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IDSC Opinion - Homeland Determination

Justice John Stegner
Idaho Supreme Court

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1-30-2014

Instream

Vanessa Boyd Willard

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

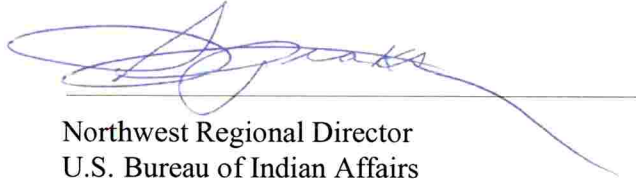
11. Signatures:

- (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.

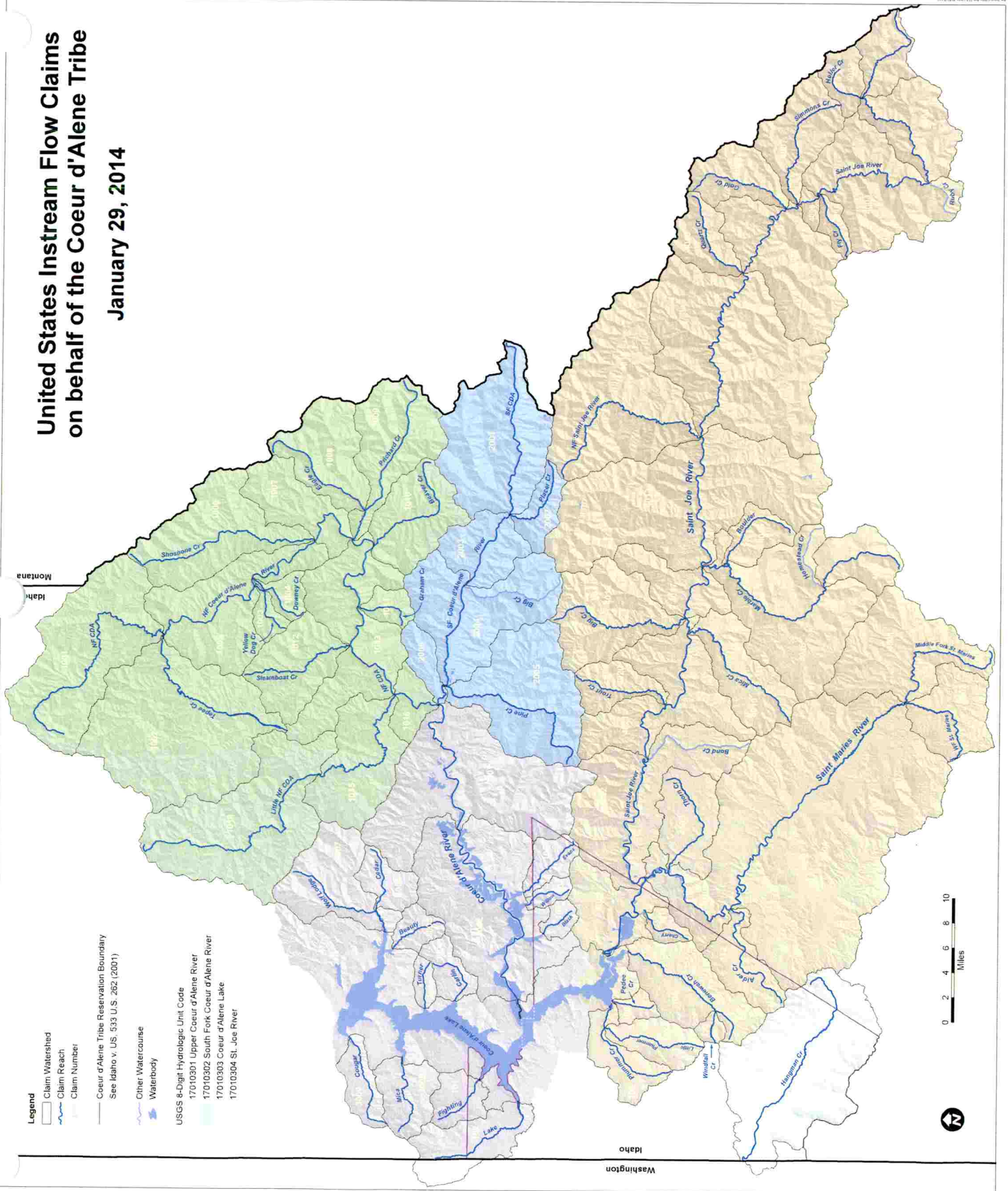
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

