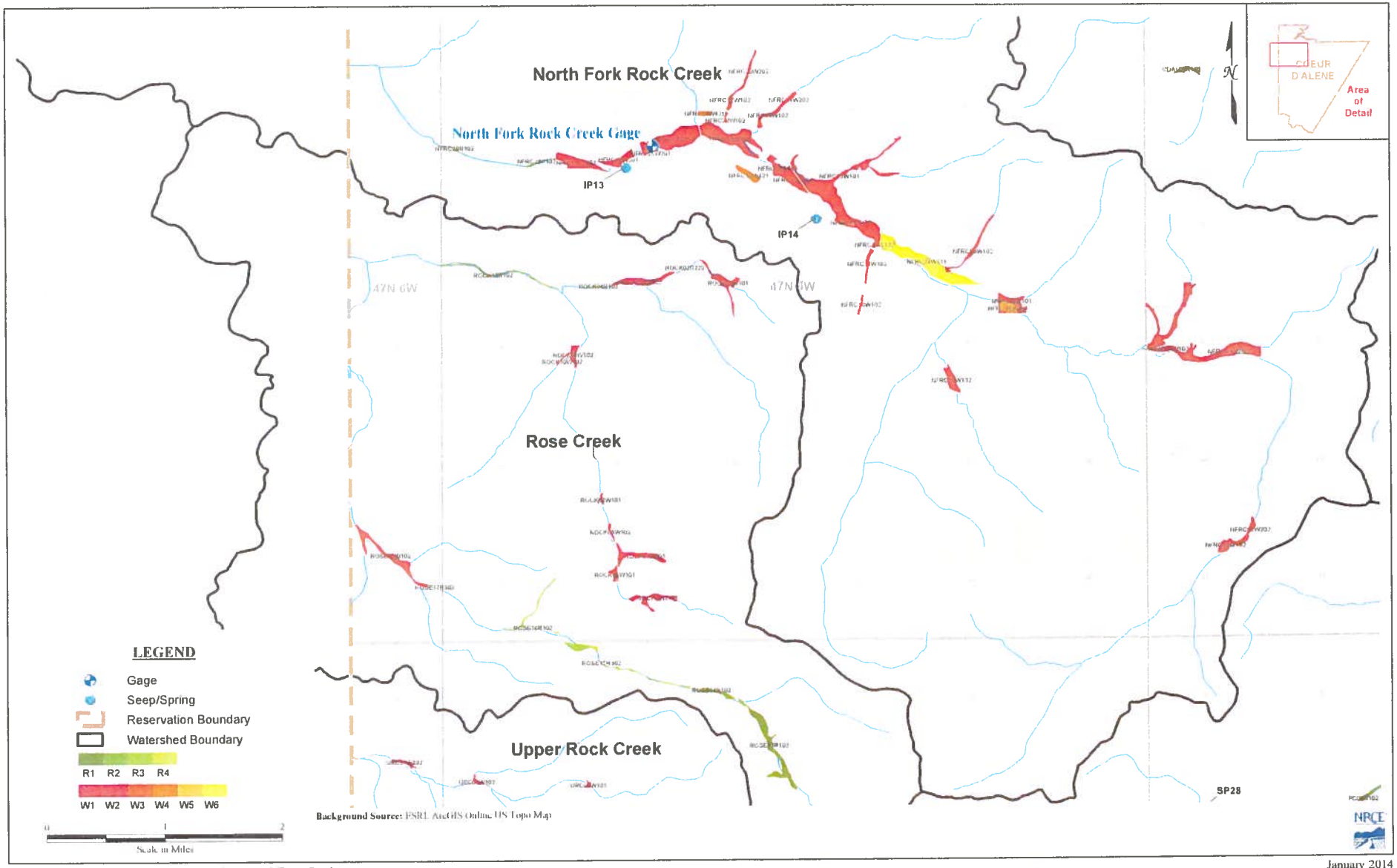

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7632

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK01W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.55
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502125 5250720; which is located in:
   Township: 47N Range: 05W Section: 16 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 29.73 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

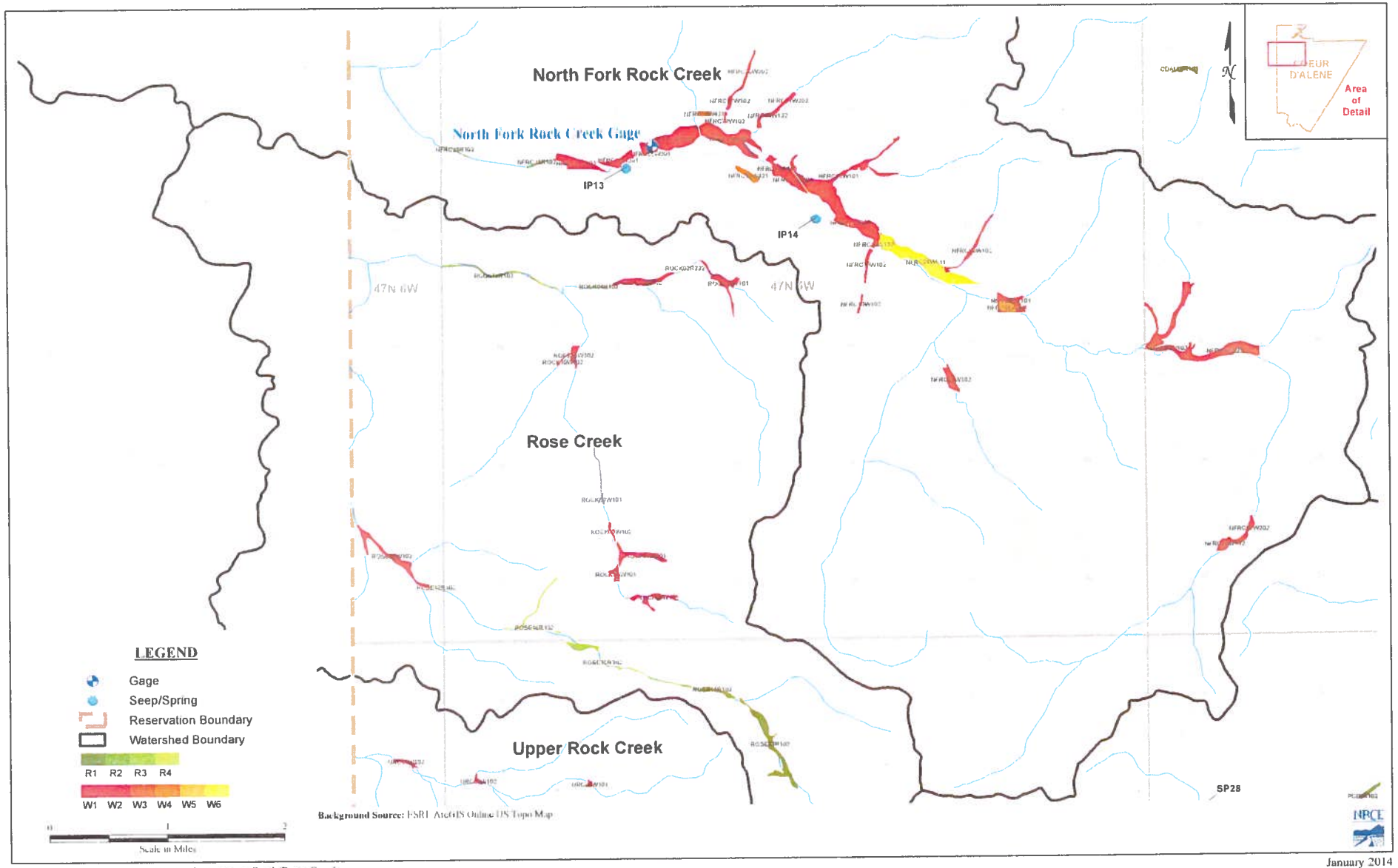

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7633

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK02R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.65
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501593 5250930; which is located in:
   Township: 47N Range: 05W Section: 16 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.48 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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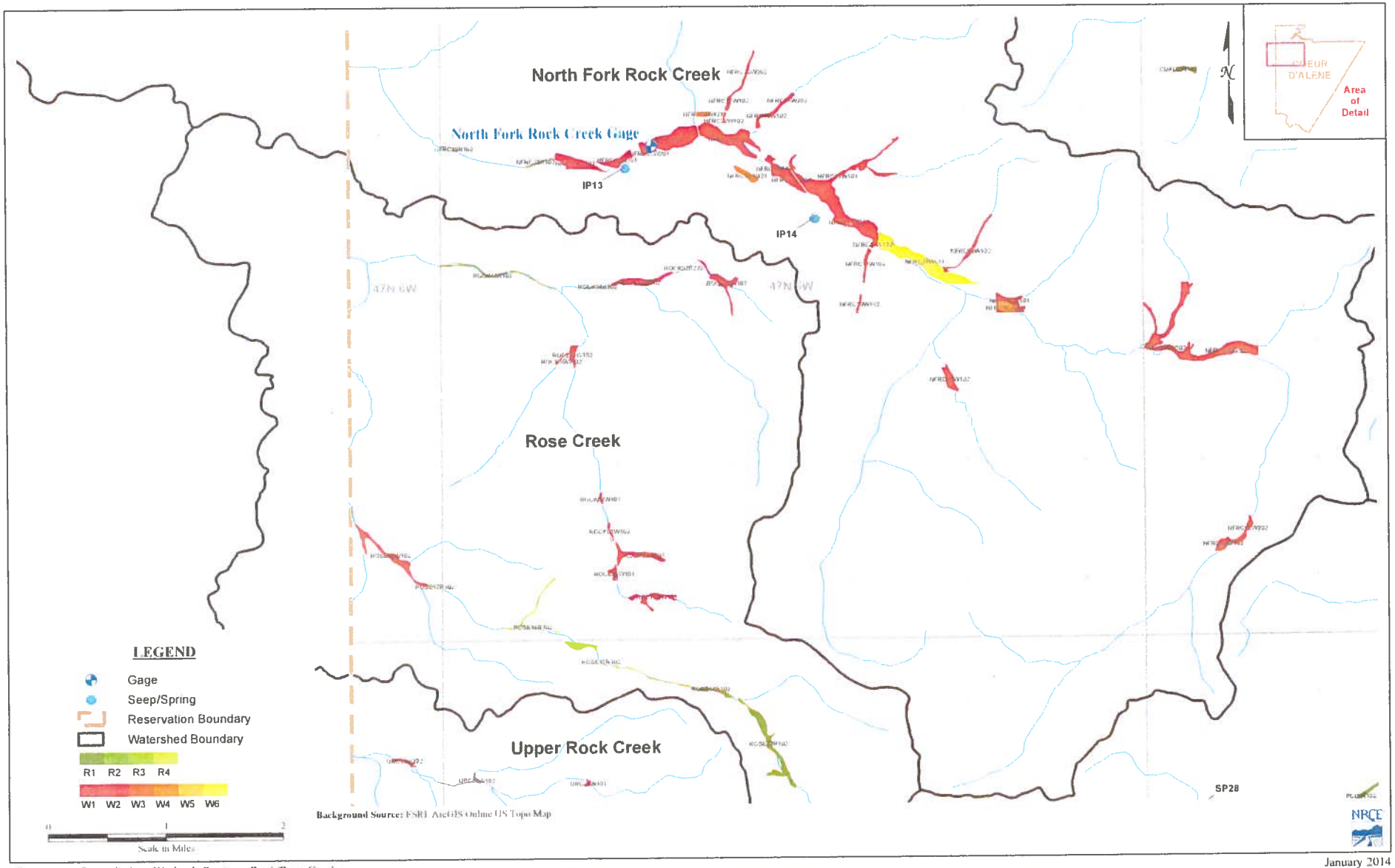

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7634

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK03W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.97

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500999 5250752; which is located in:

   Township: 47N Range: 05W Section: 17 Q: SE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 44.09 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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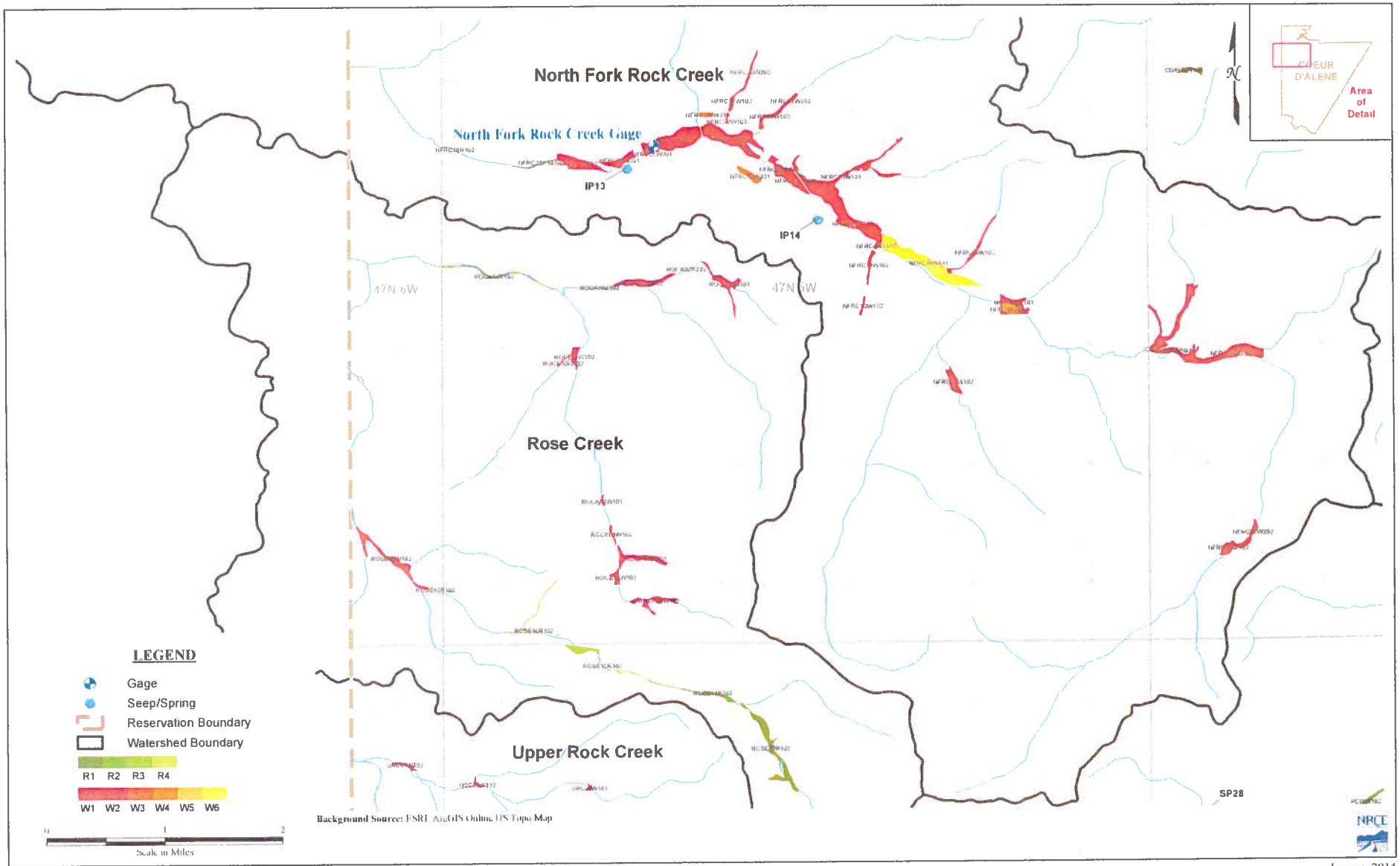

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7635

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK04R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.45

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500414 5250685; which is located in:

   Township: 47N Range: 05W Section: 17 Q: SW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 3.49 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

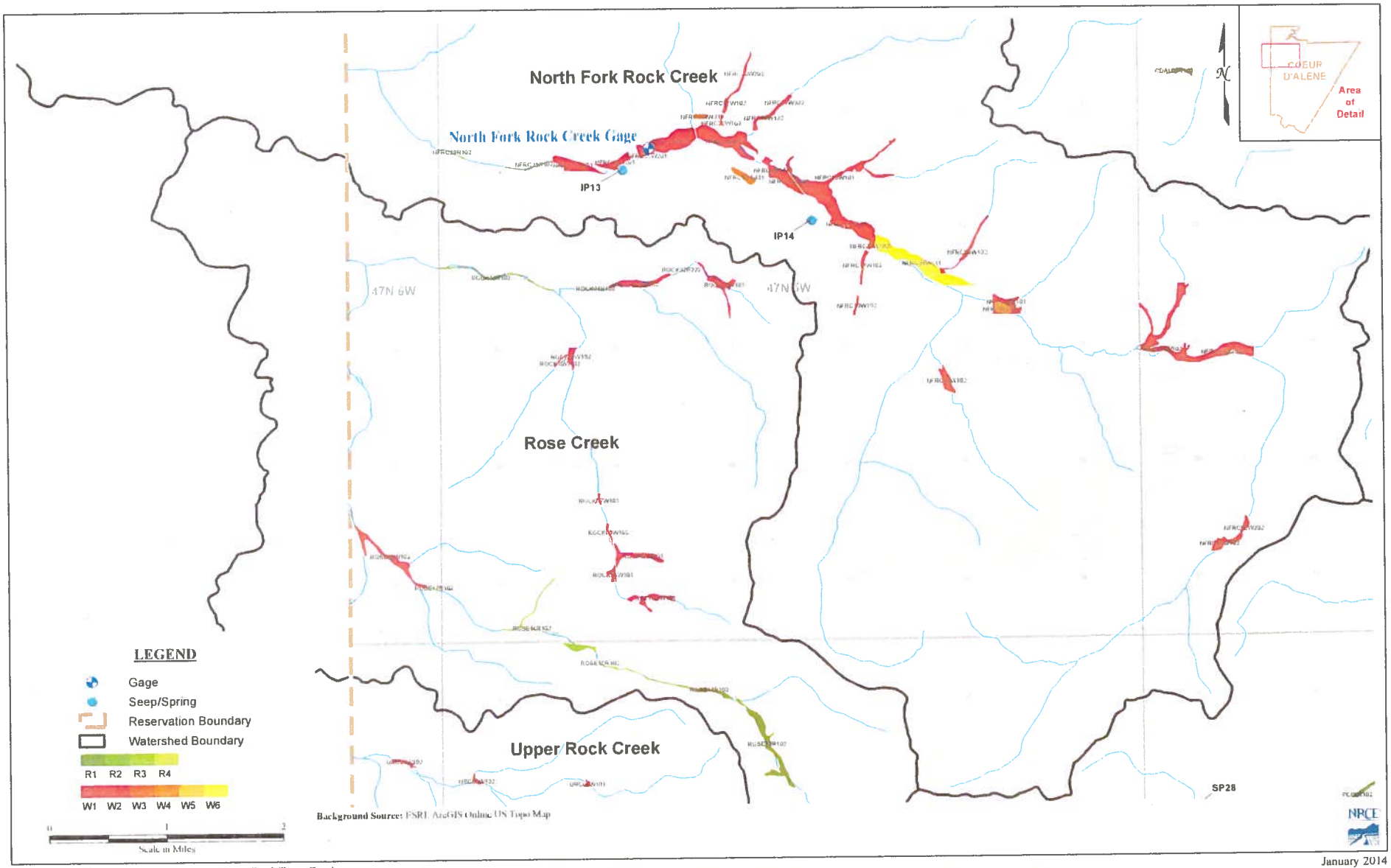

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7636

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK05W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.96

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 501119 5246409; which is located in:

   Township: 47N Range: 05W Section: 32 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 21.85 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

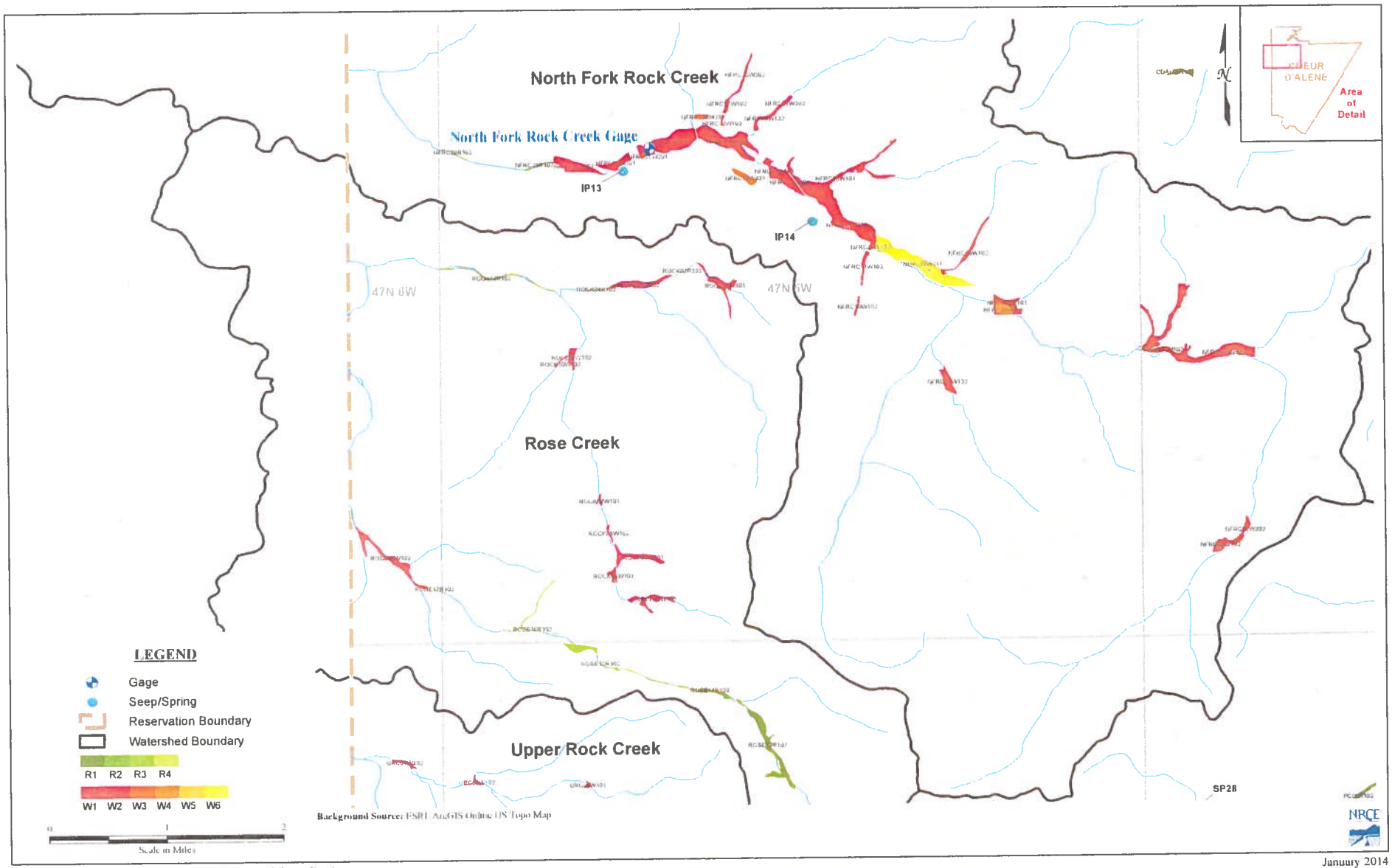

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7637

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK06W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.75

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500608 5246757; which is located in:

   Township: 47N Range: 05W Section: 32 Q: NW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 8.23 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

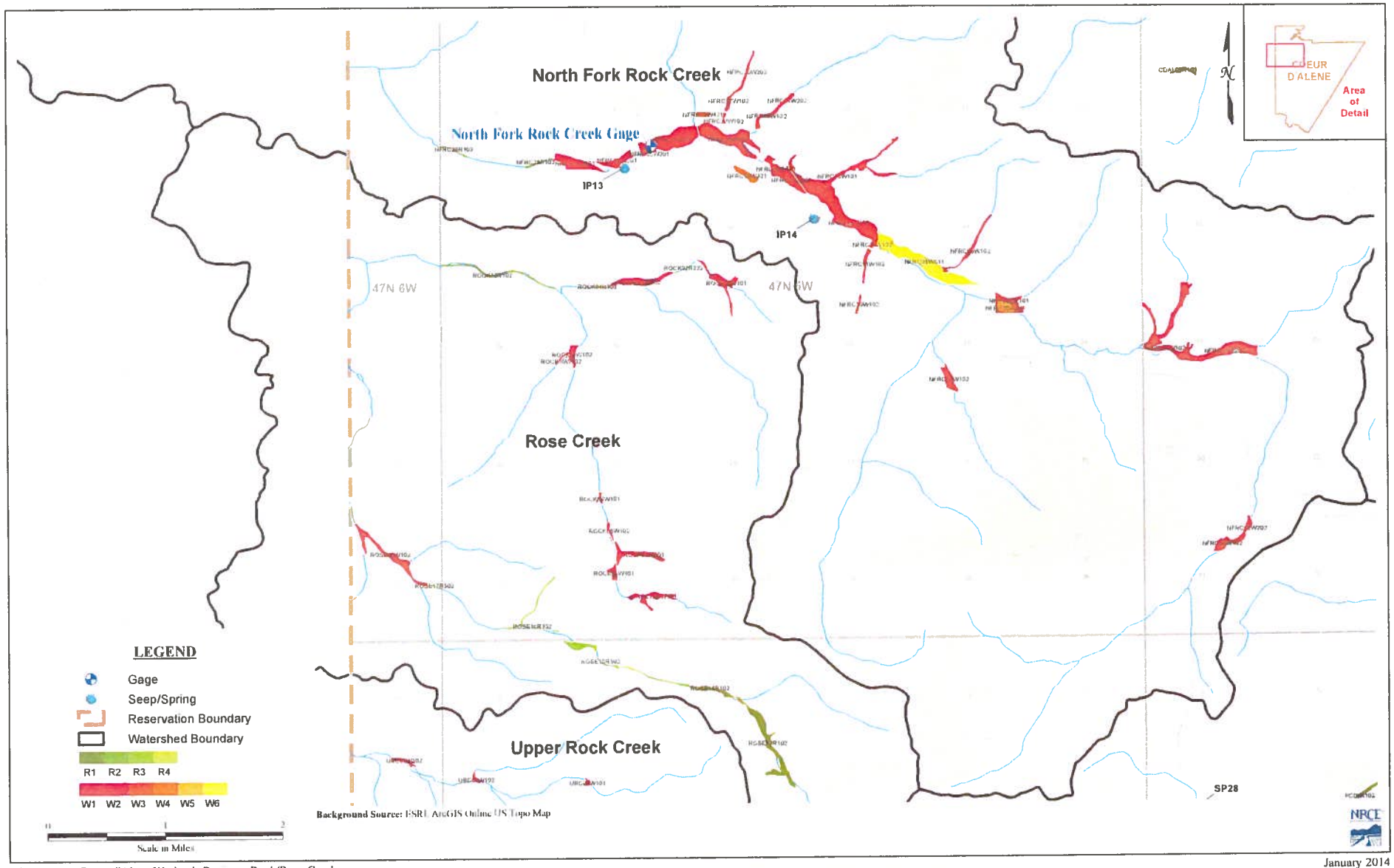

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7638

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JAN 21 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK07W101)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 12.66

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500922 5247007; which is located in:

   Township: 47N Range: 05W Section: 32 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 27.78 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
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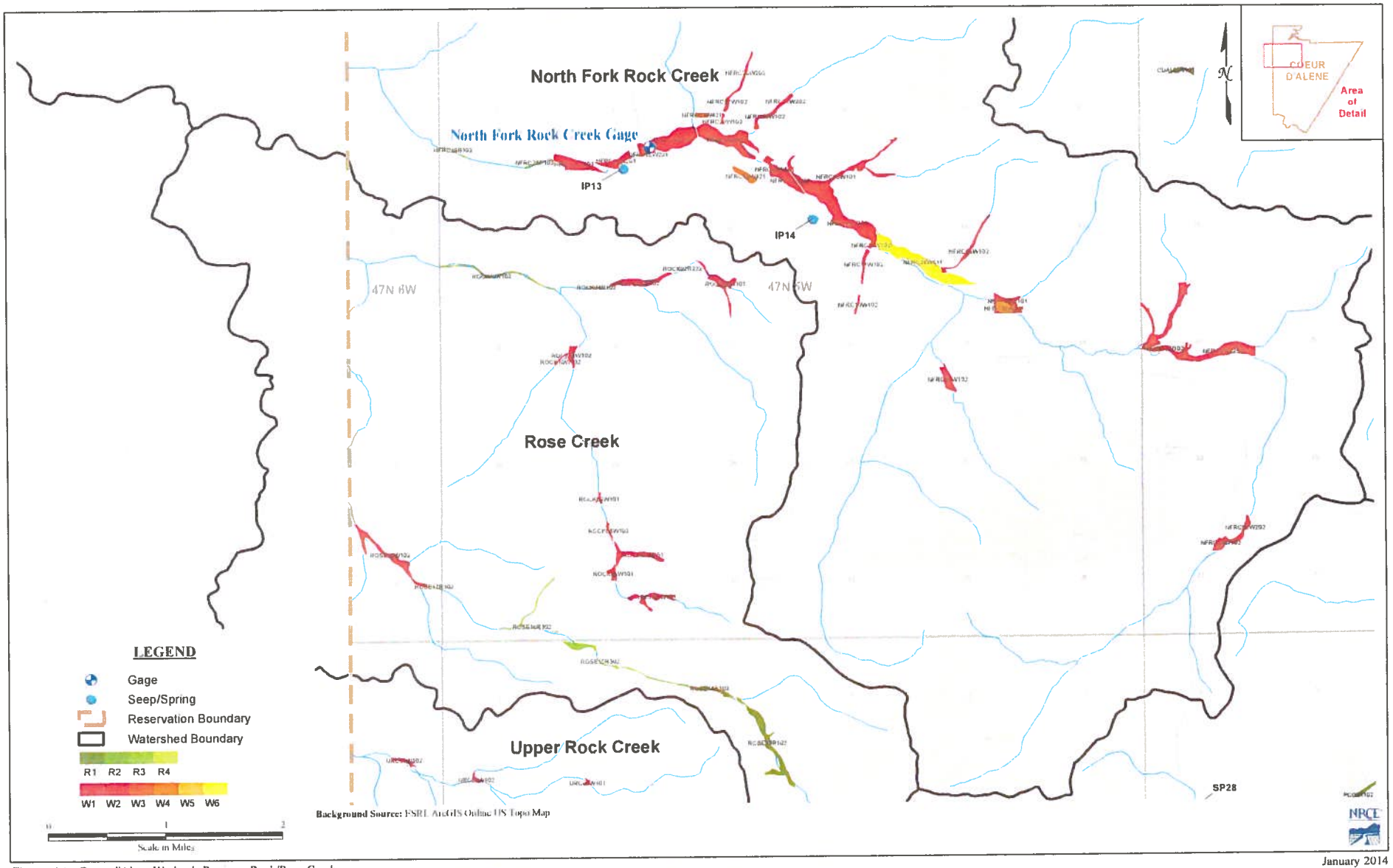

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7639

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK08W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.75

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 500562 5247336; which is located in:

   Township: 47N Range: 05W Section: 32 Q: NW QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 5.52 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

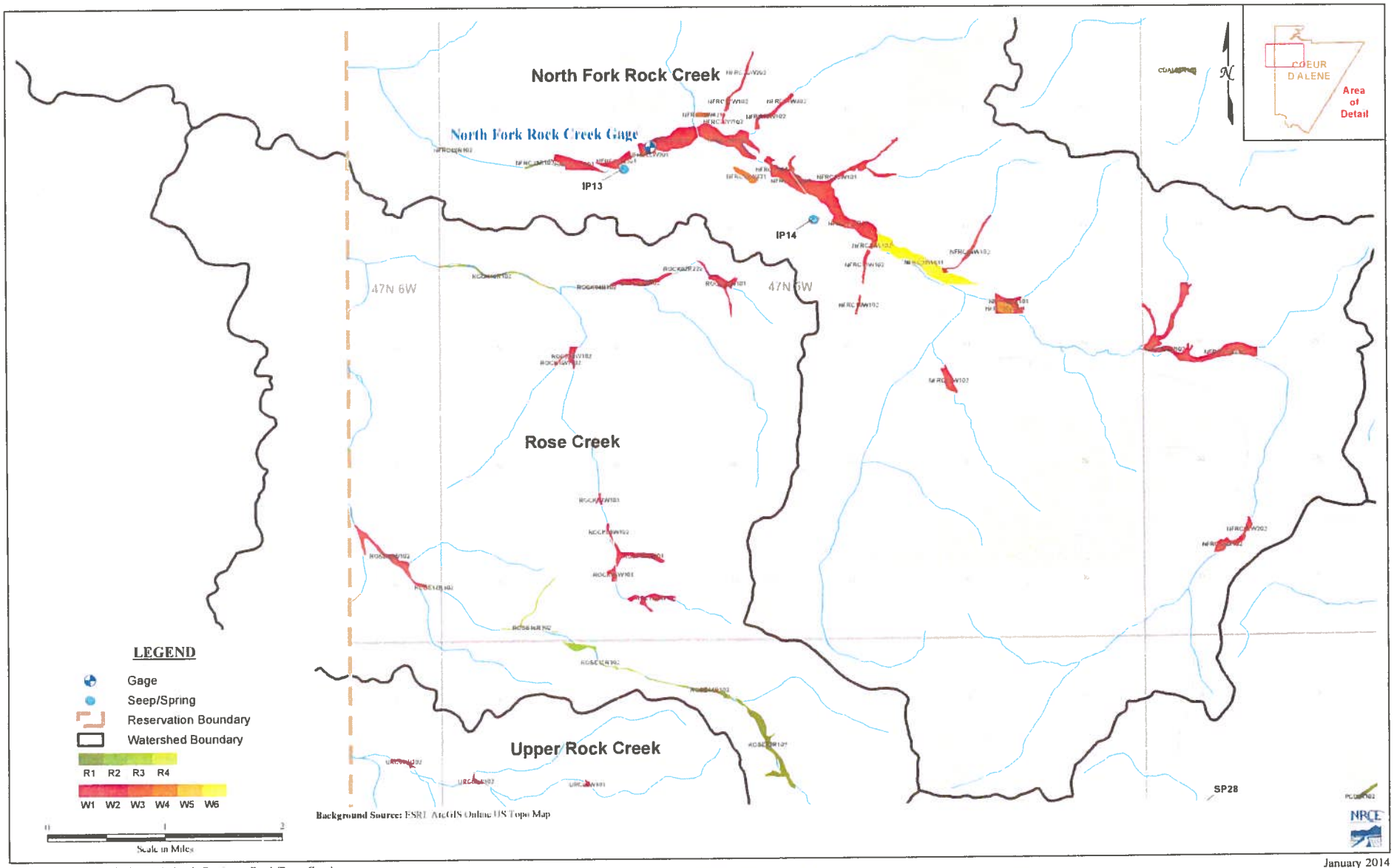

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7640

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK09W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.27
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500431 5247778; which is located in:
   Township: 47N Range: 05W Section: 29 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.79 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

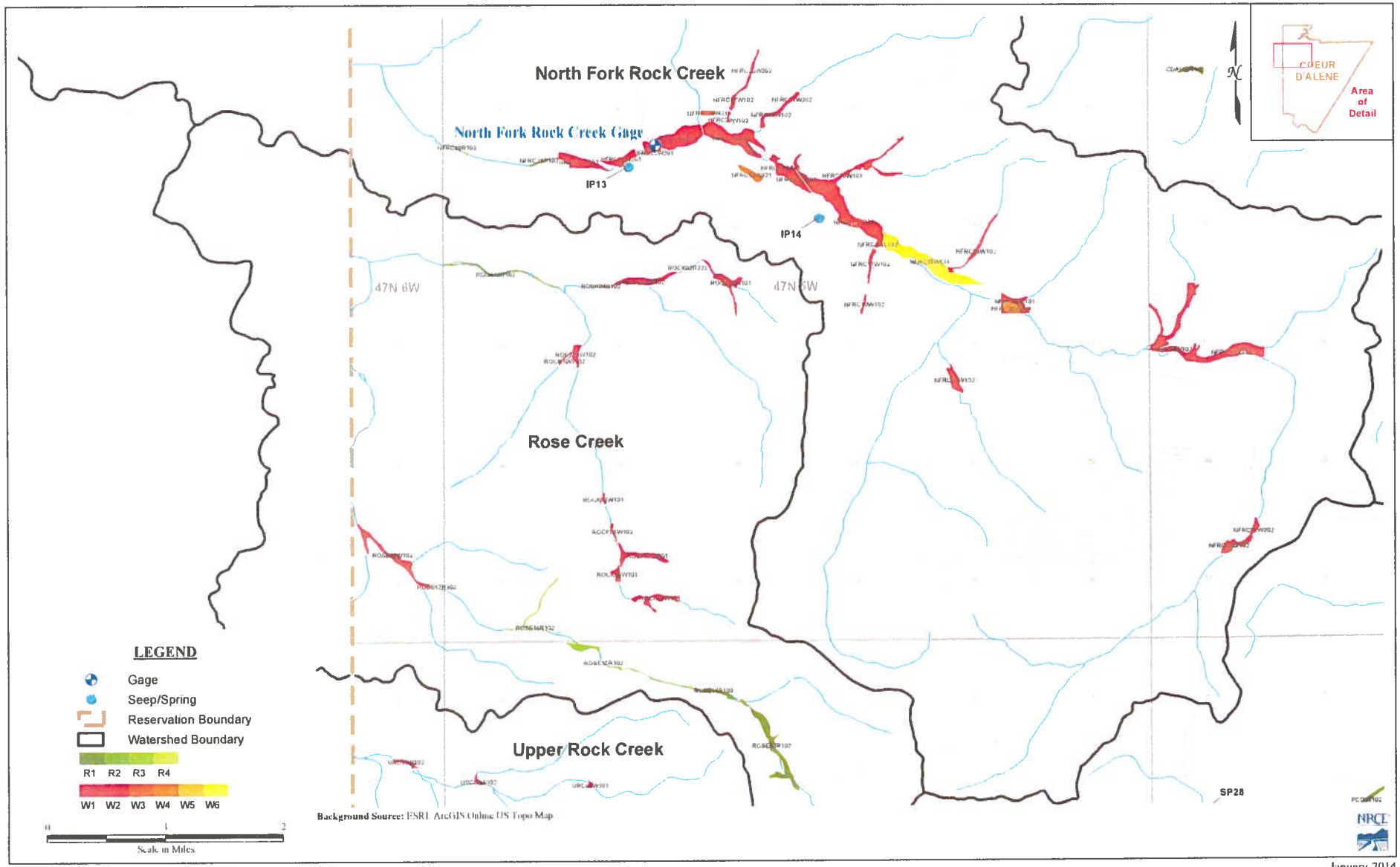

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7641

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK10W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.91
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 499910 5249698; which is located in:
   Township: 47N Range: 05W Section: 20 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.87 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
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Environment and Natural Resources Division
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550 W. Fort Street, MSC 033
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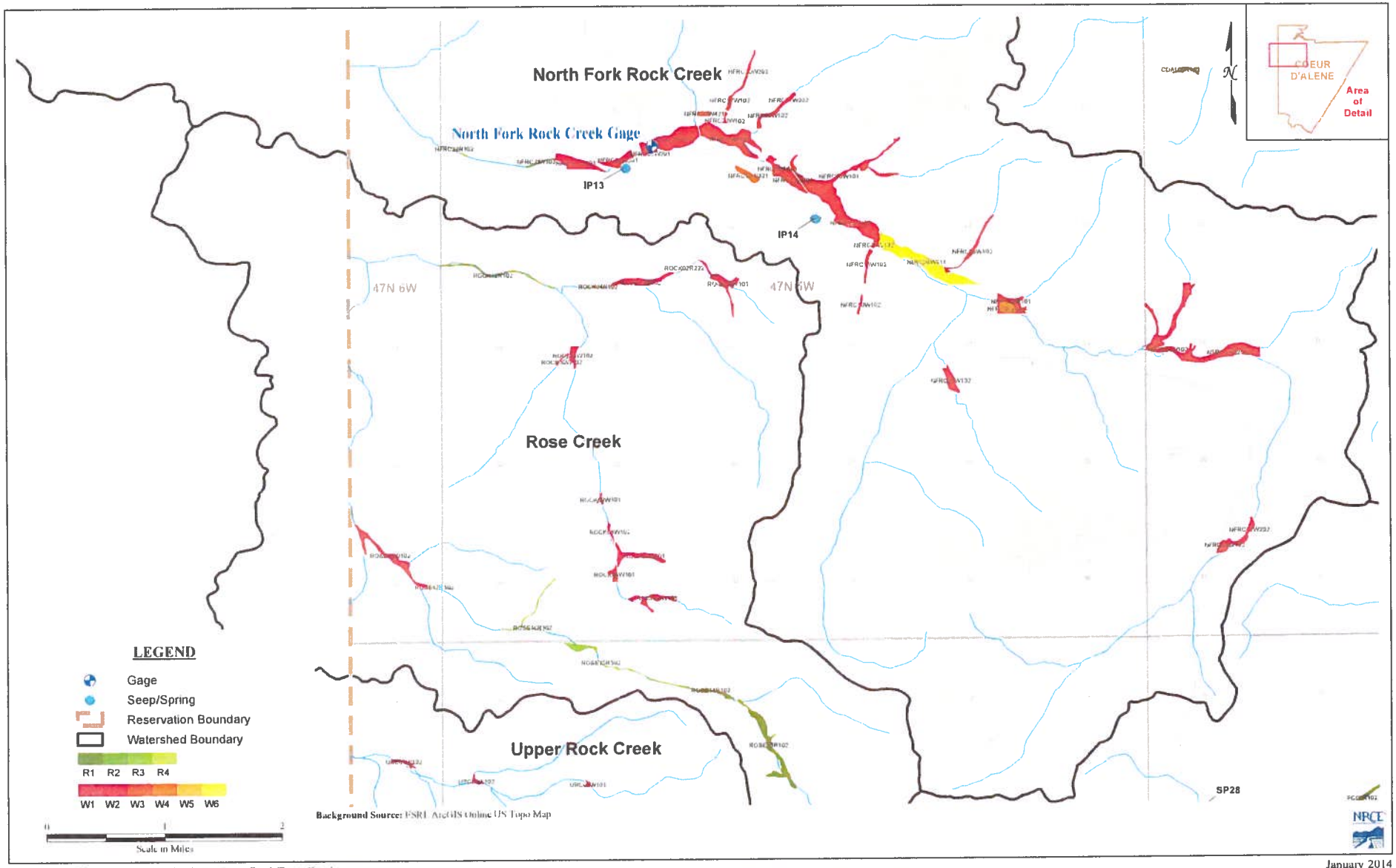

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7642

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK11W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.18
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500071 5249752; which is located in:
   Township: 47N Range: 05W Section: 20 Q: SW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 16.35 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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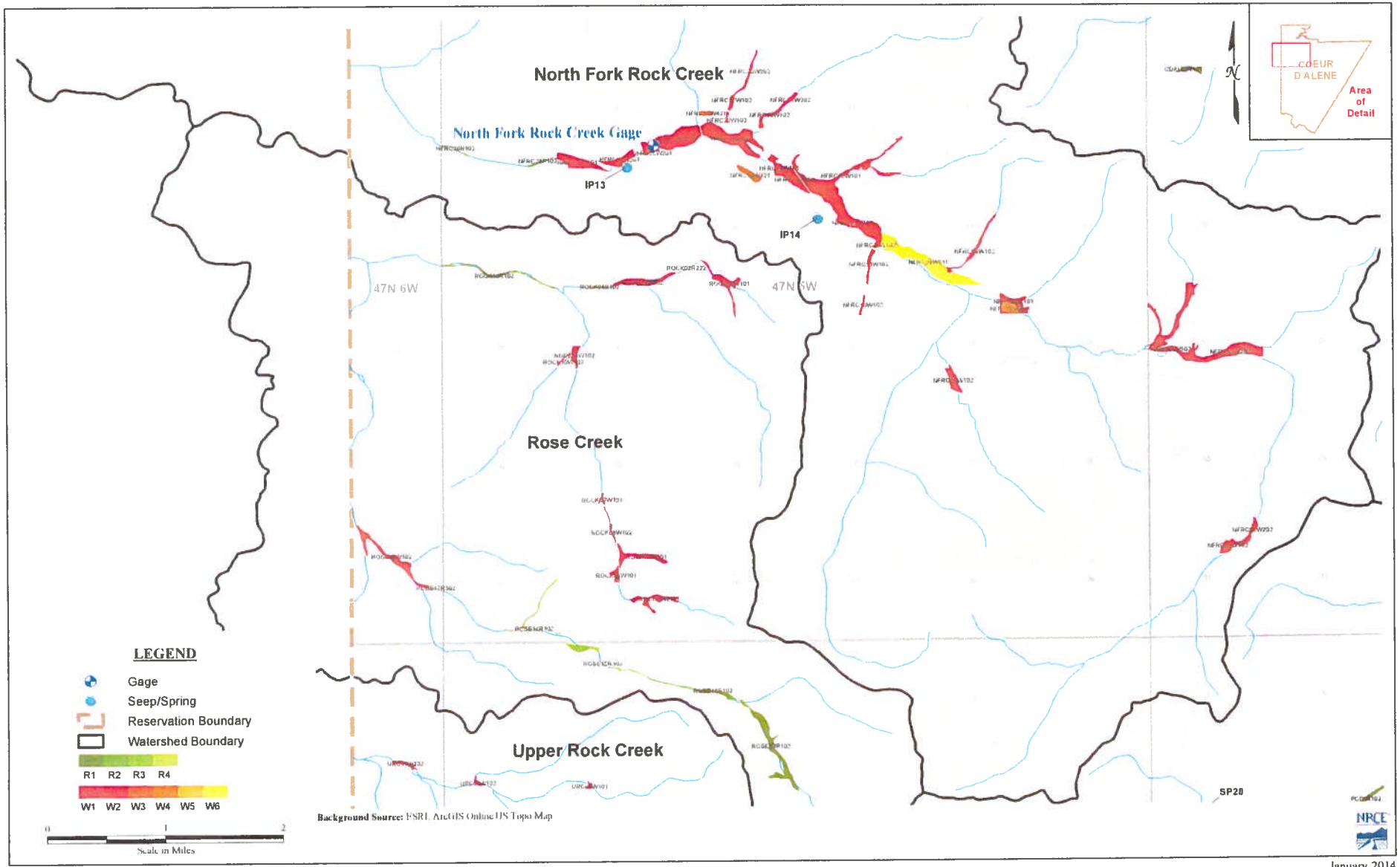

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7643

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROCK12R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.63

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 499005 5250885; which is located in:

   Township: 47N Range: 05W Section: 18 Q: SW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.77 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

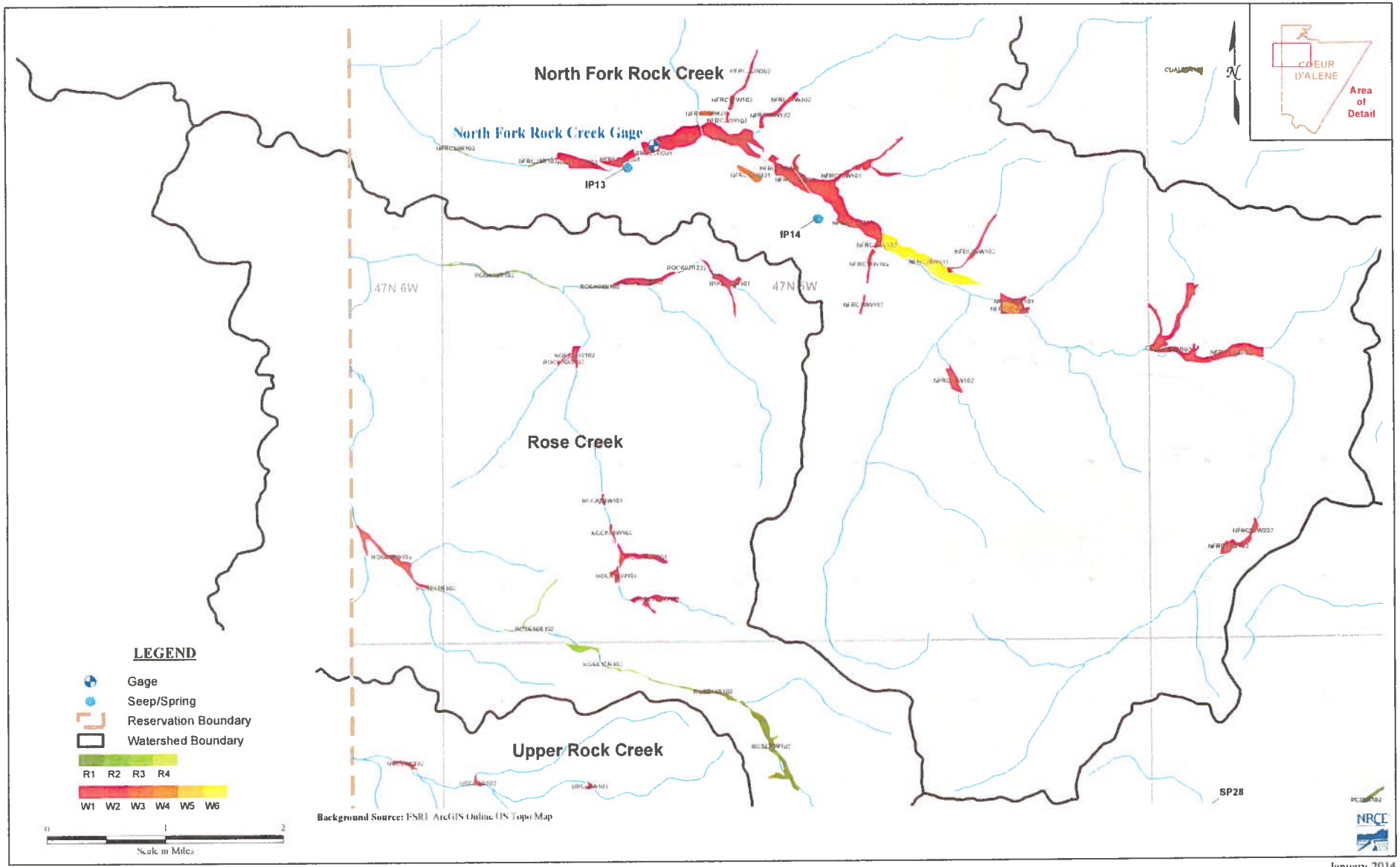

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7644

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROSE13R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 27.48
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 502731 5244407; which is located in:
   Township: 46N Range: 05W Section: 04 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 66.15 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

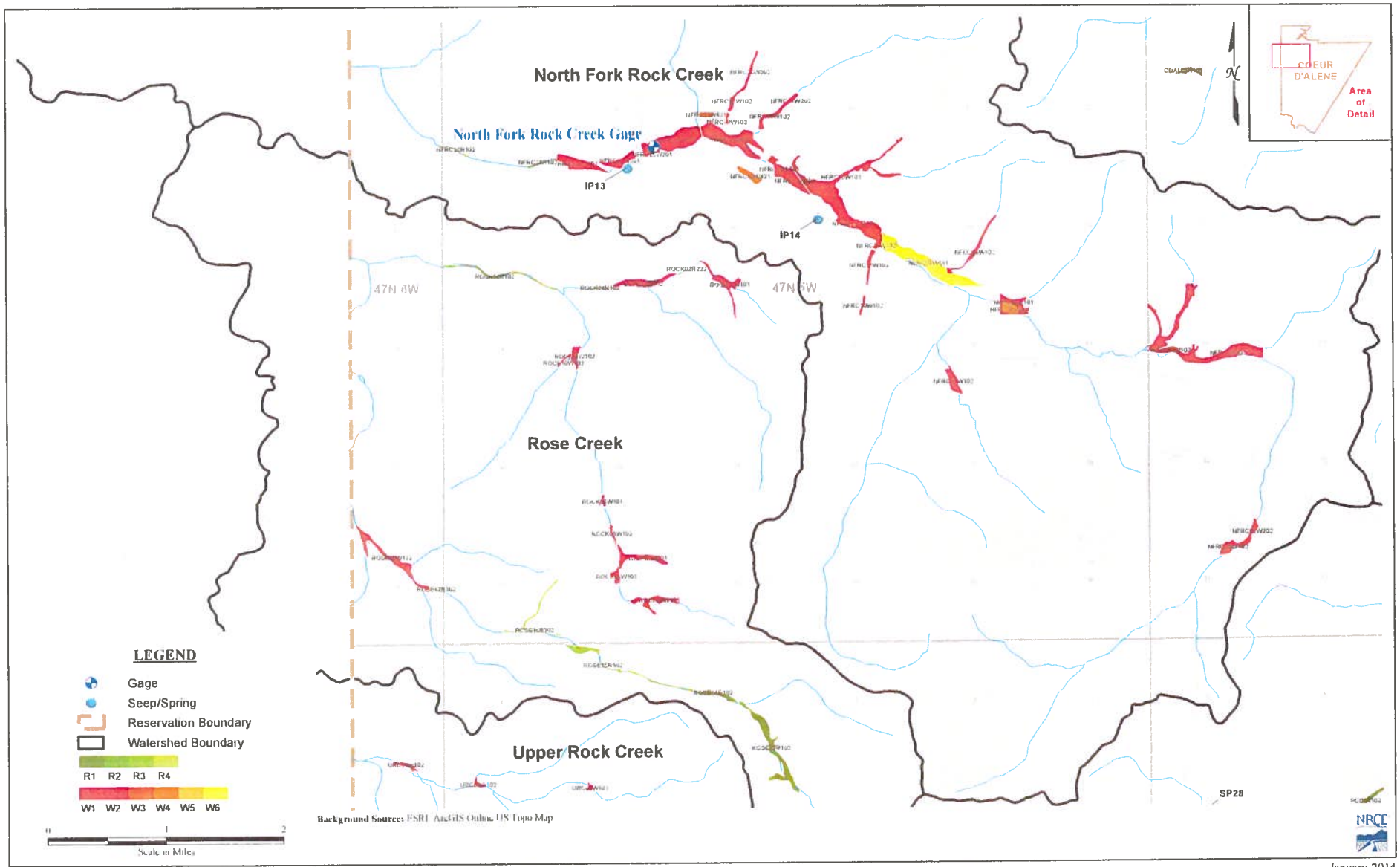

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7645

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROSE14R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.49
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 501924 5245149; which is located in:
   Township: 46N Range: 05W Section: 04 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 18.03 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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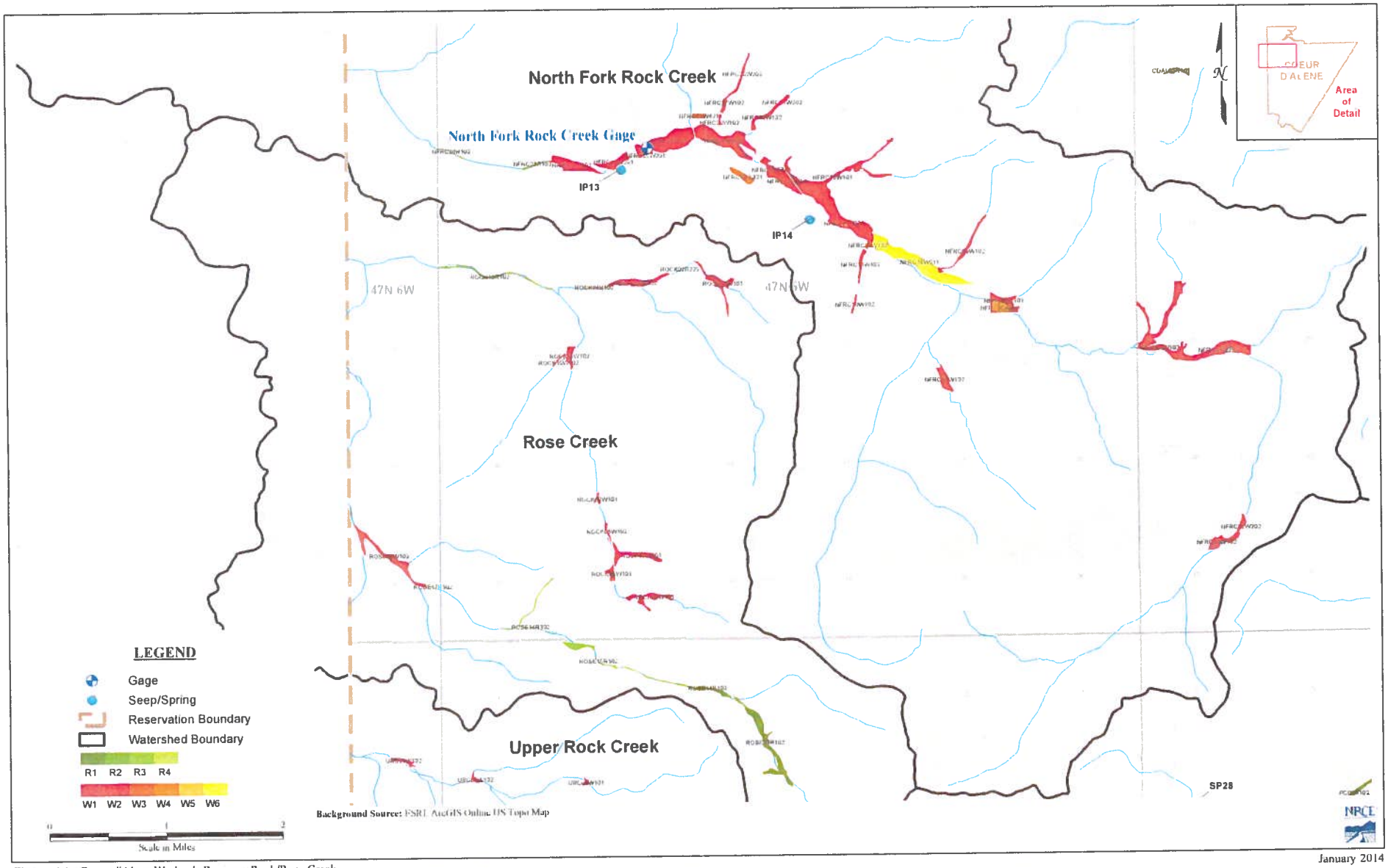

January 2014

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

93-7646

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROSE15R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 12.32
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500424 5245638; which is located in:
   Township: 46N Range: 05W Section: 05 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 29.19 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

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(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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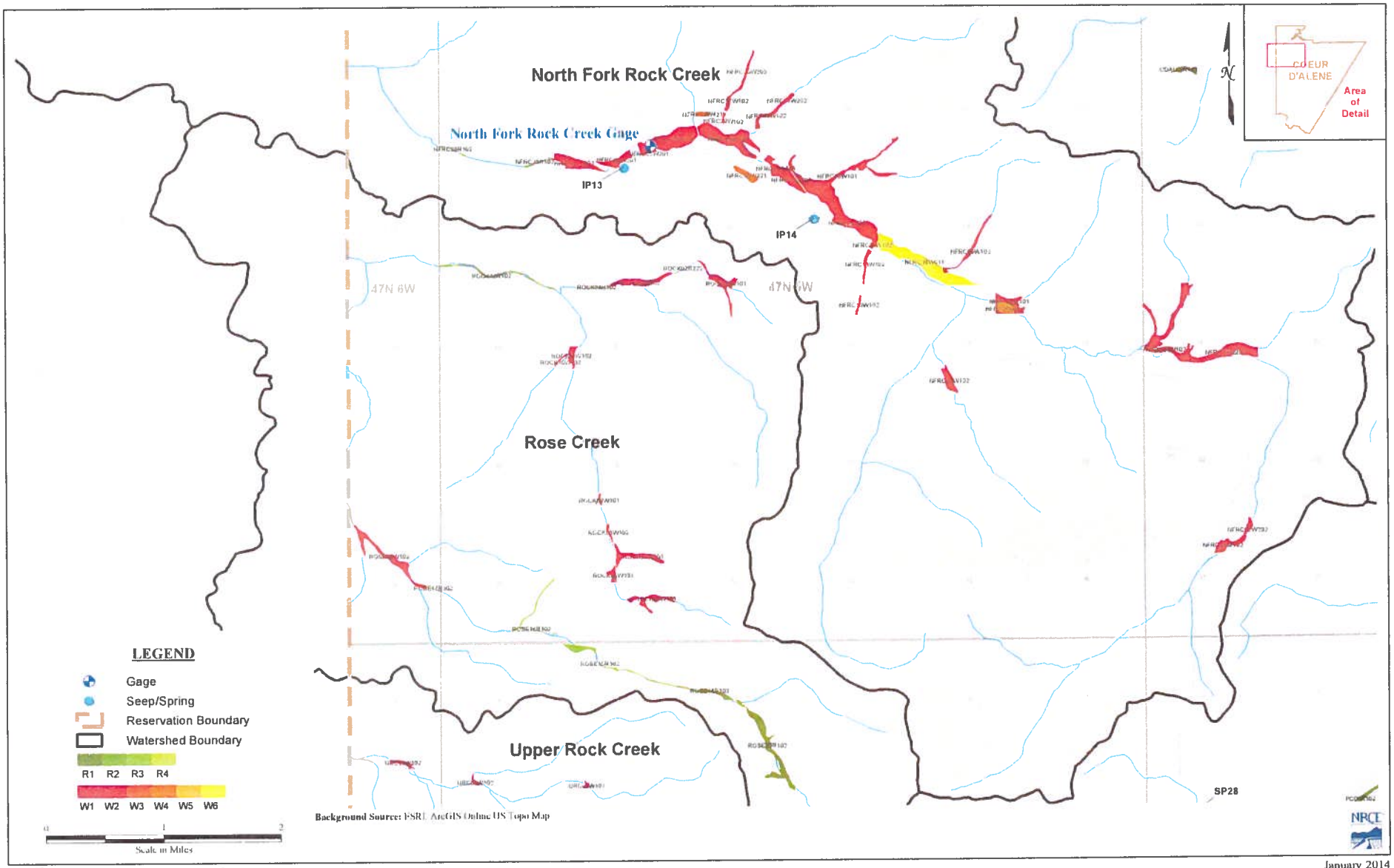


Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7647

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROSE16R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.72

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 499497 5246208; which is located in:

   Township: 47N Range: 05W Section: 31 Q: SE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.66 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

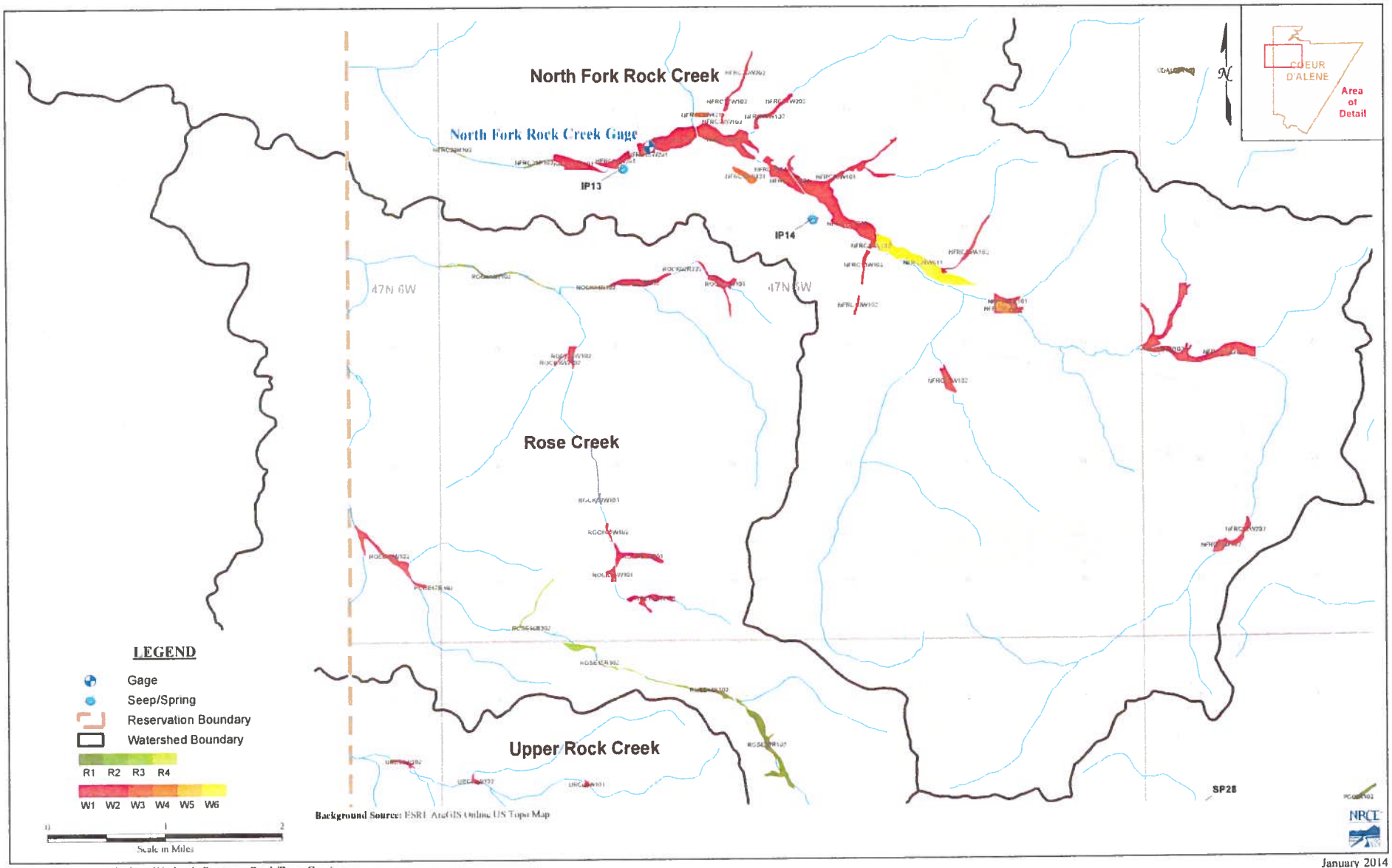


Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

93-7648

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROSE17R302)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.11

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 498141 5246597; which is located in:

   Township: 47N Range: 06W Section: 36 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.63 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

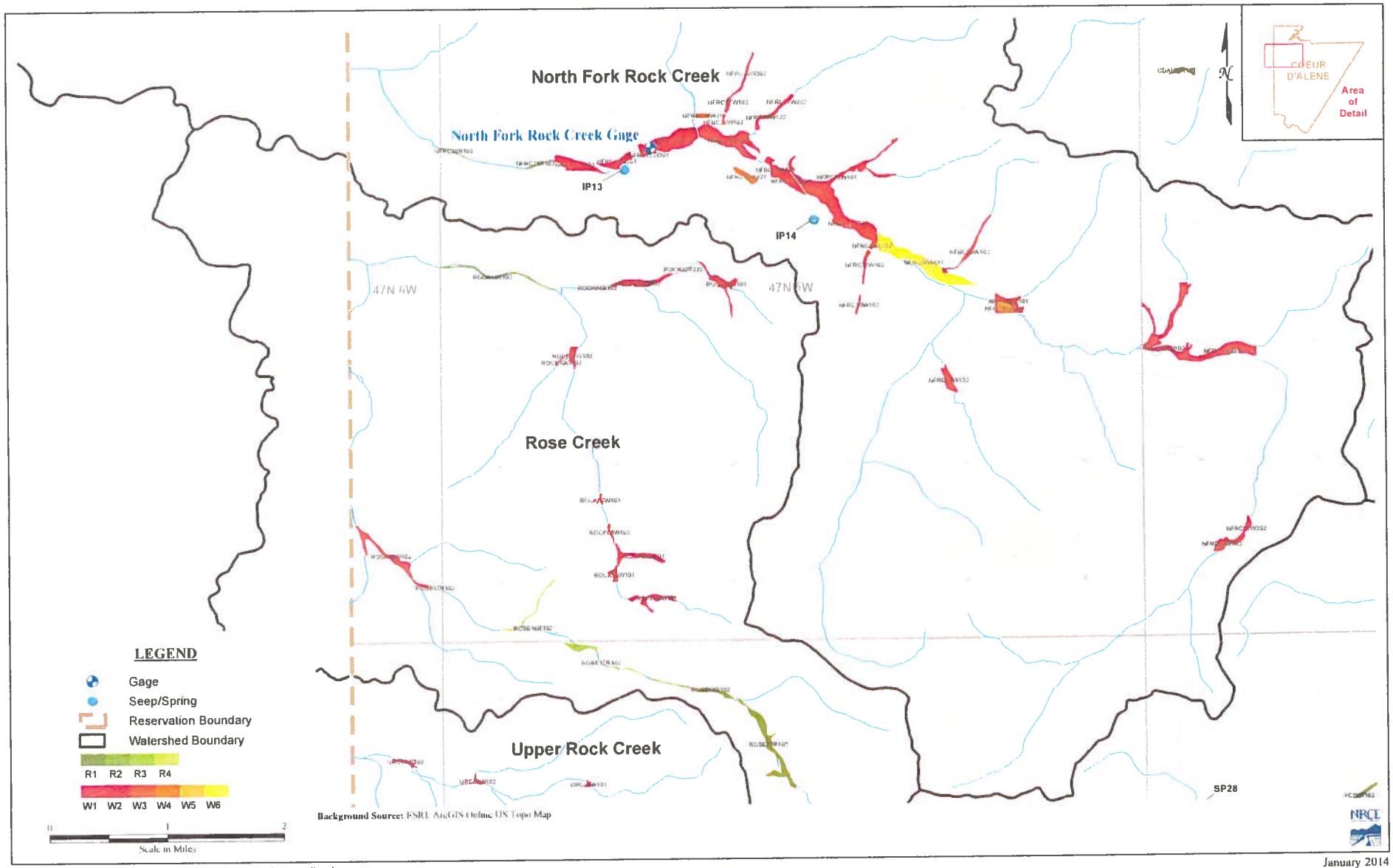
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

93-7649

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Rose Creek (Fed ID #ROSE18W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 21.44

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 497511 5247033; which is located in:

   Township: 47N Range: 06W Section: 36 Q: NE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 67.66 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

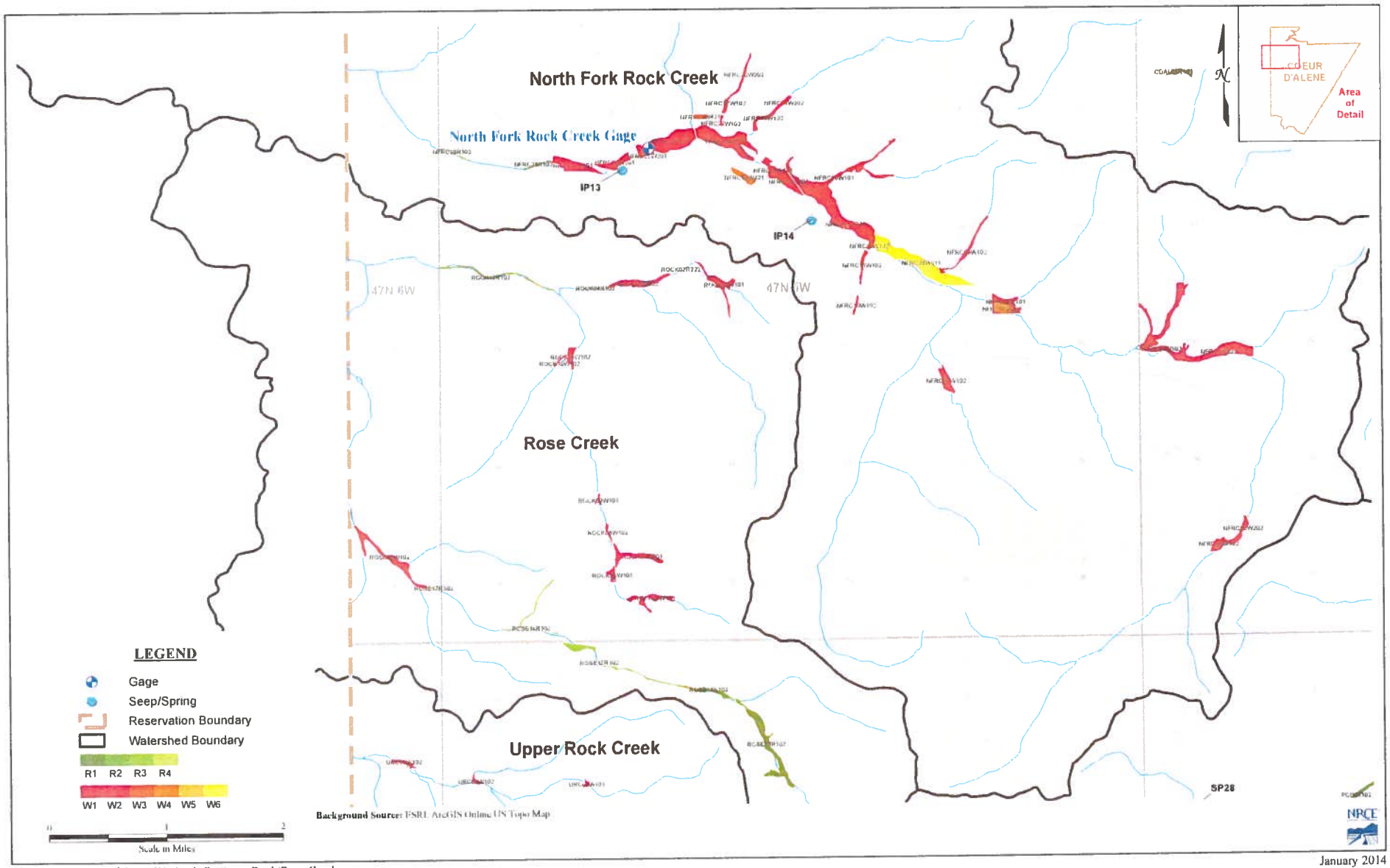
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

93-7650

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Upper Rock Creek (Fed ID #URC01W101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.24
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500230 5243875; which is located in:
   Township: 46N Range: 05W Section: 08 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.72 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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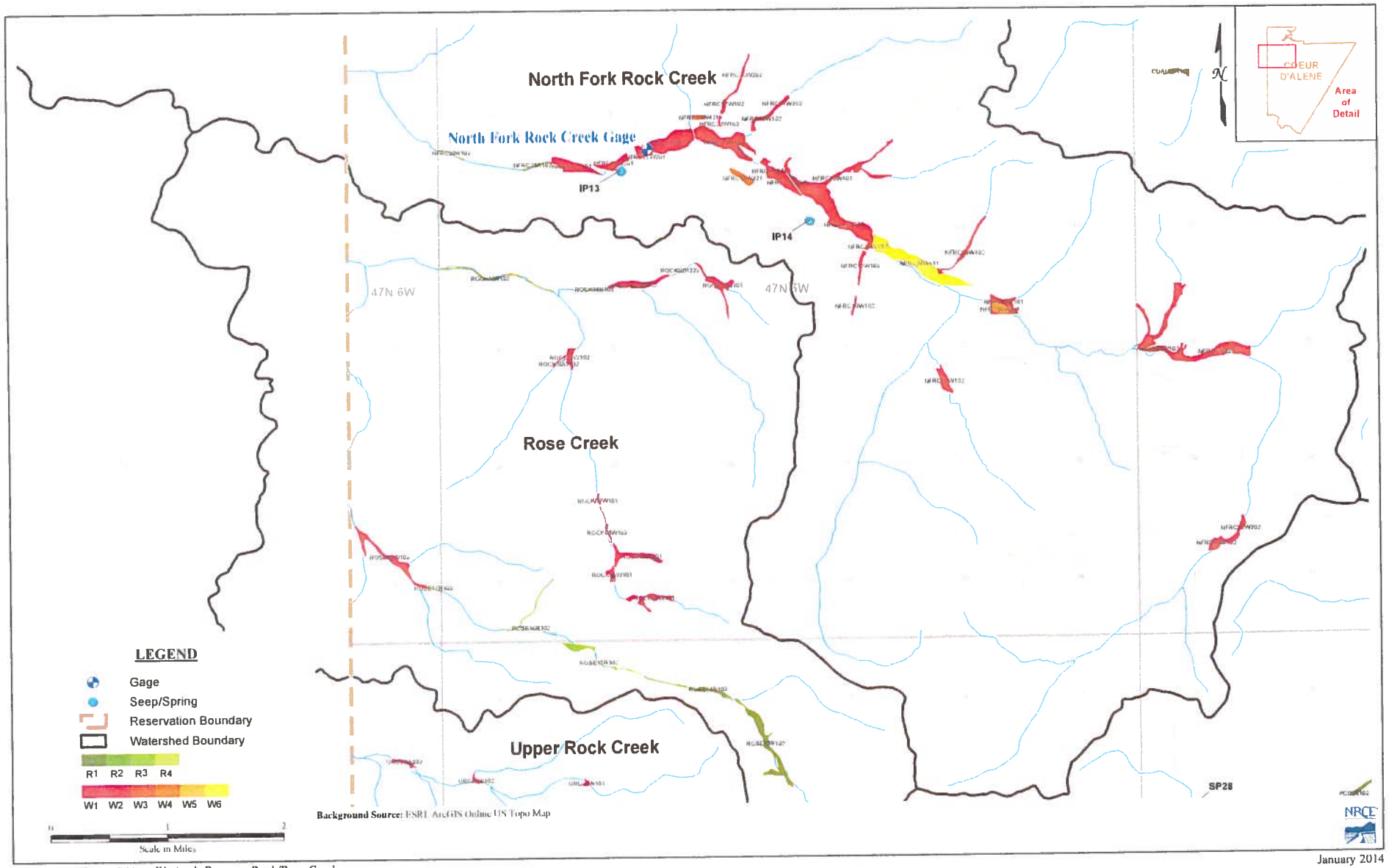


January 2014

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

93-7651

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Upper Rock Creek (Fed ID #URC02W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.79
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 498710 5243937; which is located in:
   Township: 46N Range: 05W Section: 07 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 5.65 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

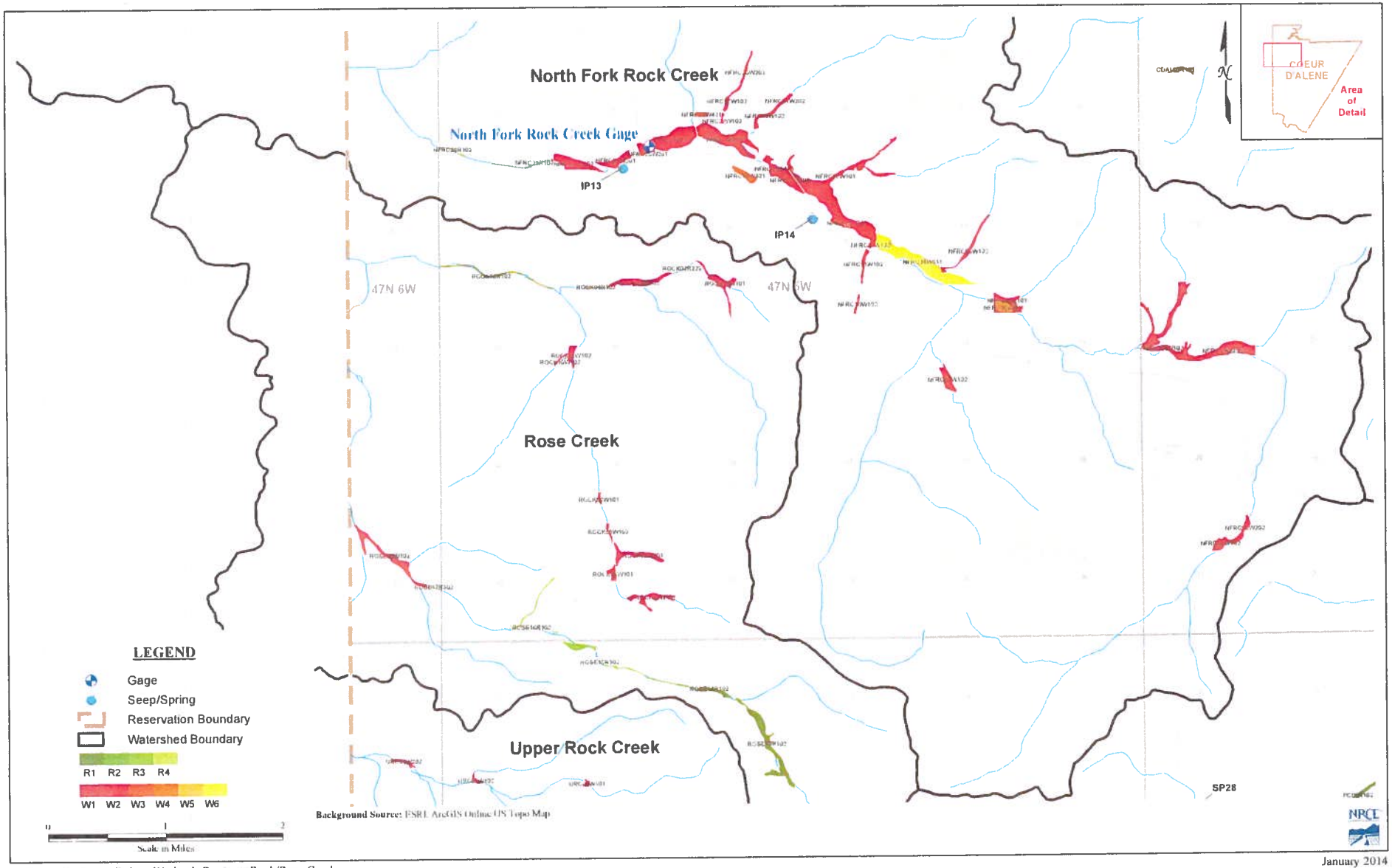
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

93-7652

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Upper Rock Creek (Fed ID #URC03W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.74

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 497716 5244189; which is located in:

   Township: 46N Range: 06W Section: 12 Q: NE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 11.80 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

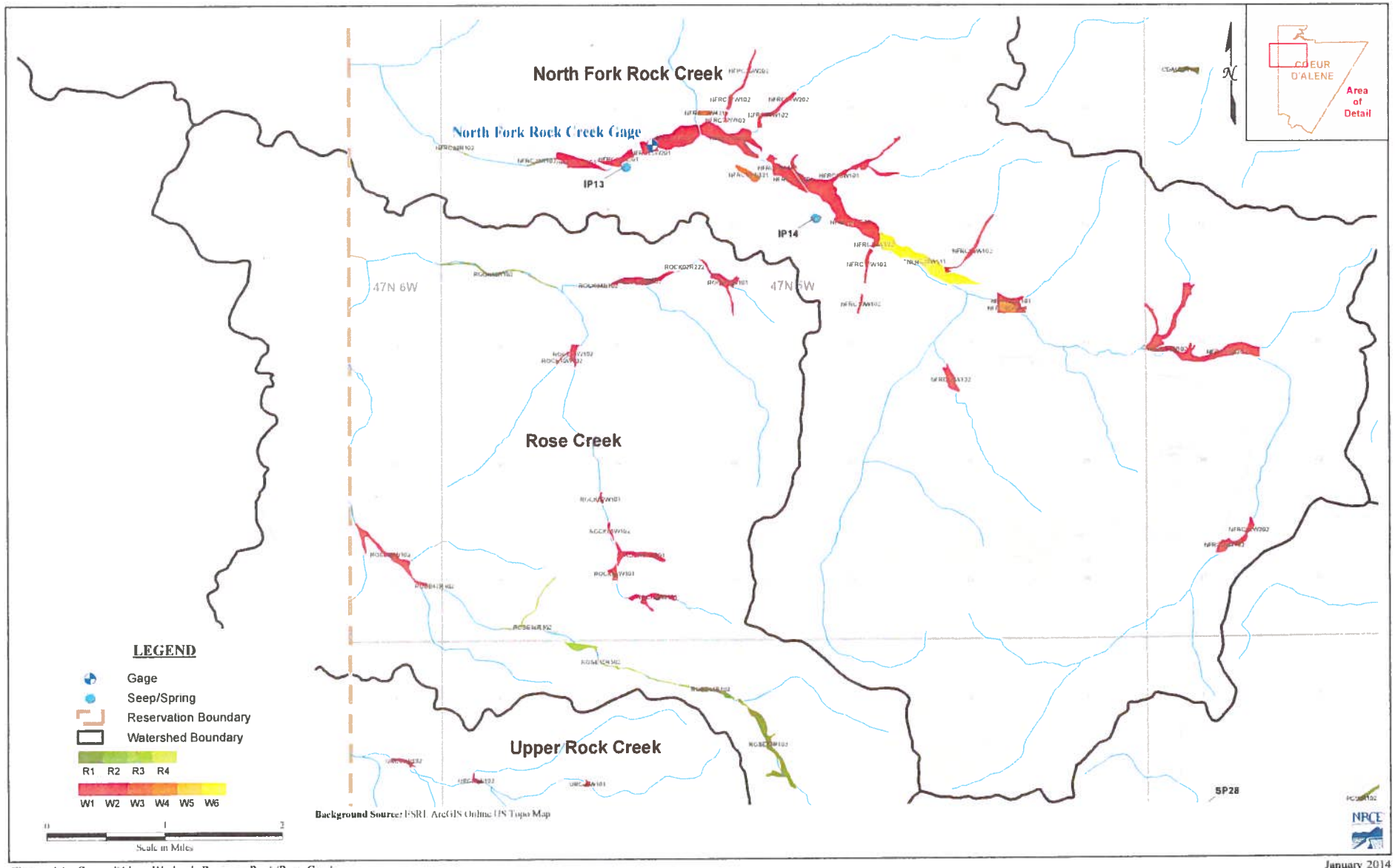


Figure A6 : Coeur d'Alene Wetlands Review - Rock/Rose Creek

January 2014

94-9244

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Black Creek (Fed ID #103)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**

   At all points along the stream reach located between the following boundaries:

   Upstream Boundary - Headwaters

   Township: 47N Range 2W Section: 20 QQ (__1/4 of __1/4): SESE

   B.M., County of Kootenai

   Downstream Boundary - Mouth

   Township: 47N Range 3W Section: 12 QQ (__1/4 of __1/4): NESE

   B.M., County of Kootenai

   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
6.3	6.3	14	7	2.7	1.2
July	August	September	October	November	December
0.4	0.19	0.19	0.22	0.48	2.6

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

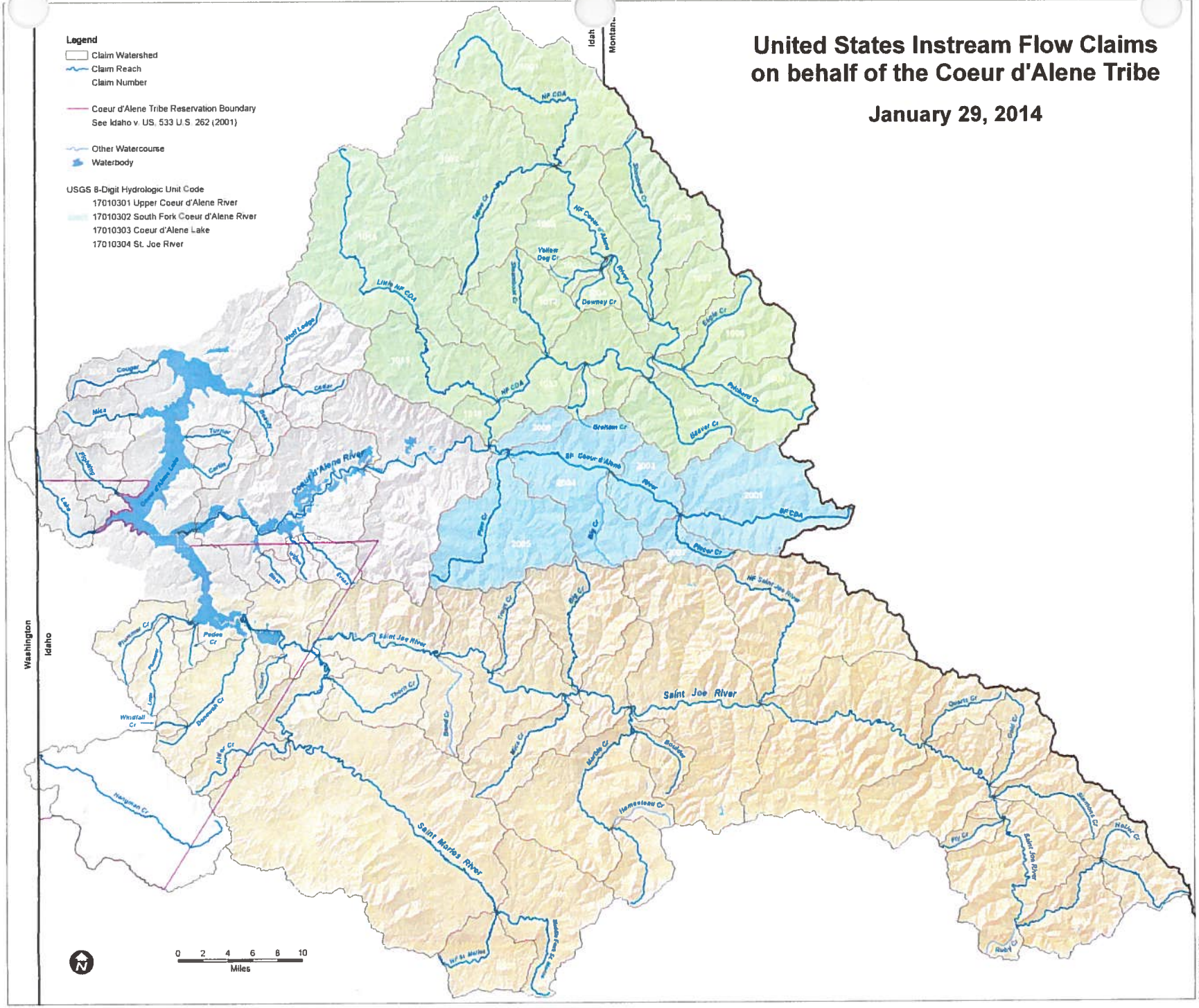
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9245

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Willow Creek (Fed ID #104)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**

   At all points along the stream reach located between the following boundaries:

   Upstream Boundary - Headwaters

   Township: 47N Range 2W Section: 22 QQ (__1/4 of __1/4): NWSE

   B.M., County of Benewah

   Downstream Boundary - Mouth

   Township: 47N Range 2W Section: 4 QQ (__1/4 of __1/4): SWNW

   B.M., County of Kootenai

   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
7.4	11	14	7	7	6.8
July	August	September	October	November	December
2.1	0.89	0.9	0.83	2.9	4.8

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

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e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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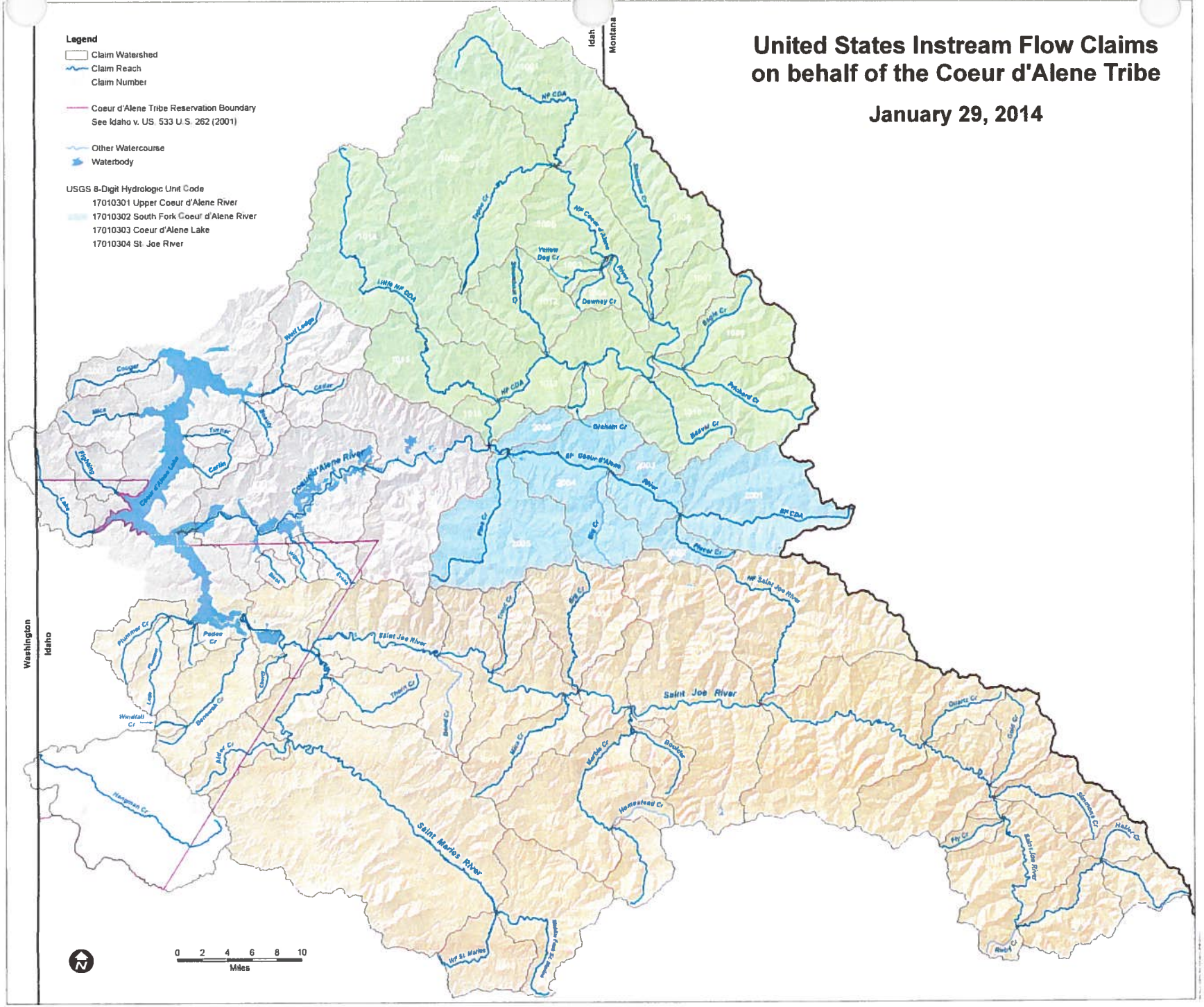
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9246

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Evans Creek (Fed ID #105)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 47N Range 1W Section: 20 QQ (__1/4 of __1/4): SESW
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 47N Range 2W Section: 3 QQ (__1/4 of __1/4): SENW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
28	35	35	35	35	28
July	August	September	October	November	December
8.3	4	3.9	3.5	11	18

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

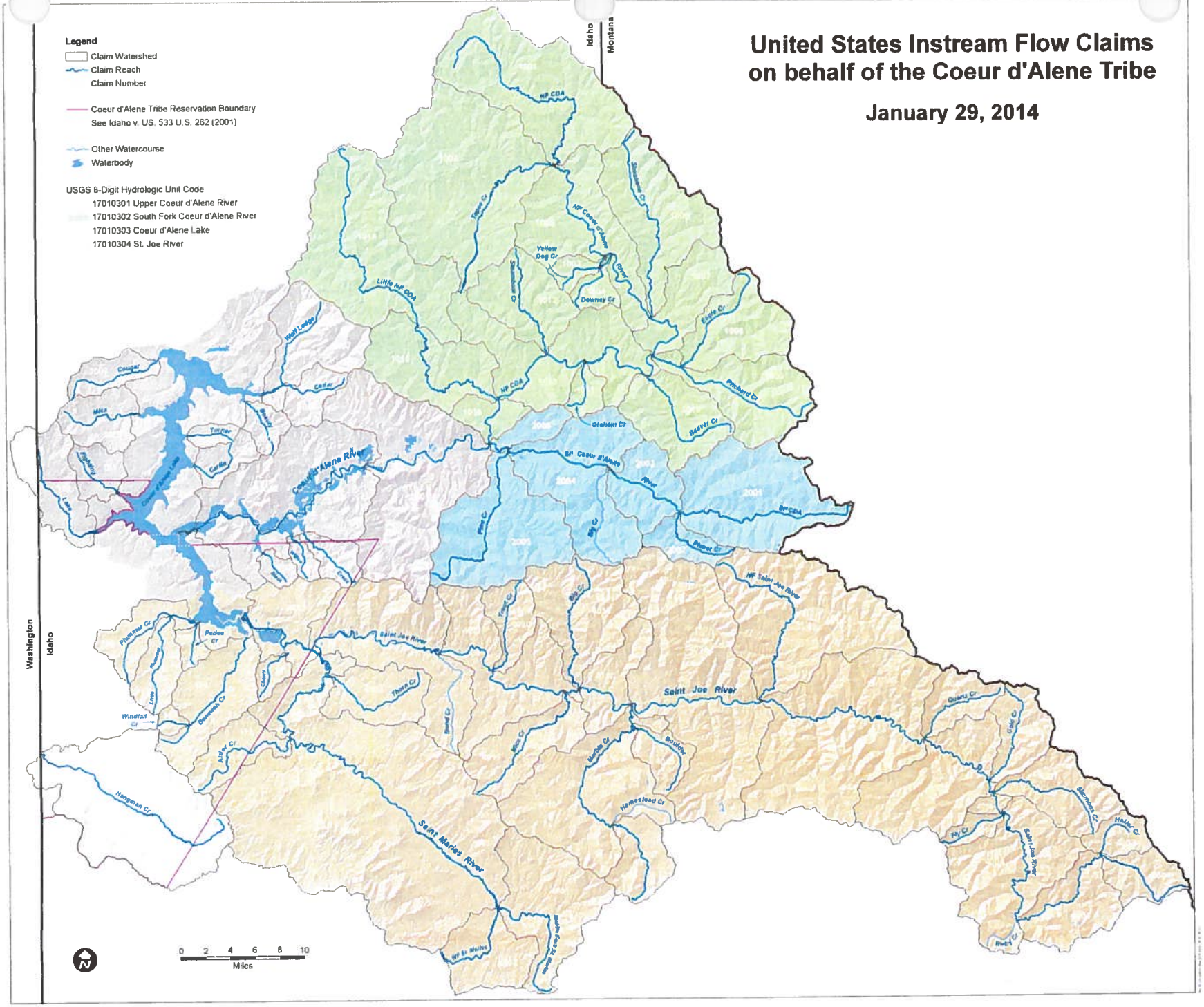
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9247

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** North Fork Coeur d'Alene River (Fed ID #1001)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 54N Range 1E Section: 26 QQ (__1/4 of __1/4): SWNW
   B.M., County of Shoshone
   Downstream Boundary - Tepee Creek
   Township: 52N Range 3E Section: 6 QQ (__1/4 of __1/4): NWSW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
112	112	150	190	190	190
July	August	September	October	November	December
119	63	48	47	112	112

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Indian Resources Section
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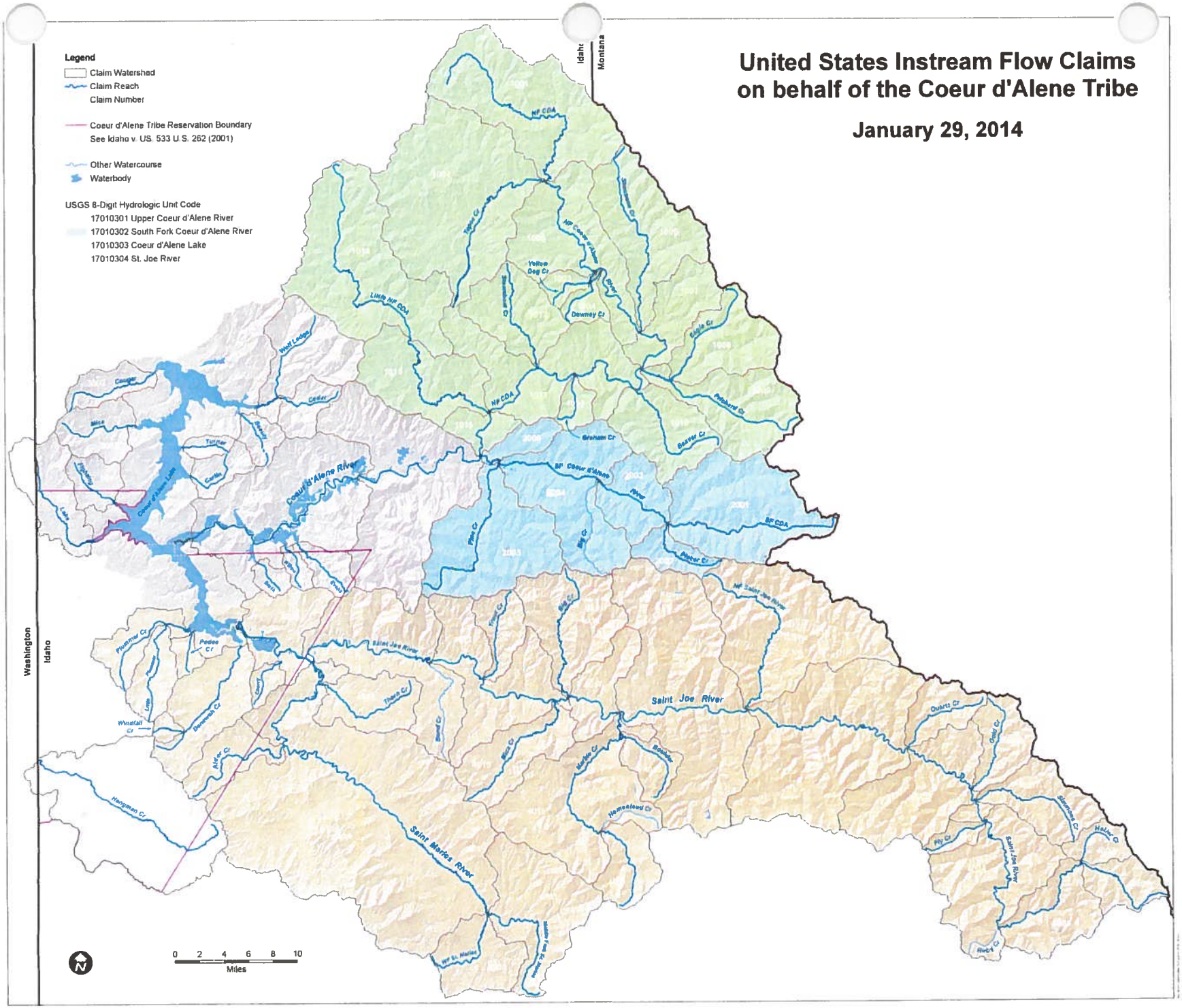
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US. 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
NF Coeur d'Alene River
Yellow Dog Cr
Downey Cr
Eagle Cr
Pritchard Cr
Beaver Cr
Graham Cr
SF Coeur d'Alene River
SF CDA
Pinkham Cr
Big Cr
Pinkham Cr
NF Saint Joe River
Saint Joe River
Thorn Cr
Bond Cr
Black Cr
Marble Cr
Hemenlead Cr
Quartz Cr
Gold Cr
Fly Cr
Saint Joe River
Hangman Cr
Alder Cr
Windfall Cr
Pedee Cr
Plummer Cr
Wolf Lodge
Cougar
Mica
Turner
Carlin
Coeur d'Alene Lake
Lake
0 2 4 6 8 10
Miles

