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J. McFaddin's Response to the USA-CDAT Joint Mtn SJ

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DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 25 2016
By _____ Clerk
_____ Deputy Clerk

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

)	
)	Consolidated Subcase No. 91-7755
In Re CSRBA)	
)	
Case No. 49576)	JOHN McFADDIN'S RESPONSE
)	TO THE UNITED STATES' and COEUR d'
)	ALENE TRIBE'S JOINT MOTION
)	FOR SUMMARY JUDGMENT
)	
_____)	

As a Pro Se objector to claims filed by the United States for the Coeur d'Alene Tribe, I received and read the United States' and Coeur d'Alene Tribe's Joint Motion for Summary Judgment and its supporting documents. Item III on page 41 of the United States' Memorandum in Support of Motion for Summary Judgment suggests that consumptive claims are confined to tribal lands. That ownership has not been demonstrated and is not consistent with ownership records maintained by the Bureau of Indian Affairs. Many of the domestic water claims will be on allotment lands and many of those will be held in trust for the benefit of members of other tribes. Numerous examples show that claims for irrigation involve allotments with nonmember beneficiaries. The Tribe is not entitled to property rights in allotments which are held in trust for individual Indians. Such claims of entitlement by the Department of Justice must be supported by

documentation from the keeper of trust titles, the Bureau of Indian Affairs, showing that the Tribe is the actual beneficiary. This point was more-fully explored and presented in my Response to the State's Motion for Summary Judgment, so it will not be repeated here.

If the court finds that the Tribe does have the right to receive and hold water rights for individual members, this right cannot extend to members of other tribes, and those people make up a substantial number of trust interests on the Reservation.

Specific information was requested in my First Requests for Discovery to both the United States and the Tribe for the status of the beneficial owners for these domestic and irrigation claims, and those requests were denied by both.

11/23/2016
Date

John T. McFaddin
John T. McFaddin, Pro Se Objecter