

10-21-2016

## Affidavit of N. Semanko

Norman M. Semanko

*Attorney, Moffatt, Thomas, Barrett, Rock & Fields, Chartered*

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Norman M. Semanko, having been duly sworn upon oath, deposes and states as follows:

1. I am over eighteen years of age and am an attorney with the law firm Moffatt, Thomas, Barrett, Rock & Fields, Chartered, counsel of record for the above-named objectors and respondents (collectively the “North Idaho Water Rights Group”). I make this affidavit upon my own personal knowledge and I am competent to testify regarding the matters contained herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Notice of Claim for Federal Reserved Water Right, filed by the United States of America, as trustee on behalf of the Coeur d’Alene Tribe of the Coeur d’Alene Indian Reservation acting through the Northwest Regional Director, filed on January 31, 2014, obtained from the Snake River Basin Adjudication (“SRBA”) online records.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Standard Form 1 Objection in Consolidated Subcase No. 91-7755, filed by the North Idaho Water Rights Alliance on behalf of the objectors/claimants identified in Attachment A, filed on September 17, 2014, obtained from the SRBA online records.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Order on Motions for Summary Judgment of the State of Idaho, Idaho Power, Potlatch Corporation, Irrigation Districts, and Other Objectors Who Have Joined and/or Supported the Various Motions in SRBA Consolidated Subcase 03-10022, ordered by Presiding Judge Barry Wood on November 10, 1999, obtained from the SRBA online records.

5. Attached hereto as **Exhibit D** is a true and correct copy of a report entitled, “Contributions to the Hydrology of the United States, 1921, Nathan C. Grover, Chief

Hydraulic Engineer, Coeur d'Alene Lake, Idaho, and the Overflow Lands," authored by R.W. Davenport, Bates range OBJ 0003-0036, produced in discovery in the *North Idaho Water Rights Alliance's Response to Coeur d'Alene Tribe's First Requests for Discovery* in CSRBA Consolidated Subcase No. 91-7755, served on August 12, 2016.

6. Attached hereto as **Exhibit E** is a true and correct copy of a bathymetric map of the Coeur d'Alene Lake, Bates numbered OBJ 0037, produced in discovery in the *North Idaho Water Rights Alliance's Response to Coeur d'Alene Tribe's First Requests for Discovery* in CSRBA Consolidated Subcase No. 91-7755, served on August 12, 2016.

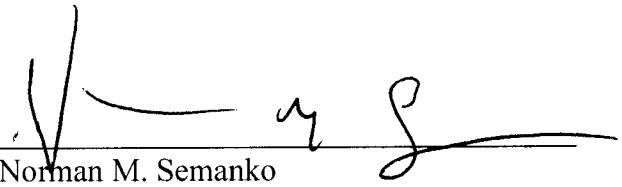
7. Attached hereto as **Exhibit F** are true and correct copies of *North Idaho Water Rights Alliance and Individual Members' Supplemental Response to Coeur d'Alene Tribe's Second Requests for Discovery* and documents produced bearing the Bates range OBJ 2088-2365, served on October 18, 2016.

8. Attached hereto as **Exhibit G** are true and correct copies of the *Claimants' Memorandum in Opposition of Objector's Motion for Summary Judgment* in CSRBA Subcase No. 91-7102, filed August 8, 2016, and the Affidavit of Sarah A. McCormack filed contemporaneously.

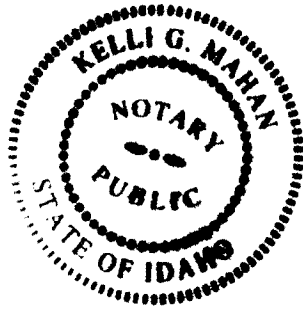
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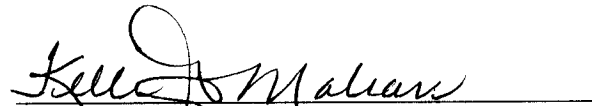
9. Attached hereto as **Exhibit H** are true and correct copies of maps of Idaho and Lake Coeur d'Alene, Bates range OBJ 0001-0002, 0041, 0043-0046, and 0123-0157, produced in discovery in the *North Idaho Water Rights Alliance's Response to Coeur d'Alene Tribe's First Requests for Discovery* in CSRBA Consolidated Subcase No. 91-7755, served on August 12, 2016.

Further your affiant sayeth naught.

  
Norman M. Semanko

SUBSCRIBED AND SWORN to before me this 20th day of October, 2016.



  
NOTARY PUBLIC FOR IDAHO  
Residing at Kuna, Idaho  
My Commission Expires 4/23/22

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 2016, I caused a true and correct copy of the foregoing **AFFIDAVIT OF NORMAN M. SEMANKO IN SUPPORT OF NORTH IDAHO WATER RIGHTS GROUP'S MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENTAL & NATURAL RESOURCES  
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550 W. Fort St., MSC 033  
Boise, ID 83724

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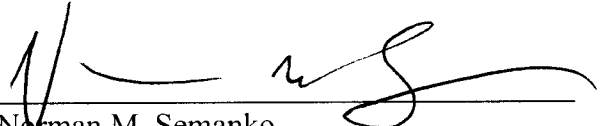
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Norman M. Semanko