94-9248

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Tepee Creek (Fed ID #1002)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 51N Range 1E Section: 26 QQ (__1/4 of __1/4): SESW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 52N Range 3E Section: 6 QQ (__1/4 of __1/4): NWSW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
136	136	184	230	230	230
July	August	September	October	November	December
103	70	56	52	136	136

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

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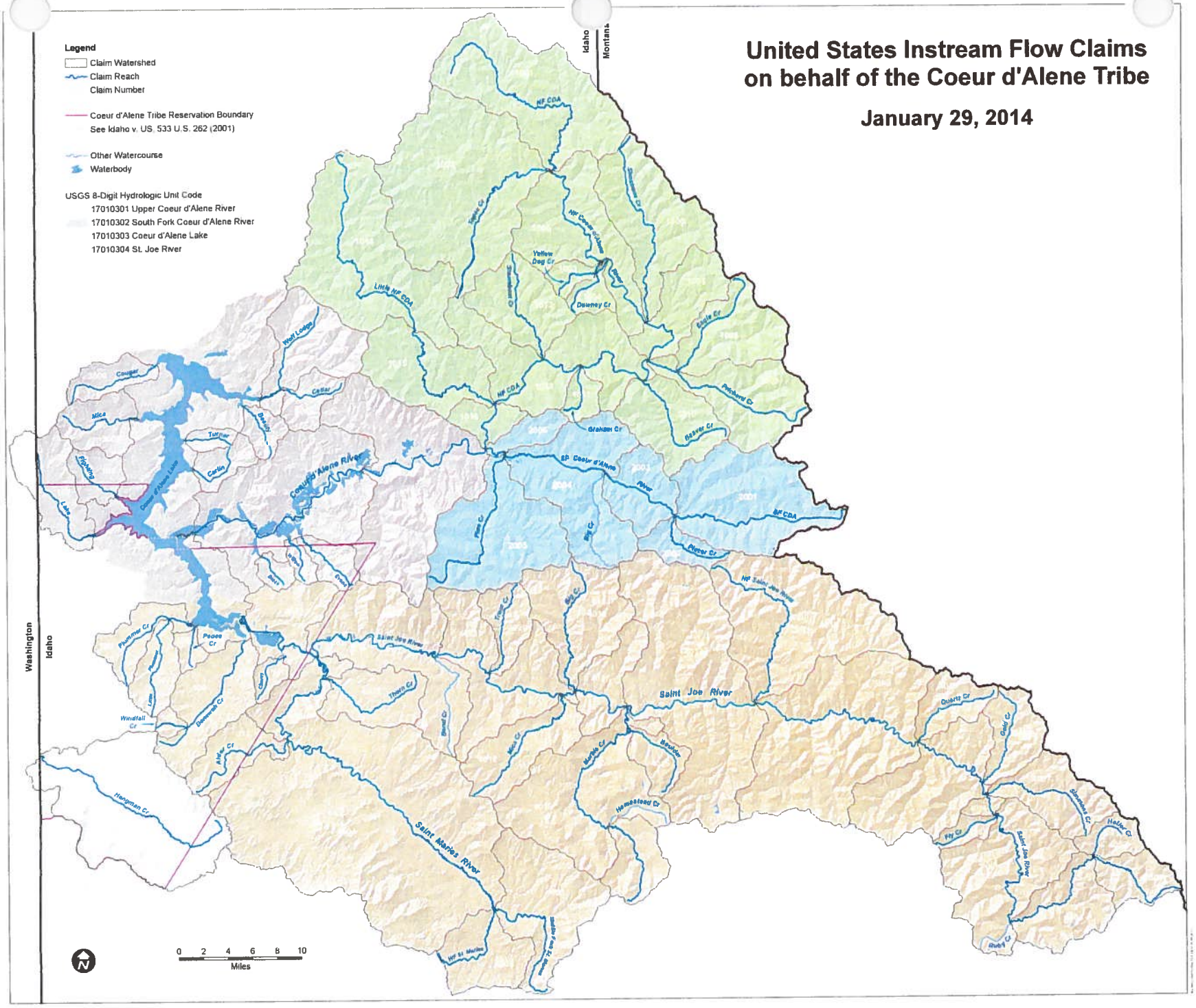
January 29, 2014



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1. **Name and address of claimant:**
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   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Yellow Dog Creek (Fed ID #1003)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 51N Range 3E Section: 30 QQ (__1/4 of __1/4): NWSE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 51N Range 3E Section: 14 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
8.5	14	17	29	29	13

July	August	September	October	November	December
6.7	2.6	2.3	3.4	8.1	7.3

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

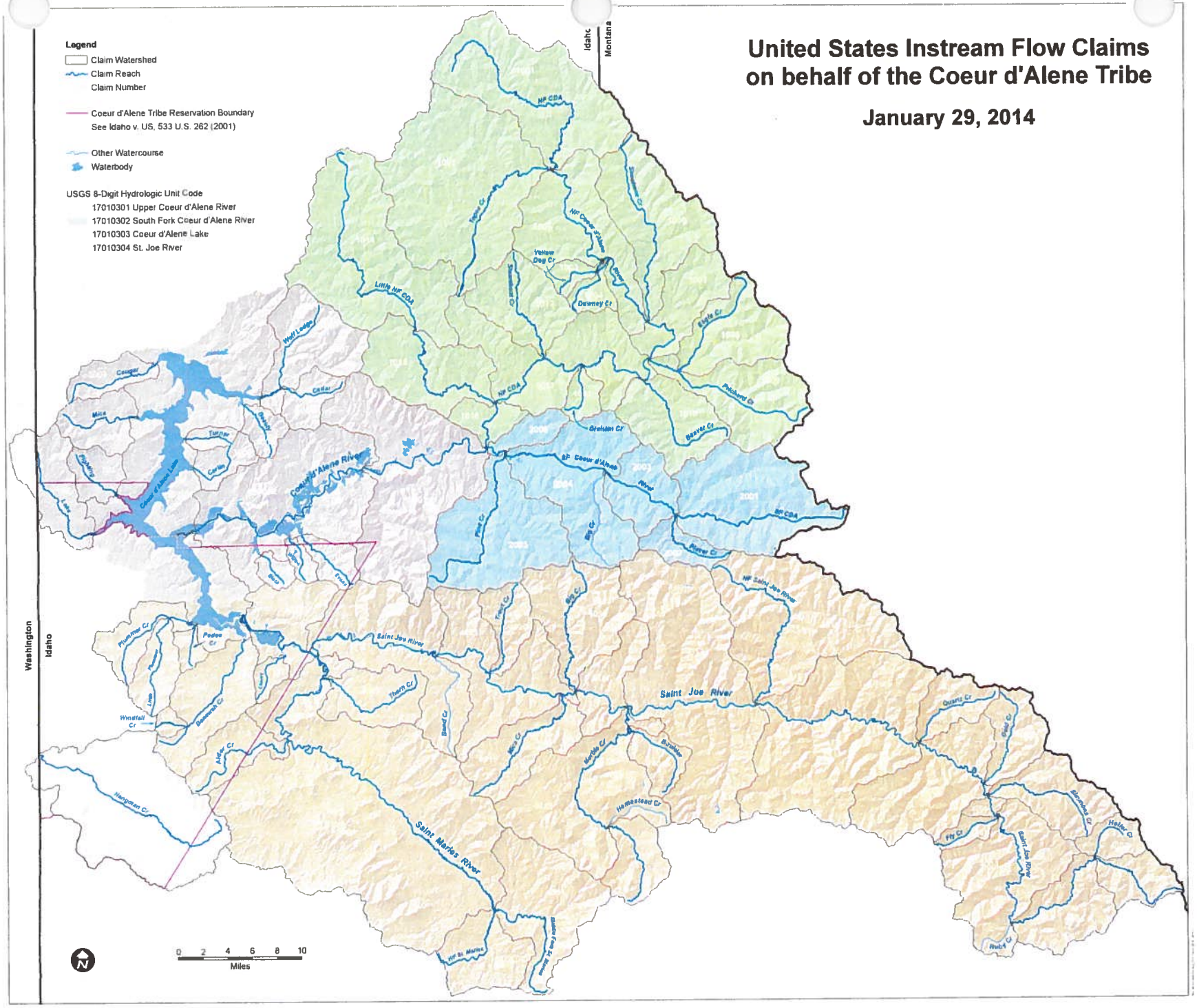
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9250

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Downey Creek (Fed ID #1004)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - West Fork Downey Creek Headwaters
   Township: 50N Range 3E Section: 5 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 51N Range 3E Section: 11 QQ (__1/4 of __1/4): SWSE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
13	13	24	25	25	25

July	August	September	October	November	December
12	3.7	3.1	5.1	10	10

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

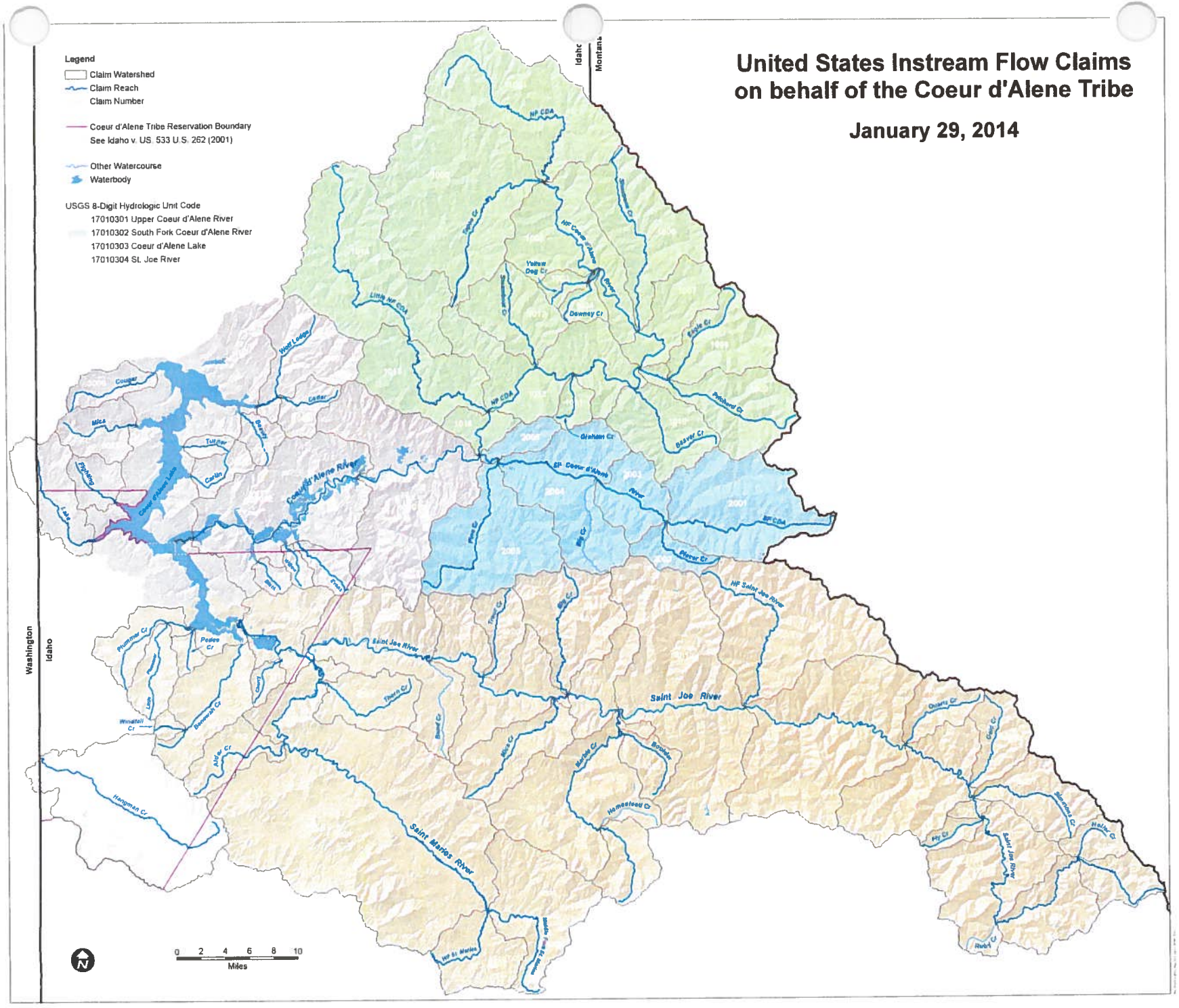
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
NF CDA
Little NF CDA
Twin Cr
Yellow Dog Cr
Downey Cr
Eagle Cr
Pritchard Cr
Graham Cr
Beaver Cr
St. Coeur d'Alene River
Prichard
Big Cr
NF Saint Joe River
Saint Joe River
Thorn Cr
Bond Cr
Quartz Cr
Gold Cr
Boulder
Homestead Cr
Hoyt Cr
Heller Cr
Saint Maries River
Hangman Cr
Windfall Cr
Alder Cr
Peterson
Loop
Owens
Peaceful Valley
Peters Cr
Plummer Cr
Cougar
Mica
Cedar
West Ledge
Beauty
Turner
Carlin
Flathead
Lake
Coeur d'Alene Lake
Coeur d'Alene River
Wolf
Shark
Fighting
0 2 4 6 8 10
Miles

94-9251

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** North Fork Coeur d'Alene River (Fed ID #1005)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Tepee Creek
   Township: 52N Range 3E Section: 6 QQ (__1/4 of __1/4): NWSW
   B.M., County of Shoshone
   Downstream Boundary - Shoshone Creek
   Township: 50N Range 4E Section: 8 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
175	175	450	275	275	275

July	August	September	October	November	December
183	158	126	137	175	175

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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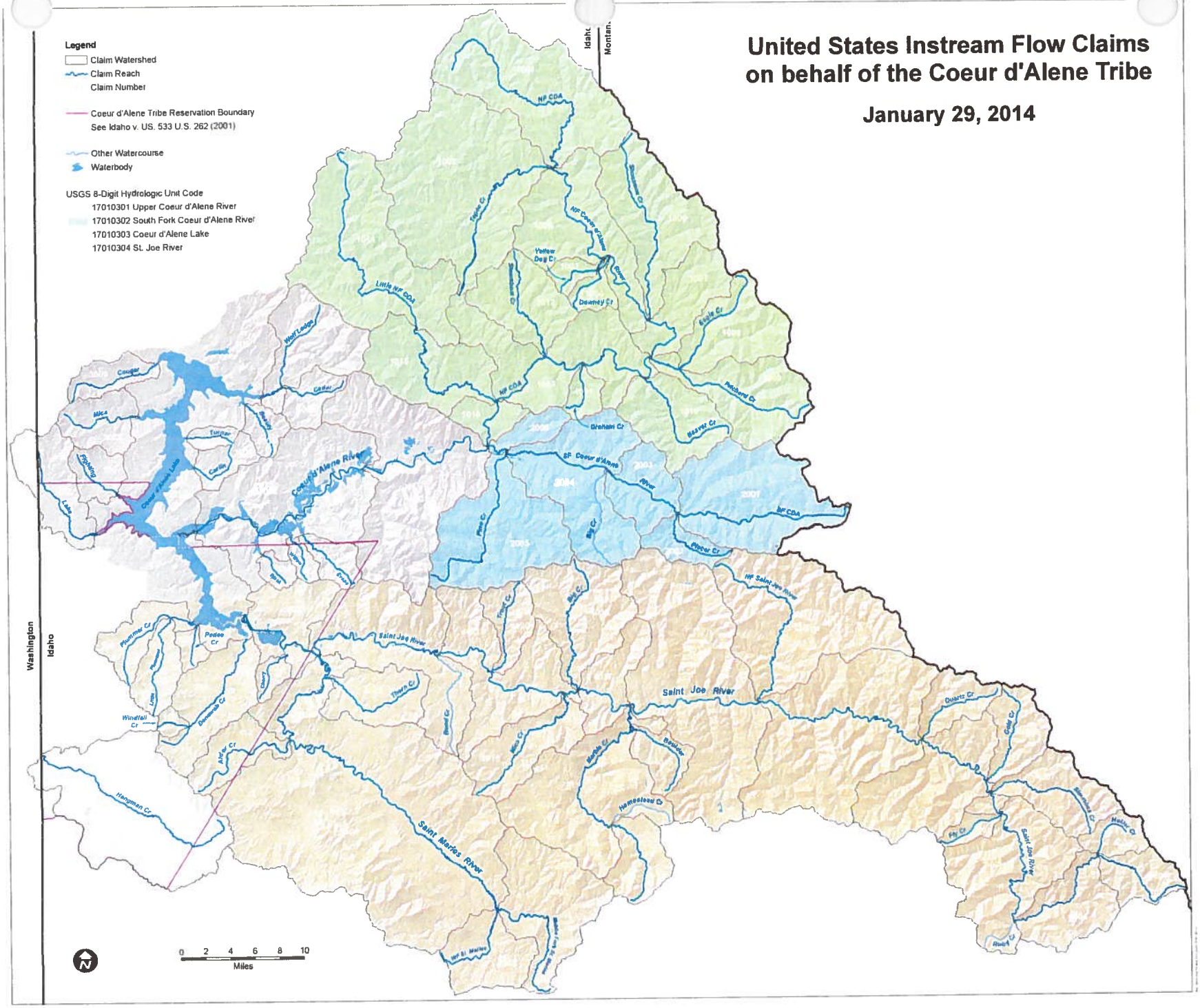
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9252

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Shoshone Creek (Fed ID #1006)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 53N Range 4E Section: 19 QQ (__1/4 of __1/4): SWSE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 50N Range 4E Section: 8 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
35	35	90	70	70	70
July	August	September	October	November	December
47	54	38	38	35	35

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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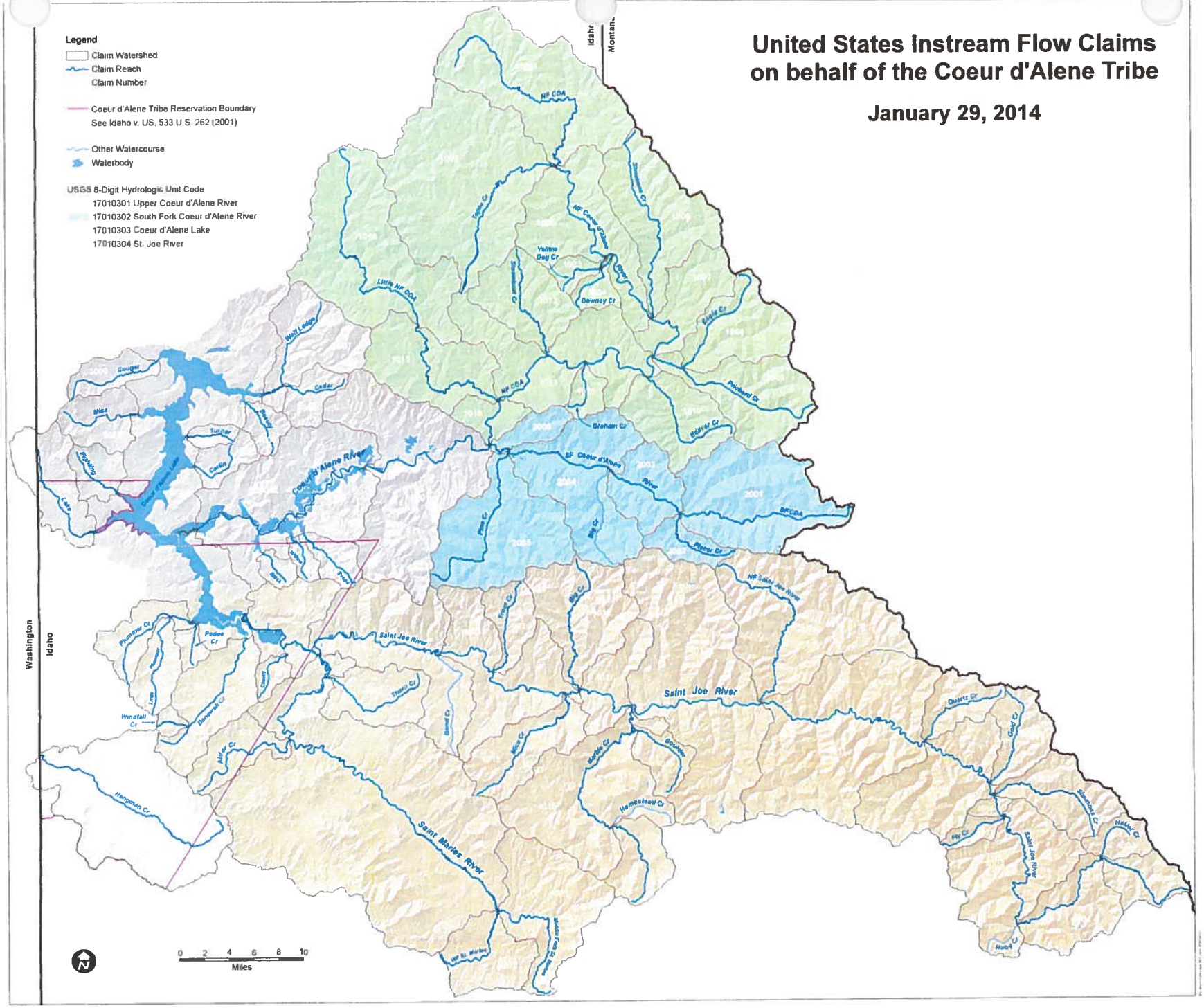
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9253

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** North Fork Coeur d'Alene River (Fed ID #1007)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Shoshone Creek
   Township: 50N Range 4E Section: 8 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Downstream Boundary - Prichard Creek
   Township: 50N Range 4E Section: 29 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
246	246	355	422	422	422

July	August	September	October	November	December
281	231	178	189	246	246

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

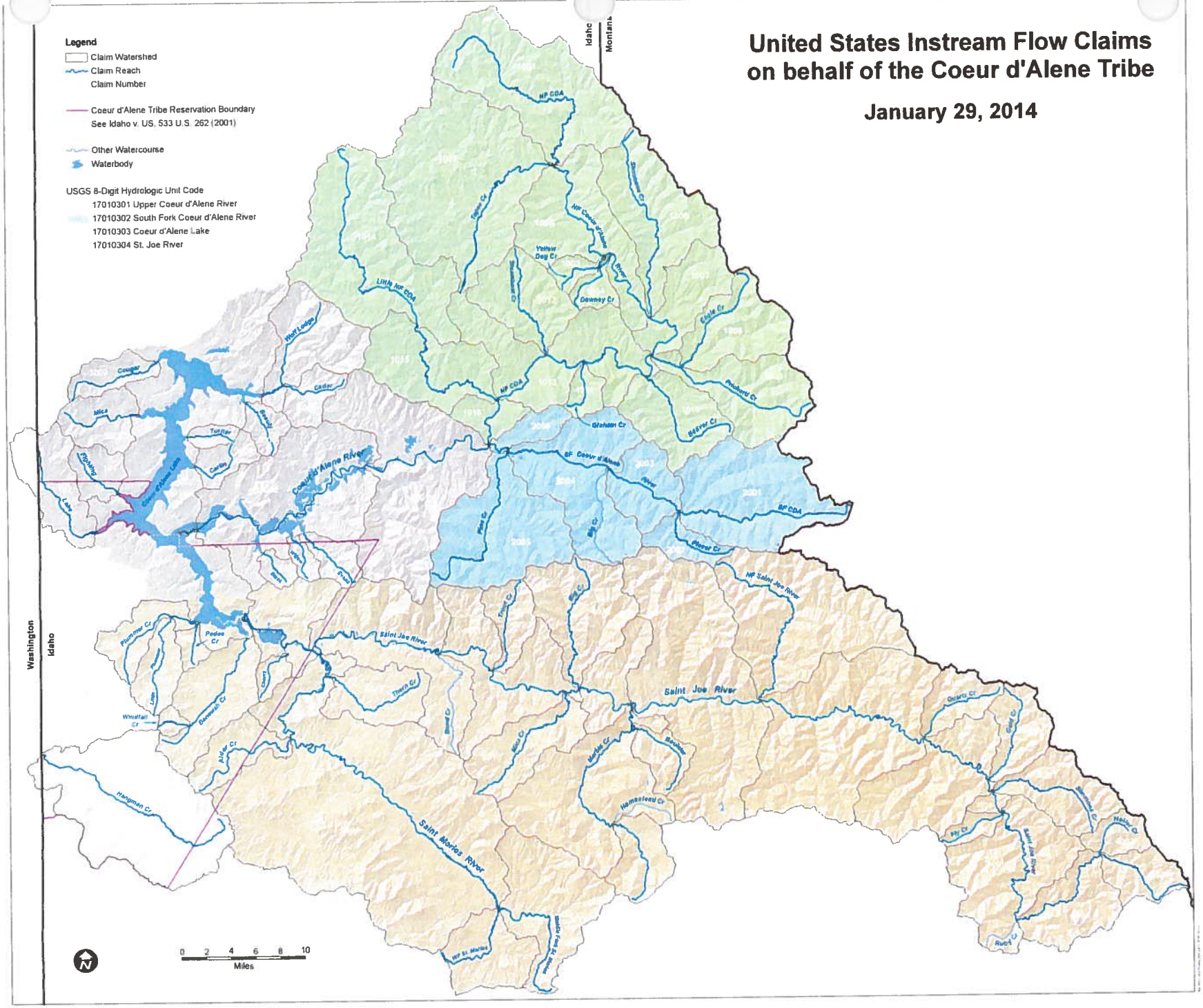
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9254

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Eagle Creek (Fed ID #1008)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - West Fork Eagle Creek Headwaters
   Township: 51N Range 5E Section: 21 QQ (__1/4 of __1/4): NESE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 50N Range 4E Section: 35 QQ (__1/4 of __1/4): NWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
59	59	76	100	100	100

July	August	September	October	November	December
46	20	12	12	40	59

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

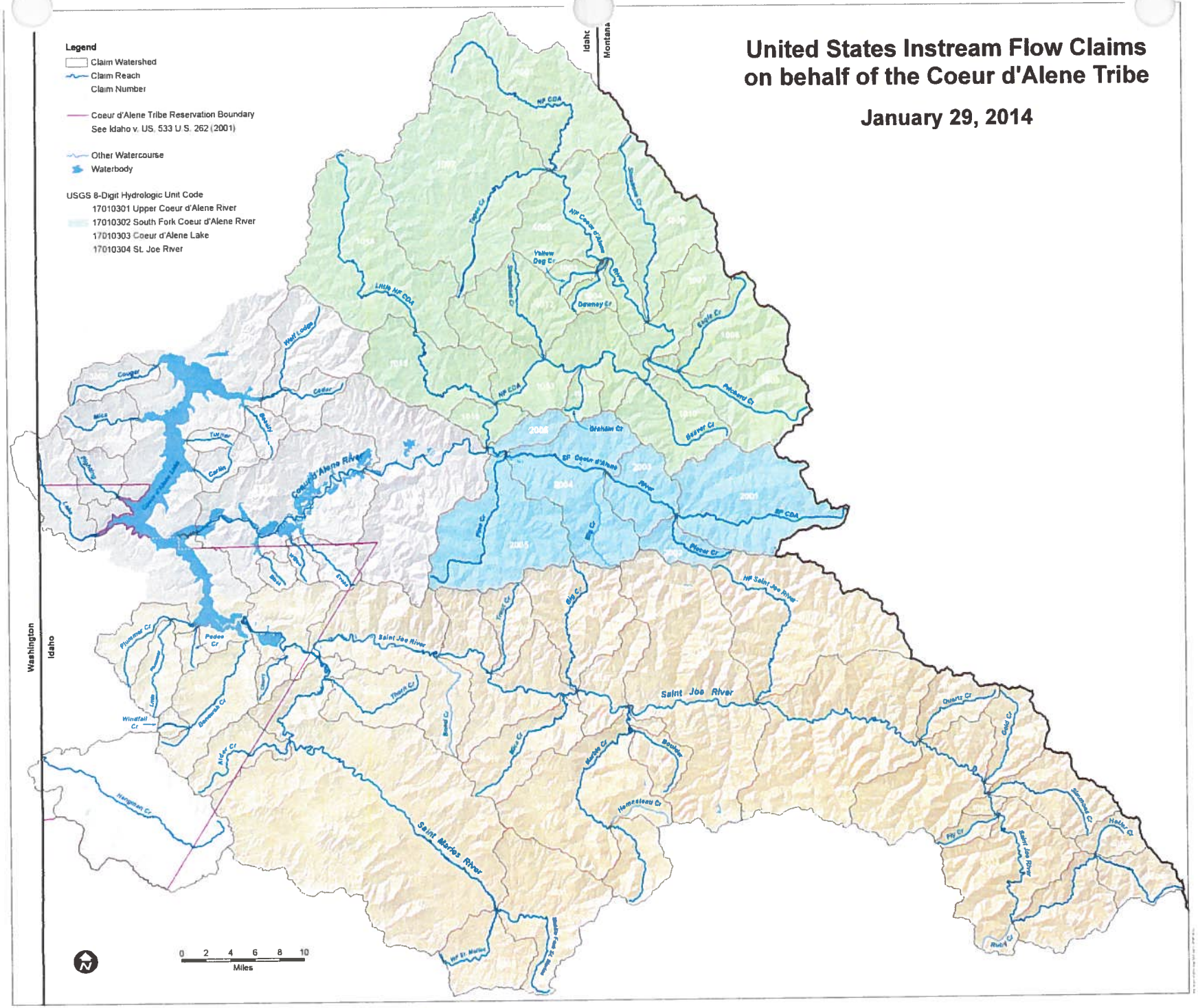
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9255

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Prichard Creek (Fed ID #1009)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Cat Creek Headwaters
   Township: 49N Range 6E Section: 16 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 50N Range 4E Section: 29 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
20	20	50	125	125	125

July	August	September	October	November	December
83	42	27	29	20	20

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

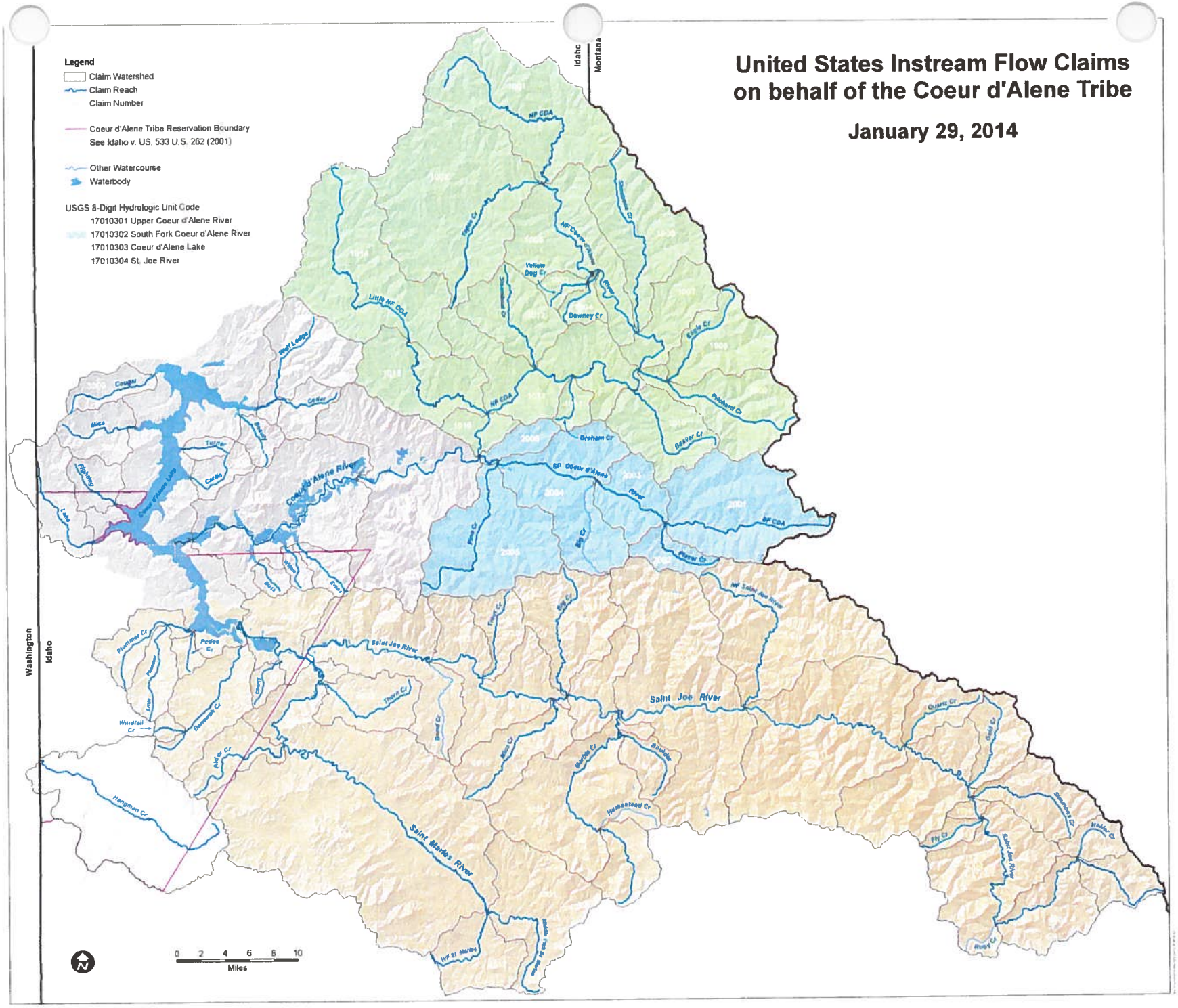
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
0 2 4 6 8 10
Miles

94 - 9256

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Beaver Creek (Fed ID #1010)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 5E Section: 29 QQ (__1/4 of __1/4): SENE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 50N Range 4E Section: 32 QQ (__1/4 of __1/4): NWSW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
67	67	87	113	113	113

July	August	September	October	November	December
56	29	21	22	52	67

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

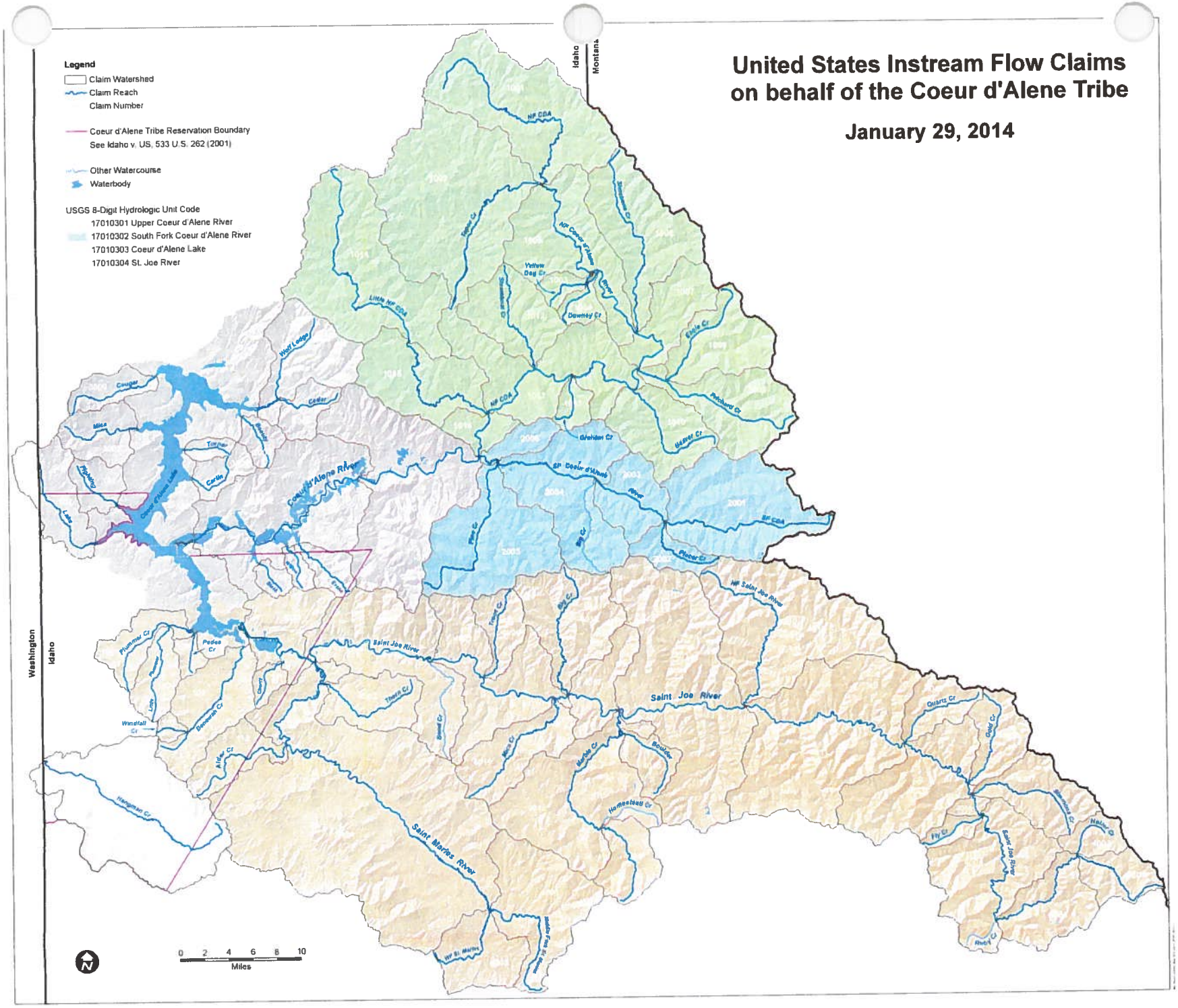
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
Little NF CDA
NF CDA
SF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
NF Saint Joe River
Wolf Lodge
Cougar
Mica
Cedar
Turner
Carlin
Fighting
Lake
Coeur d'Alene Lake
Yellow Dog Cr
Downey Cr
Eagle Cr
Pritchard Cr
Beaver Cr
Graham Cr
Placer Cr
Big Cr
Plummer Cr
Pedee Cr
Windfall Cr
Denemah Cr
Alder Cr
Hangman Cr
Thorn Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Fly Cr
Rocky Cr
Nelson Cr
0 2 4 6 8 10
Miles

94-9257

RECEIVED
JAN 3 1 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Graham Creek (Fed ID #1011)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 3E Section: 7 QQ (__1/4 of __1/4): SESE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 50N Range 3E Section: 28 QQ (__1/4 of __1/4): SENW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
31	31	38	52	52	52
July	August	September	October	November	December
21	8.4	6.5	6.7	17	31

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

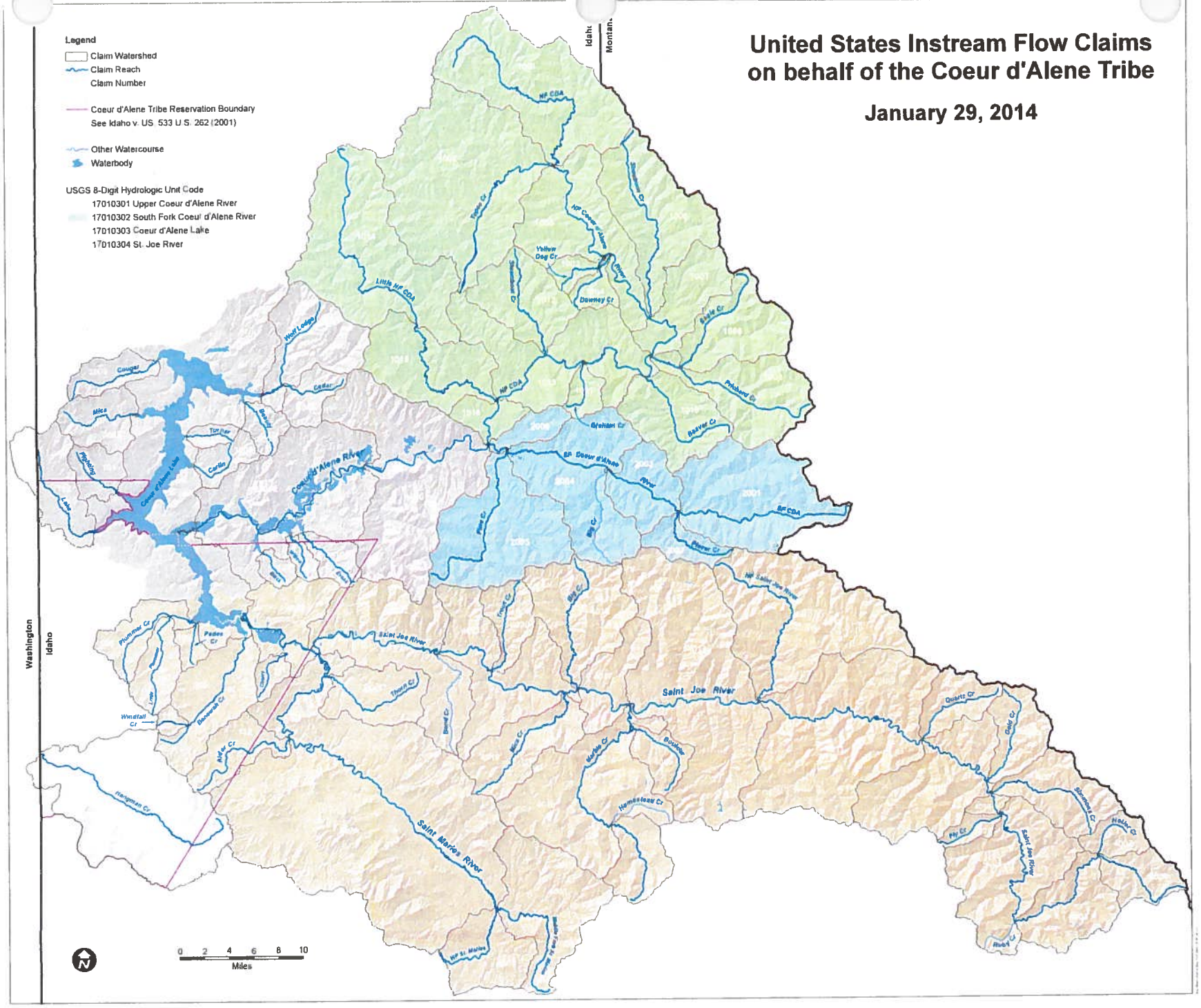
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
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17010301 Upper Coeur d'Alene River
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17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
0 2 4 6 8 10
Miles

94-9258

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Steamboat Creek (Fed ID #1012)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - East Fork Steamboat Creek/Autumn Creek Headwaters
   Township: 51N Range 2E Section: 9 QQ (__1/4 of __1/4): SENE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 50N Range 2E Section: 24 QQ (__1/4 of __1/4): SWSW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
49	49	63	83	83	83

July	August	September	October	November	December
43	15	12	18	49	49

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

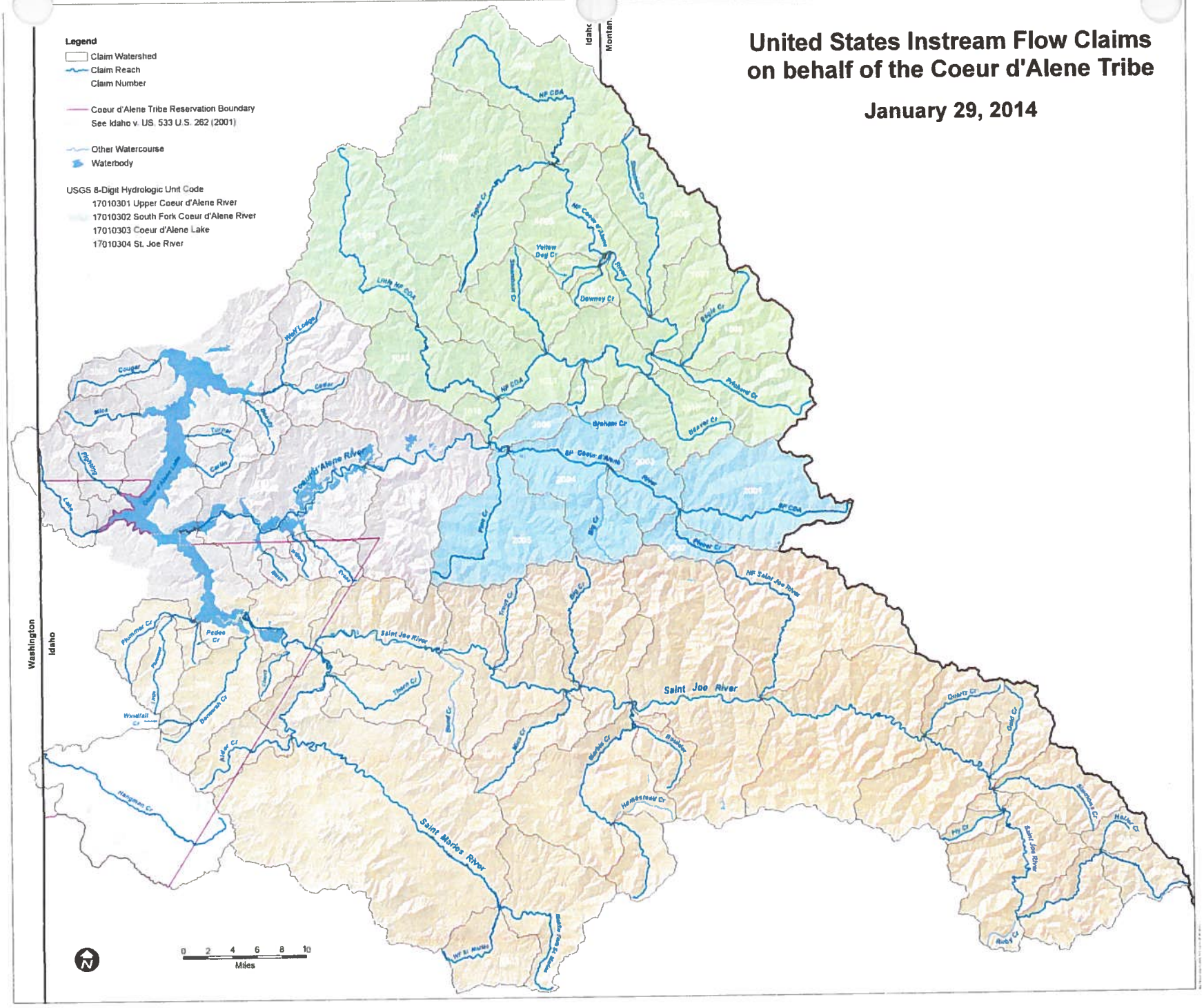
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9259

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** North Fork Coeur d'Alene River (Fed ID #1013)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Prichard Creek
   Township: 50N Range 4E Section: 29 QQ (__1/4 of __1/4): NWNE
   B.M., County of Shoshone
   Downstream Boundary - Little North Fork Coeur d'Alene River
   Township: 49N Range 2E Section: 8 QQ (__1/4 of __1/4): SWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
318	318	469	546	546	546

July	August	September	October	November	December
364	353	266	295	318	318

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

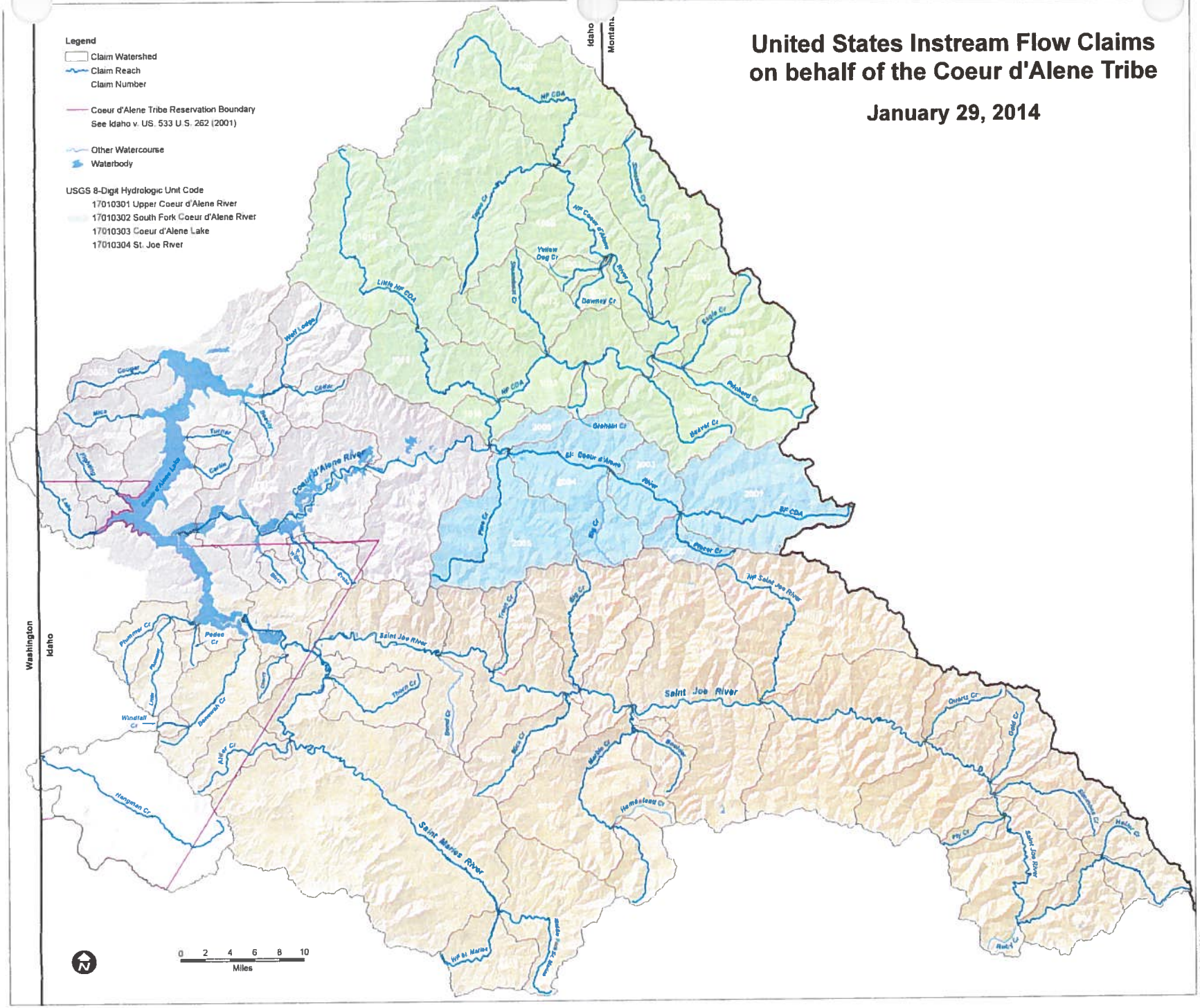
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9260

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Little North Fork Coeur d'Alene River (Fed ID #1014)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 53N Range 1W Section: 29 QQ (__1/4 of __1/4): SWSW
   B.M., County of Bonner
   Downstream Boundary - Canyon Creek
   Township: 50N Range 1E Section: 7 QQ (__1/4 of __1/4): SWNE
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
45	45	200	250	250	250
July	August	September	October	November	December
133	79	62	56	45	45

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

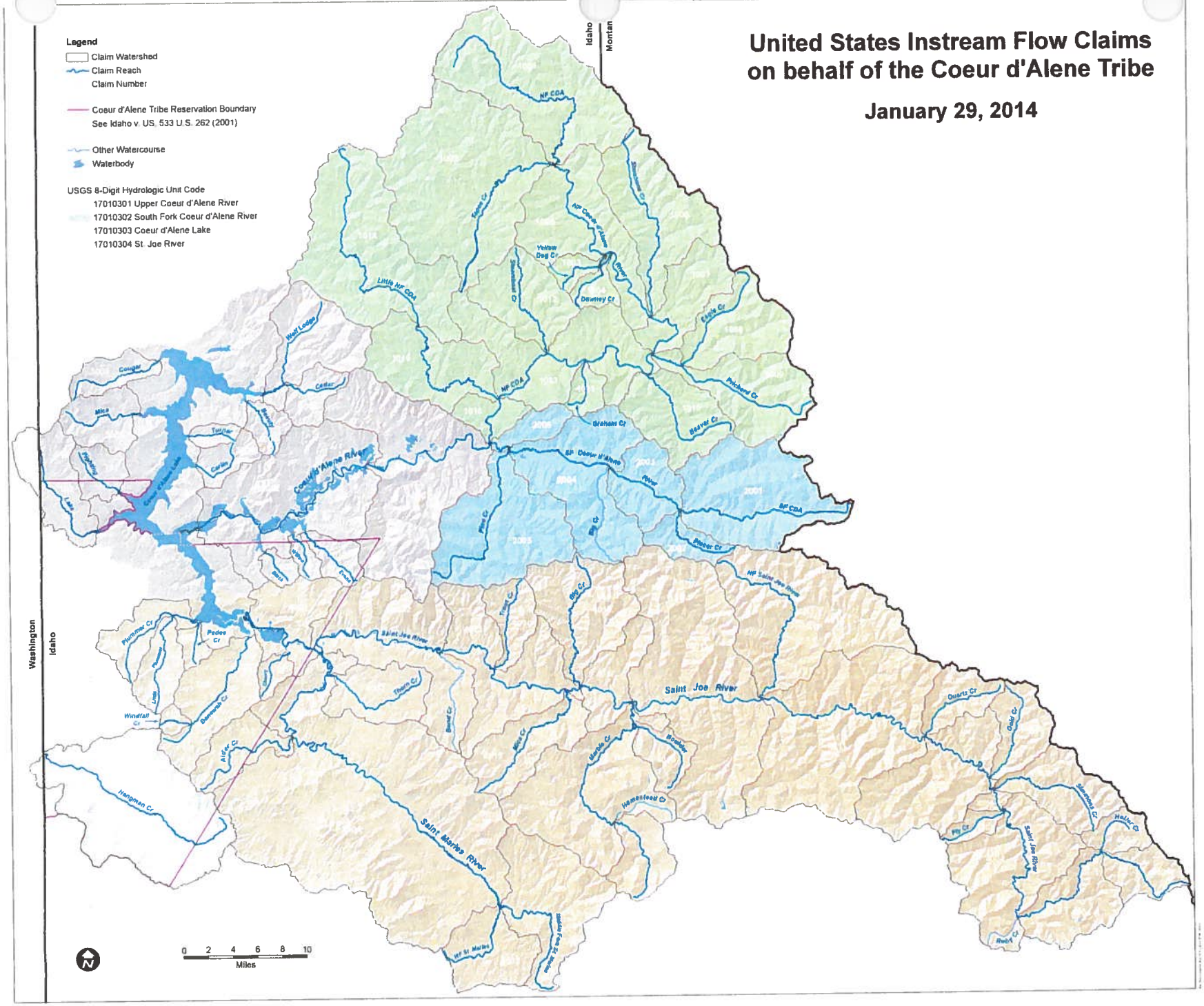
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9261

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Little North Fork Coeur d'Alene River (Fed ID #1015)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Canyon Creek
   Township: 50N Range 1E Section: 7 QQ (__1/4 of __1/4): SWNE
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 49N Range 2E Section: 8 QQ (__1/4 of __1/4): SWNW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
157	157	220	269	269	269
July	**August**	**September**	**October**	**November**	**December**
168	95	76	75	157	157

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

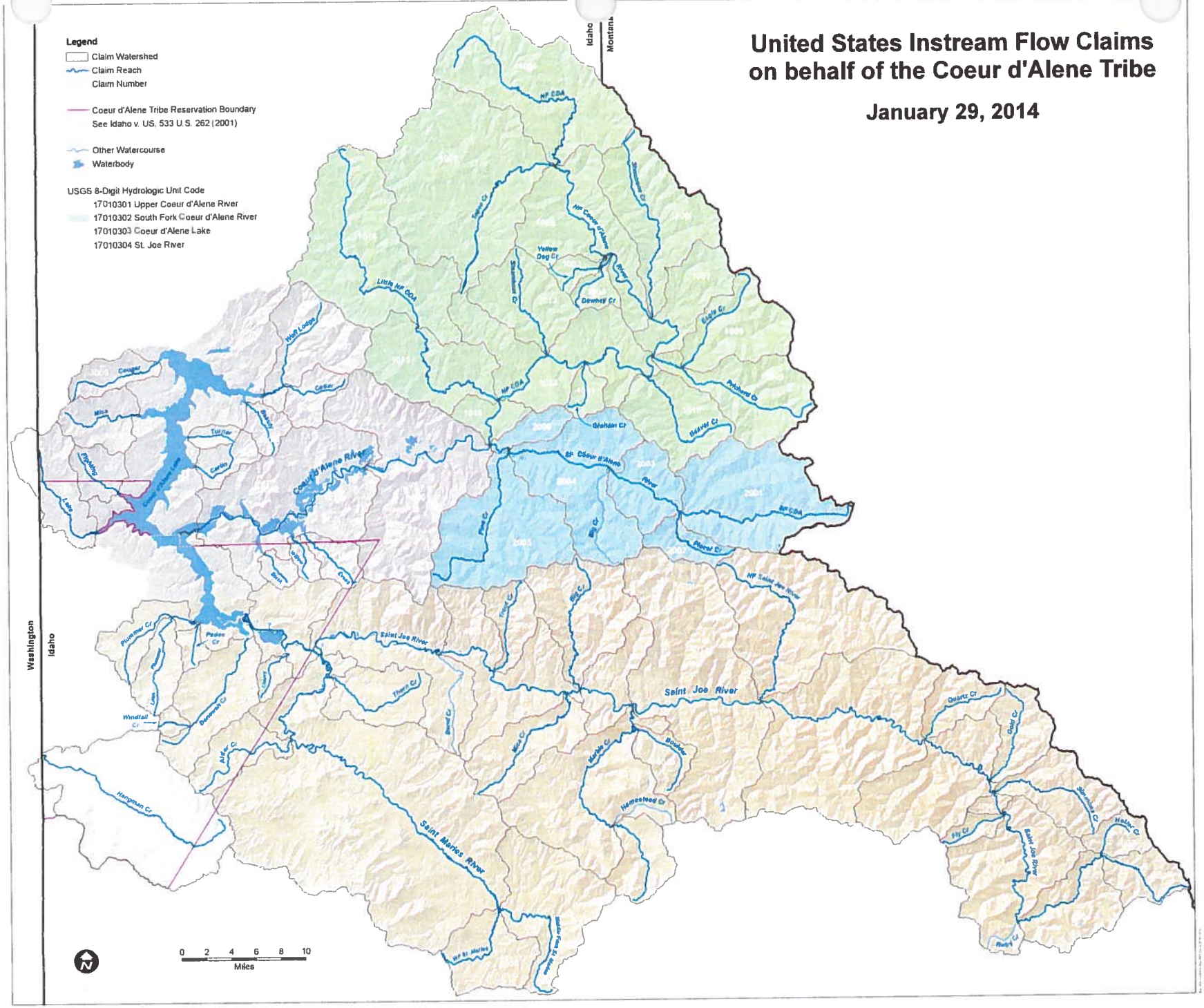
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9262

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** North Fork Coeur d'Alene River (Fed ID #1016)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Little North Fork Coeur d'Alene River
   Township: 49N Range 2E Section: 8 QQ (__1/4 of __1/4): SWNW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 49N Range 2E Section: 31 QQ (__1/4 of __1/4): NENW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
345	345	700	600	600	600
July	August	September	October	November	December
400	449	343	373	345	345

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
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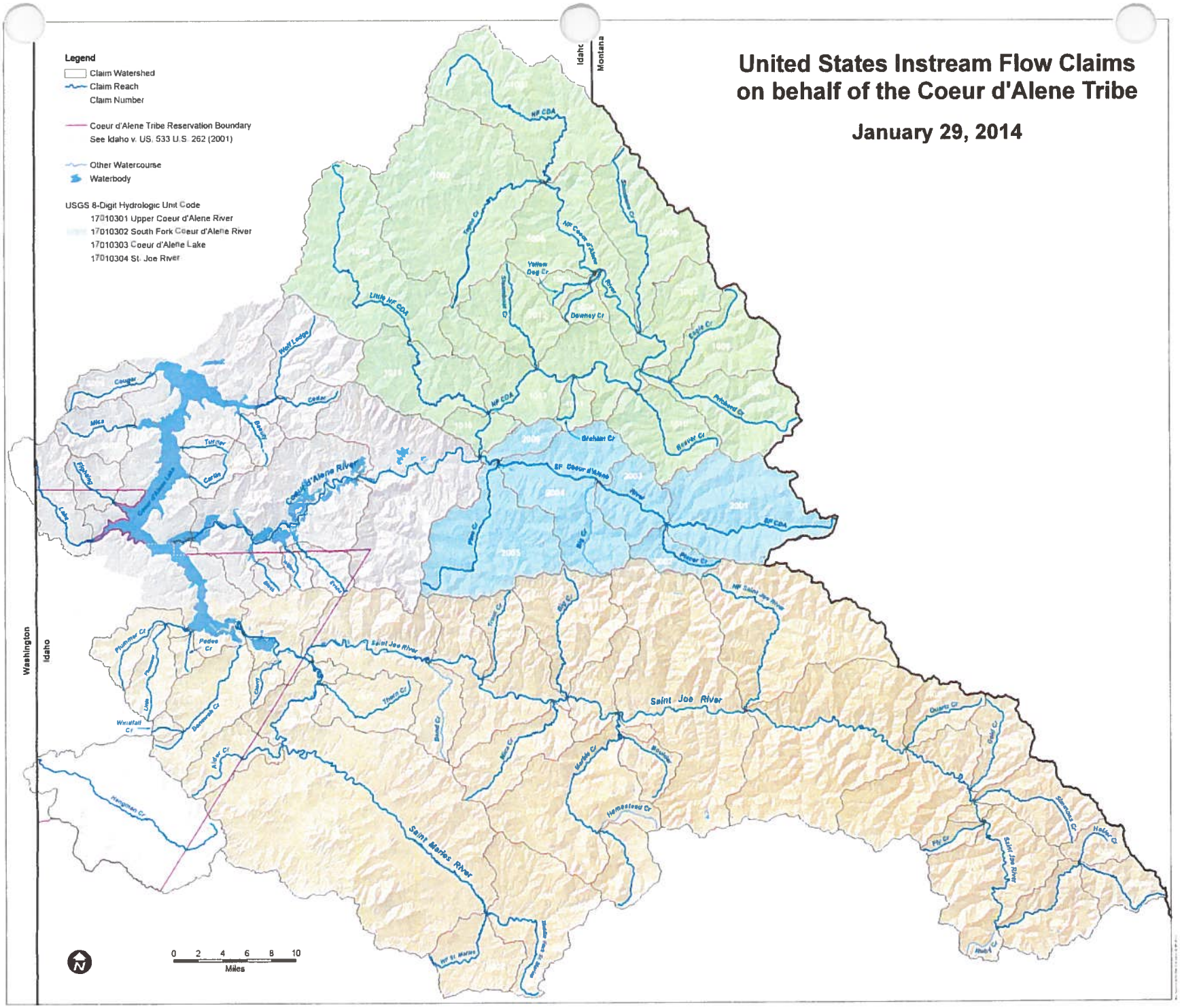
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
SF Coeur d'Alene River
SF CDA
NF Saint Joe River
Wolf Lodge
Cougar
Mica
Turner
Cartin
Fighting
Lake
Cedar
Beauty
Yellow Dog Cr
Downey Cr
Eagle Cr
Pritchard Cr
Beaver Cr
Graham Cr
Pinsar Cr
Big Cr
Trout Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Hemestead Cr
Quartz Cr
Gold Cr
Fly Cr
Hatter Cr
Plummer Cr
Pedee Cr
Windfall Cr
Dorsey Cr
Alder Cr
Hangman Cr
Hf St Maries
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Miles

94-9263

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** South Fork Coeur d'Alene River (Fed ID #2001)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 48N Range 6E Section: 25 QQ (__1/4 of __1/4): NESW
   B.M., County of Shoshone
   Downstream Boundary - Placer Creek
   Township: 48N Range 4E Section: 27 QQ (__1/4 of __1/4): SWSE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
97	97	131	165	165	165

July	August	September	October	November	December
110	87	62	54	97	97

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

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11. Signatures:

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(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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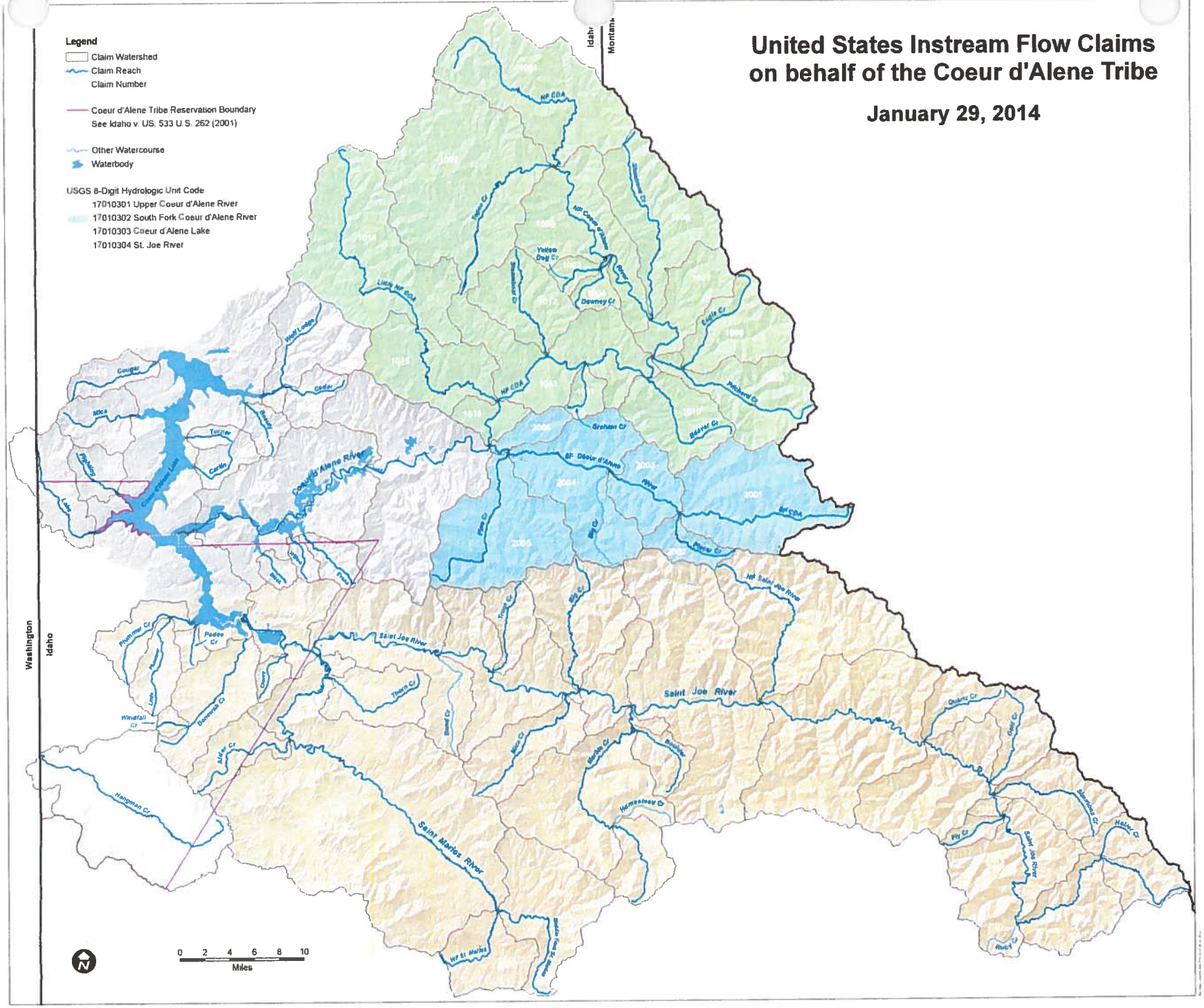
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9264

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Placer Creek (Fed ID #2002)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 47N Range 5E Section: 9 QQ (__1/4 of __1/4): SWSW
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 48N Range 4E Section: 27 QQ (__1/4 of __1/4): SWSE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
35	36	45	61	61	61
July	August	September	October	November	December
23	10	6.7	7	17	26

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

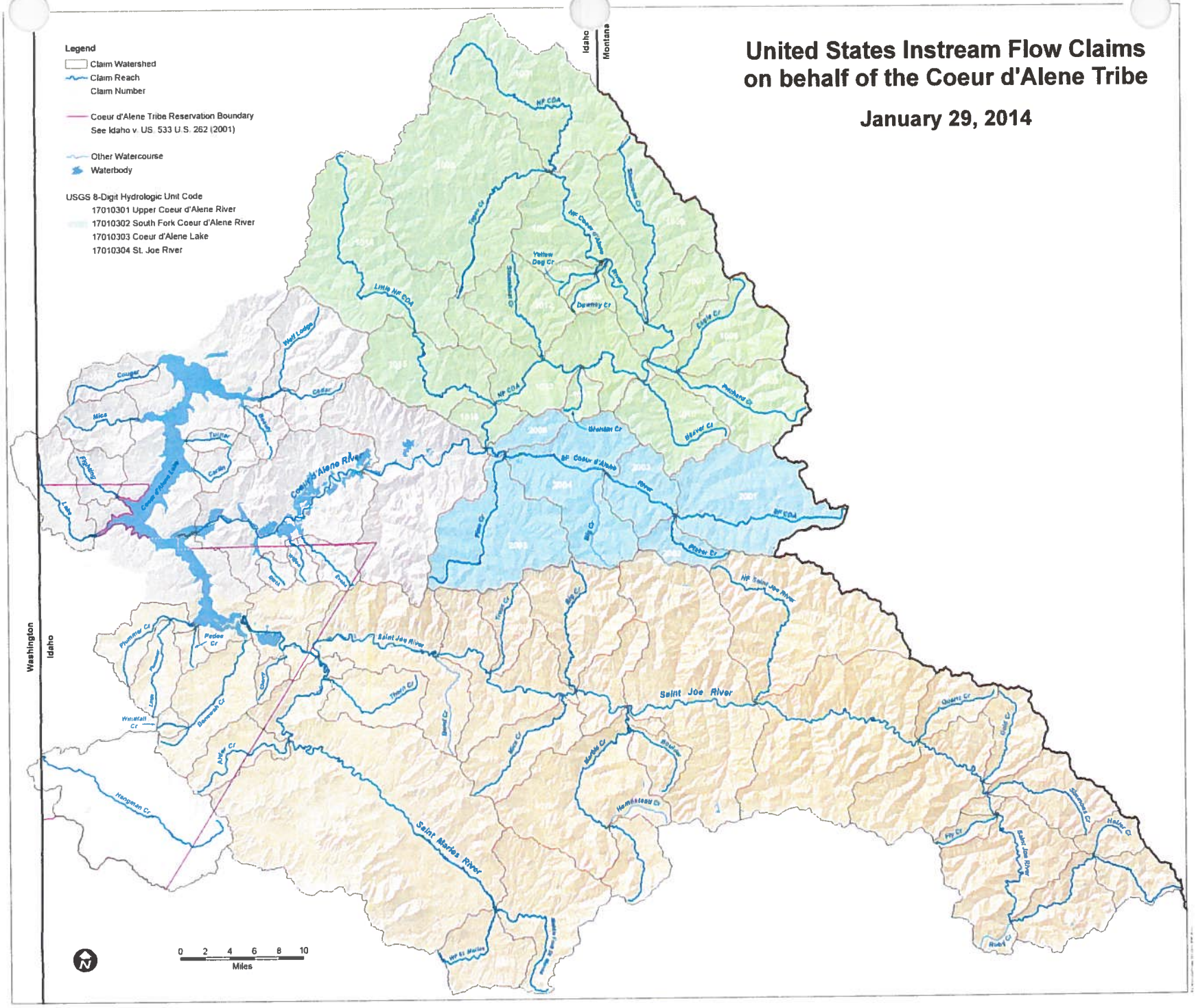
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9265

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** South Fork Coeur d'Alene River (Fed ID #2003)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Placer Creek
   Township: 48N Range 4E Section: 27 QQ (__1/4 of __1/4): SWSE
   B.M., County of Shoshone
   Downstream Boundary - Big Creek
   Township: 48N Range 3E Section: 10 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
121	121	166	206	206	206
July	August	September	October	November	December
137	111	81	76	121	121

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

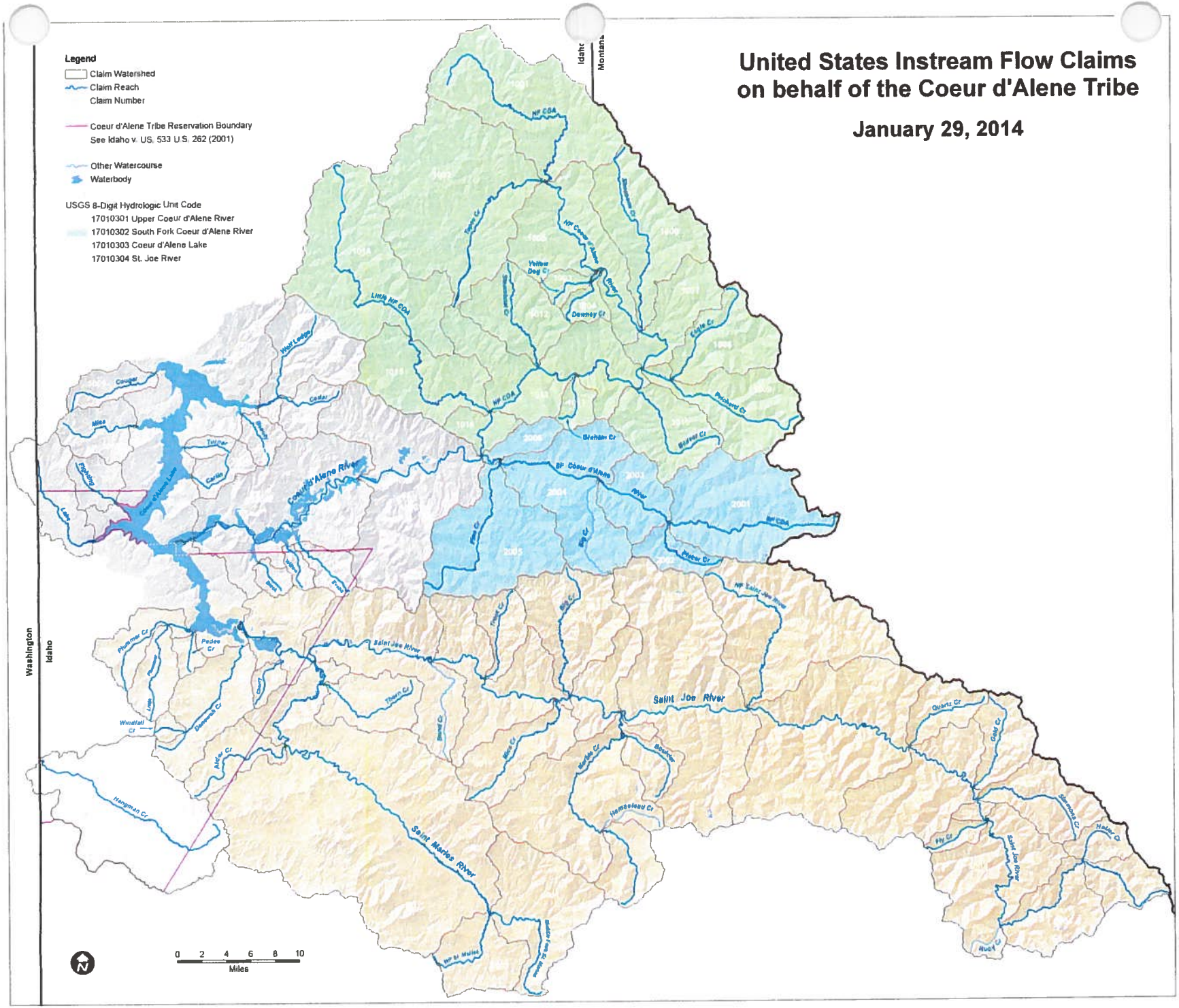
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
0 2 4 6 8 10
Miles

94-9266

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** South Fork Coeur d'Alene River (Fed ID #2004)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Big Creek
   Township: 48N Range 3E Section: 10 QQ (__1/4 of __1/4): NENE
   B.M., County of Shoshone
   Downstream Boundary - Pine Creek
   Township: 49N Range 2E Section: 32 QQ (__1/4 of __1/4): SENE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
150	150	209	256	256	256

July	August	September	October	November	December
171	141	109	123	150	150

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Environment and Natural Resources Division
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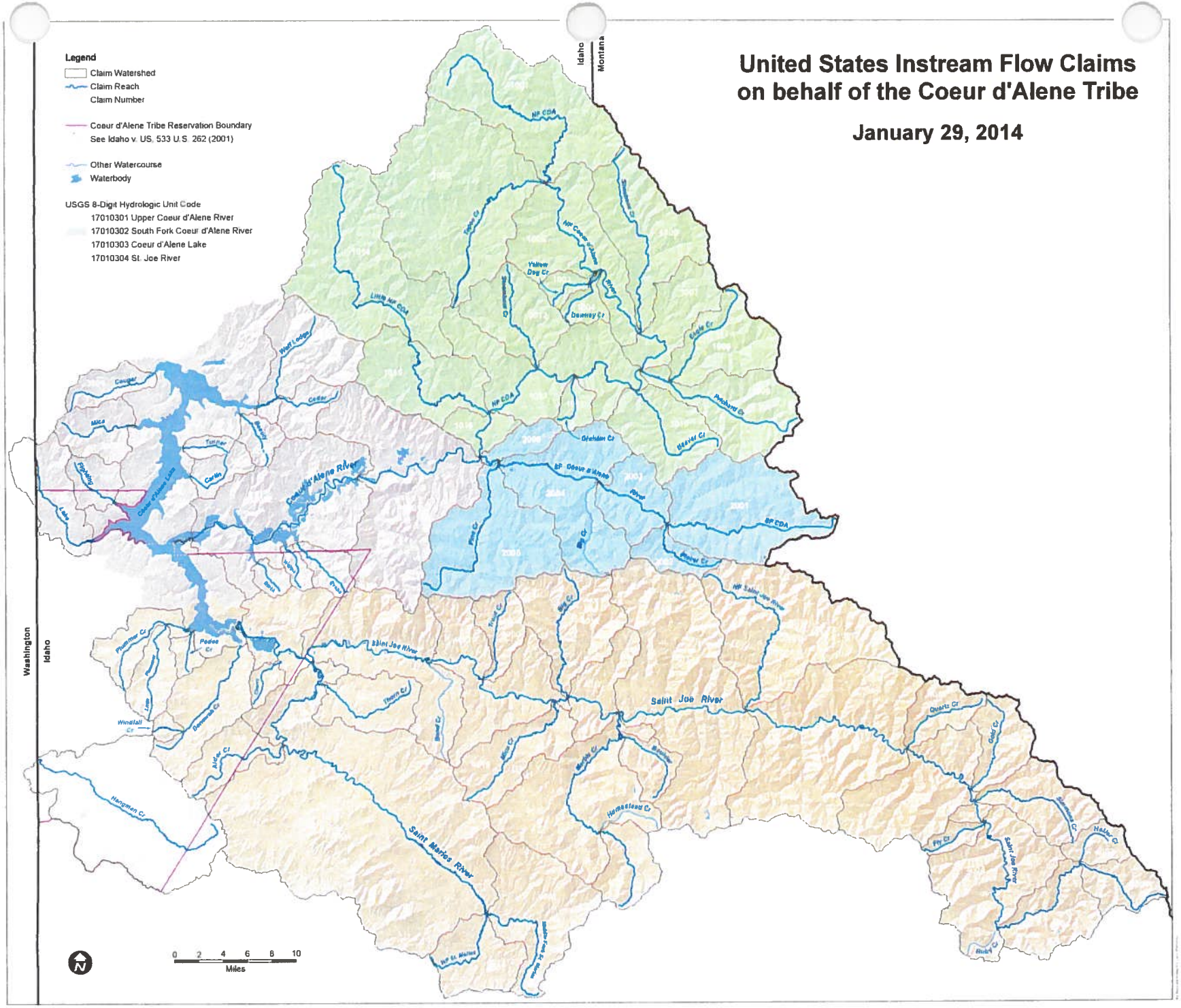

United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
BF CDA
Yellow Dog Cr
Dewney Cr
Graham Cr
Beaver Cr
Pritchard Cr
Eagle Cr
Cougar
Mica
Turner
Carlin
Fighting
Lake
Coeur d'Alene Lake
Plummer Cr
Pedee Cr
Windfall Cr
Hangman Cr
Alder Cr
Thorn Cr
Hermestead Cr
Quartz Cr
Gold Cr
Fly Cr
Rubey Cr
Heller Cr
0 2 4 6 8 10
Miles

94-9267

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Pine Creek (Fed ID #2005)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - West Fork Pine Creek Headwaters
   Township: 47N Range 1E Section: 20 QQ (__1/4 of __1/4): SWNE
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 49N Range 2E Section: 32 QQ (__1/4 of __1/4): SENE
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
84	84	112	143	143	143
July	August	September	October	November	December
62	28	20	21	74	84

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

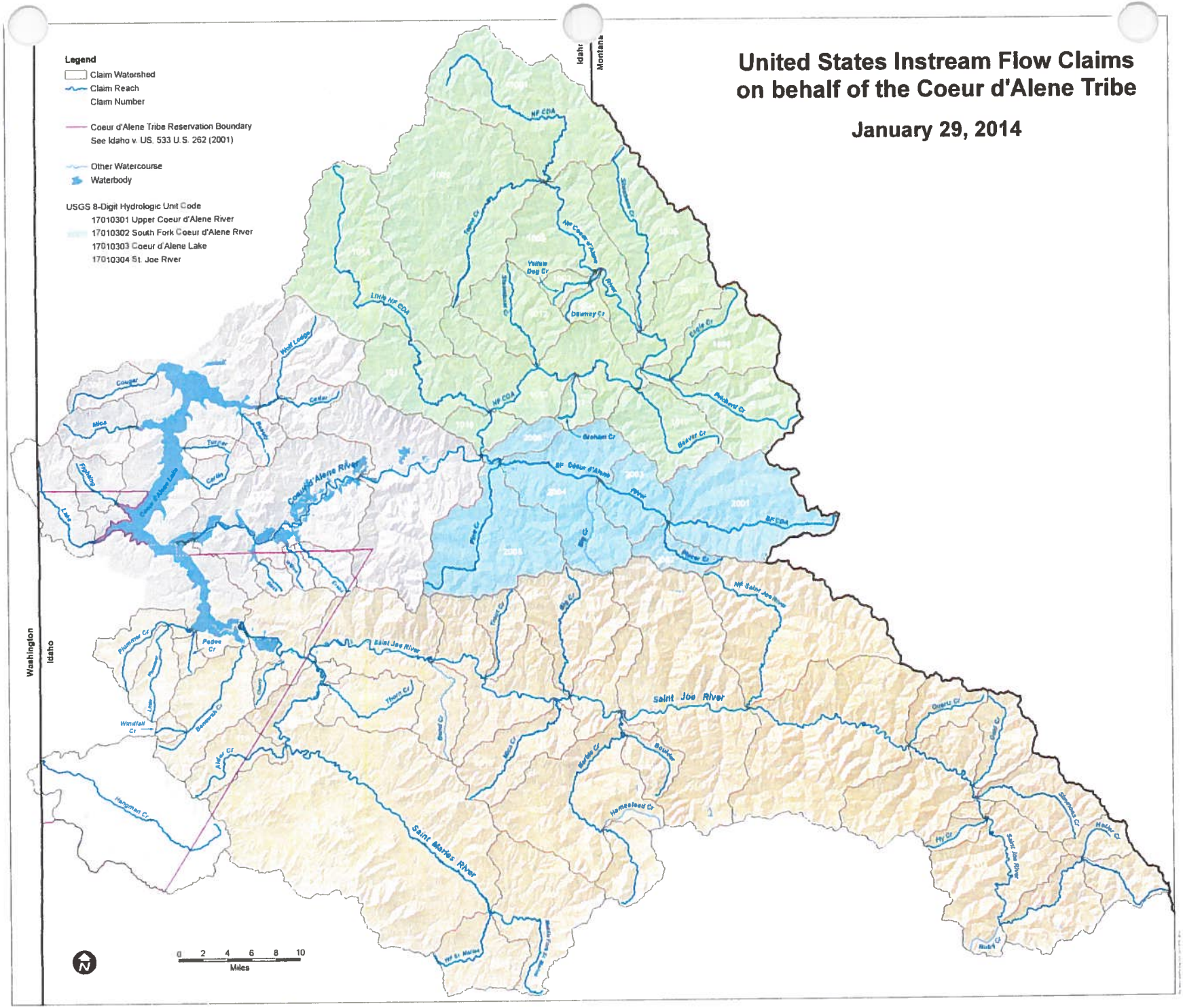
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724


United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
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17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
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17010304 St. Joe River
Washington
Idaho
Montana
Coeur d'Alene River
Saint Joe River
Saint Maries River
Coeur d'Alene Lake
NF CDA
Little NF CDA
SF CDA
Wolf Lodge
Cougar
Mica
Turner
Carlin
Fighting
Lake
Cedar
Beaver
Pedee Cr
Plummer Cr
Windfall Cr
Bemerah Cr
Alder Cr
Hangman Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Hy Cr
Simmons Cr
Hatter Cr
Rubin Cr
Pinchard Cr
Beaver Cr
Graham Cr
Pinchard Cr
Eagle Cr
Dawney Cr
Yellow Dog Cr
Topsy Cr
Shoshone Cr
Big Cr
Pine Cr
Trout Cr
Hemlock Cr
Wf St. Maries
Middle Fork St. Maries
0 2 4 6 8 10
Miles

94-9268

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** South Fork Coeur d'Alene River (Fed ID #2006)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Pine Creek
   Township: 49N Range 2E Section: 32 QQ (__1/4 of __1/4): SENE
   B.M., County of Shoshone
   Downstream Boundary - Mouth
   Township: 49N Range 2E Section: 31 QQ (__1/4 of __1/4): NENW
   B.M., County of Shoshone
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
80	80	200	175	175	175
July	August	September	October	November	December
117	150	145	139	80	80

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
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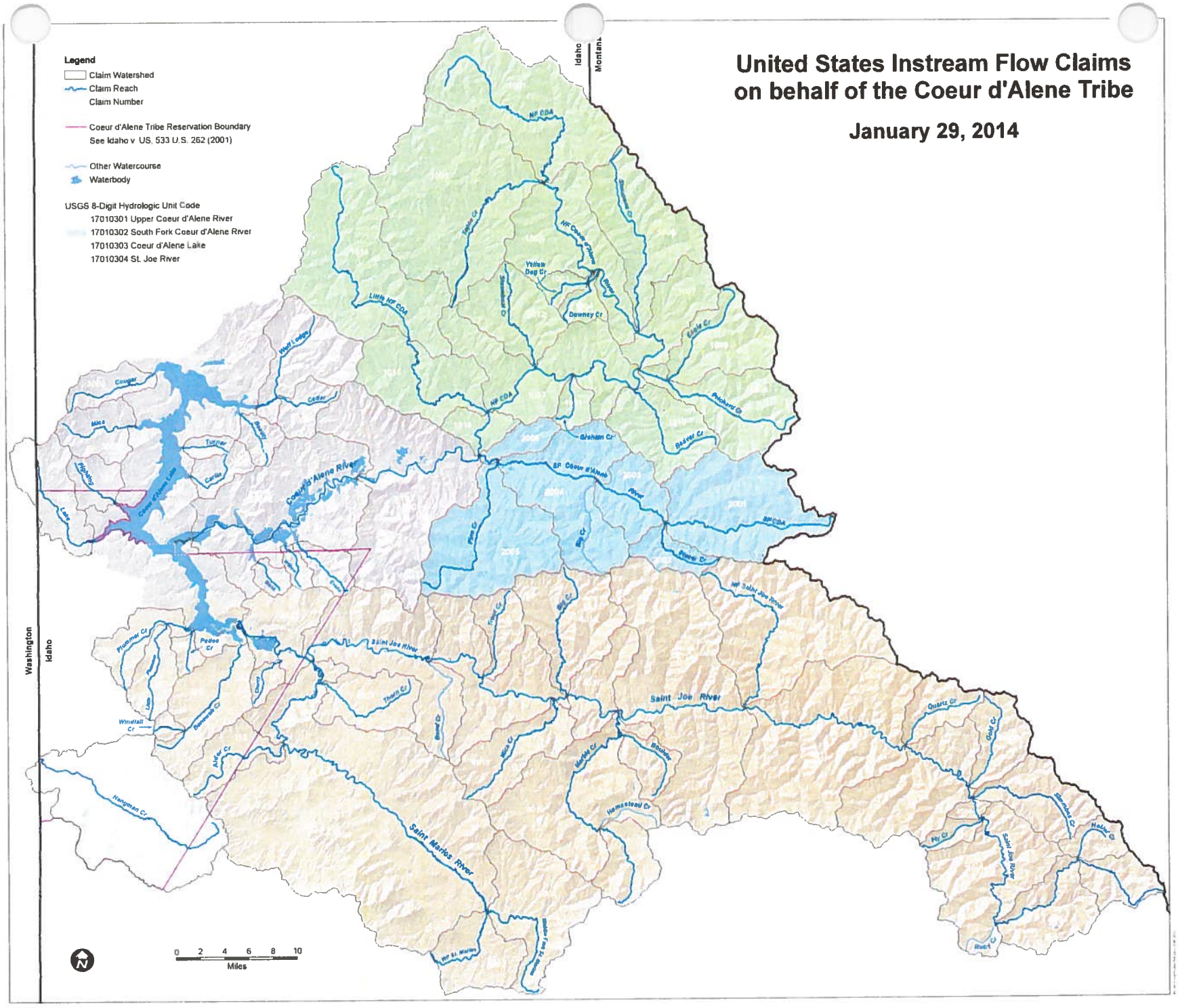
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v US, 533 U.S. 262 (2001)
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17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
0 2 4 6 8 10
Miles

94-9269

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Coeur d'Alene River (Fed ID #3001)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - North/South Fork Coeur d'Alene River Confluence
   Township: 49N Range 2E Section: 31 QQ (__1/4 of __1/4): NENW
   B.M., County of Shoshone
   Downstream Boundary - Rose Lake Bridge
   Township: 48N Range 1W Section: 4 QQ (__1/4 of __1/4): SENW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
525	525	699	789	789	789
July	August	September	October	November	December
525	699	789	789	525	525

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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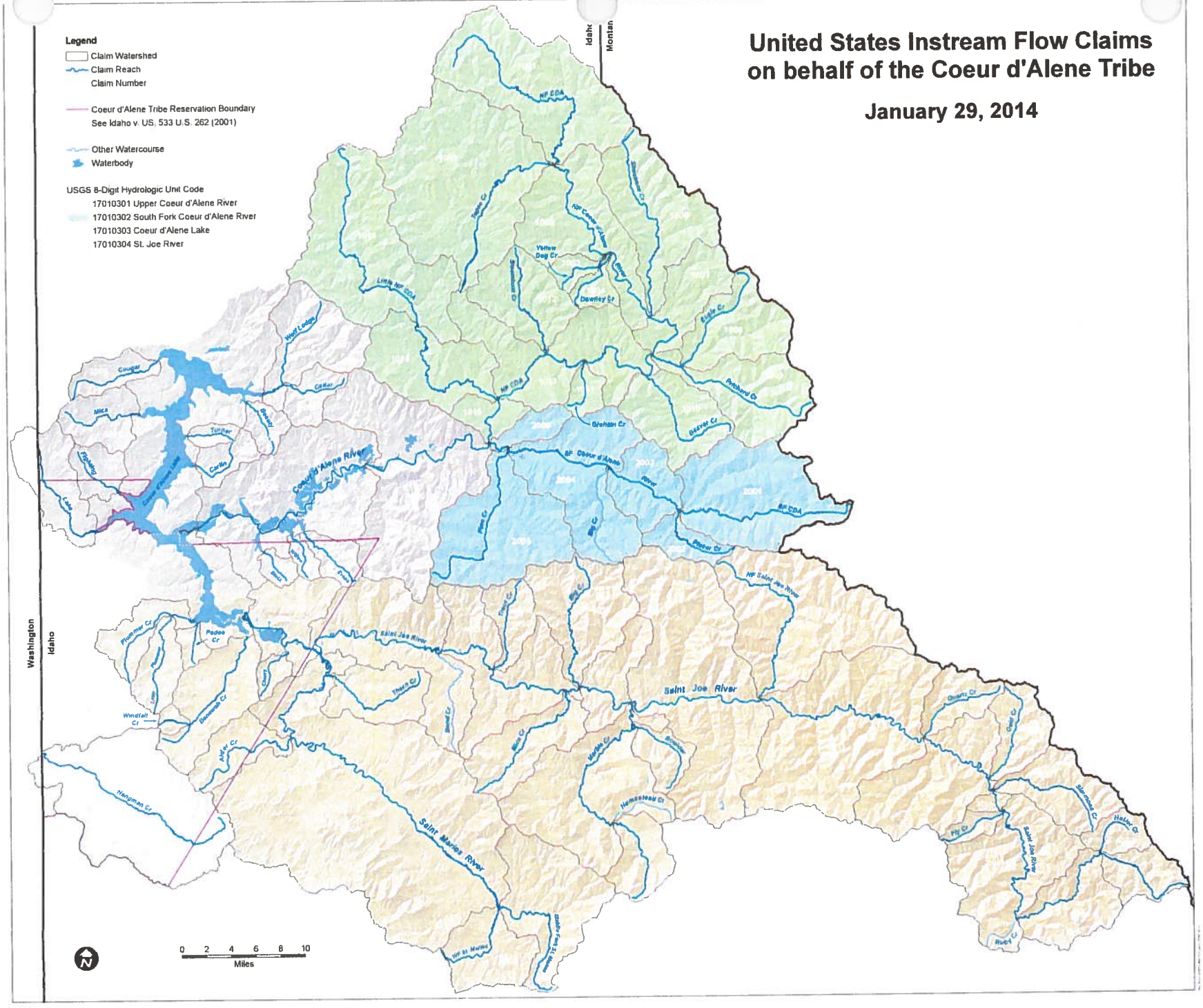
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



94-9270

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Coeur d'Alene River (Fed ID #3002)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Rose Lake Bridge
   Township: 48N Range 1W Section: 4 QQ (__1/4 of __1/4): SENW
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 48N Range 4W Section: 36 QQ (__1/4 of __1/4): SWNW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
468	468	705	793	793	793
July	August	September	October	November	December
528	705	606	702	468	468

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

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(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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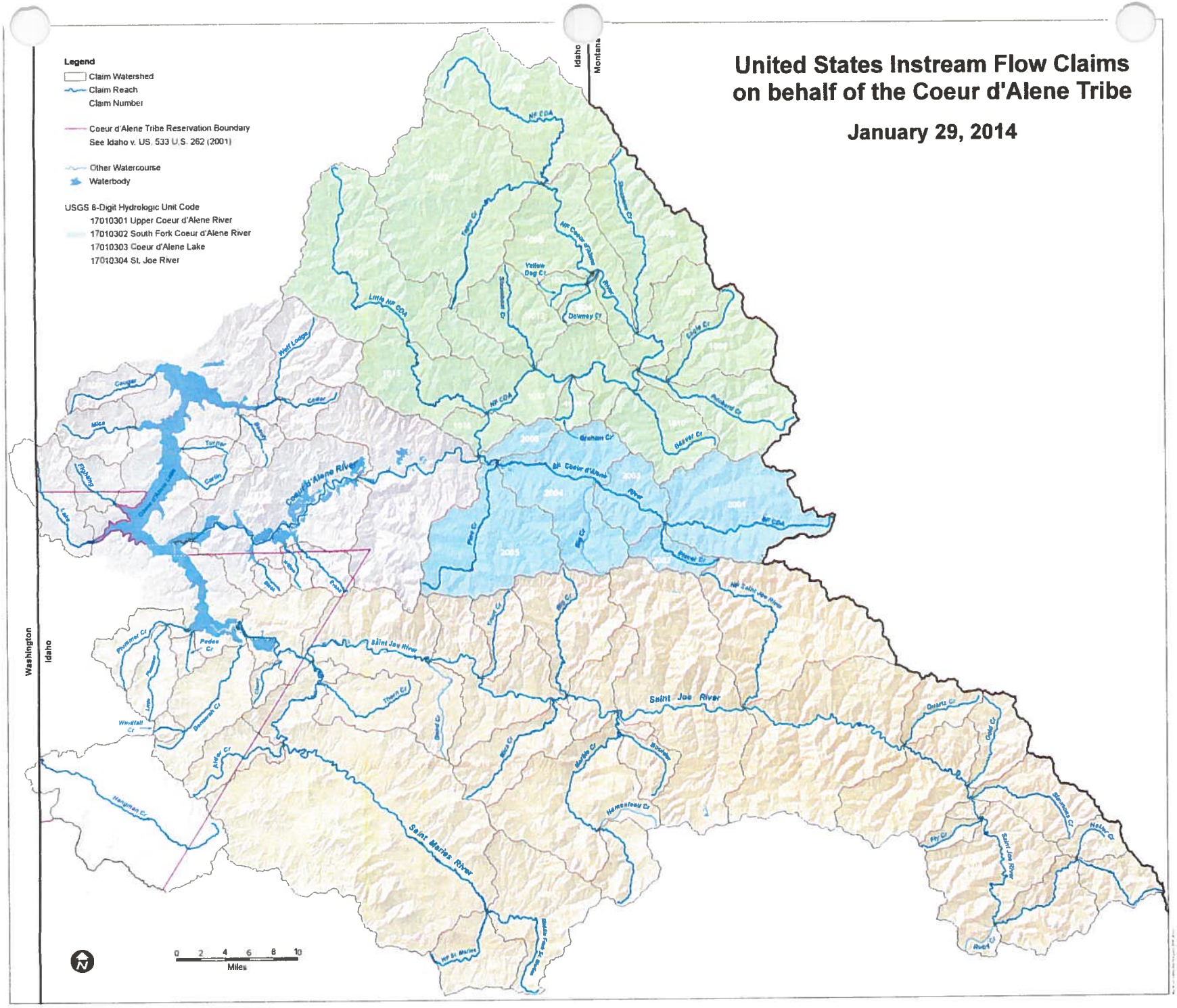
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
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Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
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Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
Little NF CDA
NF CDA
Yellow Dog Cr
Downey Cr
Graham Cr
Beaver Cr
Placer Cr
NF Saint Joe River
Quartz Cr
Gold Cr
Fly Cr
Hangman Cr
Hemenway Cr
Thorn Cr
Pedee Cr
Plummer Cr
Windfall Cr
Alder Cr
Turner
Carlin
Mica
Cougar
Wolf Lodge
Cedar
Fighting
Lake
0 2 4 6 8 10
Miles

94-9271

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP39)

4. **Point of Diversion:**
   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.3782
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 524689 5250818; which is located in:
   Township: 47N Range 03W Section: 23 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.6955 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d`Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d`Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute`s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d`Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d`Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

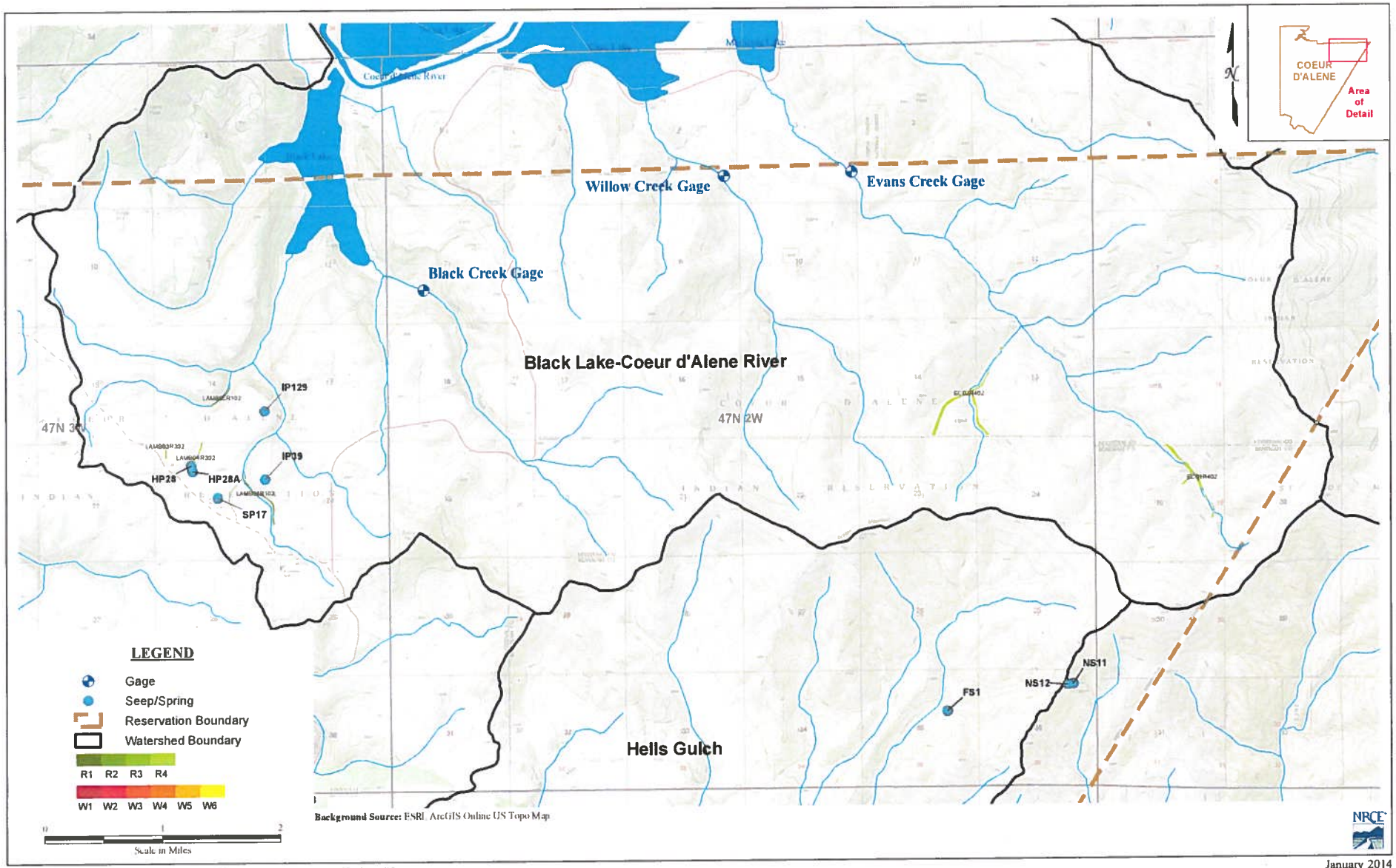
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

94-9272

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #IP129)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0669

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 524669 5251733; which is located in:

   Township: 47N Range 03W Section: 14 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.1464 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

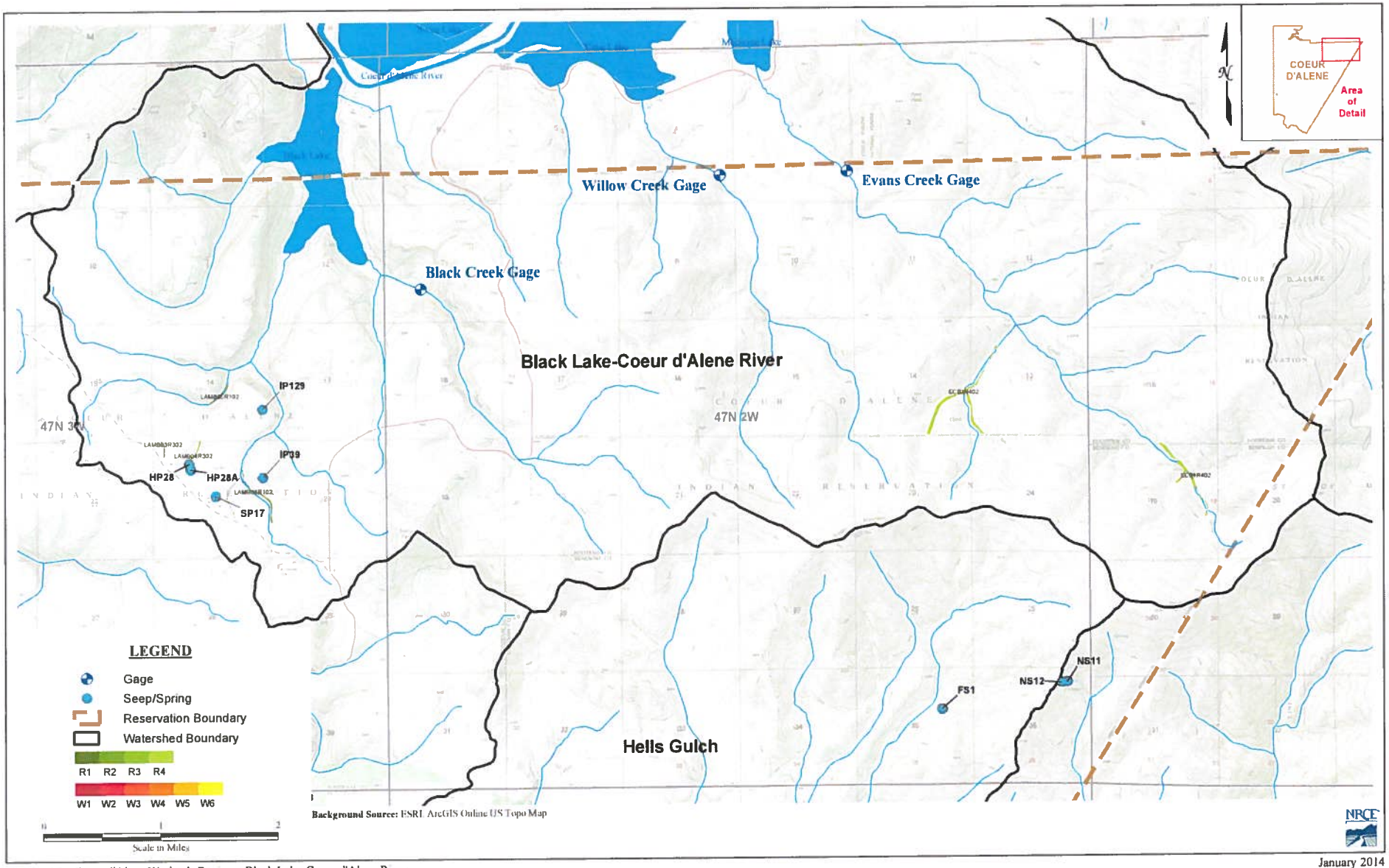
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

94-9273

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #SP17)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.8198

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 524059 5250514; which is located in:

   Township: 47N Range 03W Section: 23 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.5077 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

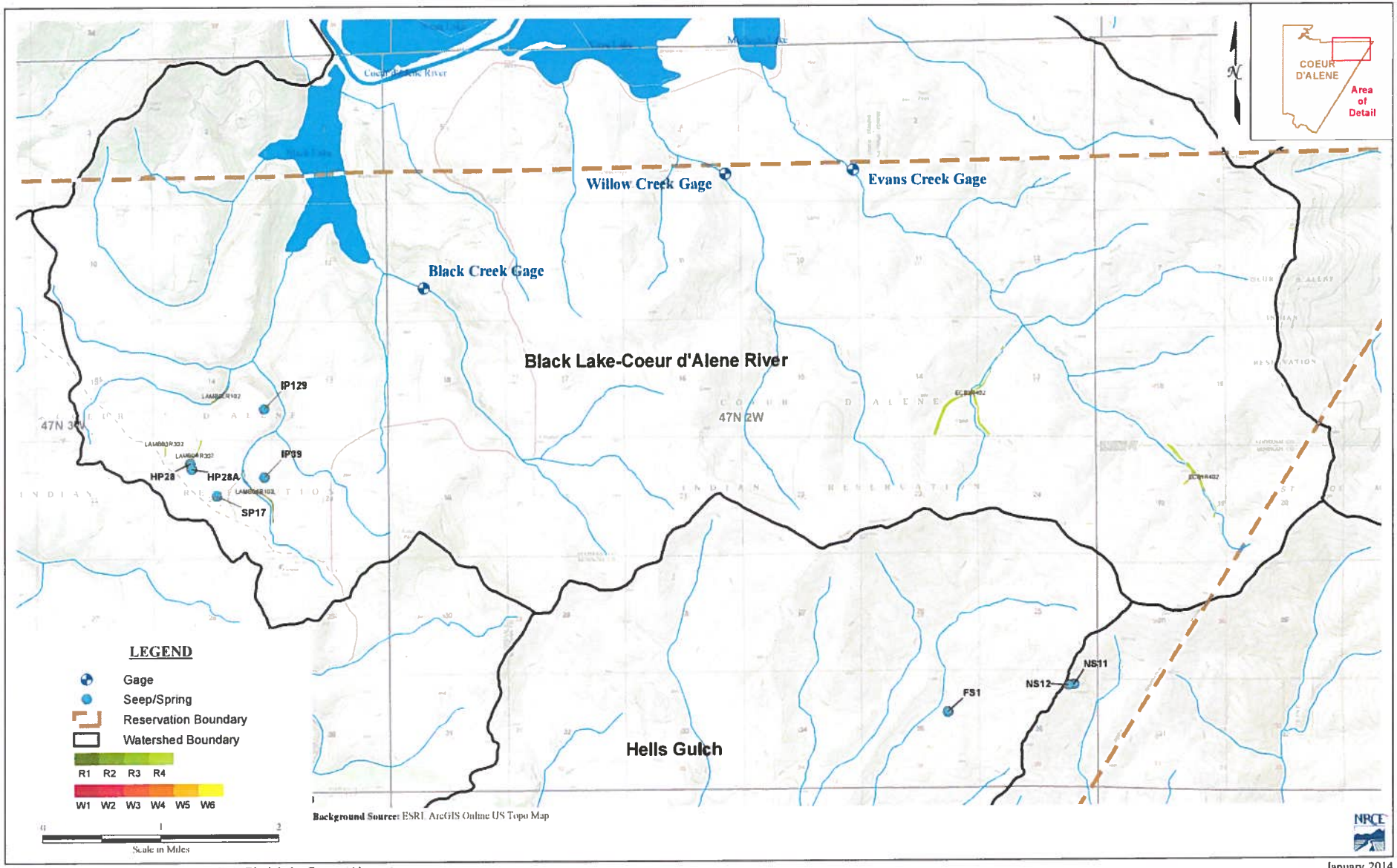

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

94-9274

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Black Lake-Coeur d'Alene River (Fed ID #EC01R402)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 11.87

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 537348 5250738; which is located in:

   Township: 47N Range: 01W Section: 19 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 29.13 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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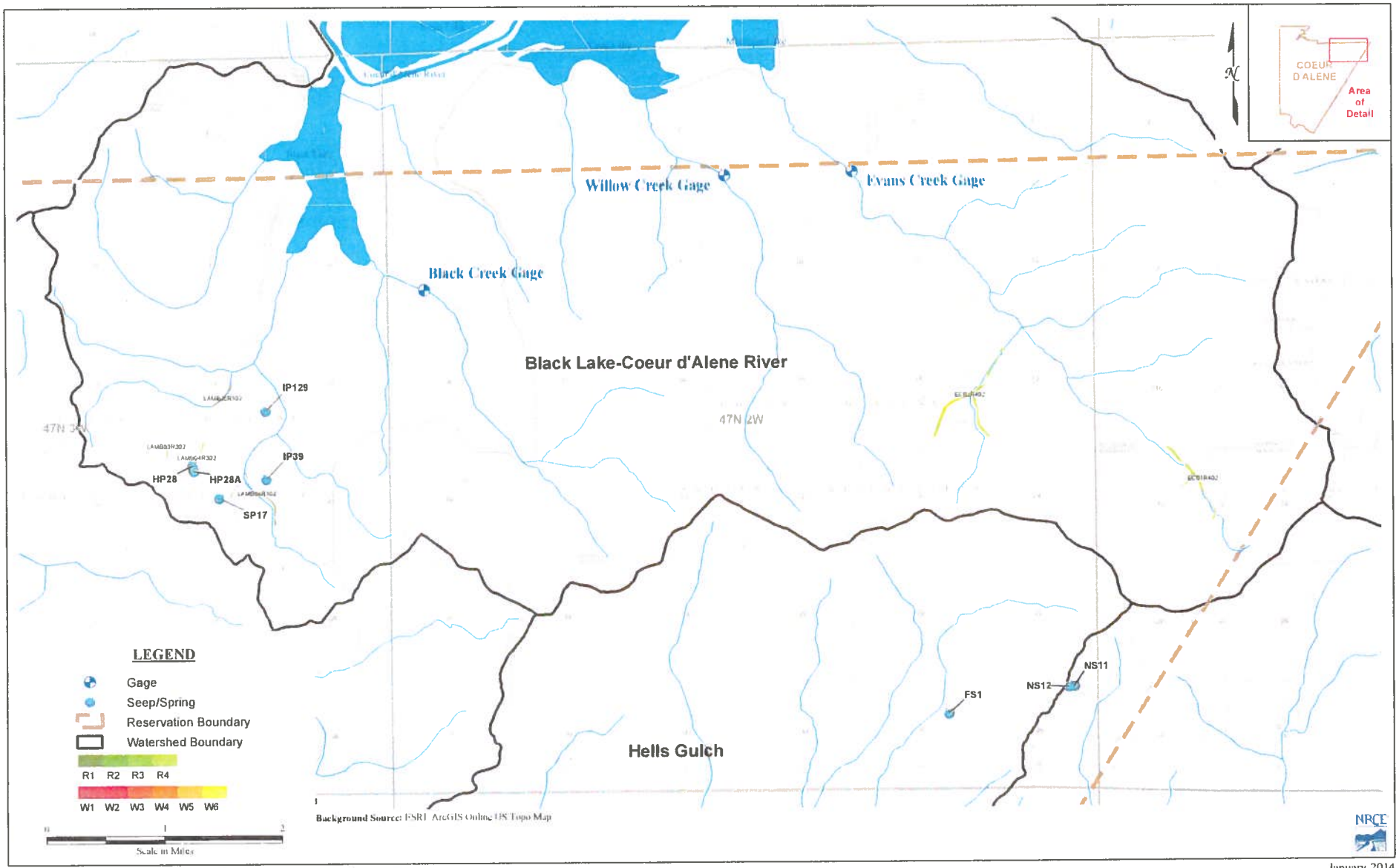

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

94-9275

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Black Lake-Coeur d'Alene River (Fed ID #EC02R402)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 18.13

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 534274 5251807; which is located in:

   Township: 47N Range: 02W Section: 14 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 44.49 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

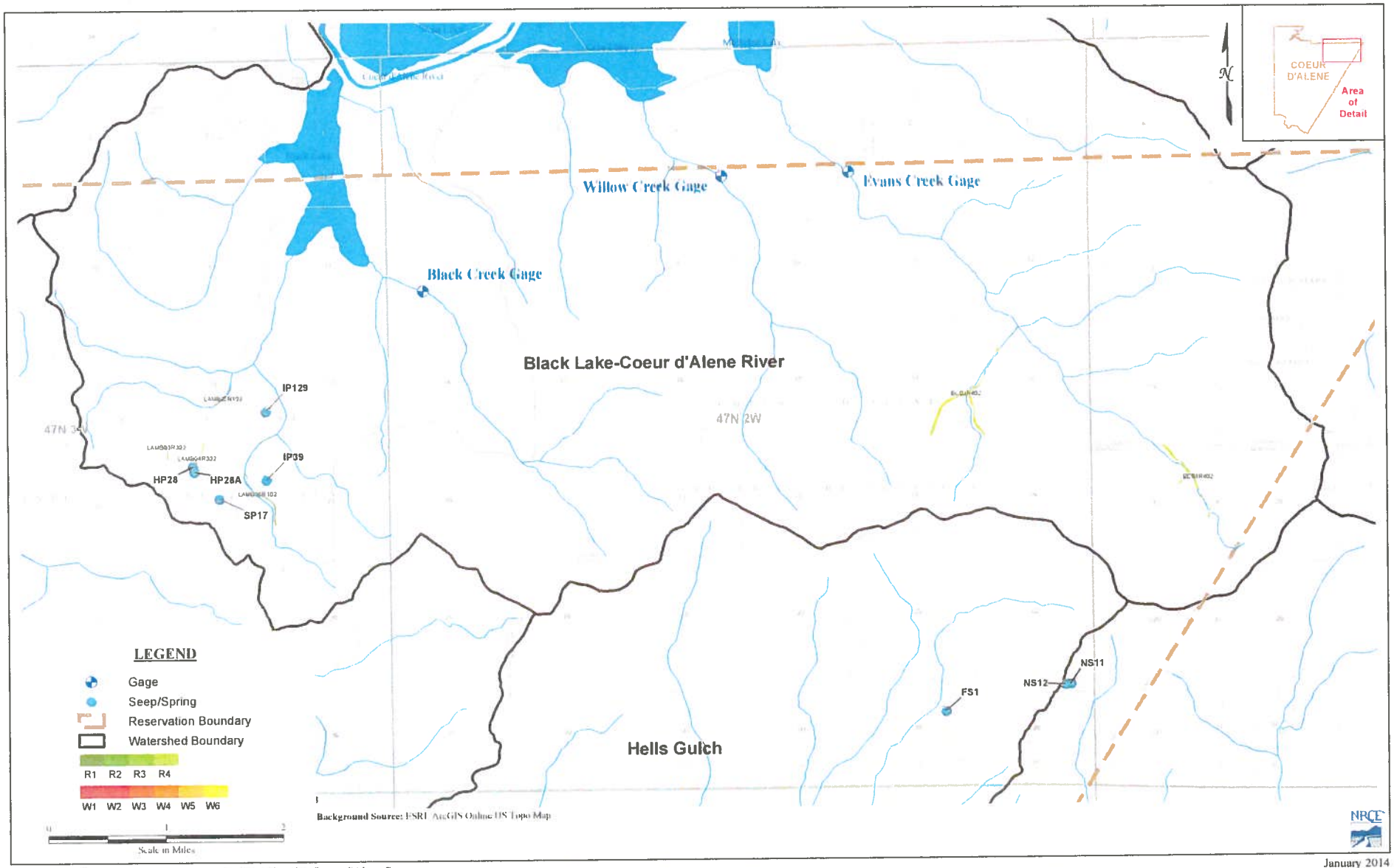
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

94-9276

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Black Lake-Coeur d'Alene River (Fed ID #LAMB03R302)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.93

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 523313 5251211; which is located in:

   Township: 47N Range: 03W Section: 23 Q: NW QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.20 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

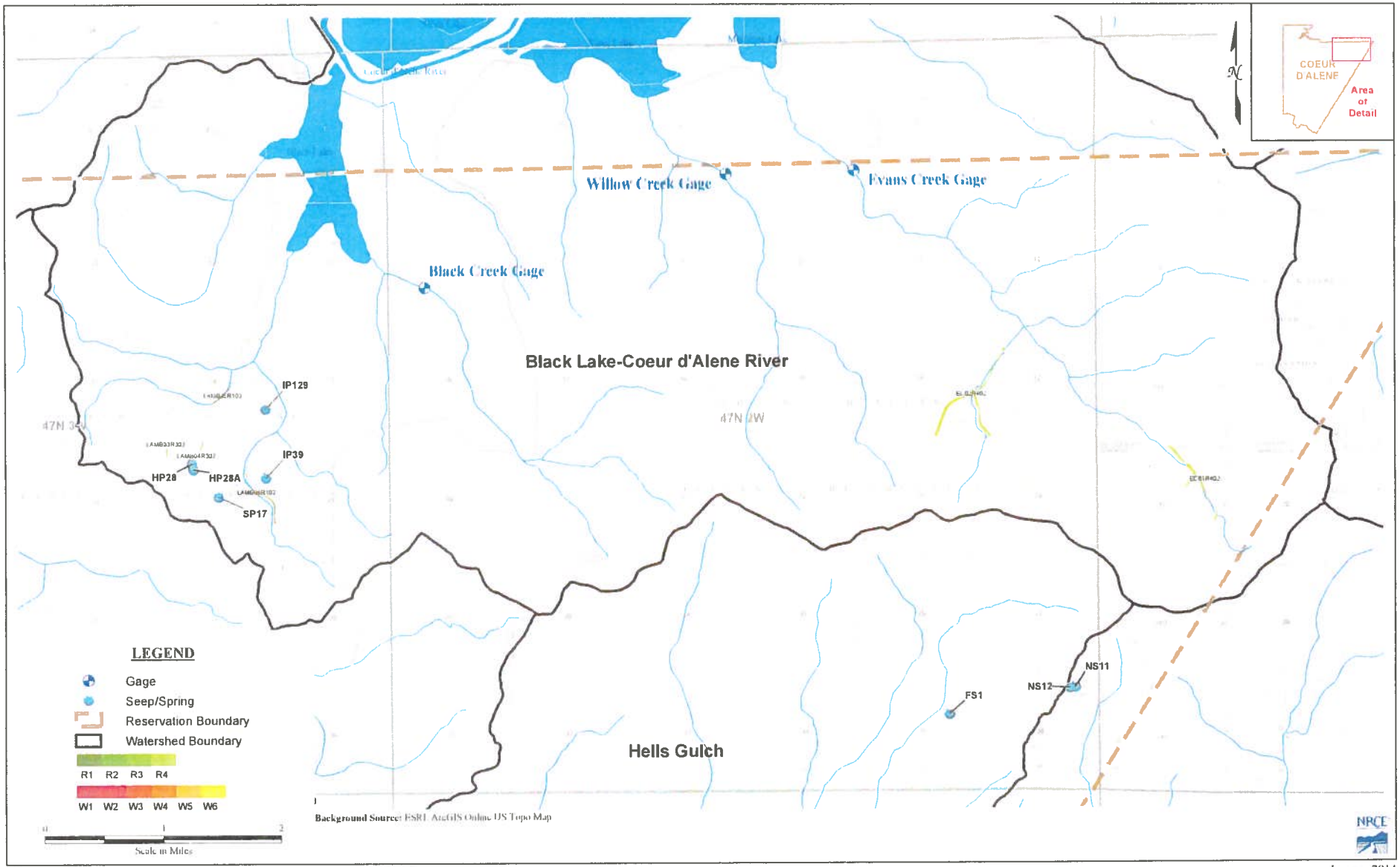

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

94-9277

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Black Lake-Coeur d'Alene River (Fed ID #LAMB04R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.92
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 523723 5251107; which is located in:
   Township: 47N Range: 03W Section: 23 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.55 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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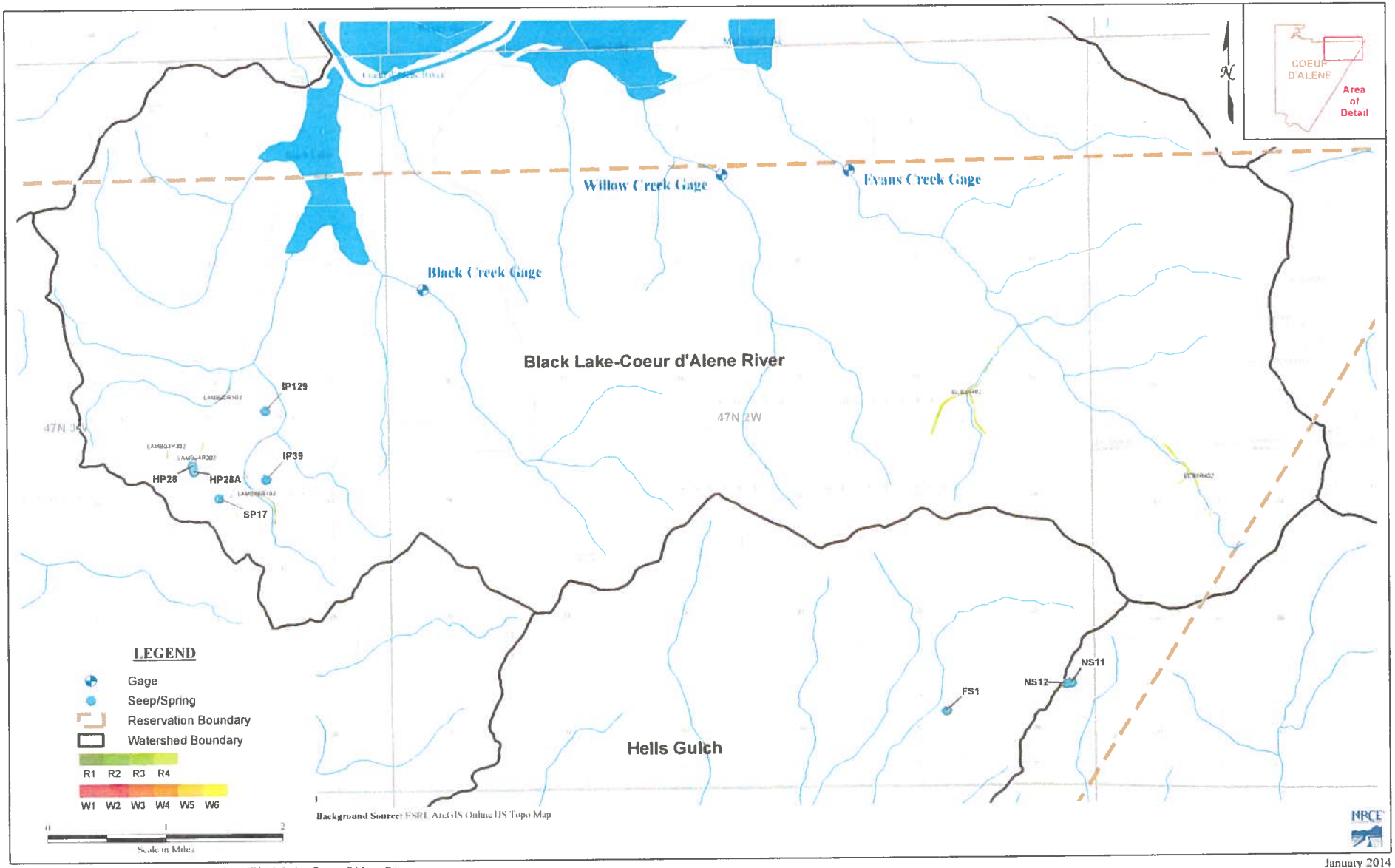

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

94-9278

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Black Lake-Coeur d'Alene River (Fed ID #LAMB05R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.06
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 524090 5251933; which is located in:
   Township: 47N Range: 03W Section: 14 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.55 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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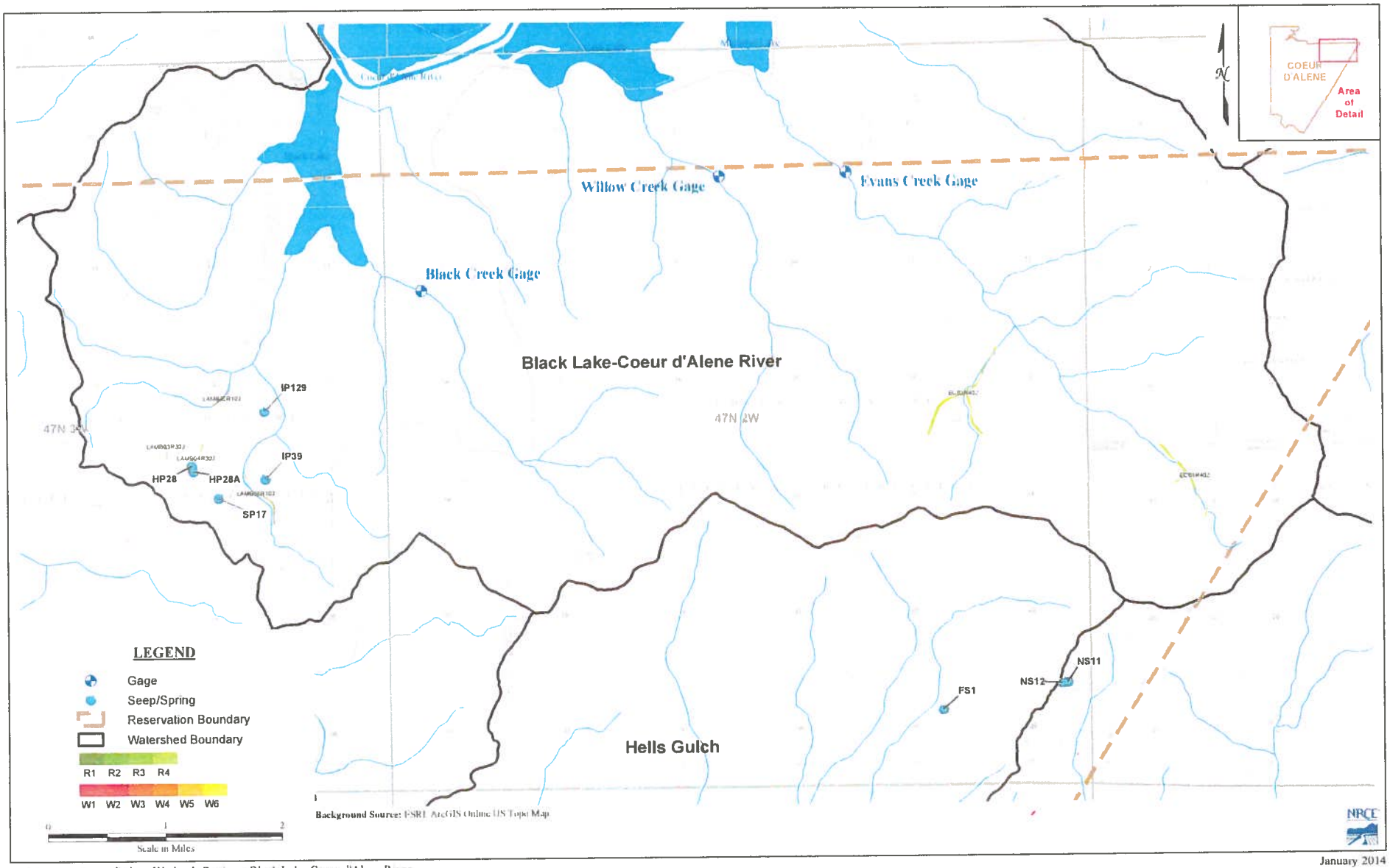

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

94-9279

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Black Lake-Coeur d'Alene River (Fed ID #LAMB06R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.48

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 524543 5250661; which is located in:

   Township: 47N Range: 03W Section: 23 Q: NE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.78 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

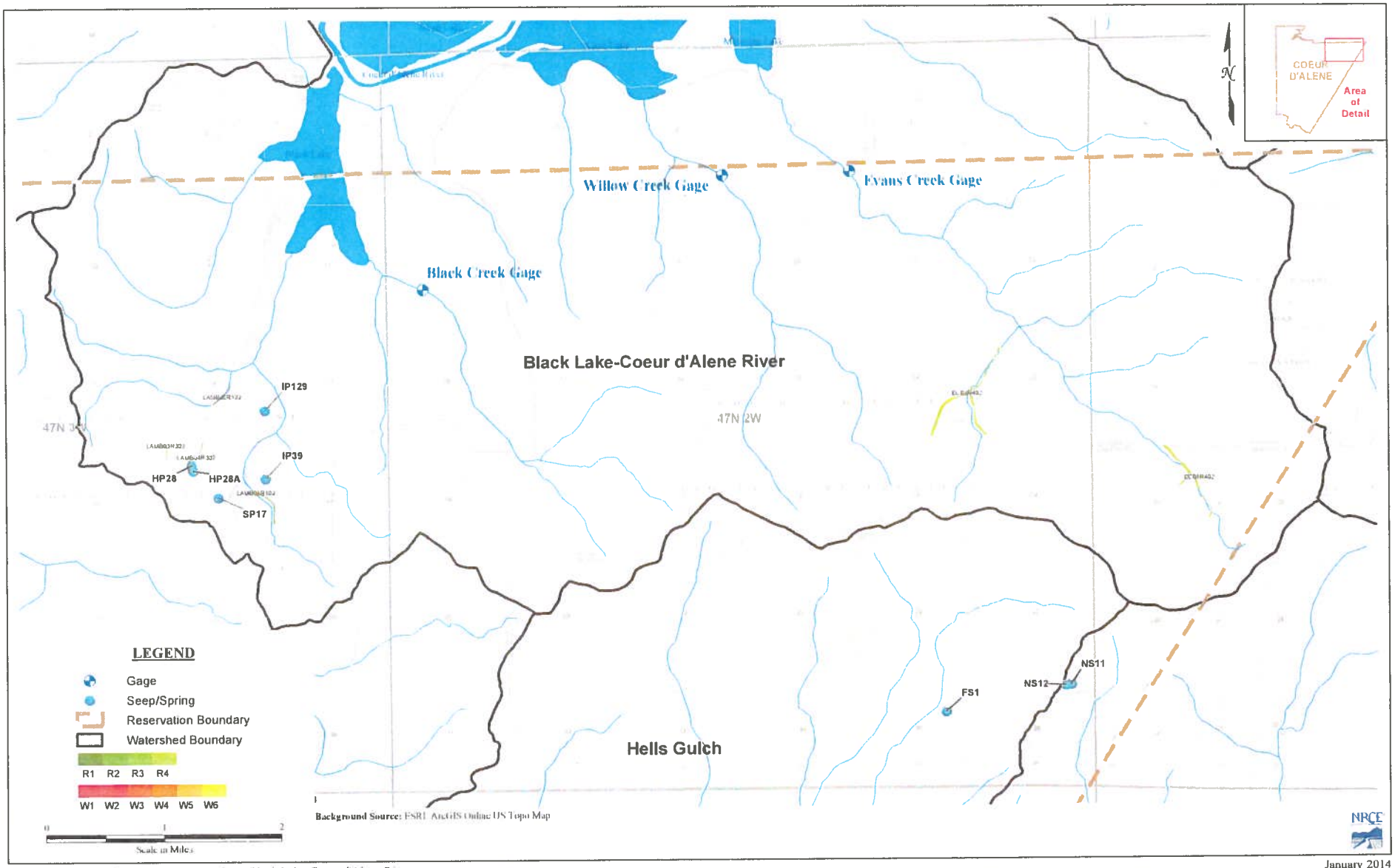

Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

94-9280

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL09R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.63

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 517283 5254326; which is located in:

   Township: 47N Range: 04W Section: 01 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 6.33 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

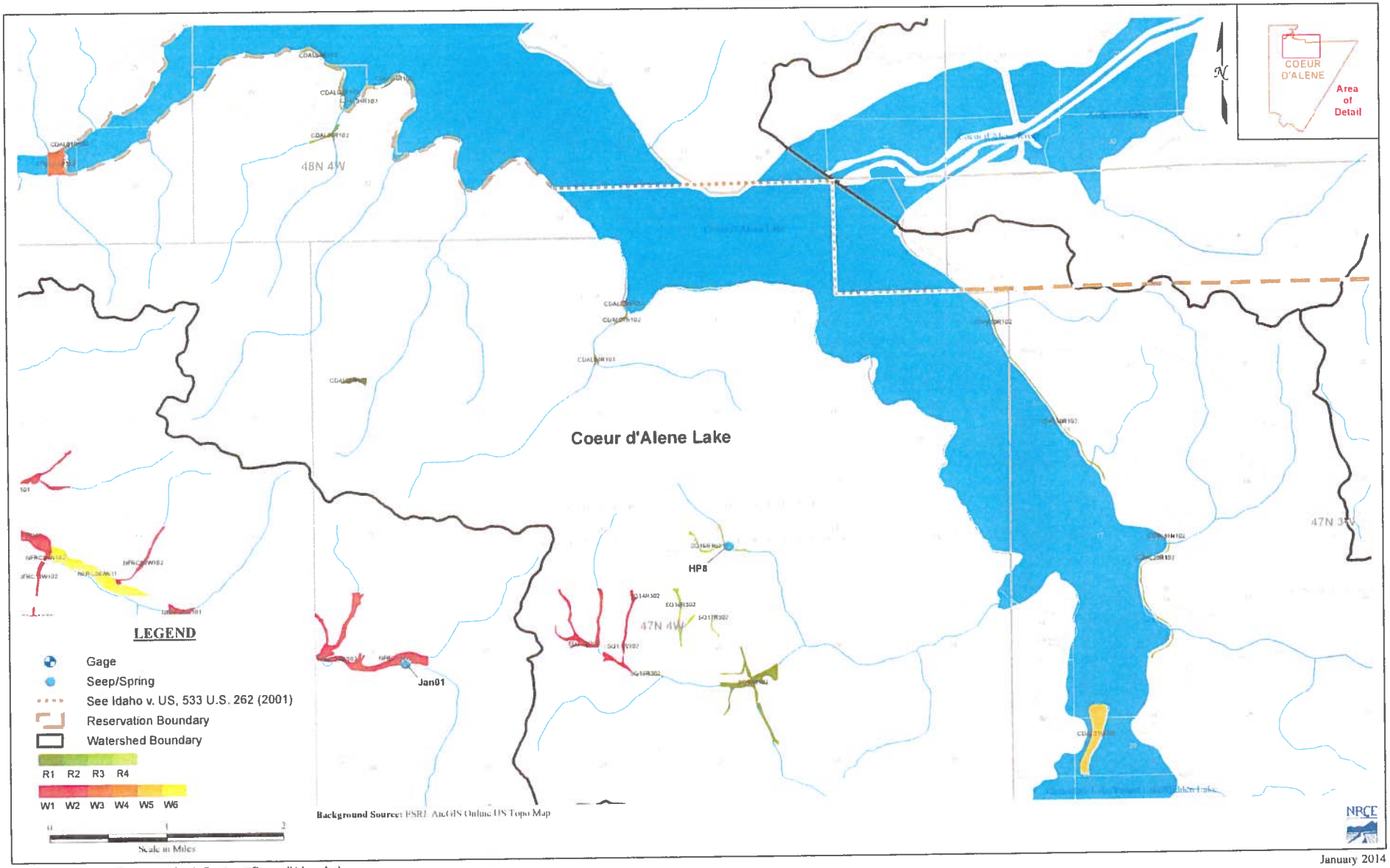
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

94-9281

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL10R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.46
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 518175 5252981; which is located in:
   Township: 47N Range: 03W Section: 07 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.36 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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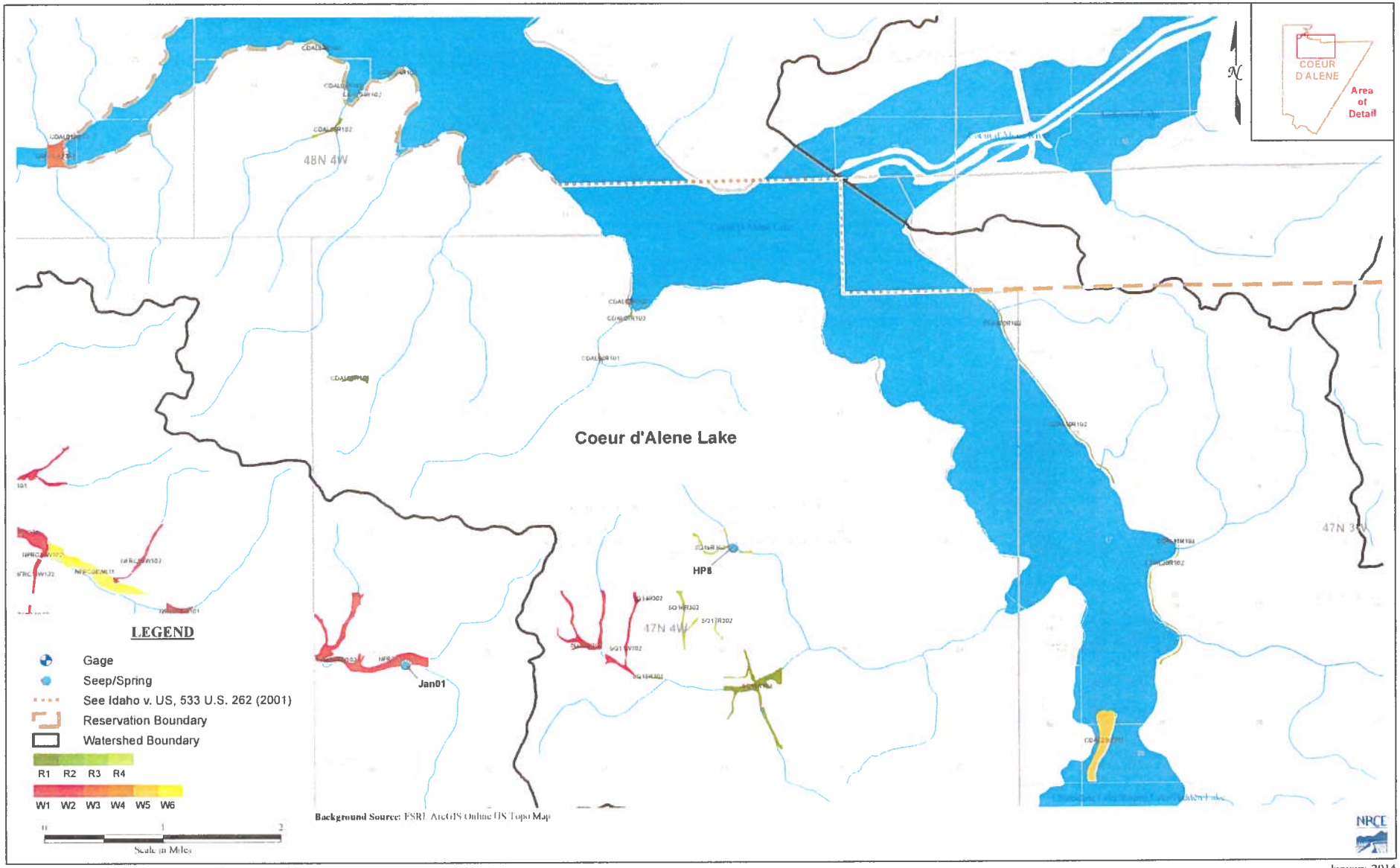

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

94-9282

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL11R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.24
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 519644 5251353; which is located in:
   Township: 47N Range: 03W Section: 17 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.58 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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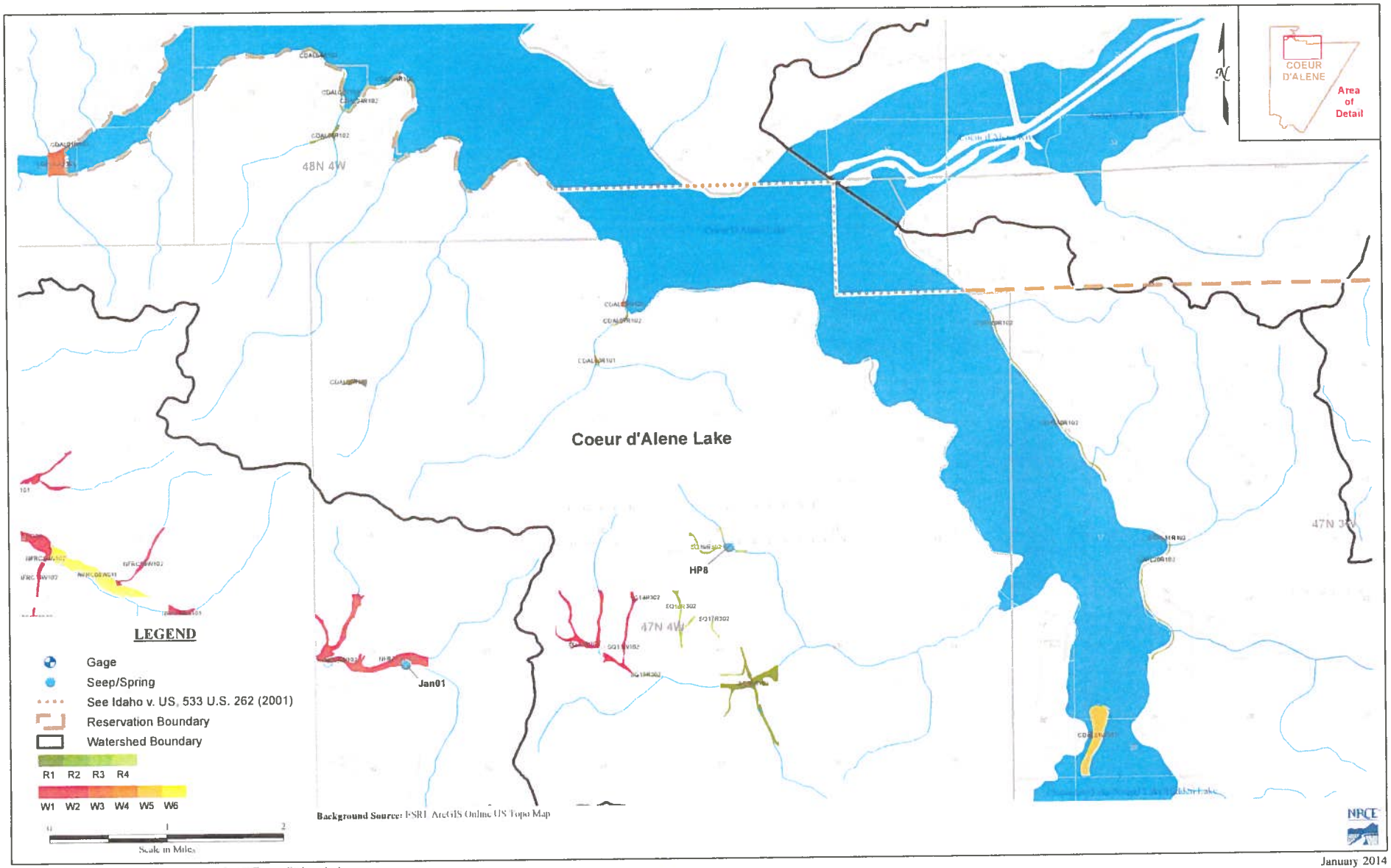

January 2014

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

94-9283

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL20R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.81
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 519490 5250421; which is located in:
   Township: 47N Range: 03W Section: 20 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 16.39 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

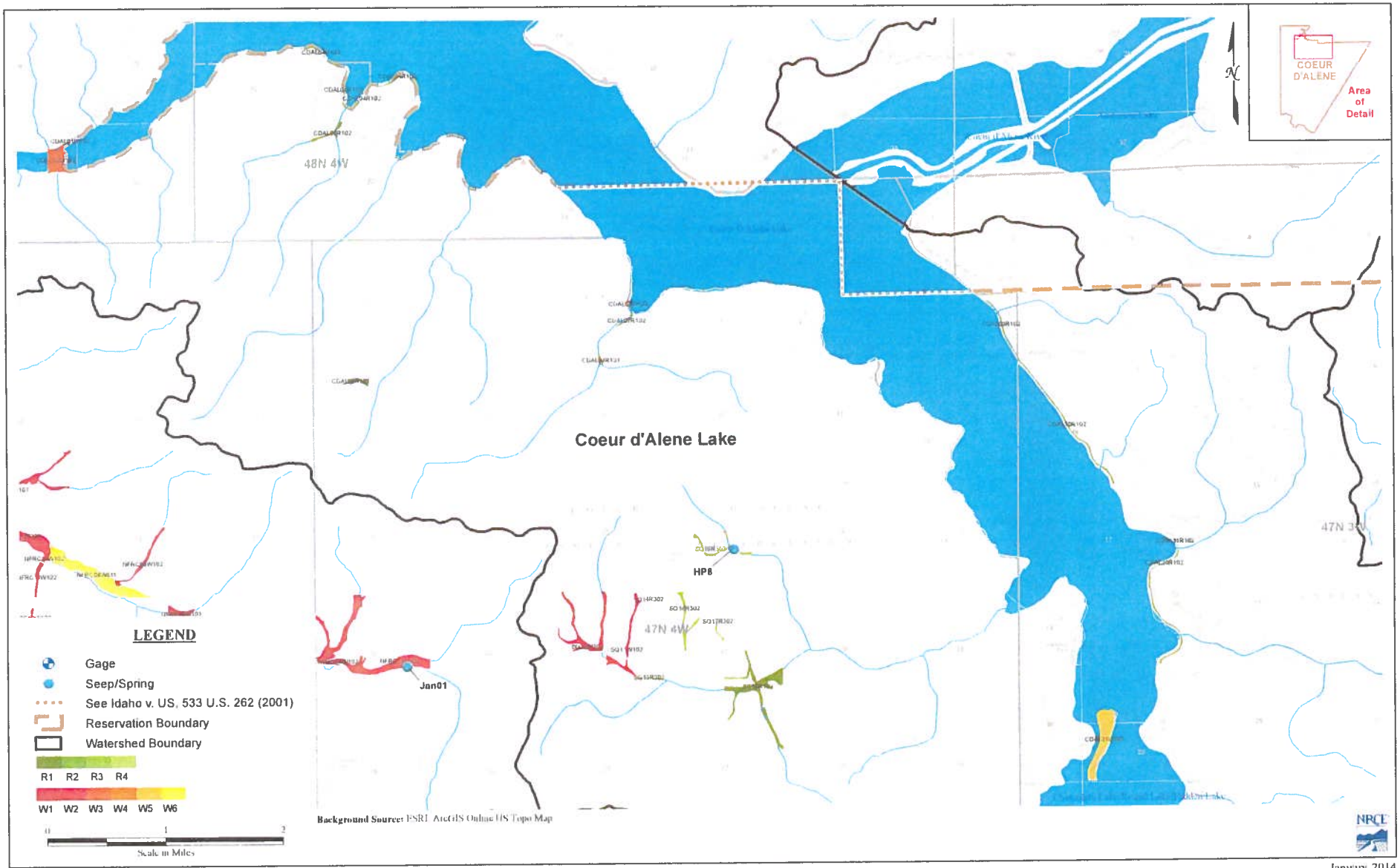

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16668

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	**NOTICE OF CLAIM**
CASE NO. 49576	**Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: Time Immemorial, or in the alternative, November 8, 1873

3. Source: Groundwater (Camp Larson Education Center (future))

4. Point of Diversion:

Township: 47N Range: 4W Section: 4 Q: SE1/4 QQ: NW1/4 B.M. County: Kootenai

5. Place of Use:

Township: 47N Range: 4W Section: 28 Q: SE1/4 QQ: NW1/4 B.M. County: Kootenai

6. Purpose of Water Use: Municipal and Commercial – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 3.6 Acre Feet (0.03 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not

limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.* Alternatively, the priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95- 16669

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM**
	)	**Federal Reserved Water Right**
CASE NO. 49576	)	

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Coeur d' Alene Lake, tributary to Spokane River (Fish Hatchery (future))

This claim is largely non-consumptive due to majority of flows returning to Coeur d'Alene Lake.

4. Point of Diversion:

Undetermined Location in Kootenai or Benewah Counties

5. Place of Use:

Undetermined Location in Kootenai or Benewah Counties

6. Purpose of Water Use: Fish Propogation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 4, 834.2 Acre Feet (6.68 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16670

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: Time Immemorial, or in the alternative, November 8, 1873

3. Source: Groundwater (Celebration Grounds Well)

4. Point of Diversion:

Township: 46N Range: 4W Section: 7 Q: SW1/4 QQ: SW1/4 B.M. County: Benewah

5. Place of Use:

Township: 46N Range: 4W Section: 7 Q: SW1/4 QQ: SW1/4 B.M. County: Benewah

6. Purpose of Water Use: Municipal– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 14.1 Acre Feet (0.45 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d

1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.* Alternatively, the priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16671

RECEIVED
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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Golf Course (future))

4. Point of Diversion:

Undetermined Location in Kootenai or Benewah Counties

5. Place of Use:

Undetermined Location in Kootenai or Benewah Counties

6. Purpose of Water Use: Commercial and Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 342.0 Acre Feet (2.28 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16672

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: Time Immemorial, or in the alternative, November 8, 1873

3. Source: Groundwater (Self-Supplied Rural Residential Households (future))

4. Point of Diversion:

Undetermined Current and Future Locations, 979 wells in Kootenai and Benewah Counties

5. Place of Use:

Undetermined Locations in Kootenai and Benewah Counties

6. Purpose of Water Use: Domestic – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet is sufficient to service the equivalent of 979 wells at statutory limit of 13,000 gpd (0.04 cfs for each well)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.* Alternatively, the priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16673

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Biofuel Plant (future))

4. Point of Diversion:

Undetermined Location in Kootenai or Benewah Counties

5. Place of Use:

Undetermined Location in Kootenai or Benewah Counties

6. Purpose of Water Use: Industrial– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 583.0 Acre Feet (2.02 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not _X_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16674

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Combined Cycle Combustion Turbine (Gas-Fired) Plant (future))

4. Point of Diversion:

Undetermined Location in Kootenai or Benewah Counties

5. Place of Use:

Undetermined Location in Kootenai or Benewah Counties

6. Purpose of Water Use: Industrial– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 50.0 Acre Feet (0.17 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not _X_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16675

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Golf Course Pond Maintenance (future))

4. Point of Diversion:

Undetermined Location in Kootenai or Benewah Counties

5. Place of Use:

Undetermined Location in Kootenai or Benewah Counties

6. Purpose of Water Use: Pond Level Maintenance– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 6.8 Acre Feet (0.02 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16676

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Groundwater (Five Suppression Supply & Put-and-Take Fishing Ponds (future))

4. Point of Diversion:

Undetermined Locations (5) in Kootenai or Benewah Counties

5. Place of Use:

Undetermined Locations in Kootenai or Benewah Counties

6. Purpose of Water Use: Pond Level Maintenance & Fire Suppression– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 9.5 Acre Feet (0.02 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16677

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: Time Immemorial, or in the alternative, November 8, 1873

3. Source: Groundwater (Municipal Wells (future))

4. Point of Diversion:

Undetermined Locations in Kootenai and Benewah Counties

5. Place of Use:

Undetermined Locations in Kootenai and Benewah Counties

6. Purpose of Water Use: Municipal– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: 1,034.5 Acre Feet (3.57 cfs)

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d

1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.* Alternatively, the priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not _X_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16678

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Fighting Creek (Fed ID #101)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 5W Section: 27 QQ (__1/4 of __1/4): SESW
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 48N Range 4W Section: 18 QQ (__1/4 of __1/4): NWNE
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
23	23	23	23	20	16

July	August	September	October	November	December
7.9	3.7	3.1	4.7	10	18

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

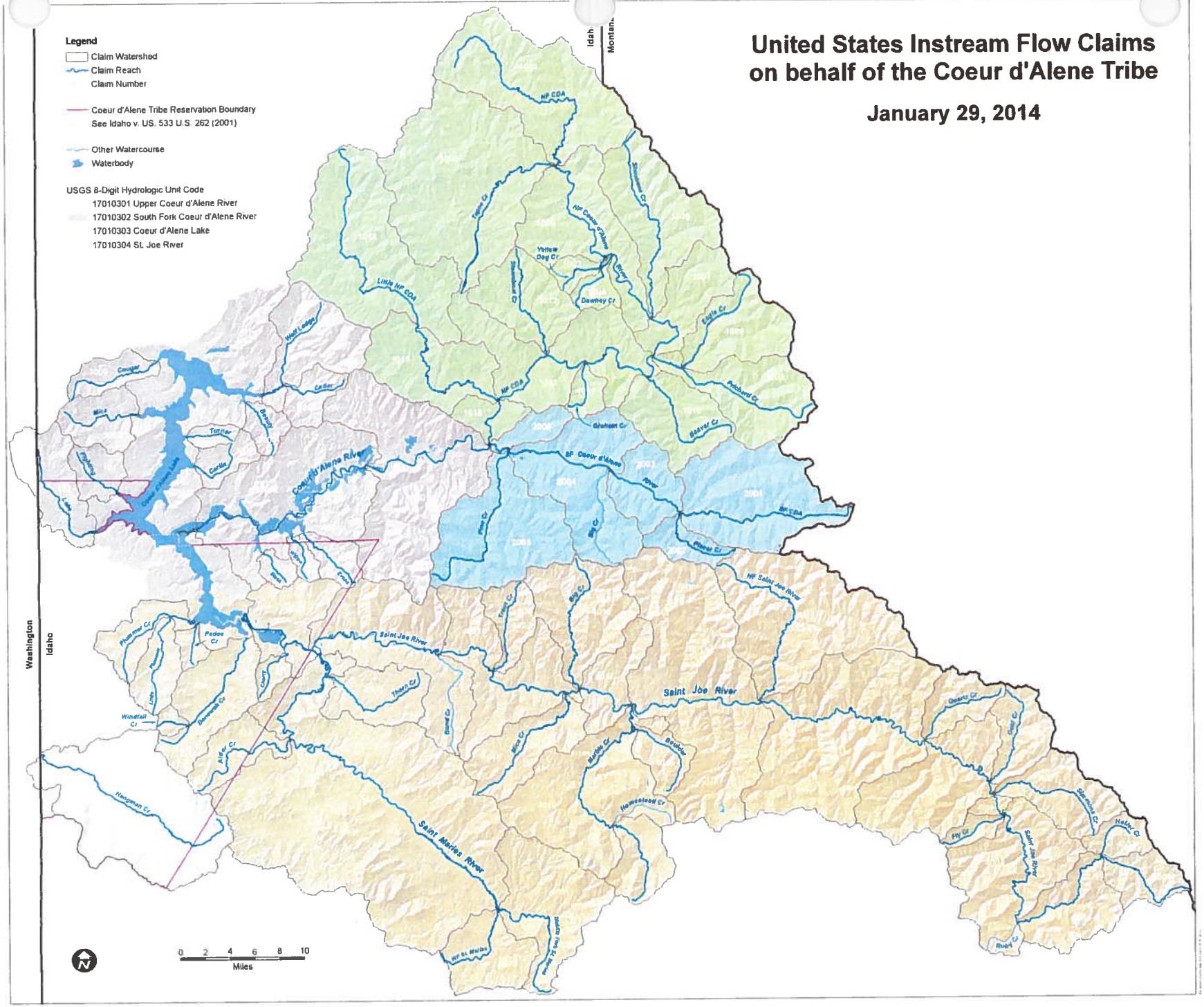
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16679

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Lake Creek (Fed ID #102)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - WA State Line
   Township: 49N Range 6W Section: 25 QQ (__1/4 of __1/4): SWSW
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 48N Range 5W Section: 35 QQ (__1/4 of __1/4): NENE
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
63	74	75	66	29	22
July	August	September	October	November	December
8.2	2.6	2	4.7	13	23

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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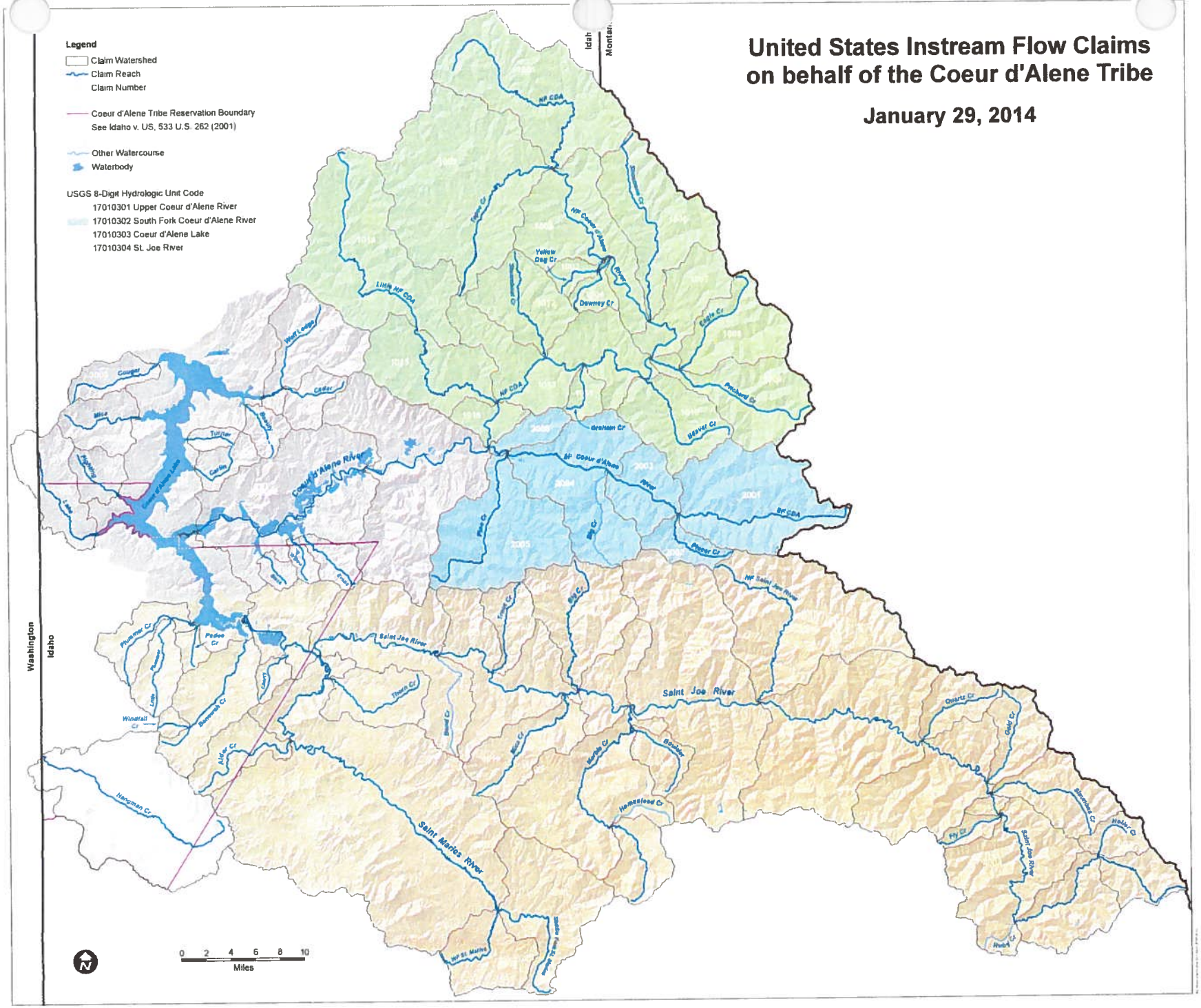
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16680

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JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Plummer Creek (Fed ID #106)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 46N Range 4W Section: 31 QQ (__1/4 of __1/4): NESW
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 4W Section: 1 QQ (__1/4 of __1/4): SESE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
45	45	45	50	33	9.9
July	August	September	October	November	December
1.6	0.58	0.99	1.2	10	41

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

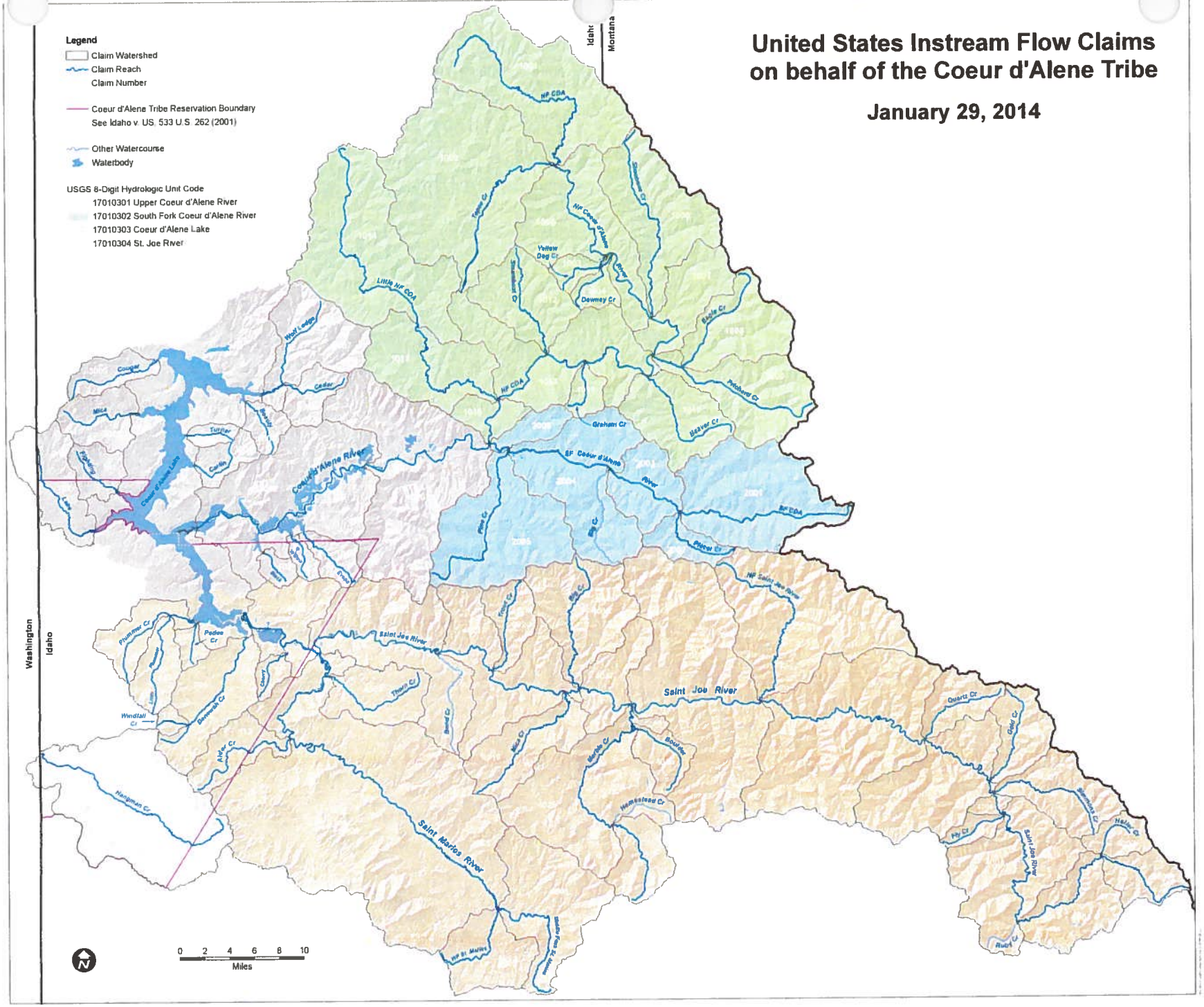
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16681

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Little Plummer Creek (Fed ID #107)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 45N Range 4W Section: 16 QQ (__1/4 of __1/4): NENW
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 4W Section: 3 QQ (__1/4 of __1/4): NENE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
43	43	43	6	6	5.8
July	August	September	October	November	December
0.86	0.28	0.51	0.63	5.9	24

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

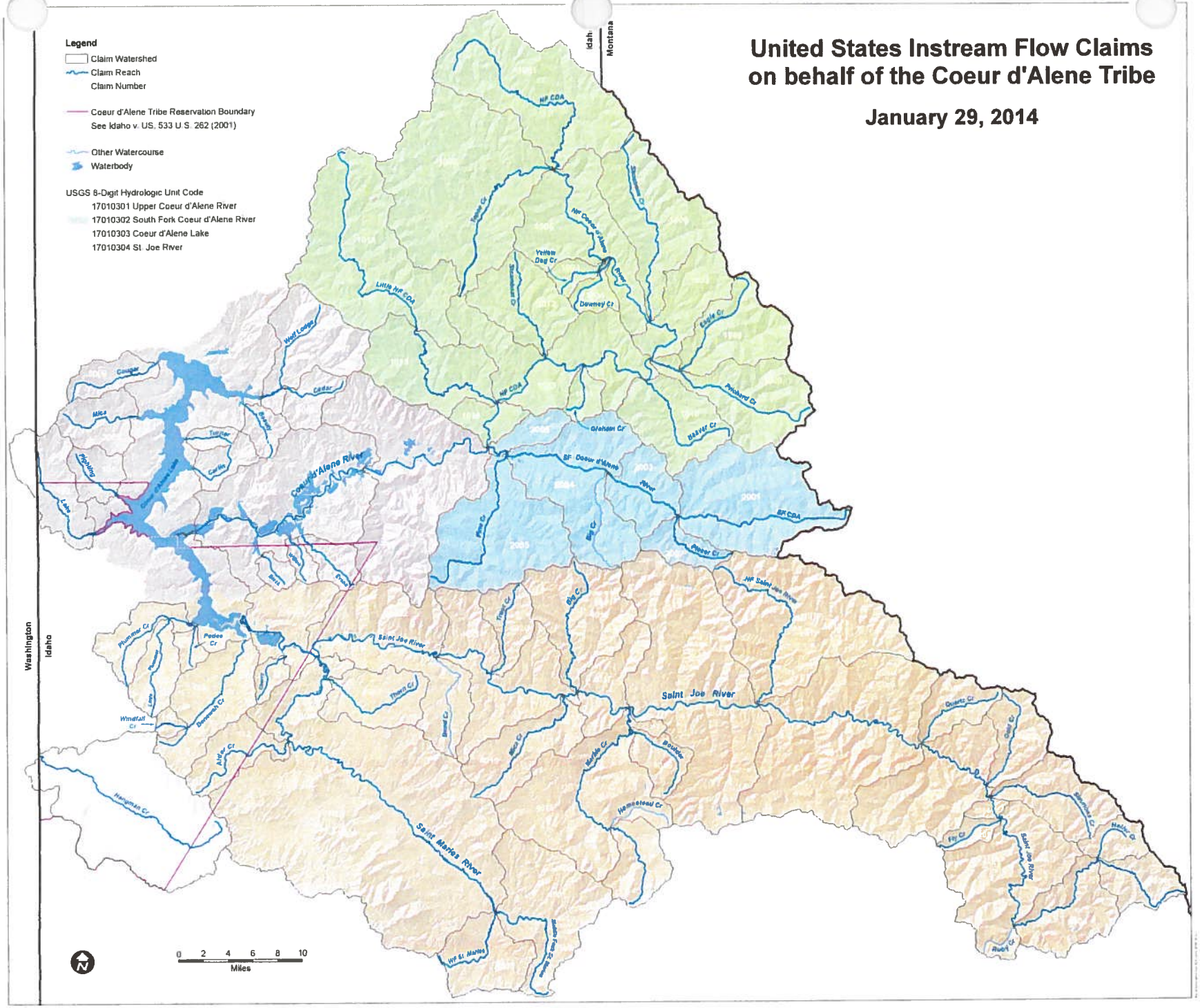
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16682

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Pedee Creek (Fed ID #108)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 46N Range 4W Section: 25 QQ (__1/4 of __1/4): NWNE
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 3W Section: 7 QQ (__1/4 of __1/4): NWNE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
8	8	16	11	4.7	1.3
July	August	September	October	November	December
0.1	0.1	0.1	0.1	1.3	5.9

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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United States Department of Justice
Environment and Natural Resources Division
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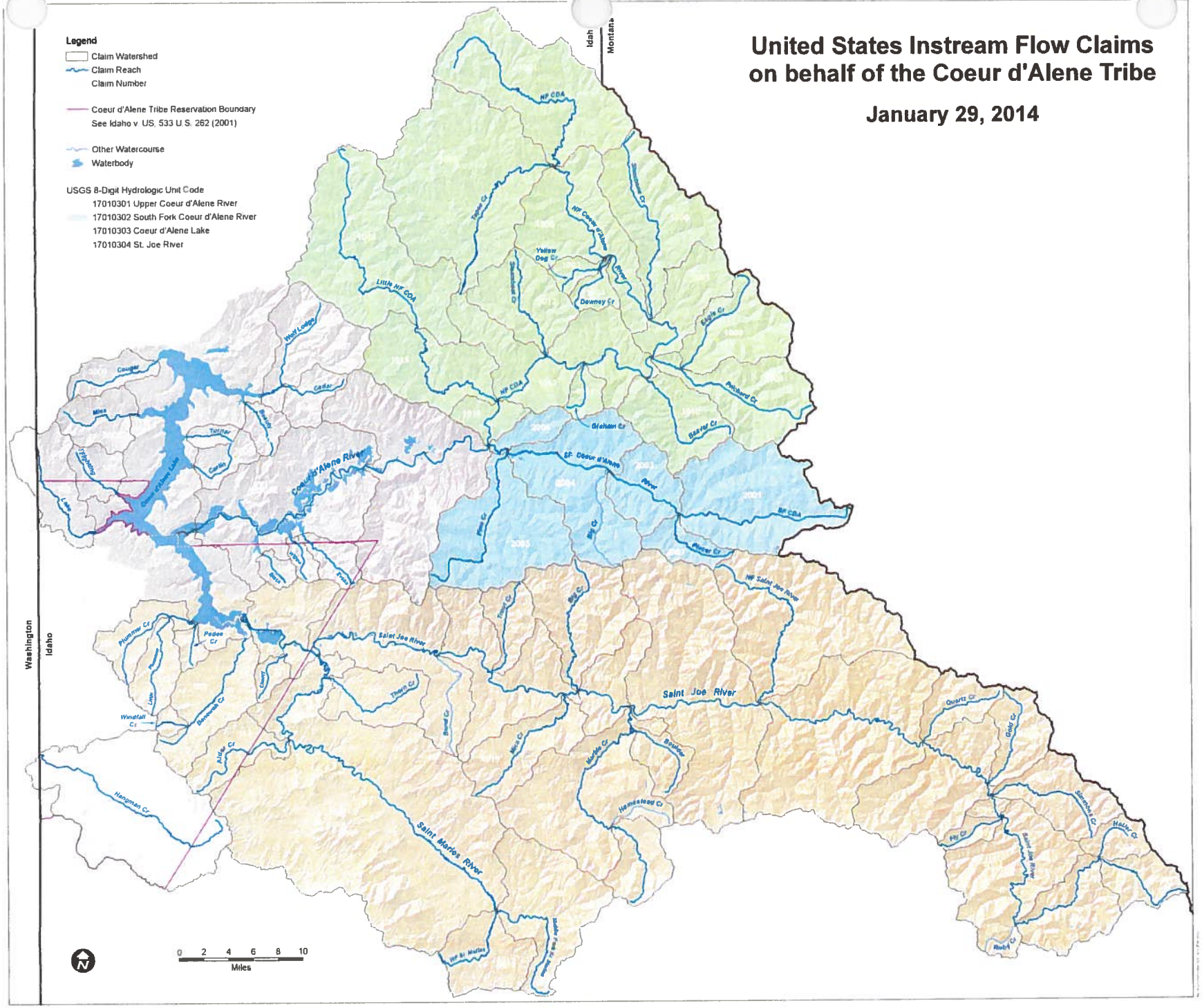
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16683

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
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   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Benewah Creek (Fed ID #109)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 45N Range 4W Section: 27 QQ (__1/4 of __1/4): NWNW
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 46N Range 3W Section: 14 QQ (__1/4 of __1/4): NWNE
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
114	140	140	63	56	26
July	August	September	October	November	December
8.3	3.6	3.2	5.1	15	50

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

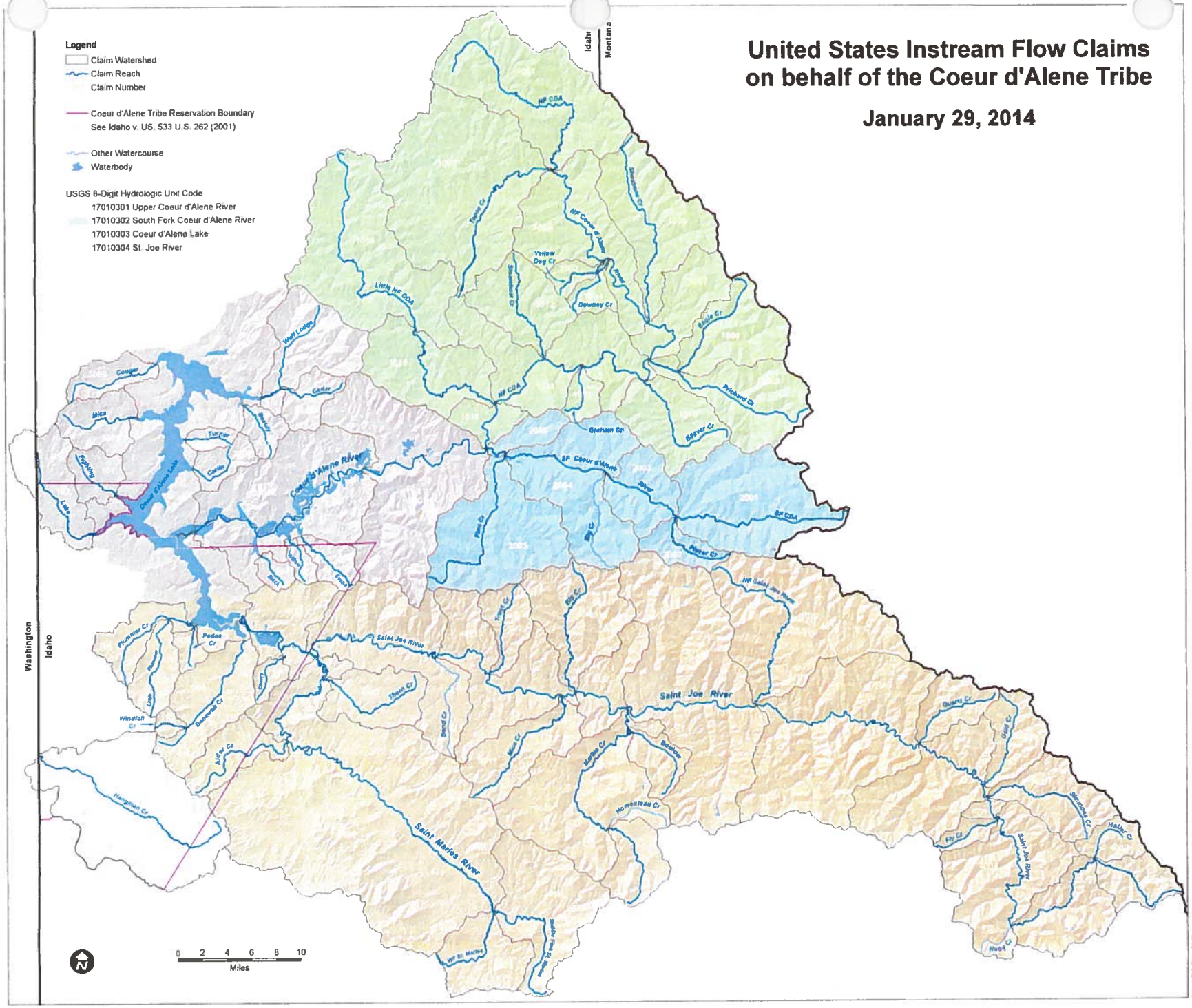
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16684

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Windfall Creek (Fed ID #110)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 45N Range 4W Section: 21 QQ (__1/4 of __1/4): NWNE
   B.M., County of Benewah
   Downstream Boundary - Mouth
   Township: 45N Range 4W Section: 24 QQ (__1/4 of __1/4): NENW
   B.M., County of Benewah
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
12	16	20	7	6.1	2.4
July	August	September	October	November	December
0.64	0.22	0.18	0.34	1.4	5.2

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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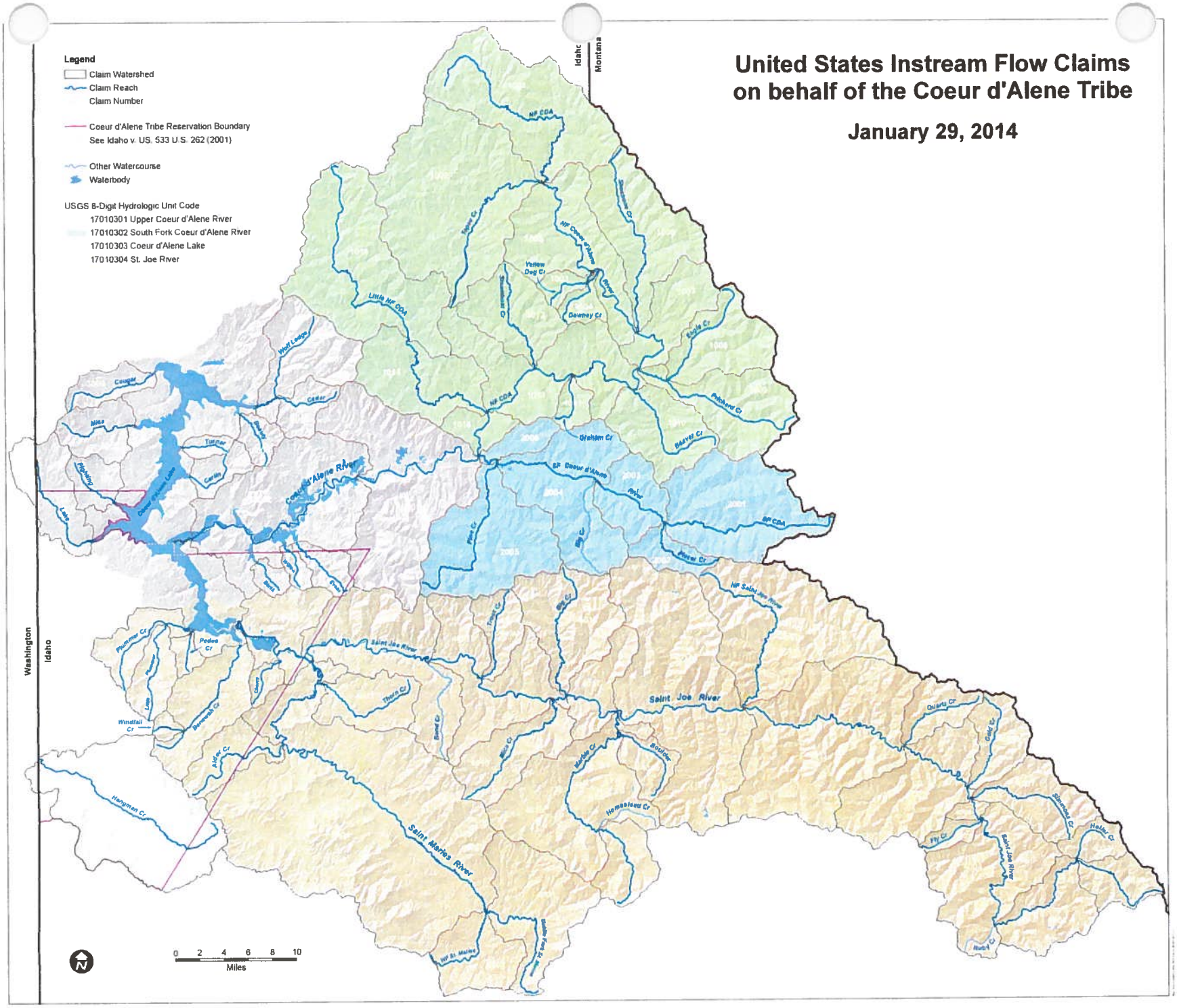
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
Claim Number
Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US. 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
Little NF CDA
NF CDA
SF CDA
NF Coeur d'Alene River
SF Coeur d'Alene River
NF Saint Joe River
Saint Joe River
Wolf Lodge
Cougar
Mica
Tumer
Carlin
Pighting
Lake
Cedar
Beaver
Graham Cr
Pinchard Cr
Eagle Cr
Dawney Cr
Yellow Dog Cr
Pine Cr
Big Cr
Trout Cr
Plummer Cr
Pedee Cr
Windfall Cr
Benewah Cr
Alder Cr
Hangman Cr
Thorn Cr
Bond Cr
Mica Cr
Marble Cr
Boulder
Homestead Cr
Quartz Cr
Gold Cr
Fly Cr
Simmons Cr
Heller Cr
Ruby Cr
NF St. Maries
0 2 4 6 8 10
Miles

95-16686

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Carlin Creek (Fed ID #3003)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 3W Section: 27 QQ (__1/4 of __1/4): SENE
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 48N Range 3W Section: 6 QQ (__1/4 of __1/4): NENE
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
16	16	30	14	14	7.3
July	August	September	October	November	December
3.4	2.3	2.3	2.6	4.1	14

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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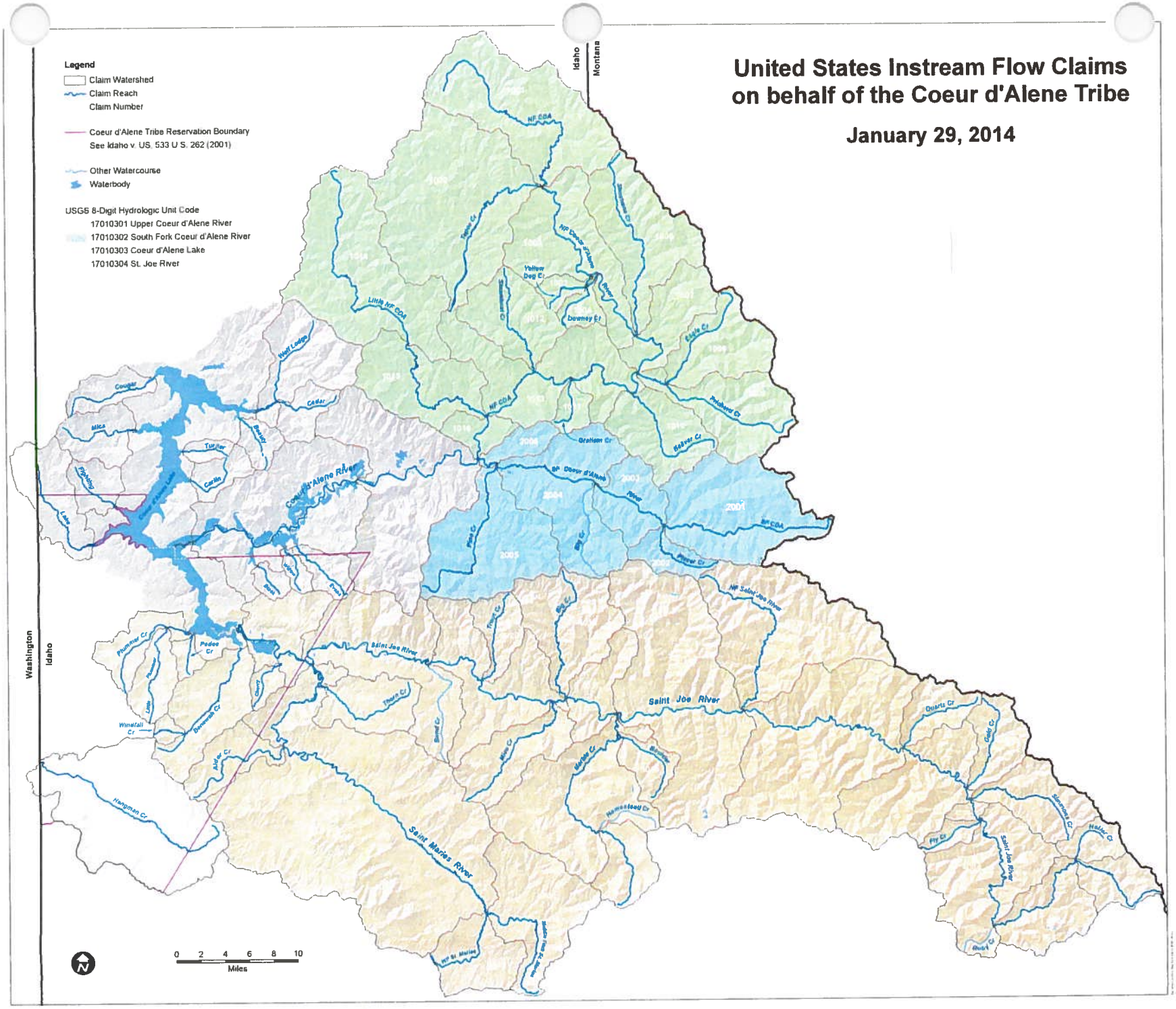
United States Instream Flow Claims
on behalf of the Coeur d'Alene Tribe
January 29, 2014
Legend
Claim Watershed
Claim Reach
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Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 262 (2001)
Other Watercourse
Waterbody
USGS 8-Digit Hydrologic Unit Code
17010301 Upper Coeur d'Alene River
17010302 South Fork Coeur d'Alene River
17010303 Coeur d'Alene Lake
17010304 St. Joe River
Idaho
Montana
Washington
Idaho
Coeur d'Alene River
Saint Joe River
Saint Maries River
NF CDA
Little NF CDA
Yellow Dog Cr
Downey Cr
Eagle Cr
Prichard Cr
Beaver Cr
Graham Cr
Pine Cr
Big Cr
Pioneer Cr
NF Saint Joe River
Quartz Cr
Gold Cr
Fly Cr
Hamestead Cr
Thorn Cr
Hangman Cr
Winefall Cr
Pedee Cr
Plummer Cr
Cougar
Mica
Turner
Carlin
Beauty
Cedar
Wolf Lodge
Lake
Coeur d'Alene Lake
0 2 4 6 8 10
Miles

95-16687

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Turner Creek (Fed ID #3004)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 3W Section: 27 QQ (__1/4 of __1/4): SENE
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 49N Range 3W Section: 19 QQ (__1/4 of __1/4): NWSW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
13	13	15	12	5.5	3.3

July	August	September	October	November	December
1.7	0.97	0.98	1.2	1.7	5.2

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

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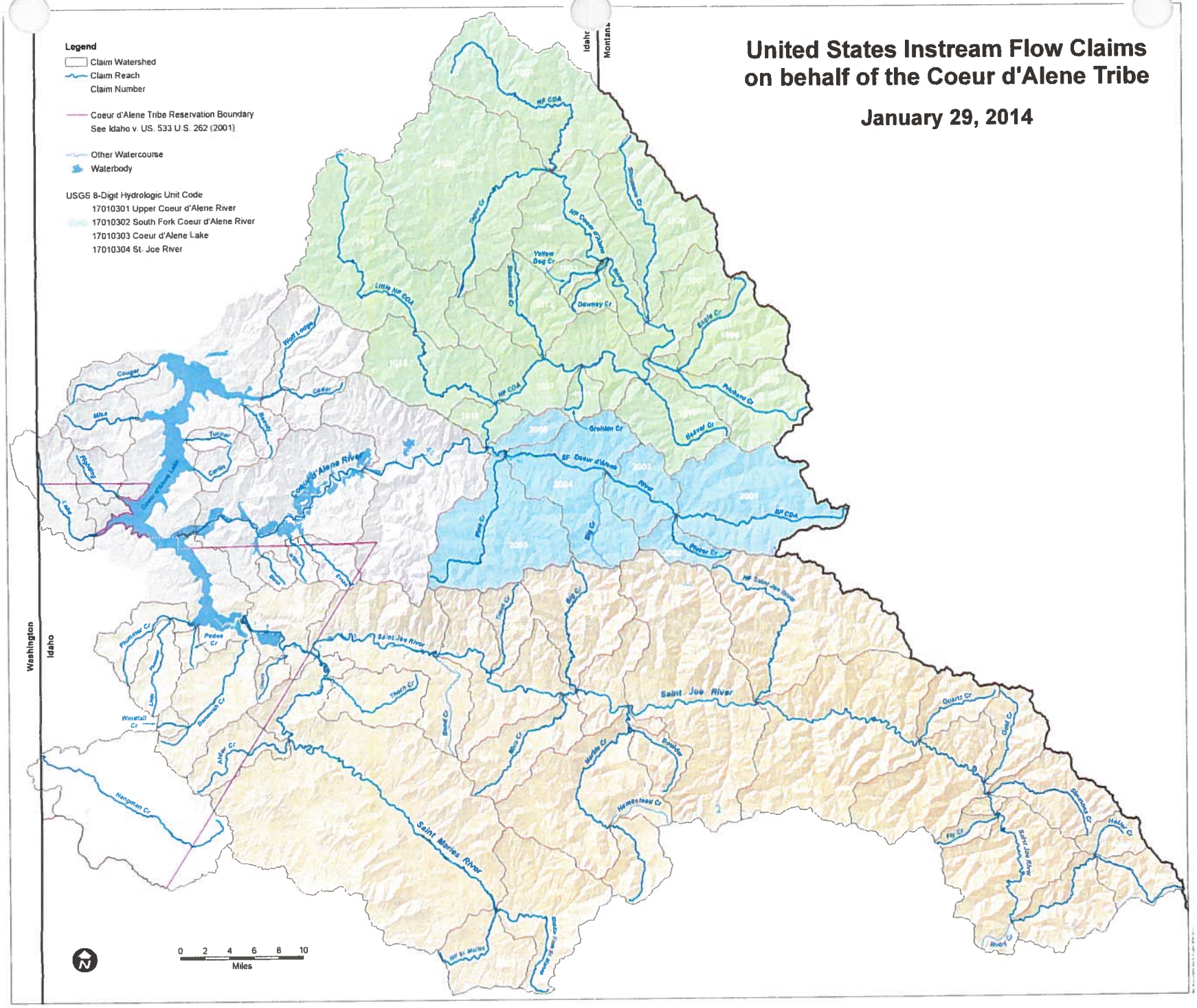
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16688

RECEIVED
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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Beauty Creek (Fed ID #3005)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 2W Section: 31 QQ (__1/4 of __1/4): NENE
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 49N Range 3W Section: 12 QQ (__1/4 of __1/4): NWNW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
20	24	38	30	30	9.2
July	August	September	October	November	December
2.9	2.6	2	1.5	4.5	7.5

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

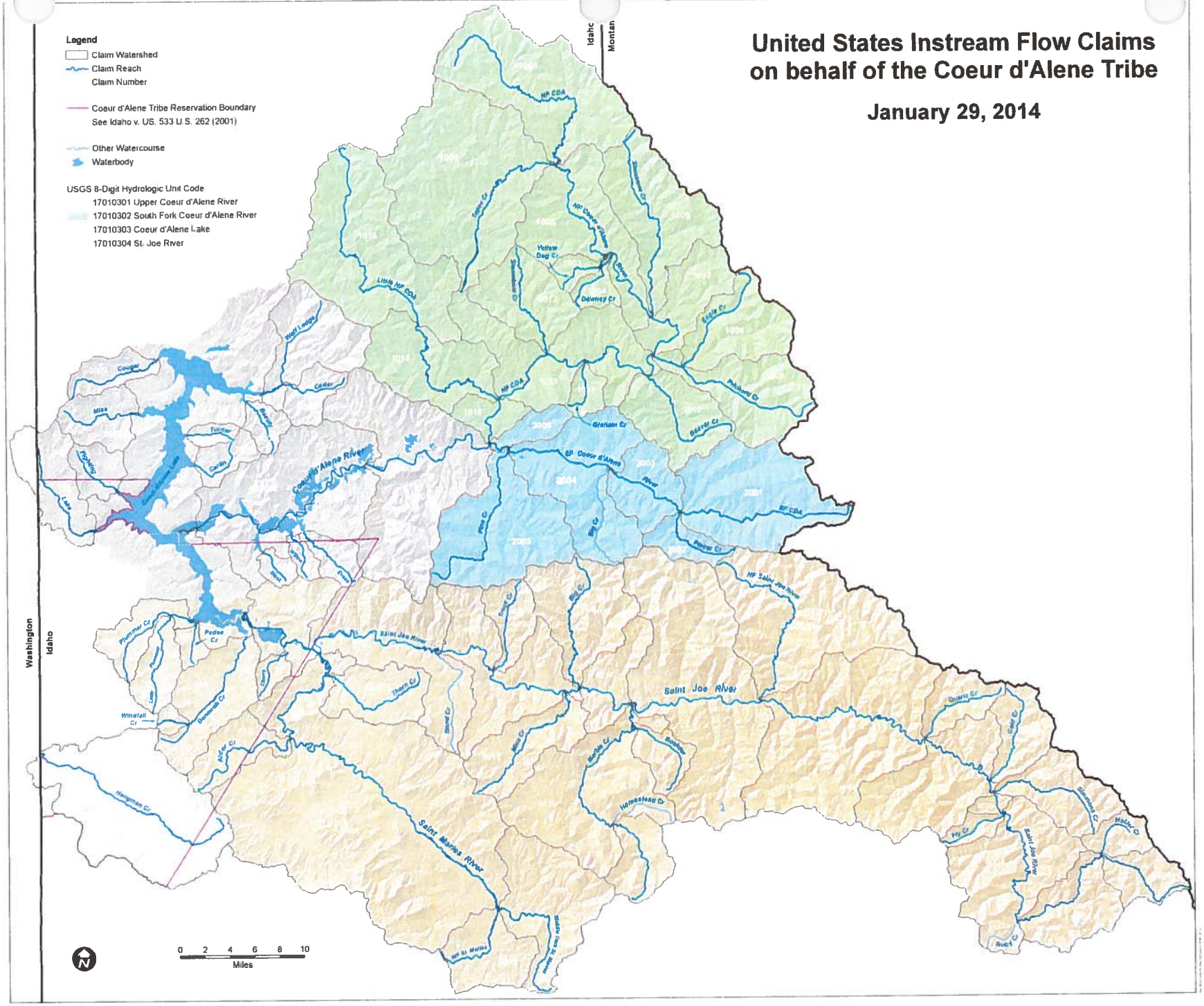
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16689

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Cedar Creek (Fed ID #3006)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 50N Range 1W Section: 31 QQ (__1/4 of __1/4): NESE
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 50N Range 2W Section: 32 QQ (__1/4 of __1/4): SESE
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
24	30	45	45	40	10
July	August	September	October	November	December
3.6	2.8	2.4	2.5	7.6	10

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

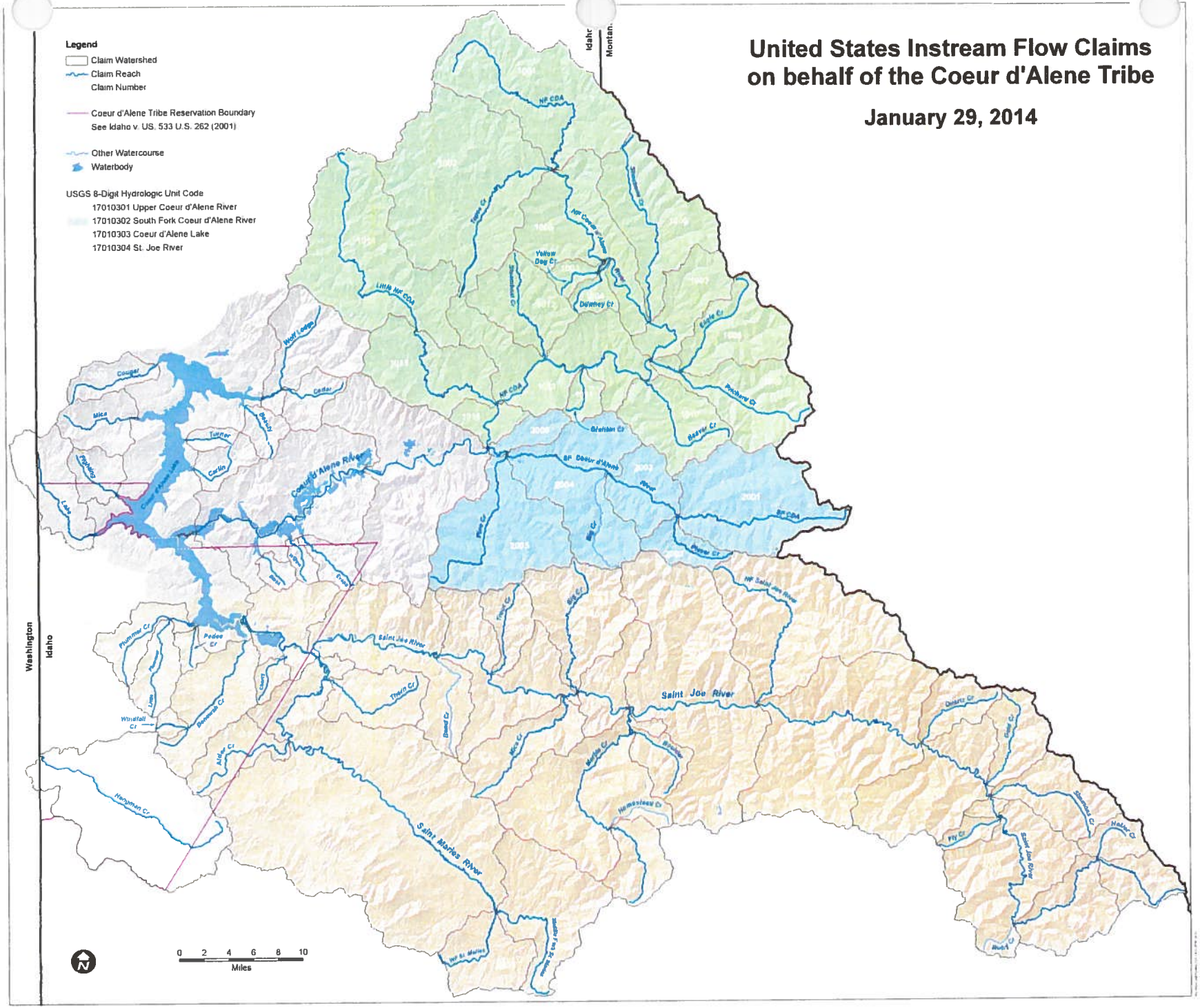
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16690

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Wolf Lodge Creek (Fed ID #3007)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Blue Grouse Creek Headwaters
   Township: 51N Range 2W Section: 36 QQ (__1/4 of __1/4): NWNW
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 49N Range 2W Section: 6 QQ (__1/4 of __1/4): NESW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
56	56	72	94	94	80
July	August	September	October	November	December
24	15	12	12	35	51

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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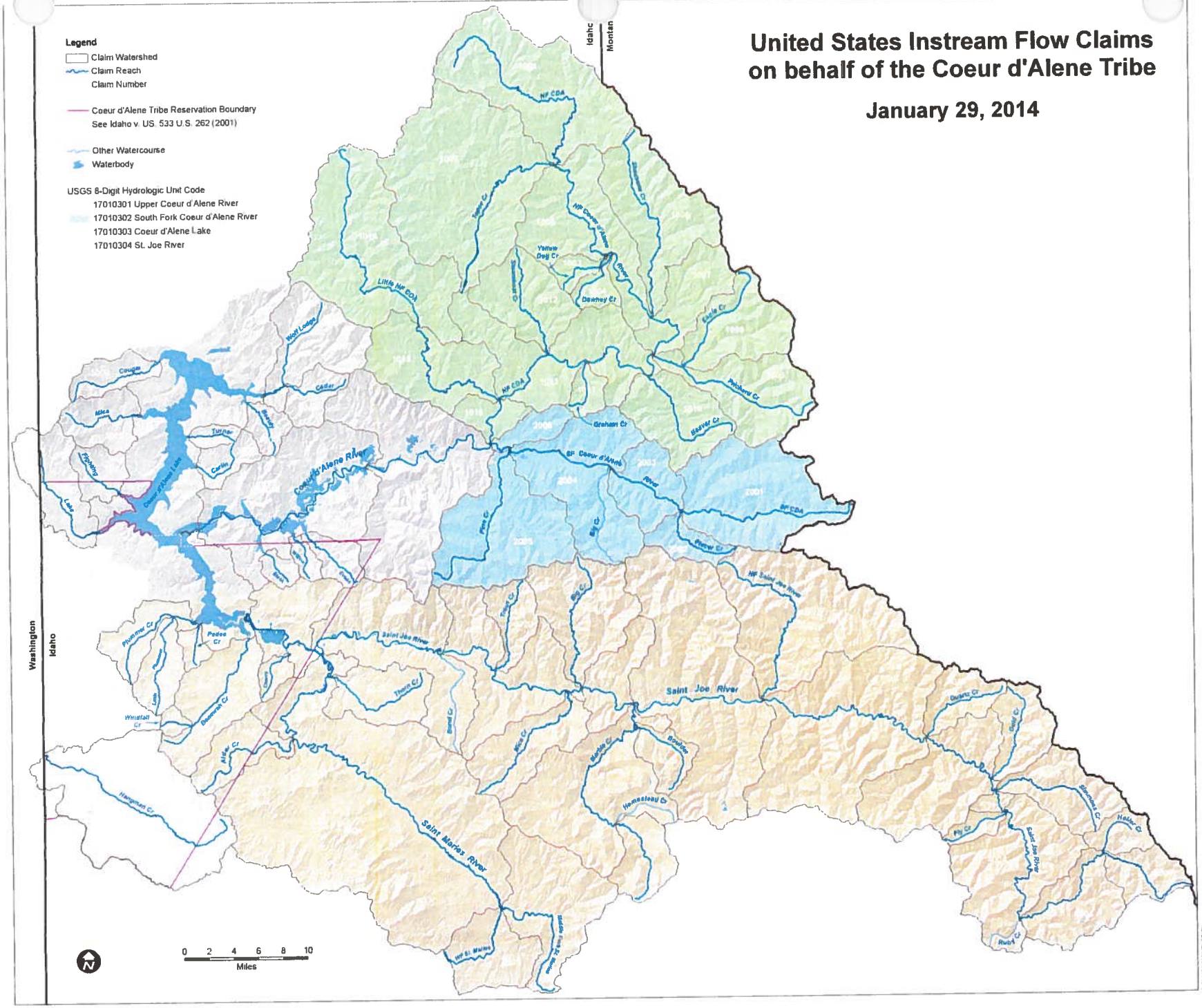
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16691

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Mica Creek (Fed ID #3008)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - North Fork Mica Creek Headwaters
   Township: 49N Range 5W Section: 9 QQ (__1/4 of __1/4): SESW
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 49N Range 4W Section: 9 QQ (__1/4 of __1/4): SESW
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
37	37	46	62	52	41

July	August	September	October	November	December
17	7.1	6.1	9.8	21	35

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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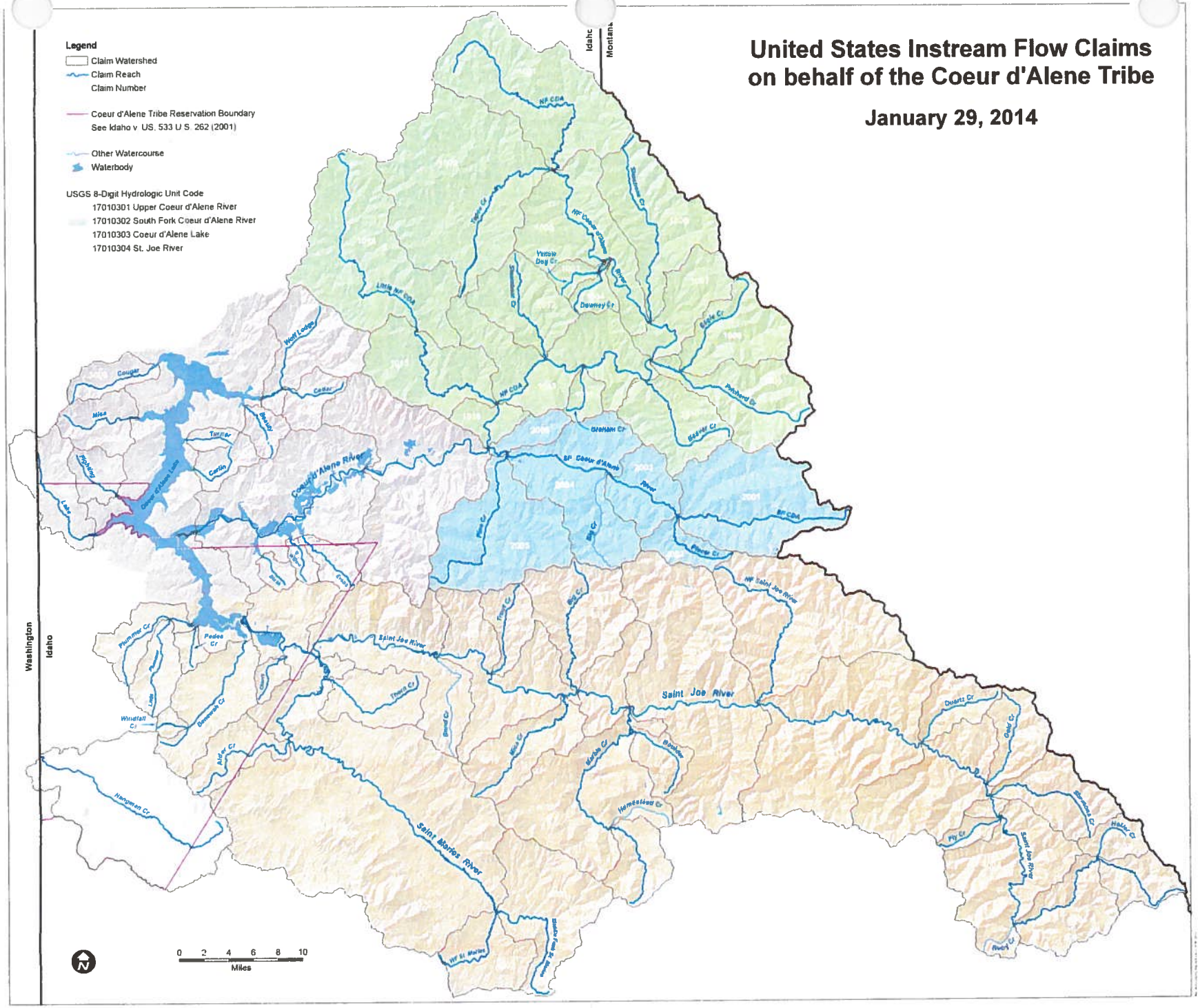
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16692

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM**
	)	**Federal Reserved Water Right**
CASE NO. 49576	)	

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Cougar Creek (Fed ID #3009)

4. **Point of Diversion:** Not applicable; Instream flow

5. **Place of Use:**
   At all points along the stream reach located between the following boundaries:
   Upstream Boundary - Headwaters
   Township: 49N Range 5W Section: 4 QQ (__1/4 of __1/4): NESE
   B.M., County of Kootenai
   Downstream Boundary - Mouth
   Township: 50N Range 4W Section: 21 QQ (__1/4 of __1/4): SESE
   B.M., County of Kootenai
   Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

6. **Purpose of Water Use:**

Fish habitat for fish species harvested within the Reservation – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 infra.

8. **Quantity Reserved (In cfs):**

January	Februrary	March	April	May	June
27	27	33	46	29	23

July	August	September	October	November	December
11	4.9	4.2	6.3	13	21

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262

(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

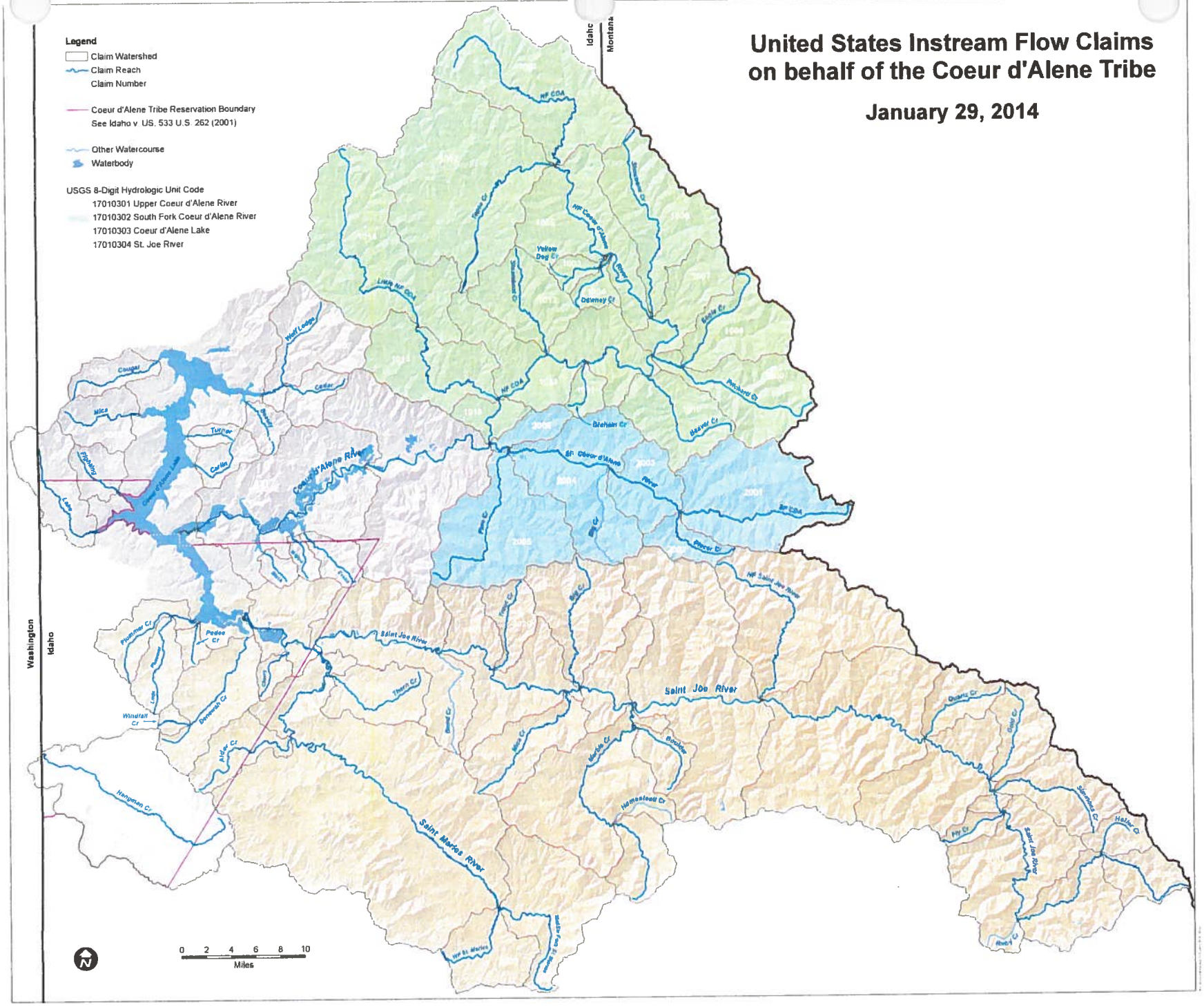
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



95-16693

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Benewah Creek (Fed ID # BC3a)

4. Point of Diversion:

Township: 45N Range: 4W Section: 24 Q: NW1/4 QQ: NE1/4

5. Place of Use: Total Acres: 44

Township: 45N Range: 4W Section: 24 Q: NW1/4 QQ: NW1/4 Acres: 21.4
Township: 45N Range: 4W Section: 24 Q: NW1/4 QQ: SW1/4 Acres: 22.6

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 109

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

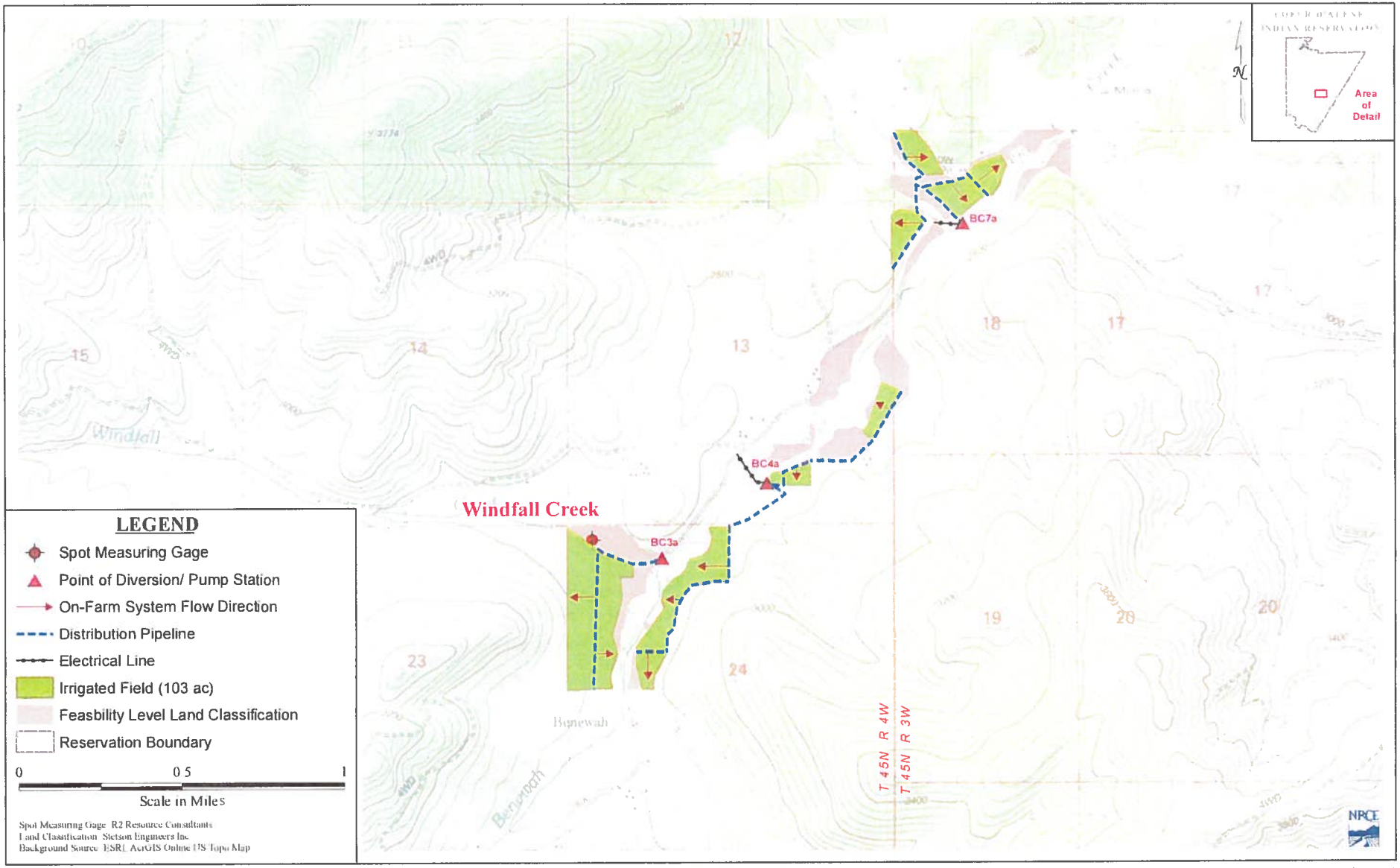
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Benewah Creek Area

December 2013

95-16694

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Benewah Creek (Fed ID # BC4a)

4. **Point of Diversion:**

Township: 45N Range: 4W Section: 13 Q: SE1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 33

Township: 45N	Range: 3W	Section: 18	Q: SW1/4	QQ: L4	Acres: 0.6	
Township: 45N	Range: 4W	Section: 13	Q: SE1/4	QQ: NE1/4	Acres: 4.5	
Township: 45N	Range: 4W	Section: 13	Q: SE1/4	QQ: SW1/4	Acres: 4.0	
Township: 45N	Range: 4W	Section: 24	Q: NW1/4	QQ: NE1/4	Acres: 13.6	
Township: 45N	Range: 4W	Section: 24	Q: NW1/4	QQ: SE1/4	Acres: 7.1	
Township: 45N	Range: 4W	Section: 24	Q: NW1/4	QQ: SW1/4	Acres: 3.2	

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 62

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

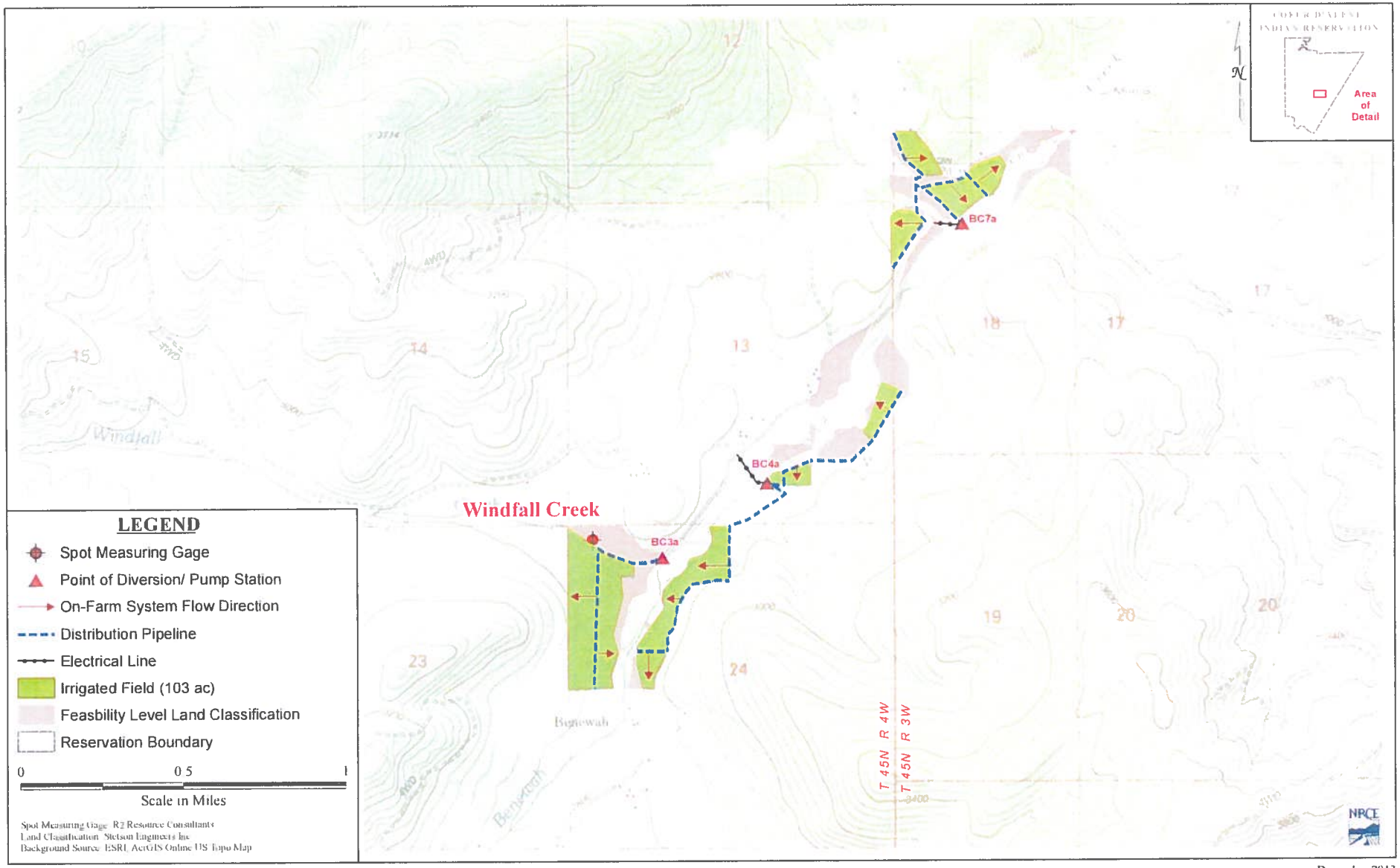
Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Benewah Creek Area

December 2013

95-16695

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: November 8, 1873

3. Source: Benewah Creek (Fed ID # BC7a)

4. Point of Diversion:

Township: 45N Range: 3W Section: 18 Q: NE1/4 QQ: L2

5. Place of Use: Total Acres: 26

Township: 45N	Range: 3W	Section: 18	Q: NE1/4	QQ: NE1/4	Acres: 2.4
Township: 45N	Range: 3W	Section: 18	Q: NE1/4	QQ: L1	Acres: 15.6
Township: 45N	Range: 3W	Section: 18	Q: NE1/4	QQ: L2	Acres: 1.9
Township: 45N	Range: 3W	Section: 18	Q: NW1/4	QQ: L1	Acres: 1.7
Township: 45N	Range: 3W	Section: 18	Q: NW1/4	QQ: L2	Acres: 4.5

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 69

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

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e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

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11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

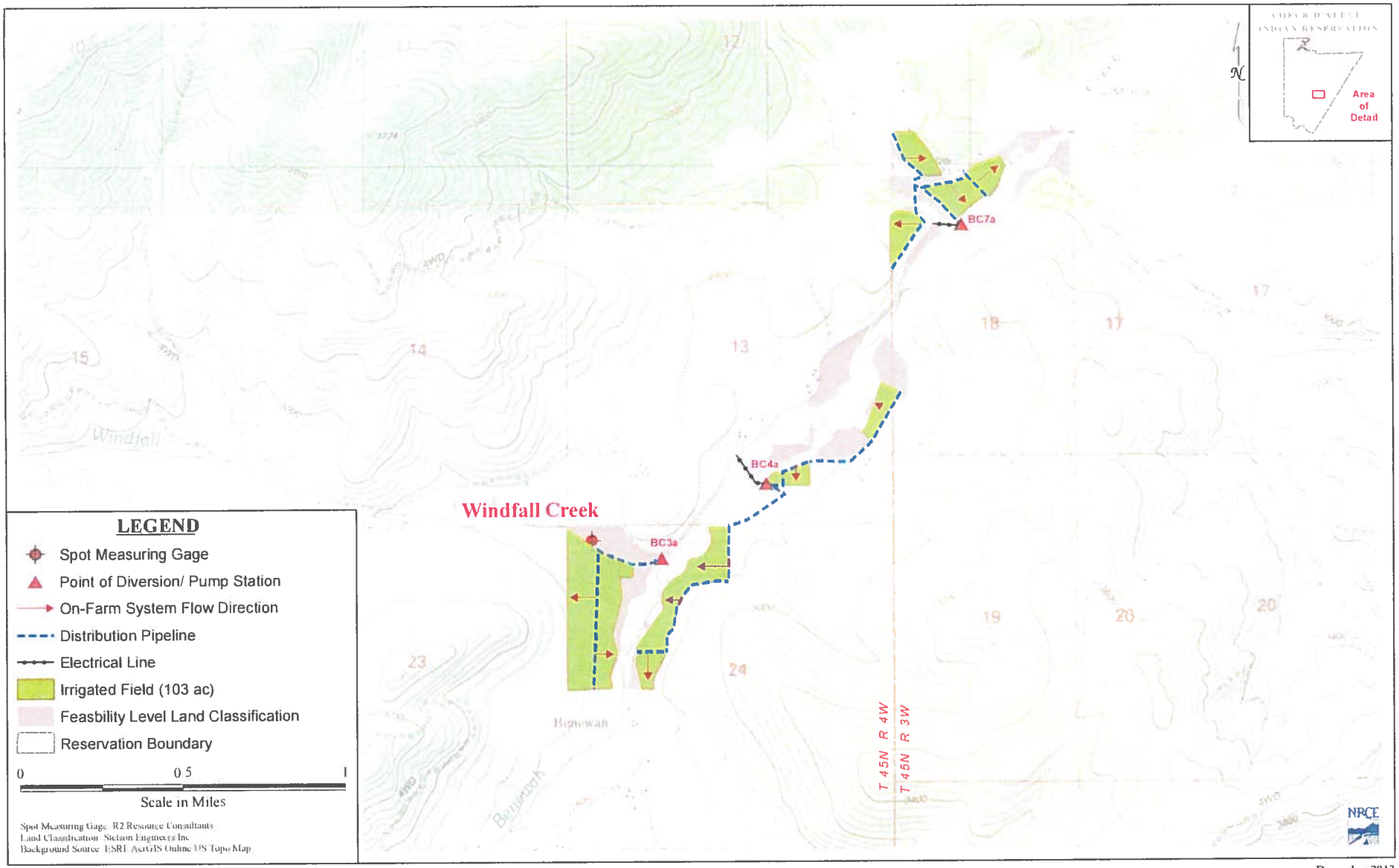
Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Benewah Creek Area

December 2013

95-16696

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

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Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lake Creek (Fed ID # LkC0a)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 21 Q: SW1/2 QQ: SE1/4

5. **Place of Use:** Total Acres: 80

Township: 48N Range: 5W Section: 22 Q: NE1/4 QQ: NE1/4 Acres: 25.1
Township: 48N Range: 5W Section: 22 Q: NE1/4 QQ: NW1/4 Acres: 0.1
Township: 48N Range: 5W Section: 22 Q: NE1/4 QQ: SE1/4 Acres: 32.2
Township: 48N Range: 5W Section: 22 Q: NE1/4 QQ: SW1/4 Acres: 18.3
Township: 48N Range: 5W Section: 22 Q: NW1/4 QQ: SE1/4 Acres: 4.3

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 261

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

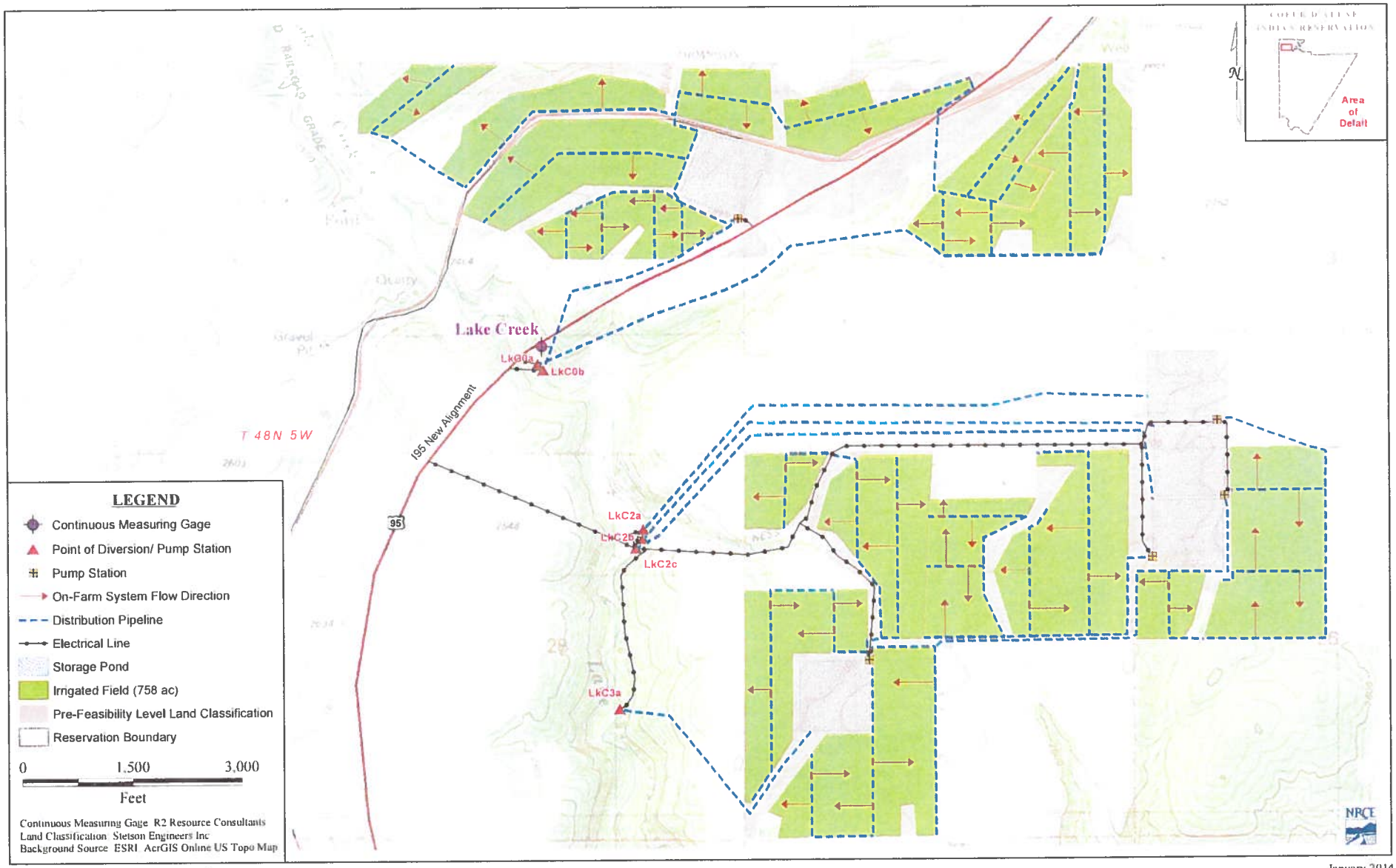
Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Lake Creek Area

January 2014

95-16698

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lake Creek (Fed ID # LkC0b)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 21 Q: SW1/2 QQ: SE1/4

Pond Storage Location –
Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: NE1/4
Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: SE1/4
Township: 48N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4
Township: 48N Range: 5W Section: 22 Q: NW1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 238

Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: NE1/4 Acres: 23.8
Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: NW1/4 Acres: 29.4
Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: SE1/4 Acres: 17.7

Township: 48N	Range: 5W	Section: 21	Q: NE1/4	QQ: SW1/4	Acres: 32.3
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: NE1/4	Acres: 22.4
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: NW1/4	Acres: 17.8
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: SE1/4	Acres: 22.5
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: SW1/4	Acres: 0.7
Township: 48N	Range: 5W	Section: 21	Q: SE1/4	QQ: NE1/4	Acres: 0.1
Township: 48N	Range: 5W	Section: 21	Q: SE1/4	QQ: NW1/4	Acres: 0.2
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: NE1/4	Acres: 7.0
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: NW1/4	Acres: 11.4
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: SE1/4	Acres: 1.0
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: SW1/4	Acres: 15.2
Township: 48N	Range: 5W	Section: 22	Q: NW1/4	QQ: NE1/4	Acres: 15.6
Township: 48N	Range: 5W	Section: 22	Q: NW1/4	QQ: NW1/4	Acres: 21.0

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 674

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not _X_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

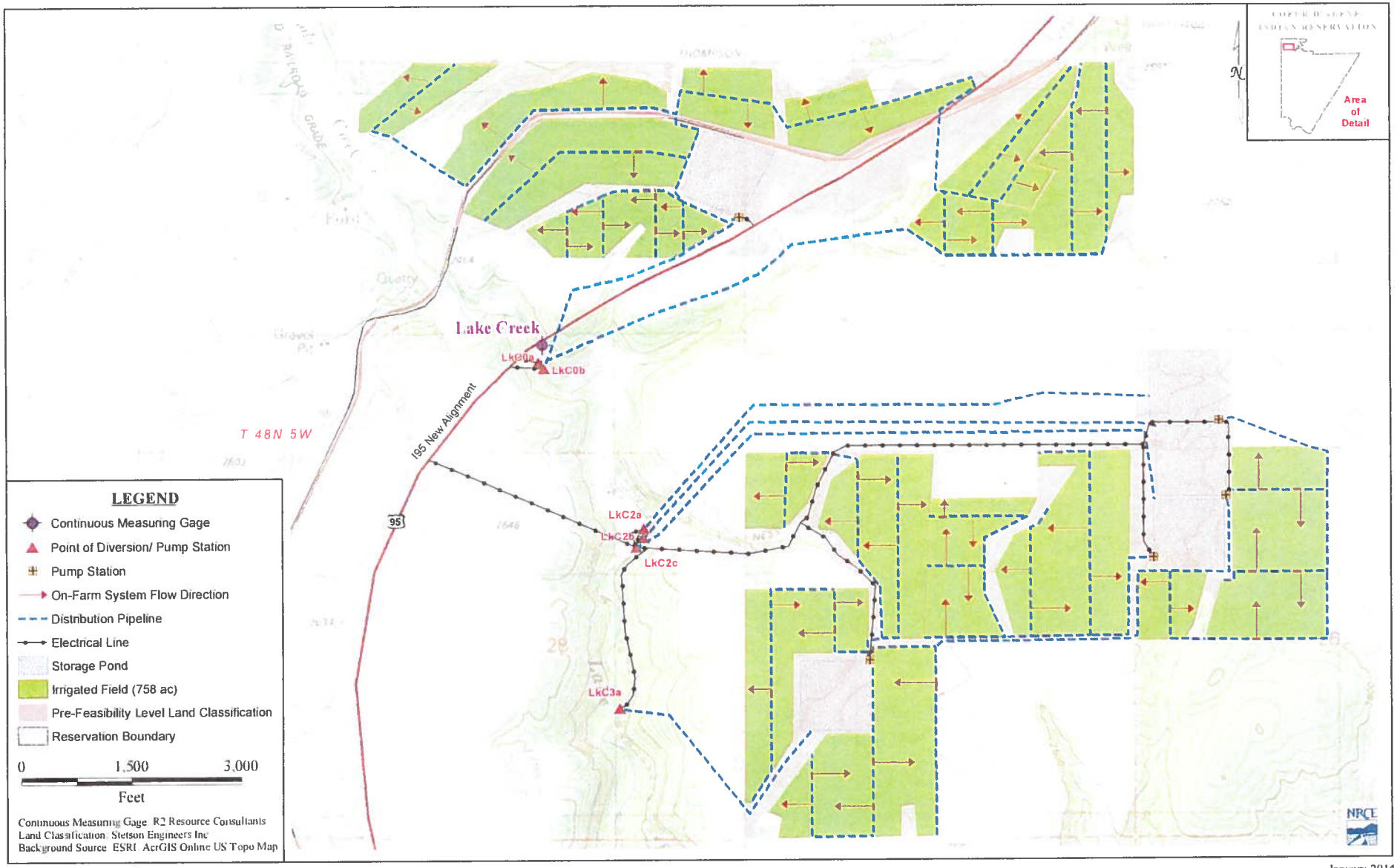
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Lake Creek Area

January 2014

95-16699

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lake Creek (Fed ID # LkC2a)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: NE1/2 QQ: NW1/4

Pond Storage Location – Township: 48N Range: 5W Section: 23 Q: SW1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 98

Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: NE1/4 Acres: 37.9
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: SE1/4 Acres: 38.6
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: SW1/4 Acres: 21.5

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 358

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,

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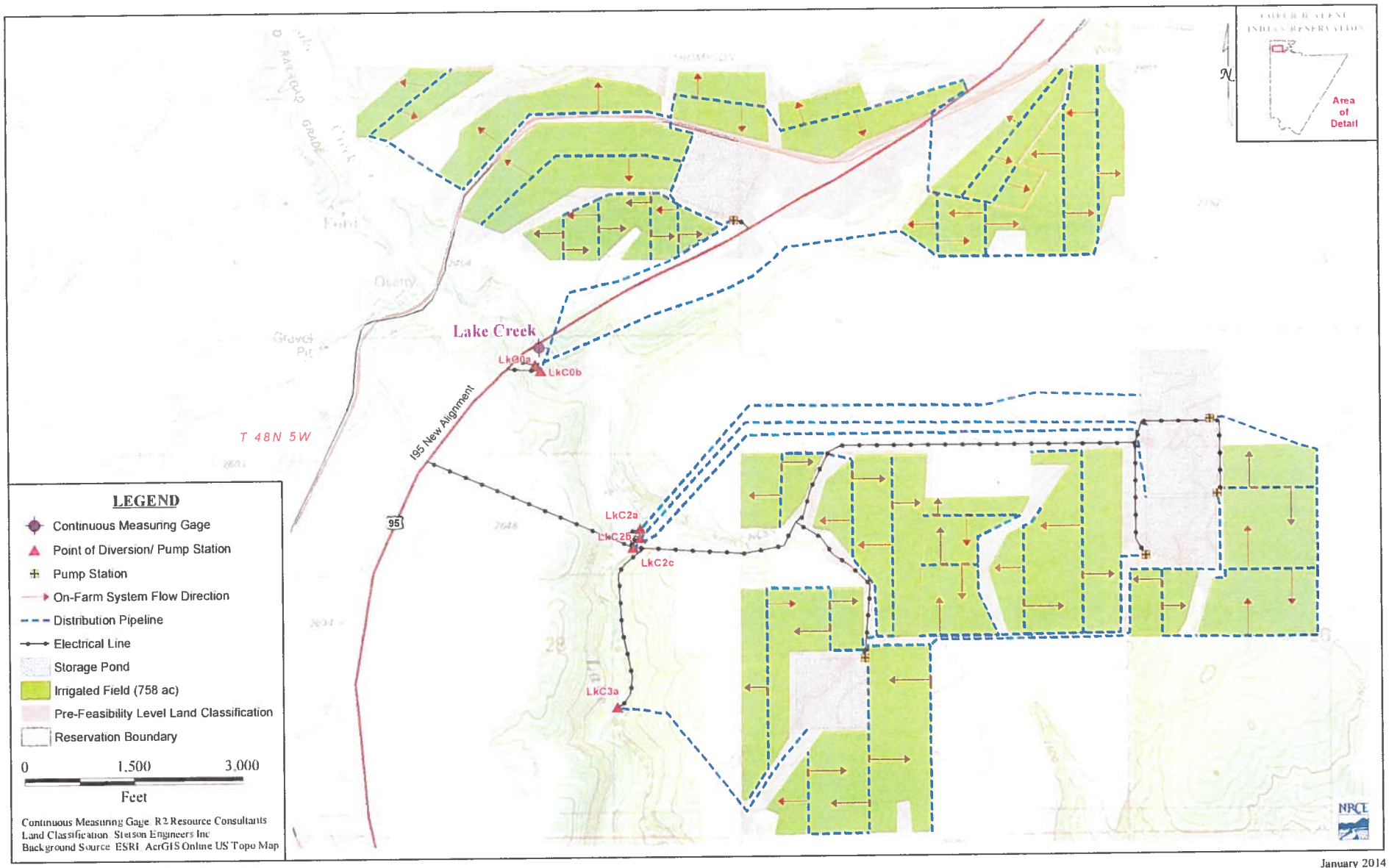
Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



January 2014

Coeur d'Alene Reservation - PIA Project Layout
Lake Creek Area

95-16700

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lake Creek (Fed ID # LkC2b)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: NE1/2 QQ: NW1/4

Pond Storage Location –
Township: 48N Range: 5W Section: 23 Q: SW1/4 QQ: SW1/4
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 84

Township: 48N	Range: 5W	Section: 27	Q: SW1/4	QQ: NE1/4	Acres: 25.6
Township: 48N	Range: 5W	Section: 27	Q: SW1/4	QQ: NW1/4	Acres: 0.4
Township: 48N	Range: 5W	Section: 27	Q: SW1/4	QQ: SE1/4	Acres: 36.9
Township: 48N	Range: 5W	Section: 27	Q: SW1/4	QQ: SW1/4	Acres: 20.9
Township: 48N	Range: 5W	Section: 34	Q: NW1/4	QQ: NW1/4	Acres: 0.2

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 313

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

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11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

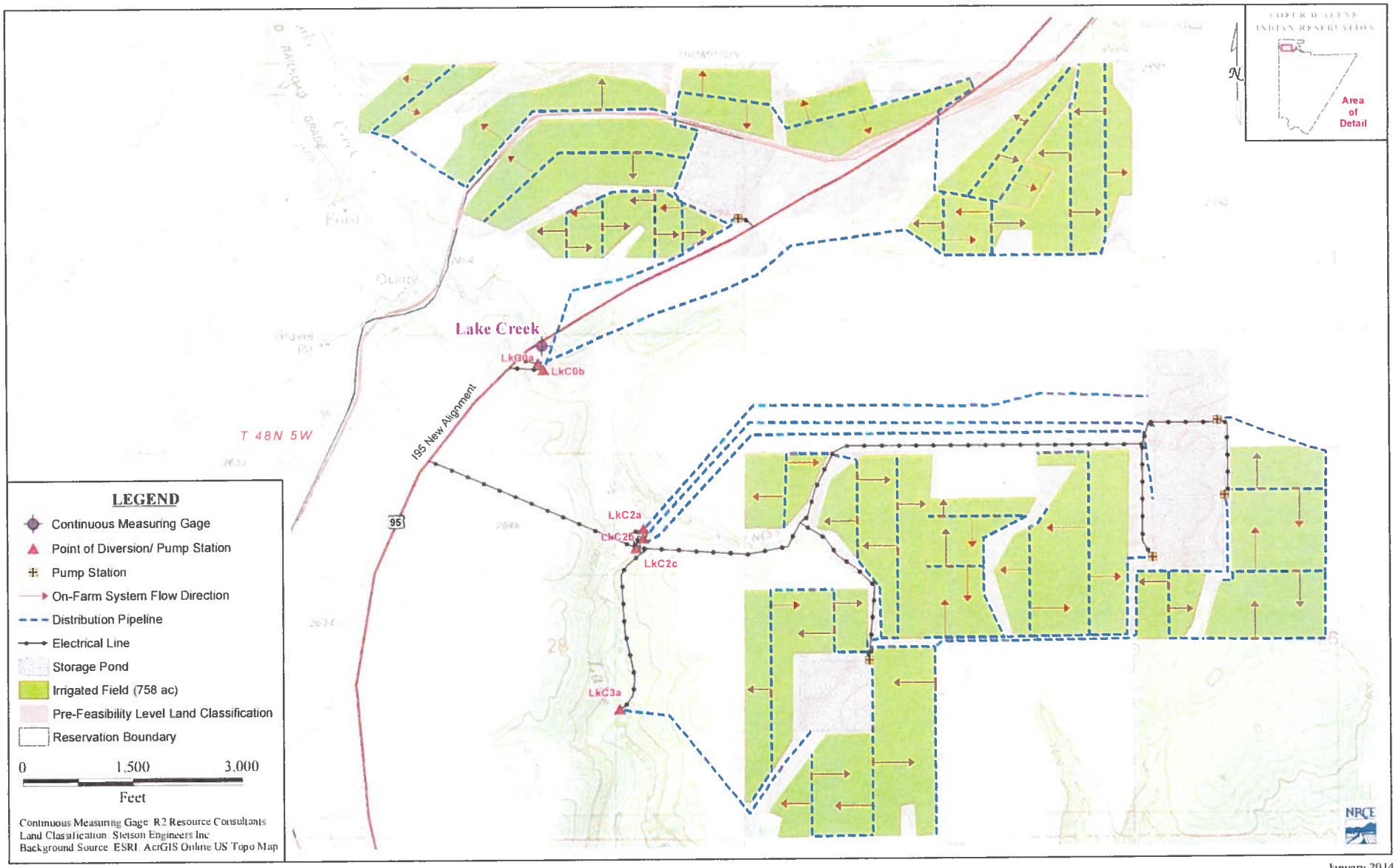
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Lake Creek Area

January 2014

95-16701

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lake Creek (Fed ID # LkC2c)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: NE1/2 QQ: SW1/4

Pond Storage Location –
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: NW1/4
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: SW1/4

5. **Place of Use:** Total Acres: 122

Township: 48N Range: 5W Section: 27 Q: NE1/4 QQ: NE1/4 Acres: 31.0
Township: 48N Range: 5W Section: 27 Q: NE1/4 QQ: NW1/4 Acres: 15.9
Township: 48N Range: 5W Section: 27 Q: NE1/4 QQ: SE1/4 Acres: 35.6
Township: 48N Range: 5W Section: 27 Q: NE1/4 QQ: SW1/4 Acres: 32.2
Township: 48N Range: 5W Section: 27 Q: NW1/4 QQ: NE1/4 Acres: 2.1

Township: 48N Range: 5W Section: 27 Q: NW1/4 QQ: SE1/4 Acres: 5.3

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 365

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

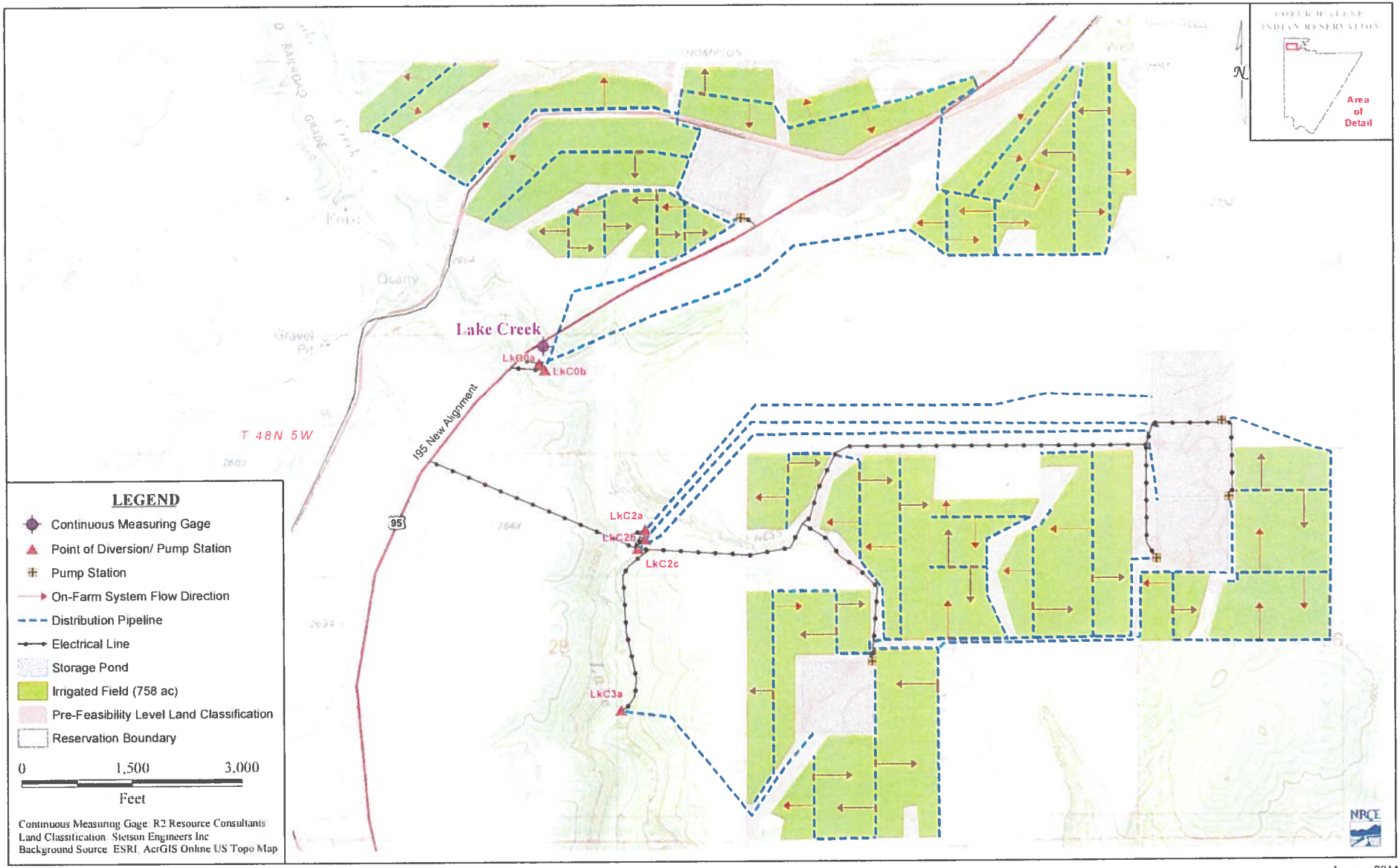
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Lake Creek Area

January 2014

95-16702

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Lake Creek (Fed ID # LkC3a)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: SE1/2 QQ: NW1/4

Pond Storage Location –
Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NE1/4
Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NW1/4

5. **Place of Use:** Total Acres: 136

Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: NE1/4	Acres: 32.9
Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: NW1/4	Acres: 24.6
Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: SE1/4	Acres: 26.7
Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: SW1/4	Acres: 22.1
Township: 48N	Range: 5W	Section: 27	Q: SW1/4	QQ: NE1/4	Acres: 1.0

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NW1/4 Acres: 21.6
Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: SW1/4 Acres: 7.1

See Attached Map

6. Purpose of Water Use: Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. Period of Use: January 1 through December 31

8. Quantity Reserved: Acre Feet: 401

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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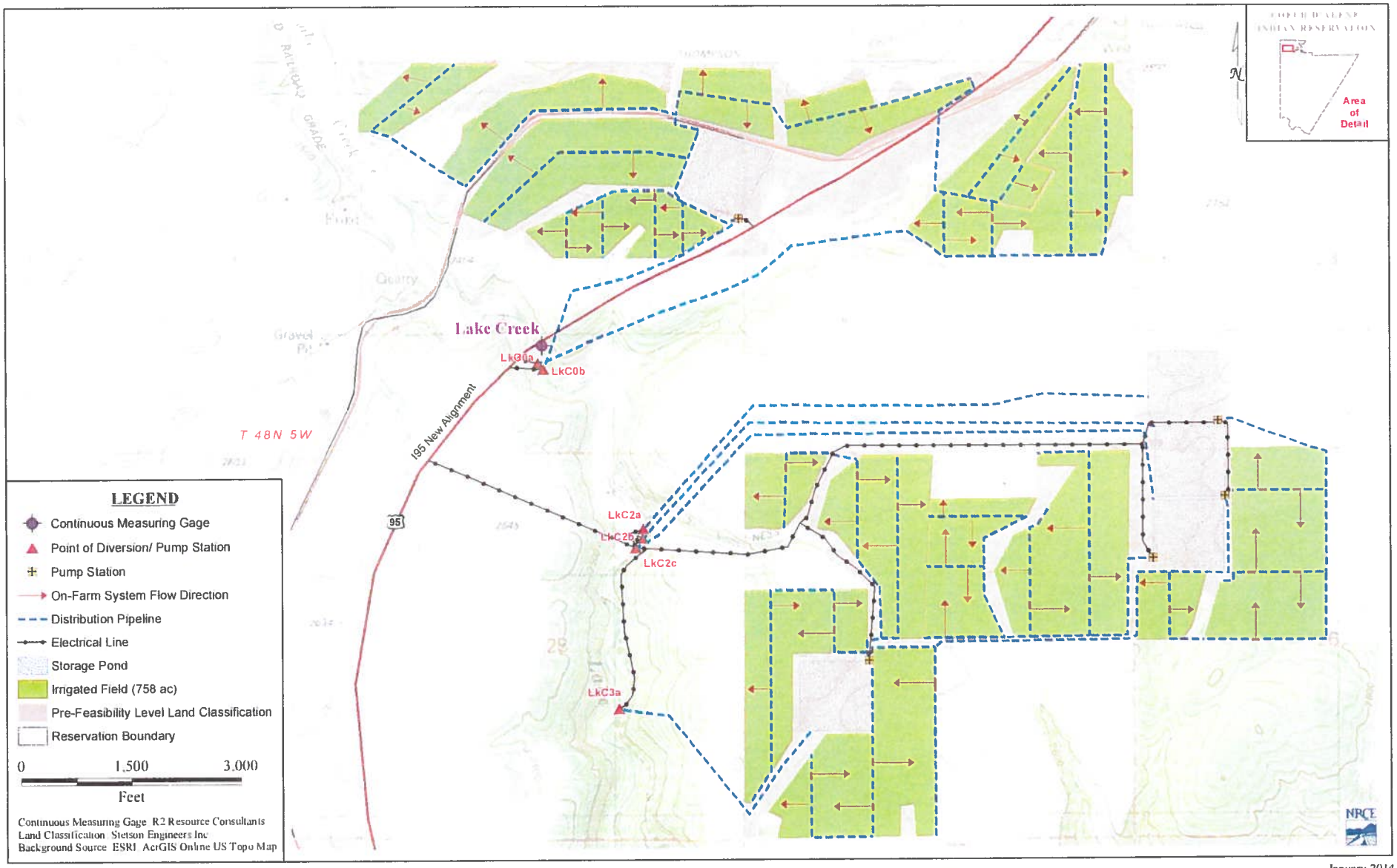
Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Lake Creek Area

January 2014

95-16703

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. **Date of Priority**: November 8, 1873

3. **Source:** Coeur d'Alene Lake (Fed ID # CdALk2)

4. **Point of Diversion:**

Township: 48N Range: 5W Section: 35 Q: NE1/2 QQ: L2

5. **Place of Use:** Total Acres: 928

Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: NE1/4	Acres: 18.1
Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: NW1/4	Acres: 19.1
Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: SE1/4	Acres: 0.6
Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: SW1/4	Acres: 4.9
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: NE1/4	Acres: 38.1
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: NW1/4	Acres: 20.7
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: SE1/4	Acres: 38.8
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: SW1/4	Acres: 26.2
Township: 47N	Range: 5W	Section: 4	Q: SE1/4	QQ: NE1/4	Acres: 0.7

Township: 47N	Range: 5W	Section: 4	Q: SE1/4	QQ: SE1/4	Acres: 22.5
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: NE1/4	Acres: 25.2
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: NW1/4	Acres: 11.6
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: SE1/4	Acres: 14.0
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: SW1/4	Acres: 27.4
Township: 47N	Range: 5W	Section: 9	Q: NW1/4	QQ: NE1/4	Acres: 26.6
Township: 47N	Range: 5W	Section: 9	Q: NW1/4	QQ: SE1/4	Acres: 18.6
Township: 47N	Range: 5W	Section: 9	Q: NW1/4	QQ: SW1/4	Acres: 0.1
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: NE1/4	Acres: 28.3
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: SE1/4	Acres: 10.6
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: NE1/4	Acres: 38.2
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: NW1/4	Acres: 29.9
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: SE1/4	Acres: 39.8
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: SW1/4	Acres: 38.2
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: NE1/4	Acres: 29.6
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: NW1/4	Acres: 33.3
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: SE1/4	Acres: 38.2
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: SW1/4	Acres: 25.5
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: NE1/4	Acres: 28.9
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: NW1/4	Acres: 38.6
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: SE1/4	Acres: 14.6
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: SW1/4	Acres: 24.0
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: NE1/4	Acres: 30.0
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: NW1/4	Acres: 37.5
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: SE1/4	Acres: 35.6
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: SW1/4	Acres: 24.4
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: NE1/4	Acres: 13.2
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: NW1/4	Acres: 3.3
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: SE1/4	Acres: 1.5
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: SW1/4	Acres: 22.7
Township: 47N	Range: 5W	Section: 15	Q: NE1/4	QQ: NW1/4	Acres: 20.8
Township: 47N	Range: 5W	Section: 15	Q: NE1/4	QQ: SW1/4	Acres: 5.1
Township: 47N	Range: 5W	Section: 15	Q: NW1/4	QQ: NE1/4	Acres: 2.9

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 2,711

9. Basis of Claim: The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:
Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

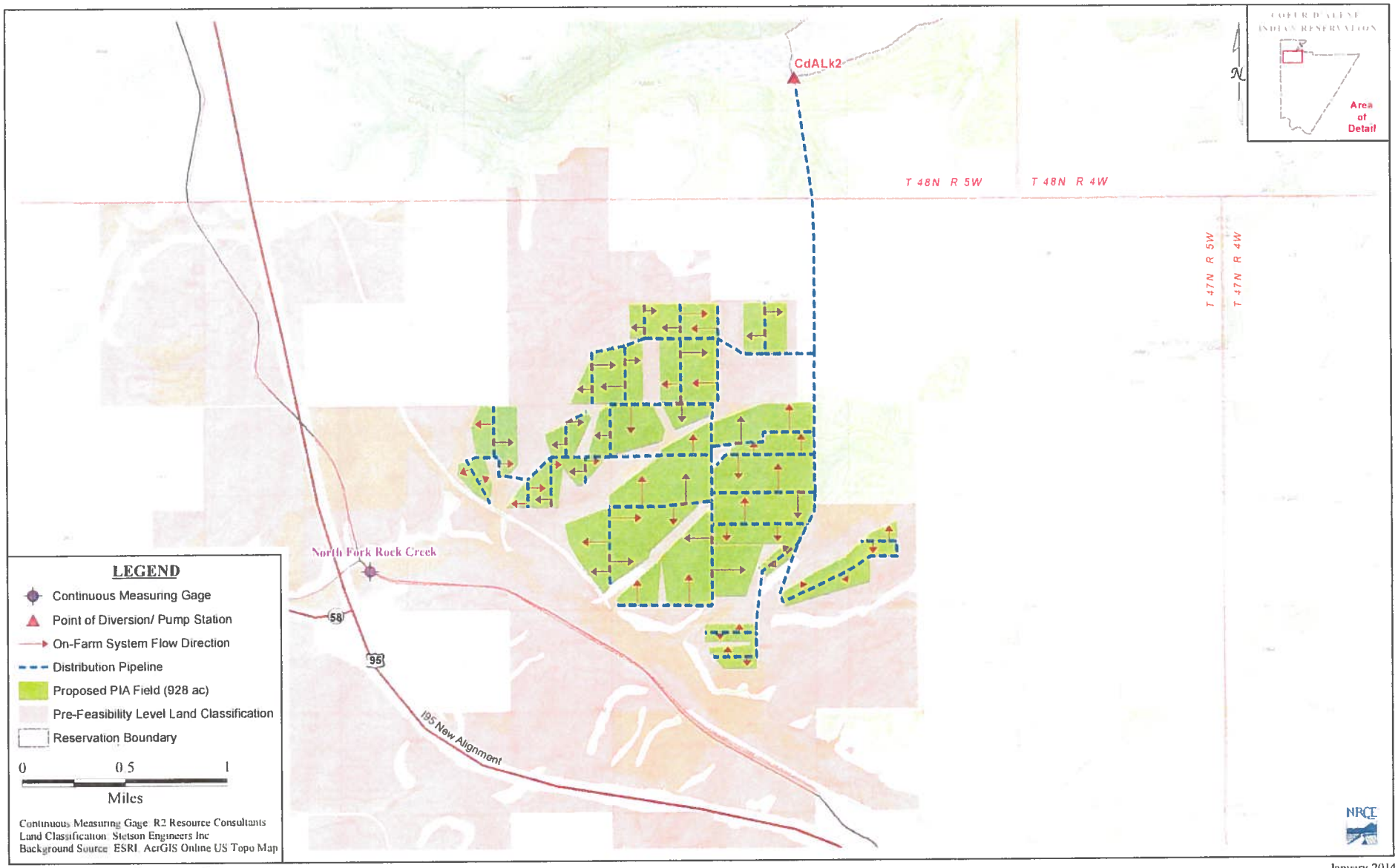
Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout
Coeur d'Alene Lake Area

January 2014

95-16704

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM	)	**NOTICE OF CLAIM**
	)	**Federal Reserved Water Right**
CASE NO. 49576	)	

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Lake Coeur d'Alene and its tributary sources, including surface water and groundwater.

See Section 10 below for further discussion of Source.

4. Point of Diversion: Not Applicable – This claim is for *in situ* maintenance of the Lake's natural elevation.

5. Place of Use: That portion of Lake Coeur d'Alene and its related waters that are located within the boundary of the Coeur d'Alene Reservation.

See Section 10 below for further discussion of Place of Use.

6. Purpose of Water Use: Present and future uses, including but not limited to: food; fiber; transportation; recreation; religious, cultural, and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*. In addition, "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998) (*aff'd*, *Idaho v. United States*, 533 U.S. 262 (2001)).

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** A sufficient flow into Lake Coeur d'Alene to maintain the monthly elevations and outflows found in the table below, subject to section 10(a), *infra*.

MONTH	**LAKE ELEVATION** (feet)[1]	**OUTFLOW** (cfs)[2]
January	2,124.2	7,470
February	2,124.7	8,550
March	2,125.8	11,900
April	2,128.5	20,000
May	2,129.6	23,000
June	2,127.2	15,900
July	2,122.8	4,520
August	2,120.9	1,420
September	2,120.4	974
October	2,120.6	1,240
November	2,121.9	2,920
December	2,123.6	5,680

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is for a sufficient flow into Lake Coeur d'Alene to result in the Lake elevations and outflows found in Section 8 *supra*. The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which is governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 *and* the minimum outflow in Section 8 *could be met* but for

[1] Local datum of 2100 ft plus gage height as measured by the United States Geological Survey gage located on Coeur d'Alene Lake at Coeur d'Alene, ID (Site # 12415500).

[2] As measured by the United States Geological Survey gage located on the Spokane River near Post Falls, ID (Site # 12419000).

operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

b. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

c. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

d. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

e. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

f. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

g. The place of use in this claim is limited to those submerged lands where title is quieted in favor of the United States for the benefit of the Coeur d'Alene Tribe. *See Idaho v. United States*, 533 U.S. 262 (2001). This claim and other documents provided herein are not intended and shall not be construed to apply to, address or resolve, or submit to the jurisdiction of the State of Idaho, or otherwise waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation.

h. This claim and any other documents provided herein, are not intended to establish or modify the ordinary high water mark of Lake Coeur d'Alene.

i. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not **_X_** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title and Organization: Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment & Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

95-16705

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #HP8)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.2676

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 513627 5251288; which is located in:

   Township: 47N Range 04W Section: 15 Q: SE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.4996 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

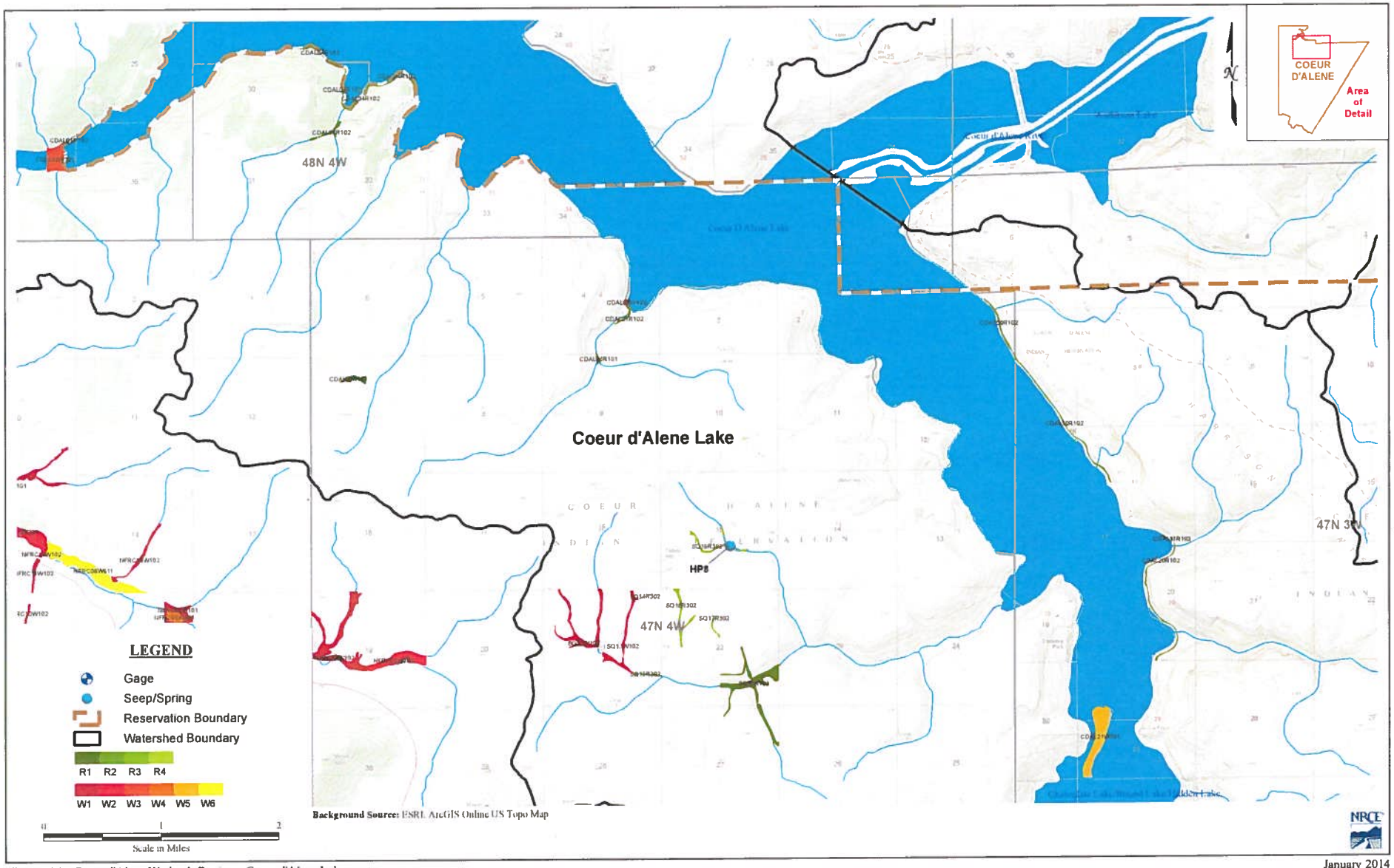


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16706

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #HP28A)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.0793

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 523687 5250914; which is located in:

   Township: 47N Range 03W Section: 23 Q: NW QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 0.2031 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

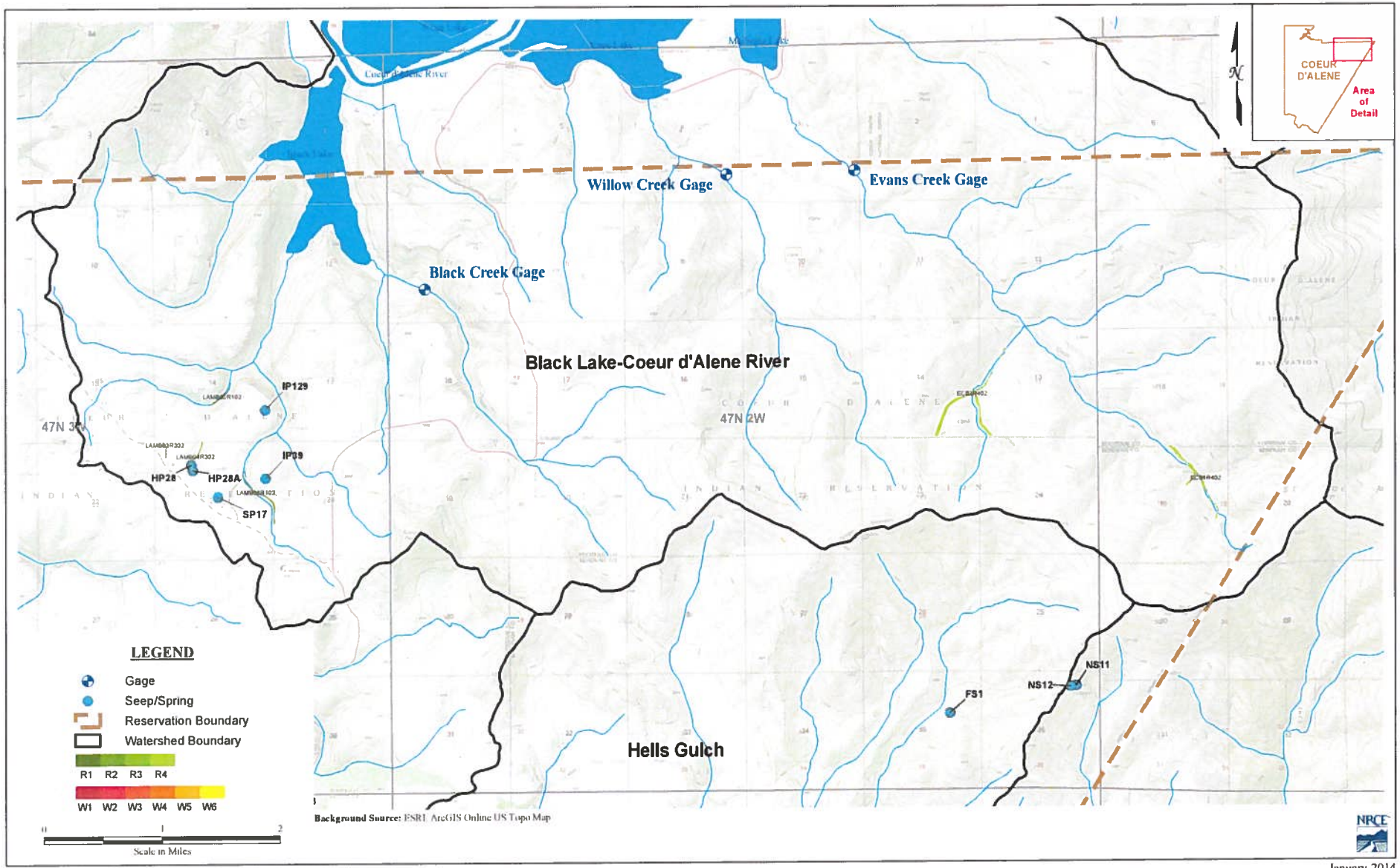


Figure A9 : Coeur d'Alene Wetlands Review - Black Lake-Coeur d'Alene River

January 2014

95-16708

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Spring and/or seep (Fed ID #NS39)

4. **Point of Diversion:**

   Not applicable – This claim is for a spring and/or seep *in situ* including sufficient groundwater to maintain the wetland and/or riparian habitat surrounding the spring and/or seep.

5. **Place of Use:** Total Acres: 0.8175

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 507719 5237952; which is located in:

   Township: 46N Range 05W Section: 25 Q: SE QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.1486 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

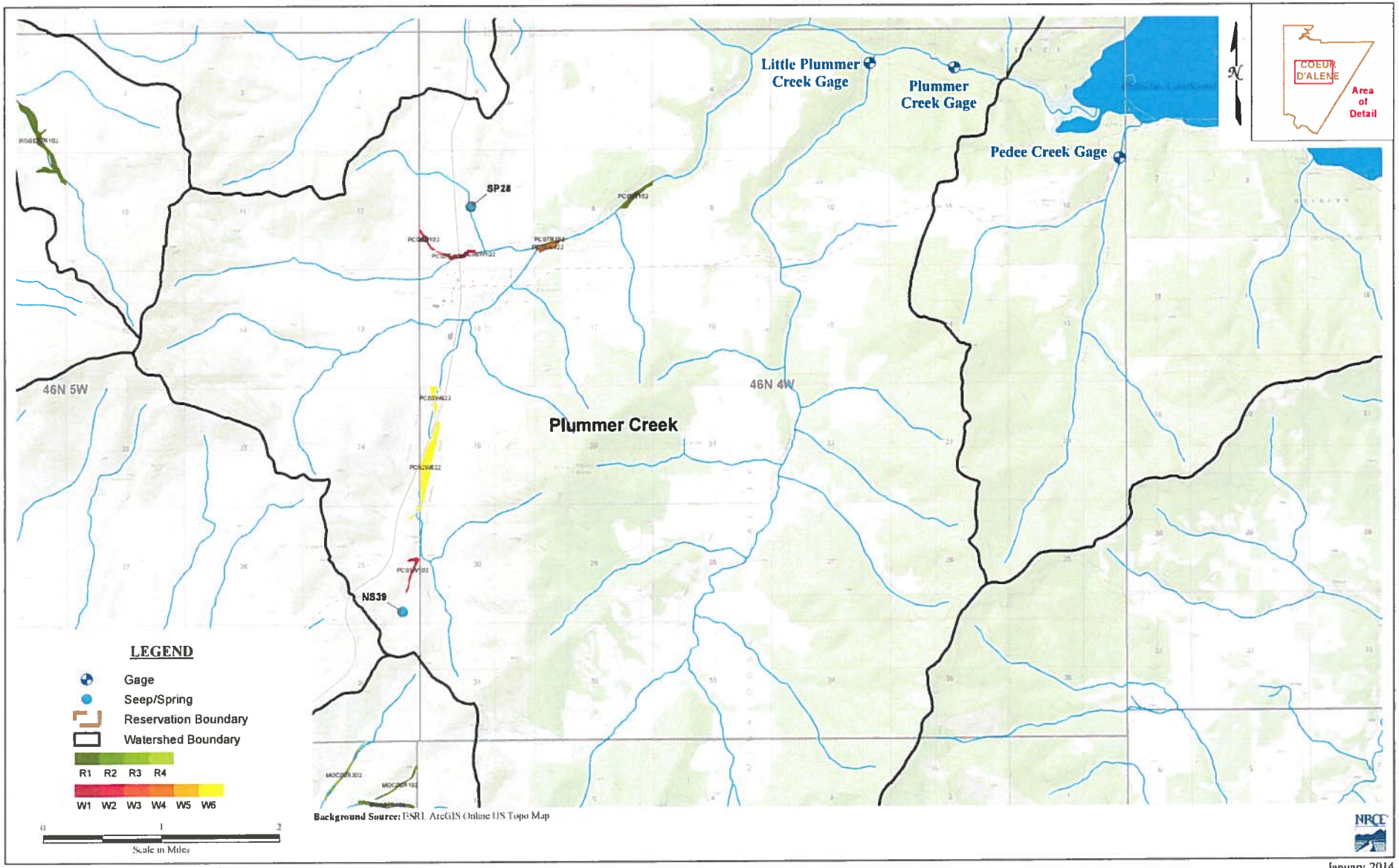


Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16709

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Benewah Creek (Fed ID #BC01R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 11.49
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 516401 5231099; which is located in:
   Township: 45N Range: 04W Section: 24 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 26.07 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

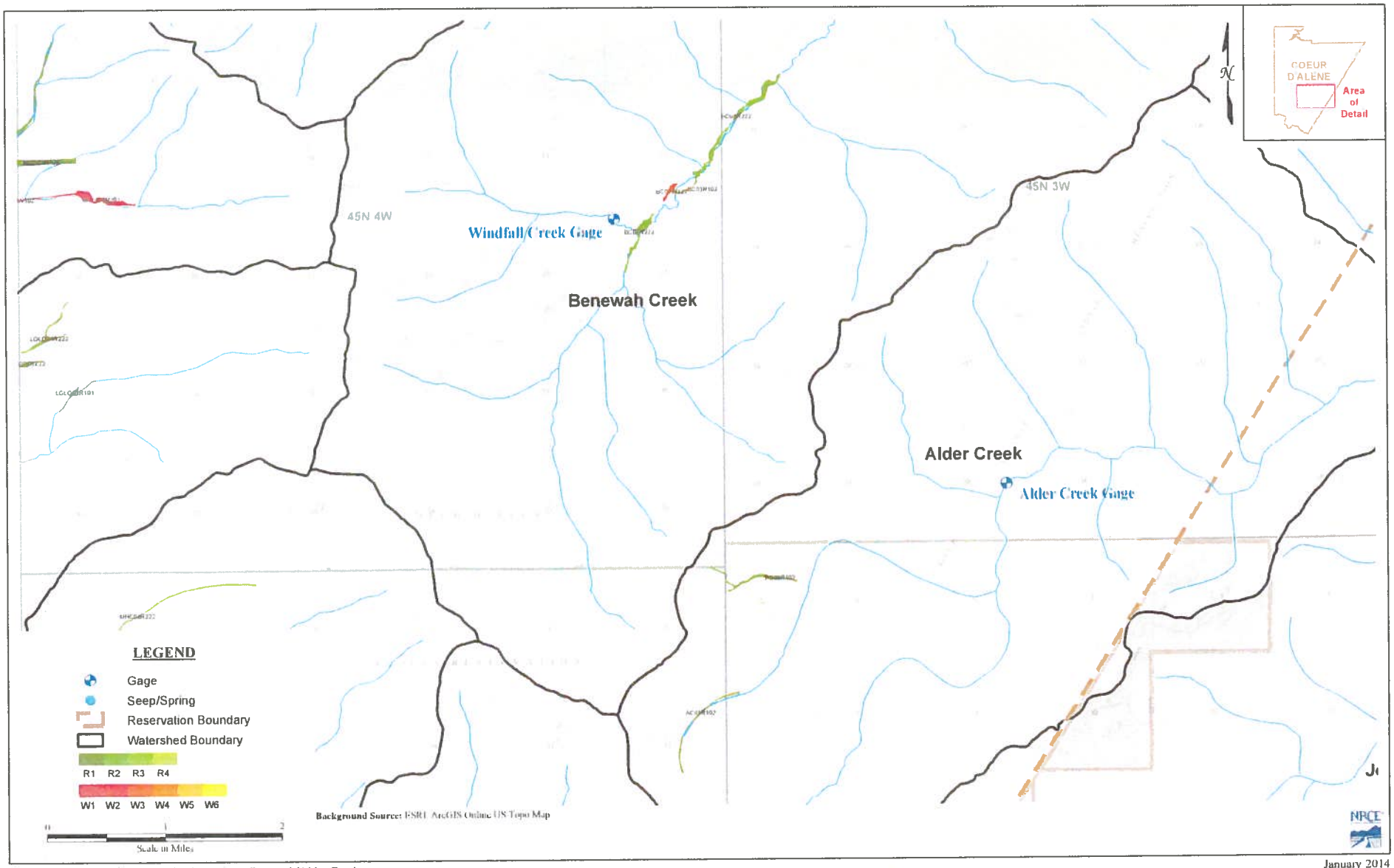


Figure A3 : Coeur d'Alene Wetlands Review - Benewah/Alder Creek

January 2014

95-16710

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Benewah Creek (Fed ID #BC02W322)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.53
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 516832 5231704; which is located in:
   Township: 45N Range: 04W Section: 13 Q: SE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 10.16 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

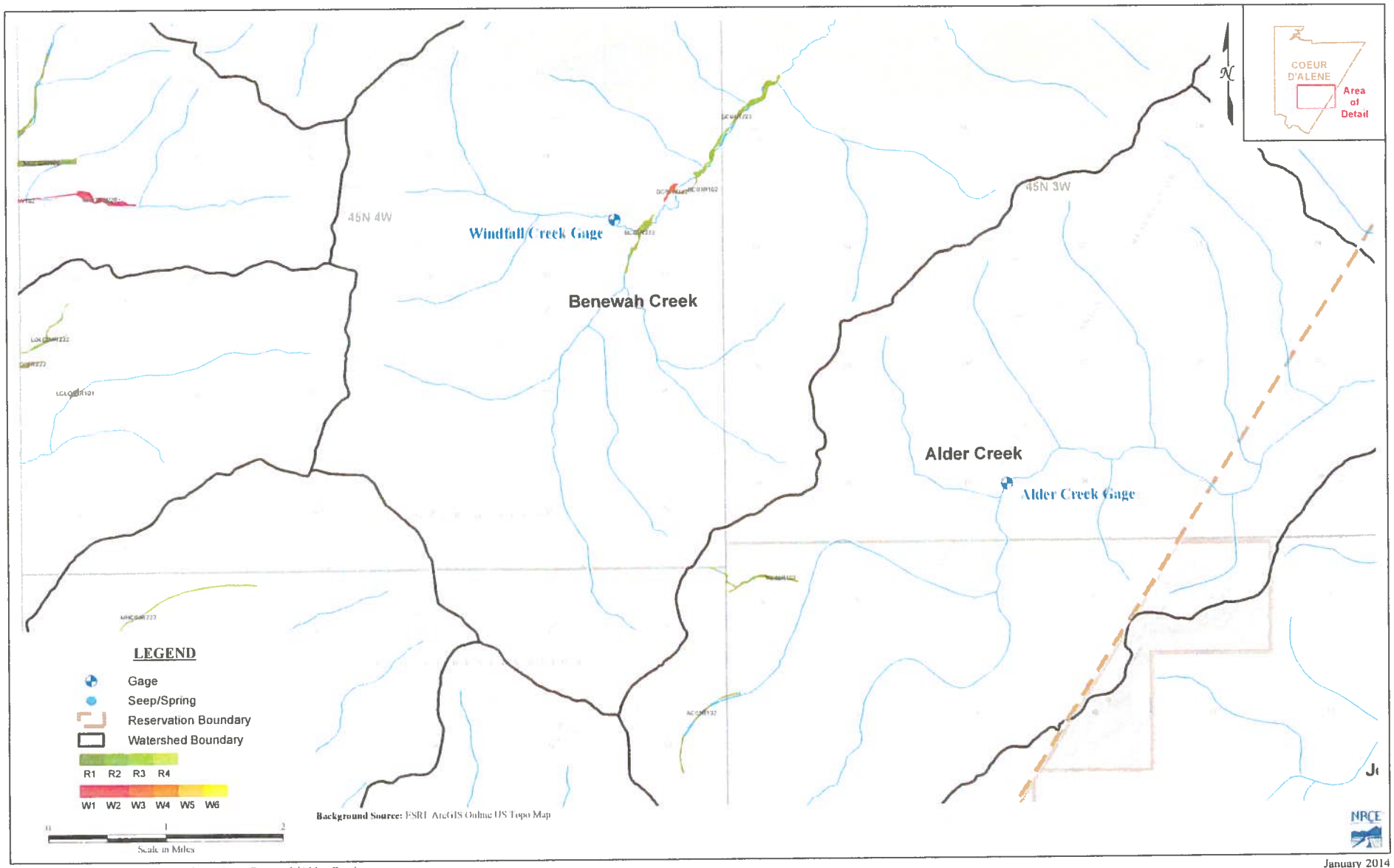


Figure A3 : Coeur d'Alene Wetlands Review - Benewah/Alder Creek

January 2014

95-16711

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Benewah Creek (Fed ID #BC03R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.21

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 517064 5231756; which is located in:

   Township: 45N Range: 04W Section: 13 Q: SE QQ: SW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 5.32 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

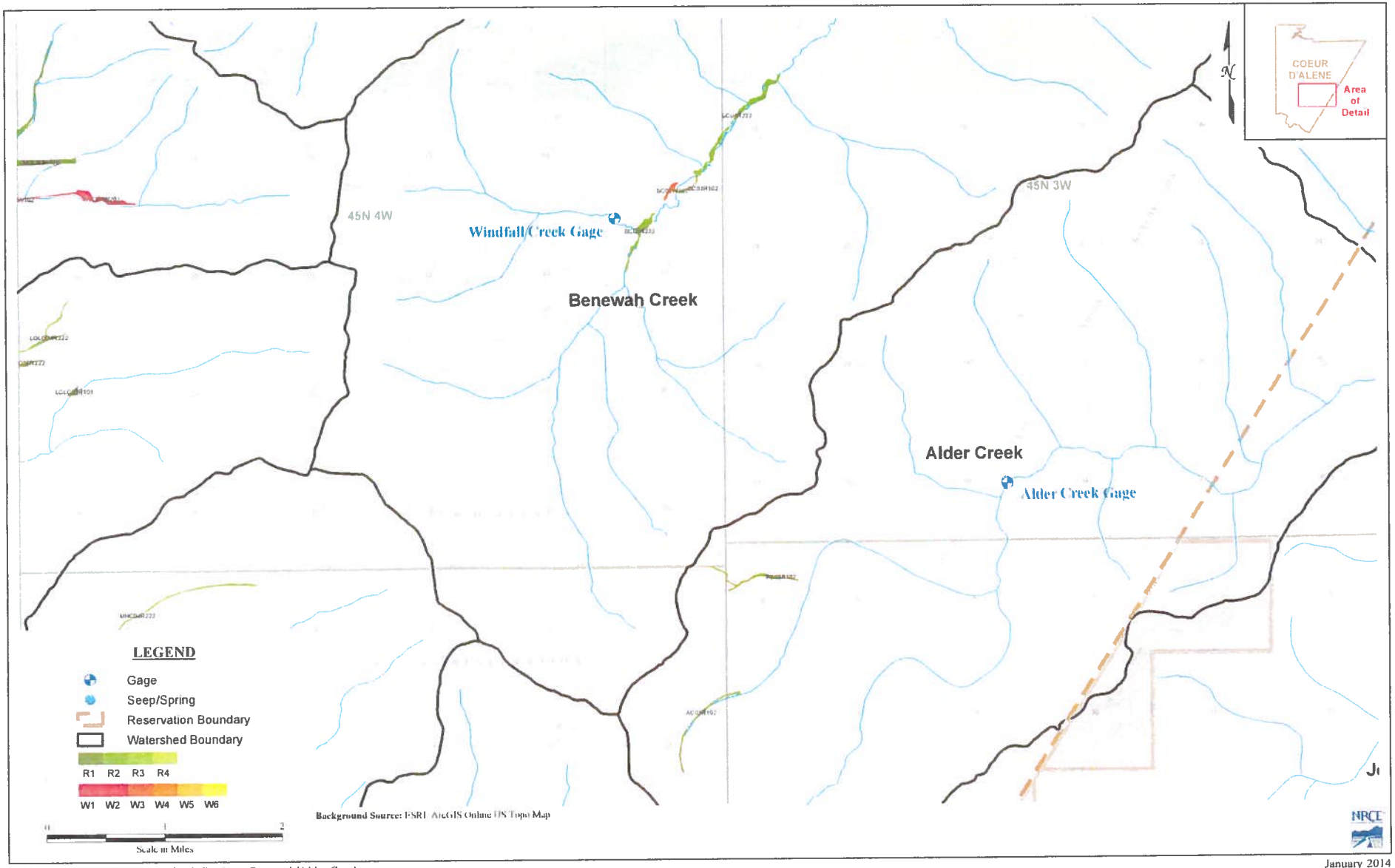


Figure A3 : Coeur d'Alene Wetlands Review - Benewah/Alder Creek

January 2014

95-16712

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Benewah Creek (Fed ID #BC04R222)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 26.53
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 517738 5232637; which is located in:
   Township: 45N Range: 03W Section: 18 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 60.20 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

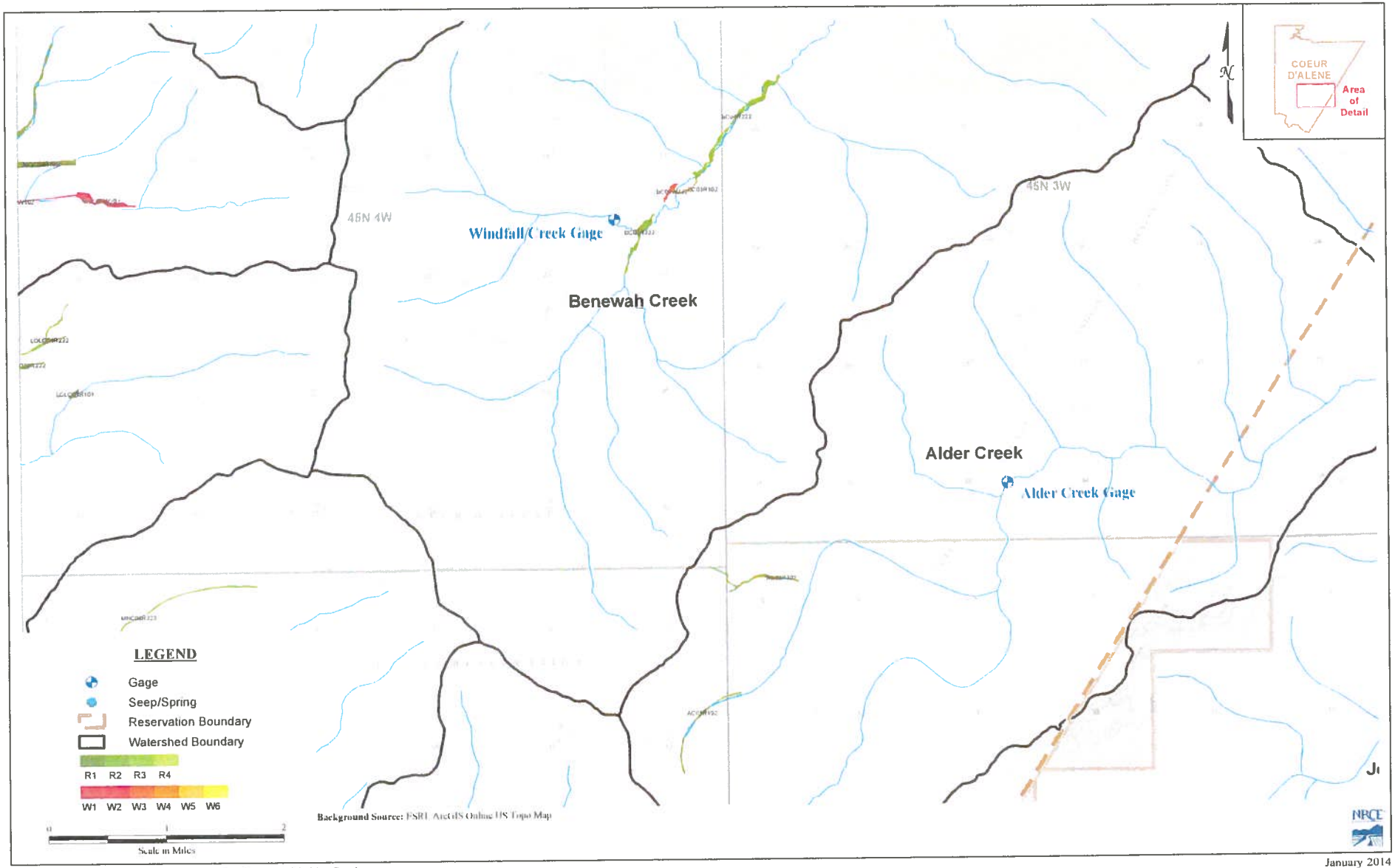
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A3 : Coeur d'Alene Wetlands Review - Benewah/Alder Creek

95-16713

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL01R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.56

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 504573 5256881; which is located in:

   Township: 48N Range: 05W Section: 35 Q: NE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.35 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

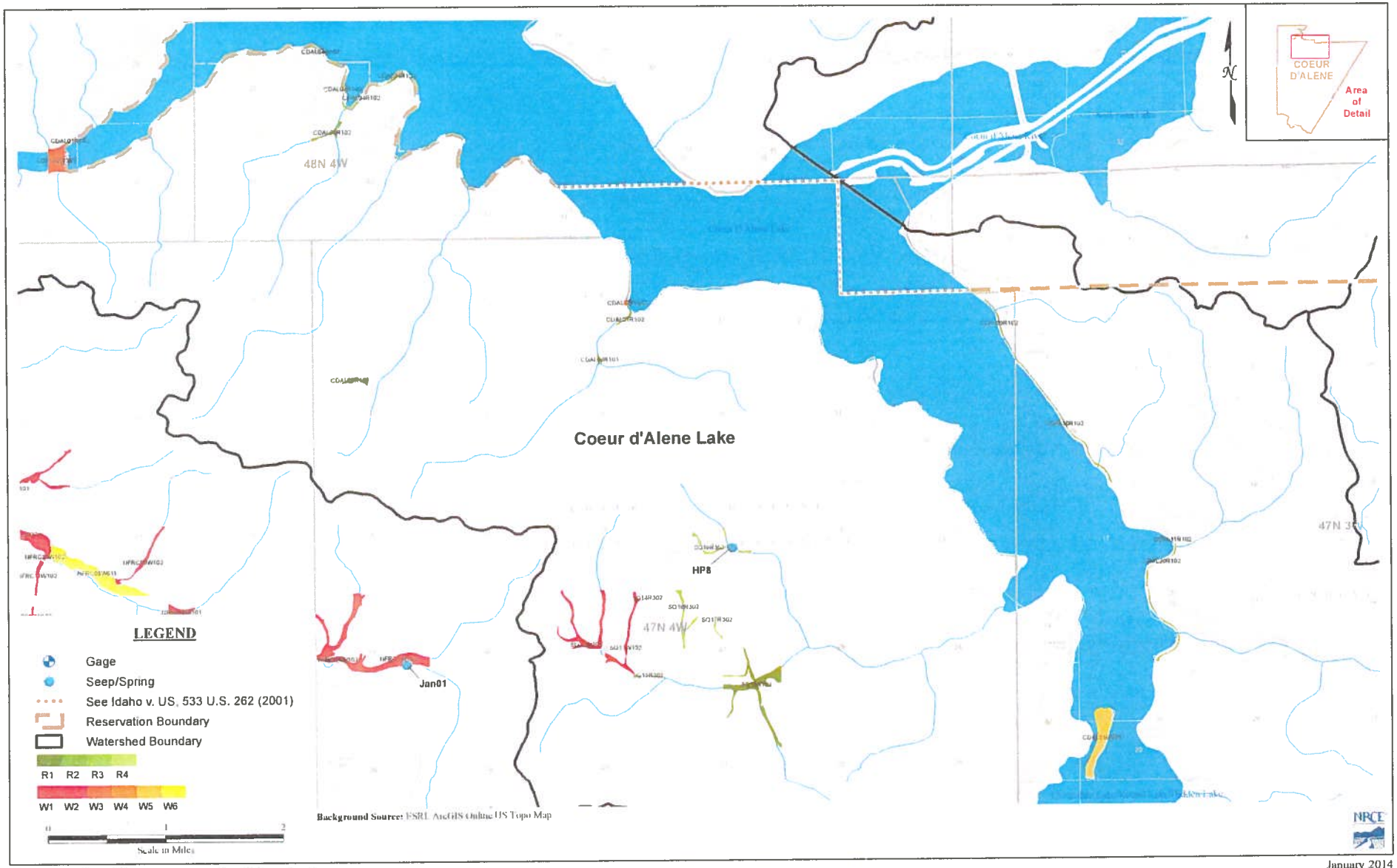


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16714

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL02W321)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 17.7
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 504384 5256622; which is located in:
   Township: 48N Range: 05W Section: 35 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 37.59 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

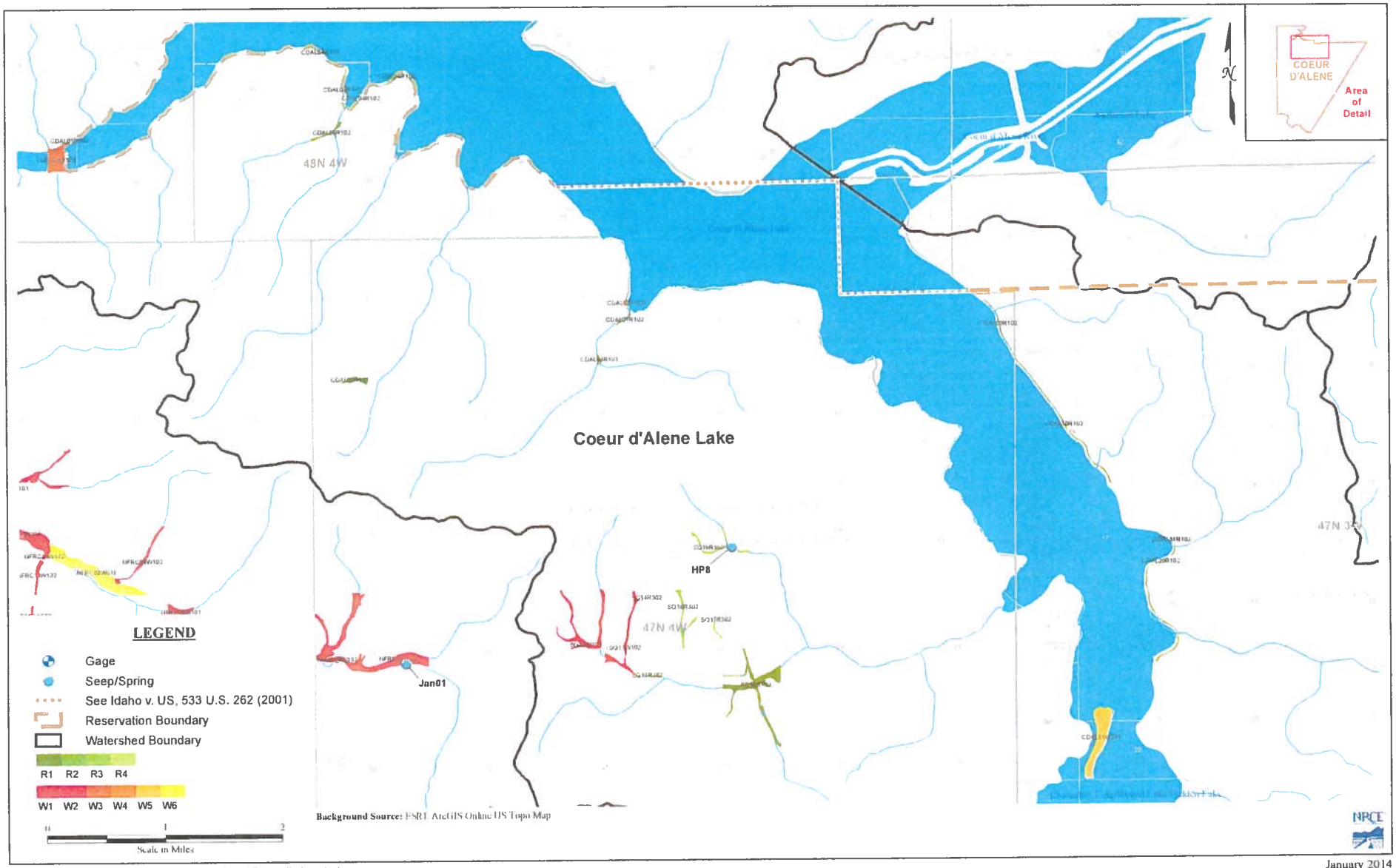


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16715

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL03R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.77
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508125 5256970; which is located in:
   Township: 48N Range: 04W Section: 32 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 9.07 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

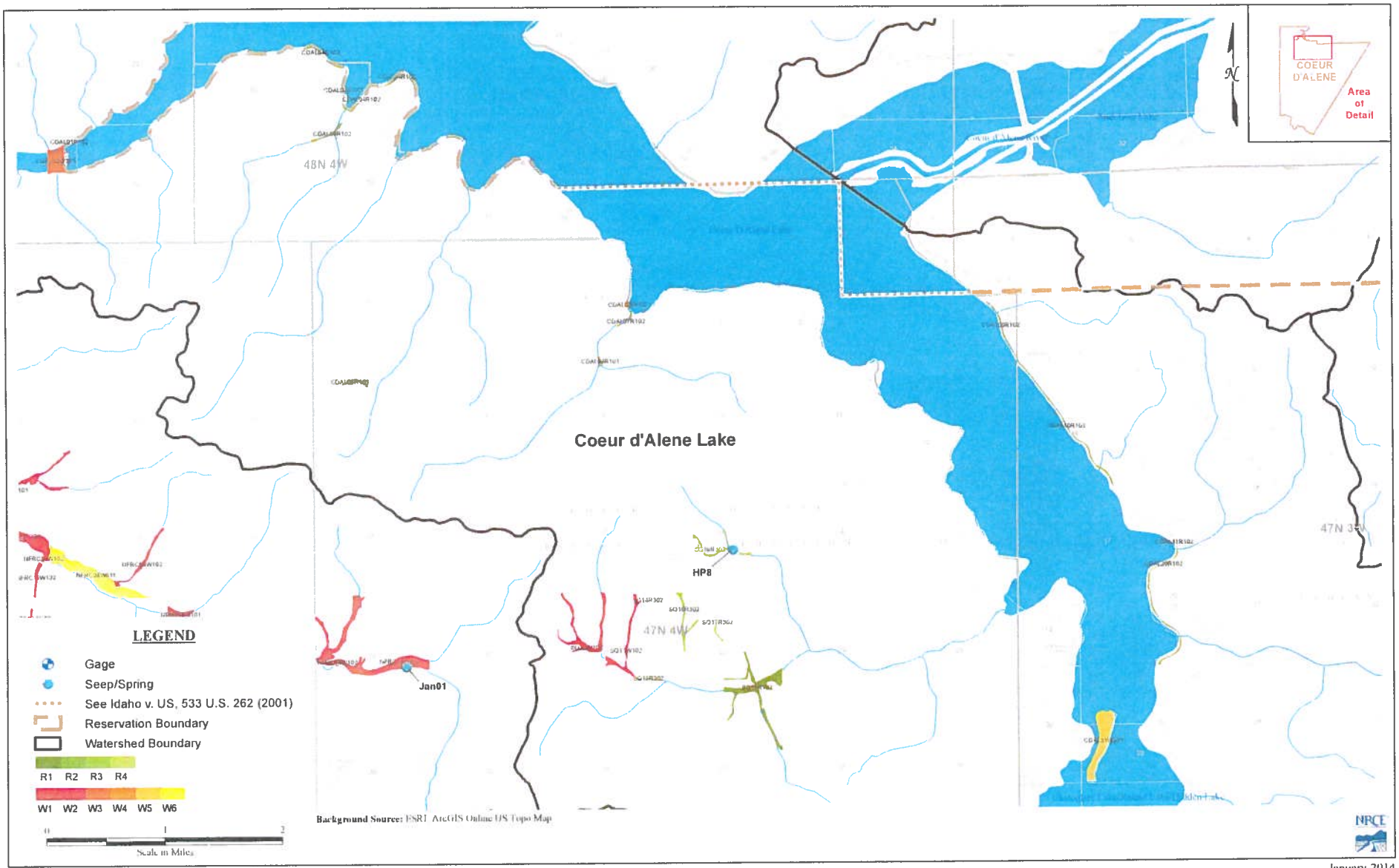


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16716

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL04R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 6.17
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508482 5257722; which is located in:
   Township: 48N Range: 04W Section: 29 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.85 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

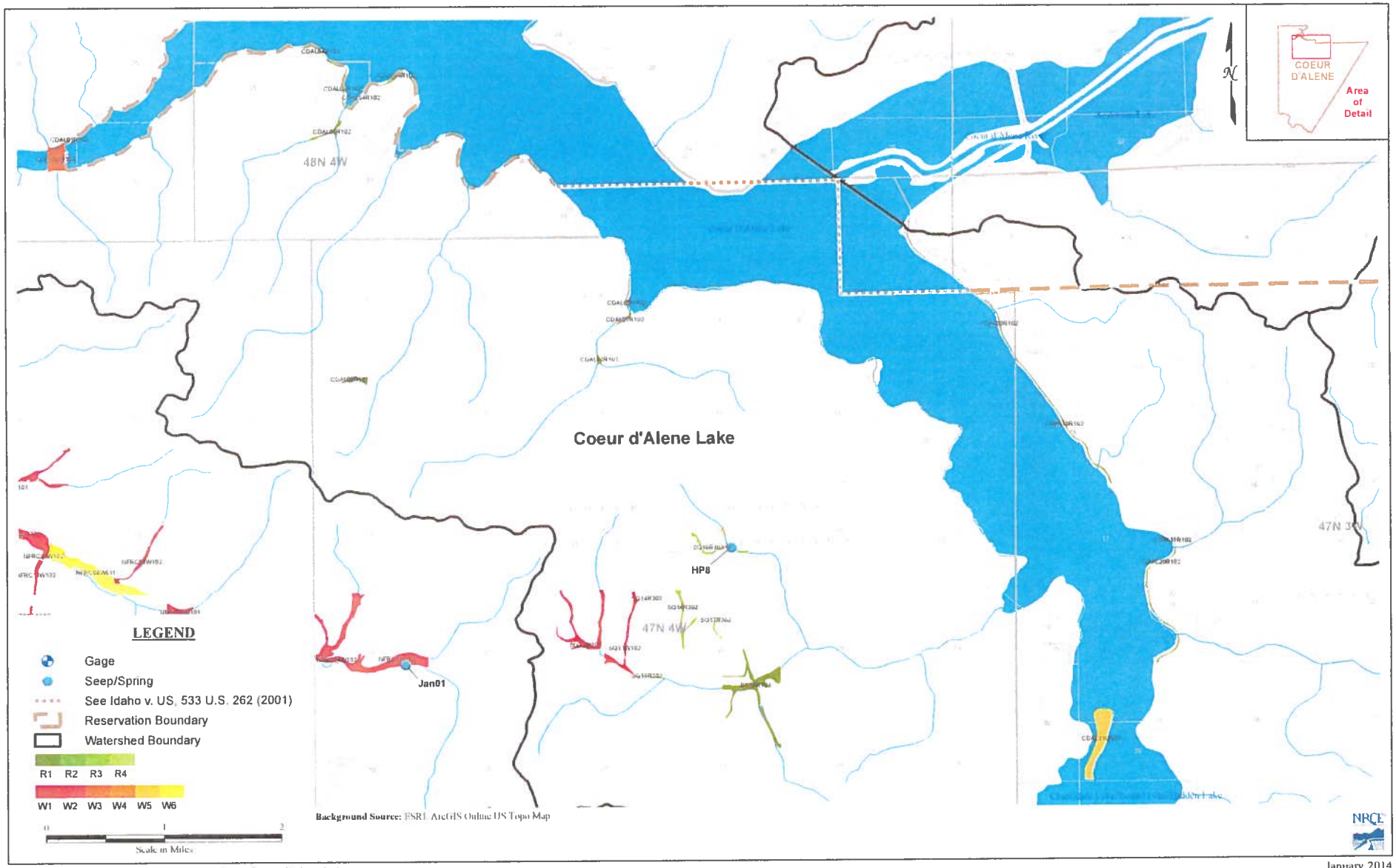


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16717

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL05R101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.06
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508482 5253605; which is located in:
   Township: 47N Range: 04W Section: 07 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 12.18 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

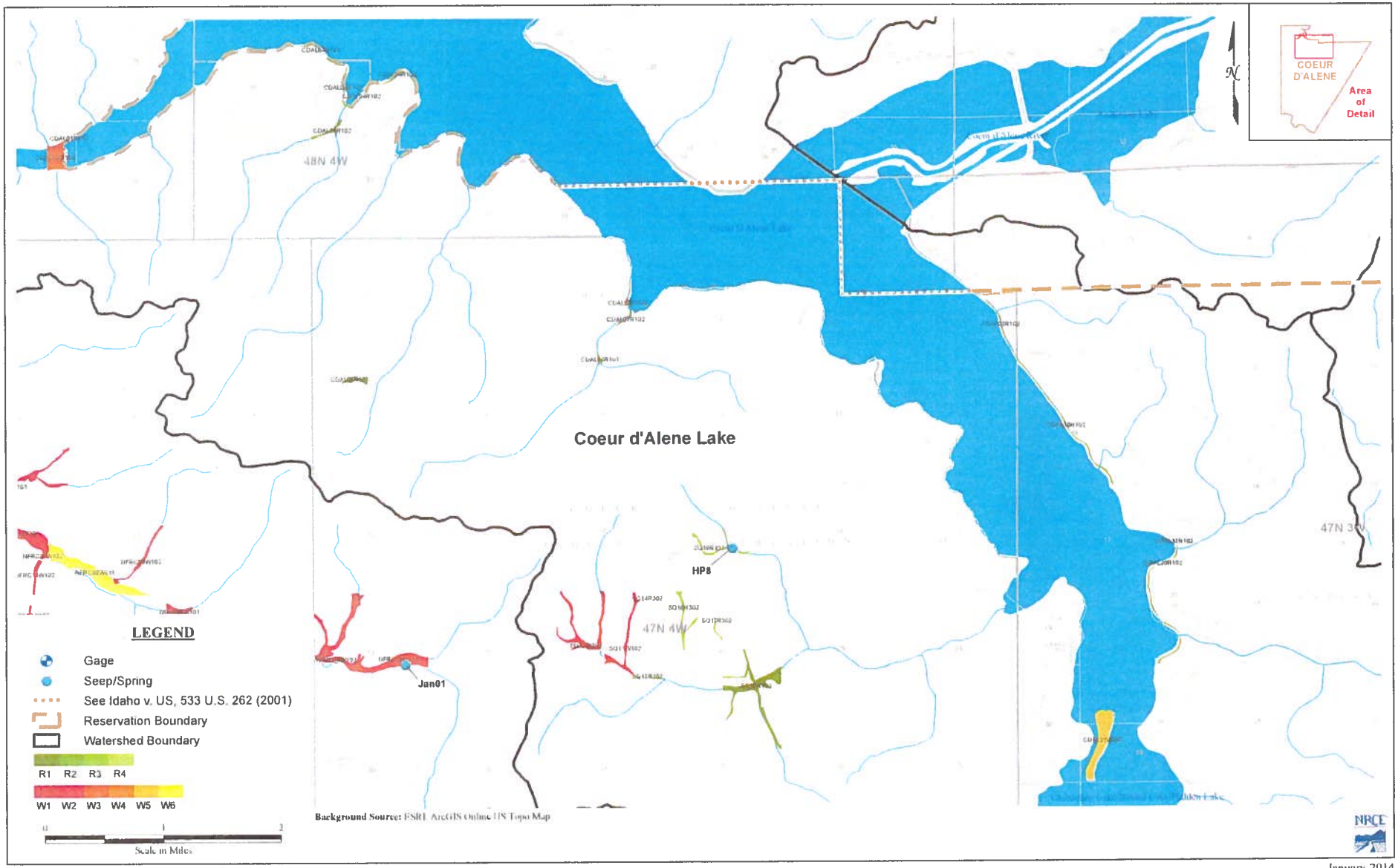


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16718

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL06R101)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.01
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 511814 5253862; which is located in:
   Township: 47N Range: 04W Section: 09 Q: NW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.43 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

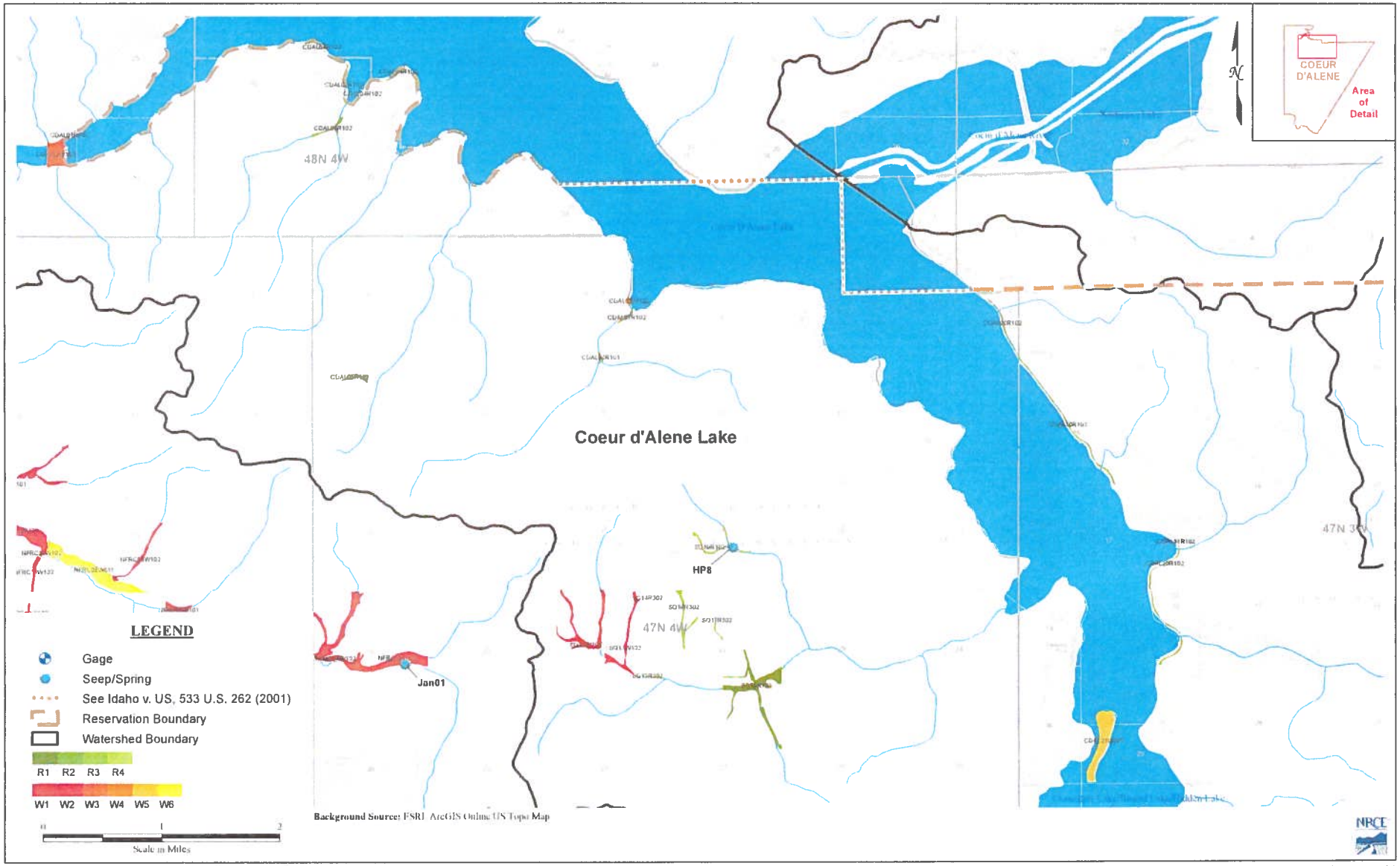


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16719

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL07R102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.88

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 512172 5254436; which is located in:

   Township: 47N Range: 04W Section: 04 Q: SE QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.53 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

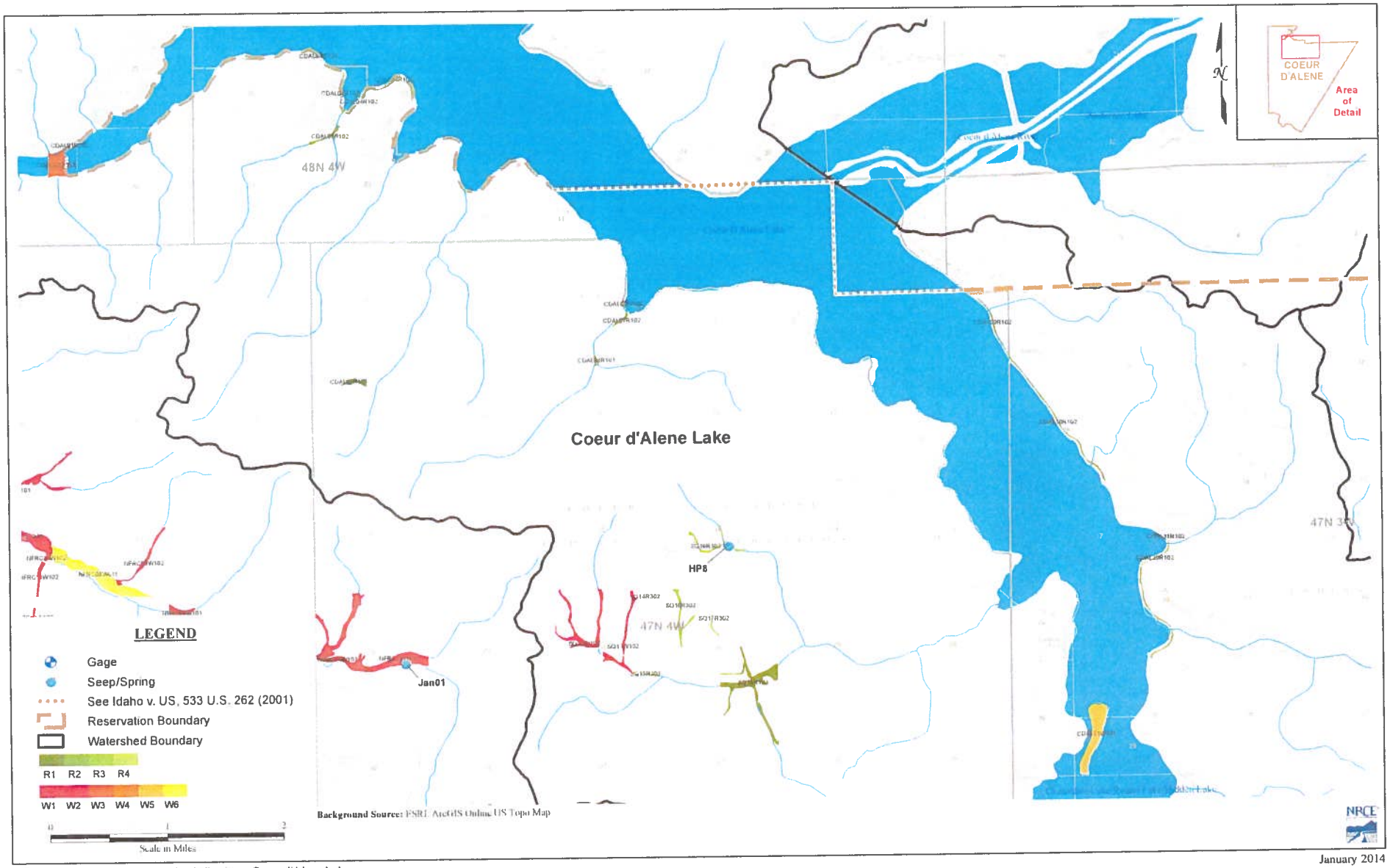
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

95-16720

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL08W422)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 0.72
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 512197 5254626; which is located in:
   Township: 47N Range: 04W Section: 04 Q: SE QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 1.33 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

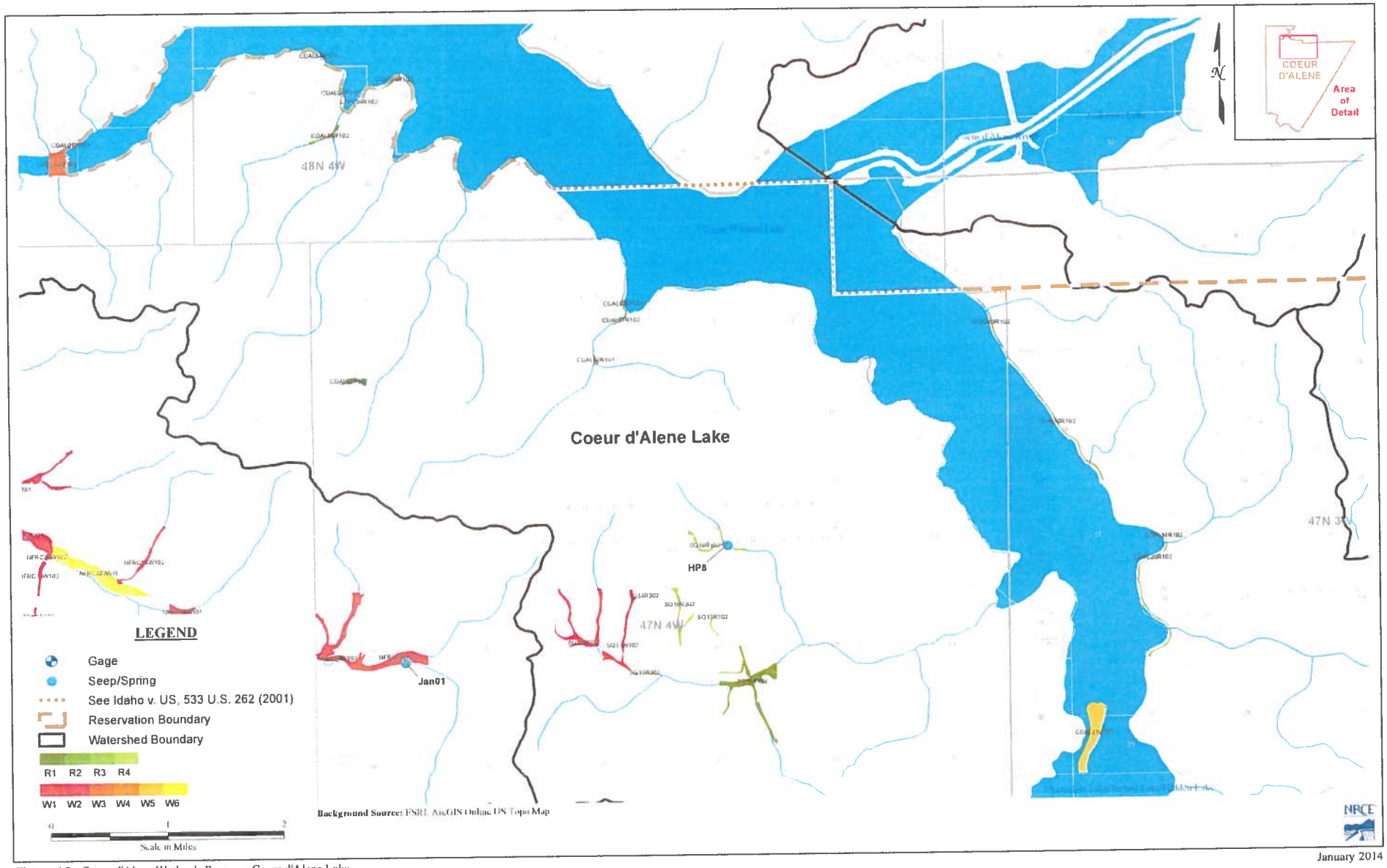
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

95-16721

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #CDAL21W501)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 37.29

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 518621 5248650; which is located in:

   Township: 47N Range: 03W Section: 29 Q: SW QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 81.33 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

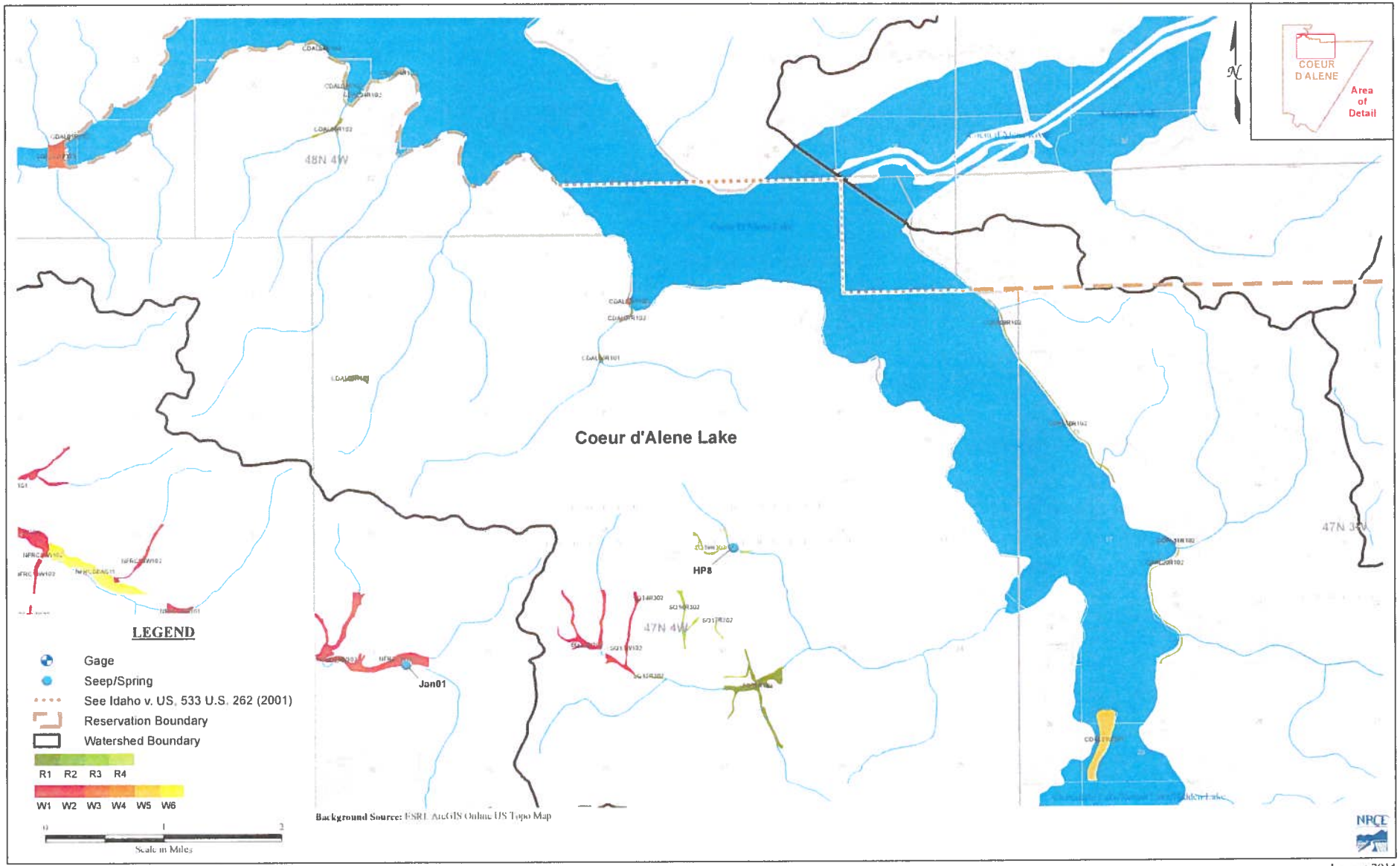


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16722

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ12W102)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 22.98

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 511600 5250203; which is located in:

   Township: 47N Range: 04W Section: 21 Q: NW QQ: SE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 72.52 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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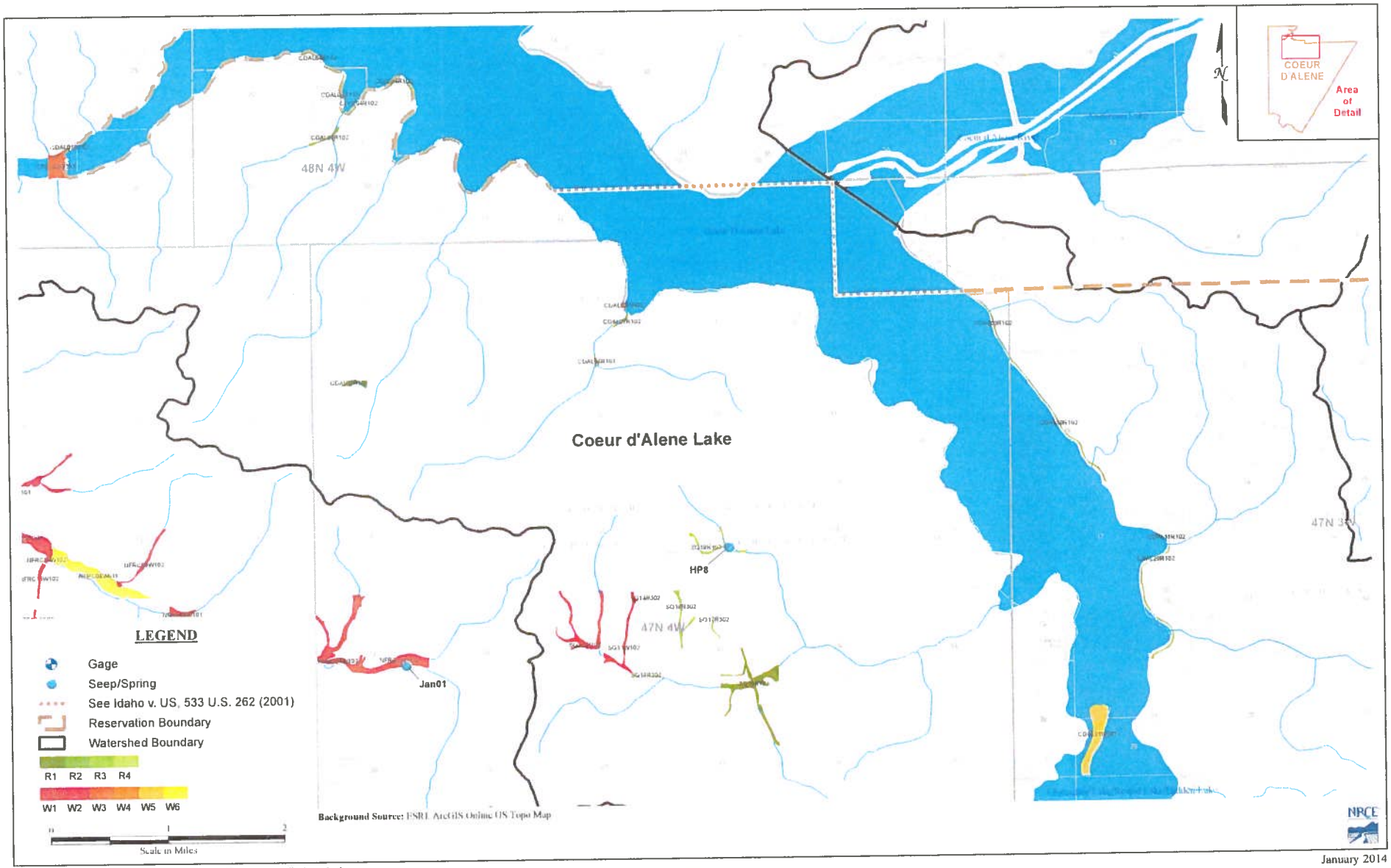

January 2014

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

95-16723

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ13W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 13.5
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 512131 5250020; which is located in:
   Township: 47N Range: 04W Section: 21 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 42.61 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

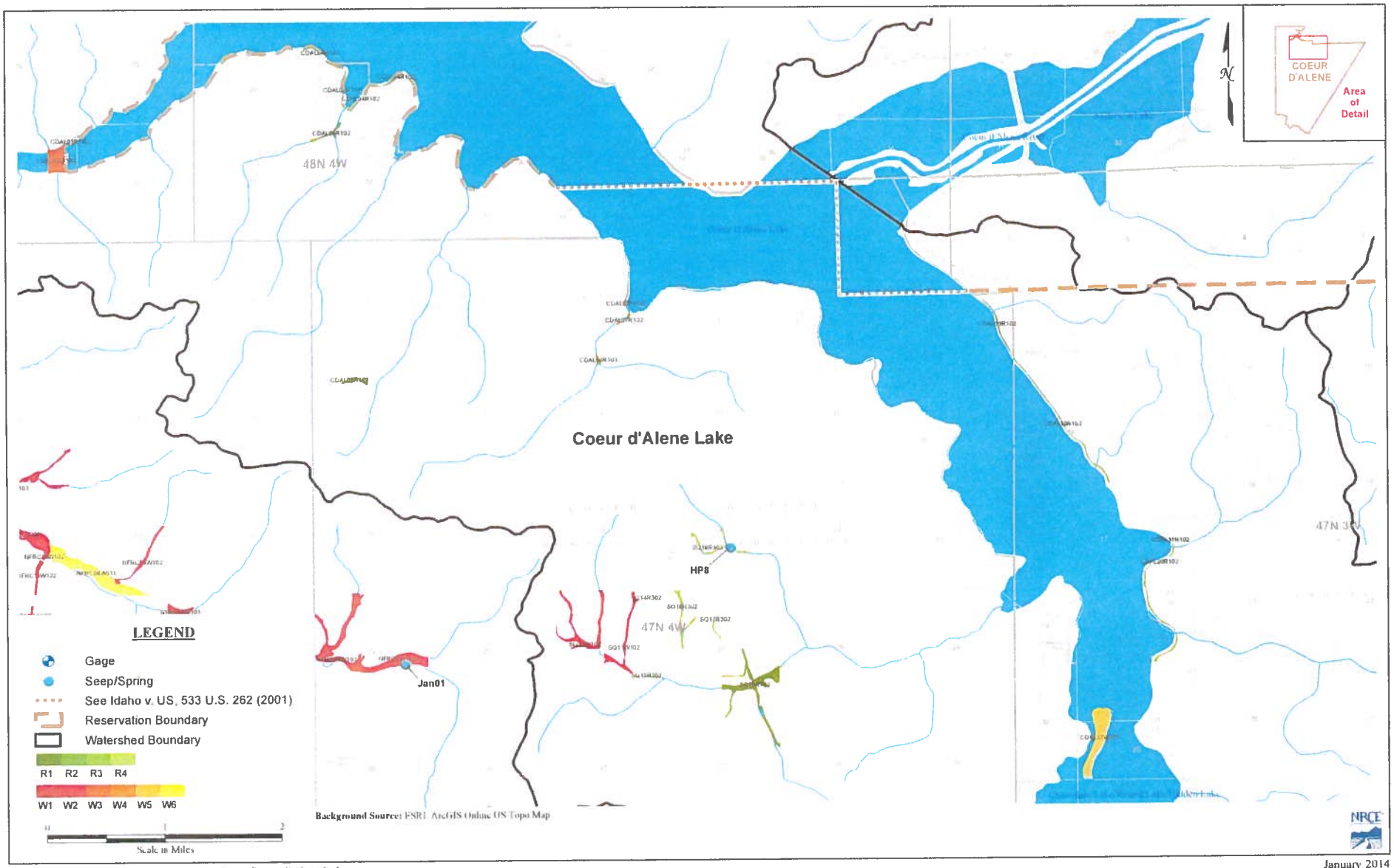

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16724

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ14R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.14
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 512447 5250605; which is located in:
   Township: 47N Range: 04W Section: 21 Q: NE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 2.70 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

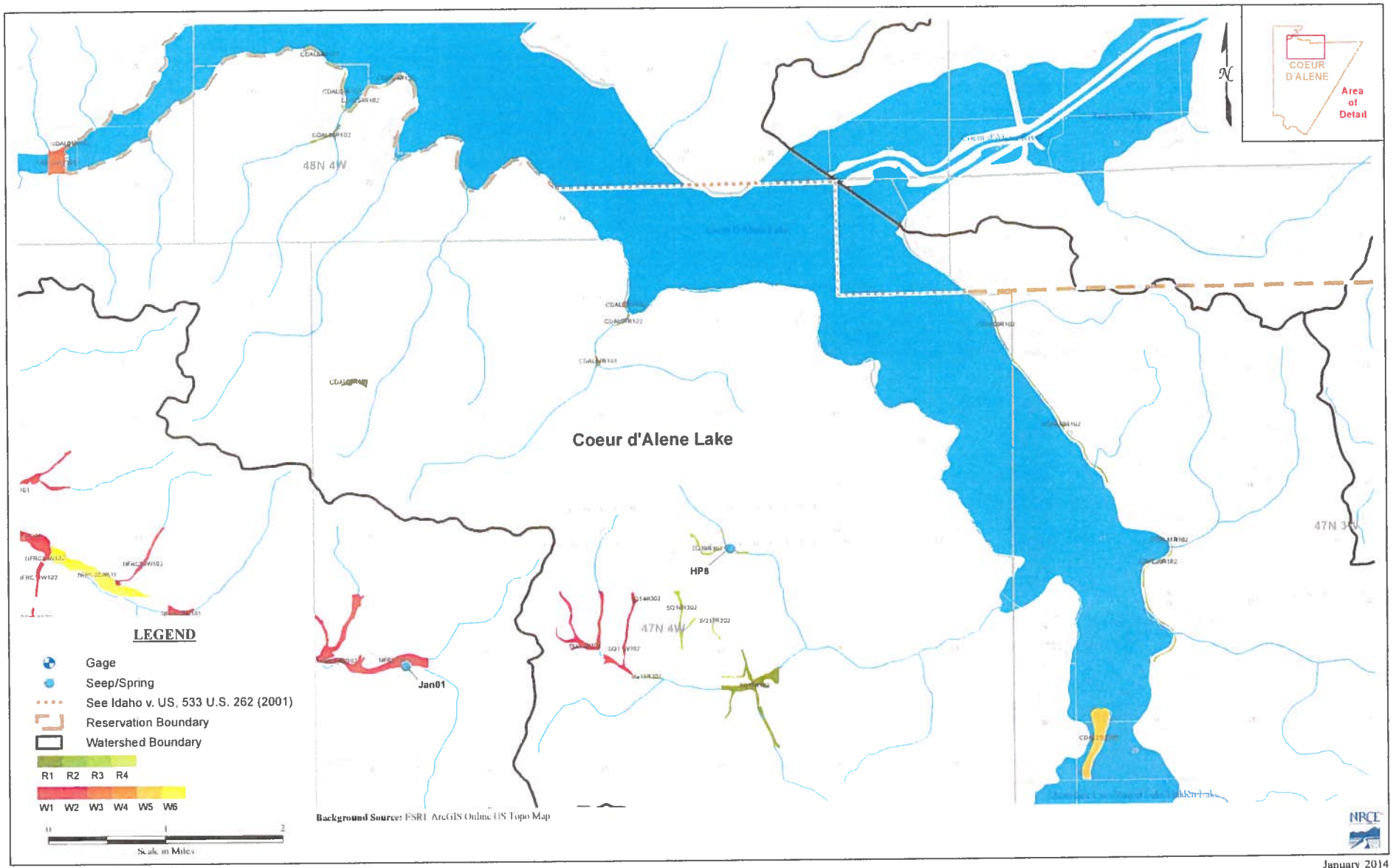

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16725

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ15R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 512450 5249541; which is located in:

   Township: 47N Range: 04W Section: 21 Q: SE QQ: NE

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.74 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

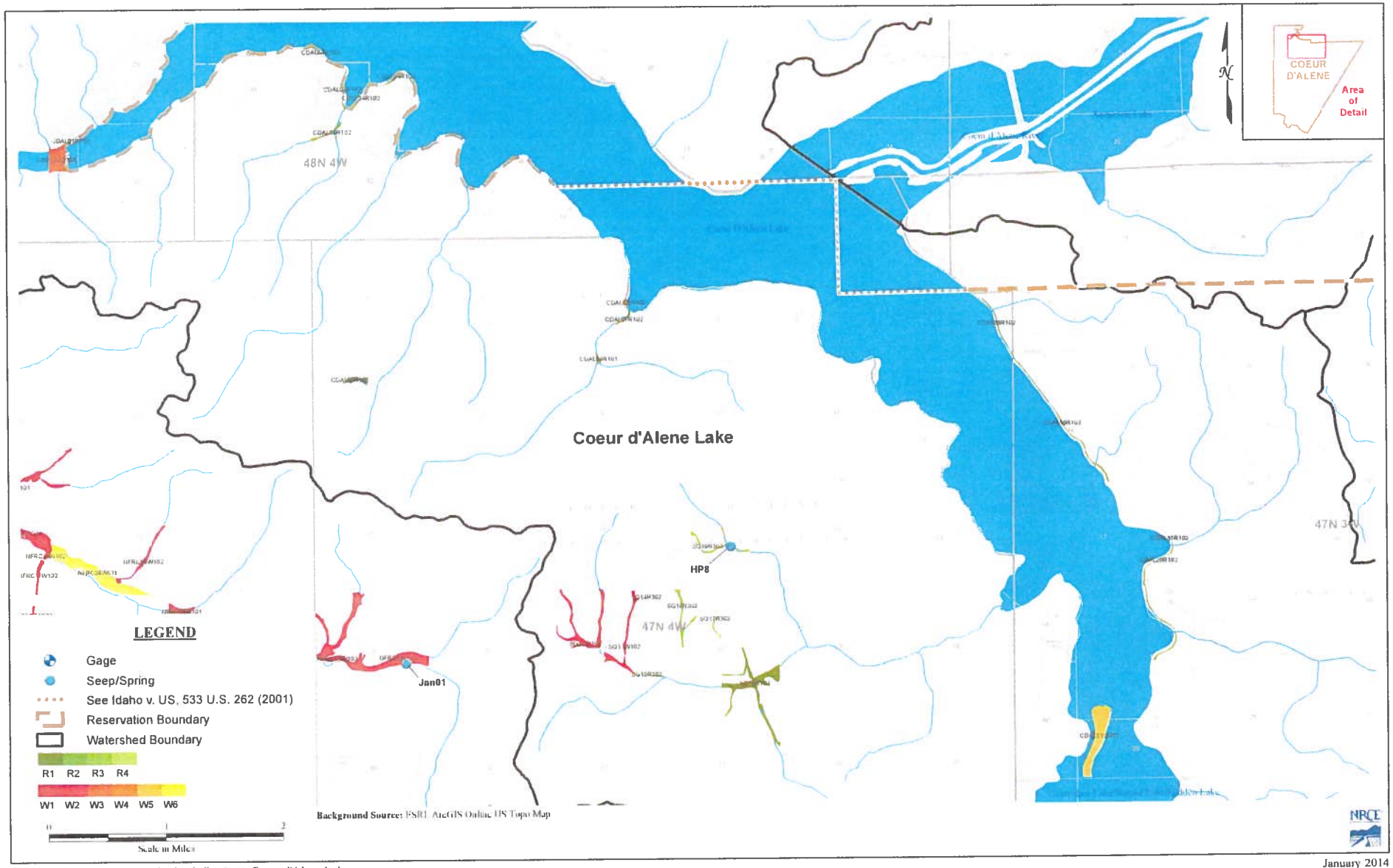

Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16726

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ16R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.25
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 512947 5250328; which is located in:
   Township: 47N Range: 04W Section: 22 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 21.92 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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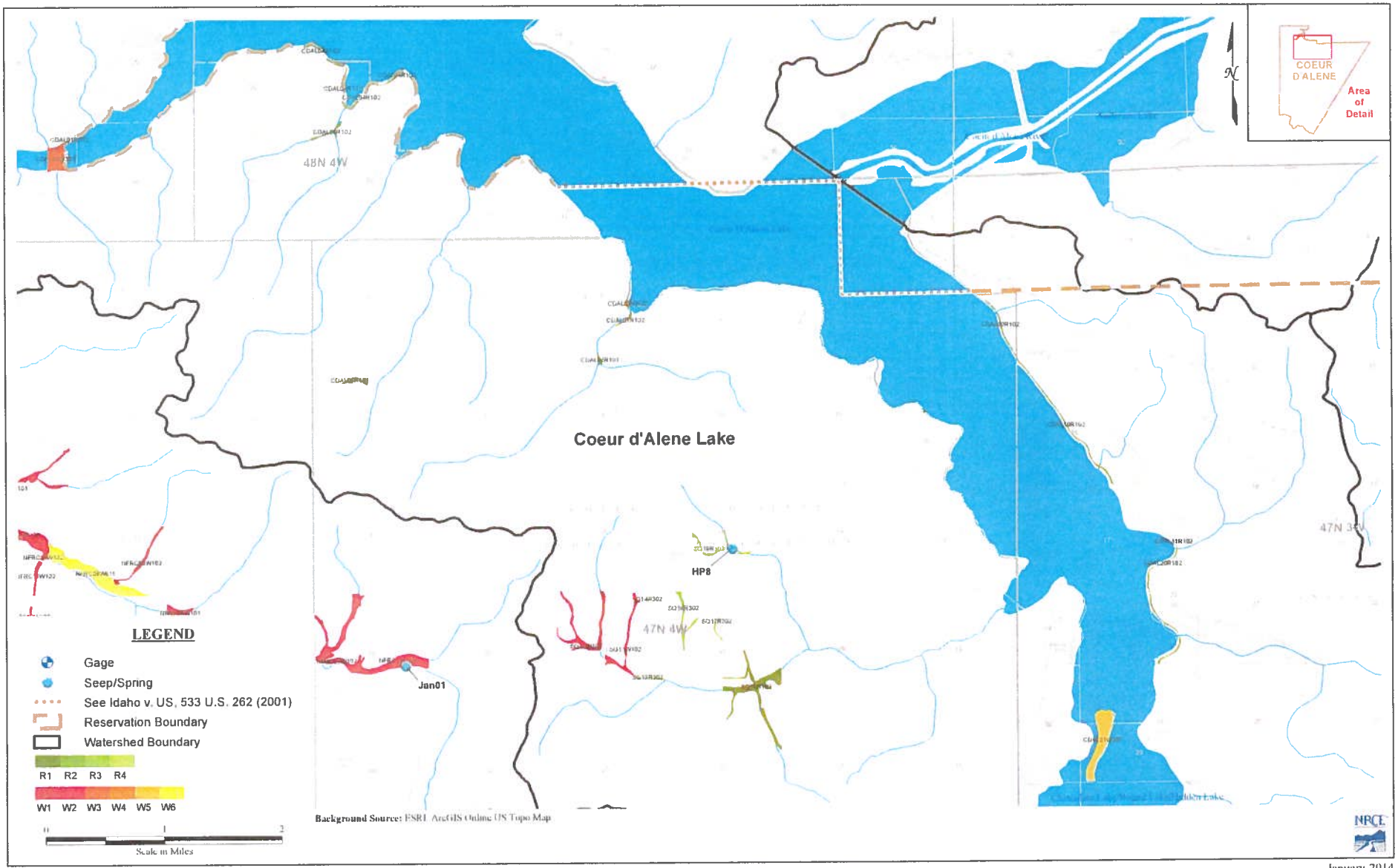


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16727

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ17R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.76
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 513396 5250191; which is located in:
   Township: 47N Range: 04W Section: 22 Q: NW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.17 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

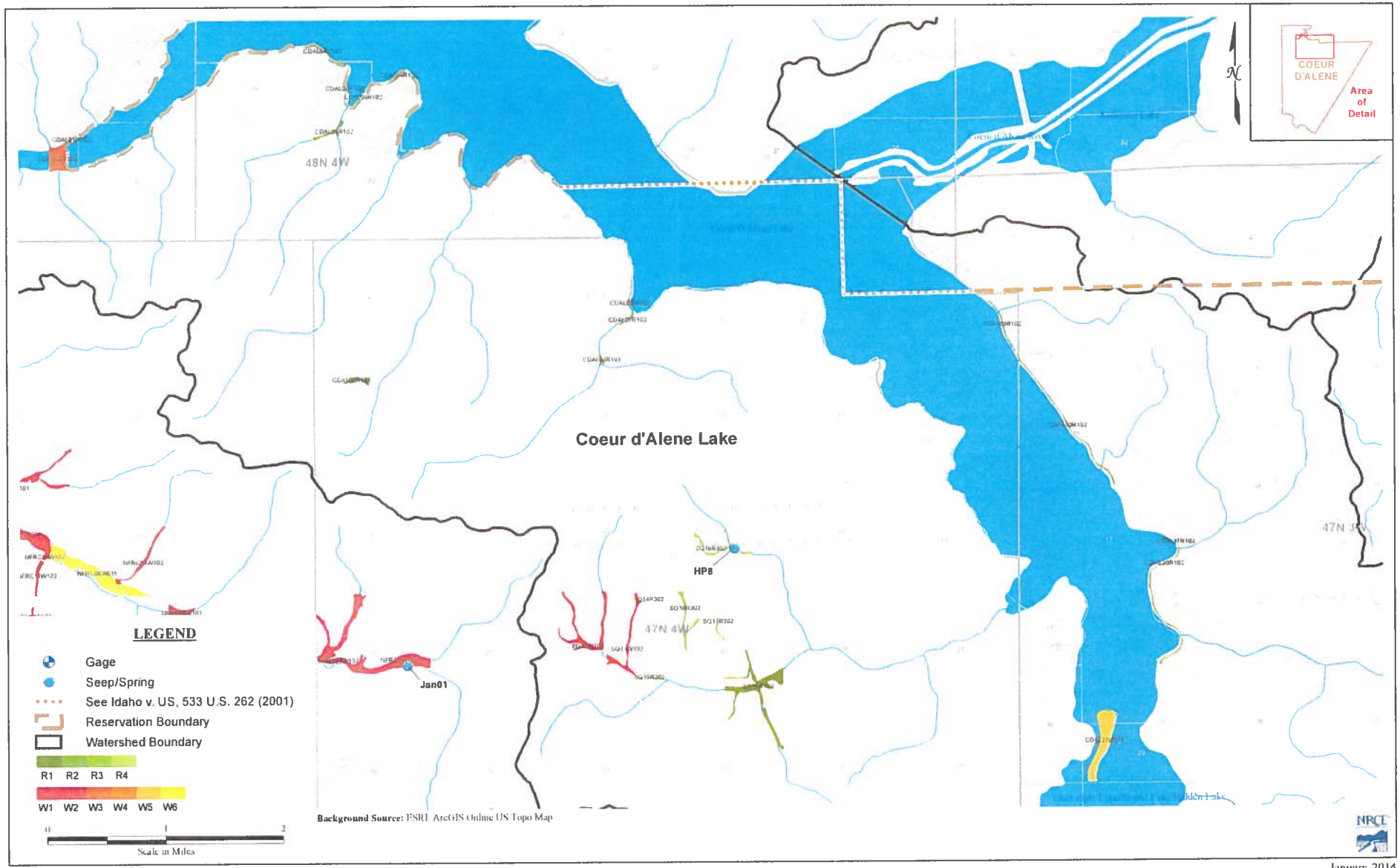


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16728

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ18R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 37.05
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 513933 5249349; which is located in:
   Township: 47N Range: 04W Section: 22 Q: SE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 89.18 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

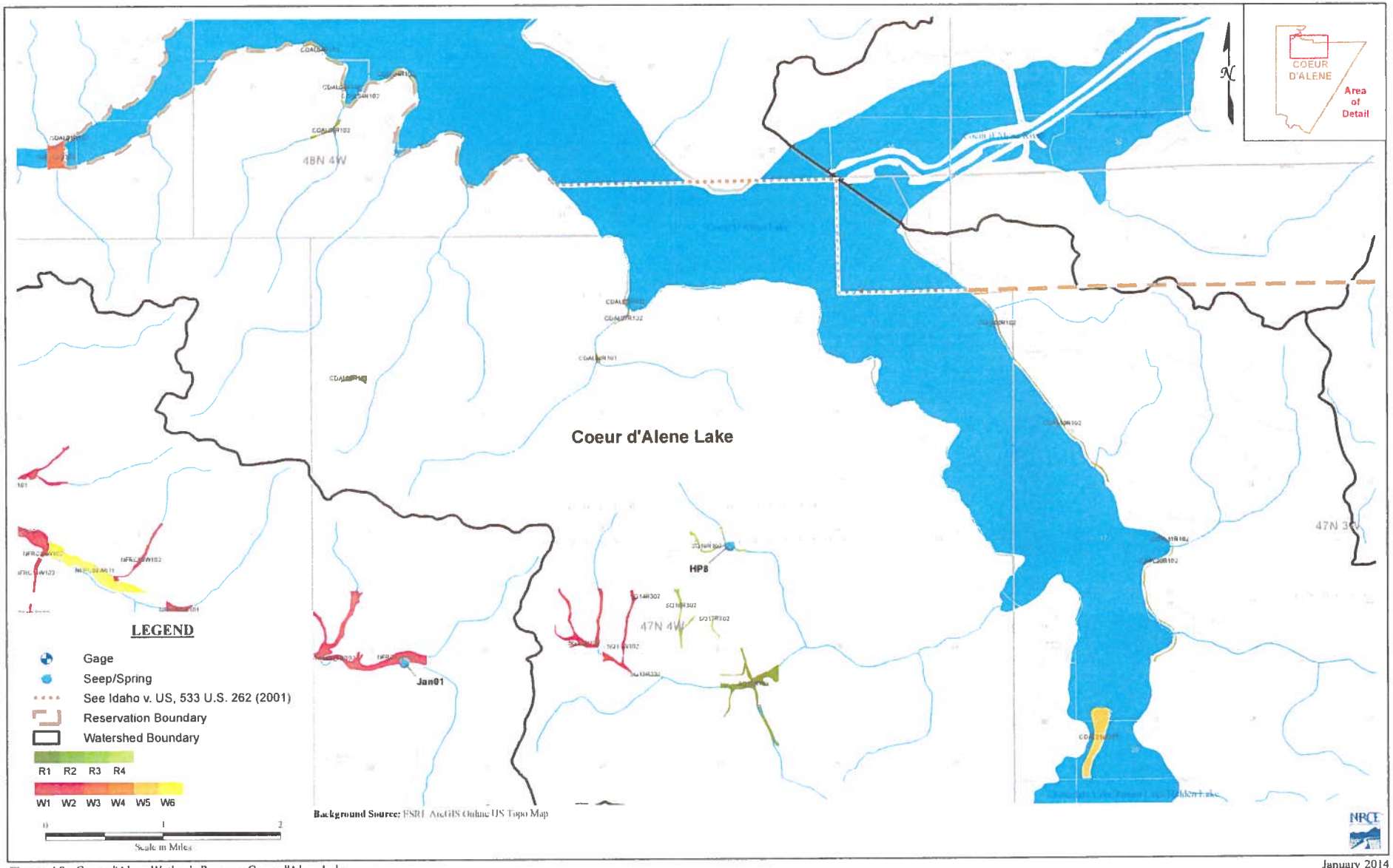


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16729

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Coeur d'Alene Lake (Fed ID #SQ19R302)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 8.73
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 513429 5251325; which is located in:
   Township: 47N Range: 04W Section: 15 Q: SW QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.69 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

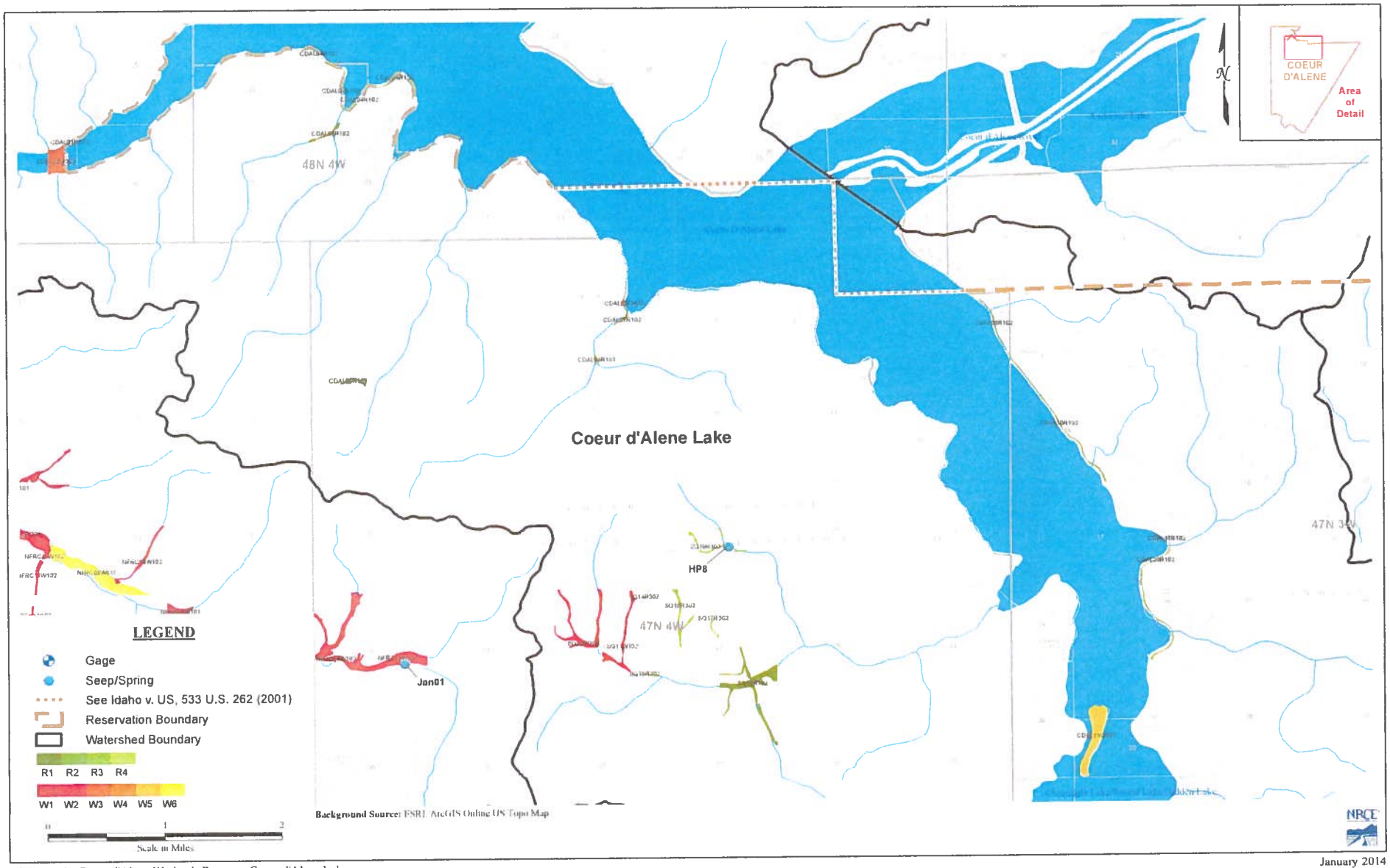


Figure A8 : Coeur d'Alene Wetlands Review - Coeur d'Alene Lake

January 2014

95-16730

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lake Creek (Fed ID #LC01W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.32
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 500043 5259707; which is located in:
   Township: 48N Range: 05W Section: 21 Q: NW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 13.63 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

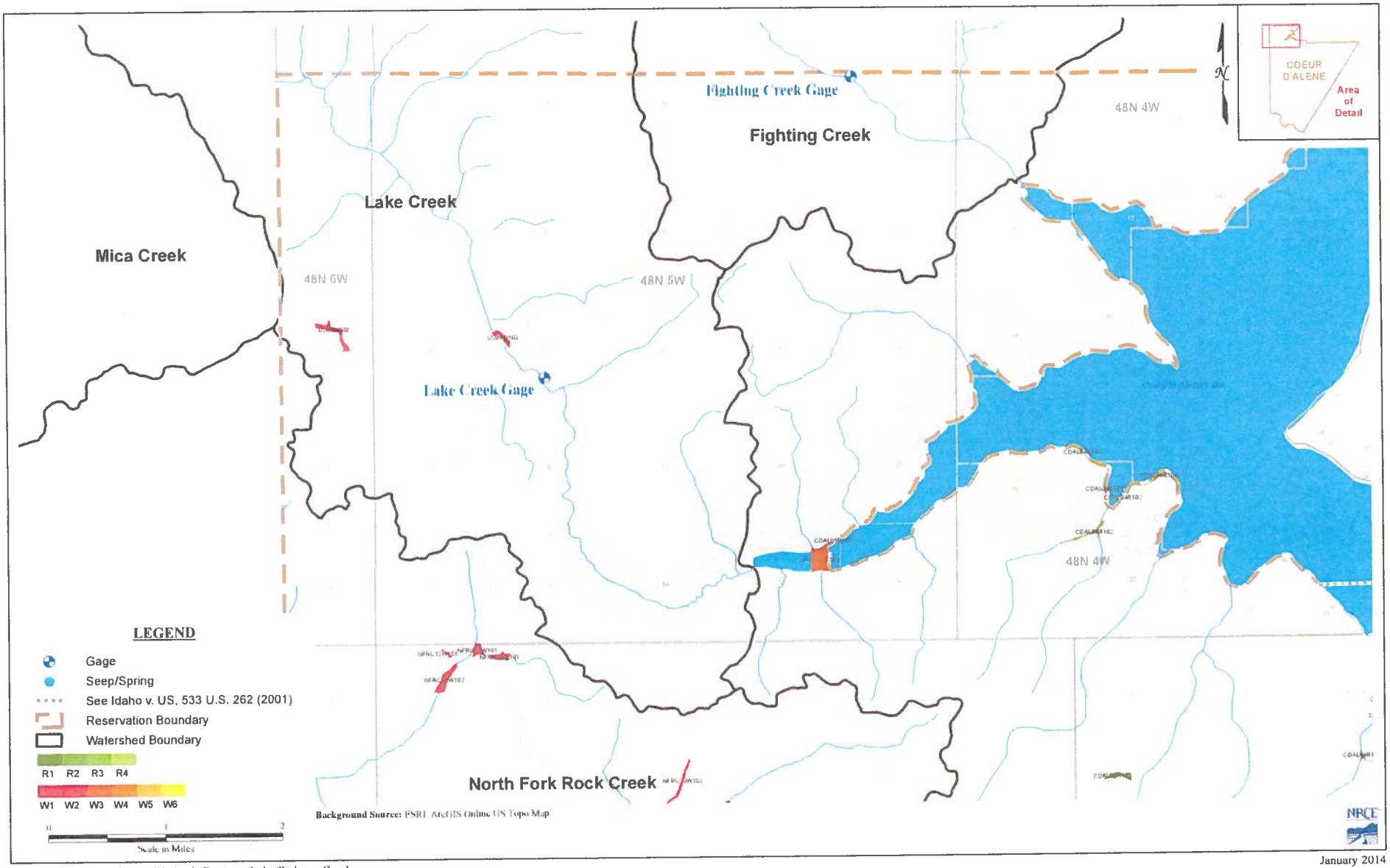
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A7 : Coeur d'Alene Wetlands Review - Lake/Fighting Creek

95-16731

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Lake Creek (Fed ID #LC02W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 9.96
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 497725 5259783; which is located in:
   Township: 48N Range: 06W Section: 24 Q: NE QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 31.43 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

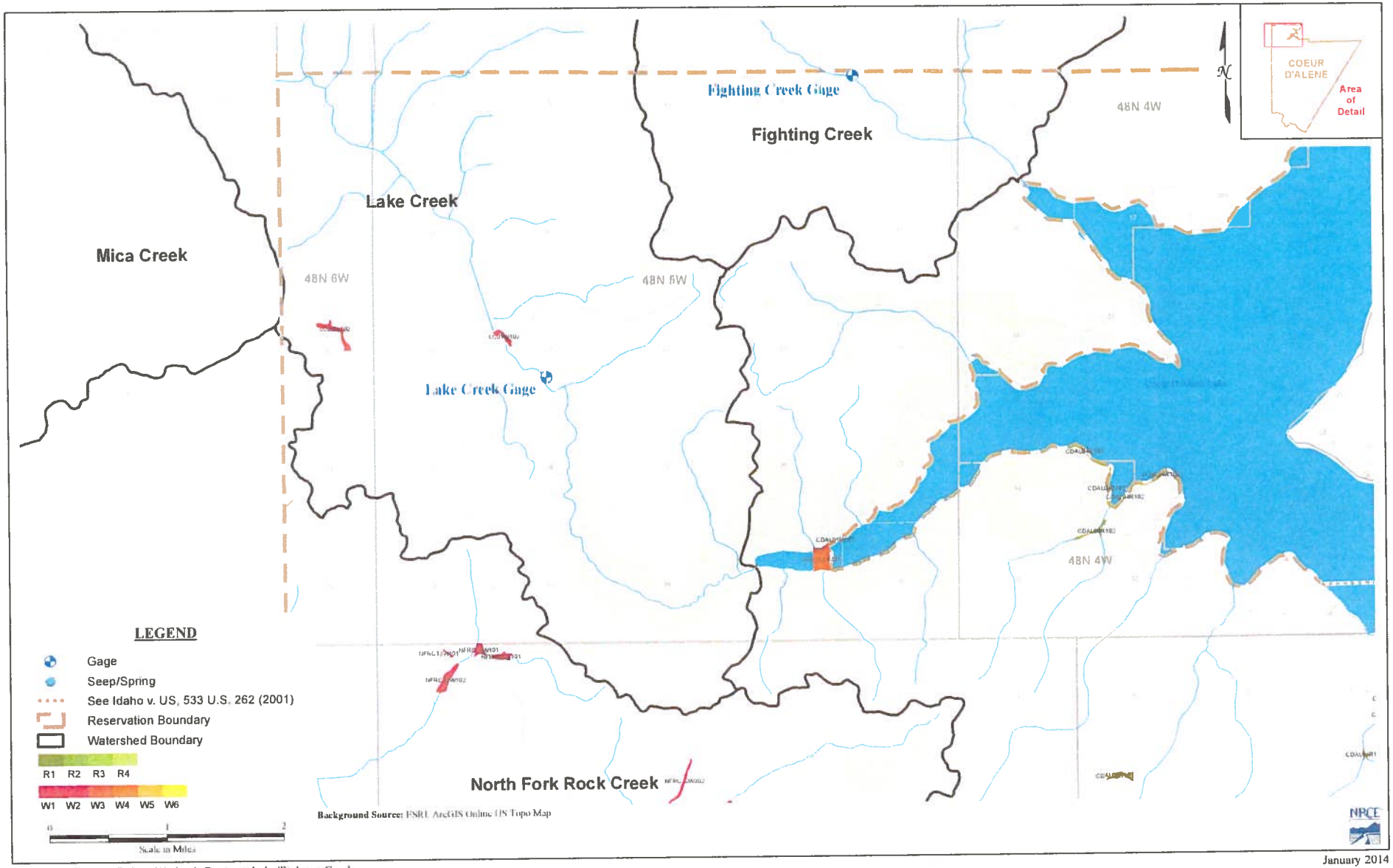


Figure A7 : Coeur d'Alene Wetlands Review - Lake/Fighting Creek

January 2014

95-16734

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC01W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 4.53
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507796 5238549; which is located in:
   Township: 46N Range: 05W Section: 25 Q: SE QQ: NE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 14.30 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

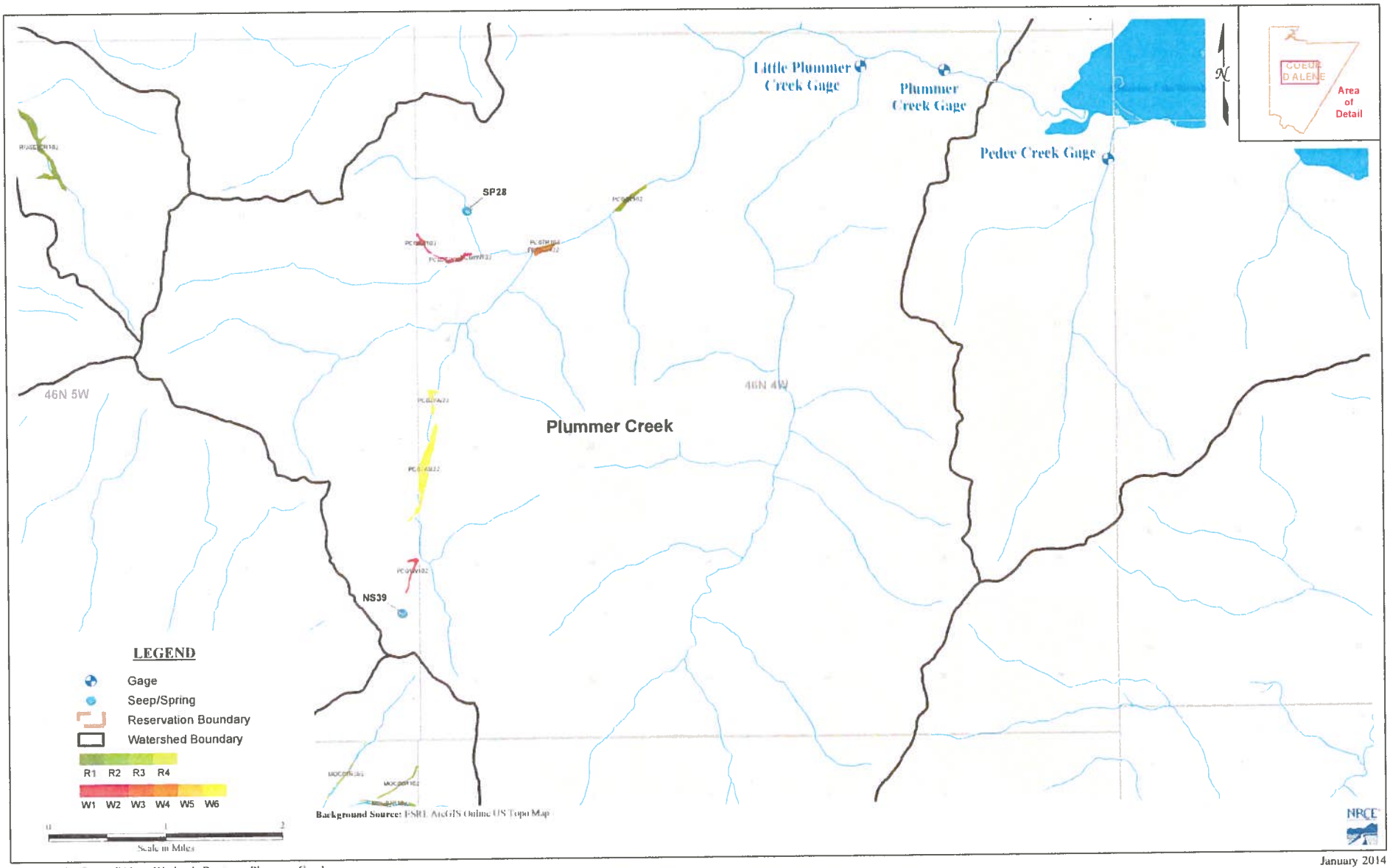


Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16735

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**

   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC02W622)

4. **Point of Diversion:**

   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 30.79

   The approximate center point is located within UTM Coordinates:

   Zone: 11N 507997 5239946; which is located in:

   Township: 46N Range: 04W Section: 19 Q: SW QQ: NW

   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 88.61 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

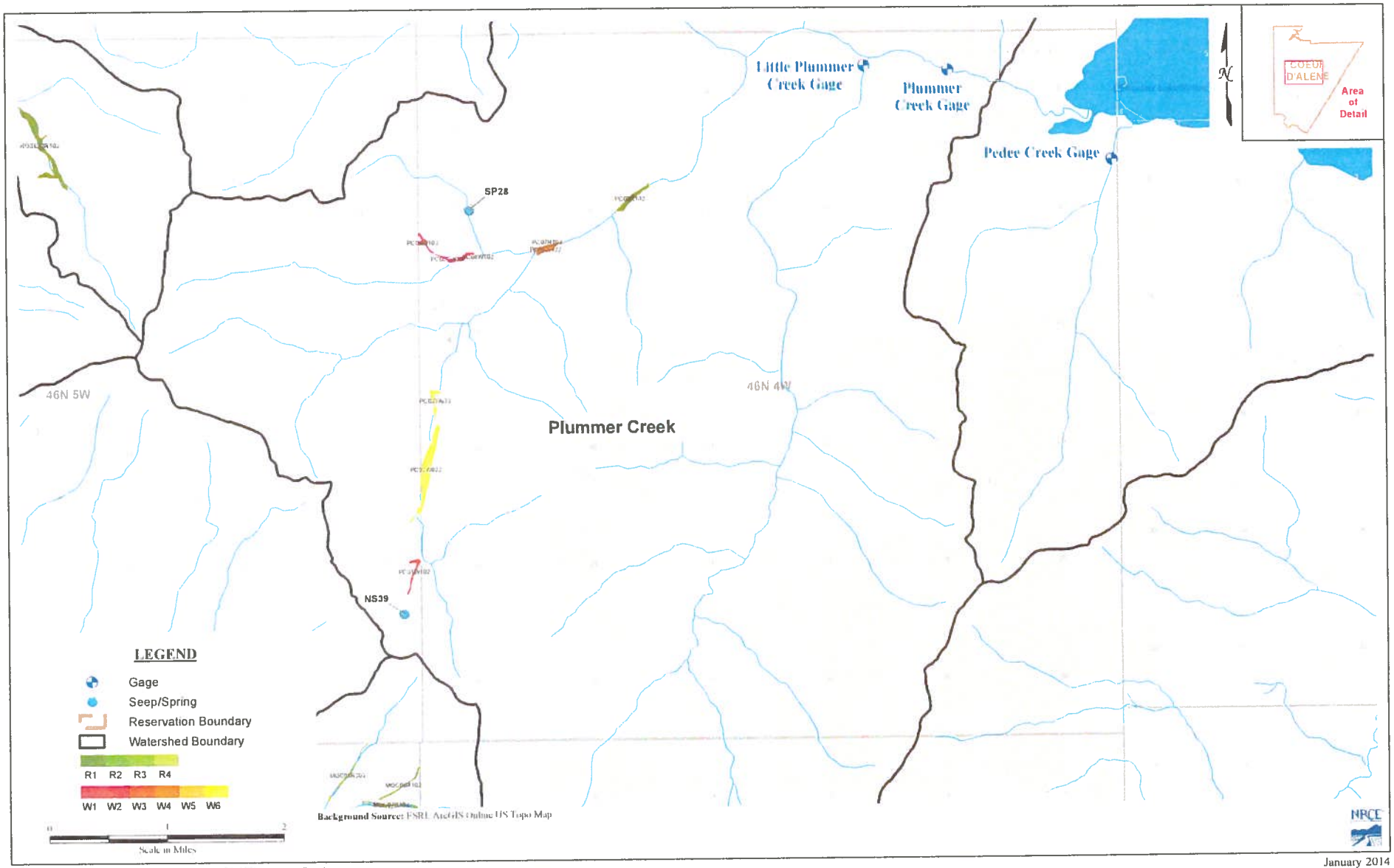
Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724



January 2014

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

95-16736

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC03W622)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.04
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508111 5240888; which is located in:
   Township: 46N Range: 04W Section: 19 Q: NW QQ: NW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 20.26 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
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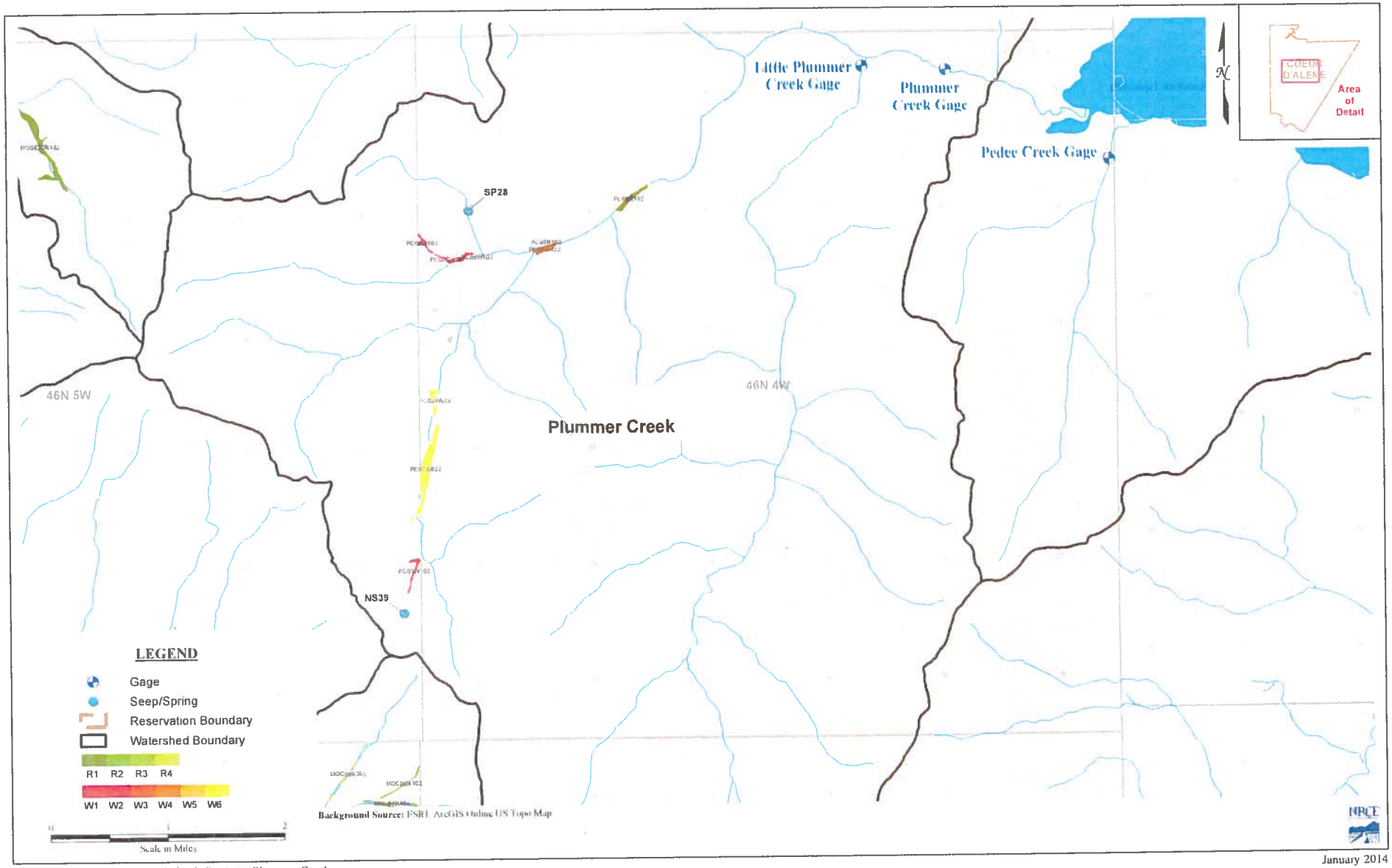

January 2014

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

95-16737

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC04W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 3.66
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 507976 5243041; which is located in:
   Township: 46N Range: 04W Section: 07 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 11.55 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

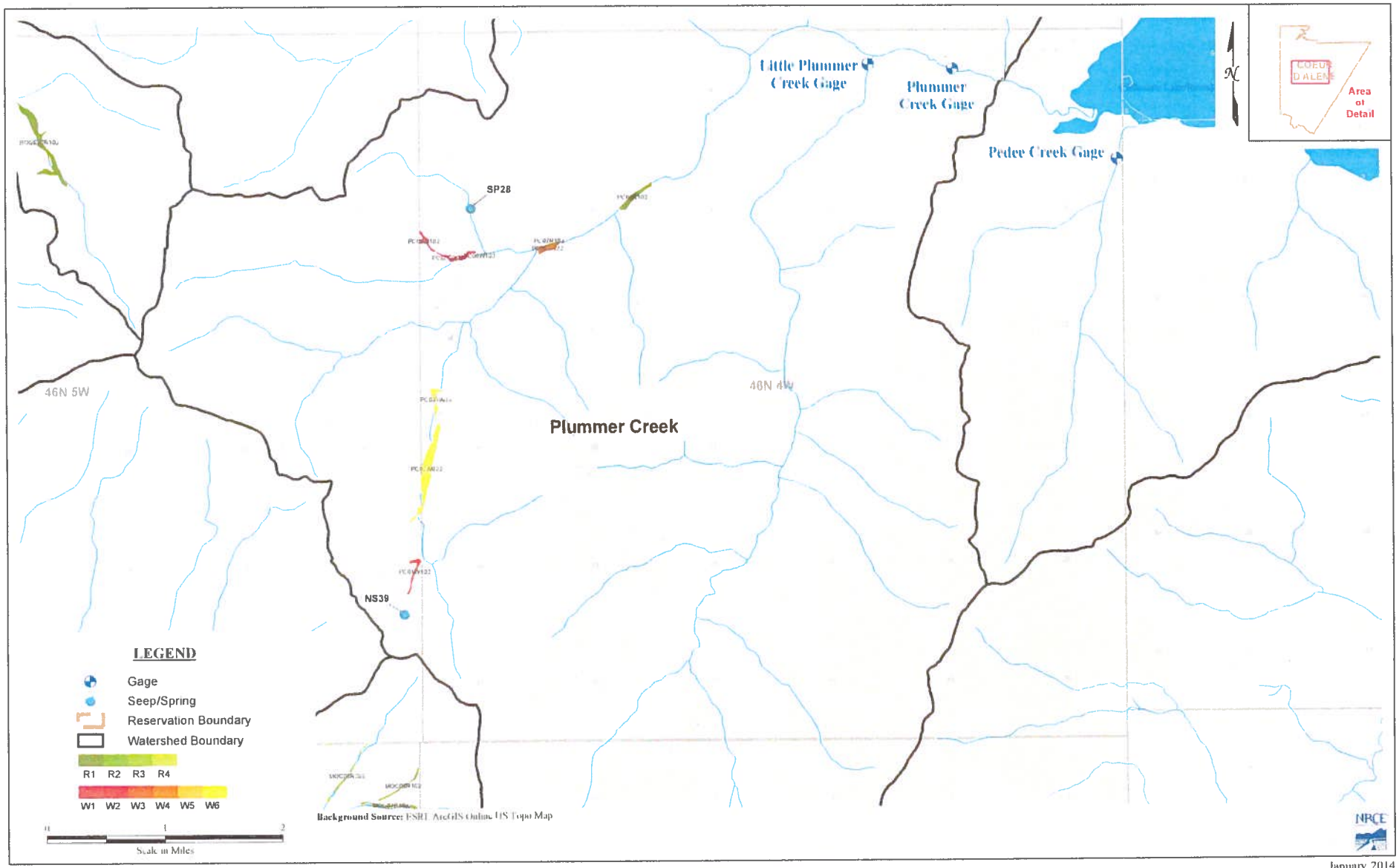

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16738

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC05W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.52
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508301 5242820; which is located in:
   Township: 46N Range: 04W Section: 07 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 7.95 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

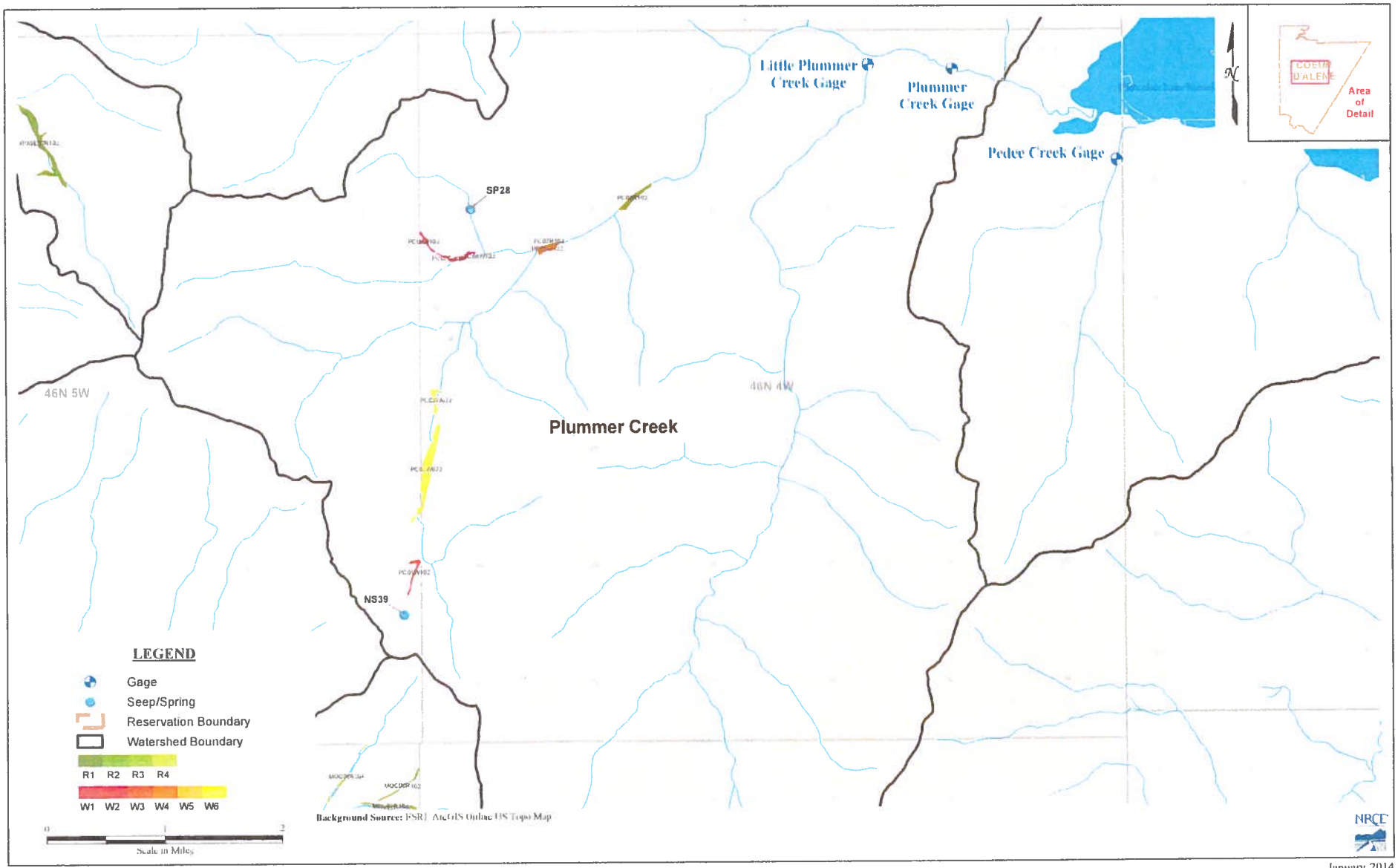

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16739

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC06W102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 2.45
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 508532 5242846; which is located in:
   Township: 46N Range: 04W Section: 07 Q: SW QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 7.73 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

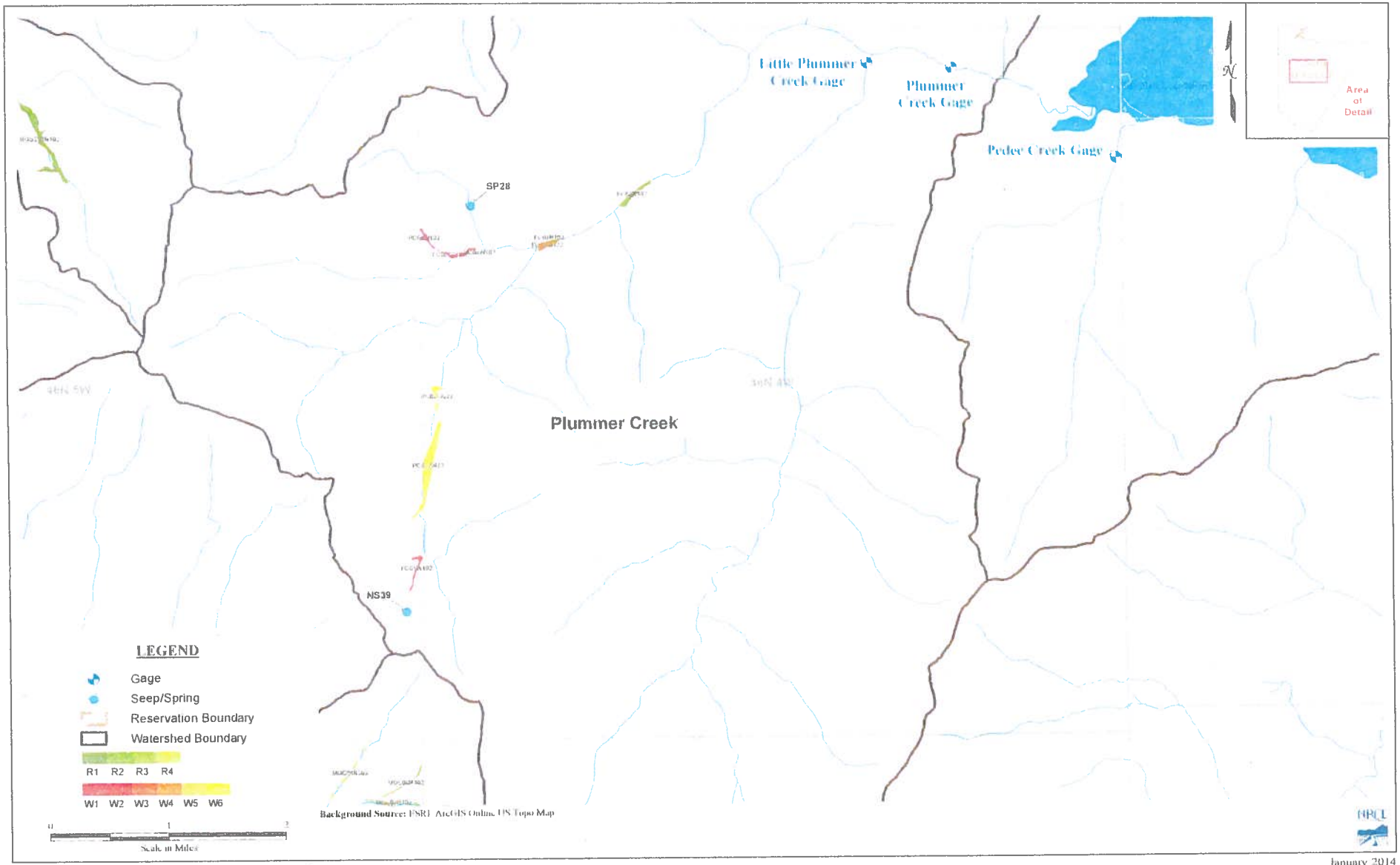

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16740

RECEIVED

JAN 31 2014

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC07R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 1.83
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509673 5242992; which is located in:
   Township: 46N Range: 04W Section: 08 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 4.40 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

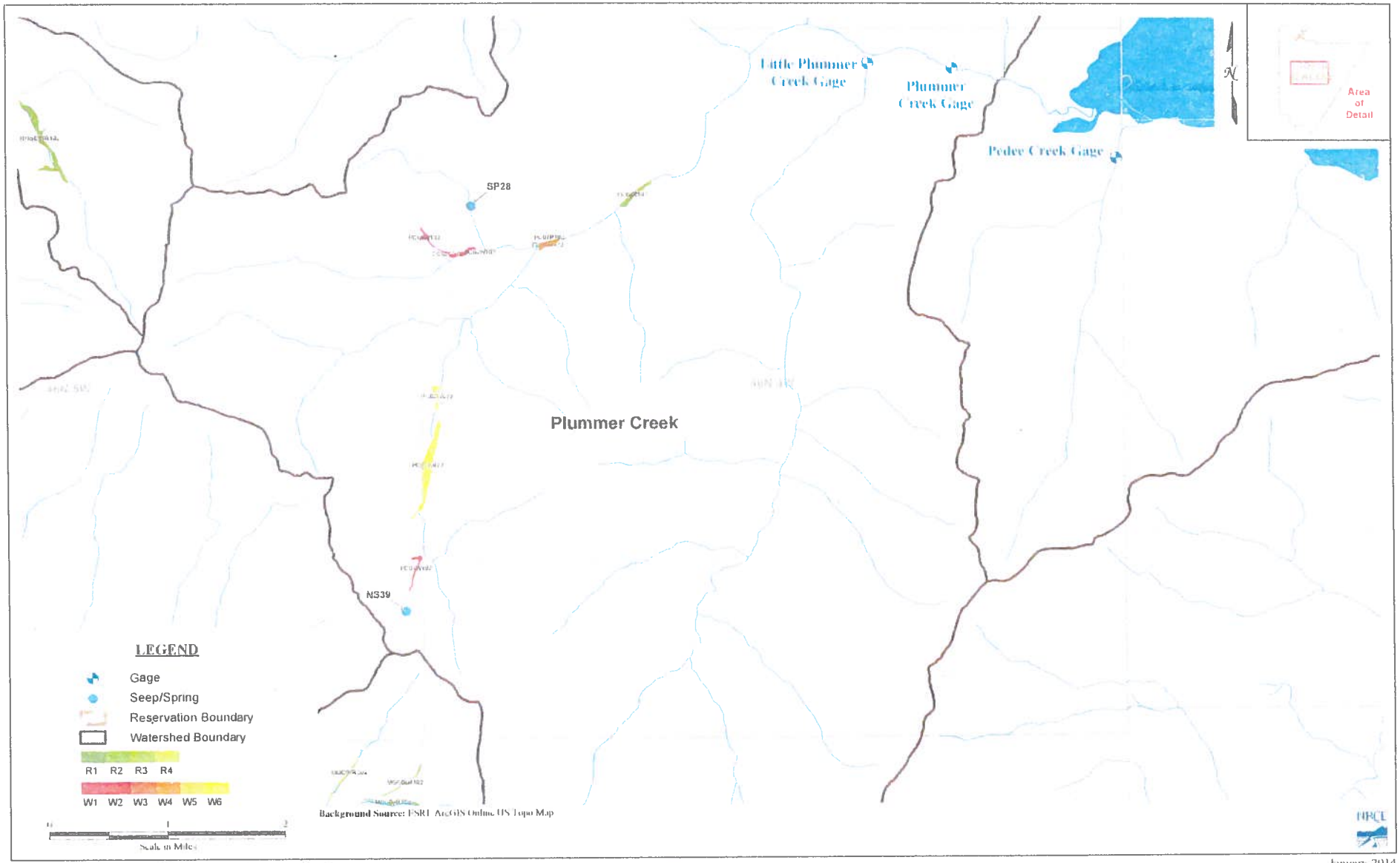

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16741

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC08W422)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 5.31
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 509653 5242941; which is located in:
   Township: 46N Range: 04W Section: 08 Q: SW QQ: SW
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 9.82 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

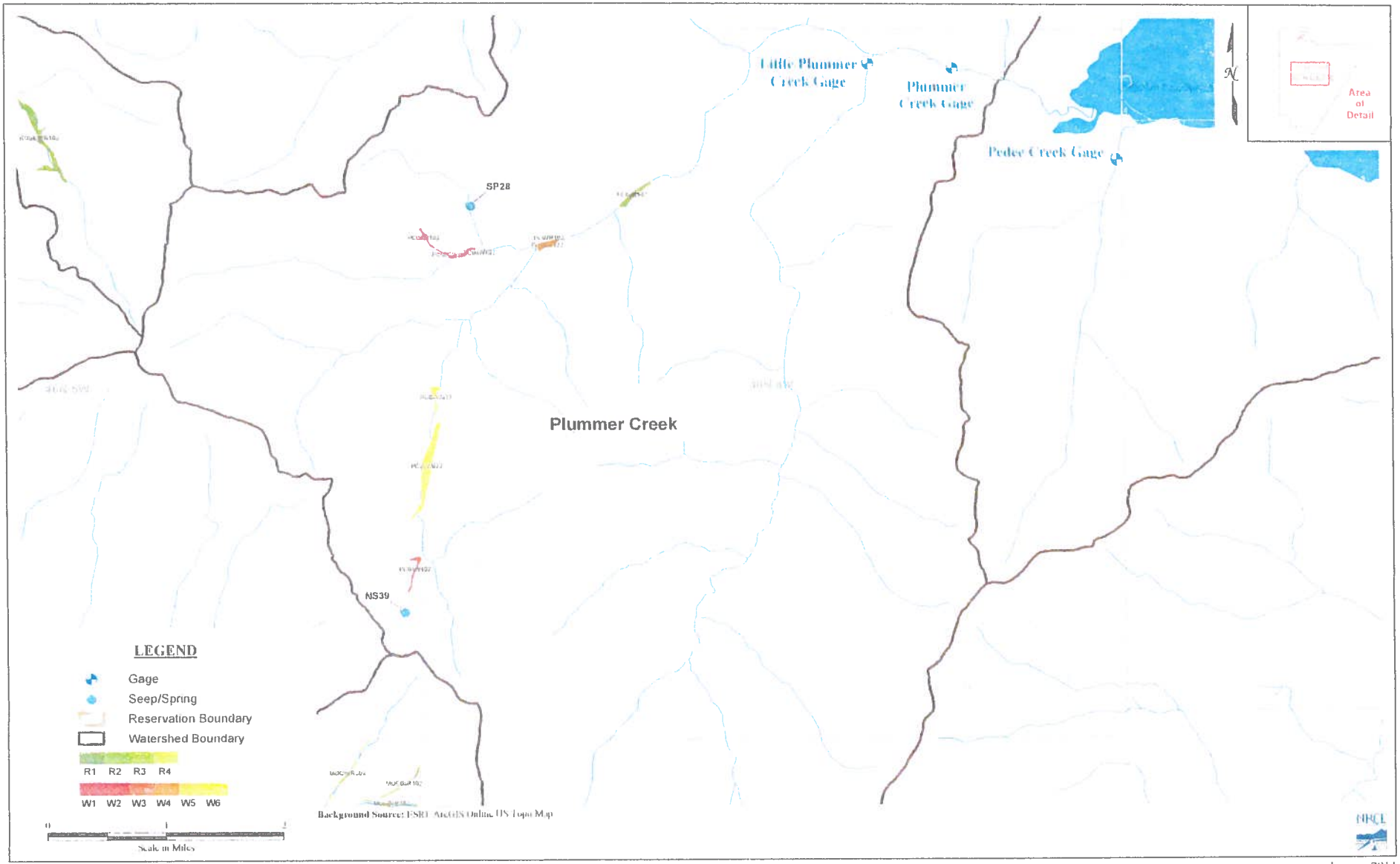

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

95-16742

RECEIVED
JAN 31 2014
Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM CASE NO. 49576	**NOTICE OF CLAIM** **Federal Reserved Water Right**

1. **Name and address of claimant:**
   UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
   Department of the Interior
   Bureau of Indian Affairs
   911 N.E. 11th Ave.
   Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Groundwater and/or Plummer Creek (Fed ID #PC09R102)

4. **Point of Diversion:**
   Not applicable – This claim is for wetlands and/or riparian areas *in situ* including sufficient groundwater and/or surface water to to maintain the wetland and/or riparian habitat.

5. **Place of Use:** Total Acres: 7.41
   The approximate center point is located within UTM Coordinates:
   Zone: 11N 510833 5243623; which is located in:
   Township: 46N Range: 04W Section: 08 Q: NE QQ: SE
   See Attached Map.

6. **Purpose of Water Use:**

Wildlife and plant habitat for hunting and gathering rights as well as other tribal traditional, cultural, spiritual, ceremonial, and/or religious uses – as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Annual Total 17.84 (AFY)

9. **Basis Of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. This water right claim is for a traditional use of water that predates the creation of the Coeur d'Alene Reservation. This right was not created but was instead confirmed by the agreements and executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

11. Signatures:

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."

(b) I do___ do not __X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

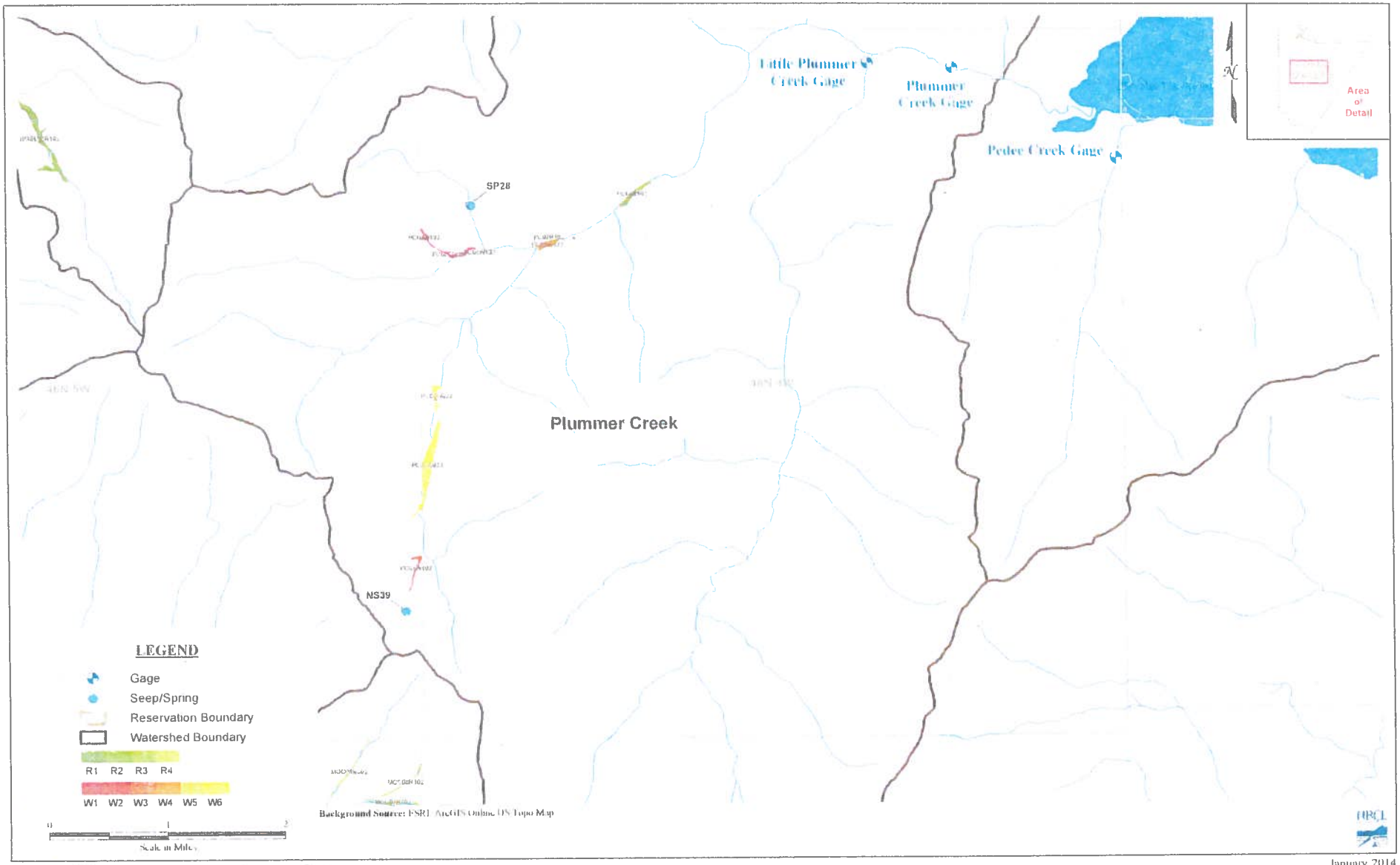

Figure A5 : Coeur d'Alene Wetlands Review - Plummer Creek

January 2014

U.S. Department of Justice

Environment and Natural Resources Division

SCA:VBWillard

Denver Field Office
999 18th Street
South Terrace, Suite370
Denver, CO 80202

Telephone (303) 844-1899
Facsimile (303) 844-1350

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

Via Federal Express

January 30, 2014

Gary Spackman, Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Coeur d'Alene Indian Tribe*

In re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System, Case No. 49576

Dear Mr. Spackman,

Pursuant to the *Scheduling Order Governing the Filing of Federal and Tribal Claims*, dated March 5, 2009, together with the subsequent *Orders* granting the United States until January 31, 2014 to file claims on behalf of Indian Tribes, the United States hereby submits and files the enclosed Notices of Claims ("Tribal Claims"). These Tribal Claims are filed by the United States Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of the Coeur d'Alene Indian Tribe.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny as well as aboriginal occupation and use of lands and waters as recognized in *United States v. Winans*, 198 U.S. 371 (1905) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. *See* Idaho Code § 42-1409(1).

There are a total of 353 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. Please note that Attachments I – VIII are attached to this summary for the reasons explained below. Accordingly, this entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I – VIII to the Letter Summary; and 3) 353 separate Notices of Claims.

A. Coeur d'Alene Tribe and Reservation

Prior to the creation of the Coeur d'Alene Reservation, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho v. United States*, 533 U.S. 262, 265 (2001) (*Idaho II*). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

The legal basis for these water rights claims stems from the doctrine of federal reserved water rights as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027. As a result of Agreements with the Tribe, on November 8, 1873, the United States established the Coeur d'Alene Indian Reservation by an Executive Order signed by President Grant.

The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho II*, 533 U.S. at 262, the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

B. Categories of Claims

The United States claims water rights for waters from groundwater and surface water sources for the present and future needs of the Coeur d'Alene Reservation in a variety of categories to serve the overall purpose of establishing the Reservation as a permanent homeland for the Coeur d'Alene people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963) ("*Arizona I*"). The various categories of claims include the following: DCMI (domestic, commercial, municipal and industrial); instream flows for fish habitat; irrigated agriculture; Coeur d'Alene Lake; and springs and wetlands for the benefit of harvested wildlife and plant habitat. To the extent not addressed above, other uses of water on trust and tribal fee lands on the Reservation include, but are not limited to: fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater; aesthetics; and recreation. Water for these uses is encompassed within the five categories of claims outlined below.

1. DCMI

The DCMI claim includes water to satisfy present and future domestic, commercial, municipal, and industrial needs of the Reservation. This includes both existing and future

components. Regarding existing uses, the claim outlines five existing projects currently utilizing groundwater for DCMI purposes including operation of a casino, hotel, golf course and other general DCMI uses. Claims for future DCMI uses are outlined in 12 proposed projects, such as municipal water delivery, to provide the DCMI water rights necessary to make the Reservation a permanent homeland with economic self-sufficiency. Please note that the future fish hatchery claim is largely non-consumptive due to the majority of flows returning to Coeur d'Alene Lake. The table provided at Attachment I summarizes the DCMI claim. The United States claims a priority date of time immemorial for certain DCMI uses, or in the alternative, November 8, 1873, for other DCMI uses. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983). November 8, 1873 is the date on which President Grant signed the Executive Order establishing the Coeur d'Alene Indian Reservation.

2. Instream Flows for Fish Habitat

This claim includes water to maintain instream flows for fish species the Tribe harvests within the Reservation. Monthly fish habitat flow claims are submitted for a total of 72 stream reaches for the purposes of providing fish habitat and long-term maintenance of that habitat. Attachment II is a table providing an overall summary of the monthly instream flow claims for each named stream reach. Attachment III provides an oversized map of the instream flow claims (note that this same map is attached in 8.5x11 size to each instream flow claim form). Please note that there are two claims for instream flows in Hangman Creek. The second Hangman Creek Claim (Fed ID No. 113.2) is conditional and will only apply in the event that anadromous fish passage is restored in the future.

The "resident fishery was a main staple of the Tribe's diet" at the time the Coeur d'Alene Reservation was created. *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1100. The Tribe's traditional reliance on fish and other food and fiber acquired near and in waterways was so great at the time the Coeur d'Alene Reservation was created, the district court found that without it "the Tribe could not have survived." *Id.* at 1104. Further the historical record indicates that the United States was plainly aware of the Tribe's dependence on this resource. *Id.* at 1103-04. The Tribe continues to rely on this resource to this day. Based on the fishing culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the instream flow claims. *Adair*, 723 F.2d at 1414; *Idaho II*, 533 U.S. at 265.

3. Irrigated Agriculture

This claim includes water to irrigate the Tribe's practicably irrigable acreage ("PIA") within the Reservation. *Arizona I*, 373 U.S. at 600-601. The United States claims a total of 17,815 acre feet of water to irrigate a total of 5,573 acres in various projects located near creeks within the Reservation as well as an irrigation claim from Coeur d'Alene Lake. The PIA projects are summarized in Attachment IV hereto. The priority date claimed for irrigated agriculture is November 8, 1873.

4. Lake Elevation Maintenance in Lake Coeur d'Alene

The United States claims a sufficient flow into Lake Coeur d'Alene to maintain the natural monthly Lake elevations and outflows, summarized in Attachment V. Maintaining the natural Lake elevations fulfills the homeland purpose of the Reservation by providing for uses including, but not limited to, the following: food; fiber; transportation; recreation; religious, cultural and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics. This myriad of tribal uses of the Lake is consistent with the Supreme Court's holding that the United States reserved in trust for the benefit of the Tribe the submerged lands of the southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. *Idaho II*, 533 U.S. 262. In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and the Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1102.

The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which are governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 of the Lake Coeur d'Alene claim and the minimum outflow in the claim could be met but for operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

As recognized by the Supreme Court in *Idaho II*, the Coeur d'Alene Tribe has a well-established aboriginal connection to and use of the Coeur d'Alene Lake. The Supreme Court found that "[a] right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274. Therefore, the United States claims a priority date of time immemorial for the Lake claim. *Adair*, 723 F.2d at 1414.

5. Springs, Seeps, and Wetlands

This claim is for a sufficient amount of water to maintain wetlands, springs, and seeps on Tribal lands within the Reservation to provide for Tribally-harvested game and waterfowl habitat, Tribal plant gathering, and other Tribal traditional, cultural, spiritual, ceremonial, and/or religious uses. Attachments VI and VII are tables summarizing the wetlands and springs claims respectively. Attachment VIII provides an overview map of these claims (note that more specific maps of the wetlands and springs are attached to the claim forms). Based on the hunting and gathering culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the springs, seeps, and wetlands. *Adair*, 723 F.2d at 1414. To the extent these claims concern riparian areas along streams subject to Instream Flow claims described in section 2 above, the United States does not intend to double a claim to the same surface water. Instead, the United States is providing two

separate justifications for the same water flows that provide instream fish habitat and support riparian vegetation.

The Coeur d'Alene Tribe traditionally hunted, fished, and gathered throughout its aboriginal territory for food and fiber. The historical record shows that the continued right to hunt, fish, and gather on its reserved lands was of critical importance to the Tribe at the time the Coeur d'Alene Reservation was created. Seeps, springs, and wetlands are necessary for the habitat of the plants and animals traditionally relied upon by the Tribe for sustenance. Additionally, these areas were used by the Tribe for religious, cultural, and ceremonial purposes. The traditional uses of these areas continue to be an important part of the Coeur d'Alene Tribe's identity and culture.

C. Summary of Claim and Reservation of Rights

The following table provides an overall summary of the claims.

Type of Claim	Number of Claim Forms	Total Water Claimed
DCMI	17	7,453 acre-feet per year (AFY) plus 979 wells with use up to 13,000 gallons per day
Instream Flows	72	Monthly cubic feet per second
PIA	44	17,815 AFY
Coeur d'Alene Lake	1	Maintenance of natural Lake Elevation
Springs	24	21.6 AFY
Wetlands	195	7,102 AFY

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those water rights held in trust for the benefit of the Tribe. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Coeur d'Alene Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation. Additionally, the Tribe and the United States expressly reserve their rights to assert their sovereign regulatory authorities to allocate and manage water rights within the exterior boundaries of the Coeur d'Alene Reservation.

In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. The enclosed water right claim forms were developed at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed

to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

The water rights claim for various consumptive and non-consumptive uses may exceed the natural flow in a given stream in a particular year. The United States and Coeur d'Alene Tribe reserve the right to determine in any particular year which use(s), if any, to limit.

The United States and the Tribe reserve the right to supplement and/or amend the water rights claims filed herein.

Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,

Vanessa Boyd Willard

Vanessa Boyd Willard
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section

Summary of Federal Domestic, Commercial, Municipal, Industrial (DCMI), Pond Level Maintenance, and Fish Propagation Claims on behalf of the Coeur d'Alene Tribe
Attachment I to US Cover Letter, dated 1/30/2014

Acre-Feet (AFY)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				487.6		342.0	**829.6**
Rural (Self-Supply)						*	*
Fish Propagation		4,834.2					**4,834.2**
Industrial						633.0	**633.0**
Pond Level Maint & Fire Suppression						16.3	**16.3**
Municipal				91.6	14.1	1,034.5	**1,140.2**
Subtotal	**0.0**	**4,834.2**	**0.0**	**579.1**	**14.1**	**2,025.9**	**7,453.2** **
TOTAL (AFY)	**4,834.2**			**2,619.1**			

* 979 wells with use up to 13,000 gpd
** Plus volume of water associated with 979 rural (self-supply) wells

Flow Rate (cfs)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				2.85		2.28	**5.13**
Rural (Self-Supply)						*	*
Fish Propagation		6.68					**6.68**
Industrial						2.19	**2.19**
Pond Level Maint & Fire						0.04	**0.04**
Municipal				0.32	0.45	3.57	**4.33**
Subtotal	**0.00**	**6.68**	**0.00**	**3.16**	**0.45**	**8.08**	**18.37** **
TOTAL (cfs)	**6.68**			**11.69**			

* 979 wells with use up to 13,000 gpd
** Plus flow associated with 979 rural (self-supply) wells

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fighting Creek	101	23	23	23	23	20	16	7.9	3.7	3.1	4.7	10	18
Lake Creek	102	63	74	75	66	29	22	8.2	2.6	2	4.7	13	23
Black Creek	103	6.3	6.3	14	7	2.7	1.2	0.4	0.19	0.19	0.22	0.48	2.6
Willow Creek	104	7.4	11	14	7	7	6.8	2.1	0.89	0.9	0.83	2.9	4.8
Evans Creek	105	28	35	35	35	35	28	8.3	4	3.9	3.5	11	18
Plummer Creek	106	45	45	45	50	33	9.9	1.6	0.58	0.99	1.2	10	41
Little Plummer	107	43	43	43	6	6	5.8	0.86	0.28	0.51	0.63	5.9	24
Pedee Creek	108	8	8	16	11	4.7	1.3	0.1	0.1	0.1	0.1	1.3	5.9
Benewah Creek	109	114	140	140	63	56	26	8.3	3.6	3.2	5.1	15	50
Windfall Creek	110	12	16	20	7	6.1	2.4	0.64	0.22	0.18	0.34	1.4	5.2
Cherry Creek	111	8	8	8	5	5	2.4	0.84	0.48	0.48	0.53	0.98	5.6
Alder Creek	112	24	24	24	24	24	24	8.8	3.1	4.4	7.8	23	24
Hangman Creek	113	45	45	40	40	40	23	4.9	2.3	2	2	9.7	39
Hangman Creek (Conditional)	113	169	169	110	110	65	23	4.9	2.3	2	2	9.7	39
North Fork Coeur d'Alene River	1001	112	112	150	190	190	190	119	63	48	47	112	112
Tepee Creek	1002	136	136	184	230	230	230	103	70	56	52	136	136
Yellow Dog Creek	1003	8.5	14	17	29	29	13	6.7	2.6	2.3	3.4	8.1	7.3
Downey Creek	1004	13	13	24	25	25	25	12	3.7	3.1	5.1	10	10
North Fork Coeur d'Alene River	1005	175	175	450	275	275	275	183	158	126	137	175	175
Shoshone Creek	1006	35	35	90	70	70	70	47	54	38	38	35	35
North Fork Coeur d'Alene River	1007	246	246	355	422	422	422	281	231	178	189	246	246
Eagle Creek	1008	59	59	76	100	100	100	46	20	12	12	40	59
Prichard Creek	1009	20	20	50	125	125	125	83	42	27	29	20	20
Beaver Creek	1010	67	67	87	113	113	113	56	29	21	22	52	67
Graham Creek	1011	31	31	38	52	52	52	21	8.4	6.5	6.7	17	31
Steamboat Creek	1012	49	49	63	83	83	83	43	15	12	18	49	49
North Fork Coeur d'Alene River	1013	318	318	469	546	546	546	364	353	266	295	318	318
Little North Fork Coeur d'Alene River	1014	45	45	200	250	250	250	133	79	62	56	45	45
Little North Fork Coeur d'Alene River	1015	157	157	220	269	269	269	168	95	76	75	157	157
North Fork Coeur d'Alene River	1016	345	345	700	600	600	600	400	449	343	373	345	345
South Fork Coeur d'Alene River	2001	97	97	131	165	165	165	110	87	62	54	97	97
Placer Creek	2002	35	36	45	61	61	61	23	10	6.7	7	17	26
South Fork Coeur d'Alene River	2003	121	121	166	206	206	206	137	111	81	76	121	121
South Fork Coeur d'Alene River	2004	150	150	209	256	256	256	171	141	109	123	150	150

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pine Creek	2005	84	84	112	143	143	143	62	28	20	21	74	84
South Fork Coeur d'Alene River	2006	80	80	200	175	175	175	117	150	145	139	80	80
Coeur d'Alene River	3001	525	525	699	789	789	789	525	699	789	789	525	525
Coeur d'Alene River	3002	468	468	705	793	793	793	528	705	606	702	468	468
Carlin Creek	3003	16	16	30	14	14	7.3	3.4	2.3	2.3	2.6	4.1	14
Turner Creek	3004	13	13	15	12	5.5	3.3	1.7	0.97	0.98	1.2	1.7	5.2
Beauty Creek	3005	20	24	38	30	30	9.2	2.9	2.6	2	1.5	4.5	7.5
Cedar Creek	3006	24	30	45	45	40	10	3.6	2.8	2.4	2.5	7.6	10
Wolf Lodge Creek	3007	56	56	72	94	94	80	24	15	12	12	35	51
Mica Creek	3008	37	37	46	62	52	41	17	7.1	6.1	9.8	21	35
Cougar Creek	3009	27	27	33	46	29	23	11	4.9	4.2	6.3	13	21
Saint Joe River	4001	67	67	90	115	115	115	77	63	39	23	47	67
Heller Creek	4002	43	35	47	73	73	73	45	32	20	11	23	36
Saint Joe River	4003	130	130	185	224	224	224	149	163	104	75	130	130
Saint Joe River	4004	178	178	258	307	307	307	205	245	160	129	178	178
Fly Creek	4005	24	23	32	45	45	45	26	11	7.9	6.3	11	17
Saint Joe River	4006	183	183	266	316	316	316	210	250	164	138	183	183
Simmons Creek	4007	50	50	120	115	115	115	77	62	41	38	50	50
Gold Creek	4008	55	55	72	94	94	94	62	34	23	22	40	53
Saint Joe River	4009	133	133	350	175	175	175	116	250	200	200	133	133
Quartz Creek	4010	44	44	57	75	75	75	50	23	16	20	32	34
Saint Joe River	4011	295	295	442	510	510	510	340	442	330	315	295	295
North Fork Saint Joe River	4012	41	41	125	150	150	150	100	89	63	62	41	41
Saint Joe River	4013	282	282	466	466	466	466	310	466	432	423	282	282
Marble Creek	4014	60	60	79	102	102	102	68	42	27	20	41	60
Boulder Creek	4015	30	32	41	55	55	55	37	12	8.8	11	19	21
Marble Creek	4016	100	100	175	275	275	275	183	117	83	85	100	100
Saint Joe River	4017	396	396	606	685	685	685	456	606	519	510	396	396
Big Creek	4018	35	35	80	80	80	80	53	32	25	31	35	35
Mica Creek	4019	53	53	69	90	90	90	47	20	16	18	37	48
Trout Creek	4020	38	38	48	64	64	64	29	10	8.6	11	21	28
Saint Joe River	4021	428	428	658	741	741	741	494	658	566	582	428	428
Saint Joe River	4022	396	396	650	750	750	750	500	439	563	594	396	396
Saint Joe River	4023	491	491	762	850	850	850	566	762	657	703	491	491
Middle Fork Saint Maries River	4501	67	67	90	114	114	114	76	30	25	36	62	67

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
West Fork Saint Maries River	4502	44	44	57	75	75	52	18	13	12	10	23	44
Thorn Creek	4503	29	29	36	49	49	18	7.5	5.1	4.9	4.5	10	24
Saint Maries River	4504	150	150	350	250	250	250	167	103	91	100	150	150

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014

Legend

- Claim Watershed
- Claim Reach
- 1012 Claim Number
- Coeur d'Alene Tribe Reservation Boundary
- See Idaho v. US, 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody

USGS 8-Digit Hydrologic Unit Code

- 17010301 Upper Coeur d'Alene River
- 17010302 South Fork Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River

Idaho

Montana

Washington

Idaho

0 2 4 6 8 10
Miles

Summary of Federal Practicably Irrigable Acreage Claims on behalf of the Coeur d'Alene Tribe Attachment IV to US Cover Letter, dated 1/30/14

Source	*Total Acreage*	*Quantity (ac-ft)*	*Pond Maintenance (ac-ft)*	*Total Claim (ac-ft)*
Hangman Creek	1,355	4,127	573	4,700
Lolo Creek	165	445	104	549
Moctileme Creek	252	725	145	870
Little Hangman Creek	149	444	103	547
Rose Creek	66	186	35	222
Rock Creek	88	235	35	270
North Fork Rock Creek	403	1,129	148	1,277
Benewah Creek	103	240	0	240
St. Joe River	1,306	4,058	0	4,058
Lake Creek	758	2,178	193	2,371
Coeur d'Alene Lake	928	2,711	0	2,711
Total All Lands	5,573	16,479	1,337	17,815

Summary of Federal Lake Elevation Maintenance Claims on behalf of Coeur d'Alene Tribe Attachment V to US Cover Letter, dated 1/30/14

Month	Lake Elevation (ft, staff gage datum)	Outflow (cfs)
January	2124.2	7,470
February	2124.7	8,550
March	2125.8	11,900
April	2128.5	20,000
May	2129.6	23,000
June	2127.2	15,900
July	2122.8	4,520
August	2120.9	1,420
September	2120.4	974
October	2120.6	1,240
November	2121.9	2,920
December	2123.6	5,680

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Water Source: Stream or Creek System	Area (ac)	Annual acre-feet
AC01R102	11N	517202	5224437	ID08	44N	04W	12	SE	NE	Alder Creek	7.47	17.98
AC02R102	11N	517922	5226413	ID08	44N	03W	06	SW	NE	Alder Creek	8.83	21.25
BC01R222	11N	516401	5231099	ID08	45N	04W	24	NE	NW	Benewah Creek	11.49	26.07
BC02W322	11N	516832	5231704	ID08	45N	04W	13	SW	SE	Benewah Creek	3.53	10.16
BC03R102	11N	517064	5231756	ID08	45N	04W	13	SW	SE	Benewah Creek	2.21	5.32
BC04R222	11N	517738	5232637	ID08	45N	03W	18	SW	NE	Benewah Creek	26.53	60.20
EC01R402	11N	537348	5250738	ID08	47N	01W	19	NE	NE	Black Lake-Coeur d'Alene River	11.87	29.13
EC02R402	11N	534274	5251807	ID08	47N	02W	14	NE	SE	Black Lake-Coeur d'Alene River	18.13	44.49
LAMB03R302	11N	523313	5251211	ID08	47N	03W	23	NW	NW	Black Lake-Coeur d'Alene River	0.93	2.20
LAMB04R302	11N	523723	5251107	ID08	47N	03W	23	NE	NW	Black Lake-Coeur d'Alene River	1.92	4.55
LAMB05R102	11N	524090	5251933	ID08	47N	03W	14	NW	SE	Black Lake-Coeur d'Alene River	1.06	2.55
LAMB06R102	11N	524543	5250661	ID08	47N	03W	23	SE	NE	Black Lake-Coeur d'Alene River	4.48	10.78
CDAL01R102	11N	504573	5256881	ID08	48N	05W	35	NE	NE	Coeur d'Alene Lake	0.56	1.35
CDAL02W321	11N	504384	5256622	ID08	48N	05W	35	SE	NE	Coeur d'Alene Lake	17.7	37.59
CDAL03R102	11N	508125	5256970	ID08	48N	04W	32	NW	NW	Coeur d'Alene Lake	3.77	9.07
CDAL04R102	11N	508482	5257722	ID08	48N	04W	29	NE	SW	Coeur d'Alene Lake	6.17	14.85
CDAL05R101	11N	508482	5253605	ID08	47N	04W	07	NE	NW	Coeur d'Alene Lake	5.06	12.18
CDAL06R101	11N	511814	5253862	ID08	47N	04W	09	NE	NW	Coeur d'Alene Lake	1.01	2.43
CDAL07R102	11N	512172	5254436	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	1.88	4.53
CDAL08W422	11N	512197	5254626	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	0.72	1.33
CDAL09R102	11N	517283	5254326	ID08	47N	04W	01	NE	SE	Coeur d'Alene Lake	2.63	6.33
CDAL10R102	11N	518175	5252981	ID08	47N	03W	07	SE	SE	Coeur d'Alene Lake	8.46	20.36
CDAL11R102	11N	519644	5251353	ID08	47N	03W	17	SE	SE	Coeur d'Alene Lake	0.24	0.58
CDAL20R102	11N	519490	5250421	ID08	47N	03W	20	NW	SE	Coeur d'Alene Lake	6.81	16.39
CDAL21W501	11N	518621	5248650	ID08	47N	03W	29	NW	SW	Coeur d'Alene Lake	37.29	81.33
SQ12W102	11N	511600	5250203	ID08	47N	04W	21	SE	NW	Coeur d'Alene Lake	22.98	72.52
SQ13W102	11N	512131	5250020	ID08	47N	04W	21	SW	NE	Coeur d'Alene Lake	13.5	42.61
SQ14R302	11N	512447	5250605	ID08	47N	04W	21	NE	NE	Coeur d'Alene Lake	1.14	2.70
SQ15R302	11N	512450	5249541	ID08	47N	04W	21	NE	SE	Coeur d'Alene Lake	2	4.74
SQ16R302	11N	512947	5250328	ID08	47N	04W	22	NW	NW	Coeur d'Alene Lake	9.25	21.92

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

SQ17R302	11N	513396	5250191	ID08	47N	04W	22	SE	NW	Coeur d'Alene Lake	1.76	4.17
SQ18R102	11N	513933	5249349	ID08	47N	04W	22	SE	SE	Coeur d'Alene Lake	37.05	89.18
SQ19R302	11N	513429	5251325	ID08	47N	04W	15	NE	SW	Coeur d'Alene Lake	8.73	20.69
HHC02R302	11N	514224	5216966	ID08	44N	04W	34	SE	SE	Headwaters Hangman Creek	11.08	26.25
HHC03W101	11N	514265	5218115	ID08	44N	04W	34	NE	NE	Headwaters Hangman Creek	1.79	3.93
HHC04W101	11N	513406	5218276	ID08	44N	04W	34	NE	NW	Headwaters Hangman Creek	35.34	77.54
HHC07W102	11N	511376	5220533	ID08	44N	04W	21	NW	SW	Headwaters Hangman Creek	7.14	22.53
HHC08R102	11N	510320	5220610	ID08	44N	04W	20	NW	SE	Headwaters Hangman Creek	4.16	10.01
INDC01R102	11N	516848	5217955	ID08	44N	04W	36	SW	NE	Headwaters Hangman Creek	13.31	32.04
SHPC09R102	11N	509422	5218104	ID08	44N	04W	31	NE	NE	Headwaters Hangman Creek	15.83	38.10
SQ06R102	11N	511863	5220225	ID08	44N	04W	21	SE	SW	Headwaters Hangman Creek	14.39	34.64
LC01W102	11N	500043	5259707	ID08	48N	05W	21	SW	NW	Lake Creek	4.32	13.63
LC02W102	11N	497725	5259783	ID08	48N	06W	24	SW	NE	Lake Creek	9.96	31.43
LHMC01W101	11N	504937	5235901	ID08	45N	05W	02	NW	NW	Little Hangman Creek	18.07	39.65
LHMC02W102	11N	502434	5237067	ID08	46N	05W	33	SW	NE	Little Hangman Creek	8.95	28.25
LHMC03W102	11N	501112	5237247	ID08	46N	05W	32	SE	NE	Little Hangman Creek	17.12	54.03
LHMC04W102	11N	500366	5237872	ID08	46N	05W	29	SE	SW	Little Hangman Creek	2.59	8.17
LHMC05W101	11N	498977	5237836	ID08	46N	05W	30	SE	SW	Little Hangman Creek	1.95	4.28
LHMC06R102	11N	498071	5237052	ID08	46N	06W	36	SE	NE	Little Hangman Creek	30.03	72.28
LHMC07W102	11N	499325	5235833	ID08	45N	05W	06	NE	NE	Little Hangman Creek	6.29	19.85
LHMC08W102	11N	498767	5234538	ID08	45N	05W	07	NE	NW	Little Hangman Creek	4.92	15.53
LHMC09W102	11N	498142	5232784	ID08	45N	06W	13	NE	NE	Little Hangman Creek	4.86	15.34
LHMC10W102	11N	498653	5232058	ID08	45N	05W	18	NE	SW	Little Hangman Creek	5.3	16.73
LHMC11W102	11N	497729	5232310	ID08	45N	06W	13	SW	NE	Little Hangman Creek	4.16	13.13
HC01W102	11N	504803	5224247	ID08	44N	05W	11	SW	NW	Lolo Creek-Hangman Creek	1.79	5.65
HC02W102	11N	504274	5224117	ID08	44N	05W	10	SE	NE	Lolo Creek-Hangman Creek	12.78	40.33
HC03W102	11N	504593	5224753	ID08	44N	05W	10	NE	NE	Lolo Creek-Hangman Creek	1.37	4.32
HC04W101	11N	504506	5225370	ID08	44N	05W	03	NE	SE	Lolo Creek-Hangman Creek	6.61	14.50
HC05W102	11N	504358	5225251	ID08	44N	05W	03	SE	SE	Lolo Creek-Hangman Creek	0.67	2.11
HC06W102	11N	503805	5225028	ID08	44N	05W	03	SE	SW	Lolo Creek-Hangman Creek	2.21	6.97
HC07W102	11N	503427	5225035	ID08	44N	05W	03	SW	SW	Lolo Creek-Hangman Creek	5.42	17.11
HC08W101	11N	500755	5221200	ID08	44N	05W	20	SW	NE	Lolo Creek-Hangman Creek	3.36	7.37
HC09W101	11N	504123	5226758	ID08	45N	05W	34	SW	SE	Lolo Creek-Hangman Creek	0.36	0.79
HC10W102	11N	502384	5225544	ID08	44N	05W	04	NW	SE	Lolo Creek-Hangman Creek	6	18.94

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
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HC11W102	11N	501309	5225593	ID08	44N	05W	05	NE	SE	Lolo Creek-Hangman Creek	5.67	17.89
HC12W102	11N	500178	5226000	ID08	44N	05W	05	SW	NW	Lolo Creek-Hangman Creek	11.12	35.09
HC13W421	11N	499757	5225862	ID08	44N	05W	06	SE	NE	Lolo Creek-Hangman Creek	1.21	2.24
HC14W102	11N	497904	5226722	ID08	45N	06W	36	SE	SE	Lolo Creek-Hangman Creek	19.84	62.61
LOLO01R101	11N	508628	5229018	ID08	45N	04W	30	SE	NW	Lolo Creek-Hangman Creek	2.6	6.26
LOLO02R102	11N	507136	5228289	ID08	45N	05W	25	SW	SE	Lolo Creek-Hangman Creek	27.98	67.35
LOLO03R102	11N	505809	5228705	ID08	45N	05W	26	NW	SE	Lolo Creek-Hangman Creek	5.9	14.20
LOLO04R222	11N	508273	5229812	ID08	45N	04W	19	SW	SW	Lolo Creek-Hangman Creek	9.22	20.92
LOLO05R222	11N	508006	5229416	ID08	45N	04W	30	NW	NW	Lolo Creek-Hangman Creek	3.39	7.69
LOLO06W102	11N	506938	5229510	ID08	45N	05W	25	NE	NW	Lolo Creek-Hangman Creek	26.53	83.73
LOLO07R302	11N	504745	5228719	ID08	45N	05W	26	NW	SW	Lolo Creek-Hangman Creek	2.67	6.33
LOLO08R302	11N	504089	5228603	ID08	45N	05W	27	NW	SE	Lolo Creek-Hangman Creek	3.63	8.60
LOLO09W102	11N	503757	5227948	ID08	45N	05W	34	NE	NW	Lolo Creek-Hangman Creek	10.42	32.89
LOLO10W102	11N	502835	5227428	ID08	45N	05W	33	SE	NE	Lolo Creek-Hangman Creek	3.08	9.72
HHC05W102	11N	509605	5220280	ID08	44N	04W	20	SW	SW	Mission Creek-Hangman Creek	90.32	285.05
MC01R102	11N	504142	5216347	ID08	43N	05W	03	SW	NE	Mission Creek-Hangman Creek	5.69	13.70
MC02R302	11N	504558	5216708	ID08	43N	05W	03	NE	NE	Mission Creek-Hangman Creek	10.42	24.69
MC03R302	11N	504933	5217158	ID08	44N	05W	35	SW	SW	Mission Creek-Hangman Creek	12.36	29.29
MC04R102	11N	505031	5217573	ID08	44N	05W	35	NW	SW	Mission Creek-Hangman Creek	1.01	2.43
MC05W421	11N	506064	5221563	ID08	44N	05W	23	NE	NE	Mission Creek-Hangman Creek	6.31	11.67
MC06R222	11N	505666	5222345	ID08	44N	05W	14	NW	SE	Mission Creek-Hangman Creek	3.4	7.72
MHC01W101	11N	508804	5222237	ID08	44N	04W	18	NW	SE	Mission Creek-Hangman Creek	7.33	16.08
MHC02W102	11N	507534	5221778	ID08	44N	05W	13	SE	SE	Mission Creek-Hangman Creek	1.53	4.83
MHC03R222	11N	506623	5221926	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	1.73	3.93
MHC04R222	11N	506452	5221936	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	6.65	15.09
MHC05W102	11N	506251	5222376	ID08	44N	05W	14	NE	SE	Mission Creek-Hangman Creek	13.65	43.08
MHC06R102	11N	509332	5223631	ID08	44N	04W	07	SE	SE	Mission Creek-Hangman Creek	13.59	32.71
MHC07R102	11N	506953	5222882	ID08	44N	05W	13	SE	NW	Mission Creek-Hangman Creek	15.73	37.86
MHC08R222	11N	509774	5225950	ID08	44N	04W	05	SW	NW	Mission Creek-Hangman Creek	15.92	36.13
MHC09R102	11N	509211	5225461	ID08	44N	04W	06	NE	SE	Mission Creek-Hangman Creek	3.92	9.44
MHC10R302	11N	507287	5224255	ID08	44N	05W	12	SW	NE	Mission Creek-Hangman Creek	13.35	31.63
MHC11R302	11N	505109	5223347	ID08	44N	05W	11	SE	SW	Mission Creek-Hangman Creek	1.73	4.10
MOC01W202	11N	508981	5231642	ID08	45N	04W	18	SW	SE	Moctileme Creek	13.58	38.37
MOC02W102	11N	507852	5231705	ID08	45N	05W	13	SE	SE	Moctileme Creek	4.74	14.96

Summary of Federal Wetland and Riparian Claims
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MOC03W102	11N	507171	5231935	ID08	45N	05W	13	NW	SE	Moctileme Creek	2.02	6.38
MOC04R102	11N	507820	5232387	ID08	45N	05W	13	SE	NE	Moctileme Creek	55.36	133.25
MOC05W102	11N	506519	5232193	ID08	45N	05W	13	SW	NW	Moctileme Creek	5.56	17.55
MOC06R102	11N	507610	5235621	ID08	45N	05W	01	SE	NE	Moctileme Creek	3.96	9.53
MOC07R102	11N	507458	5235359	ID08	45N	05W	01	NW	SE	Moctileme Creek	5.78	13.91
MOC08R302	11N	506866	5235793	ID08	45N	05W	01	SE	NW	Moctileme Creek	6.96	16.49
MOC09W101	11N	505915	5233664	ID08	45N	05W	11	NE	SE	Moctileme Creek	3.67	8.05
MOC10W102	11N	505510	5232028	ID08	45N	05W	14	NW	SE	Moctileme Creek	3.45	10.89
MOC11W102	11N	504926	5232055	ID08	45N	05W	14	NW	SW	Moctileme Creek	2.26	7.13
MOC12W102	11N	503706	5230976	ID08	45N	05W	22	NE	NW	Moctileme Creek	12.52	39.51
MOC13W102	11N	503089	5232080	ID08	45N	05W	15	NW	SW	Moctileme Creek	15.21	48.00
MOC14W102	11N	502540	5231880	ID08	45N	05W	16	NW	SE	Moctileme Creek	5.18	16.35
MOC15W102	11N	502547	5232569	ID08	45N	05W	16	SW	NE	Moctileme Creek	7.98	25.18
MOC16W102	11N	502168	5232478	ID08	45N	05W	16	SE	NW	Moctileme Creek	1.38	4.36
MOC17W102	11N	502144	5231706	ID08	45N	05W	16	SE	SW	Moctileme Creek	3.57	11.27
MOC18W102	11N	500783	5230584	ID08	45N	05W	20	SW	NE	Moctileme Creek	3.2	10.10
MOC19W102	11N	499968	5231675	ID08	45N	05W	17	SW	SW	Moctileme Creek	8.42	26.57
MOC20W102	11N	498652	5230875	ID08	45N	05W	19	SE	NW	Moctileme Creek	12.93	40.81
NFRC01W102	11N	509009	5247108	ID08	47N	04W	31	NW	NE	North Fork Rock Creek	8.96	28.28
NFRC02W202	11N	509291	5247319	ID08	47N	04W	31	NE	NE	North Fork Rock Creek	5.05	14.27
NFRC03W202	11N	509088	5249749	ID08	47N	04W	19	NE	SE	North Fork Rock Creek	24.32	68.72
NFRC04W102	11N	508270	5250034	ID08	47N	04W	19	SE	NW	North Fork Rock Creek	43.58	137.54
NFRC05W421	11N	506008	5250362	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	7.39	13.67
NFRC06W101	11N	506057	5250418	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	11.96	26.24
NFRC07W102	11N	505229	5249382	ID08	47N	05W	23	SE	SW	North Fork Rock Creek	9.34	29.48
NFRC08W611	11N	504857	5250999	ID08	47N	05W	14	SW	SW	North Fork Rock Creek	55.51	113.74
NFRC09W102	11N	505534	5251212	ID08	47N	05W	14	NW	SE	North Fork Rock Creek	8.97	28.31
NFRC10W102	11N	503995	5250418	ID08	47N	05W	22	NW	NE	North Fork Rock Creek	1.96	6.19
NFRC11W102	11N	504111	5251024	ID08	47N	05W	15	SW	SE	North Fork Rock Creek	5.73	18.08
NFRC12W201	11N	503863	5251607	ID08	47N	05W	15	SW	NE	North Fork Rock Creek	42.3	91.69
NFRC13W101	11N	503683	5252170	ID08	47N	05W	15	NE	NW	North Fork Rock Creek	39.24	86.10
NFRC14W201	11N	503090	5252122	ID08	47N	05W	15	NW	NW	North Fork Rock Creek	10.94	23.71
NFRC15W101	11N	502860	5252276	ID08	47N	05W	16	NE	NE	North Fork Rock Creek	9.16	20.10
NFRC16W421	11N	502468	5252198	ID08	47N	05W	16	NW	NE	North Fork Rock Creek	7.23	13.38

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NFRC17W102	11N	502241	5253207	ID08	47N	05W	09	SE	NW	North Fork Rock Creek	3.75	11.83
NFRC18W102	11N	502725	5252973	ID08	47N	05W	09	NE	SE	North Fork Rock Creek	5.43	17.14
NFRC19W101	11N	502229	5252686	ID08	47N	05W	09	SE	SW	North Fork Rock Creek	40.11	88.01
NFRC20W202	11N	502473	5253597	ID08	47N	05W	09	NW	NE	North Fork Rock Creek	4.6	13.00
NFRC21W202	11N	503014	5253206	ID08	47N	05W	09	SE	NE	North Fork Rock Creek	3.75	10.60
NFRC22W102	11N	502162	5252974	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	1.05	3.31
NFRC23W421	11N	501874	5253024	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	2.64	4.88
NFRC24W201	11N	501506	5252689	ID08	47N	05W	09	NW	SW	North Fork Rock Creek	33.84	73.35
NFRC25W201	11N	501090	5252553	ID08	47N	05W	08	SE	SE	North Fork Rock Creek	6.78	14.70
NFRC26W201	11N	500707	5252392	ID08	47N	05W	08	SW	SE	North Fork Rock Creek	10.26	22.24
NFRC27W201	11N	500117	5252363	ID08	47N	05W	08	SW	SW	North Fork Rock Creek	17.65	38.26
NFRC28R102	11N	499635	5252384	ID08	47N	05W	07	SE	SE	North Fork Rock Creek	1.77	4.26
NFRC29R102	11N	498453	5252554	ID08	47N	05W	07	SW	SW	North Fork Rock Creek	1.57	3.78
NFRC30W101	11N	499983	5255325	ID08	47N	05W	05	NW	NW	North Fork Rock Creek	5.19	11.39
NFRC31W101	11N	499671	5255415	ID08	47N	05W	06	NE	NE	North Fork Rock Creek	4.89	10.73
NFRC32W101	11N	499239	5255374	ID08	47N	05W	06	NW	NE	North Fork Rock Creek	1.12	2.46
NFRC33W102	11N	499217	5255013	ID08	47N	05W	06	SW	NE	North Fork Rock Creek	10.3	32.51
STJR01W101	11N	529077	5243132	ID08	46N	02W	08	SW	SE	Pedee Creek-St Joe River	35.96	78.90
STJR02W101	11N	528031	5243122	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	59.72	131.03
STJR03W421	11N	528827	5242738	ID08	46N	02W	17	NE	NW	Pedee Creek-St Joe River	1.77	3.27
STJR04W101	11N	528433	5242406	ID08	46N	02W	17	SW	NW	Pedee Creek-St Joe River	53.89	118.24
STJR05W411	11N	527055	5242832	ID08	46N	02W	18	NE	NW	Pedee Creek-St Joe River	1060.4	1566.98
STJR06W101	11N	527919	5241920	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	0.51	1.12
STJR07W101	11N	528002	5242006	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	1.38	3.03
STJR08W101	11N	528044	5243473	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	29.95	65.71
STJR09W101	11N	526432	5243608	ID08	46N	02W	07	NW	SW	Pedee Creek-St Joe River	43.75	95.99
STJR10W101	11N	526414	5242344	ID08	46N	02W	18	SW	NW	Pedee Creek-St Joe River	0.72	1.58
STJR11W101	11N	526325	5242264	ID08	46N	03W	13	NE	SE	Pedee Creek-St Joe River	0.53	1.16
STJR12W101	11N	525210	5245205	ID08	46N	03W	01	NE	SW	Pedee Creek-St Joe River	185.44	406.88
STJR13W101	11N	525454	5243627	ID08	46N	03W	12	NE	SW	Pedee Creek-St Joe River	8.27	18.15
STJR14W411	11N	525261	5244949	ID08	46N	03W	01	SE	SW	Pedee Creek-St Joe River	20.42	30.17
STJR15R102	11N	524181	5245547	ID08	46N	03W	02	SW	NE	Pedee Creek-St Joe River	9.57	23.04
STJR16R102	11N	520556	5246104	ID08	46N	03W	04	NE	NW	Pedee Creek-St Joe River	0.81	1.95
PC01W102	11N	507796	5238549	ID08	46N	05W	25	NE	SE	Plummer Creek	4.53	14.30

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

PC02W622	11N	507997	5239946	ID08	46N	04W	19	NW	SW	Plummer Creek	30.79	88.61
PC03W622	11N	508111	5240888	ID08	46N	04W	19	NW	NW	Plummer Creek	7.04	20.26
PC04W102	11N	507976	5243041	ID08	46N	04W	07	SW	SW	Plummer Creek	3.66	11.55
PC05W102	11N	508301	5242820	ID08	46N	04W	07	SE	SW	Plummer Creek	2.52	7.95
PC06W102	11N	508532	5242846	ID08	46N	04W	07	SE	SW	Plummer Creek	2.45	7.73
PC07R102	11N	509673	5242992	ID08	46N	04W	08	SW	SW	Plummer Creek	1.83	4.40
PC08W422	11N	509653	5242941	ID08	46N	04W	08	SW	SW	Plummer Creek	5.31	9.82
PC09R102	11N	510833	5243623	ID08	46N	04W	08	SE	NE	Plummer Creek	7.41	17.84
ROCK01W101	11N	502125	5250720	ID08	47N	05W	16	SE	SW	Rose Creek	13.55	29.73
ROCK02R222	11N	501593	5250930	ID08	47N	05W	16	SW	SW	Rose Creek	0.65	1.48
ROCK03W102	11N	500999	5250752	ID08	47N	05W	17	SW	SE	Rose Creek	13.97	44.09
ROCK04R102	11N	500414	5250685	ID08	47N	05W	17	SE	SW	Rose Creek	1.45	3.49
ROCK05W101	11N	501119	5246409	ID08	47N	05W	32	NE	SE	Rose Creek	9.96	21.85
ROCK06W101	11N	500608	5246757	ID08	47N	05W	32	SE	NW	Rose Creek	3.75	8.23
ROCK07W101	11N	500922	5247007	ID08	47N	05W	32	SW	NE	Rose Creek	12.66	27.78
ROCK08W102	11N	500562	5247336	ID08	47N	05W	32	NE	NW	Rose Creek	1.75	5.52
ROCK09W101	11N	500431	5247778	ID08	47N	05W	29	SE	SW	Rose Creek	1.27	2.79
ROCK10W102	11N	499910	5249698	ID08	47N	05W	20	NW	SW	Rose Creek	0.91	2.87
ROCK11W102	11N	500071	5249752	ID08	47N	05W	20	NW	SW	Rose Creek	5.18	16.35
ROCK12R102	11N	499005	5250885	ID08	47N	05W	18	SE	SW	Rose Creek	8.63	20.77
ROSE13R102	11N	502731	5244407	ID08	46N	05W	04	SE	SE	Rose Creek	27.48	66.15
ROSE14R102	11N	501924	5245149	ID08	46N	05W	04	SE	NW	Rose Creek	7.49	18.03
ROSE15R302	11N	500424	5245638	ID08	46N	05W	05	NW	NW	Rose Creek	12.32	29.19
ROSE16R302	11N	499497	5246208	ID08	47N	05W	31	SE	SE	Rose Creek	8.72	20.66
ROSE17R302	11N	498141	5246597	ID08	47N	06W	36	NE	SE	Rose Creek	1.11	2.63
ROSE18W102	11N	497511	5247033	ID08	47N	06W	36	SW	NE	Rose Creek	21.44	67.66
URC01W101	11N	500230	5243875	ID08	46N	05W	08	NW	NW	Upper Rock Creek	1.24	2.72
URC02W102	11N	498710	5243937	ID08	46N	05W	07	NE	NW	Upper Rock Creek	1.79	5.65
URC03W102	11N	497716	5244189	ID08	46N	06W	12	NW	NE	Upper Rock Creek	3.74	11.80

Summary of Federal Springs and Seeps Claims
on behalf of Coeur d'Alene Tribe
Attachment VII to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Tribal Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Elev (ft)	Area (ac)	Annual (AF)
FS4	11N	526244	5245873	ID08	46N	03W	01	SE	NE	2524	0.0024	0.0047
HP8	11N	513627	5251288	ID08	47N	04W	15	NW	SE	2736	0.2676	0.4996
HP28A	11N	523687	5250914	ID08	47N	03W	23	NE	NW	2709	0.0793	0.2031
HP68	11N	502811	5233793	ID08	45N	05W	09	SE	NE	2790	0.0172	0.0316
IP13	11N	500806	5252305	ID08	47N	05W	08	SW	SE	2540	0.149	0.2864
IP14	11N	503395	5251606	ID08	47N	05W	15	SW	NW	2609	0.3473	0.7167
IP39	11N	524689	5250818	ID08	47N	03W	23	SE	NE	2729	0.3782	0.6955
IP97	11N	509455	5219179	ID08	44N	04W	30	NE	SE	2580	0.0525	0.0966
IP98	11N	509383	5219266	ID08	44N	04W	30	NE	SE	2583	0.0739	0.1359
IP98A	11N	509312	5219255	ID08	44N	04W	30	NE	SE	2584	0.0644	0.1183
IP99	11N	509951	5218765	ID08	44N	04W	29	SE	SW	2572	0.1075	0.2052
IP128	11N	500781	5225812	ID08	44N	05W	05	SW	NE	2530	0.6456	1.2214
IP128A	11N	500860	5225784	ID08	44N	05W	05	SW	NE	2509	1.0978	2.8278
IP129	11N	524669	5251733	ID08	47N	03W	14	NE	SE	2769	0.0669	0.1464
NS20	11N	529427	5243072	ID08	46N	02W	17	NE	NE	2145	0.1686	0.5443
NS34/NS35	11N	510362	5220518	ID08	44N	04W	20	NW	SE	2626	1.2845	4.1636
NS39	11N	507719	5237952	ID08	46N	05W	25	SE	SE	2951	0.8175	2.1486
P3	11N	501968	5221703	ID08	44N	05W	21	NE	NW	2714	0.0138	0.0374
S1/S2	11N	529430	5243033	ID08	46N	02W	17	NE	NE	2170	0.1502	0.4851
SP17	11N	524059	5250514	ID08	47N	03W	23	SE	NE	2726	0.8198	1.5076
SP40	11N	497988	5232793	ID08	45N	06W	13	NE	NE	2527	1.1668	2.1988
SP43	11N	500600	5225956	ID08	44N	05W	05	SE	NW	2531	0.3958	0.7553
Jan01	11N	509144	5249715	ID08	47N	04W	19	NE	SE	2694	0.0055	0.0116
Jan02	11N	505848	5249125	ID08	47N	05W	23	SE	SE	2717	1.0000	2.5120

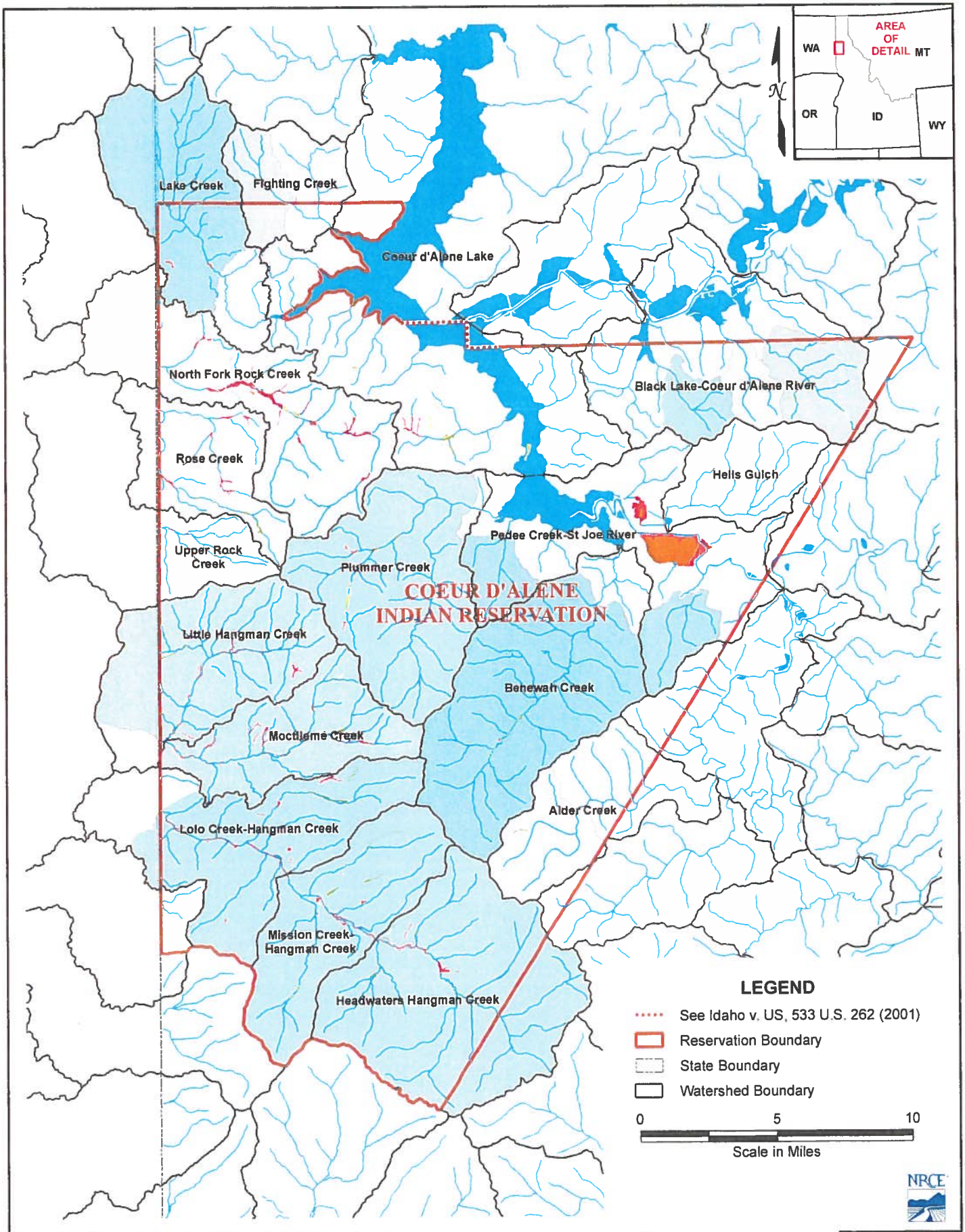

Figure 1: Coeur d'Alene Wetlands Overview Map

Overview Springs and Wetlands Map
Attachment VIII
US Cover Letter, dated 1/30/14

January 2014

U.S. Department of Justice

Environment and Natural Resources Division

SCA:VBWillard

Denver Field Office
999 18th Street
South Terrace, Suite370
Denver, CO 80202

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Facsimile (303) 844-1350

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

Via Federal Express

January 30, 2014

Gary Spackman, Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Coeur d'Alene Indian Tribe*

In re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System, Case No. 49576

Dear Mr. Spackman,

Pursuant to the *Scheduling Order Governing the Filing of Federal and Tribal Claims*, dated March 5, 2009, together with the subsequent *Orders* granting the United States until January 31, 2014 to file claims on behalf of Indian Tribes, the United States hereby submits and files the enclosed Notices of Claims ("Tribal Claims"). These Tribal Claims are filed by the United States Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of the Coeur d'Alene Indian Tribe.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny as well as aboriginal occupation and use of lands and waters as recognized in *United States v. Winans*, 198 U.S. 371 (1905) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. *See* Idaho Code § 42-1409(1).

There are a total of 353 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. Please note that Attachments I – VIII are attached to this summary for the reasons explained below. Accordingly, this entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I – VIII to the Letter Summary; and 3) 353 separate Notices of Claims.

A. Coeur d'Alene Tribe and Reservation

Prior to the creation of the Coeur d'Alene Reservation, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho v. United States*, 533 U.S. 262, 265 (2001) (*Idaho II*). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

The legal basis for these water rights claims stems from the doctrine of federal reserved water rights as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027. As a result of Agreements with the Tribe, on November 8, 1873, the United States established the Coeur d'Alene Indian Reservation by an Executive Order signed by President Grant.

The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho II*, 533 U.S. at 262, the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

B. Categories of Claims

The United States claims water rights for waters from groundwater and surface water sources for the present and future needs of the Coeur d'Alene Reservation in a variety of categories to serve the overall purpose of establishing the Reservation as a permanent homeland for the Coeur d'Alene people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963) ("*Arizona I*"). The various categories of claims include the following: DCMI (domestic, commercial, municipal and industrial); instream flows for fish habitat; irrigated agriculture; Coeur d'Alene Lake; and springs and wetlands for the benefit of harvested wildlife and plant habitat. To the extent not addressed above, other uses of water on trust and tribal fee lands on the Reservation include, but are not limited to: fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater; aesthetics; and recreation. Water for these uses is encompassed within the five categories of claims outlined below.

1. DCMI

The DCMI claim includes water to satisfy present and future domestic, commercial, municipal, and industrial needs of the Reservation. This includes both existing and future

components. Regarding existing uses, the claim outlines five existing projects currently utilizing groundwater for DCMI purposes including operation of a casino, hotel, golf course and other general DCMI uses. Claims for future DCMI uses are outlined in 12 proposed projects, such as municipal water delivery, to provide the DCMI water rights necessary to make the Reservation a permanent homeland with economic self-sufficiency. Please note that the future fish hatchery claim is largely non-consumptive due to the majority of flows returning to Coeur d'Alene Lake. The table provided at Attachment I summarizes the DCMI claim. The United States claims a priority date of time immemorial for certain DCMI uses, or in the alternative, November 8, 1873, for other DCMI uses. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983). November 8, 1873 is the date on which President Grant signed the Executive Order establishing the Coeur d'Alene Indian Reservation.

2. Instream Flows for Fish Habitat

This claim includes water to maintain instream flows for fish species the Tribe harvests within the Reservation. Monthly fish habitat flow claims are submitted for a total of 72 stream reaches for the purposes of providing fish habitat and long-term maintenance of that habitat. Attachment II is a table providing an overall summary of the monthly instream flow claims for each named stream reach. Attachment III provides an oversized map of the instream flow claims (note that this same map is attached in 8.5x11 size to each instream flow claim form). Please note that there are two claims for instream flows in Hangman Creek. The second Hangman Creek Claim (Fed ID No. 113.2) is conditional and will only apply in the event that anadromous fish passage is restored in the future.

The "resident fishery was a main staple of the Tribe's diet" at the time the Coeur d'Alene Reservation was created. *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1100. The Tribe's traditional reliance on fish and other food and fiber acquired near and in waterways was so great at the time the Coeur d'Alene Reservation was created, the district court found that without it "the Tribe could not have survived." *Id.* at 1104. Further the historical record indicates that the United States was plainly aware of the Tribe's dependence on this resource. *Id.* at 1103-04. The Tribe continues to rely on this resource to this day. Based on the fishing culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the instream flow claims. *Adair*, 723 F.2d at 1414; *Idaho II*, 533 U.S. at 265.

3. Irrigated Agriculture

This claim includes water to irrigate the Tribe's practicably irrigable acreage ("PIA") within the Reservation. *Arizona I*, 373 U.S. at 600-601. The United States claims a total of 17,815 acre feet of water to irrigate a total of 5,573 acres in various projects located near creeks within the Reservation as well as an irrigation claim from Coeur d'Alene Lake. The PIA projects are summarized in Attachment IV hereto. The priority date claimed for irrigated agriculture is November 8, 1873.

4. Lake Elevation Maintenance in Lake Coeur d'Alene

The United States claims a sufficient flow into Lake Coeur d'Alene to maintain the natural monthly Lake elevations and outflows, summarized in Attachment V. Maintaining the natural Lake elevations fulfills the homeland purpose of the Reservation by providing for uses including, but not limited to, the following: food; fiber; transportation; recreation; religious, cultural and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics. This myriad of tribal uses of the Lake is consistent with the Supreme Court's holding that the United States reserved in trust for the benefit of the Tribe the submerged lands of the southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. *Idaho II*, 533 U.S. 262. In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and the Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1102.

The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which are governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 of the Lake Coeur d'Alene claim and the minimum outflow in the claim could be met but for operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

As recognized by the Supreme Court in *Idaho II*, the Coeur d'Alene Tribe has a well-established aboriginal connection to and use of the Coeur d'Alene Lake. The Supreme Court found that "[a] right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274. Therefore, the United States claims a priority date of time immemorial for the Lake claim. *Adair*, 723 F.2d at 1414.

5. Springs, Seeps, and Wetlands

This claim is for a sufficient amount of water to maintain wetlands, springs, and seeps on Tribal lands within the Reservation to provide for Tribally-harvested game and waterfowl habitat, Tribal plant gathering, and other Tribal traditional, cultural, spiritual, ceremonial, and/or religious uses. Attachments VI and VII are tables summarizing the wetlands and springs claims respectively. Attachment VIII provides an overview map of these claims (note that more specific maps of the wetlands and springs are attached to the claim forms). Based on the hunting and gathering culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the springs, seeps, and wetlands. *Adair*, 723 F.2d at 1414. To the extent these claims concern riparian areas along streams subject to Instream Flow claims described in section 2 above, the United States does not intend to double a claim to the same surface water. Instead, the United States is providing two

separate justifications for the same water flows that provide instream fish habitat and support riparian vegetation.

The Coeur d'Alene Tribe traditionally hunted, fished, and gathered throughout its aboriginal territory for food and fiber. The historical record shows that the continued right to hunt, fish, and gather on its reserved lands was of critical importance to the Tribe at the time the Coeur d'Alene Reservation was created. Seeps, springs, and wetlands are necessary for the habitat of the plants and animals traditionally relied upon by the Tribe for sustenance. Additionally, these areas were used by the Tribe for religious, cultural, and ceremonial purposes. The traditional uses of these areas continue to be an important part of the Coeur d'Alene Tribe's identity and culture.

C. Summary of Claim and Reservation of Rights

The following table provides an overall summary of the claims.

Type of Claim	Number of Claim Forms	Total Water Claimed
DCMI	17	7,453 acre-feet per year (AFY) plus 979 wells with use up to 13,000 gallons per day
Instream Flows	72	Monthly cubic feet per second
PIA	44	17,815 AFY
Coeur d'Alene Lake	1	Maintenance of natural Lake Elevation
Springs	24	21.6 AFY
Wetlands	195	7,102 AFY

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those water rights held in trust for the benefit of the Tribe. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Coeur d'Alene Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation. Additionally, the Tribe and the United States expressly reserve their rights to assert their sovereign regulatory authorities to allocate and manage water rights within the exterior boundaries of the Coeur d'Alene Reservation.

In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. The enclosed water right claim forms were developed at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed

to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

The water rights claim for various consumptive and non-consumptive uses may exceed the natural flow in a given stream in a particular year. The United States and Coeur d'Alene Tribe reserve the right to determine in any particular year which use(s), if any, to limit.

The United States and the Tribe reserve the right to supplement and/or amend the water rights claims filed herein.

Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,

Vanessa Boyd Willard

Vanessa Boyd Willard
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section

Summary of Federal Domestic, Commercial, Municipal, Industrial (DCMI), Pond Level Maintenance, and Fish Propagation Claims on behalf of the Coeur d'Alene Tribe
Attachment I to US Cover Letter, dated 1/30/2014

Acre-Feet (AFY)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				487.6		342.0	**829.6**
Rural (Self-Supply)						*	*
Fish Propagation		4,834.2					**4,834.2**
Industrial						633.0	**633.0**
Pond Level Maint & Fire Suppression						16.3	**16.3**
Municipal				91.6	14.1	1,034.5	**1,140.2**
Subtotal	**0.0**	**4,834.2**	**0.0**	**579.1**	**14.1**	**2,025.9**	**7,453.2** **
TOTAL (AFY)	**4,834.2**			**2,619.1**			

* 979 wells with use up to 13,000 gpd
** Plus volume of water associated with 979 rural (self-supply) wells

Flow Rate (cfs)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				2.85		2.28	**5.13**
Rural (Self-Supply)						*	*
Fish Propagation		6.68					**6.68**
Industrial						2.19	**2.19**
Pond Level Maint & Fire						0.04	**0.04**
Municipal				0.32	0.45	3.57	**4.33**
Subtotal	**0.00**	**6.68**	**0.00**	**3.16**	**0.45**	**8.08**	**18.37** **
TOTAL (cfs)	**6.68**			**11.69**			

* 979 wells with use up to 13,000 gpd
** Plus flow associated with 979 rural (self-supply) wells

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fighting Creek	101	23	23	23	23	20	16	7.9	3.7	3.1	4.7	10	18
Lake Creek	102	63	74	75	66	29	22	8.2	2.6	2	4.7	13	23
Black Creek	103	6.3	6.3	14	7	2.7	1.2	0.4	0.19	0.19	0.22	0.48	2.6
Willow Creek	104	7.4	11	14	7	7	6.8	2.1	0.89	0.9	0.83	2.9	4.8
Evans Creek	105	28	35	35	35	35	28	8.3	4	3.9	3.5	11	18
Plummer Creek	106	45	45	45	50	33	9.9	1.6	0.58	0.99	1.2	10	41
Little Plummer	107	43	43	43	6	6	5.8	0.86	0.28	0.51	0.63	5.9	24
Pedee Creek	108	8	8	16	11	4.7	1.3	0.1	0.1	0.1	0.1	1.3	5.9
Benewah Creek	109	114	140	140	63	56	26	8.3	3.6	3.2	5.1	15	50
Windfall Creek	110	12	16	20	7	6.1	2.4	0.64	0.22	0.18	0.34	1.4	5.2
Cherry Creek	111	8	8	8	5	5	2.4	0.84	0.48	0.48	0.53	0.98	5.6
Alder Creek	112	24	24	24	24	24	24	8.8	3.1	4.4	7.8	23	24
Hangman Creek	113	45	45	40	40	40	23	4.9	2.3	2	2	9.7	39
Hangman Creek (Conditional)	113	169	169	110	110	65	23	4.9	2.3	2	2	9.7	39
North Fork Coeur d'Alene River	1001	112	112	150	190	190	190	119	63	48	47	112	112
Tepee Creek	1002	136	136	184	230	230	230	103	70	56	52	136	136
Yellow Dog Creek	1003	8.5	14	17	29	29	13	6.7	2.6	2.3	3.4	8.1	7.3
Downey Creek	1004	13	13	24	25	25	25	12	3.7	3.1	5.1	10	10
North Fork Coeur d'Alene River	1005	175	175	450	275	275	275	183	158	126	137	175	175
Shoshone Creek	1006	35	35	90	70	70	70	47	54	38	38	35	35
North Fork Coeur d'Alene River	1007	246	246	355	422	422	422	281	231	178	189	246	246
Eagle Creek	1008	59	59	76	100	100	100	46	20	12	12	40	59
Prichard Creek	1009	20	20	50	125	125	125	83	42	27	29	20	20
Beaver Creek	1010	67	67	87	113	113	113	56	29	21	22	52	67
Graham Creek	1011	31	31	38	52	52	52	21	8.4	6.5	6.7	17	31
Steamboat Creek	1012	49	49	63	83	83	83	43	15	12	18	49	49
North Fork Coeur d'Alene River	1013	318	318	469	546	546	546	364	353	266	295	318	318
Little North Fork Coeur d'Alene River	1014	45	45	200	250	250	250	133	79	62	56	45	45
Little North Fork Coeur d'Alene River	1015	157	157	220	269	269	269	168	95	76	75	157	157
North Fork Coeur d'Alene River	1016	345	345	700	600	600	600	400	449	343	373	345	345
South Fork Coeur d'Alene River	2001	97	97	131	165	165	165	110	87	62	54	97	97
Placer Creek	2002	35	36	45	61	61	61	23	10	6.7	7	17	26
South Fork Coeur d'Alene River	2003	121	121	166	206	206	206	137	111	81	76	121	121
South Fork Coeur d'Alene River	2004	150	150	209	256	256	256	171	141	109	123	150	150

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pine Creek	2005	84	84	112	143	143	143	62	28	20	21	74	84
South Fork Coeur d'Alene River	2006	80	80	200	175	175	175	117	150	145	139	80	80
Coeur d'Alene River	3001	525	525	699	789	789	789	525	699	789	789	525	525
Coeur d'Alene River	3002	468	468	705	793	793	793	528	705	606	702	468	468
Carlin Creek	3003	16	16	30	14	14	7.3	3.4	2.3	2.3	2.6	4.1	14
Turner Creek	3004	13	13	15	12	5.5	3.3	1.7	0.97	0.98	1.2	1.7	5.2
Beauty Creek	3005	20	24	38	30	30	9.2	2.9	2.6	2	1.5	4.5	7.5
Cedar Creek	3006	24	30	45	45	40	10	3.6	2.8	2.4	2.5	7.6	10
Wolf Lodge Creek	3007	56	56	72	94	94	80	24	15	12	12	35	51
Mica Creek	3008	37	37	46	62	52	41	17	7.1	6.1	9.8	21	35
Cougar Creek	3009	27	27	33	46	29	23	11	4.9	4.2	6.3	13	21
Saint Joe River	4001	67	67	90	115	115	115	77	63	39	23	47	67
Heller Creek	4002	43	35	47	73	73	73	45	32	20	11	23	36
Saint Joe River	4003	130	130	185	224	224	224	149	163	104	75	130	130
Saint Joe River	4004	178	178	258	307	307	307	205	245	160	129	178	178
Fly Creek	4005	24	23	32	45	45	45	26	11	7.9	6.3	11	17
Saint Joe River	4006	183	183	266	316	316	316	210	250	164	138	183	183
Simmons Creek	4007	50	50	120	115	115	115	77	62	41	38	50	50
Gold Creek	4008	55	55	72	94	94	94	62	34	23	22	40	53
Saint Joe River	4009	133	133	350	175	175	175	116	250	200	200	133	133
Quartz Creek	4010	44	44	57	75	75	75	50	23	16	20	32	34
Saint Joe River	4011	295	295	442	510	510	510	340	442	330	315	295	295
North Fork Saint Joe River	4012	41	41	125	150	150	150	100	89	63	62	41	41
Saint Joe River	4013	282	282	466	466	466	466	310	466	432	423	282	282
Marble Creek	4014	60	60	79	102	102	102	68	42	27	20	41	60
Boulder Creek	4015	30	32	41	55	55	55	37	12	8.8	11	19	21
Marble Creek	4016	100	100	175	275	275	275	183	117	83	85	100	100
Saint Joe River	4017	396	396	606	685	685	685	456	606	519	510	396	396
Big Creek	4018	35	35	80	80	80	80	53	32	25	31	35	35
Mica Creek	4019	53	53	69	90	90	90	47	20	16	18	37	48
Trout Creek	4020	38	38	48	64	64	64	29	10	8.6	11	21	28
Saint Joe River	4021	428	428	658	741	741	741	494	658	566	582	428	428
Saint Joe River	4022	396	396	650	750	750	750	500	439	563	594	396	396
Saint Joe River	4023	491	491	762	850	850	850	566	762	657	703	491	491
Middle Fork Saint Maries River	4501	67	67	90	114	114	114	76	30	25	36	62	67

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
West Fork Saint Maries River	4502	44	44	57	75	75	52	18	13	12	10	23	44
Thorn Creek	4503	29	29	36	49	49	18	7.5	5.1	4.9	4.5	10	24
Saint Maries River	4504	150	150	350	250	250	250	167	103	91	100	150	150

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014

Legend

- Claim Watershed
- Claim Reach
- 1012 Claim Number
- Coeur d'Alene Tribe Reservation Boundary
- See Idaho v. US, 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody

USGS 8-Digit Hydrologic Unit Code

- 17010301 Upper Coeur d'Alene River
- 17010302 South Fork Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River

Idaho

Montana

Washington

Idaho

0 2 4 6 8 10
Miles

Summary of Federal Practicably Irrigable Acreage Claims on behalf of the Coeur d'Alene Tribe Attachment IV to US Cover Letter, dated 1/30/14

Source	*Total Acreage*	*Quantity (ac-ft)*	*Pond Maintenance (ac-ft)*	*Total Claim (ac-ft)*
Hangman Creek	1,355	4,127	573	4,700
Lolo Creek	165	445	104	549
Moctileme Creek	252	725	145	870
Little Hangman Creek	149	444	103	547
Rose Creek	66	186	35	222
Rock Creek	88	235	35	270
North Fork Rock Creek	403	1,129	148	1,277
Benewah Creek	103	240	0	240
St. Joe River	1,306	4,058	0	4,058
Lake Creek	758	2,178	193	2,371
Coeur d'Alene Lake	928	2,711	0	2,711
Total All Lands	5,573	16,479	1,337	17,815

Summary of Federal Lake Elevation Maintenance Claims on behalf of Coeur d'Alene Tribe Attachment V to US Cover Letter, dated 1/30/14

Month	Lake Elevation (ft, staff gage datum)	Outflow (cfs)
January	2124.2	7,470
February	2124.7	8,550
March	2125.8	11,900
April	2128.5	20,000
May	2129.6	23,000
June	2127.2	15,900
July	2122.8	4,520
August	2120.9	1,420
September	2120.4	974
October	2120.6	1,240
November	2121.9	2,920
December	2123.6	5,680

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Water Source: Stream or Creek System	Area (ac)	Annual acre-feet
AC01R102	11N	517202	5224437	ID08	44N	04W	12	SE	NE	Alder Creek	7.47	17.98
AC02R102	11N	517922	5226413	ID08	44N	03W	06	SW	NE	Alder Creek	8.83	21.25
BC01R222	11N	516401	5231099	ID08	45N	04W	24	NE	NW	Benewah Creek	11.49	26.07
BC02W322	11N	516832	5231704	ID08	45N	04W	13	SW	SE	Benewah Creek	3.53	10.16
BC03R102	11N	517064	5231756	ID08	45N	04W	13	SW	SE	Benewah Creek	2.21	5.32
BC04R222	11N	517738	5232637	ID08	45N	03W	18	SW	NE	Benewah Creek	26.53	60.20
EC01R402	11N	537348	5250738	ID08	47N	01W	19	NE	NE	Black Lake-Coeur d'Alene River	11.87	29.13
EC02R402	11N	534274	5251807	ID08	47N	02W	14	NE	SE	Black Lake-Coeur d'Alene River	18.13	44.49
LAMB03R302	11N	523313	5251211	ID08	47N	03W	23	NW	NW	Black Lake-Coeur d'Alene River	0.93	2.20
LAMB04R302	11N	523723	5251107	ID08	47N	03W	23	NE	NW	Black Lake-Coeur d'Alene River	1.92	4.55
LAMB05R102	11N	524090	5251933	ID08	47N	03W	14	NW	SE	Black Lake-Coeur d'Alene River	1.06	2.55
LAMB06R102	11N	524543	5250661	ID08	47N	03W	23	SE	NE	Black Lake-Coeur d'Alene River	4.48	10.78
CDAL01R102	11N	504573	5256881	ID08	48N	05W	35	NE	NE	Coeur d'Alene Lake	0.56	1.35
CDAL02W321	11N	504384	5256622	ID08	48N	05W	35	SE	NE	Coeur d'Alene Lake	17.7	37.59
CDAL03R102	11N	508125	5256970	ID08	48N	04W	32	NW	NW	Coeur d'Alene Lake	3.77	9.07
CDAL04R102	11N	508482	5257722	ID08	48N	04W	29	NE	SW	Coeur d'Alene Lake	6.17	14.85
CDAL05R101	11N	508482	5253605	ID08	47N	04W	07	NE	NW	Coeur d'Alene Lake	5.06	12.18
CDAL06R101	11N	511814	5253862	ID08	47N	04W	09	NE	NW	Coeur d'Alene Lake	1.01	2.43
CDAL07R102	11N	512172	5254436	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	1.88	4.53
CDAL08W422	11N	512197	5254626	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	0.72	1.33
CDAL09R102	11N	517283	5254326	ID08	47N	04W	01	NE	SE	Coeur d'Alene Lake	2.63	6.33
CDAL10R102	11N	518175	5252981	ID08	47N	03W	07	SE	SE	Coeur d'Alene Lake	8.46	20.36
CDAL11R102	11N	519644	5251353	ID08	47N	03W	17	SE	SE	Coeur d'Alene Lake	0.24	0.58
CDAL20R102	11N	519490	5250421	ID08	47N	03W	20	NW	SE	Coeur d'Alene Lake	6.81	16.39
CDAL21W501	11N	518621	5248650	ID08	47N	03W	29	NW	SW	Coeur d'Alene Lake	37.29	81.33
SQ12W102	11N	511600	5250203	ID08	47N	04W	21	SE	NW	Coeur d'Alene Lake	22.98	72.52
SQ13W102	11N	512131	5250020	ID08	47N	04W	21	SW	NE	Coeur d'Alene Lake	13.5	42.61
SQ14R302	11N	512447	5250605	ID08	47N	04W	21	NE	NE	Coeur d'Alene Lake	1.14	2.70
SQ15R302	11N	512450	5249541	ID08	47N	04W	21	NE	SE	Coeur d'Alene Lake	2	4.74
SQ16R302	11N	512947	5250328	ID08	47N	04W	22	NW	NW	Coeur d'Alene Lake	9.25	21.92

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
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SQ17R302	11N	513396	5250191	ID08	47N	04W	22	SE	NW	Coeur d'Alene Lake	1.76	4.17
SQ18R102	11N	513933	5249349	ID08	47N	04W	22	SE	SE	Coeur d'Alene Lake	37.05	89.18
SQ19R302	11N	513429	5251325	ID08	47N	04W	15	NE	SW	Coeur d'Alene Lake	8.73	20.69
HHC02R302	11N	514224	5216966	ID08	44N	04W	34	SE	SE	Headwaters Hangman Creek	11.08	26.25
HHC03W101	11N	514265	5218115	ID08	44N	04W	34	NE	NE	Headwaters Hangman Creek	1.79	3.93
HHC04W101	11N	513406	5218276	ID08	44N	04W	34	NE	NW	Headwaters Hangman Creek	35.34	77.54
HHC07W102	11N	511376	5220533	ID08	44N	04W	21	NW	SW	Headwaters Hangman Creek	7.14	22.53
HHC08R102	11N	510320	5220610	ID08	44N	04W	20	NW	SE	Headwaters Hangman Creek	4.16	10.01
INDC01R102	11N	516848	5217955	ID08	44N	04W	36	SW	NE	Headwaters Hangman Creek	13.31	32.04
SHPC09R102	11N	509422	5218104	ID08	44N	04W	31	NE	NE	Headwaters Hangman Creek	15.83	38.10
SQ06R102	11N	511863	5220225	ID08	44N	04W	21	SE	SW	Headwaters Hangman Creek	14.39	34.64
LC01W102	11N	500043	5259707	ID08	48N	05W	21	SW	NW	Lake Creek	4.32	13.63
LC02W102	11N	497725	5259783	ID08	48N	06W	24	SW	NE	Lake Creek	9.96	31.43
LHMC01W101	11N	504937	5235901	ID08	45N	05W	02	NW	NW	Little Hangman Creek	18.07	39.65
LHMC02W102	11N	502434	5237067	ID08	46N	05W	33	SW	NE	Little Hangman Creek	8.95	28.25
LHMC03W102	11N	501112	5237247	ID08	46N	05W	32	SE	NE	Little Hangman Creek	17.12	54.03
LHMC04W102	11N	500366	5237872	ID08	46N	05W	29	SE	SW	Little Hangman Creek	2.59	8.17
LHMC05W101	11N	498977	5237836	ID08	46N	05W	30	SE	SW	Little Hangman Creek	1.95	4.28
LHMC06R102	11N	498071	5237052	ID08	46N	06W	36	SE	NE	Little Hangman Creek	30.03	72.28
LHMC07W102	11N	499325	5235833	ID08	45N	05W	06	NE	NE	Little Hangman Creek	6.29	19.85
LHMC08W102	11N	498767	5234538	ID08	45N	05W	07	NE	NW	Little Hangman Creek	4.92	15.53
LHMC09W102	11N	498142	5232784	ID08	45N	06W	13	NE	NE	Little Hangman Creek	4.86	15.34
LHMC10W102	11N	498653	5232058	ID08	45N	05W	18	NE	SW	Little Hangman Creek	5.3	16.73
LHMC11W102	11N	497729	5232310	ID08	45N	06W	13	SW	NE	Little Hangman Creek	4.16	13.13
HC01W102	11N	504803	5224247	ID08	44N	05W	11	SW	NW	Lolo Creek-Hangman Creek	1.79	5.65
HC02W102	11N	504274	5224117	ID08	44N	05W	10	SE	NE	Lolo Creek-Hangman Creek	12.78	40.33
HC03W102	11N	504593	5224753	ID08	44N	05W	10	NE	NE	Lolo Creek-Hangman Creek	1.37	4.32
HC04W101	11N	504506	5225370	ID08	44N	05W	03	NE	SE	Lolo Creek-Hangman Creek	6.61	14.50
HC05W102	11N	504358	5225251	ID08	44N	05W	03	SE	SE	Lolo Creek-Hangman Creek	0.67	2.11
HC06W102	11N	503805	5225028	ID08	44N	05W	03	SE	SW	Lolo Creek-Hangman Creek	2.21	6.97
HC07W102	11N	503427	5225035	ID08	44N	05W	03	SW	SW	Lolo Creek-Hangman Creek	5.42	17.11
HC08W101	11N	500755	5221200	ID08	44N	05W	20	SW	NE	Lolo Creek-Hangman Creek	3.36	7.37
HC09W101	11N	504123	5226758	ID08	45N	05W	34	SW	SE	Lolo Creek-Hangman Creek	0.36	0.79
HC10W102	11N	502384	5225544	ID08	44N	05W	04	NW	SE	Lolo Creek-Hangman Creek	6	18.94

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
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HC11W102	11N	501309	5225593	ID08	44N	05W	05	NE	SE	Lolo Creek-Hangman Creek	5.67	17.89
HC12W102	11N	500178	5226000	ID08	44N	05W	05	SW	NW	Lolo Creek-Hangman Creek	11.12	35.09
HC13W421	11N	499757	5225862	ID08	44N	05W	06	SE	NE	Lolo Creek-Hangman Creek	1.21	2.24
HC14W102	11N	497904	5226722	ID08	45N	06W	36	SE	SE	Lolo Creek-Hangman Creek	19.84	62.61
LOLO01R101	11N	508628	5229018	ID08	45N	04W	30	SE	NW	Lolo Creek-Hangman Creek	2.6	6.26
LOLO02R102	11N	507136	5228289	ID08	45N	05W	25	SW	SE	Lolo Creek-Hangman Creek	27.98	67.35
LOLO03R102	11N	505809	5228705	ID08	45N	05W	26	NW	SE	Lolo Creek-Hangman Creek	5.9	14.20
LOLO04R222	11N	508273	5229812	ID08	45N	04W	19	SW	SW	Lolo Creek-Hangman Creek	9.22	20.92
LOLO05R222	11N	508006	5229416	ID08	45N	04W	30	NW	NW	Lolo Creek-Hangman Creek	3.39	7.69
LOLO06W102	11N	506938	5229510	ID08	45N	05W	25	NE	NW	Lolo Creek-Hangman Creek	26.53	83.73
LOLO07R302	11N	504745	5228719	ID08	45N	05W	26	NW	SW	Lolo Creek-Hangman Creek	2.67	6.33
LOLO08R302	11N	504089	5228603	ID08	45N	05W	27	NW	SE	Lolo Creek-Hangman Creek	3.63	8.60
LOLO09W102	11N	503757	5227948	ID08	45N	05W	34	NE	NW	Lolo Creek-Hangman Creek	10.42	32.89
LOLO10W102	11N	502835	5227428	ID08	45N	05W	33	SE	NE	Lolo Creek-Hangman Creek	3.08	9.72
HHC05W102	11N	509605	5220280	ID08	44N	04W	20	SW	SW	Mission Creek-Hangman Creek	90.32	285.05
MC01R102	11N	504142	5216347	ID08	43N	05W	03	SW	NE	Mission Creek-Hangman Creek	5.69	13.70
MC02R302	11N	504558	5216708	ID08	43N	05W	03	NE	NE	Mission Creek-Hangman Creek	10.42	24.69
MC03R302	11N	504933	5217158	ID08	44N	05W	35	SW	SW	Mission Creek-Hangman Creek	12.36	29.29
MC04R102	11N	505031	5217573	ID08	44N	05W	35	NW	SW	Mission Creek-Hangman Creek	1.01	2.43
MC05W421	11N	506064	5221563	ID08	44N	05W	23	NE	NE	Mission Creek-Hangman Creek	6.31	11.67
MC06R222	11N	505666	5222345	ID08	44N	05W	14	NW	SE	Mission Creek-Hangman Creek	3.4	7.72
MHC01W101	11N	508804	5222237	ID08	44N	04W	18	NW	SE	Mission Creek-Hangman Creek	7.33	16.08
MHC02W102	11N	507534	5221778	ID08	44N	05W	13	SE	SE	Mission Creek-Hangman Creek	1.53	4.83
MHC03R222	11N	506623	5221926	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	1.73	3.93
MHC04R222	11N	506452	5221936	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	6.65	15.09
MHC05W102	11N	506251	5222376	ID08	44N	05W	14	NE	SE	Mission Creek-Hangman Creek	13.65	43.08
MHC06R102	11N	509332	5223631	ID08	44N	04W	07	SE	SE	Mission Creek-Hangman Creek	13.59	32.71
MHC07R102	11N	506953	5222882	ID08	44N	05W	13	SE	NW	Mission Creek-Hangman Creek	15.73	37.86
MHC08R222	11N	509774	5225950	ID08	44N	04W	05	SW	NW	Mission Creek-Hangman Creek	15.92	36.13
MHC09R102	11N	509211	5225461	ID08	44N	04W	06	NE	SE	Mission Creek-Hangman Creek	3.92	9.44
MHC10R302	11N	507287	5224255	ID08	44N	05W	12	SW	NE	Mission Creek-Hangman Creek	13.35	31.63
MHC11R302	11N	505109	5223347	ID08	44N	05W	11	SE	SW	Mission Creek-Hangman Creek	1.73	4.10
MOC01W202	11N	508981	5231642	ID08	45N	04W	18	SW	SE	Moctileme Creek	13.58	38.37
MOC02W102	11N	507852	5231705	ID08	45N	05W	13	SE	SE	Moctileme Creek	4.74	14.96

Summary of Federal Wetland and Riparian Claims
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MOC03W102	11N	507171	5231935	ID08	45N	05W	13	NW	SE	Moctileme Creek	2.02	6.38
MOC04R102	11N	507820	5232387	ID08	45N	05W	13	SE	NE	Moctileme Creek	55.36	133.25
MOC05W102	11N	506519	5232193	ID08	45N	05W	13	SW	NW	Moctileme Creek	5.56	17.55
MOC06R102	11N	507610	5235621	ID08	45N	05W	01	SE	NE	Moctileme Creek	3.96	9.53
MOC07R102	11N	507458	5235359	ID08	45N	05W	01	NW	SE	Moctileme Creek	5.78	13.91
MOC08R302	11N	506866	5235793	ID08	45N	05W	01	SE	NW	Moctileme Creek	6.96	16.49
MOC09W101	11N	505915	5233664	ID08	45N	05W	11	NE	SE	Moctileme Creek	3.67	8.05
MOC10W102	11N	505510	5232028	ID08	45N	05W	14	NW	SE	Moctileme Creek	3.45	10.89
MOC11W102	11N	504926	5232055	ID08	45N	05W	14	NW	SW	Moctileme Creek	2.26	7.13
MOC12W102	11N	503706	5230976	ID08	45N	05W	22	NE	NW	Moctileme Creek	12.52	39.51
MOC13W102	11N	503089	5232080	ID08	45N	05W	15	NW	SW	Moctileme Creek	15.21	48.00
MOC14W102	11N	502540	5231880	ID08	45N	05W	16	NW	SE	Moctileme Creek	5.18	16.35
MOC15W102	11N	502547	5232569	ID08	45N	05W	16	SW	NE	Moctileme Creek	7.98	25.18
MOC16W102	11N	502168	5232478	ID08	45N	05W	16	SE	NW	Moctileme Creek	1.38	4.36
MOC17W102	11N	502144	5231706	ID08	45N	05W	16	SE	SW	Moctileme Creek	3.57	11.27
MOC18W102	11N	500783	5230584	ID08	45N	05W	20	SW	NE	Moctileme Creek	3.2	10.10
MOC19W102	11N	499968	5231675	ID08	45N	05W	17	SW	SW	Moctileme Creek	8.42	26.57
MOC20W102	11N	498652	5230875	ID08	45N	05W	19	SE	NW	Moctileme Creek	12.93	40.81
NFRC01W102	11N	509009	5247108	ID08	47N	04W	31	NW	NE	North Fork Rock Creek	8.96	28.28
NFRC02W202	11N	509291	5247319	ID08	47N	04W	31	NE	NE	North Fork Rock Creek	5.05	14.27
NFRC03W202	11N	509088	5249749	ID08	47N	04W	19	NE	SE	North Fork Rock Creek	24.32	68.72
NFRC04W102	11N	508270	5250034	ID08	47N	04W	19	SE	NW	North Fork Rock Creek	43.58	137.54
NFRC05W421	11N	506008	5250362	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	7.39	13.67
NFRC06W101	11N	506057	5250418	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	11.96	26.24
NFRC07W102	11N	505229	5249382	ID08	47N	05W	23	SE	SW	North Fork Rock Creek	9.34	29.48
NFRC08W611	11N	504857	5250999	ID08	47N	05W	14	SW	SW	North Fork Rock Creek	55.51	113.74
NFRC09W102	11N	505534	5251212	ID08	47N	05W	14	NW	SE	North Fork Rock Creek	8.97	28.31
NFRC10W102	11N	503995	5250418	ID08	47N	05W	22	NW	NE	North Fork Rock Creek	1.96	6.19
NFRC11W102	11N	504111	5251024	ID08	47N	05W	15	SW	SE	North Fork Rock Creek	5.73	18.08
NFRC12W201	11N	503863	5251607	ID08	47N	05W	15	SW	NE	North Fork Rock Creek	42.3	91.69
NFRC13W101	11N	503683	5252170	ID08	47N	05W	15	NE	NW	North Fork Rock Creek	39.24	86.10
NFRC14W201	11N	503090	5252122	ID08	47N	05W	15	NW	NW	North Fork Rock Creek	10.94	23.71
NFRC15W101	11N	502860	5252276	ID08	47N	05W	16	NE	NE	North Fork Rock Creek	9.16	20.10
NFRC16W421	11N	502468	5252198	ID08	47N	05W	16	NW	NE	North Fork Rock Creek	7.23	13.38

Summary of Federal Wetland and Riparian Claims
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NFRC17W102	11N	502241	5253207	ID08	47N	05W	09	SE	NW	North Fork Rock Creek	3.75	11.83
NFRC18W102	11N	502725	5252973	ID08	47N	05W	09	NE	SE	North Fork Rock Creek	5.43	17.14
NFRC19W101	11N	502229	5252686	ID08	47N	05W	09	SE	SW	North Fork Rock Creek	40.11	88.01
NFRC20W202	11N	502473	5253597	ID08	47N	05W	09	NW	NE	North Fork Rock Creek	4.6	13.00
NFRC21W202	11N	503014	5253206	ID08	47N	05W	09	SE	NE	North Fork Rock Creek	3.75	10.60
NFRC22W102	11N	502162	5252974	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	1.05	3.31
NFRC23W421	11N	501874	5253024	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	2.64	4.88
NFRC24W201	11N	501506	5252689	ID08	47N	05W	09	NW	SW	North Fork Rock Creek	33.84	73.35
NFRC25W201	11N	501090	5252553	ID08	47N	05W	08	SE	SE	North Fork Rock Creek	6.78	14.70
NFRC26W201	11N	500707	5252392	ID08	47N	05W	08	SW	SE	North Fork Rock Creek	10.26	22.24
NFRC27W201	11N	500117	5252363	ID08	47N	05W	08	SW	SW	North Fork Rock Creek	17.65	38.26
NFRC28R102	11N	499635	5252384	ID08	47N	05W	07	SE	SE	North Fork Rock Creek	1.77	4.26
NFRC29R102	11N	498453	5252554	ID08	47N	05W	07	SW	SW	North Fork Rock Creek	1.57	3.78
NFRC30W101	11N	499983	5255325	ID08	47N	05W	05	NW	NW	North Fork Rock Creek	5.19	11.39
NFRC31W101	11N	499671	5255415	ID08	47N	05W	06	NE	NE	North Fork Rock Creek	4.89	10.73
NFRC32W101	11N	499239	5255374	ID08	47N	05W	06	NW	NE	North Fork Rock Creek	1.12	2.46
NFRC33W102	11N	499217	5255013	ID08	47N	05W	06	SW	NE	North Fork Rock Creek	10.3	32.51
STJR01W101	11N	529077	5243132	ID08	46N	02W	08	SW	SE	Pedee Creek-St Joe River	35.96	78.90
STJR02W101	11N	528031	5243122	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	59.72	131.03
STJR03W421	11N	528827	5242738	ID08	46N	02W	17	NE	NW	Pedee Creek-St Joe River	1.77	3.27
STJR04W101	11N	528433	5242406	ID08	46N	02W	17	SW	NW	Pedee Creek-St Joe River	53.89	118.24
STJR05W411	11N	527055	5242832	ID08	46N	02W	18	NE	NW	Pedee Creek-St Joe River	1060.4	1566.98
STJR06W101	11N	527919	5241920	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	0.51	1.12
STJR07W101	11N	528002	5242006	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	1.38	3.03
STJR08W101	11N	528044	5243473	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	29.95	65.71
STJR09W101	11N	526432	5243608	ID08	46N	02W	07	NW	SW	Pedee Creek-St Joe River	43.75	95.99
STJR10W101	11N	526414	5242344	ID08	46N	02W	18	SW	NW	Pedee Creek-St Joe River	0.72	1.58
STJR11W101	11N	526325	5242264	ID08	46N	03W	13	NE	SE	Pedee Creek-St Joe River	0.53	1.16
STJR12W101	11N	525210	5245205	ID08	46N	03W	01	NE	SW	Pedee Creek-St Joe River	185.44	406.88
STJR13W101	11N	525454	5243627	ID08	46N	03W	12	NE	SW	Pedee Creek-St Joe River	8.27	18.15
STJR14W411	11N	525261	5244949	ID08	46N	03W	01	SE	SW	Pedee Creek-St Joe River	20.42	30.17
STJR15R102	11N	524181	5245547	ID08	46N	03W	02	SW	NE	Pedee Creek-St Joe River	9.57	23.04
STJR16R102	11N	520556	5246104	ID08	46N	03W	04	NE	NW	Pedee Creek-St Joe River	0.81	1.95
PC01W102	11N	507796	5238549	ID08	46N	05W	25	NE	SE	Plummer Creek	4.53	14.30

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

PC02W622	11N	507997	5239946	ID08	46N	04W	19	NW	SW	Plummer Creek	30.79	88.61
PC03W622	11N	508111	5240888	ID08	46N	04W	19	NW	NW	Plummer Creek	7.04	20.26
PC04W102	11N	507976	5243041	ID08	46N	04W	07	SW	SW	Plummer Creek	3.66	11.55
PC05W102	11N	508301	5242820	ID08	46N	04W	07	SE	SW	Plummer Creek	2.52	7.95
PC06W102	11N	508532	5242846	ID08	46N	04W	07	SE	SW	Plummer Creek	2.45	7.73
PC07R102	11N	509673	5242992	ID08	46N	04W	08	SW	SW	Plummer Creek	1.83	4.40
PC08W422	11N	509653	5242941	ID08	46N	04W	08	SW	SW	Plummer Creek	5.31	9.82
PC09R102	11N	510833	5243623	ID08	46N	04W	08	SE	NE	Plummer Creek	7.41	17.84
ROCK01W101	11N	502125	5250720	ID08	47N	05W	16	SE	SW	Rose Creek	13.55	29.73
ROCK02R222	11N	501593	5250930	ID08	47N	05W	16	SW	SW	Rose Creek	0.65	1.48
ROCK03W102	11N	500999	5250752	ID08	47N	05W	17	SW	SE	Rose Creek	13.97	44.09
ROCK04R102	11N	500414	5250685	ID08	47N	05W	17	SE	SW	Rose Creek	1.45	3.49
ROCK05W101	11N	501119	5246409	ID08	47N	05W	32	NE	SE	Rose Creek	9.96	21.85
ROCK06W101	11N	500608	5246757	ID08	47N	05W	32	SE	NW	Rose Creek	3.75	8.23
ROCK07W101	11N	500922	5247007	ID08	47N	05W	32	SW	NE	Rose Creek	12.66	27.78
ROCK08W102	11N	500562	5247336	ID08	47N	05W	32	NE	NW	Rose Creek	1.75	5.52
ROCK09W101	11N	500431	5247778	ID08	47N	05W	29	SE	SW	Rose Creek	1.27	2.79
ROCK10W102	11N	499910	5249698	ID08	47N	05W	20	NW	SW	Rose Creek	0.91	2.87
ROCK11W102	11N	500071	5249752	ID08	47N	05W	20	NW	SW	Rose Creek	5.18	16.35
ROCK12R102	11N	499005	5250885	ID08	47N	05W	18	SE	SW	Rose Creek	8.63	20.77
ROSE13R102	11N	502731	5244407	ID08	46N	05W	04	SE	SE	Rose Creek	27.48	66.15
ROSE14R102	11N	501924	5245149	ID08	46N	05W	04	SE	NW	Rose Creek	7.49	18.03
ROSE15R302	11N	500424	5245638	ID08	46N	05W	05	NW	NW	Rose Creek	12.32	29.19
ROSE16R302	11N	499497	5246208	ID08	47N	05W	31	SE	SE	Rose Creek	8.72	20.66
ROSE17R302	11N	498141	5246597	ID08	47N	06W	36	NE	SE	Rose Creek	1.11	2.63
ROSE18W102	11N	497511	5247033	ID08	47N	06W	36	SW	NE	Rose Creek	21.44	67.66
URC01W101	11N	500230	5243875	ID08	46N	05W	08	NW	NW	Upper Rock Creek	1.24	2.72
URC02W102	11N	498710	5243937	ID08	46N	05W	07	NE	NW	Upper Rock Creek	1.79	5.65
URC03W102	11N	497716	5244189	ID08	46N	06W	12	NW	NE	Upper Rock Creek	3.74	11.80

Summary of Federal Springs and Seeps Claims
on behalf of Coeur d'Alene Tribe
Attachment VII to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Tribal Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Elev (ft)	Area (ac)	Annual (AF)
FS4	11N	526244	5245873	ID08	46N	03W	01	SE	NE	2524	0.0024	0.0047
HP8	11N	513627	5251288	ID08	47N	04W	15	NW	SE	2736	0.2676	0.4996
HP28A	11N	523687	5250914	ID08	47N	03W	23	NE	NW	2709	0.0793	0.2031
HP68	11N	502811	5233793	ID08	45N	05W	09	SE	NE	2790	0.0172	0.0316
IP13	11N	500806	5252305	ID08	47N	05W	08	SW	SE	2540	0.149	0.2864
IP14	11N	503395	5251606	ID08	47N	05W	15	SW	NW	2609	0.3473	0.7167
IP39	11N	524689	5250818	ID08	47N	03W	23	SE	NE	2729	0.3782	0.6955
IP97	11N	509455	5219179	ID08	44N	04W	30	NE	SE	2580	0.0525	0.0966
IP98	11N	509383	5219266	ID08	44N	04W	30	NE	SE	2583	0.0739	0.1359
IP98A	11N	509312	5219255	ID08	44N	04W	30	NE	SE	2584	0.0644	0.1183
IP99	11N	509951	5218765	ID08	44N	04W	29	SE	SW	2572	0.1075	0.2052
IP128	11N	500781	5225812	ID08	44N	05W	05	SW	NE	2530	0.6456	1.2214
IP128A	11N	500860	5225784	ID08	44N	05W	05	SW	NE	2509	1.0978	2.8278
IP129	11N	524669	5251733	ID08	47N	03W	14	NE	SE	2769	0.0669	0.1464
NS20	11N	529427	5243072	ID08	46N	02W	17	NE	NE	2145	0.1686	0.5443
NS34/NS35	11N	510362	5220518	ID08	44N	04W	20	NW	SE	2626	1.2845	4.1636
NS39	11N	507719	5237952	ID08	46N	05W	25	SE	SE	2951	0.8175	2.1486
P3	11N	501968	5221703	ID08	44N	05W	21	NE	NW	2714	0.0138	0.0374
S1/S2	11N	529430	5243033	ID08	46N	02W	17	NE	NE	2170	0.1502	0.4851
SP17	11N	524059	5250514	ID08	47N	03W	23	SE	NE	2726	0.8198	1.5076
SP40	11N	497988	5232793	ID08	45N	06W	13	NE	NE	2527	1.1668	2.1988
SP43	11N	500600	5225956	ID08	44N	05W	05	SE	NW	2531	0.3958	0.7553
Jan01	11N	509144	5249715	ID08	47N	04W	19	NE	SE	2694	0.0055	0.0116
Jan02	11N	505848	5249125	ID08	47N	05W	23	SE	SE	2717	1.0000	2.5120

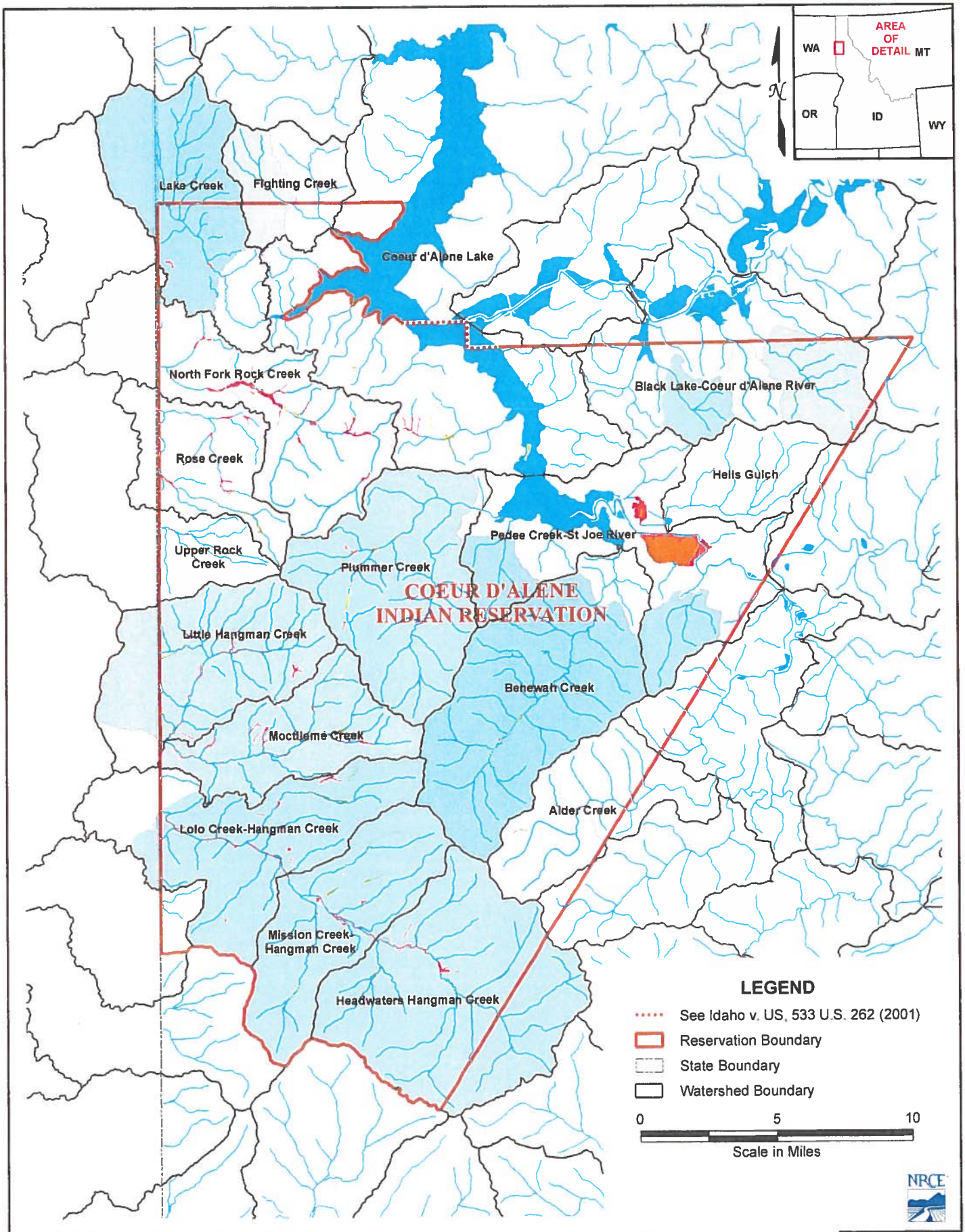

Figure 1: Coeur d'Alene Wetlands Overview Map

Overview Springs and Wetlands Map
Attachment VIII
US Cover Letter, dated 1/30/14

January 2014

U.S. Department of Justice

Environment and Natural Resources Division

SCA:VBWillard

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

Via Federal Express

January 30, 2014

Gary Spackman, Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Coeur d'Alene Indian Tribe*

In re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System, Case No. 49576

Dear Mr. Spackman,

Pursuant to the *Scheduling Order Governing the Filing of Federal and Tribal Claims*, dated March 5, 2009, together with the subsequent *Orders* granting the United States until January 31, 2014 to file claims on behalf of Indian Tribes, the United States hereby submits and files the enclosed Notices of Claims ("Tribal Claims"). These Tribal Claims are filed by the United States Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of the Coeur d'Alene Indian Tribe.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny as well as aboriginal occupation and use of lands and waters as recognized in *United States v. Winans*, 198 U.S. 371 (1905) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. *See* Idaho Code § 42-1409(1).

There are a total of 353 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. Please note that Attachments I – VIII are attached to this summary for the reasons explained below. Accordingly, this entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I – VIII to the Letter Summary; and 3) 353 separate Notices of Claims.

A. Coeur d'Alene Tribe and Reservation

Prior to the creation of the Coeur d'Alene Reservation, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho v. United States*, 533 U.S. 262, 265 (2001) (*Idaho II*). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

The legal basis for these water rights claims stems from the doctrine of federal reserved water rights as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027. As a result of Agreements with the Tribe, on November 8, 1873, the United States established the Coeur d'Alene Indian Reservation by an Executive Order signed by President Grant.

The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho II*, 533 U.S. at 262, the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

B. Categories of Claims

The United States claims water rights for waters from groundwater and surface water sources for the present and future needs of the Coeur d'Alene Reservation in a variety of categories to serve the overall purpose of establishing the Reservation as a permanent homeland for the Coeur d'Alene people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963) ("*Arizona I*"). The various categories of claims include the following: DCMI (domestic, commercial, municipal and industrial); instream flows for fish habitat; irrigated agriculture; Coeur d'Alene Lake; and springs and wetlands for the benefit of harvested wildlife and plant habitat. To the extent not addressed above, other uses of water on trust and tribal fee lands on the Reservation include, but are not limited to: fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater; aesthetics; and recreation. Water for these uses is encompassed within the five categories of claims outlined below.

1. DCMI

The DCMI claim includes water to satisfy present and future domestic, commercial, municipal, and industrial needs of the Reservation. This includes both existing and future

components. Regarding existing uses, the claim outlines five existing projects currently utilizing groundwater for DCMI purposes including operation of a casino, hotel, golf course and other general DCMI uses. Claims for future DCMI uses are outlined in 12 proposed projects, such as municipal water delivery, to provide the DCMI water rights necessary to make the Reservation a permanent homeland with economic self-sufficiency. Please note that the future fish hatchery claim is largely non-consumptive due to the majority of flows returning to Coeur d'Alene Lake. The table provided at Attachment I summarizes the DCMI claim. The United States claims a priority date of time immemorial for certain DCMI uses, or in the alternative, November 8, 1873, for other DCMI uses. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983). November 8, 1873 is the date on which President Grant signed the Executive Order establishing the Coeur d'Alene Indian Reservation.

2. Instream Flows for Fish Habitat

This claim includes water to maintain instream flows for fish species the Tribe harvests within the Reservation. Monthly fish habitat flow claims are submitted for a total of 72 stream reaches for the purposes of providing fish habitat and long-term maintenance of that habitat. Attachment II is a table providing an overall summary of the monthly instream flow claims for each named stream reach. Attachment III provides an oversized map of the instream flow claims (note that this same map is attached in 8.5x11 size to each instream flow claim form). Please note that there are two claims for instream flows in Hangman Creek. The second Hangman Creek Claim (Fed ID No. 113.2) is conditional and will only apply in the event that anadromous fish passage is restored in the future.

The "resident fishery was a main staple of the Tribe's diet" at the time the Coeur d'Alene Reservation was created. *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1100. The Tribe's traditional reliance on fish and other food and fiber acquired near and in waterways was so great at the time the Coeur d'Alene Reservation was created, the district court found that without it "the Tribe could not have survived." *Id.* at 1104. Further the historical record indicates that the United States was plainly aware of the Tribe's dependence on this resource. *Id.* at 1103-04. The Tribe continues to rely on this resource to this day. Based on the fishing culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the instream flow claims. *Adair*, 723 F.2d at 1414; *Idaho II*, 533 U.S. at 265.

3. Irrigated Agriculture

This claim includes water to irrigate the Tribe's practicably irrigable acreage ("PIA") within the Reservation. *Arizona I*, 373 U.S. at 600-601. The United States claims a total of 17,815 acre feet of water to irrigate a total of 5,573 acres in various projects located near creeks within the Reservation as well as an irrigation claim from Coeur d'Alene Lake. The PIA projects are summarized in Attachment IV hereto. The priority date claimed for irrigated agriculture is November 8, 1873.

4. Lake Elevation Maintenance in Lake Coeur d'Alene

The United States claims a sufficient flow into Lake Coeur d'Alene to maintain the natural monthly Lake elevations and outflows, summarized in Attachment V. Maintaining the natural Lake elevations fulfills the homeland purpose of the Reservation by providing for uses including, but not limited to, the following: food; fiber; transportation; recreation; religious, cultural and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics. This myriad of tribal uses of the Lake is consistent with the Supreme Court's holding that the United States reserved in trust for the benefit of the Tribe the submerged lands of the southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. *Idaho II*, 533 U.S. 262. In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and the Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1102.

The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which are governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 of the Lake Coeur d'Alene claim and the minimum outflow in the claim could be met but for operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

As recognized by the Supreme Court in *Idaho II*, the Coeur d'Alene Tribe has a well-established aboriginal connection to and use of the Coeur d'Alene Lake. The Supreme Court found that "[a] right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274. Therefore, the United States claims a priority date of time immemorial for the Lake claim. *Adair*, 723 F.2d at 1414.

5. Springs, Seeps, and Wetlands

This claim is for a sufficient amount of water to maintain wetlands, springs, and seeps on Tribal lands within the Reservation to provide for Tribally-harvested game and waterfowl habitat, Tribal plant gathering, and other Tribal traditional, cultural, spiritual, ceremonial, and/or religious uses. Attachments VI and VII are tables summarizing the wetlands and springs claims respectively. Attachment VIII provides an overview map of these claims (note that more specific maps of the wetlands and springs are attached to the claim forms). Based on the hunting and gathering culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the springs, seeps, and wetlands. *Adair*, 723 F.2d at 1414. To the extent these claims concern riparian areas along streams subject to Instream Flow claims described in section 2 above, the United States does not intend to double a claim to the same surface water. Instead, the United States is providing two

separate justifications for the same water flows that provide instream fish habitat and support riparian vegetation.

The Coeur d'Alene Tribe traditionally hunted, fished, and gathered throughout its aboriginal territory for food and fiber. The historical record shows that the continued right to hunt, fish, and gather on its reserved lands was of critical importance to the Tribe at the time the Coeur d'Alene Reservation was created. Seeps, springs, and wetlands are necessary for the habitat of the plants and animals traditionally relied upon by the Tribe for sustenance. Additionally, these areas were used by the Tribe for religious, cultural, and ceremonial purposes. The traditional uses of these areas continue to be an important part of the Coeur d'Alene Tribe's identity and culture.

C. Summary of Claim and Reservation of Rights

The following table provides an overall summary of the claims.

Type of Claim	Number of Claim Forms	Total Water Claimed
DCMI	17	7,453 acre-feet per year (AFY) plus 979 wells with use up to 13,000 gallons per day
Instream Flows	72	Monthly cubic feet per second
PIA	44	17,815 AFY
Coeur d'Alene Lake	1	Maintenance of natural Lake Elevation
Springs	24	21.6 AFY
Wetlands	195	7,102 AFY

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those water rights held in trust for the benefit of the Tribe. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Coeur d'Alene Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation. Additionally, the Tribe and the United States expressly reserve their rights to assert their sovereign regulatory authorities to allocate and manage water rights within the exterior boundaries of the Coeur d'Alene Reservation.

In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. The enclosed water right claim forms were developed at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed

to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

The water rights claim for various consumptive and non-consumptive uses may exceed the natural flow in a given stream in a particular year. The United States and Coeur d'Alene Tribe reserve the right to determine in any particular year which use(s), if any, to limit.

The United States and the Tribe reserve the right to supplement and/or amend the water rights claims filed herein.

Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,

Vanessa Boyd Willard

Vanessa Boyd Willard
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section

Summary of Federal Domestic, Commercial, Municipal, Industrial (DCMI), Pond Level Maintenance, and Fish Propagation Claims on behalf of the Coeur d'Alene Tribe
Attachment I to US Cover Letter, dated 1/30/2014

Acre-Feet (AFY)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				487.6		342.0	**829.6**
Rural (Self-Supply)						*	*
Fish Propagation		4,834.2					**4,834.2**
Industrial						633.0	**633.0**
Pond Level Maint & Fire Suppression						16.3	**16.3**
Municipal				91.6	14.1	1,034.5	**1,140.2**
Subtotal	**0.0**	**4,834.2**	**0.0**	**579.1**	**14.1**	**2,025.9**	**7,453.2** **
TOTAL (AFY)	**4,834.2**			**2,619.1**			

* 979 wells with use up to 13,000 gpd
** Plus volume of water associated with 979 rural (self-supply) wells

Flow Rate (cfs)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				2.85		2.28	**5.13**
Rural (Self-Supply)						*	*
Fish Propagation		6.68					**6.68**
Industrial						2.19	**2.19**
Pond Level Maint & Fire						0.04	**0.04**
Municipal				0.32	0.45	3.57	**4.33**
Subtotal	**0.00**	**6.68**	**0.00**	**3.16**	**0.45**	**8.08**	**18.37** **
TOTAL (cfs)	**6.68**			**11.69**			

* 979 wells with use up to 13,000 gpd
** Plus flow associated with 979 rural (self-supply) wells

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fighting Creek	101	23	23	23	23	20	16	7.9	3.7	3.1	4.7	10	18
Lake Creek	102	63	74	75	66	29	22	8.2	2.6	2	4.7	13	23
Black Creek	103	6.3	6.3	14	7	2.7	1.2	0.4	0.19	0.19	0.22	0.48	2.6
Willow Creek	104	7.4	11	14	7	7	6.8	2.1	0.89	0.9	0.83	2.9	4.8
Evans Creek	105	28	35	35	35	35	28	8.3	4	3.9	3.5	11	18
Plummer Creek	106	45	45	45	50	33	9.9	1.6	0.58	0.99	1.2	10	41
Little Plummer	107	43	43	43	6	6	5.8	0.86	0.28	0.51	0.63	5.9	24
Pedee Creek	108	8	8	16	11	4.7	1.3	0.1	0.1	0.1	0.1	1.3	5.9
Benewah Creek	109	114	140	140	63	56	26	8.3	3.6	3.2	5.1	15	50
Windfall Creek	110	12	16	20	7	6.1	2.4	0.64	0.22	0.18	0.34	1.4	5.2
Cherry Creek	111	8	8	8	5	5	2.4	0.84	0.48	0.48	0.53	0.98	5.6
Alder Creek	112	24	24	24	24	24	24	8.8	3.1	4.4	7.8	23	24
Hangman Creek	113	45	45	40	40	40	23	4.9	2.3	2	2	9.7	39
Hangman Creek (Conditional)	113	169	169	110	110	65	23	4.9	2.3	2	2	9.7	39
North Fork Coeur d'Alene River	1001	112	112	150	190	190	190	119	63	48	47	112	112
Tepee Creek	1002	136	136	184	230	230	230	103	70	56	52	136	136
Yellow Dog Creek	1003	8.5	14	17	29	29	13	6.7	2.6	2.3	3.4	8.1	7.3
Downey Creek	1004	13	13	24	25	25	25	12	3.7	3.1	5.1	10	10
North Fork Coeur d'Alene River	1005	175	175	450	275	275	275	183	158	126	137	175	175
Shoshone Creek	1006	35	35	90	70	70	70	47	54	38	38	35	35
North Fork Coeur d'Alene River	1007	246	246	355	422	422	422	281	231	178	189	246	246
Eagle Creek	1008	59	59	76	100	100	100	46	20	12	12	40	59
Prichard Creek	1009	20	20	50	125	125	125	83	42	27	29	20	20
Beaver Creek	1010	67	67	87	113	113	113	56	29	21	22	52	67
Graham Creek	1011	31	31	38	52	52	52	21	8.4	6.5	6.7	17	31
Steamboat Creek	1012	49	49	63	83	83	83	43	15	12	18	49	49
North Fork Coeur d'Alene River	1013	318	318	469	546	546	546	364	353	266	295	318	318
Little North Fork Coeur d'Alene River	1014	45	45	200	250	250	250	133	79	62	56	45	45
Little North Fork Coeur d'Alene River	1015	157	157	220	269	269	269	168	95	76	75	157	157
North Fork Coeur d'Alene River	1016	345	345	700	600	600	600	400	449	343	373	345	345
South Fork Coeur d'Alene River	2001	97	97	131	165	165	165	110	87	62	54	97	97
Placer Creek	2002	35	36	45	61	61	61	23	10	6.7	7	17	26
South Fork Coeur d'Alene River	2003	121	121	166	206	206	206	137	111	81	76	121	121
South Fork Coeur d'Alene River	2004	150	150	209	256	256	256	171	141	109	123	150	150

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pine Creek	2005	84	84	112	143	143	143	62	28	20	21	74	84
South Fork Coeur d'Alene River	2006	80	80	200	175	175	175	117	150	145	139	80	80
Coeur d'Alene River	3001	525	525	699	789	789	789	525	699	789	789	525	525
Coeur d'Alene River	3002	468	468	705	793	793	793	528	705	606	702	468	468
Carlin Creek	3003	16	16	30	14	14	7.3	3.4	2.3	2.3	2.6	4.1	14
Turner Creek	3004	13	13	15	12	5.5	3.3	1.7	0.97	0.98	1.2	1.7	5.2
Beauty Creek	3005	20	24	38	30	30	9.2	2.9	2.6	2	1.5	4.5	7.5
Cedar Creek	3006	24	30	45	45	40	10	3.6	2.8	2.4	2.5	7.6	10
Wolf Lodge Creek	3007	56	56	72	94	94	80	24	15	12	12	35	51
Mica Creek	3008	37	37	46	62	52	41	17	7.1	6.1	9.8	21	35
Cougar Creek	3009	27	27	33	46	29	23	11	4.9	4.2	6.3	13	21
Saint Joe River	4001	67	67	90	115	115	115	77	63	39	23	47	67
Heller Creek	4002	43	35	47	73	73	73	45	32	20	11	23	36
Saint Joe River	4003	130	130	185	224	224	224	149	163	104	75	130	130
Saint Joe River	4004	178	178	258	307	307	307	205	245	160	129	178	178
Fly Creek	4005	24	23	32	45	45	45	26	11	7.9	6.3	11	17
Saint Joe River	4006	183	183	266	316	316	316	210	250	164	138	183	183
Simmons Creek	4007	50	50	120	115	115	115	77	62	41	38	50	50
Gold Creek	4008	55	55	72	94	94	94	62	34	23	22	40	53
Saint Joe River	4009	133	133	350	175	175	175	116	250	200	200	133	133
Quartz Creek	4010	44	44	57	75	75	75	50	23	16	20	32	34
Saint Joe River	4011	295	295	442	510	510	510	340	442	330	315	295	295
North Fork Saint Joe River	4012	41	41	125	150	150	150	100	89	63	62	41	41
Saint Joe River	4013	282	282	466	466	466	466	310	466	432	423	282	282
Marble Creek	4014	60	60	79	102	102	102	68	42	27	20	41	60
Boulder Creek	4015	30	32	41	55	55	55	37	12	8.8	11	19	21
Marble Creek	4016	100	100	175	275	275	275	183	117	83	85	100	100
Saint Joe River	4017	396	396	606	685	685	685	456	606	519	510	396	396
Big Creek	4018	35	35	80	80	80	80	53	32	25	31	35	35
Mica Creek	4019	53	53	69	90	90	90	47	20	16	18	37	48
Trout Creek	4020	38	38	48	64	64	64	29	10	8.6	11	21	28
Saint Joe River	4021	428	428	658	741	741	741	494	658	566	582	428	428
Saint Joe River	4022	396	396	650	750	750	750	500	439	563	594	396	396
Saint Joe River	4023	491	491	762	850	850	850	566	762	657	703	491	491
Middle Fork Saint Maries River	4501	67	67	90	114	114	114	76	30	25	36	62	67

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
West Fork Saint Maries River	4502	44	44	57	75	75	52	18	13	12	10	23	44
Thorn Creek	4503	29	29	36	49	49	18	7.5	5.1	4.9	4.5	10	24
Saint Maries River	4504	150	150	350	250	250	250	167	103	91	100	150	150

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014

Legend

- Claim Watershed
- Claim Reach
- 1012 Claim Number
- Coeur d'Alene Tribe Reservation Boundary
- See Idaho v. US, 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody

USGS 8-Digit Hydrologic Unit Code

- 17010301 Upper Coeur d'Alene River
- 17010302 South Fork Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River

Idaho

Montana

Washington

Idaho

0 2 4 6 8 10
Miles

Summary of Federal Practicably Irrigable Acreage Claims on behalf of the Coeur d'Alene Tribe Attachment IV to US Cover Letter, dated 1/30/14

Source	*Total Acreage*	*Quantity (ac-ft)*	*Pond Maintenance (ac-ft)*	*Total Claim (ac-ft)*
Hangman Creek	1,355	4,127	573	4,700
Lolo Creek	165	445	104	549
Moctileme Creek	252	725	145	870
Little Hangman Creek	149	444	103	547
Rose Creek	66	186	35	222
Rock Creek	88	235	35	270
North Fork Rock Creek	403	1,129	148	1,277
Benewah Creek	103	240	0	240
St. Joe River	1,306	4,058	0	4,058
Lake Creek	758	2,178	193	2,371
Coeur d'Alene Lake	928	2,711	0	2,711
Total All Lands	5,573	16,479	1,337	17,815

Summary of Federal Lake Elevation Maintenance Claims on behalf of Coeur d'Alene Tribe Attachment V to US Cover Letter, dated 1/30/14

Month	Lake Elevation (ft, staff gage datum)	Outflow (cfs)
January	2124.2	7,470
February	2124.7	8,550
March	2125.8	11,900
April	2128.5	20,000
May	2129.6	23,000
June	2127.2	15,900
July	2122.8	4,520
August	2120.9	1,420
September	2120.4	974
October	2120.6	1,240
November	2121.9	2,920
December	2123.6	5,680

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Water Source: Stream or Creek System	Area (ac)	Annual acre-feet
AC01R102	11N	517202	5224437	ID08	44N	04W	12	SE	NE	Alder Creek	7.47	17.98
AC02R102	11N	517922	5226413	ID08	44N	03W	06	SW	NE	Alder Creek	8.83	21.25
BC01R222	11N	516401	5231099	ID08	45N	04W	24	NE	NW	Benewah Creek	11.49	26.07
BC02W322	11N	516832	5231704	ID08	45N	04W	13	SW	SE	Benewah Creek	3.53	10.16
BC03R102	11N	517064	5231756	ID08	45N	04W	13	SW	SE	Benewah Creek	2.21	5.32
BC04R222	11N	517738	5232637	ID08	45N	03W	18	SW	NE	Benewah Creek	26.53	60.20
EC01R402	11N	537348	5250738	ID08	47N	01W	19	NE	NE	Black Lake-Coeur d'Alene River	11.87	29.13
EC02R402	11N	534274	5251807	ID08	47N	02W	14	NE	SE	Black Lake-Coeur d'Alene River	18.13	44.49
LAMB03R302	11N	523313	5251211	ID08	47N	03W	23	NW	NW	Black Lake-Coeur d'Alene River	0.93	2.20
LAMB04R302	11N	523723	5251107	ID08	47N	03W	23	NE	NW	Black Lake-Coeur d'Alene River	1.92	4.55
LAMB05R102	11N	524090	5251933	ID08	47N	03W	14	NW	SE	Black Lake-Coeur d'Alene River	1.06	2.55
LAMB06R102	11N	524543	5250661	ID08	47N	03W	23	SE	NE	Black Lake-Coeur d'Alene River	4.48	10.78
CDAL01R102	11N	504573	5256881	ID08	48N	05W	35	NE	NE	Coeur d'Alene Lake	0.56	1.35
CDAL02W321	11N	504384	5256622	ID08	48N	05W	35	SE	NE	Coeur d'Alene Lake	17.7	37.59
CDAL03R102	11N	508125	5256970	ID08	48N	04W	32	NW	NW	Coeur d'Alene Lake	3.77	9.07
CDAL04R102	11N	508482	5257722	ID08	48N	04W	29	NE	SW	Coeur d'Alene Lake	6.17	14.85
CDAL05R101	11N	508482	5253605	ID08	47N	04W	07	NE	NW	Coeur d'Alene Lake	5.06	12.18
CDAL06R101	11N	511814	5253862	ID08	47N	04W	09	NE	NW	Coeur d'Alene Lake	1.01	2.43
CDAL07R102	11N	512172	5254436	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	1.88	4.53
CDAL08W422	11N	512197	5254626	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	0.72	1.33
CDAL09R102	11N	517283	5254326	ID08	47N	04W	01	NE	SE	Coeur d'Alene Lake	2.63	6.33
CDAL10R102	11N	518175	5252981	ID08	47N	03W	07	SE	SE	Coeur d'Alene Lake	8.46	20.36
CDAL11R102	11N	519644	5251353	ID08	47N	03W	17	SE	SE	Coeur d'Alene Lake	0.24	0.58
CDAL20R102	11N	519490	5250421	ID08	47N	03W	20	NW	SE	Coeur d'Alene Lake	6.81	16.39
CDAL21W501	11N	518621	5248650	ID08	47N	03W	29	NW	SW	Coeur d'Alene Lake	37.29	81.33
SQ12W102	11N	511600	5250203	ID08	47N	04W	21	SE	NW	Coeur d'Alene Lake	22.98	72.52
SQ13W102	11N	512131	5250020	ID08	47N	04W	21	SW	NE	Coeur d'Alene Lake	13.5	42.61
SQ14R302	11N	512447	5250605	ID08	47N	04W	21	NE	NE	Coeur d'Alene Lake	1.14	2.70
SQ15R302	11N	512450	5249541	ID08	47N	04W	21	NE	SE	Coeur d'Alene Lake	2	4.74
SQ16R302	11N	512947	5250328	ID08	47N	04W	22	NW	NW	Coeur d'Alene Lake	9.25	21.92

Summary of Federal Wetland and Riparian Claims
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SQ17R302	11N	513396	5250191	ID08	47N	04W	22	SE	NW	Coeur d'Alene Lake	1.76	4.17
SQ18R102	11N	513933	5249349	ID08	47N	04W	22	SE	SE	Coeur d'Alene Lake	37.05	89.18
SQ19R302	11N	513429	5251325	ID08	47N	04W	15	NE	SW	Coeur d'Alene Lake	8.73	20.69
HHC02R302	11N	514224	5216966	ID08	44N	04W	34	SE	SE	Headwaters Hangman Creek	11.08	26.25
HHC03W101	11N	514265	5218115	ID08	44N	04W	34	NE	NE	Headwaters Hangman Creek	1.79	3.93
HHC04W101	11N	513406	5218276	ID08	44N	04W	34	NE	NW	Headwaters Hangman Creek	35.34	77.54
HHC07W102	11N	511376	5220533	ID08	44N	04W	21	NW	SW	Headwaters Hangman Creek	7.14	22.53
HHC08R102	11N	510320	5220610	ID08	44N	04W	20	NW	SE	Headwaters Hangman Creek	4.16	10.01
INDC01R102	11N	516848	5217955	ID08	44N	04W	36	SW	NE	Headwaters Hangman Creek	13.31	32.04
SHPC09R102	11N	509422	5218104	ID08	44N	04W	31	NE	NE	Headwaters Hangman Creek	15.83	38.10
SQ06R102	11N	511863	5220225	ID08	44N	04W	21	SE	SW	Headwaters Hangman Creek	14.39	34.64
LC01W102	11N	500043	5259707	ID08	48N	05W	21	SW	NW	Lake Creek	4.32	13.63
LC02W102	11N	497725	5259783	ID08	48N	06W	24	SW	NE	Lake Creek	9.96	31.43
LHMC01W101	11N	504937	5235901	ID08	45N	05W	02	NW	NW	Little Hangman Creek	18.07	39.65
LHMC02W102	11N	502434	5237067	ID08	46N	05W	33	SW	NE	Little Hangman Creek	8.95	28.25
LHMC03W102	11N	501112	5237247	ID08	46N	05W	32	SE	NE	Little Hangman Creek	17.12	54.03
LHMC04W102	11N	500366	5237872	ID08	46N	05W	29	SE	SW	Little Hangman Creek	2.59	8.17
LHMC05W101	11N	498977	5237836	ID08	46N	05W	30	SE	SW	Little Hangman Creek	1.95	4.28
LHMC06R102	11N	498071	5237052	ID08	46N	06W	36	SE	NE	Little Hangman Creek	30.03	72.28
LHMC07W102	11N	499325	5235833	ID08	45N	05W	06	NE	NE	Little Hangman Creek	6.29	19.85
LHMC08W102	11N	498767	5234538	ID08	45N	05W	07	NE	NW	Little Hangman Creek	4.92	15.53
LHMC09W102	11N	498142	5232784	ID08	45N	06W	13	NE	NE	Little Hangman Creek	4.86	15.34
LHMC10W102	11N	498653	5232058	ID08	45N	05W	18	NE	SW	Little Hangman Creek	5.3	16.73
LHMC11W102	11N	497729	5232310	ID08	45N	06W	13	SW	NE	Little Hangman Creek	4.16	13.13
HC01W102	11N	504803	5224247	ID08	44N	05W	11	SW	NW	Lolo Creek-Hangman Creek	1.79	5.65
HC02W102	11N	504274	5224117	ID08	44N	05W	10	SE	NE	Lolo Creek-Hangman Creek	12.78	40.33
HC03W102	11N	504593	5224753	ID08	44N	05W	10	NE	NE	Lolo Creek-Hangman Creek	1.37	4.32
HC04W101	11N	504506	5225370	ID08	44N	05W	03	NE	SE	Lolo Creek-Hangman Creek	6.61	14.50
HC05W102	11N	504358	5225251	ID08	44N	05W	03	SE	SE	Lolo Creek-Hangman Creek	0.67	2.11
HC06W102	11N	503805	5225028	ID08	44N	05W	03	SE	SW	Lolo Creek-Hangman Creek	2.21	6.97
HC07W102	11N	503427	5225035	ID08	44N	05W	03	SW	SW	Lolo Creek-Hangman Creek	5.42	17.11
HC08W101	11N	500755	5221200	ID08	44N	05W	20	SW	NE	Lolo Creek-Hangman Creek	3.36	7.37
HC09W101	11N	504123	5226758	ID08	45N	05W	34	SW	SE	Lolo Creek-Hangman Creek	0.36	0.79
HC10W102	11N	502384	5225544	ID08	44N	05W	04	NW	SE	Lolo Creek-Hangman Creek	6	18.94

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HC11W102	11N	501309	5225593	ID08	44N	05W	05	NE	SE	Lolo Creek-Hangman Creek	5.67	17.89
HC12W102	11N	500178	5226000	ID08	44N	05W	05	SW	NW	Lolo Creek-Hangman Creek	11.12	35.09
HC13W421	11N	499757	5225862	ID08	44N	05W	06	SE	NE	Lolo Creek-Hangman Creek	1.21	2.24
HC14W102	11N	497904	5226722	ID08	45N	06W	36	SE	SE	Lolo Creek-Hangman Creek	19.84	62.61
LOLO01R101	11N	508628	5229018	ID08	45N	04W	30	SE	NW	Lolo Creek-Hangman Creek	2.6	6.26
LOLO02R102	11N	507136	5228289	ID08	45N	05W	25	SW	SE	Lolo Creek-Hangman Creek	27.98	67.35
LOLO03R102	11N	505809	5228705	ID08	45N	05W	26	NW	SE	Lolo Creek-Hangman Creek	5.9	14.20
LOLO04R222	11N	508273	5229812	ID08	45N	04W	19	SW	SW	Lolo Creek-Hangman Creek	9.22	20.92
LOLO05R222	11N	508006	5229416	ID08	45N	04W	30	NW	NW	Lolo Creek-Hangman Creek	3.39	7.69
LOLO06W102	11N	506938	5229510	ID08	45N	05W	25	NE	NW	Lolo Creek-Hangman Creek	26.53	83.73
LOLO07R302	11N	504745	5228719	ID08	45N	05W	26	NW	SW	Lolo Creek-Hangman Creek	2.67	6.33
LOLO08R302	11N	504089	5228603	ID08	45N	05W	27	NW	SE	Lolo Creek-Hangman Creek	3.63	8.60
LOLO09W102	11N	503757	5227948	ID08	45N	05W	34	NE	NW	Lolo Creek-Hangman Creek	10.42	32.89
LOLO10W102	11N	502835	5227428	ID08	45N	05W	33	SE	NE	Lolo Creek-Hangman Creek	3.08	9.72
HHC05W102	11N	509605	5220280	ID08	44N	04W	20	SW	SW	Mission Creek-Hangman Creek	90.32	285.05
MC01R102	11N	504142	5216347	ID08	43N	05W	03	SW	NE	Mission Creek-Hangman Creek	5.69	13.70
MC02R302	11N	504558	5216708	ID08	43N	05W	03	NE	NE	Mission Creek-Hangman Creek	10.42	24.69
MC03R302	11N	504933	5217158	ID08	44N	05W	35	SW	SW	Mission Creek-Hangman Creek	12.36	29.29
MC04R102	11N	505031	5217573	ID08	44N	05W	35	NW	SW	Mission Creek-Hangman Creek	1.01	2.43
MC05W421	11N	506064	5221563	ID08	44N	05W	23	NE	NE	Mission Creek-Hangman Creek	6.31	11.67
MC06R222	11N	505666	5222345	ID08	44N	05W	14	NW	SE	Mission Creek-Hangman Creek	3.4	7.72
MHC01W101	11N	508804	5222237	ID08	44N	04W	18	NW	SE	Mission Creek-Hangman Creek	7.33	16.08
MHC02W102	11N	507534	5221778	ID08	44N	05W	13	SE	SE	Mission Creek-Hangman Creek	1.53	4.83
MHC03R222	11N	506623	5221926	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	1.73	3.93
MHC04R222	11N	506452	5221936	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	6.65	15.09
MHC05W102	11N	506251	5222376	ID08	44N	05W	14	NE	SE	Mission Creek-Hangman Creek	13.65	43.08
MHC06R102	11N	509332	5223631	ID08	44N	04W	07	SE	SE	Mission Creek-Hangman Creek	13.59	32.71
MHC07R102	11N	506953	5222882	ID08	44N	05W	13	SE	NW	Mission Creek-Hangman Creek	15.73	37.86
MHC08R222	11N	509774	5225950	ID08	44N	04W	05	SW	NW	Mission Creek-Hangman Creek	15.92	36.13
MHC09R102	11N	509211	5225461	ID08	44N	04W	06	NE	SE	Mission Creek-Hangman Creek	3.92	9.44
MHC10R302	11N	507287	5224255	ID08	44N	05W	12	SW	NE	Mission Creek-Hangman Creek	13.35	31.63
MHC11R302	11N	505109	5223347	ID08	44N	05W	11	SE	SW	Mission Creek-Hangman Creek	1.73	4.10
MOC01W202	11N	508981	5231642	ID08	45N	04W	18	SW	SE	Moctileme Creek	13.58	38.37
MOC02W102	11N	507852	5231705	ID08	45N	05W	13	SE	SE	Moctileme Creek	4.74	14.96

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MOC03W102	11N	507171	5231935	ID08	45N	05W	13	NW	SE	Moctileme Creek	2.02	6.38
MOC04R102	11N	507820	5232387	ID08	45N	05W	13	SE	NE	Moctileme Creek	55.36	133.25
MOC05W102	11N	506519	5232193	ID08	45N	05W	13	SW	NW	Moctileme Creek	5.56	17.55
MOC06R102	11N	507610	5235621	ID08	45N	05W	01	SE	NE	Moctileme Creek	3.96	9.53
MOC07R102	11N	507458	5235359	ID08	45N	05W	01	NW	SE	Moctileme Creek	5.78	13.91
MOC08R302	11N	506866	5235793	ID08	45N	05W	01	SE	NW	Moctileme Creek	6.96	16.49
MOC09W101	11N	505915	5233664	ID08	45N	05W	11	NE	SE	Moctileme Creek	3.67	8.05
MOC10W102	11N	505510	5232028	ID08	45N	05W	14	NW	SE	Moctileme Creek	3.45	10.89
MOC11W102	11N	504926	5232055	ID08	45N	05W	14	NW	SW	Moctileme Creek	2.26	7.13
MOC12W102	11N	503706	5230976	ID08	45N	05W	22	NE	NW	Moctileme Creek	12.52	39.51
MOC13W102	11N	503089	5232080	ID08	45N	05W	15	NW	SW	Moctileme Creek	15.21	48.00
MOC14W102	11N	502540	5231880	ID08	45N	05W	16	NW	SE	Moctileme Creek	5.18	16.35
MOC15W102	11N	502547	5232569	ID08	45N	05W	16	SW	NE	Moctileme Creek	7.98	25.18
MOC16W102	11N	502168	5232478	ID08	45N	05W	16	SE	NW	Moctileme Creek	1.38	4.36
MOC17W102	11N	502144	5231706	ID08	45N	05W	16	SE	SW	Moctileme Creek	3.57	11.27
MOC18W102	11N	500783	5230584	ID08	45N	05W	20	SW	NE	Moctileme Creek	3.2	10.10
MOC19W102	11N	499968	5231675	ID08	45N	05W	17	SW	SW	Moctileme Creek	8.42	26.57
MOC20W102	11N	498652	5230875	ID08	45N	05W	19	SE	NW	Moctileme Creek	12.93	40.81
NFRC01W102	11N	509009	5247108	ID08	47N	04W	31	NW	NE	North Fork Rock Creek	8.96	28.28
NFRC02W202	11N	509291	5247319	ID08	47N	04W	31	NE	NE	North Fork Rock Creek	5.05	14.27
NFRC03W202	11N	509088	5249749	ID08	47N	04W	19	NE	SE	North Fork Rock Creek	24.32	68.72
NFRC04W102	11N	508270	5250034	ID08	47N	04W	19	SE	NW	North Fork Rock Creek	43.58	137.54
NFRC05W421	11N	506008	5250362	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	7.39	13.67
NFRC06W101	11N	506057	5250418	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	11.96	26.24
NFRC07W102	11N	505229	5249382	ID08	47N	05W	23	SE	SW	North Fork Rock Creek	9.34	29.48
NFRC08W611	11N	504857	5250999	ID08	47N	05W	14	SW	SW	North Fork Rock Creek	55.51	113.74
NFRC09W102	11N	505534	5251212	ID08	47N	05W	14	NW	SE	North Fork Rock Creek	8.97	28.31
NFRC10W102	11N	503995	5250418	ID08	47N	05W	22	NW	NE	North Fork Rock Creek	1.96	6.19
NFRC11W102	11N	504111	5251024	ID08	47N	05W	15	SW	SE	North Fork Rock Creek	5.73	18.08
NFRC12W201	11N	503863	5251607	ID08	47N	05W	15	SW	NE	North Fork Rock Creek	42.3	91.69
NFRC13W101	11N	503683	5252170	ID08	47N	05W	15	NE	NW	North Fork Rock Creek	39.24	86.10
NFRC14W201	11N	503090	5252122	ID08	47N	05W	15	NW	NW	North Fork Rock Creek	10.94	23.71
NFRC15W101	11N	502860	5252276	ID08	47N	05W	16	NE	NE	North Fork Rock Creek	9.16	20.10
NFRC16W421	11N	502468	5252198	ID08	47N	05W	16	NW	NE	North Fork Rock Creek	7.23	13.38

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NFRC17W102	11N	502241	5253207	ID08	47N	05W	09	SE	NW	North Fork Rock Creek	3.75	11.83
NFRC18W102	11N	502725	5252973	ID08	47N	05W	09	NE	SE	North Fork Rock Creek	5.43	17.14
NFRC19W101	11N	502229	5252686	ID08	47N	05W	09	SE	SW	North Fork Rock Creek	40.11	88.01
NFRC20W202	11N	502473	5253597	ID08	47N	05W	09	NW	NE	North Fork Rock Creek	4.6	13.00
NFRC21W202	11N	503014	5253206	ID08	47N	05W	09	SE	NE	North Fork Rock Creek	3.75	10.60
NFRC22W102	11N	502162	5252974	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	1.05	3.31
NFRC23W421	11N	501874	5253024	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	2.64	4.88
NFRC24W201	11N	501506	5252689	ID08	47N	05W	09	NW	SW	North Fork Rock Creek	33.84	73.35
NFRC25W201	11N	501090	5252553	ID08	47N	05W	08	SE	SE	North Fork Rock Creek	6.78	14.70
NFRC26W201	11N	500707	5252392	ID08	47N	05W	08	SW	SE	North Fork Rock Creek	10.26	22.24
NFRC27W201	11N	500117	5252363	ID08	47N	05W	08	SW	SW	North Fork Rock Creek	17.65	38.26
NFRC28R102	11N	499635	5252384	ID08	47N	05W	07	SE	SE	North Fork Rock Creek	1.77	4.26
NFRC29R102	11N	498453	5252554	ID08	47N	05W	07	SW	SW	North Fork Rock Creek	1.57	3.78
NFRC30W101	11N	499983	5255325	ID08	47N	05W	05	NW	NW	North Fork Rock Creek	5.19	11.39
NFRC31W101	11N	499671	5255415	ID08	47N	05W	06	NE	NE	North Fork Rock Creek	4.89	10.73
NFRC32W101	11N	499239	5255374	ID08	47N	05W	06	NW	NE	North Fork Rock Creek	1.12	2.46
NFRC33W102	11N	499217	5255013	ID08	47N	05W	06	SW	NE	North Fork Rock Creek	10.3	32.51
STJR01W101	11N	529077	5243132	ID08	46N	02W	08	SW	SE	Pedee Creek-St Joe River	35.96	78.90
STJR02W101	11N	528031	5243122	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	59.72	131.03
STJR03W421	11N	528827	5242738	ID08	46N	02W	17	NE	NW	Pedee Creek-St Joe River	1.77	3.27
STJR04W101	11N	528433	5242406	ID08	46N	02W	17	SW	NW	Pedee Creek-St Joe River	53.89	118.24
STJR05W411	11N	527055	5242832	ID08	46N	02W	18	NE	NW	Pedee Creek-St Joe River	1060.4	1566.98
STJR06W101	11N	527919	5241920	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	0.51	1.12
STJR07W101	11N	528002	5242006	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	1.38	3.03
STJR08W101	11N	528044	5243473	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	29.95	65.71
STJR09W101	11N	526432	5243608	ID08	46N	02W	07	NW	SW	Pedee Creek-St Joe River	43.75	95.99
STJR10W101	11N	526414	5242344	ID08	46N	02W	18	SW	NW	Pedee Creek-St Joe River	0.72	1.58
STJR11W101	11N	526325	5242264	ID08	46N	03W	13	NE	SE	Pedee Creek-St Joe River	0.53	1.16
STJR12W101	11N	525210	5245205	ID08	46N	03W	01	NE	SW	Pedee Creek-St Joe River	185.44	406.88
STJR13W101	11N	525454	5243627	ID08	46N	03W	12	NE	SW	Pedee Creek-St Joe River	8.27	18.15
STJR14W411	11N	525261	5244949	ID08	46N	03W	01	SE	SW	Pedee Creek-St Joe River	20.42	30.17
STJR15R102	11N	524181	5245547	ID08	46N	03W	02	SW	NE	Pedee Creek-St Joe River	9.57	23.04
STJR16R102	11N	520556	5246104	ID08	46N	03W	04	NE	NW	Pedee Creek-St Joe River	0.81	1.95
PC01W102	11N	507796	5238549	ID08	46N	05W	25	NE	SE	Plummer Creek	4.53	14.30

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PC02W622	11N	507997	5239946	ID08	46N	04W	19	NW	SW	Plummer Creek	30.79	88.61
PC03W622	11N	508111	5240888	ID08	46N	04W	19	NW	NW	Plummer Creek	7.04	20.26
PC04W102	11N	507976	5243041	ID08	46N	04W	07	SW	SW	Plummer Creek	3.66	11.55
PC05W102	11N	508301	5242820	ID08	46N	04W	07	SE	SW	Plummer Creek	2.52	7.95
PC06W102	11N	508532	5242846	ID08	46N	04W	07	SE	SW	Plummer Creek	2.45	7.73
PC07R102	11N	509673	5242992	ID08	46N	04W	08	SW	SW	Plummer Creek	1.83	4.40
PC08W422	11N	509653	5242941	ID08	46N	04W	08	SW	SW	Plummer Creek	5.31	9.82
PC09R102	11N	510833	5243623	ID08	46N	04W	08	SE	NE	Plummer Creek	7.41	17.84
ROCK01W101	11N	502125	5250720	ID08	47N	05W	16	SE	SW	Rose Creek	13.55	29.73
ROCK02R222	11N	501593	5250930	ID08	47N	05W	16	SW	SW	Rose Creek	0.65	1.48
ROCK03W102	11N	500999	5250752	ID08	47N	05W	17	SW	SE	Rose Creek	13.97	44.09
ROCK04R102	11N	500414	5250685	ID08	47N	05W	17	SE	SW	Rose Creek	1.45	3.49
ROCK05W101	11N	501119	5246409	ID08	47N	05W	32	NE	SE	Rose Creek	9.96	21.85
ROCK06W101	11N	500608	5246757	ID08	47N	05W	32	SE	NW	Rose Creek	3.75	8.23
ROCK07W101	11N	500922	5247007	ID08	47N	05W	32	SW	NE	Rose Creek	12.66	27.78
ROCK08W102	11N	500562	5247336	ID08	47N	05W	32	NE	NW	Rose Creek	1.75	5.52
ROCK09W101	11N	500431	5247778	ID08	47N	05W	29	SE	SW	Rose Creek	1.27	2.79
ROCK10W102	11N	499910	5249698	ID08	47N	05W	20	NW	SW	Rose Creek	0.91	2.87
ROCK11W102	11N	500071	5249752	ID08	47N	05W	20	NW	SW	Rose Creek	5.18	16.35
ROCK12R102	11N	499005	5250885	ID08	47N	05W	18	SE	SW	Rose Creek	8.63	20.77
ROSE13R102	11N	502731	5244407	ID08	46N	05W	04	SE	SE	Rose Creek	27.48	66.15
ROSE14R102	11N	501924	5245149	ID08	46N	05W	04	SE	NW	Rose Creek	7.49	18.03
ROSE15R302	11N	500424	5245638	ID08	46N	05W	05	NW	NW	Rose Creek	12.32	29.19
ROSE16R302	11N	499497	5246208	ID08	47N	05W	31	SE	SE	Rose Creek	8.72	20.66
ROSE17R302	11N	498141	5246597	ID08	47N	06W	36	NE	SE	Rose Creek	1.11	2.63
ROSE18W102	11N	497511	5247033	ID08	47N	06W	36	SW	NE	Rose Creek	21.44	67.66
URC01W101	11N	500230	5243875	ID08	46N	05W	08	NW	NW	Upper Rock Creek	1.24	2.72
URC02W102	11N	498710	5243937	ID08	46N	05W	07	NE	NW	Upper Rock Creek	1.79	5.65
URC03W102	11N	497716	5244189	ID08	46N	06W	12	NW	NE	Upper Rock Creek	3.74	11.80

Summary of Federal Springs and Seeps Claims
on behalf of Coeur d'Alene Tribe
Attachment VII to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Tribal Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Elev (ft)	Area (ac)	Annual (AF)
FS4	11N	526244	5245873	ID08	46N	03W	01	SE	NE	2524	0.0024	0.0047
HP8	11N	513627	5251288	ID08	47N	04W	15	NW	SE	2736	0.2676	0.4996
HP28A	11N	523687	5250914	ID08	47N	03W	23	NE	NW	2709	0.0793	0.2031
HP68	11N	502811	5233793	ID08	45N	05W	09	SE	NE	2790	0.0172	0.0316
IP13	11N	500806	5252305	ID08	47N	05W	08	SW	SE	2540	0.149	0.2864
IP14	11N	503395	5251606	ID08	47N	05W	15	SW	NW	2609	0.3473	0.7167
IP39	11N	524689	5250818	ID08	47N	03W	23	SE	NE	2729	0.3782	0.6955
IP97	11N	509455	5219179	ID08	44N	04W	30	NE	SE	2580	0.0525	0.0966
IP98	11N	509383	5219266	ID08	44N	04W	30	NE	SE	2583	0.0739	0.1359
IP98A	11N	509312	5219255	ID08	44N	04W	30	NE	SE	2584	0.0644	0.1183
IP99	11N	509951	5218765	ID08	44N	04W	29	SE	SW	2572	0.1075	0.2052
IP128	11N	500781	5225812	ID08	44N	05W	05	SW	NE	2530	0.6456	1.2214
IP128A	11N	500860	5225784	ID08	44N	05W	05	SW	NE	2509	1.0978	2.8278
IP129	11N	524669	5251733	ID08	47N	03W	14	NE	SE	2769	0.0669	0.1464
NS20	11N	529427	5243072	ID08	46N	02W	17	NE	NE	2145	0.1686	0.5443
NS34/NS35	11N	510362	5220518	ID08	44N	04W	20	NW	SE	2626	1.2845	4.1636
NS39	11N	507719	5237952	ID08	46N	05W	25	SE	SE	2951	0.8175	2.1486
P3	11N	501968	5221703	ID08	44N	05W	21	NE	NW	2714	0.0138	0.0374
S1/S2	11N	529430	5243033	ID08	46N	02W	17	NE	NE	2170	0.1502	0.4851
SP17	11N	524059	5250514	ID08	47N	03W	23	SE	NE	2726	0.8198	1.5076
SP40	11N	497988	5232793	ID08	45N	06W	13	NE	NE	2527	1.1668	2.1988
SP43	11N	500600	5225956	ID08	44N	05W	05	SE	NW	2531	0.3958	0.7553
Jan01	11N	509144	5249715	ID08	47N	04W	19	NE	SE	2694	0.0055	0.0116
Jan02	11N	505848	5249125	ID08	47N	05W	23	SE	SE	2717	1.0000	2.5120

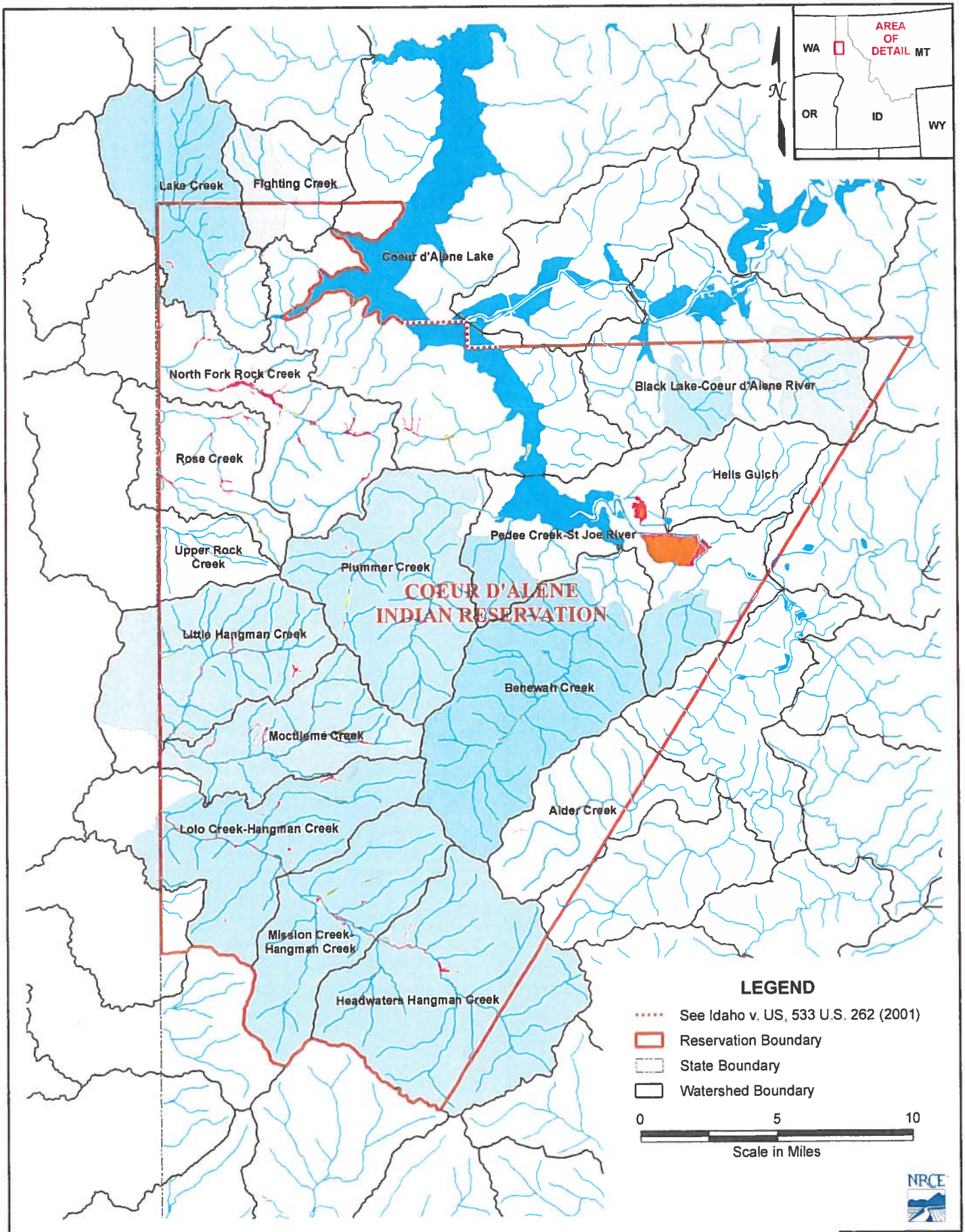

Figure 1: Coeur d'Alene Wetlands Overview Map

Overview Springs and Wetlands Map
Attachment VIII
US Cover Letter, dated 1/30/14

January 2014

U.S. Department of Justice

Environment and Natural Resources Division

SCA:VBWillard

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

Via Federal Express

January 30, 2014

Gary Spackman, Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Coeur d'Alene Indian Tribe*

In re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System, Case No. 49576

Dear Mr. Spackman,

Pursuant to the *Scheduling Order Governing the Filing of Federal and Tribal Claims*, dated March 5, 2009, together with the subsequent *Orders* granting the United States until January 31, 2014 to file claims on behalf of Indian Tribes, the United States hereby submits and files the enclosed Notices of Claims ("Tribal Claims"). These Tribal Claims are filed by the United States Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of the Coeur d'Alene Indian Tribe.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny as well as aboriginal occupation and use of lands and waters as recognized in *United States v. Winans*, 198 U.S. 371 (1905) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. *See* Idaho Code § 42-1409(1).

There are a total of 353 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. Please note that Attachments I – VIII are attached to this summary for the reasons explained below. Accordingly, this entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I – VIII to the Letter Summary; and 3) 353 separate Notices of Claims.

A. Coeur d'Alene Tribe and Reservation

Prior to the creation of the Coeur d'Alene Reservation, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho v. United States*, 533 U.S. 262, 265 (2001) (*Idaho II*). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

The legal basis for these water rights claims stems from the doctrine of federal reserved water rights as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027. As a result of Agreements with the Tribe, on November 8, 1873, the United States established the Coeur d'Alene Indian Reservation by an Executive Order signed by President Grant.

The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho II*, 533 U.S. at 262, the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

B. Categories of Claims

The United States claims water rights for waters from groundwater and surface water sources for the present and future needs of the Coeur d'Alene Reservation in a variety of categories to serve the overall purpose of establishing the Reservation as a permanent homeland for the Coeur d'Alene people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963) ("*Arizona I*"). The various categories of claims include the following: DCMI (domestic, commercial, municipal and industrial); instream flows for fish habitat; irrigated agriculture; Coeur d'Alene Lake; and springs and wetlands for the benefit of harvested wildlife and plant habitat. To the extent not addressed above, other uses of water on trust and tribal fee lands on the Reservation include, but are not limited to: fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater; aesthetics; and recreation. Water for these uses is encompassed within the five categories of claims outlined below.

1. DCMI

The DCMI claim includes water to satisfy present and future domestic, commercial, municipal, and industrial needs of the Reservation. This includes both existing and future

components. Regarding existing uses, the claim outlines five existing projects currently utilizing groundwater for DCMI purposes including operation of a casino, hotel, golf course and other general DCMI uses. Claims for future DCMI uses are outlined in 12 proposed projects, such as municipal water delivery, to provide the DCMI water rights necessary to make the Reservation a permanent homeland with economic self-sufficiency. Please note that the future fish hatchery claim is largely non-consumptive due to the majority of flows returning to Coeur d'Alene Lake. The table provided at Attachment I summarizes the DCMI claim. The United States claims a priority date of time immemorial for certain DCMI uses, or in the alternative, November 8, 1873, for other DCMI uses. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983). November 8, 1873 is the date on which President Grant signed the Executive Order establishing the Coeur d'Alene Indian Reservation.

2. Instream Flows for Fish Habitat

This claim includes water to maintain instream flows for fish species the Tribe harvests within the Reservation. Monthly fish habitat flow claims are submitted for a total of 72 stream reaches for the purposes of providing fish habitat and long-term maintenance of that habitat. Attachment II is a table providing an overall summary of the monthly instream flow claims for each named stream reach. Attachment III provides an oversized map of the instream flow claims (note that this same map is attached in 8.5x11 size to each instream flow claim form). Please note that there are two claims for instream flows in Hangman Creek. The second Hangman Creek Claim (Fed ID No. 113.2) is conditional and will only apply in the event that anadromous fish passage is restored in the future.

The "resident fishery was a main staple of the Tribe's diet" at the time the Coeur d'Alene Reservation was created. *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1100. The Tribe's traditional reliance on fish and other food and fiber acquired near and in waterways was so great at the time the Coeur d'Alene Reservation was created, the district court found that without it "the Tribe could not have survived." *Id.* at 1104. Further the historical record indicates that the United States was plainly aware of the Tribe's dependence on this resource. *Id.* at 1103-04. The Tribe continues to rely on this resource to this day. Based on the fishing culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the instream flow claims. *Adair*, 723 F.2d at 1414; *Idaho II*, 533 U.S. at 265.

3. Irrigated Agriculture

This claim includes water to irrigate the Tribe's practicably irrigable acreage ("PIA") within the Reservation. *Arizona I*, 373 U.S. at 600-601. The United States claims a total of 17,815 acre feet of water to irrigate a total of 5,573 acres in various projects located near creeks within the Reservation as well as an irrigation claim from Coeur d'Alene Lake. The PIA projects are summarized in Attachment IV hereto. The priority date claimed for irrigated agriculture is November 8, 1873.

4. Lake Elevation Maintenance in Lake Coeur d'Alene

The United States claims a sufficient flow into Lake Coeur d'Alene to maintain the natural monthly Lake elevations and outflows, summarized in Attachment V. Maintaining the natural Lake elevations fulfills the homeland purpose of the Reservation by providing for uses including, but not limited to, the following: food; fiber; transportation; recreation; religious, cultural and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics. This myriad of tribal uses of the Lake is consistent with the Supreme Court's holding that the United States reserved in trust for the benefit of the Tribe the submerged lands of the southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. *Idaho II*, 533 U.S. 262. In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and the Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1102.

The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which are governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 of the Lake Coeur d'Alene claim and the minimum outflow in the claim could be met but for operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

As recognized by the Supreme Court in *Idaho II*, the Coeur d'Alene Tribe has a well-established aboriginal connection to and use of the Coeur d'Alene Lake. The Supreme Court found that "[a] right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274. Therefore, the United States claims a priority date of time immemorial for the Lake claim. *Adair*, 723 F.2d at 1414.

5. Springs, Seeps, and Wetlands

This claim is for a sufficient amount of water to maintain wetlands, springs, and seeps on Tribal lands within the Reservation to provide for Tribally-harvested game and waterfowl habitat, Tribal plant gathering, and other Tribal traditional, cultural, spiritual, ceremonial, and/or religious uses. Attachments VI and VII are tables summarizing the wetlands and springs claims respectively. Attachment VIII provides an overview map of these claims (note that more specific maps of the wetlands and springs are attached to the claim forms). Based on the hunting and gathering culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the springs, seeps, and wetlands. *Adair*, 723 F.2d at 1414. To the extent these claims concern riparian areas along streams subject to Instream Flow claims described in section 2 above, the United States does not intend to double a claim to the same surface water. Instead, the United States is providing two

separate justifications for the same water flows that provide instream fish habitat and support riparian vegetation.

The Coeur d'Alene Tribe traditionally hunted, fished, and gathered throughout its aboriginal territory for food and fiber. The historical record shows that the continued right to hunt, fish, and gather on its reserved lands was of critical importance to the Tribe at the time the Coeur d'Alene Reservation was created. Seeps, springs, and wetlands are necessary for the habitat of the plants and animals traditionally relied upon by the Tribe for sustenance. Additionally, these areas were used by the Tribe for religious, cultural, and ceremonial purposes. The traditional uses of these areas continue to be an important part of the Coeur d'Alene Tribe's identity and culture.

C. Summary of Claim and Reservation of Rights

The following table provides an overall summary of the claims.

Type of Claim	Number of Claim Forms	Total Water Claimed
DCMI	17	7,453 acre-feet per year (AFY) plus 979 wells with use up to 13,000 gallons per day
Instream Flows	72	Monthly cubic feet per second
PIA	44	17,815 AFY
Coeur d'Alene Lake	1	Maintenance of natural Lake Elevation
Springs	24	21.6 AFY
Wetlands	195	7,102 AFY

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those water rights held in trust for the benefit of the Tribe. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Coeur d'Alene Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation. Additionally, the Tribe and the United States expressly reserve their rights to assert their sovereign regulatory authorities to allocate and manage water rights within the exterior boundaries of the Coeur d'Alene Reservation.

In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. The enclosed water right claim forms were developed at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed

to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

The water rights claim for various consumptive and non-consumptive uses may exceed the natural flow in a given stream in a particular year. The United States and Coeur d'Alene Tribe reserve the right to determine in any particular year which use(s), if any, to limit.

The United States and the Tribe reserve the right to supplement and/or amend the water rights claims filed herein.

Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,

Vanessa Boyd Willard

Vanessa Boyd Willard
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section

Summary of Federal Domestic, Commercial, Municipal, Industrial (DCMI), Pond Level Maintenance, and Fish Propagation Claims on behalf of the Coeur d'Alene Tribe
Attachment I to US Cover Letter, dated 1/30/2014

Acre-Feet (AFY)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				487.6		342.0	**829.6**
Rural (Self-Supply)						*	*
Fish Propagation		4,834.2					**4,834.2**
Industrial						633.0	**633.0**
Pond Level Maint & Fire Suppression						16.3	**16.3**
Municipal				91.6	14.1	1,034.5	**1,140.2**
Subtotal	**0.0**	**4,834.2**	**0.0**	**579.1**	**14.1**	**2,025.9**	**7,453.2** **
TOTAL (AFY)	**4,834.2**			**2,619.1**			

* 979 wells with use up to 13,000 gpd
** Plus volume of water associated with 979 rural (self-supply) wells

Flow Rate (cfs)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				2.85		2.28	**5.13**
Rural (Self-Supply)						*	*
Fish Propagation		6.68					**6.68**
Industrial						2.19	**2.19**
Pond Level Maint & Fire						0.04	**0.04**
Municipal				0.32	0.45	3.57	**4.33**
Subtotal	**0.00**	**6.68**	**0.00**	**3.16**	**0.45**	**8.08**	**18.37** **
TOTAL (cfs)	**6.68**			**11.69**			

* 979 wells with use up to 13,000 gpd
** Plus flow associated with 979 rural (self-supply) wells

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fighting Creek	101	23	23	23	23	20	16	7.9	3.7	3.1	4.7	10	18
Lake Creek	102	63	74	75	66	29	22	8.2	2.6	2	4.7	13	23
Black Creek	103	6.3	6.3	14	7	2.7	1.2	0.4	0.19	0.19	0.22	0.48	2.6
Willow Creek	104	7.4	11	14	7	7	6.8	2.1	0.89	0.9	0.83	2.9	4.8
Evans Creek	105	28	35	35	35	35	28	8.3	4	3.9	3.5	11	18
Plummer Creek	106	45	45	45	50	33	9.9	1.6	0.58	0.99	1.2	10	41
Little Plummer	107	43	43	43	6	6	5.8	0.86	0.28	0.51	0.63	5.9	24
Pedee Creek	108	8	8	16	11	4.7	1.3	0.1	0.1	0.1	0.1	1.3	5.9
Benewah Creek	109	114	140	140	63	56	26	8.3	3.6	3.2	5.1	15	50
Windfall Creek	110	12	16	20	7	6.1	2.4	0.64	0.22	0.18	0.34	1.4	5.2
Cherry Creek	111	8	8	8	5	5	2.4	0.84	0.48	0.48	0.53	0.98	5.6
Alder Creek	112	24	24	24	24	24	24	8.8	3.1	4.4	7.8	23	24
Hangman Creek	113	45	45	40	40	40	23	4.9	2.3	2	2	9.7	39
Hangman Creek (Conditional)	113	169	169	110	110	65	23	4.9	2.3	2	2	9.7	39
North Fork Coeur d'Alene River	1001	112	112	150	190	190	190	119	63	48	47	112	112
Tepee Creek	1002	136	136	184	230	230	230	103	70	56	52	136	136
Yellow Dog Creek	1003	8.5	14	17	29	29	13	6.7	2.6	2.3	3.4	8.1	7.3
Downey Creek	1004	13	13	24	25	25	25	12	3.7	3.1	5.1	10	10
North Fork Coeur d'Alene River	1005	175	175	450	275	275	275	183	158	126	137	175	175
Shoshone Creek	1006	35	35	90	70	70	70	47	54	38	38	35	35
North Fork Coeur d'Alene River	1007	246	246	355	422	422	422	281	231	178	189	246	246
Eagle Creek	1008	59	59	76	100	100	100	46	20	12	12	40	59
Prichard Creek	1009	20	20	50	125	125	125	83	42	27	29	20	20
Beaver Creek	1010	67	67	87	113	113	113	56	29	21	22	52	67
Graham Creek	1011	31	31	38	52	52	52	21	8.4	6.5	6.7	17	31
Steamboat Creek	1012	49	49	63	83	83	83	43	15	12	18	49	49
North Fork Coeur d'Alene River	1013	318	318	469	546	546	546	364	353	266	295	318	318
Little North Fork Coeur d'Alene River	1014	45	45	200	250	250	250	133	79	62	56	45	45
Little North Fork Coeur d'Alene River	1015	157	157	220	269	269	269	168	95	76	75	157	157
North Fork Coeur d'Alene River	1016	345	345	700	600	600	600	400	449	343	373	345	345
South Fork Coeur d'Alene River	2001	97	97	131	165	165	165	110	87	62	54	97	97
Placer Creek	2002	35	36	45	61	61	61	23	10	6.7	7	17	26
South Fork Coeur d'Alene River	2003	121	121	166	206	206	206	137	111	81	76	121	121
South Fork Coeur d'Alene River	2004	150	150	209	256	256	256	171	141	109	123	150	150

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pine Creek	2005	84	84	112	143	143	143	62	28	20	21	74	84
South Fork Coeur d'Alene River	2006	80	80	200	175	175	175	117	150	145	139	80	80
Coeur d'Alene River	3001	525	525	699	789	789	789	525	699	789	789	525	525
Coeur d'Alene River	3002	468	468	705	793	793	793	528	705	606	702	468	468
Carlin Creek	3003	16	16	30	14	14	7.3	3.4	2.3	2.3	2.6	4.1	14
Turner Creek	3004	13	13	15	12	5.5	3.3	1.7	0.97	0.98	1.2	1.7	5.2
Beauty Creek	3005	20	24	38	30	30	9.2	2.9	2.6	2	1.5	4.5	7.5
Cedar Creek	3006	24	30	45	45	40	10	3.6	2.8	2.4	2.5	7.6	10
Wolf Lodge Creek	3007	56	56	72	94	94	80	24	15	12	12	35	51
Mica Creek	3008	37	37	46	62	52	41	17	7.1	6.1	9.8	21	35
Cougar Creek	3009	27	27	33	46	29	23	11	4.9	4.2	6.3	13	21
Saint Joe River	4001	67	67	90	115	115	115	77	63	39	23	47	67
Heller Creek	4002	43	35	47	73	73	73	45	32	20	11	23	36
Saint Joe River	4003	130	130	185	224	224	224	149	163	104	75	130	130
Saint Joe River	4004	178	178	258	307	307	307	205	245	160	129	178	178
Fly Creek	4005	24	23	32	45	45	45	26	11	7.9	6.3	11	17
Saint Joe River	4006	183	183	266	316	316	316	210	250	164	138	183	183
Simmons Creek	4007	50	50	120	115	115	115	77	62	41	38	50	50
Gold Creek	4008	55	55	72	94	94	94	62	34	23	22	40	53
Saint Joe River	4009	133	133	350	175	175	175	116	250	200	200	133	133
Quartz Creek	4010	44	44	57	75	75	75	50	23	16	20	32	34
Saint Joe River	4011	295	295	442	510	510	510	340	442	330	315	295	295
North Fork Saint Joe River	4012	41	41	125	150	150	150	100	89	63	62	41	41
Saint Joe River	4013	282	282	466	466	466	466	310	466	432	423	282	282
Marble Creek	4014	60	60	79	102	102	102	68	42	27	20	41	60
Boulder Creek	4015	30	32	41	55	55	55	37	12	8.8	11	19	21
Marble Creek	4016	100	100	175	275	275	275	183	117	83	85	100	100
Saint Joe River	4017	396	396	606	685	685	685	456	606	519	510	396	396
Big Creek	4018	35	35	80	80	80	80	53	32	25	31	35	35
Mica Creek	4019	53	53	69	90	90	90	47	20	16	18	37	48
Trout Creek	4020	38	38	48	64	64	64	29	10	8.6	11	21	28
Saint Joe River	4021	428	428	658	741	741	741	494	658	566	582	428	428
Saint Joe River	4022	396	396	650	750	750	750	500	439	563	594	396	396
Saint Joe River	4023	491	491	762	850	850	850	566	762	657	703	491	491
Middle Fork Saint Maries River	4501	67	67	90	114	114	114	76	30	25	36	62	67

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
West Fork Saint Maries River	4502	44	44	57	75	75	52	18	13	12	10	23	44
Thorn Creek	4503	29	29	36	49	49	18	7.5	5.1	4.9	4.5	10	24
Saint Maries River	4504	150	150	350	250	250	250	167	103	91	100	150	150

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014

Legend

- Claim Watershed
- Claim Reach
- 1012 Claim Number
- Coeur d'Alene Tribe Reservation Boundary
- See Idaho v. US, 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody

USGS 8-Digit Hydrologic Unit Code

- 17010301 Upper Coeur d'Alene River
- 17010302 South Fork Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River

Idaho

Montana

Washington

Idaho

0 2 4 6 8 10
Miles

Summary of Federal Practicably Irrigable Acreage Claims on behalf of the Coeur d'Alene Tribe Attachment IV to US Cover Letter, dated 1/30/14

Source	*Total Acreage*	*Quantity (ac-ft)*	*Pond Maintenance (ac-ft)*	*Total Claim (ac-ft)*
Hangman Creek	1,355	4,127	573	4,700
Lolo Creek	165	445	104	549
Moctileme Creek	252	725	145	870
Little Hangman Creek	149	444	103	547
Rose Creek	66	186	35	222
Rock Creek	88	235	35	270
North Fork Rock Creek	403	1,129	148	1,277
Benewah Creek	103	240	0	240
St. Joe River	1,306	4,058	0	4,058
Lake Creek	758	2,178	193	2,371
Coeur d'Alene Lake	928	2,711	0	2,711
Total All Lands	5,573	16,479	1,337	17,815

Summary of Federal Lake Elevation Maintenance Claims on behalf of Coeur d'Alene Tribe Attachment V to US Cover Letter, dated 1/30/14

Month	Lake Elevation (ft, staff gage datum)	Outflow (cfs)
January	2124.2	7,470
February	2124.7	8,550
March	2125.8	11,900
April	2128.5	20,000
May	2129.6	23,000
June	2127.2	15,900
July	2122.8	4,520
August	2120.9	1,420
September	2120.4	974
October	2120.6	1,240
November	2121.9	2,920
December	2123.6	5,680

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Water Source: Stream or Creek System	Area (ac)	Annual acre-feet
AC01R102	11N	517202	5224437	ID08	44N	04W	12	SE	NE	Alder Creek	7.47	17.98
AC02R102	11N	517922	5226413	ID08	44N	03W	06	SW	NE	Alder Creek	8.83	21.25
BC01R222	11N	516401	5231099	ID08	45N	04W	24	NE	NW	Benewah Creek	11.49	26.07
BC02W322	11N	516832	5231704	ID08	45N	04W	13	SW	SE	Benewah Creek	3.53	10.16
BC03R102	11N	517064	5231756	ID08	45N	04W	13	SW	SE	Benewah Creek	2.21	5.32
BC04R222	11N	517738	5232637	ID08	45N	03W	18	SW	NE	Benewah Creek	26.53	60.20
EC01R402	11N	537348	5250738	ID08	47N	01W	19	NE	NE	Black Lake-Coeur d'Alene River	11.87	29.13
EC02R402	11N	534274	5251807	ID08	47N	02W	14	NE	SE	Black Lake-Coeur d'Alene River	18.13	44.49
LAMB03R302	11N	523313	5251211	ID08	47N	03W	23	NW	NW	Black Lake-Coeur d'Alene River	0.93	2.20
LAMB04R302	11N	523723	5251107	ID08	47N	03W	23	NE	NW	Black Lake-Coeur d'Alene River	1.92	4.55
LAMB05R102	11N	524090	5251933	ID08	47N	03W	14	NW	SE	Black Lake-Coeur d'Alene River	1.06	2.55
LAMB06R102	11N	524543	5250661	ID08	47N	03W	23	SE	NE	Black Lake-Coeur d'Alene River	4.48	10.78
CDAL01R102	11N	504573	5256881	ID08	48N	05W	35	NE	NE	Coeur d'Alene Lake	0.56	1.35
CDAL02W321	11N	504384	5256622	ID08	48N	05W	35	SE	NE	Coeur d'Alene Lake	17.7	37.59
CDAL03R102	11N	508125	5256970	ID08	48N	04W	32	NW	NW	Coeur d'Alene Lake	3.77	9.07
CDAL04R102	11N	508482	5257722	ID08	48N	04W	29	NE	SW	Coeur d'Alene Lake	6.17	14.85
CDAL05R101	11N	508482	5253605	ID08	47N	04W	07	NE	NW	Coeur d'Alene Lake	5.06	12.18
CDAL06R101	11N	511814	5253862	ID08	47N	04W	09	NE	NW	Coeur d'Alene Lake	1.01	2.43
CDAL07R102	11N	512172	5254436	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	1.88	4.53
CDAL08W422	11N	512197	5254626	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	0.72	1.33
CDAL09R102	11N	517283	5254326	ID08	47N	04W	01	NE	SE	Coeur d'Alene Lake	2.63	6.33
CDAL10R102	11N	518175	5252981	ID08	47N	03W	07	SE	SE	Coeur d'Alene Lake	8.46	20.36
CDAL11R102	11N	519644	5251353	ID08	47N	03W	17	SE	SE	Coeur d'Alene Lake	0.24	0.58
CDAL20R102	11N	519490	5250421	ID08	47N	03W	20	NW	SE	Coeur d'Alene Lake	6.81	16.39
CDAL21W501	11N	518621	5248650	ID08	47N	03W	29	NW	SW	Coeur d'Alene Lake	37.29	81.33
SQ12W102	11N	511600	5250203	ID08	47N	04W	21	SE	NW	Coeur d'Alene Lake	22.98	72.52
SQ13W102	11N	512131	5250020	ID08	47N	04W	21	SW	NE	Coeur d'Alene Lake	13.5	42.61
SQ14R302	11N	512447	5250605	ID08	47N	04W	21	NE	NE	Coeur d'Alene Lake	1.14	2.70
SQ15R302	11N	512450	5249541	ID08	47N	04W	21	NE	SE	Coeur d'Alene Lake	2	4.74
SQ16R302	11N	512947	5250328	ID08	47N	04W	22	NW	NW	Coeur d'Alene Lake	9.25	21.92

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

SQ17R302	11N	513396	5250191	ID08	47N	04W	22	SE	NW	Coeur d'Alene Lake	1.76	4.17
SQ18R102	11N	513933	5249349	ID08	47N	04W	22	SE	SE	Coeur d'Alene Lake	37.05	89.18
SQ19R302	11N	513429	5251325	ID08	47N	04W	15	NE	SW	Coeur d'Alene Lake	8.73	20.69
HHC02R302	11N	514224	5216966	ID08	44N	04W	34	SE	SE	Headwaters Hangman Creek	11.08	26.25
HHC03W101	11N	514265	5218115	ID08	44N	04W	34	NE	NE	Headwaters Hangman Creek	1.79	3.93
HHC04W101	11N	513406	5218276	ID08	44N	04W	34	NE	NW	Headwaters Hangman Creek	35.34	77.54
HHC07W102	11N	511376	5220533	ID08	44N	04W	21	NW	SW	Headwaters Hangman Creek	7.14	22.53
HHC08R102	11N	510320	5220610	ID08	44N	04W	20	NW	SE	Headwaters Hangman Creek	4.16	10.01
INDC01R102	11N	516848	5217955	ID08	44N	04W	36	SW	NE	Headwaters Hangman Creek	13.31	32.04
SHPC09R102	11N	509422	5218104	ID08	44N	04W	31	NE	NE	Headwaters Hangman Creek	15.83	38.10
SQ06R102	11N	511863	5220225	ID08	44N	04W	21	SE	SW	Headwaters Hangman Creek	14.39	34.64
LC01W102	11N	500043	5259707	ID08	48N	05W	21	SW	NW	Lake Creek	4.32	13.63
LC02W102	11N	497725	5259783	ID08	48N	06W	24	SW	NE	Lake Creek	9.96	31.43
LHMC01W101	11N	504937	5235901	ID08	45N	05W	02	NW	NW	Little Hangman Creek	18.07	39.65
LHMC02W102	11N	502434	5237067	ID08	46N	05W	33	SW	NE	Little Hangman Creek	8.95	28.25
LHMC03W102	11N	501112	5237247	ID08	46N	05W	32	SE	NE	Little Hangman Creek	17.12	54.03
LHMC04W102	11N	500366	5237872	ID08	46N	05W	29	SE	SW	Little Hangman Creek	2.59	8.17
LHMC05W101	11N	498977	5237836	ID08	46N	05W	30	SE	SW	Little Hangman Creek	1.95	4.28
LHMC06R102	11N	498071	5237052	ID08	46N	06W	36	SE	NE	Little Hangman Creek	30.03	72.28
LHMC07W102	11N	499325	5235833	ID08	45N	05W	06	NE	NE	Little Hangman Creek	6.29	19.85
LHMC08W102	11N	498767	5234538	ID08	45N	05W	07	NE	NW	Little Hangman Creek	4.92	15.53
LHMC09W102	11N	498142	5232784	ID08	45N	06W	13	NE	NE	Little Hangman Creek	4.86	15.34
LHMC10W102	11N	498653	5232058	ID08	45N	05W	18	NE	SW	Little Hangman Creek	5.3	16.73
LHMC11W102	11N	497729	5232310	ID08	45N	06W	13	SW	NE	Little Hangman Creek	4.16	13.13
HC01W102	11N	504803	5224247	ID08	44N	05W	11	SW	NW	Lolo Creek-Hangman Creek	1.79	5.65
HC02W102	11N	504274	5224117	ID08	44N	05W	10	SE	NE	Lolo Creek-Hangman Creek	12.78	40.33
HC03W102	11N	504593	5224753	ID08	44N	05W	10	NE	NE	Lolo Creek-Hangman Creek	1.37	4.32
HC04W101	11N	504506	5225370	ID08	44N	05W	03	NE	SE	Lolo Creek-Hangman Creek	6.61	14.50
HC05W102	11N	504358	5225251	ID08	44N	05W	03	SE	SE	Lolo Creek-Hangman Creek	0.67	2.11
HC06W102	11N	503805	5225028	ID08	44N	05W	03	SE	SW	Lolo Creek-Hangman Creek	2.21	6.97
HC07W102	11N	503427	5225035	ID08	44N	05W	03	SW	SW	Lolo Creek-Hangman Creek	5.42	17.11
HC08W101	11N	500755	5221200	ID08	44N	05W	20	SW	NE	Lolo Creek-Hangman Creek	3.36	7.37
HC09W101	11N	504123	5226758	ID08	45N	05W	34	SW	SE	Lolo Creek-Hangman Creek	0.36	0.79
HC10W102	11N	502384	5225544	ID08	44N	05W	04	NW	SE	Lolo Creek-Hangman Creek	6	18.94

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
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HC11W102	11N	501309	5225593	ID08	44N	05W	05	NE	SE	Lolo Creek-Hangman Creek	5.67	17.89
HC12W102	11N	500178	5226000	ID08	44N	05W	05	SW	NW	Lolo Creek-Hangman Creek	11.12	35.09
HC13W421	11N	499757	5225862	ID08	44N	05W	06	SE	NE	Lolo Creek-Hangman Creek	1.21	2.24
HC14W102	11N	497904	5226722	ID08	45N	06W	36	SE	SE	Lolo Creek-Hangman Creek	19.84	62.61
LOLO01R101	11N	508628	5229018	ID08	45N	04W	30	SE	NW	Lolo Creek-Hangman Creek	2.6	6.26
LOLO02R102	11N	507136	5228289	ID08	45N	05W	25	SW	SE	Lolo Creek-Hangman Creek	27.98	67.35
LOLO03R102	11N	505809	5228705	ID08	45N	05W	26	NW	SE	Lolo Creek-Hangman Creek	5.9	14.20
LOLO04R222	11N	508273	5229812	ID08	45N	04W	19	SW	SW	Lolo Creek-Hangman Creek	9.22	20.92
LOLO05R222	11N	508006	5229416	ID08	45N	04W	30	NW	NW	Lolo Creek-Hangman Creek	3.39	7.69
LOLO06W102	11N	506938	5229510	ID08	45N	05W	25	NE	NW	Lolo Creek-Hangman Creek	26.53	83.73
LOLO07R302	11N	504745	5228719	ID08	45N	05W	26	NW	SW	Lolo Creek-Hangman Creek	2.67	6.33
LOLO08R302	11N	504089	5228603	ID08	45N	05W	27	NW	SE	Lolo Creek-Hangman Creek	3.63	8.60
LOLO09W102	11N	503757	5227948	ID08	45N	05W	34	NE	NW	Lolo Creek-Hangman Creek	10.42	32.89
LOLO10W102	11N	502835	5227428	ID08	45N	05W	33	SE	NE	Lolo Creek-Hangman Creek	3.08	9.72
HHC05W102	11N	509605	5220280	ID08	44N	04W	20	SW	SW	Mission Creek-Hangman Creek	90.32	285.05
MC01R102	11N	504142	5216347	ID08	43N	05W	03	SW	NE	Mission Creek-Hangman Creek	5.69	13.70
MC02R302	11N	504558	5216708	ID08	43N	05W	03	NE	NE	Mission Creek-Hangman Creek	10.42	24.69
MC03R302	11N	504933	5217158	ID08	44N	05W	35	SW	SW	Mission Creek-Hangman Creek	12.36	29.29
MC04R102	11N	505031	5217573	ID08	44N	05W	35	NW	SW	Mission Creek-Hangman Creek	1.01	2.43
MC05W421	11N	506064	5221563	ID08	44N	05W	23	NE	NE	Mission Creek-Hangman Creek	6.31	11.67
MC06R222	11N	505666	5222345	ID08	44N	05W	14	NW	SE	Mission Creek-Hangman Creek	3.4	7.72
MHC01W101	11N	508804	5222237	ID08	44N	04W	18	NW	SE	Mission Creek-Hangman Creek	7.33	16.08
MHC02W102	11N	507534	5221778	ID08	44N	05W	13	SE	SE	Mission Creek-Hangman Creek	1.53	4.83
MHC03R222	11N	506623	5221926	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	1.73	3.93
MHC04R222	11N	506452	5221936	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	6.65	15.09
MHC05W102	11N	506251	5222376	ID08	44N	05W	14	NE	SE	Mission Creek-Hangman Creek	13.65	43.08
MHC06R102	11N	509332	5223631	ID08	44N	04W	07	SE	SE	Mission Creek-Hangman Creek	13.59	32.71
MHC07R102	11N	506953	5222882	ID08	44N	05W	13	SE	NW	Mission Creek-Hangman Creek	15.73	37.86
MHC08R222	11N	509774	5225950	ID08	44N	04W	05	SW	NW	Mission Creek-Hangman Creek	15.92	36.13
MHC09R102	11N	509211	5225461	ID08	44N	04W	06	NE	SE	Mission Creek-Hangman Creek	3.92	9.44
MHC10R302	11N	507287	5224255	ID08	44N	05W	12	SW	NE	Mission Creek-Hangman Creek	13.35	31.63
MHC11R302	11N	505109	5223347	ID08	44N	05W	11	SE	SW	Mission Creek-Hangman Creek	1.73	4.10
MOC01W202	11N	508981	5231642	ID08	45N	04W	18	SW	SE	Moctileme Creek	13.58	38.37
MOC02W102	11N	507852	5231705	ID08	45N	05W	13	SE	SE	Moctileme Creek	4.74	14.96

Summary of Federal Wetland and Riparian Claims
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MOC03W102	11N	507171	5231935	ID08	45N	05W	13	NW	SE	Moctileme Creek	2.02	6.38
MOC04R102	11N	507820	5232387	ID08	45N	05W	13	SE	NE	Moctileme Creek	55.36	133.25
MOC05W102	11N	506519	5232193	ID08	45N	05W	13	SW	NW	Moctileme Creek	5.56	17.55
MOC06R102	11N	507610	5235621	ID08	45N	05W	01	SE	NE	Moctileme Creek	3.96	9.53
MOC07R102	11N	507458	5235359	ID08	45N	05W	01	NW	SE	Moctileme Creek	5.78	13.91
MOC08R302	11N	506866	5235793	ID08	45N	05W	01	SE	NW	Moctileme Creek	6.96	16.49
MOC09W101	11N	505915	5233664	ID08	45N	05W	11	NE	SE	Moctileme Creek	3.67	8.05
MOC10W102	11N	505510	5232028	ID08	45N	05W	14	NW	SE	Moctileme Creek	3.45	10.89
MOC11W102	11N	504926	5232055	ID08	45N	05W	14	NW	SW	Moctileme Creek	2.26	7.13
MOC12W102	11N	503706	5230976	ID08	45N	05W	22	NE	NW	Moctileme Creek	12.52	39.51
MOC13W102	11N	503089	5232080	ID08	45N	05W	15	NW	SW	Moctileme Creek	15.21	48.00
MOC14W102	11N	502540	5231880	ID08	45N	05W	16	NW	SE	Moctileme Creek	5.18	16.35
MOC15W102	11N	502547	5232569	ID08	45N	05W	16	SW	NE	Moctileme Creek	7.98	25.18
MOC16W102	11N	502168	5232478	ID08	45N	05W	16	SE	NW	Moctileme Creek	1.38	4.36
MOC17W102	11N	502144	5231706	ID08	45N	05W	16	SE	SW	Moctileme Creek	3.57	11.27
MOC18W102	11N	500783	5230584	ID08	45N	05W	20	SW	NE	Moctileme Creek	3.2	10.10
MOC19W102	11N	499968	5231675	ID08	45N	05W	17	SW	SW	Moctileme Creek	8.42	26.57
MOC20W102	11N	498652	5230875	ID08	45N	05W	19	SE	NW	Moctileme Creek	12.93	40.81
NFRC01W102	11N	509009	5247108	ID08	47N	04W	31	NW	NE	North Fork Rock Creek	8.96	28.28
NFRC02W202	11N	509291	5247319	ID08	47N	04W	31	NE	NE	North Fork Rock Creek	5.05	14.27
NFRC03W202	11N	509088	5249749	ID08	47N	04W	19	NE	SE	North Fork Rock Creek	24.32	68.72
NFRC04W102	11N	508270	5250034	ID08	47N	04W	19	SE	NW	North Fork Rock Creek	43.58	137.54
NFRC05W421	11N	506008	5250362	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	7.39	13.67
NFRC06W101	11N	506057	5250418	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	11.96	26.24
NFRC07W102	11N	505229	5249382	ID08	47N	05W	23	SE	SW	North Fork Rock Creek	9.34	29.48
NFRC08W611	11N	504857	5250999	ID08	47N	05W	14	SW	SW	North Fork Rock Creek	55.51	113.74
NFRC09W102	11N	505534	5251212	ID08	47N	05W	14	NW	SE	North Fork Rock Creek	8.97	28.31
NFRC10W102	11N	503995	5250418	ID08	47N	05W	22	NW	NE	North Fork Rock Creek	1.96	6.19
NFRC11W102	11N	504111	5251024	ID08	47N	05W	15	SW	SE	North Fork Rock Creek	5.73	18.08
NFRC12W201	11N	503863	5251607	ID08	47N	05W	15	SW	NE	North Fork Rock Creek	42.3	91.69
NFRC13W101	11N	503683	5252170	ID08	47N	05W	15	NE	NW	North Fork Rock Creek	39.24	86.10
NFRC14W201	11N	503090	5252122	ID08	47N	05W	15	NW	NW	North Fork Rock Creek	10.94	23.71
NFRC15W101	11N	502860	5252276	ID08	47N	05W	16	NE	NE	North Fork Rock Creek	9.16	20.10
NFRC16W421	11N	502468	5252198	ID08	47N	05W	16	NW	NE	North Fork Rock Creek	7.23	13.38

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NFRC17W102	11N	502241	5253207	ID08	47N	05W	09	SE	NW	North Fork Rock Creek	3.75	11.83
NFRC18W102	11N	502725	5252973	ID08	47N	05W	09	NE	SE	North Fork Rock Creek	5.43	17.14
NFRC19W101	11N	502229	5252686	ID08	47N	05W	09	SE	SW	North Fork Rock Creek	40.11	88.01
NFRC20W202	11N	502473	5253597	ID08	47N	05W	09	NW	NE	North Fork Rock Creek	4.6	13.00
NFRC21W202	11N	503014	5253206	ID08	47N	05W	09	SE	NE	North Fork Rock Creek	3.75	10.60
NFRC22W102	11N	502162	5252974	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	1.05	3.31
NFRC23W421	11N	501874	5253024	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	2.64	4.88
NFRC24W201	11N	501506	5252689	ID08	47N	05W	09	NW	SW	North Fork Rock Creek	33.84	73.35
NFRC25W201	11N	501090	5252553	ID08	47N	05W	08	SE	SE	North Fork Rock Creek	6.78	14.70
NFRC26W201	11N	500707	5252392	ID08	47N	05W	08	SW	SE	North Fork Rock Creek	10.26	22.24
NFRC27W201	11N	500117	5252363	ID08	47N	05W	08	SW	SW	North Fork Rock Creek	17.65	38.26
NFRC28R102	11N	499635	5252384	ID08	47N	05W	07	SE	SE	North Fork Rock Creek	1.77	4.26
NFRC29R102	11N	498453	5252554	ID08	47N	05W	07	SW	SW	North Fork Rock Creek	1.57	3.78
NFRC30W101	11N	499983	5255325	ID08	47N	05W	05	NW	NW	North Fork Rock Creek	5.19	11.39
NFRC31W101	11N	499671	5255415	ID08	47N	05W	06	NE	NE	North Fork Rock Creek	4.89	10.73
NFRC32W101	11N	499239	5255374	ID08	47N	05W	06	NW	NE	North Fork Rock Creek	1.12	2.46
NFRC33W102	11N	499217	5255013	ID08	47N	05W	06	SW	NE	North Fork Rock Creek	10.3	32.51
STJR01W101	11N	529077	5243132	ID08	46N	02W	08	SW	SE	Pedee Creek-St Joe River	35.96	78.90
STJR02W101	11N	528031	5243122	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	59.72	131.03
STJR03W421	11N	528827	5242738	ID08	46N	02W	17	NE	NW	Pedee Creek-St Joe River	1.77	3.27
STJR04W101	11N	528433	5242406	ID08	46N	02W	17	SW	NW	Pedee Creek-St Joe River	53.89	118.24
STJR05W411	11N	527055	5242832	ID08	46N	02W	18	NE	NW	Pedee Creek-St Joe River	1060.4	1566.98
STJR06W101	11N	527919	5241920	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	0.51	1.12
STJR07W101	11N	528002	5242006	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	1.38	3.03
STJR08W101	11N	528044	5243473	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	29.95	65.71
STJR09W101	11N	526432	5243608	ID08	46N	02W	07	NW	SW	Pedee Creek-St Joe River	43.75	95.99
STJR10W101	11N	526414	5242344	ID08	46N	02W	18	SW	NW	Pedee Creek-St Joe River	0.72	1.58
STJR11W101	11N	526325	5242264	ID08	46N	03W	13	NE	SE	Pedee Creek-St Joe River	0.53	1.16
STJR12W101	11N	525210	5245205	ID08	46N	03W	01	NE	SW	Pedee Creek-St Joe River	185.44	406.88
STJR13W101	11N	525454	5243627	ID08	46N	03W	12	NE	SW	Pedee Creek-St Joe River	8.27	18.15
STJR14W411	11N	525261	5244949	ID08	46N	03W	01	SE	SW	Pedee Creek-St Joe River	20.42	30.17
STJR15R102	11N	524181	5245547	ID08	46N	03W	02	SW	NE	Pedee Creek-St Joe River	9.57	23.04
STJR16R102	11N	520556	5246104	ID08	46N	03W	04	NE	NW	Pedee Creek-St Joe River	0.81	1.95
PC01W102	11N	507796	5238549	ID08	46N	05W	25	NE	SE	Plummer Creek	4.53	14.30

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

PC02W622	11N	507997	5239946	ID08	46N	04W	19	NW	SW	Plummer Creek	30.79	88.61
PC03W622	11N	508111	5240888	ID08	46N	04W	19	NW	NW	Plummer Creek	7.04	20.26
PC04W102	11N	507976	5243041	ID08	46N	04W	07	SW	SW	Plummer Creek	3.66	11.55
PC05W102	11N	508301	5242820	ID08	46N	04W	07	SE	SW	Plummer Creek	2.52	7.95
PC06W102	11N	508532	5242846	ID08	46N	04W	07	SE	SW	Plummer Creek	2.45	7.73
PC07R102	11N	509673	5242992	ID08	46N	04W	08	SW	SW	Plummer Creek	1.83	4.40
PC08W422	11N	509653	5242941	ID08	46N	04W	08	SW	SW	Plummer Creek	5.31	9.82
PC09R102	11N	510833	5243623	ID08	46N	04W	08	SE	NE	Plummer Creek	7.41	17.84
ROCK01W101	11N	502125	5250720	ID08	47N	05W	16	SE	SW	Rose Creek	13.55	29.73
ROCK02R222	11N	501593	5250930	ID08	47N	05W	16	SW	SW	Rose Creek	0.65	1.48
ROCK03W102	11N	500999	5250752	ID08	47N	05W	17	SW	SE	Rose Creek	13.97	44.09
ROCK04R102	11N	500414	5250685	ID08	47N	05W	17	SE	SW	Rose Creek	1.45	3.49
ROCK05W101	11N	501119	5246409	ID08	47N	05W	32	NE	SE	Rose Creek	9.96	21.85
ROCK06W101	11N	500608	5246757	ID08	47N	05W	32	SE	NW	Rose Creek	3.75	8.23
ROCK07W101	11N	500922	5247007	ID08	47N	05W	32	SW	NE	Rose Creek	12.66	27.78
ROCK08W102	11N	500562	5247336	ID08	47N	05W	32	NE	NW	Rose Creek	1.75	5.52
ROCK09W101	11N	500431	5247778	ID08	47N	05W	29	SE	SW	Rose Creek	1.27	2.79
ROCK10W102	11N	499910	5249698	ID08	47N	05W	20	NW	SW	Rose Creek	0.91	2.87
ROCK11W102	11N	500071	5249752	ID08	47N	05W	20	NW	SW	Rose Creek	5.18	16.35
ROCK12R102	11N	499005	5250885	ID08	47N	05W	18	SE	SW	Rose Creek	8.63	20.77
ROSE13R102	11N	502731	5244407	ID08	46N	05W	04	SE	SE	Rose Creek	27.48	66.15
ROSE14R102	11N	501924	5245149	ID08	46N	05W	04	SE	NW	Rose Creek	7.49	18.03
ROSE15R302	11N	500424	5245638	ID08	46N	05W	05	NW	NW	Rose Creek	12.32	29.19
ROSE16R302	11N	499497	5246208	ID08	47N	05W	31	SE	SE	Rose Creek	8.72	20.66
ROSE17R302	11N	498141	5246597	ID08	47N	06W	36	NE	SE	Rose Creek	1.11	2.63
ROSE18W102	11N	497511	5247033	ID08	47N	06W	36	SW	NE	Rose Creek	21.44	67.66
URC01W101	11N	500230	5243875	ID08	46N	05W	08	NW	NW	Upper Rock Creek	1.24	2.72
URC02W102	11N	498710	5243937	ID08	46N	05W	07	NE	NW	Upper Rock Creek	1.79	5.65
URC03W102	11N	497716	5244189	ID08	46N	06W	12	NW	NE	Upper Rock Creek	3.74	11.80

Summary of Federal Springs and Seeps Claims
on behalf of Coeur d'Alene Tribe
Attachment VII to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Tribal Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Elev (ft)	Area (ac)	Annual (AF)
FS4	11N	526244	5245873	ID08	46N	03W	01	SE	NE	2524	0.0024	0.0047
HP8	11N	513627	5251288	ID08	47N	04W	15	NW	SE	2736	0.2676	0.4996
HP28A	11N	523687	5250914	ID08	47N	03W	23	NE	NW	2709	0.0793	0.2031
HP68	11N	502811	5233793	ID08	45N	05W	09	SE	NE	2790	0.0172	0.0316
IP13	11N	500806	5252305	ID08	47N	05W	08	SW	SE	2540	0.149	0.2864
IP14	11N	503395	5251606	ID08	47N	05W	15	SW	NW	2609	0.3473	0.7167
IP39	11N	524689	5250818	ID08	47N	03W	23	SE	NE	2729	0.3782	0.6955
IP97	11N	509455	5219179	ID08	44N	04W	30	NE	SE	2580	0.0525	0.0966
IP98	11N	509383	5219266	ID08	44N	04W	30	NE	SE	2583	0.0739	0.1359
IP98A	11N	509312	5219255	ID08	44N	04W	30	NE	SE	2584	0.0644	0.1183
IP99	11N	509951	5218765	ID08	44N	04W	29	SE	SW	2572	0.1075	0.2052
IP128	11N	500781	5225812	ID08	44N	05W	05	SW	NE	2530	0.6456	1.2214
IP128A	11N	500860	5225784	ID08	44N	05W	05	SW	NE	2509	1.0978	2.8278
IP129	11N	524669	5251733	ID08	47N	03W	14	NE	SE	2769	0.0669	0.1464
NS20	11N	529427	5243072	ID08	46N	02W	17	NE	NE	2145	0.1686	0.5443
NS34/NS35	11N	510362	5220518	ID08	44N	04W	20	NW	SE	2626	1.2845	4.1636
NS39	11N	507719	5237952	ID08	46N	05W	25	SE	SE	2951	0.8175	2.1486
P3	11N	501968	5221703	ID08	44N	05W	21	NE	NW	2714	0.0138	0.0374
S1/S2	11N	529430	5243033	ID08	46N	02W	17	NE	NE	2170	0.1502	0.4851
SP17	11N	524059	5250514	ID08	47N	03W	23	SE	NE	2726	0.8198	1.5076
SP40	11N	497988	5232793	ID08	45N	06W	13	NE	NE	2527	1.1668	2.1988
SP43	11N	500600	5225956	ID08	44N	05W	05	SE	NW	2531	0.3958	0.7553
Jan01	11N	509144	5249715	ID08	47N	04W	19	NE	SE	2694	0.0055	0.0116
Jan02	11N	505848	5249125	ID08	47N	05W	23	SE	SE	2717	1.0000	2.5120

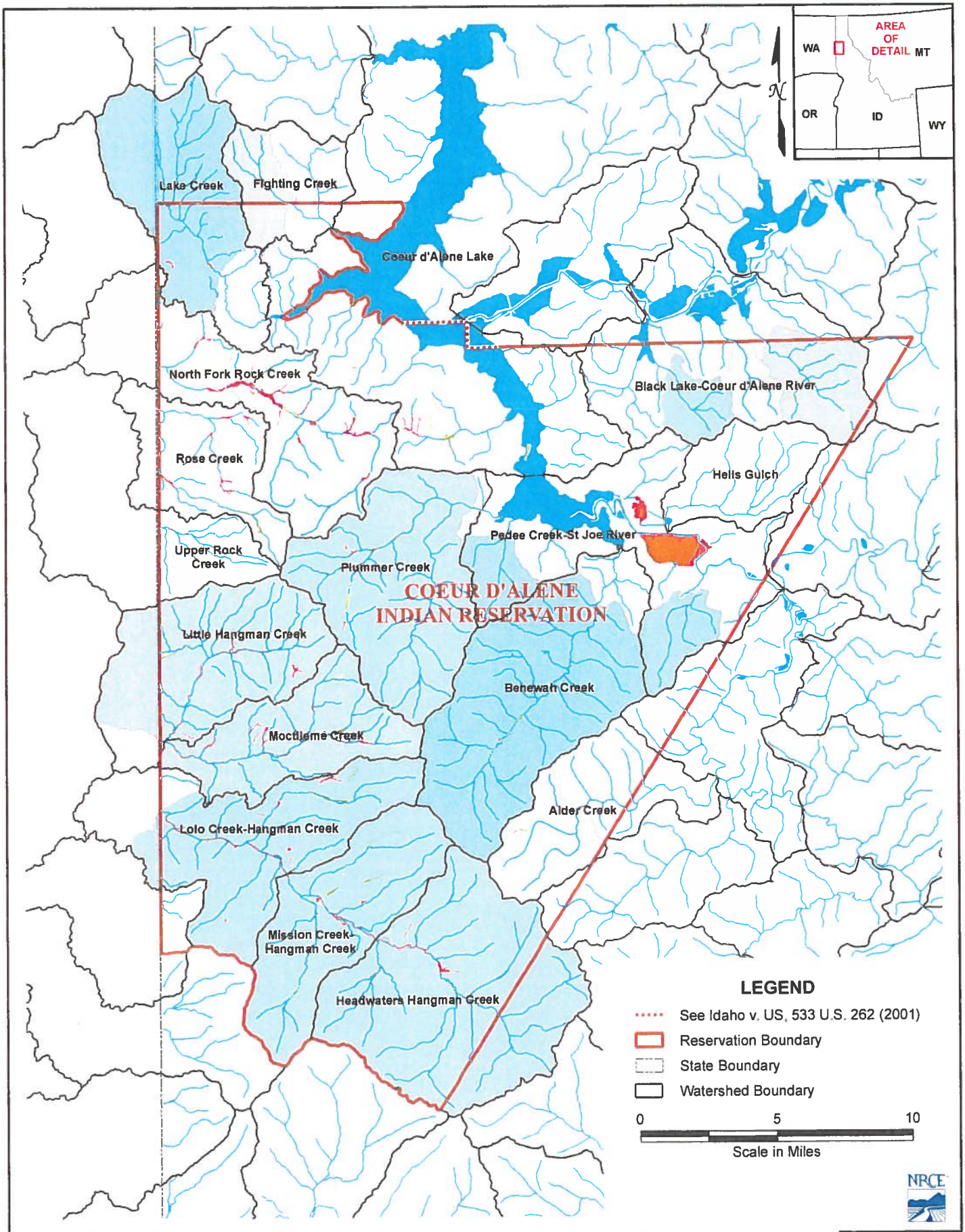

Figure 1: Coeur d'Alene Wetlands Overview Map

Overview Springs and Wetlands Map
Attachment VIII
US Cover Letter, dated 1/30/14

January 2014

U.S. Department of Justice

Environment and Natural Resources Division

SCA:VBWillard

Denver Field Office
999 18th Street
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Facsimile (303) 844-1350

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

Via Federal Express

January 30, 2014

Gary Spackman, Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Coeur d'Alene Indian Tribe*

In re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System, Case No. 49576

Dear Mr. Spackman,

Pursuant to the *Scheduling Order Governing the Filing of Federal and Tribal Claims*, dated March 5, 2009, together with the subsequent *Orders* granting the United States until January 31, 2014 to file claims on behalf of Indian Tribes, the United States hereby submits and files the enclosed Notices of Claims ("Tribal Claims"). These Tribal Claims are filed by the United States Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of the Coeur d'Alene Indian Tribe.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny as well as aboriginal occupation and use of lands and waters as recognized in *United States v. Winans*, 198 U.S. 371 (1905) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. *See* Idaho Code § 42-1409(1).

There are a total of 353 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. Please note that Attachments I – VIII are attached to this summary for the reasons explained below. Accordingly, this entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I – VIII to the Letter Summary; and 3) 353 separate Notices of Claims.

A. Coeur d'Alene Tribe and Reservation

Prior to the creation of the Coeur d'Alene Reservation, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho v. United States*, 533 U.S. 262, 265 (2001) (*Idaho II*). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

The legal basis for these water rights claims stems from the doctrine of federal reserved water rights as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027. As a result of Agreements with the Tribe, on November 8, 1873, the United States established the Coeur d'Alene Indian Reservation by an Executive Order signed by President Grant.

The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho II*, 533 U.S. at 262, the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

B. Categories of Claims

The United States claims water rights for waters from groundwater and surface water sources for the present and future needs of the Coeur d'Alene Reservation in a variety of categories to serve the overall purpose of establishing the Reservation as a permanent homeland for the Coeur d'Alene people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963) ("*Arizona I*"). The various categories of claims include the following: DCMI (domestic, commercial, municipal and industrial); instream flows for fish habitat; irrigated agriculture; Coeur d'Alene Lake; and springs and wetlands for the benefit of harvested wildlife and plant habitat. To the extent not addressed above, other uses of water on trust and tribal fee lands on the Reservation include, but are not limited to: fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater; aesthetics; and recreation. Water for these uses is encompassed within the five categories of claims outlined below.

1. DCMI

The DCMI claim includes water to satisfy present and future domestic, commercial, municipal, and industrial needs of the Reservation. This includes both existing and future

components. Regarding existing uses, the claim outlines five existing projects currently utilizing groundwater for DCMI purposes including operation of a casino, hotel, golf course and other general DCMI uses. Claims for future DCMI uses are outlined in 12 proposed projects, such as municipal water delivery, to provide the DCMI water rights necessary to make the Reservation a permanent homeland with economic self-sufficiency. Please note that the future fish hatchery claim is largely non-consumptive due to the majority of flows returning to Coeur d'Alene Lake. The table provided at Attachment I summarizes the DCMI claim. The United States claims a priority date of time immemorial for certain DCMI uses, or in the alternative, November 8, 1873, for other DCMI uses. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983). November 8, 1873 is the date on which President Grant signed the Executive Order establishing the Coeur d'Alene Indian Reservation.

2. Instream Flows for Fish Habitat

This claim includes water to maintain instream flows for fish species the Tribe harvests within the Reservation. Monthly fish habitat flow claims are submitted for a total of 72 stream reaches for the purposes of providing fish habitat and long-term maintenance of that habitat. Attachment II is a table providing an overall summary of the monthly instream flow claims for each named stream reach. Attachment III provides an oversized map of the instream flow claims (note that this same map is attached in 8.5x11 size to each instream flow claim form). Please note that there are two claims for instream flows in Hangman Creek. The second Hangman Creek Claim (Fed ID No. 113.2) is conditional and will only apply in the event that anadromous fish passage is restored in the future.

The "resident fishery was a main staple of the Tribe's diet" at the time the Coeur d'Alene Reservation was created. *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1100. The Tribe's traditional reliance on fish and other food and fiber acquired near and in waterways was so great at the time the Coeur d'Alene Reservation was created, the district court found that without it "the Tribe could not have survived." *Id.* at 1104. Further the historical record indicates that the United States was plainly aware of the Tribe's dependence on this resource. *Id.* at 1103-04. The Tribe continues to rely on this resource to this day. Based on the fishing culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the instream flow claims. *Adair*, 723 F.2d at 1414; *Idaho II*, 533 U.S. at 265.

3. Irrigated Agriculture

This claim includes water to irrigate the Tribe's practicably irrigable acreage ("PIA") within the Reservation. *Arizona I*, 373 U.S. at 600-601. The United States claims a total of 17,815 acre feet of water to irrigate a total of 5,573 acres in various projects located near creeks within the Reservation as well as an irrigation claim from Coeur d'Alene Lake. The PIA projects are summarized in Attachment IV hereto. The priority date claimed for irrigated agriculture is November 8, 1873.

4. Lake Elevation Maintenance in Lake Coeur d'Alene

The United States claims a sufficient flow into Lake Coeur d'Alene to maintain the natural monthly Lake elevations and outflows, summarized in Attachment V. Maintaining the natural Lake elevations fulfills the homeland purpose of the Reservation by providing for uses including, but not limited to, the following: food; fiber; transportation; recreation; religious, cultural and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics. This myriad of tribal uses of the Lake is consistent with the Supreme Court's holding that the United States reserved in trust for the benefit of the Tribe the submerged lands of the southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. *Idaho II*, 533 U.S. 262. In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and the Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1102.

The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which are governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 of the Lake Coeur d'Alene claim and the minimum outflow in the claim could be met but for operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

As recognized by the Supreme Court in *Idaho II*, the Coeur d'Alene Tribe has a well-established aboriginal connection to and use of the Coeur d'Alene Lake. The Supreme Court found that "[a] right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274. Therefore, the United States claims a priority date of time immemorial for the Lake claim. *Adair*, 723 F.2d at 1414.

5. Springs, Seeps, and Wetlands

This claim is for a sufficient amount of water to maintain wetlands, springs, and seeps on Tribal lands within the Reservation to provide for Tribally-harvested game and waterfowl habitat, Tribal plant gathering, and other Tribal traditional, cultural, spiritual, ceremonial, and/or religious uses. Attachments VI and VII are tables summarizing the wetlands and springs claims respectively. Attachment VIII provides an overview map of these claims (note that more specific maps of the wetlands and springs are attached to the claim forms). Based on the hunting and gathering culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the springs, seeps, and wetlands. *Adair*, 723 F.2d at 1414. To the extent these claims concern riparian areas along streams subject to Instream Flow claims described in section 2 above, the United States does not intend to double a claim to the same surface water. Instead, the United States is providing two

separate justifications for the same water flows that provide instream fish habitat and support riparian vegetation.

The Coeur d'Alene Tribe traditionally hunted, fished, and gathered throughout its aboriginal territory for food and fiber. The historical record shows that the continued right to hunt, fish, and gather on its reserved lands was of critical importance to the Tribe at the time the Coeur d'Alene Reservation was created. Seeps, springs, and wetlands are necessary for the habitat of the plants and animals traditionally relied upon by the Tribe for sustenance. Additionally, these areas were used by the Tribe for religious, cultural, and ceremonial purposes. The traditional uses of these areas continue to be an important part of the Coeur d'Alene Tribe's identity and culture.

C. Summary of Claim and Reservation of Rights

The following table provides an overall summary of the claims.

Type of Claim	Number of Claim Forms	Total Water Claimed
DCMI	17	7,453 acre-feet per year (AFY) plus 979 wells with use up to 13,000 gallons per day
Instream Flows	72	Monthly cubic feet per second
PIA	44	17,815 AFY
Coeur d'Alene Lake	1	Maintenance of natural Lake Elevation
Springs	24	21.6 AFY
Wetlands	195	7,102 AFY

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those water rights held in trust for the benefit of the Tribe. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Coeur d'Alene Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation. Additionally, the Tribe and the United States expressly reserve their rights to assert their sovereign regulatory authorities to allocate and manage water rights within the exterior boundaries of the Coeur d'Alene Reservation.

In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. The enclosed water right claim forms were developed at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed

to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

The water rights claim for various consumptive and non-consumptive uses may exceed the natural flow in a given stream in a particular year. The United States and Coeur d'Alene Tribe reserve the right to determine in any particular year which use(s), if any, to limit.

The United States and the Tribe reserve the right to supplement and/or amend the water rights claims filed herein.

Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,

Vanessa Boyd Willard

Vanessa Boyd Willard
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section

Summary of Federal Domestic, Commercial, Municipal, Industrial (DCMI), Pond Level Maintenance, and Fish Propagation Claims on behalf of the Coeur d'Alene Tribe
Attachment I to US Cover Letter, dated 1/30/2014

Acre-Feet (AFY)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				487.6		342.0	**829.6**
Rural (Self-Supply)						*	*
Fish Propagation		4,834.2					**4,834.2**
Industrial						633.0	**633.0**
Pond Level Maint & Fire Suppression						16.3	**16.3**
Municipal				91.6	14.1	1,034.5	**1,140.2**
Subtotal	**0.0**	**4,834.2**	**0.0**	**579.1**	**14.1**	**2,025.9**	**7,453.2** **
TOTAL (AFY)	**4,834.2**			**2,619.1**			

* 979 wells with use up to 13,000 gpd
** Plus volume of water associated with 979 rural (self-supply) wells

Flow Rate (cfs)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				2.85		2.28	**5.13**
Rural (Self-Supply)						*	*
Fish Propagation		6.68					**6.68**
Industrial						2.19	**2.19**
Pond Level Maint & Fire						0.04	**0.04**
Municipal				0.32	0.45	3.57	**4.33**
Subtotal	**0.00**	**6.68**	**0.00**	**3.16**	**0.45**	**8.08**	**18.37** **
TOTAL (cfs)	**6.68**			**11.69**			

* 979 wells with use up to 13,000 gpd
** Plus flow associated with 979 rural (self-supply) wells

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fighting Creek	101	23	23	23	23	20	16	7.9	3.7	3.1	4.7	10	18
Lake Creek	102	63	74	75	66	29	22	8.2	2.6	2	4.7	13	23
Black Creek	103	6.3	6.3	14	7	2.7	1.2	0.4	0.19	0.19	0.22	0.48	2.6
Willow Creek	104	7.4	11	14	7	7	6.8	2.1	0.89	0.9	0.83	2.9	4.8
Evans Creek	105	28	35	35	35	35	28	8.3	4	3.9	3.5	11	18
Plummer Creek	106	45	45	45	50	33	9.9	1.6	0.58	0.99	1.2	10	41
Little Plummer	107	43	43	43	6	6	5.8	0.86	0.28	0.51	0.63	5.9	24
Pedee Creek	108	8	8	16	11	4.7	1.3	0.1	0.1	0.1	0.1	1.3	5.9
Benewah Creek	109	114	140	140	63	56	26	8.3	3.6	3.2	5.1	15	50
Windfall Creek	110	12	16	20	7	6.1	2.4	0.64	0.22	0.18	0.34	1.4	5.2
Cherry Creek	111	8	8	8	5	5	2.4	0.84	0.48	0.48	0.53	0.98	5.6
Alder Creek	112	24	24	24	24	24	24	8.8	3.1	4.4	7.8	23	24
Hangman Creek	113	45	45	40	40	40	23	4.9	2.3	2	2	9.7	39
Hangman Creek (Conditional)	113	169	169	110	110	65	23	4.9	2.3	2	2	9.7	39
North Fork Coeur d'Alene River	1001	112	112	150	190	190	190	119	63	48	47	112	112
Tepee Creek	1002	136	136	184	230	230	230	103	70	56	52	136	136
Yellow Dog Creek	1003	8.5	14	17	29	29	13	6.7	2.6	2.3	3.4	8.1	7.3
Downey Creek	1004	13	13	24	25	25	25	12	3.7	3.1	5.1	10	10
North Fork Coeur d'Alene River	1005	175	175	450	275	275	275	183	158	126	137	175	175
Shoshone Creek	1006	35	35	90	70	70	70	47	54	38	38	35	35
North Fork Coeur d'Alene River	1007	246	246	355	422	422	422	281	231	178	189	246	246
Eagle Creek	1008	59	59	76	100	100	100	46	20	12	12	40	59
Prichard Creek	1009	20	20	50	125	125	125	83	42	27	29	20	20
Beaver Creek	1010	67	67	87	113	113	113	56	29	21	22	52	67
Graham Creek	1011	31	31	38	52	52	52	21	8.4	6.5	6.7	17	31
Steamboat Creek	1012	49	49	63	83	83	83	43	15	12	18	49	49
North Fork Coeur d'Alene River	1013	318	318	469	546	546	546	364	353	266	295	318	318
Little North Fork Coeur d'Alene River	1014	45	45	200	250	250	250	133	79	62	56	45	45
Little North Fork Coeur d'Alene River	1015	157	157	220	269	269	269	168	95	76	75	157	157
North Fork Coeur d'Alene River	1016	345	345	700	600	600	600	400	449	343	373	345	345
South Fork Coeur d'Alene River	2001	97	97	131	165	165	165	110	87	62	54	97	97
Placer Creek	2002	35	36	45	61	61	61	23	10	6.7	7	17	26
South Fork Coeur d'Alene River	2003	121	121	166	206	206	206	137	111	81	76	121	121
South Fork Coeur d'Alene River	2004	150	150	209	256	256	256	171	141	109	123	150	150

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pine Creek	2005	84	84	112	143	143	143	62	28	20	21	74	84
South Fork Coeur d'Alene River	2006	80	80	200	175	175	175	117	150	145	139	80	80
Coeur d'Alene River	3001	525	525	699	789	789	789	525	699	789	789	525	525
Coeur d'Alene River	3002	468	468	705	793	793	793	528	705	606	702	468	468
Carlin Creek	3003	16	16	30	14	14	7.3	3.4	2.3	2.3	2.6	4.1	14
Turner Creek	3004	13	13	15	12	5.5	3.3	1.7	0.97	0.98	1.2	1.7	5.2
Beauty Creek	3005	20	24	38	30	30	9.2	2.9	2.6	2	1.5	4.5	7.5
Cedar Creek	3006	24	30	45	45	40	10	3.6	2.8	2.4	2.5	7.6	10
Wolf Lodge Creek	3007	56	56	72	94	94	80	24	15	12	12	35	51
Mica Creek	3008	37	37	46	62	52	41	17	7.1	6.1	9.8	21	35
Cougar Creek	3009	27	27	33	46	29	23	11	4.9	4.2	6.3	13	21
Saint Joe River	4001	67	67	90	115	115	115	77	63	39	23	47	67
Heller Creek	4002	43	35	47	73	73	73	45	32	20	11	23	36
Saint Joe River	4003	130	130	185	224	224	224	149	163	104	75	130	130
Saint Joe River	4004	178	178	258	307	307	307	205	245	160	129	178	178
Fly Creek	4005	24	23	32	45	45	45	26	11	7.9	6.3	11	17
Saint Joe River	4006	183	183	266	316	316	316	210	250	164	138	183	183
Simmons Creek	4007	50	50	120	115	115	115	77	62	41	38	50	50
Gold Creek	4008	55	55	72	94	94	94	62	34	23	22	40	53
Saint Joe River	4009	133	133	350	175	175	175	116	250	200	200	133	133
Quartz Creek	4010	44	44	57	75	75	75	50	23	16	20	32	34
Saint Joe River	4011	295	295	442	510	510	510	340	442	330	315	295	295
North Fork Saint Joe River	4012	41	41	125	150	150	150	100	89	63	62	41	41
Saint Joe River	4013	282	282	466	466	466	466	310	466	432	423	282	282
Marble Creek	4014	60	60	79	102	102	102	68	42	27	20	41	60
Boulder Creek	4015	30	32	41	55	55	55	37	12	8.8	11	19	21
Marble Creek	4016	100	100	175	275	275	275	183	117	83	85	100	100
Saint Joe River	4017	396	396	606	685	685	685	456	606	519	510	396	396
Big Creek	4018	35	35	80	80	80	80	53	32	25	31	35	35
Mica Creek	4019	53	53	69	90	90	90	47	20	16	18	37	48
Trout Creek	4020	38	38	48	64	64	64	29	10	8.6	11	21	28
Saint Joe River	4021	428	428	658	741	741	741	494	658	566	582	428	428
Saint Joe River	4022	396	396	650	750	750	750	500	439	563	594	396	396
Saint Joe River	4023	491	491	762	850	850	850	566	762	657	703	491	491
Middle Fork Saint Maries River	4501	67	67	90	114	114	114	76	30	25	36	62	67

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
West Fork Saint Maries River	4502	44	44	57	75	75	52	18	13	12	10	23	44
Thorn Creek	4503	29	29	36	49	49	18	7.5	5.1	4.9	4.5	10	24
Saint Maries River	4504	150	150	350	250	250	250	167	103	91	100	150	150

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014

Legend

- Claim Watershed
- Claim Reach
- 1012 Claim Number
- Coeur d'Alene Tribe Reservation Boundary
- See Idaho v. US, 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody

USGS 8-Digit Hydrologic Unit Code

- 17010301 Upper Coeur d'Alene River
- 17010302 South Fork Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River

Idaho

Montana

Washington

Idaho

0 2 4 6 8 10
Miles

Summary of Federal Practicably Irrigable Acreage Claims on behalf of the Coeur d'Alene Tribe Attachment IV to US Cover Letter, dated 1/30/14

Source	*Total Acreage*	*Quantity (ac-ft)*	*Pond Maintenance (ac-ft)*	*Total Claim (ac-ft)*
Hangman Creek	1,355	4,127	573	4,700
Lolo Creek	165	445	104	549
Moctileme Creek	252	725	145	870
Little Hangman Creek	149	444	103	547
Rose Creek	66	186	35	222
Rock Creek	88	235	35	270
North Fork Rock Creek	403	1,129	148	1,277
Benewah Creek	103	240	0	240
St. Joe River	1,306	4,058	0	4,058
Lake Creek	758	2,178	193	2,371
Coeur d'Alene Lake	928	2,711	0	2,711
Total All Lands	5,573	16,479	1,337	17,815

Summary of Federal Lake Elevation Maintenance Claims on behalf of Coeur d'Alene Tribe Attachment V to US Cover Letter, dated 1/30/14

Month	Lake Elevation (ft, staff gage datum)	Outflow (cfs)
January	2124.2	7,470
February	2124.7	8,550
March	2125.8	11,900
April	2128.5	20,000
May	2129.6	23,000
June	2127.2	15,900
July	2122.8	4,520
August	2120.9	1,420
September	2120.4	974
October	2120.6	1,240
November	2121.9	2,920
December	2123.6	5,680

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Water Source: Stream or Creek System	Area (ac)	Annual acre-feet
AC01R102	11N	517202	5224437	ID08	44N	04W	12	SE	NE	Alder Creek	7.47	17.98
AC02R102	11N	517922	5226413	ID08	44N	03W	06	SW	NE	Alder Creek	8.83	21.25
BC01R222	11N	516401	5231099	ID08	45N	04W	24	NE	NW	Benewah Creek	11.49	26.07
BC02W322	11N	516832	5231704	ID08	45N	04W	13	SW	SE	Benewah Creek	3.53	10.16
BC03R102	11N	517064	5231756	ID08	45N	04W	13	SW	SE	Benewah Creek	2.21	5.32
BC04R222	11N	517738	5232637	ID08	45N	03W	18	SW	NE	Benewah Creek	26.53	60.20
EC01R402	11N	537348	5250738	ID08	47N	01W	19	NE	NE	Black Lake-Coeur d'Alene River	11.87	29.13
EC02R402	11N	534274	5251807	ID08	47N	02W	14	NE	SE	Black Lake-Coeur d'Alene River	18.13	44.49
LAMB03R302	11N	523313	5251211	ID08	47N	03W	23	NW	NW	Black Lake-Coeur d'Alene River	0.93	2.20
LAMB04R302	11N	523723	5251107	ID08	47N	03W	23	NE	NW	Black Lake-Coeur d'Alene River	1.92	4.55
LAMB05R102	11N	524090	5251933	ID08	47N	03W	14	NW	SE	Black Lake-Coeur d'Alene River	1.06	2.55
LAMB06R102	11N	524543	5250661	ID08	47N	03W	23	SE	NE	Black Lake-Coeur d'Alene River	4.48	10.78
CDAL01R102	11N	504573	5256881	ID08	48N	05W	35	NE	NE	Coeur d'Alene Lake	0.56	1.35
CDAL02W321	11N	504384	5256622	ID08	48N	05W	35	SE	NE	Coeur d'Alene Lake	17.7	37.59
CDAL03R102	11N	508125	5256970	ID08	48N	04W	32	NW	NW	Coeur d'Alene Lake	3.77	9.07
CDAL04R102	11N	508482	5257722	ID08	48N	04W	29	NE	SW	Coeur d'Alene Lake	6.17	14.85
CDAL05R101	11N	508482	5253605	ID08	47N	04W	07	NE	NW	Coeur d'Alene Lake	5.06	12.18
CDAL06R101	11N	511814	5253862	ID08	47N	04W	09	NE	NW	Coeur d'Alene Lake	1.01	2.43
CDAL07R102	11N	512172	5254436	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	1.88	4.53
CDAL08W422	11N	512197	5254626	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	0.72	1.33
CDAL09R102	11N	517283	5254326	ID08	47N	04W	01	NE	SE	Coeur d'Alene Lake	2.63	6.33
CDAL10R102	11N	518175	5252981	ID08	47N	03W	07	SE	SE	Coeur d'Alene Lake	8.46	20.36
CDAL11R102	11N	519644	5251353	ID08	47N	03W	17	SE	SE	Coeur d'Alene Lake	0.24	0.58
CDAL20R102	11N	519490	5250421	ID08	47N	03W	20	NW	SE	Coeur d'Alene Lake	6.81	16.39
CDAL21W501	11N	518621	5248650	ID08	47N	03W	29	NW	SW	Coeur d'Alene Lake	37.29	81.33
SQ12W102	11N	511600	5250203	ID08	47N	04W	21	SE	NW	Coeur d'Alene Lake	22.98	72.52
SQ13W102	11N	512131	5250020	ID08	47N	04W	21	SW	NE	Coeur d'Alene Lake	13.5	42.61
SQ14R302	11N	512447	5250605	ID08	47N	04W	21	NE	NE	Coeur d'Alene Lake	1.14	2.70
SQ15R302	11N	512450	5249541	ID08	47N	04W	21	NE	SE	Coeur d'Alene Lake	2	4.74
SQ16R302	11N	512947	5250328	ID08	47N	04W	22	NW	NW	Coeur d'Alene Lake	9.25	21.92

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
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SQ17R302	11N	513396	5250191	ID08	47N	04W	22	SE	NW	Coeur d'Alene Lake	1.76	4.17
SQ18R102	11N	513933	5249349	ID08	47N	04W	22	SE	SE	Coeur d'Alene Lake	37.05	89.18
SQ19R302	11N	513429	5251325	ID08	47N	04W	15	NE	SW	Coeur d'Alene Lake	8.73	20.69
HHC02R302	11N	514224	5216966	ID08	44N	04W	34	SE	SE	Headwaters Hangman Creek	11.08	26.25
HHC03W101	11N	514265	5218115	ID08	44N	04W	34	NE	NE	Headwaters Hangman Creek	1.79	3.93
HHC04W101	11N	513406	5218276	ID08	44N	04W	34	NE	NW	Headwaters Hangman Creek	35.34	77.54
HHC07W102	11N	511376	5220533	ID08	44N	04W	21	NW	SW	Headwaters Hangman Creek	7.14	22.53
HHC08R102	11N	510320	5220610	ID08	44N	04W	20	NW	SE	Headwaters Hangman Creek	4.16	10.01
INDC01R102	11N	516848	5217955	ID08	44N	04W	36	SW	NE	Headwaters Hangman Creek	13.31	32.04
SHPC09R102	11N	509422	5218104	ID08	44N	04W	31	NE	NE	Headwaters Hangman Creek	15.83	38.10
SQ06R102	11N	511863	5220225	ID08	44N	04W	21	SE	SW	Headwaters Hangman Creek	14.39	34.64
LC01W102	11N	500043	5259707	ID08	48N	05W	21	SW	NW	Lake Creek	4.32	13.63
LC02W102	11N	497725	5259783	ID08	48N	06W	24	SW	NE	Lake Creek	9.96	31.43
LHMC01W101	11N	504937	5235901	ID08	45N	05W	02	NW	NW	Little Hangman Creek	18.07	39.65
LHMC02W102	11N	502434	5237067	ID08	46N	05W	33	SW	NE	Little Hangman Creek	8.95	28.25
LHMC03W102	11N	501112	5237247	ID08	46N	05W	32	SE	NE	Little Hangman Creek	17.12	54.03
LHMC04W102	11N	500366	5237872	ID08	46N	05W	29	SE	SW	Little Hangman Creek	2.59	8.17
LHMC05W101	11N	498977	5237836	ID08	46N	05W	30	SE	SW	Little Hangman Creek	1.95	4.28
LHMC06R102	11N	498071	5237052	ID08	46N	06W	36	SE	NE	Little Hangman Creek	30.03	72.28
LHMC07W102	11N	499325	5235833	ID08	45N	05W	06	NE	NE	Little Hangman Creek	6.29	19.85
LHMC08W102	11N	498767	5234538	ID08	45N	05W	07	NE	NW	Little Hangman Creek	4.92	15.53
LHMC09W102	11N	498142	5232784	ID08	45N	06W	13	NE	NE	Little Hangman Creek	4.86	15.34
LHMC10W102	11N	498653	5232058	ID08	45N	05W	18	NE	SW	Little Hangman Creek	5.3	16.73
LHMC11W102	11N	497729	5232310	ID08	45N	06W	13	SW	NE	Little Hangman Creek	4.16	13.13
HC01W102	11N	504803	5224247	ID08	44N	05W	11	SW	NW	Lolo Creek-Hangman Creek	1.79	5.65
HC02W102	11N	504274	5224117	ID08	44N	05W	10	SE	NE	Lolo Creek-Hangman Creek	12.78	40.33
HC03W102	11N	504593	5224753	ID08	44N	05W	10	NE	NE	Lolo Creek-Hangman Creek	1.37	4.32
HC04W101	11N	504506	5225370	ID08	44N	05W	03	NE	SE	Lolo Creek-Hangman Creek	6.61	14.50
HC05W102	11N	504358	5225251	ID08	44N	05W	03	SE	SE	Lolo Creek-Hangman Creek	0.67	2.11
HC06W102	11N	503805	5225028	ID08	44N	05W	03	SE	SW	Lolo Creek-Hangman Creek	2.21	6.97
HC07W102	11N	503427	5225035	ID08	44N	05W	03	SW	SW	Lolo Creek-Hangman Creek	5.42	17.11
HC08W101	11N	500755	5221200	ID08	44N	05W	20	SW	NE	Lolo Creek-Hangman Creek	3.36	7.37
HC09W101	11N	504123	5226758	ID08	45N	05W	34	SW	SE	Lolo Creek-Hangman Creek	0.36	0.79
HC10W102	11N	502384	5225544	ID08	44N	05W	04	NW	SE	Lolo Creek-Hangman Creek	6	18.94

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
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HC11W102	11N	501309	5225593	ID08	44N	05W	05	NE	SE	Lolo Creek-Hangman Creek	5.67	17.89
HC12W102	11N	500178	5226000	ID08	44N	05W	05	SW	NW	Lolo Creek-Hangman Creek	11.12	35.09
HC13W421	11N	499757	5225862	ID08	44N	05W	06	SE	NE	Lolo Creek-Hangman Creek	1.21	2.24
HC14W102	11N	497904	5226722	ID08	45N	06W	36	SE	SE	Lolo Creek-Hangman Creek	19.84	62.61
LOLO01R101	11N	508628	5229018	ID08	45N	04W	30	SE	NW	Lolo Creek-Hangman Creek	2.6	6.26
LOLO02R102	11N	507136	5228289	ID08	45N	05W	25	SW	SE	Lolo Creek-Hangman Creek	27.98	67.35
LOLO03R102	11N	505809	5228705	ID08	45N	05W	26	NW	SE	Lolo Creek-Hangman Creek	5.9	14.20
LOLO04R222	11N	508273	5229812	ID08	45N	04W	19	SW	SW	Lolo Creek-Hangman Creek	9.22	20.92
LOLO05R222	11N	508006	5229416	ID08	45N	04W	30	NW	NW	Lolo Creek-Hangman Creek	3.39	7.69
LOLO06W102	11N	506938	5229510	ID08	45N	05W	25	NE	NW	Lolo Creek-Hangman Creek	26.53	83.73
LOLO07R302	11N	504745	5228719	ID08	45N	05W	26	NW	SW	Lolo Creek-Hangman Creek	2.67	6.33
LOLO08R302	11N	504089	5228603	ID08	45N	05W	27	NW	SE	Lolo Creek-Hangman Creek	3.63	8.60
LOLO09W102	11N	503757	5227948	ID08	45N	05W	34	NE	NW	Lolo Creek-Hangman Creek	10.42	32.89
LOLO10W102	11N	502835	5227428	ID08	45N	05W	33	SE	NE	Lolo Creek-Hangman Creek	3.08	9.72
HHC05W102	11N	509605	5220280	ID08	44N	04W	20	SW	SW	Mission Creek-Hangman Creek	90.32	285.05
MC01R102	11N	504142	5216347	ID08	43N	05W	03	SW	NE	Mission Creek-Hangman Creek	5.69	13.70
MC02R302	11N	504558	5216708	ID08	43N	05W	03	NE	NE	Mission Creek-Hangman Creek	10.42	24.69
MC03R302	11N	504933	5217158	ID08	44N	05W	35	SW	SW	Mission Creek-Hangman Creek	12.36	29.29
MC04R102	11N	505031	5217573	ID08	44N	05W	35	NW	SW	Mission Creek-Hangman Creek	1.01	2.43
MC05W421	11N	506064	5221563	ID08	44N	05W	23	NE	NE	Mission Creek-Hangman Creek	6.31	11.67
MC06R222	11N	505666	5222345	ID08	44N	05W	14	NW	SE	Mission Creek-Hangman Creek	3.4	7.72
MHC01W101	11N	508804	5222237	ID08	44N	04W	18	NW	SE	Mission Creek-Hangman Creek	7.33	16.08
MHC02W102	11N	507534	5221778	ID08	44N	05W	13	SE	SE	Mission Creek-Hangman Creek	1.53	4.83
MHC03R222	11N	506623	5221926	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	1.73	3.93
MHC04R222	11N	506452	5221936	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	6.65	15.09
MHC05W102	11N	506251	5222376	ID08	44N	05W	14	NE	SE	Mission Creek-Hangman Creek	13.65	43.08
MHC06R102	11N	509332	5223631	ID08	44N	04W	07	SE	SE	Mission Creek-Hangman Creek	13.59	32.71
MHC07R102	11N	506953	5222882	ID08	44N	05W	13	SE	NW	Mission Creek-Hangman Creek	15.73	37.86
MHC08R222	11N	509774	5225950	ID08	44N	04W	05	SW	NW	Mission Creek-Hangman Creek	15.92	36.13
MHC09R102	11N	509211	5225461	ID08	44N	04W	06	NE	SE	Mission Creek-Hangman Creek	3.92	9.44
MHC10R302	11N	507287	5224255	ID08	44N	05W	12	SW	NE	Mission Creek-Hangman Creek	13.35	31.63
MHC11R302	11N	505109	5223347	ID08	44N	05W	11	SE	SW	Mission Creek-Hangman Creek	1.73	4.10
MOC01W202	11N	508981	5231642	ID08	45N	04W	18	SW	SE	Moctileme Creek	13.58	38.37
MOC02W102	11N	507852	5231705	ID08	45N	05W	13	SE	SE	Moctileme Creek	4.74	14.96

Summary of Federal Wetland and Riparian Claims
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MOC03W102	11N	507171	5231935	ID08	45N	05W	13	NW	SE	Moctileme Creek	2.02	6.38
MOC04R102	11N	507820	5232387	ID08	45N	05W	13	SE	NE	Moctileme Creek	55.36	133.25
MOC05W102	11N	506519	5232193	ID08	45N	05W	13	SW	NW	Moctileme Creek	5.56	17.55
MOC06R102	11N	507610	5235621	ID08	45N	05W	01	SE	NE	Moctileme Creek	3.96	9.53
MOC07R102	11N	507458	5235359	ID08	45N	05W	01	NW	SE	Moctileme Creek	5.78	13.91
MOC08R302	11N	506866	5235793	ID08	45N	05W	01	SE	NW	Moctileme Creek	6.96	16.49
MOC09W101	11N	505915	5233664	ID08	45N	05W	11	NE	SE	Moctileme Creek	3.67	8.05
MOC10W102	11N	505510	5232028	ID08	45N	05W	14	NW	SE	Moctileme Creek	3.45	10.89
MOC11W102	11N	504926	5232055	ID08	45N	05W	14	NW	SW	Moctileme Creek	2.26	7.13
MOC12W102	11N	503706	5230976	ID08	45N	05W	22	NE	NW	Moctileme Creek	12.52	39.51
MOC13W102	11N	503089	5232080	ID08	45N	05W	15	NW	SW	Moctileme Creek	15.21	48.00
MOC14W102	11N	502540	5231880	ID08	45N	05W	16	NW	SE	Moctileme Creek	5.18	16.35
MOC15W102	11N	502547	5232569	ID08	45N	05W	16	SW	NE	Moctileme Creek	7.98	25.18
MOC16W102	11N	502168	5232478	ID08	45N	05W	16	SE	NW	Moctileme Creek	1.38	4.36
MOC17W102	11N	502144	5231706	ID08	45N	05W	16	SE	SW	Moctileme Creek	3.57	11.27
MOC18W102	11N	500783	5230584	ID08	45N	05W	20	SW	NE	Moctileme Creek	3.2	10.10
MOC19W102	11N	499968	5231675	ID08	45N	05W	17	SW	SW	Moctileme Creek	8.42	26.57
MOC20W102	11N	498652	5230875	ID08	45N	05W	19	SE	NW	Moctileme Creek	12.93	40.81
NFRC01W102	11N	509009	5247108	ID08	47N	04W	31	NW	NE	North Fork Rock Creek	8.96	28.28
NFRC02W202	11N	509291	5247319	ID08	47N	04W	31	NE	NE	North Fork Rock Creek	5.05	14.27
NFRC03W202	11N	509088	5249749	ID08	47N	04W	19	NE	SE	North Fork Rock Creek	24.32	68.72
NFRC04W102	11N	508270	5250034	ID08	47N	04W	19	SE	NW	North Fork Rock Creek	43.58	137.54
NFRC05W421	11N	506008	5250362	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	7.39	13.67
NFRC06W101	11N	506057	5250418	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	11.96	26.24
NFRC07W102	11N	505229	5249382	ID08	47N	05W	23	SE	SW	North Fork Rock Creek	9.34	29.48
NFRC08W611	11N	504857	5250999	ID08	47N	05W	14	SW	SW	North Fork Rock Creek	55.51	113.74
NFRC09W102	11N	505534	5251212	ID08	47N	05W	14	NW	SE	North Fork Rock Creek	8.97	28.31
NFRC10W102	11N	503995	5250418	ID08	47N	05W	22	NW	NE	North Fork Rock Creek	1.96	6.19
NFRC11W102	11N	504111	5251024	ID08	47N	05W	15	SW	SE	North Fork Rock Creek	5.73	18.08
NFRC12W201	11N	503863	5251607	ID08	47N	05W	15	SW	NE	North Fork Rock Creek	42.3	91.69
NFRC13W101	11N	503683	5252170	ID08	47N	05W	15	NE	NW	North Fork Rock Creek	39.24	86.10
NFRC14W201	11N	503090	5252122	ID08	47N	05W	15	NW	NW	North Fork Rock Creek	10.94	23.71
NFRC15W101	11N	502860	5252276	ID08	47N	05W	16	NE	NE	North Fork Rock Creek	9.16	20.10
NFRC16W421	11N	502468	5252198	ID08	47N	05W	16	NW	NE	North Fork Rock Creek	7.23	13.38

Summary of Federal Wetland and Riparian Claims
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NFRC17W102	11N	502241	5253207	ID08	47N	05W	09	SE	NW	North Fork Rock Creek	3.75	11.83
NFRC18W102	11N	502725	5252973	ID08	47N	05W	09	NE	SE	North Fork Rock Creek	5.43	17.14
NFRC19W101	11N	502229	5252686	ID08	47N	05W	09	SE	SW	North Fork Rock Creek	40.11	88.01
NFRC20W202	11N	502473	5253597	ID08	47N	05W	09	NW	NE	North Fork Rock Creek	4.6	13.00
NFRC21W202	11N	503014	5253206	ID08	47N	05W	09	SE	NE	North Fork Rock Creek	3.75	10.60
NFRC22W102	11N	502162	5252974	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	1.05	3.31
NFRC23W421	11N	501874	5253024	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	2.64	4.88
NFRC24W201	11N	501506	5252689	ID08	47N	05W	09	NW	SW	North Fork Rock Creek	33.84	73.35
NFRC25W201	11N	501090	5252553	ID08	47N	05W	08	SE	SE	North Fork Rock Creek	6.78	14.70
NFRC26W201	11N	500707	5252392	ID08	47N	05W	08	SW	SE	North Fork Rock Creek	10.26	22.24
NFRC27W201	11N	500117	5252363	ID08	47N	05W	08	SW	SW	North Fork Rock Creek	17.65	38.26
NFRC28R102	11N	499635	5252384	ID08	47N	05W	07	SE	SE	North Fork Rock Creek	1.77	4.26
NFRC29R102	11N	498453	5252554	ID08	47N	05W	07	SW	SW	North Fork Rock Creek	1.57	3.78
NFRC30W101	11N	499983	5255325	ID08	47N	05W	05	NW	NW	North Fork Rock Creek	5.19	11.39
NFRC31W101	11N	499671	5255415	ID08	47N	05W	06	NE	NE	North Fork Rock Creek	4.89	10.73
NFRC32W101	11N	499239	5255374	ID08	47N	05W	06	NW	NE	North Fork Rock Creek	1.12	2.46
NFRC33W102	11N	499217	5255013	ID08	47N	05W	06	SW	NE	North Fork Rock Creek	10.3	32.51
STJR01W101	11N	529077	5243132	ID08	46N	02W	08	SW	SE	Pedee Creek-St Joe River	35.96	78.90
STJR02W101	11N	528031	5243122	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	59.72	131.03
STJR03W421	11N	528827	5242738	ID08	46N	02W	17	NE	NW	Pedee Creek-St Joe River	1.77	3.27
STJR04W101	11N	528433	5242406	ID08	46N	02W	17	SW	NW	Pedee Creek-St Joe River	53.89	118.24
STJR05W411	11N	527055	5242832	ID08	46N	02W	18	NE	NW	Pedee Creek-St Joe River	1060.4	1566.98
STJR06W101	11N	527919	5241920	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	0.51	1.12
STJR07W101	11N	528002	5242006	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	1.38	3.03
STJR08W101	11N	528044	5243473	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	29.95	65.71
STJR09W101	11N	526432	5243608	ID08	46N	02W	07	NW	SW	Pedee Creek-St Joe River	43.75	95.99
STJR10W101	11N	526414	5242344	ID08	46N	02W	18	SW	NW	Pedee Creek-St Joe River	0.72	1.58
STJR11W101	11N	526325	5242264	ID08	46N	03W	13	NE	SE	Pedee Creek-St Joe River	0.53	1.16
STJR12W101	11N	525210	5245205	ID08	46N	03W	01	NE	SW	Pedee Creek-St Joe River	185.44	406.88
STJR13W101	11N	525454	5243627	ID08	46N	03W	12	NE	SW	Pedee Creek-St Joe River	8.27	18.15
STJR14W411	11N	525261	5244949	ID08	46N	03W	01	SE	SW	Pedee Creek-St Joe River	20.42	30.17
STJR15R102	11N	524181	5245547	ID08	46N	03W	02	SW	NE	Pedee Creek-St Joe River	9.57	23.04
STJR16R102	11N	520556	5246104	ID08	46N	03W	04	NE	NW	Pedee Creek-St Joe River	0.81	1.95
PC01W102	11N	507796	5238549	ID08	46N	05W	25	NE	SE	Plummer Creek	4.53	14.30

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

PC02W622	11N	507997	5239946	ID08	46N	04W	19	NW	SW	Plummer Creek	30.79	88.61
PC03W622	11N	508111	5240888	ID08	46N	04W	19	NW	NW	Plummer Creek	7.04	20.26
PC04W102	11N	507976	5243041	ID08	46N	04W	07	SW	SW	Plummer Creek	3.66	11.55
PC05W102	11N	508301	5242820	ID08	46N	04W	07	SE	SW	Plummer Creek	2.52	7.95
PC06W102	11N	508532	5242846	ID08	46N	04W	07	SE	SW	Plummer Creek	2.45	7.73
PC07R102	11N	509673	5242992	ID08	46N	04W	08	SW	SW	Plummer Creek	1.83	4.40
PC08W422	11N	509653	5242941	ID08	46N	04W	08	SW	SW	Plummer Creek	5.31	9.82
PC09R102	11N	510833	5243623	ID08	46N	04W	08	SE	NE	Plummer Creek	7.41	17.84
ROCK01W101	11N	502125	5250720	ID08	47N	05W	16	SE	SW	Rose Creek	13.55	29.73
ROCK02R222	11N	501593	5250930	ID08	47N	05W	16	SW	SW	Rose Creek	0.65	1.48
ROCK03W102	11N	500999	5250752	ID08	47N	05W	17	SW	SE	Rose Creek	13.97	44.09
ROCK04R102	11N	500414	5250685	ID08	47N	05W	17	SE	SW	Rose Creek	1.45	3.49
ROCK05W101	11N	501119	5246409	ID08	47N	05W	32	NE	SE	Rose Creek	9.96	21.85
ROCK06W101	11N	500608	5246757	ID08	47N	05W	32	SE	NW	Rose Creek	3.75	8.23
ROCK07W101	11N	500922	5247007	ID08	47N	05W	32	SW	NE	Rose Creek	12.66	27.78
ROCK08W102	11N	500562	5247336	ID08	47N	05W	32	NE	NW	Rose Creek	1.75	5.52
ROCK09W101	11N	500431	5247778	ID08	47N	05W	29	SE	SW	Rose Creek	1.27	2.79
ROCK10W102	11N	499910	5249698	ID08	47N	05W	20	NW	SW	Rose Creek	0.91	2.87
ROCK11W102	11N	500071	5249752	ID08	47N	05W	20	NW	SW	Rose Creek	5.18	16.35
ROCK12R102	11N	499005	5250885	ID08	47N	05W	18	SE	SW	Rose Creek	8.63	20.77
ROSE13R102	11N	502731	5244407	ID08	46N	05W	04	SE	SE	Rose Creek	27.48	66.15
ROSE14R102	11N	501924	5245149	ID08	46N	05W	04	SE	NW	Rose Creek	7.49	18.03
ROSE15R302	11N	500424	5245638	ID08	46N	05W	05	NW	NW	Rose Creek	12.32	29.19
ROSE16R302	11N	499497	5246208	ID08	47N	05W	31	SE	SE	Rose Creek	8.72	20.66
ROSE17R302	11N	498141	5246597	ID08	47N	06W	36	NE	SE	Rose Creek	1.11	2.63
ROSE18W102	11N	497511	5247033	ID08	47N	06W	36	SW	NE	Rose Creek	21.44	67.66
URC01W101	11N	500230	5243875	ID08	46N	05W	08	NW	NW	Upper Rock Creek	1.24	2.72
URC02W102	11N	498710	5243937	ID08	46N	05W	07	NE	NW	Upper Rock Creek	1.79	5.65
URC03W102	11N	497716	5244189	ID08	46N	06W	12	NW	NE	Upper Rock Creek	3.74	11.80

Summary of Federal Springs and Seeps Claims
on behalf of Coeur d'Alene Tribe
Attachment VII to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Tribal Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Elev (ft)	Area (ac)	Annual (AF)
FS4	11N	526244	5245873	ID08	46N	03W	01	SE	NE	2524	0.0024	0.0047
HP8	11N	513627	5251288	ID08	47N	04W	15	NW	SE	2736	0.2676	0.4996
HP28A	11N	523687	5250914	ID08	47N	03W	23	NE	NW	2709	0.0793	0.2031
HP68	11N	502811	5233793	ID08	45N	05W	09	SE	NE	2790	0.0172	0.0316
IP13	11N	500806	5252305	ID08	47N	05W	08	SW	SE	2540	0.149	0.2864
IP14	11N	503395	5251606	ID08	47N	05W	15	SW	NW	2609	0.3473	0.7167
IP39	11N	524689	5250818	ID08	47N	03W	23	SE	NE	2729	0.3782	0.6955
IP97	11N	509455	5219179	ID08	44N	04W	30	NE	SE	2580	0.0525	0.0966
IP98	11N	509383	5219266	ID08	44N	04W	30	NE	SE	2583	0.0739	0.1359
IP98A	11N	509312	5219255	ID08	44N	04W	30	NE	SE	2584	0.0644	0.1183
IP99	11N	509951	5218765	ID08	44N	04W	29	SE	SW	2572	0.1075	0.2052
IP128	11N	500781	5225812	ID08	44N	05W	05	SW	NE	2530	0.6456	1.2214
IP128A	11N	500860	5225784	ID08	44N	05W	05	SW	NE	2509	1.0978	2.8278
IP129	11N	524669	5251733	ID08	47N	03W	14	NE	SE	2769	0.0669	0.1464
NS20	11N	529427	5243072	ID08	46N	02W	17	NE	NE	2145	0.1686	0.5443
NS34/NS35	11N	510362	5220518	ID08	44N	04W	20	NW	SE	2626	1.2845	4.1636
NS39	11N	507719	5237952	ID08	46N	05W	25	SE	SE	2951	0.8175	2.1486
P3	11N	501968	5221703	ID08	44N	05W	21	NE	NW	2714	0.0138	0.0374
S1/S2	11N	529430	5243033	ID08	46N	02W	17	NE	NE	2170	0.1502	0.4851
SP17	11N	524059	5250514	ID08	47N	03W	23	SE	NE	2726	0.8198	1.5076
SP40	11N	497988	5232793	ID08	45N	06W	13	NE	NE	2527	1.1668	2.1988
SP43	11N	500600	5225956	ID08	44N	05W	05	SE	NW	2531	0.3958	0.7553
Jan01	11N	509144	5249715	ID08	47N	04W	19	NE	SE	2694	0.0055	0.0116
Jan02	11N	505848	5249125	ID08	47N	05W	23	SE	SE	2717	1.0000	2.5120

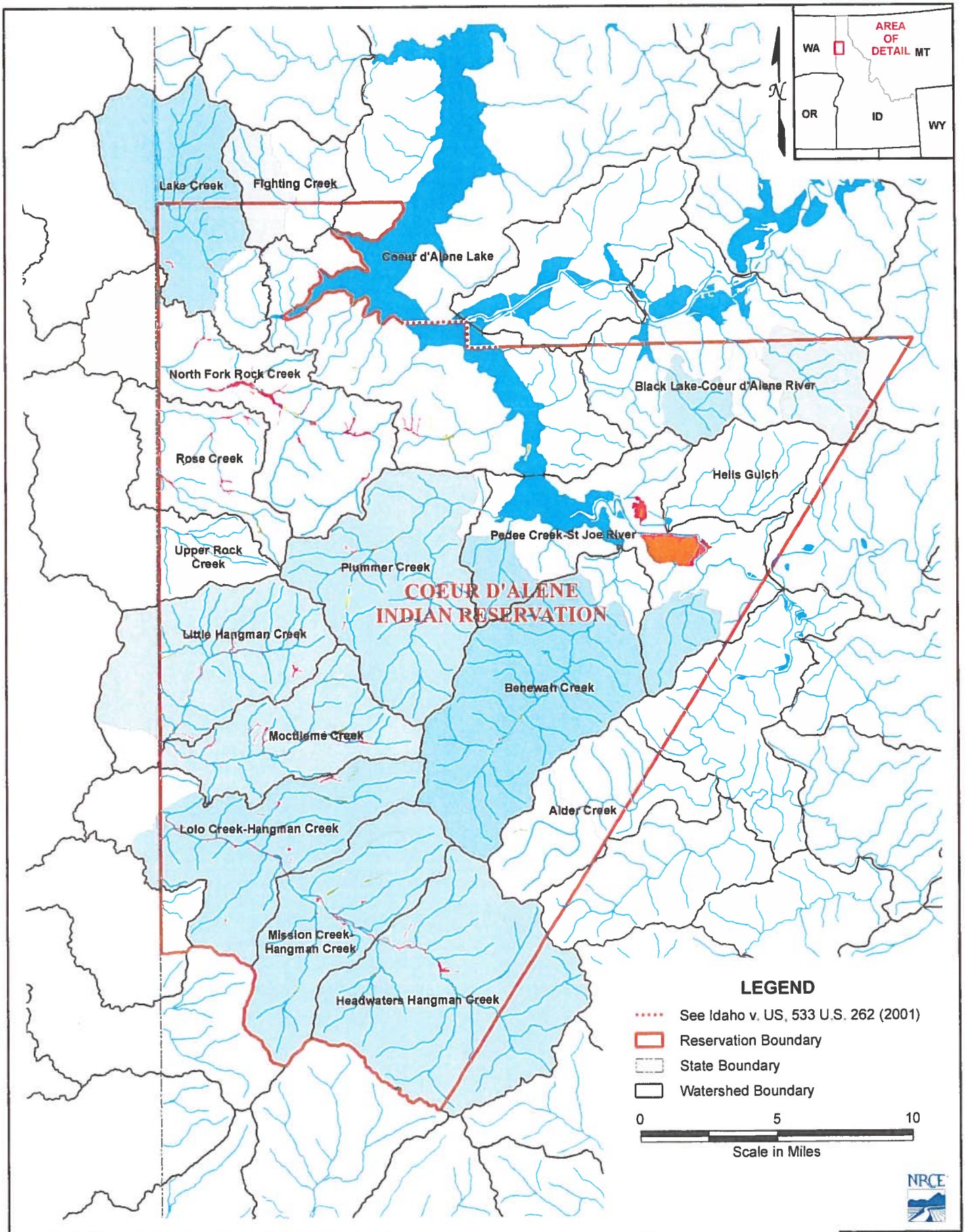

Figure 1: Coeur d'Alene Wetlands Overview Map

Overview Springs and Wetlands Map
Attachment VIII
US Cover Letter, dated 1/30/14

January 2014

U.S. Department of Justice

Environment and Natural Resources Division

SCA:VBWillard

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JAN 31 2014

Department of Water Resources
Adjudication Bureau

Via Federal Express

January 30, 2014

Gary Spackman, Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Coeur d'Alene Indian Tribe*

In re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System, Case No. 49576

Dear Mr. Spackman,

Pursuant to the *Scheduling Order Governing the Filing of Federal and Tribal Claims*, dated March 5, 2009, together with the subsequent *Orders* granting the United States until January 31, 2014 to file claims on behalf of Indian Tribes, the United States hereby submits and files the enclosed Notices of Claims ("Tribal Claims"). These Tribal Claims are filed by the United States Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of the Coeur d'Alene Indian Tribe.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny as well as aboriginal occupation and use of lands and waters as recognized in *United States v. Winans*, 198 U.S. 371 (1905) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. *See* Idaho Code § 42-1409(1).

There are a total of 353 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. Please note that Attachments I – VIII are attached to this summary for the reasons explained below. Accordingly, this entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I – VIII to the Letter Summary; and 3) 353 separate Notices of Claims.

A. Coeur d'Alene Tribe and Reservation

Prior to the creation of the Coeur d'Alene Reservation, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho v. United States*, 533 U.S. 262, 265 (2001) (*Idaho II*). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

The legal basis for these water rights claims stems from the doctrine of federal reserved water rights as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027. As a result of Agreements with the Tribe, on November 8, 1873, the United States established the Coeur d'Alene Indian Reservation by an Executive Order signed by President Grant.

The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho II*, 533 U.S. at 262, the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

B. Categories of Claims

The United States claims water rights for waters from groundwater and surface water sources for the present and future needs of the Coeur d'Alene Reservation in a variety of categories to serve the overall purpose of establishing the Reservation as a permanent homeland for the Coeur d'Alene people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963) ("*Arizona I*"). The various categories of claims include the following: DCMI (domestic, commercial, municipal and industrial); instream flows for fish habitat; irrigated agriculture; Coeur d'Alene Lake; and springs and wetlands for the benefit of harvested wildlife and plant habitat. To the extent not addressed above, other uses of water on trust and tribal fee lands on the Reservation include, but are not limited to: fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater; aesthetics; and recreation. Water for these uses is encompassed within the five categories of claims outlined below.

1. DCMI

The DCMI claim includes water to satisfy present and future domestic, commercial, municipal, and industrial needs of the Reservation. This includes both existing and future

components. Regarding existing uses, the claim outlines five existing projects currently utilizing groundwater for DCMI purposes including operation of a casino, hotel, golf course and other general DCMI uses. Claims for future DCMI uses are outlined in 12 proposed projects, such as municipal water delivery, to provide the DCMI water rights necessary to make the Reservation a permanent homeland with economic self-sufficiency. Please note that the future fish hatchery claim is largely non-consumptive due to the majority of flows returning to Coeur d'Alene Lake. The table provided at Attachment I summarizes the DCMI claim. The United States claims a priority date of time immemorial for certain DCMI uses, or in the alternative, November 8, 1873, for other DCMI uses. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983). November 8, 1873 is the date on which President Grant signed the Executive Order establishing the Coeur d'Alene Indian Reservation.

2. Instream Flows for Fish Habitat

This claim includes water to maintain instream flows for fish species the Tribe harvests within the Reservation. Monthly fish habitat flow claims are submitted for a total of 72 stream reaches for the purposes of providing fish habitat and long-term maintenance of that habitat. Attachment II is a table providing an overall summary of the monthly instream flow claims for each named stream reach. Attachment III provides an oversized map of the instream flow claims (note that this same map is attached in 8.5x11 size to each instream flow claim form). Please note that there are two claims for instream flows in Hangman Creek. The second Hangman Creek Claim (Fed ID No. 113.2) is conditional and will only apply in the event that anadromous fish passage is restored in the future.

The "resident fishery was a main staple of the Tribe's diet" at the time the Coeur d'Alene Reservation was created. *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1100. The Tribe's traditional reliance on fish and other food and fiber acquired near and in waterways was so great at the time the Coeur d'Alene Reservation was created, the district court found that without it "the Tribe could not have survived." *Id.* at 1104. Further the historical record indicates that the United States was plainly aware of the Tribe's dependence on this resource. *Id.* at 1103-04. The Tribe continues to rely on this resource to this day. Based on the fishing culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the instream flow claims. *Adair*, 723 F.2d at 1414; *Idaho II*, 533 U.S. at 265.

3. Irrigated Agriculture

This claim includes water to irrigate the Tribe's practicably irrigable acreage ("PIA") within the Reservation. *Arizona I*, 373 U.S. at 600-601. The United States claims a total of 17,815 acre feet of water to irrigate a total of 5,573 acres in various projects located near creeks within the Reservation as well as an irrigation claim from Coeur d'Alene Lake. The PIA projects are summarized in Attachment IV hereto. The priority date claimed for irrigated agriculture is November 8, 1873.

4. Lake Elevation Maintenance in Lake Coeur d'Alene

The United States claims a sufficient flow into Lake Coeur d'Alene to maintain the natural monthly Lake elevations and outflows, summarized in Attachment V. Maintaining the natural Lake elevations fulfills the homeland purpose of the Reservation by providing for uses including, but not limited to, the following: food; fiber; transportation; recreation; religious, cultural and ceremonial; fish and wildlife habitat; lake level and wetland maintenance; water storage; power generation; and aesthetics. This myriad of tribal uses of the Lake is consistent with the Supreme Court's holding that the United States reserved in trust for the benefit of the Tribe the submerged lands of the southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. *Idaho II*, 533 U.S. 262. In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." *United States and the Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d at 1102.

The United States recognizes that Lake elevation is currently regulated by dam operations at Post Falls, Idaho, which are governed by Federal Energy Regulatory Commission (FERC) License No. 2545-091. This claim does not seek to affect present licensed operations at Post Falls. Since the water rights claim must address the possibility that the dam will be removed or altered, the intent is to claim sufficient water to reflect the natural Lake processes prior to Post Falls dam – consistent with the federal and tribal intent as it was understood in 1873. So long as there is a sufficient flow into the Lake to maintain those Lake levels found in Section 8 of the Lake Coeur d'Alene claim and the minimum outflow in the claim could be met but for operations at Post Falls, the outflows will not be required during the effective period of the FERC license.

As recognized by the Supreme Court in *Idaho II*, the Coeur d'Alene Tribe has a well-established aboriginal connection to and use of the Coeur d'Alene Lake. The Supreme Court found that "[a] right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274. Therefore, the United States claims a priority date of time immemorial for the Lake claim. *Adair*, 723 F.2d at 1414.

5. Springs, Seeps, and Wetlands

This claim is for a sufficient amount of water to maintain wetlands, springs, and seeps on Tribal lands within the Reservation to provide for Tribally-harvested game and waterfowl habitat, Tribal plant gathering, and other Tribal traditional, cultural, spiritual, ceremonial, and/or religious uses. Attachments VI and VII are tables summarizing the wetlands and springs claims respectively. Attachment VIII provides an overview map of these claims (note that more specific maps of the wetlands and springs are attached to the claim forms). Based on the hunting and gathering culture steeped in the history of the Coeur d'Alene Tribe dating back to aboriginal times, the United States claims a priority date of time immemorial for the springs, seeps, and wetlands. *Adair*, 723 F.2d at 1414. To the extent these claims concern riparian areas along streams subject to Instream Flow claims described in section 2 above, the United States does not intend to double a claim to the same surface water. Instead, the United States is providing two

separate justifications for the same water flows that provide instream fish habitat and support riparian vegetation.

The Coeur d'Alene Tribe traditionally hunted, fished, and gathered throughout its aboriginal territory for food and fiber. The historical record shows that the continued right to hunt, fish, and gather on its reserved lands was of critical importance to the Tribe at the time the Coeur d'Alene Reservation was created. Seeps, springs, and wetlands are necessary for the habitat of the plants and animals traditionally relied upon by the Tribe for sustenance. Additionally, these areas were used by the Tribe for religious, cultural, and ceremonial purposes. The traditional uses of these areas continue to be an important part of the Coeur d'Alene Tribe's identity and culture.

C. Summary of Claim and Reservation of Rights

The following table provides an overall summary of the claims.

Type of Claim	Number of Claim Forms	Total Water Claimed
DCMI	17	7,453 acre-feet per year (AFY) plus 979 wells with use up to 13,000 gallons per day
Instream Flows	72	Monthly cubic feet per second
PIA	44	17,815 AFY
Coeur d'Alene Lake	1	Maintenance of natural Lake Elevation
Springs	24	21.6 AFY
Wetlands	195	7,102 AFY

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those water rights held in trust for the benefit of the Tribe. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Coeur d'Alene Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Coeur d'Alene Tribe respecting the title to any lands on or off the Coeur d'Alene Reservation. Additionally, the Tribe and the United States expressly reserve their rights to assert their sovereign regulatory authorities to allocate and manage water rights within the exterior boundaries of the Coeur d'Alene Reservation.

In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. The enclosed water right claim forms were developed at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed

to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

The water rights claim for various consumptive and non-consumptive uses may exceed the natural flow in a given stream in a particular year. The United States and Coeur d'Alene Tribe reserve the right to determine in any particular year which use(s), if any, to limit.

The United States and the Tribe reserve the right to supplement and/or amend the water rights claims filed herein.

Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,

Vanessa Boyd Willard

Vanessa Boyd Willard
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section

Summary of Federal Domestic, Commercial, Municipal, Industrial (DCMI), Pond Level Maintenance, and Fish Propagation Claims on behalf of the Coeur d'Alene Tribe
Attachment I to US Cover Letter, dated 1/30/2014

Acre-Feet (AFY)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				487.6		342.0	**829.6**
Rural (Self-Supply)						*	*
Fish Propagation		4,834.2					**4,834.2**
Industrial						633.0	**633.0**
Pond Level Maint & Fire Suppression						16.3	**16.3**
Municipal				91.6	14.1	1,034.5	**1,140.2**
Subtotal	**0.0**	**4,834.2**	**0.0**	**579.1**	**14.1**	**2,025.9**	**7,453.2** **
TOTAL (AFY)	**4,834.2**			**2,619.1**			

* 979 wells with use up to 13,000 gpd
** Plus volume of water associated with 979 rural (self-supply) wells

Flow Rate (cfs)

Claim Category	Surface Water *Basin*			Ground Water *Basin*			Subtotal
	93	95	Undet.	93	95	Undet.	
Commercial				2.85		2.28	**5.13**
Rural (Self-Supply)						*	*
Fish Propagation		6.68					**6.68**
Industrial						2.19	**2.19**
Pond Level Maint & Fire						0.04	**0.04**
Municipal				0.32	0.45	3.57	**4.33**
Subtotal	**0.00**	**6.68**	**0.00**	**3.16**	**0.45**	**8.08**	**18.37** **
TOTAL (cfs)	**6.68**			**11.69**			

* 979 wells with use up to 13,000 gpd
** Plus flow associated with 979 rural (self-supply) wells

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Fighting Creek	101	23	23	23	23	20	16	7.9	3.7	3.1	4.7	10	18
Lake Creek	102	63	74	75	66	29	22	8.2	2.6	2	4.7	13	23
Black Creek	103	6.3	6.3	14	7	2.7	1.2	0.4	0.19	0.19	0.22	0.48	2.6
Willow Creek	104	7.4	11	14	7	7	6.8	2.1	0.89	0.9	0.83	2.9	4.8
Evans Creek	105	28	35	35	35	35	28	8.3	4	3.9	3.5	11	18
Plummer Creek	106	45	45	45	50	33	9.9	1.6	0.58	0.99	1.2	10	41
Little Plummer	107	43	43	43	6	6	5.8	0.86	0.28	0.51	0.63	5.9	24
Pedee Creek	108	8	8	16	11	4.7	1.3	0.1	0.1	0.1	0.1	1.3	5.9
Benewah Creek	109	114	140	140	63	56	26	8.3	3.6	3.2	5.1	15	50
Windfall Creek	110	12	16	20	7	6.1	2.4	0.64	0.22	0.18	0.34	1.4	5.2
Cherry Creek	111	8	8	8	5	5	2.4	0.84	0.48	0.48	0.53	0.98	5.6
Alder Creek	112	24	24	24	24	24	24	8.8	3.1	4.4	7.8	23	24
Hangman Creek	113	45	45	40	40	40	23	4.9	2.3	2	2	9.7	39
Hangman Creek (Conditional)	113	169	169	110	110	65	23	4.9	2.3	2	2	9.7	39
North Fork Coeur d'Alene River	1001	112	112	150	190	190	190	119	63	48	47	112	112
Tepee Creek	1002	136	136	184	230	230	230	103	70	56	52	136	136
Yellow Dog Creek	1003	8.5	14	17	29	29	13	6.7	2.6	2.3	3.4	8.1	7.3
Downey Creek	1004	13	13	24	25	25	25	12	3.7	3.1	5.1	10	10
North Fork Coeur d'Alene River	1005	175	175	450	275	275	275	183	158	126	137	175	175
Shoshone Creek	1006	35	35	90	70	70	70	47	54	38	38	35	35
North Fork Coeur d'Alene River	1007	246	246	355	422	422	422	281	231	178	189	246	246
Eagle Creek	1008	59	59	76	100	100	100	46	20	12	12	40	59
Prichard Creek	1009	20	20	50	125	125	125	83	42	27	29	20	20
Beaver Creek	1010	67	67	87	113	113	113	56	29	21	22	52	67
Graham Creek	1011	31	31	38	52	52	52	21	8.4	6.5	6.7	17	31
Steamboat Creek	1012	49	49	63	83	83	83	43	15	12	18	49	49
North Fork Coeur d'Alene River	1013	318	318	469	546	546	546	364	353	266	295	318	318
Little North Fork Coeur d'Alene River	1014	45	45	200	250	250	250	133	79	62	56	45	45
Little North Fork Coeur d'Alene River	1015	157	157	220	269	269	269	168	95	76	75	157	157
North Fork Coeur d'Alene River	1016	345	345	700	600	600	600	400	449	343	373	345	345
South Fork Coeur d'Alene River	2001	97	97	131	165	165	165	110	87	62	54	97	97
Placer Creek	2002	35	36	45	61	61	61	23	10	6.7	7	17	26
South Fork Coeur d'Alene River	2003	121	121	166	206	206	206	137	111	81	76	121	121
South Fork Coeur d'Alene River	2004	150	150	209	256	256	256	171	141	109	123	150	150

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pine Creek	2005	84	84	112	143	143	143	62	28	20	21	74	84
South Fork Coeur d'Alene River	2006	80	80	200	175	175	175	117	150	145	139	80	80
Coeur d'Alene River	3001	525	525	699	789	789	789	525	699	789	789	525	525
Coeur d'Alene River	3002	468	468	705	793	793	793	528	705	606	702	468	468
Carlin Creek	3003	16	16	30	14	14	7.3	3.4	2.3	2.3	2.6	4.1	14
Turner Creek	3004	13	13	15	12	5.5	3.3	1.7	0.97	0.98	1.2	1.7	5.2
Beauty Creek	3005	20	24	38	30	30	9.2	2.9	2.6	2	1.5	4.5	7.5
Cedar Creek	3006	24	30	45	45	40	10	3.6	2.8	2.4	2.5	7.6	10
Wolf Lodge Creek	3007	56	56	72	94	94	80	24	15	12	12	35	51
Mica Creek	3008	37	37	46	62	52	41	17	7.1	6.1	9.8	21	35
Cougar Creek	3009	27	27	33	46	29	23	11	4.9	4.2	6.3	13	21
Saint Joe River	4001	67	67	90	115	115	115	77	63	39	23	47	67
Heller Creek	4002	43	35	47	73	73	73	45	32	20	11	23	36
Saint Joe River	4003	130	130	185	224	224	224	149	163	104	75	130	130
Saint Joe River	4004	178	178	258	307	307	307	205	245	160	129	178	178
Fly Creek	4005	24	23	32	45	45	45	26	11	7.9	6.3	11	17
Saint Joe River	4006	183	183	266	316	316	316	210	250	164	138	183	183
Simmons Creek	4007	50	50	120	115	115	115	77	62	41	38	50	50
Gold Creek	4008	55	55	72	94	94	94	62	34	23	22	40	53
Saint Joe River	4009	133	133	350	175	175	175	116	250	200	200	133	133
Quartz Creek	4010	44	44	57	75	75	75	50	23	16	20	32	34
Saint Joe River	4011	295	295	442	510	510	510	340	442	330	315	295	295
North Fork Saint Joe River	4012	41	41	125	150	150	150	100	89	63	62	41	41
Saint Joe River	4013	282	282	466	466	466	466	310	466	432	423	282	282
Marble Creek	4014	60	60	79	102	102	102	68	42	27	20	41	60
Boulder Creek	4015	30	32	41	55	55	55	37	12	8.8	11	19	21
Marble Creek	4016	100	100	175	275	275	275	183	117	83	85	100	100
Saint Joe River	4017	396	396	606	685	685	685	456	606	519	510	396	396
Big Creek	4018	35	35	80	80	80	80	53	32	25	31	35	35
Mica Creek	4019	53	53	69	90	90	90	47	20	16	18	37	48
Trout Creek	4020	38	38	48	64	64	64	29	10	8.6	11	21	28
Saint Joe River	4021	428	428	658	741	741	741	494	658	566	582	428	428
Saint Joe River	4022	396	396	650	750	750	750	500	439	563	594	396	396
Saint Joe River	4023	491	491	762	850	850	850	566	762	657	703	491	491
Middle Fork Saint Maries River	4501	67	67	90	114	114	114	76	30	25	36	62	67

Summary of Federal Instream Flow Claims in cubic feet per second on behalf of Coeur d'Alene Tribe
Attachment II to US Cover Letter, dated 1/30/14

		Month											
Stream Name	Claim #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
West Fork Saint Maries River	4502	44	44	57	75	75	52	18	13	12	10	23	44
Thorn Creek	4503	29	29	36	49	49	18	7.5	5.1	4.9	4.5	10	24
Saint Maries River	4504	150	150	350	250	250	250	167	103	91	100	150	150

United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014

Legend

- Claim Watershed
- Claim Reach
- 1012 Claim Number
- Coeur d'Alene Tribe Reservation Boundary
- See Idaho v. US, 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody

USGS 8-Digit Hydrologic Unit Code

- 17010301 Upper Coeur d'Alene River
- 17010302 South Fork Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River

Idaho

Montana

Washington

Idaho

0 2 4 6 8 10
Miles

Summary of Federal Practicably Irrigable Acreage Claims on behalf of the Coeur d'Alene Tribe Attachment IV to US Cover Letter, dated 1/30/14

Source	*Total Acreage*	*Quantity (ac-ft)*	*Pond Maintenance (ac-ft)*	*Total Claim (ac-ft)*
Hangman Creek	1,355	4,127	573	4,700
Lolo Creek	165	445	104	549
Moctileme Creek	252	725	145	870
Little Hangman Creek	149	444	103	547
Rose Creek	66	186	35	222
Rock Creek	88	235	35	270
North Fork Rock Creek	403	1,129	148	1,277
Benewah Creek	103	240	0	240
St. Joe River	1,306	4,058	0	4,058
Lake Creek	758	2,178	193	2,371
Coeur d'Alene Lake	928	2,711	0	2,711
Total All Lands	5,573	16,479	1,337	17,815

Summary of Federal Lake Elevation Maintenance Claims on behalf of Coeur d'Alene Tribe Attachment V to US Cover Letter, dated 1/30/14

Month	Lake Elevation (ft, staff gage datum)	Outflow (cfs)
January	2124.2	7,470
February	2124.7	8,550
March	2125.8	11,900
April	2128.5	20,000
May	2129.6	23,000
June	2127.2	15,900
July	2122.8	4,520
August	2120.9	1,420
September	2120.4	974
October	2120.6	1,240
November	2121.9	2,920
December	2123.6	5,680

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Water Source: Stream or Creek System	Area (ac)	Annual acre-feet
AC01R102	11N	517202	5224437	ID08	44N	04W	12	SE	NE	Alder Creek	7.47	17.98
AC02R102	11N	517922	5226413	ID08	44N	03W	06	SW	NE	Alder Creek	8.83	21.25
BC01R222	11N	516401	5231099	ID08	45N	04W	24	NE	NW	Benewah Creek	11.49	26.07
BC02W322	11N	516832	5231704	ID08	45N	04W	13	SW	SE	Benewah Creek	3.53	10.16
BC03R102	11N	517064	5231756	ID08	45N	04W	13	SW	SE	Benewah Creek	2.21	5.32
BC04R222	11N	517738	5232637	ID08	45N	03W	18	SW	NE	Benewah Creek	26.53	60.20
EC01R402	11N	537348	5250738	ID08	47N	01W	19	NE	NE	Black Lake-Coeur d'Alene River	11.87	29.13
EC02R402	11N	534274	5251807	ID08	47N	02W	14	NE	SE	Black Lake-Coeur d'Alene River	18.13	44.49
LAMB03R302	11N	523313	5251211	ID08	47N	03W	23	NW	NW	Black Lake-Coeur d'Alene River	0.93	2.20
LAMB04R302	11N	523723	5251107	ID08	47N	03W	23	NE	NW	Black Lake-Coeur d'Alene River	1.92	4.55
LAMB05R102	11N	524090	5251933	ID08	47N	03W	14	NW	SE	Black Lake-Coeur d'Alene River	1.06	2.55
LAMB06R102	11N	524543	5250661	ID08	47N	03W	23	SE	NE	Black Lake-Coeur d'Alene River	4.48	10.78
CDAL01R102	11N	504573	5256881	ID08	48N	05W	35	NE	NE	Coeur d'Alene Lake	0.56	1.35
CDAL02W321	11N	504384	5256622	ID08	48N	05W	35	SE	NE	Coeur d'Alene Lake	17.7	37.59
CDAL03R102	11N	508125	5256970	ID08	48N	04W	32	NW	NW	Coeur d'Alene Lake	3.77	9.07
CDAL04R102	11N	508482	5257722	ID08	48N	04W	29	NE	SW	Coeur d'Alene Lake	6.17	14.85
CDAL05R101	11N	508482	5253605	ID08	47N	04W	07	NE	NW	Coeur d'Alene Lake	5.06	12.18
CDAL06R101	11N	511814	5253862	ID08	47N	04W	09	NE	NW	Coeur d'Alene Lake	1.01	2.43
CDAL07R102	11N	512172	5254436	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	1.88	4.53
CDAL08W422	11N	512197	5254626	ID08	47N	04W	04	NW	SE	Coeur d'Alene Lake	0.72	1.33
CDAL09R102	11N	517283	5254326	ID08	47N	04W	01	NE	SE	Coeur d'Alene Lake	2.63	6.33
CDAL10R102	11N	518175	5252981	ID08	47N	03W	07	SE	SE	Coeur d'Alene Lake	8.46	20.36
CDAL11R102	11N	519644	5251353	ID08	47N	03W	17	SE	SE	Coeur d'Alene Lake	0.24	0.58
CDAL20R102	11N	519490	5250421	ID08	47N	03W	20	NW	SE	Coeur d'Alene Lake	6.81	16.39
CDAL21W501	11N	518621	5248650	ID08	47N	03W	29	NW	SW	Coeur d'Alene Lake	37.29	81.33
SQ12W102	11N	511600	5250203	ID08	47N	04W	21	SE	NW	Coeur d'Alene Lake	22.98	72.52
SQ13W102	11N	512131	5250020	ID08	47N	04W	21	SW	NE	Coeur d'Alene Lake	13.5	42.61
SQ14R302	11N	512447	5250605	ID08	47N	04W	21	NE	NE	Coeur d'Alene Lake	1.14	2.70
SQ15R302	11N	512450	5249541	ID08	47N	04W	21	NE	SE	Coeur d'Alene Lake	2	4.74
SQ16R302	11N	512947	5250328	ID08	47N	04W	22	NW	NW	Coeur d'Alene Lake	9.25	21.92

Summary of Federal Wetland and Riparian Claims
on behalf of Coeur d'Alene Tribe
Attachment VI to US Cover Letter, dated 1/30/14

SQ17R302	11N	513396	5250191	ID08	47N	04W	22	SE	NW	Coeur d'Alene Lake	1.76	4.17
SQ18R102	11N	513933	5249349	ID08	47N	04W	22	SE	SE	Coeur d'Alene Lake	37.05	89.18
SQ19R302	11N	513429	5251325	ID08	47N	04W	15	NE	SW	Coeur d'Alene Lake	8.73	20.69
HHC02R302	11N	514224	5216966	ID08	44N	04W	34	SE	SE	Headwaters Hangman Creek	11.08	26.25
HHC03W101	11N	514265	5218115	ID08	44N	04W	34	NE	NE	Headwaters Hangman Creek	1.79	3.93
HHC04W101	11N	513406	5218276	ID08	44N	04W	34	NE	NW	Headwaters Hangman Creek	35.34	77.54
HHC07W102	11N	511376	5220533	ID08	44N	04W	21	NW	SW	Headwaters Hangman Creek	7.14	22.53
HHC08R102	11N	510320	5220610	ID08	44N	04W	20	NW	SE	Headwaters Hangman Creek	4.16	10.01
INDC01R102	11N	516848	5217955	ID08	44N	04W	36	SW	NE	Headwaters Hangman Creek	13.31	32.04
SHPC09R102	11N	509422	5218104	ID08	44N	04W	31	NE	NE	Headwaters Hangman Creek	15.83	38.10
SQ06R102	11N	511863	5220225	ID08	44N	04W	21	SE	SW	Headwaters Hangman Creek	14.39	34.64
LC01W102	11N	500043	5259707	ID08	48N	05W	21	SW	NW	Lake Creek	4.32	13.63
LC02W102	11N	497725	5259783	ID08	48N	06W	24	SW	NE	Lake Creek	9.96	31.43
LHMC01W101	11N	504937	5235901	ID08	45N	05W	02	NW	NW	Little Hangman Creek	18.07	39.65
LHMC02W102	11N	502434	5237067	ID08	46N	05W	33	SW	NE	Little Hangman Creek	8.95	28.25
LHMC03W102	11N	501112	5237247	ID08	46N	05W	32	SE	NE	Little Hangman Creek	17.12	54.03
LHMC04W102	11N	500366	5237872	ID08	46N	05W	29	SE	SW	Little Hangman Creek	2.59	8.17
LHMC05W101	11N	498977	5237836	ID08	46N	05W	30	SE	SW	Little Hangman Creek	1.95	4.28
LHMC06R102	11N	498071	5237052	ID08	46N	06W	36	SE	NE	Little Hangman Creek	30.03	72.28
LHMC07W102	11N	499325	5235833	ID08	45N	05W	06	NE	NE	Little Hangman Creek	6.29	19.85
LHMC08W102	11N	498767	5234538	ID08	45N	05W	07	NE	NW	Little Hangman Creek	4.92	15.53
LHMC09W102	11N	498142	5232784	ID08	45N	06W	13	NE	NE	Little Hangman Creek	4.86	15.34
LHMC10W102	11N	498653	5232058	ID08	45N	05W	18	NE	SW	Little Hangman Creek	5.3	16.73
LHMC11W102	11N	497729	5232310	ID08	45N	06W	13	SW	NE	Little Hangman Creek	4.16	13.13
HC01W102	11N	504803	5224247	ID08	44N	05W	11	SW	NW	Lolo Creek-Hangman Creek	1.79	5.65
HC02W102	11N	504274	5224117	ID08	44N	05W	10	SE	NE	Lolo Creek-Hangman Creek	12.78	40.33
HC03W102	11N	504593	5224753	ID08	44N	05W	10	NE	NE	Lolo Creek-Hangman Creek	1.37	4.32
HC04W101	11N	504506	5225370	ID08	44N	05W	03	NE	SE	Lolo Creek-Hangman Creek	6.61	14.50
HC05W102	11N	504358	5225251	ID08	44N	05W	03	SE	SE	Lolo Creek-Hangman Creek	0.67	2.11
HC06W102	11N	503805	5225028	ID08	44N	05W	03	SE	SW	Lolo Creek-Hangman Creek	2.21	6.97
HC07W102	11N	503427	5225035	ID08	44N	05W	03	SW	SW	Lolo Creek-Hangman Creek	5.42	17.11
HC08W101	11N	500755	5221200	ID08	44N	05W	20	SW	NE	Lolo Creek-Hangman Creek	3.36	7.37
HC09W101	11N	504123	5226758	ID08	45N	05W	34	SW	SE	Lolo Creek-Hangman Creek	0.36	0.79
HC10W102	11N	502384	5225544	ID08	44N	05W	04	NW	SE	Lolo Creek-Hangman Creek	6	18.94

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HC11W102	11N	501309	5225593	ID08	44N	05W	05	NE	SE	Lolo Creek-Hangman Creek	5.67	17.89
HC12W102	11N	500178	5226000	ID08	44N	05W	05	SW	NW	Lolo Creek-Hangman Creek	11.12	35.09
HC13W421	11N	499757	5225862	ID08	44N	05W	06	SE	NE	Lolo Creek-Hangman Creek	1.21	2.24
HC14W102	11N	497904	5226722	ID08	45N	06W	36	SE	SE	Lolo Creek-Hangman Creek	19.84	62.61
LOLO01R101	11N	508628	5229018	ID08	45N	04W	30	SE	NW	Lolo Creek-Hangman Creek	2.6	6.26
LOLO02R102	11N	507136	5228289	ID08	45N	05W	25	SW	SE	Lolo Creek-Hangman Creek	27.98	67.35
LOLO03R102	11N	505809	5228705	ID08	45N	05W	26	NW	SE	Lolo Creek-Hangman Creek	5.9	14.20
LOLO04R222	11N	508273	5229812	ID08	45N	04W	19	SW	SW	Lolo Creek-Hangman Creek	9.22	20.92
LOLO05R222	11N	508006	5229416	ID08	45N	04W	30	NW	NW	Lolo Creek-Hangman Creek	3.39	7.69
LOLO06W102	11N	506938	5229510	ID08	45N	05W	25	NE	NW	Lolo Creek-Hangman Creek	26.53	83.73
LOLO07R302	11N	504745	5228719	ID08	45N	05W	26	NW	SW	Lolo Creek-Hangman Creek	2.67	6.33
LOLO08R302	11N	504089	5228603	ID08	45N	05W	27	NW	SE	Lolo Creek-Hangman Creek	3.63	8.60
LOLO09W102	11N	503757	5227948	ID08	45N	05W	34	NE	NW	Lolo Creek-Hangman Creek	10.42	32.89
LOLO10W102	11N	502835	5227428	ID08	45N	05W	33	SE	NE	Lolo Creek-Hangman Creek	3.08	9.72
HHC05W102	11N	509605	5220280	ID08	44N	04W	20	SW	SW	Mission Creek-Hangman Creek	90.32	285.05
MC01R102	11N	504142	5216347	ID08	43N	05W	03	SW	NE	Mission Creek-Hangman Creek	5.69	13.70
MC02R302	11N	504558	5216708	ID08	43N	05W	03	NE	NE	Mission Creek-Hangman Creek	10.42	24.69
MC03R302	11N	504933	5217158	ID08	44N	05W	35	SW	SW	Mission Creek-Hangman Creek	12.36	29.29
MC04R102	11N	505031	5217573	ID08	44N	05W	35	NW	SW	Mission Creek-Hangman Creek	1.01	2.43
MC05W421	11N	506064	5221563	ID08	44N	05W	23	NE	NE	Mission Creek-Hangman Creek	6.31	11.67
MC06R222	11N	505666	5222345	ID08	44N	05W	14	NW	SE	Mission Creek-Hangman Creek	3.4	7.72
MHC01W101	11N	508804	5222237	ID08	44N	04W	18	NW	SE	Mission Creek-Hangman Creek	7.33	16.08
MHC02W102	11N	507534	5221778	ID08	44N	05W	13	SE	SE	Mission Creek-Hangman Creek	1.53	4.83
MHC03R222	11N	506623	5221926	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	1.73	3.93
MHC04R222	11N	506452	5221936	ID08	44N	05W	13	SW	SW	Mission Creek-Hangman Creek	6.65	15.09
MHC05W102	11N	506251	5222376	ID08	44N	05W	14	NE	SE	Mission Creek-Hangman Creek	13.65	43.08
MHC06R102	11N	509332	5223631	ID08	44N	04W	07	SE	SE	Mission Creek-Hangman Creek	13.59	32.71
MHC07R102	11N	506953	5222882	ID08	44N	05W	13	SE	NW	Mission Creek-Hangman Creek	15.73	37.86
MHC08R222	11N	509774	5225950	ID08	44N	04W	05	SW	NW	Mission Creek-Hangman Creek	15.92	36.13
MHC09R102	11N	509211	5225461	ID08	44N	04W	06	NE	SE	Mission Creek-Hangman Creek	3.92	9.44
MHC10R302	11N	507287	5224255	ID08	44N	05W	12	SW	NE	Mission Creek-Hangman Creek	13.35	31.63
MHC11R302	11N	505109	5223347	ID08	44N	05W	11	SE	SW	Mission Creek-Hangman Creek	1.73	4.10
MOC01W202	11N	508981	5231642	ID08	45N	04W	18	SW	SE	Moctileme Creek	13.58	38.37
MOC02W102	11N	507852	5231705	ID08	45N	05W	13	SE	SE	Moctileme Creek	4.74	14.96

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MOC03W102	11N	507171	5231935	ID08	45N	05W	13	NW	SE	Moctileme Creek	2.02	6.38
MOC04R102	11N	507820	5232387	ID08	45N	05W	13	SE	NE	Moctileme Creek	55.36	133.25
MOC05W102	11N	506519	5232193	ID08	45N	05W	13	SW	NW	Moctileme Creek	5.56	17.55
MOC06R102	11N	507610	5235621	ID08	45N	05W	01	SE	NE	Moctileme Creek	3.96	9.53
MOC07R102	11N	507458	5235359	ID08	45N	05W	01	NW	SE	Moctileme Creek	5.78	13.91
MOC08R302	11N	506866	5235793	ID08	45N	05W	01	SE	NW	Moctileme Creek	6.96	16.49
MOC09W101	11N	505915	5233664	ID08	45N	05W	11	NE	SE	Moctileme Creek	3.67	8.05
MOC10W102	11N	505510	5232028	ID08	45N	05W	14	NW	SE	Moctileme Creek	3.45	10.89
MOC11W102	11N	504926	5232055	ID08	45N	05W	14	NW	SW	Moctileme Creek	2.26	7.13
MOC12W102	11N	503706	5230976	ID08	45N	05W	22	NE	NW	Moctileme Creek	12.52	39.51
MOC13W102	11N	503089	5232080	ID08	45N	05W	15	NW	SW	Moctileme Creek	15.21	48.00
MOC14W102	11N	502540	5231880	ID08	45N	05W	16	NW	SE	Moctileme Creek	5.18	16.35
MOC15W102	11N	502547	5232569	ID08	45N	05W	16	SW	NE	Moctileme Creek	7.98	25.18
MOC16W102	11N	502168	5232478	ID08	45N	05W	16	SE	NW	Moctileme Creek	1.38	4.36
MOC17W102	11N	502144	5231706	ID08	45N	05W	16	SE	SW	Moctileme Creek	3.57	11.27
MOC18W102	11N	500783	5230584	ID08	45N	05W	20	SW	NE	Moctileme Creek	3.2	10.10
MOC19W102	11N	499968	5231675	ID08	45N	05W	17	SW	SW	Moctileme Creek	8.42	26.57
MOC20W102	11N	498652	5230875	ID08	45N	05W	19	SE	NW	Moctileme Creek	12.93	40.81
NFRC01W102	11N	509009	5247108	ID08	47N	04W	31	NW	NE	North Fork Rock Creek	8.96	28.28
NFRC02W202	11N	509291	5247319	ID08	47N	04W	31	NE	NE	North Fork Rock Creek	5.05	14.27
NFRC03W202	11N	509088	5249749	ID08	47N	04W	19	NE	SE	North Fork Rock Creek	24.32	68.72
NFRC04W102	11N	508270	5250034	ID08	47N	04W	19	SE	NW	North Fork Rock Creek	43.58	137.54
NFRC05W421	11N	506008	5250362	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	7.39	13.67
NFRC06W101	11N	506057	5250418	ID08	47N	05W	23	NE	NE	North Fork Rock Creek	11.96	26.24
NFRC07W102	11N	505229	5249382	ID08	47N	05W	23	SE	SW	North Fork Rock Creek	9.34	29.48
NFRC08W611	11N	504857	5250999	ID08	47N	05W	14	SW	SW	North Fork Rock Creek	55.51	113.74
NFRC09W102	11N	505534	5251212	ID08	47N	05W	14	NW	SE	North Fork Rock Creek	8.97	28.31
NFRC10W102	11N	503995	5250418	ID08	47N	05W	22	NW	NE	North Fork Rock Creek	1.96	6.19
NFRC11W102	11N	504111	5251024	ID08	47N	05W	15	SW	SE	North Fork Rock Creek	5.73	18.08
NFRC12W201	11N	503863	5251607	ID08	47N	05W	15	SW	NE	North Fork Rock Creek	42.3	91.69
NFRC13W101	11N	503683	5252170	ID08	47N	05W	15	NE	NW	North Fork Rock Creek	39.24	86.10
NFRC14W201	11N	503090	5252122	ID08	47N	05W	15	NW	NW	North Fork Rock Creek	10.94	23.71
NFRC15W101	11N	502860	5252276	ID08	47N	05W	16	NE	NE	North Fork Rock Creek	9.16	20.10
NFRC16W421	11N	502468	5252198	ID08	47N	05W	16	NW	NE	North Fork Rock Creek	7.23	13.38

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NFRC17W102	11N	502241	5253207	ID08	47N	05W	09	SE	NW	North Fork Rock Creek	3.75	11.83
NFRC18W102	11N	502725	5252973	ID08	47N	05W	09	NE	SE	North Fork Rock Creek	5.43	17.14
NFRC19W101	11N	502229	5252686	ID08	47N	05W	09	SE	SW	North Fork Rock Creek	40.11	88.01
NFRC20W202	11N	502473	5253597	ID08	47N	05W	09	NW	NE	North Fork Rock Creek	4.6	13.00
NFRC21W202	11N	503014	5253206	ID08	47N	05W	09	SE	NE	North Fork Rock Creek	3.75	10.60
NFRC22W102	11N	502162	5252974	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	1.05	3.31
NFRC23W421	11N	501874	5253024	ID08	47N	05W	09	NE	SW	North Fork Rock Creek	2.64	4.88
NFRC24W201	11N	501506	5252689	ID08	47N	05W	09	NW	SW	North Fork Rock Creek	33.84	73.35
NFRC25W201	11N	501090	5252553	ID08	47N	05W	08	SE	SE	North Fork Rock Creek	6.78	14.70
NFRC26W201	11N	500707	5252392	ID08	47N	05W	08	SW	SE	North Fork Rock Creek	10.26	22.24
NFRC27W201	11N	500117	5252363	ID08	47N	05W	08	SW	SW	North Fork Rock Creek	17.65	38.26
NFRC28R102	11N	499635	5252384	ID08	47N	05W	07	SE	SE	North Fork Rock Creek	1.77	4.26
NFRC29R102	11N	498453	5252554	ID08	47N	05W	07	SW	SW	North Fork Rock Creek	1.57	3.78
NFRC30W101	11N	499983	5255325	ID08	47N	05W	05	NW	NW	North Fork Rock Creek	5.19	11.39
NFRC31W101	11N	499671	5255415	ID08	47N	05W	06	NE	NE	North Fork Rock Creek	4.89	10.73
NFRC32W101	11N	499239	5255374	ID08	47N	05W	06	NW	NE	North Fork Rock Creek	1.12	2.46
NFRC33W102	11N	499217	5255013	ID08	47N	05W	06	SW	NE	North Fork Rock Creek	10.3	32.51
STJR01W101	11N	529077	5243132	ID08	46N	02W	08	SW	SE	Pedee Creek-St Joe River	35.96	78.90
STJR02W101	11N	528031	5243122	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	59.72	131.03
STJR03W421	11N	528827	5242738	ID08	46N	02W	17	NE	NW	Pedee Creek-St Joe River	1.77	3.27
STJR04W101	11N	528433	5242406	ID08	46N	02W	17	SW	NW	Pedee Creek-St Joe River	53.89	118.24
STJR05W411	11N	527055	5242832	ID08	46N	02W	18	NE	NW	Pedee Creek-St Joe River	1060.4	1566.98
STJR06W101	11N	527919	5241920	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	0.51	1.12
STJR07W101	11N	528002	5242006	ID08	46N	02W	18	NE	SE	Pedee Creek-St Joe River	1.38	3.03
STJR08W101	11N	528044	5243473	ID08	46N	02W	08	SE	SW	Pedee Creek-St Joe River	29.95	65.71
STJR09W101	11N	526432	5243608	ID08	46N	02W	07	NW	SW	Pedee Creek-St Joe River	43.75	95.99
STJR10W101	11N	526414	5242344	ID08	46N	02W	18	SW	NW	Pedee Creek-St Joe River	0.72	1.58
STJR11W101	11N	526325	5242264	ID08	46N	03W	13	NE	SE	Pedee Creek-St Joe River	0.53	1.16
STJR12W101	11N	525210	5245205	ID08	46N	03W	01	NE	SW	Pedee Creek-St Joe River	185.44	406.88
STJR13W101	11N	525454	5243627	ID08	46N	03W	12	NE	SW	Pedee Creek-St Joe River	8.27	18.15
STJR14W411	11N	525261	5244949	ID08	46N	03W	01	SE	SW	Pedee Creek-St Joe River	20.42	30.17
STJR15R102	11N	524181	5245547	ID08	46N	03W	02	SW	NE	Pedee Creek-St Joe River	9.57	23.04
STJR16R102	11N	520556	5246104	ID08	46N	03W	04	NE	NW	Pedee Creek-St Joe River	0.81	1.95
PC01W102	11N	507796	5238549	ID08	46N	05W	25	NE	SE	Plummer Creek	4.53	14.30

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PC02W622	11N	507997	5239946	ID08	46N	04W	19	NW	SW	Plummer Creek	30.79	88.61
PC03W622	11N	508111	5240888	ID08	46N	04W	19	NW	NW	Plummer Creek	7.04	20.26
PC04W102	11N	507976	5243041	ID08	46N	04W	07	SW	SW	Plummer Creek	3.66	11.55
PC05W102	11N	508301	5242820	ID08	46N	04W	07	SE	SW	Plummer Creek	2.52	7.95
PC06W102	11N	508532	5242846	ID08	46N	04W	07	SE	SW	Plummer Creek	2.45	7.73
PC07R102	11N	509673	5242992	ID08	46N	04W	08	SW	SW	Plummer Creek	1.83	4.40
PC08W422	11N	509653	5242941	ID08	46N	04W	08	SW	SW	Plummer Creek	5.31	9.82
PC09R102	11N	510833	5243623	ID08	46N	04W	08	SE	NE	Plummer Creek	7.41	17.84
ROCK01W101	11N	502125	5250720	ID08	47N	05W	16	SE	SW	Rose Creek	13.55	29.73
ROCK02R222	11N	501593	5250930	ID08	47N	05W	16	SW	SW	Rose Creek	0.65	1.48
ROCK03W102	11N	500999	5250752	ID08	47N	05W	17	SW	SE	Rose Creek	13.97	44.09
ROCK04R102	11N	500414	5250685	ID08	47N	05W	17	SE	SW	Rose Creek	1.45	3.49
ROCK05W101	11N	501119	5246409	ID08	47N	05W	32	NE	SE	Rose Creek	9.96	21.85
ROCK06W101	11N	500608	5246757	ID08	47N	05W	32	SE	NW	Rose Creek	3.75	8.23
ROCK07W101	11N	500922	5247007	ID08	47N	05W	32	SW	NE	Rose Creek	12.66	27.78
ROCK08W102	11N	500562	5247336	ID08	47N	05W	32	NE	NW	Rose Creek	1.75	5.52
ROCK09W101	11N	500431	5247778	ID08	47N	05W	29	SE	SW	Rose Creek	1.27	2.79
ROCK10W102	11N	499910	5249698	ID08	47N	05W	20	NW	SW	Rose Creek	0.91	2.87
ROCK11W102	11N	500071	5249752	ID08	47N	05W	20	NW	SW	Rose Creek	5.18	16.35
ROCK12R102	11N	499005	5250885	ID08	47N	05W	18	SE	SW	Rose Creek	8.63	20.77
ROSE13R102	11N	502731	5244407	ID08	46N	05W	04	SE	SE	Rose Creek	27.48	66.15
ROSE14R102	11N	501924	5245149	ID08	46N	05W	04	SE	NW	Rose Creek	7.49	18.03
ROSE15R302	11N	500424	5245638	ID08	46N	05W	05	NW	NW	Rose Creek	12.32	29.19
ROSE16R302	11N	499497	5246208	ID08	47N	05W	31	SE	SE	Rose Creek	8.72	20.66
ROSE17R302	11N	498141	5246597	ID08	47N	06W	36	NE	SE	Rose Creek	1.11	2.63
ROSE18W102	11N	497511	5247033	ID08	47N	06W	36	SW	NE	Rose Creek	21.44	67.66
URC01W101	11N	500230	5243875	ID08	46N	05W	08	NW	NW	Upper Rock Creek	1.24	2.72
URC02W102	11N	498710	5243937	ID08	46N	05W	07	NE	NW	Upper Rock Creek	1.79	5.65
URC03W102	11N	497716	5244189	ID08	46N	06W	12	NW	NE	Upper Rock Creek	3.74	11.80

Summary of Federal Springs and Seeps Claims
on behalf of Coeur d'Alene Tribe
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	---UTM Coordinates---			--PLSS Designation (Meridian-Township-Range-Section-QQ-Q)--								
Tribal Site ID	Zone	Easting	Northing	Meridian	Township	Range	Section	QQ	Q	Elev (ft)	Area (ac)	Annual (AF)
FS4	11N	526244	5245873	ID08	46N	03W	01	SE	NE	2524	0.0024	0.0047
HP8	11N	513627	5251288	ID08	47N	04W	15	NW	SE	2736	0.2676	0.4996
HP28A	11N	523687	5250914	ID08	47N	03W	23	NE	NW	2709	0.0793	0.2031
HP68	11N	502811	5233793	ID08	45N	05W	09	SE	NE	2790	0.0172	0.0316
IP13	11N	500806	5252305	ID08	47N	05W	08	SW	SE	2540	0.149	0.2864
IP14	11N	503395	5251606	ID08	47N	05W	15	SW	NW	2609	0.3473	0.7167
IP39	11N	524689	5250818	ID08	47N	03W	23	SE	NE	2729	0.3782	0.6955
IP97	11N	509455	5219179	ID08	44N	04W	30	NE	SE	2580	0.0525	0.0966
IP98	11N	509383	5219266	ID08	44N	04W	30	NE	SE	2583	0.0739	0.1359
IP98A	11N	509312	5219255	ID08	44N	04W	30	NE	SE	2584	0.0644	0.1183
IP99	11N	509951	5218765	ID08	44N	04W	29	SE	SW	2572	0.1075	0.2052
IP128	11N	500781	5225812	ID08	44N	05W	05	SW	NE	2530	0.6456	1.2214
IP128A	11N	500860	5225784	ID08	44N	05W	05	SW	NE	2509	1.0978	2.8278
IP129	11N	524669	5251733	ID08	47N	03W	14	NE	SE	2769	0.0669	0.1464
NS20	11N	529427	5243072	ID08	46N	02W	17	NE	NE	2145	0.1686	0.5443
NS34/NS35	11N	510362	5220518	ID08	44N	04W	20	NW	SE	2626	1.2845	4.1636
NS39	11N	507719	5237952	ID08	46N	05W	25	SE	SE	2951	0.8175	2.1486
P3	11N	501968	5221703	ID08	44N	05W	21	NE	NW	2714	0.0138	0.0374
S1/S2	11N	529430	5243033	ID08	46N	02W	17	NE	NE	2170	0.1502	0.4851
SP17	11N	524059	5250514	ID08	47N	03W	23	SE	NE	2726	0.8198	1.5076
SP40	11N	497988	5232793	ID08	45N	06W	13	NE	NE	2527	1.1668	2.1988
SP43	11N	500600	5225956	ID08	44N	05W	05	SE	NW	2531	0.3958	0.7553
Jan01	11N	509144	5249715	ID08	47N	04W	19	NE	SE	2694	0.0055	0.0116
Jan02	11N	505848	5249125	ID08	47N	05W	23	SE	SE	2717	1.0000	2.5120

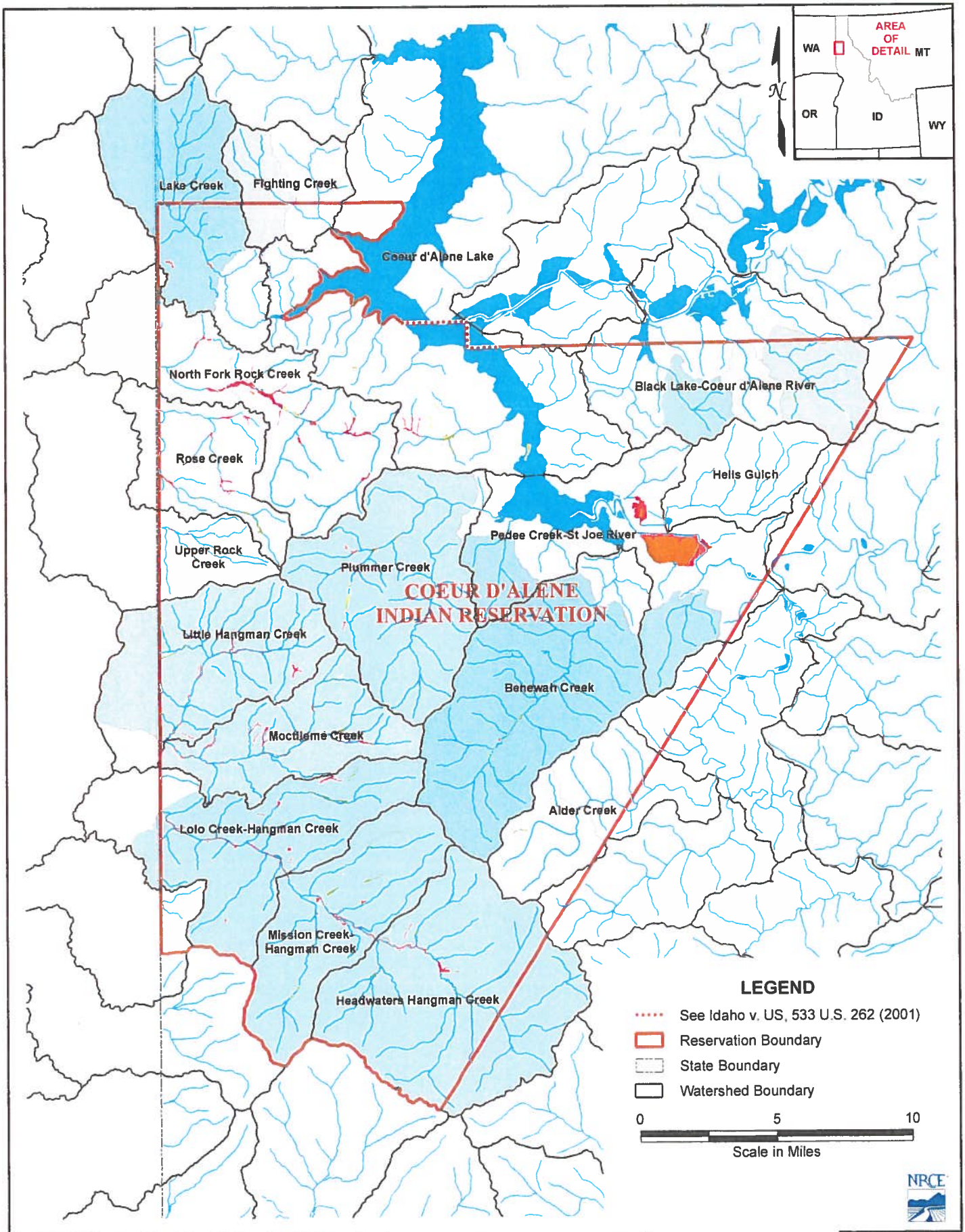

Figure 1: Coeur d'Alene Wetlands Overview Map

Overview Springs and Wetlands Map
Attachment VIII
US Cover Letter, dated 1/30/14

January 2014