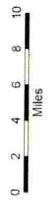
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



- 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

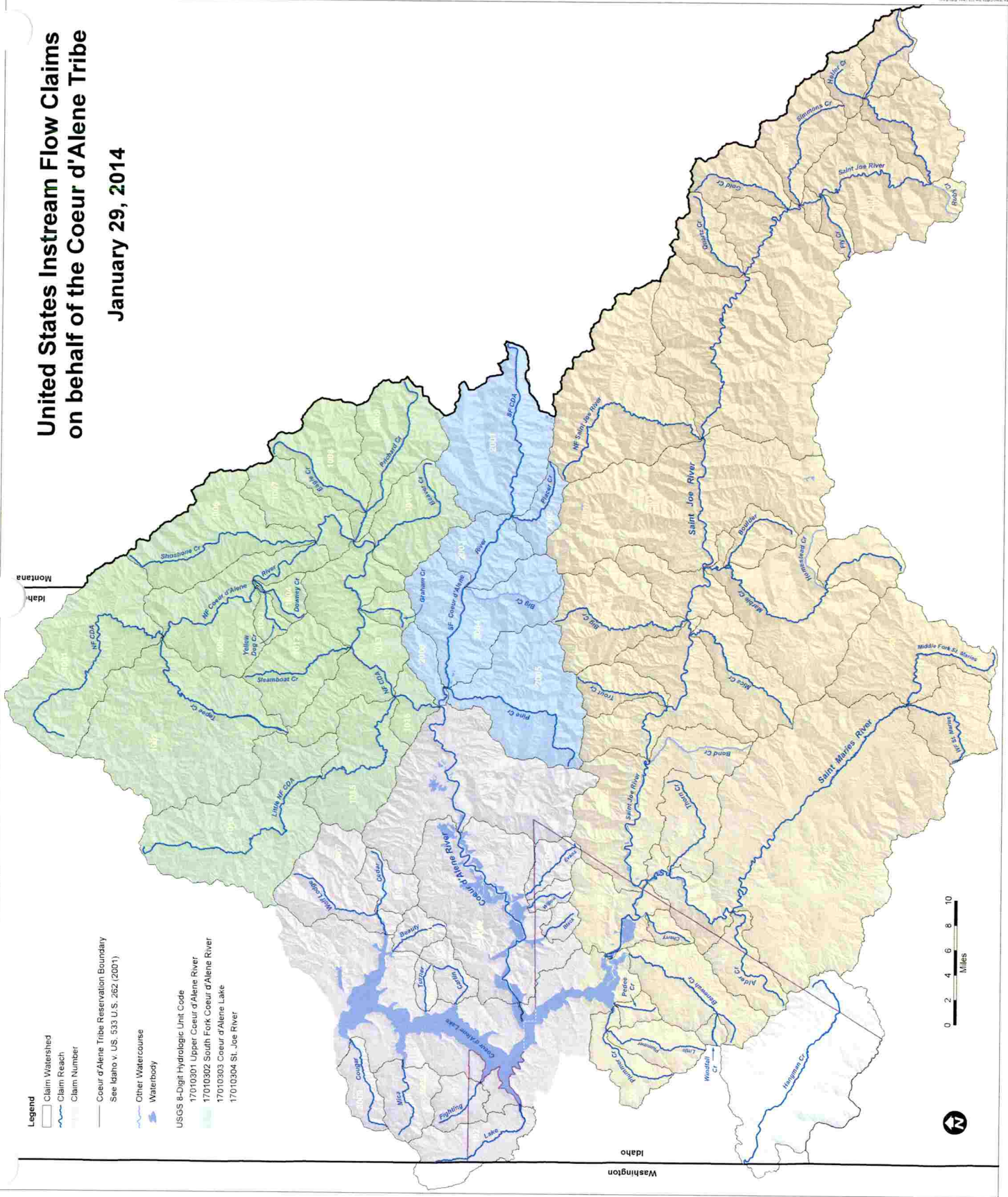
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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

0 2 4 6 8 10
Miles

North Arrow

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

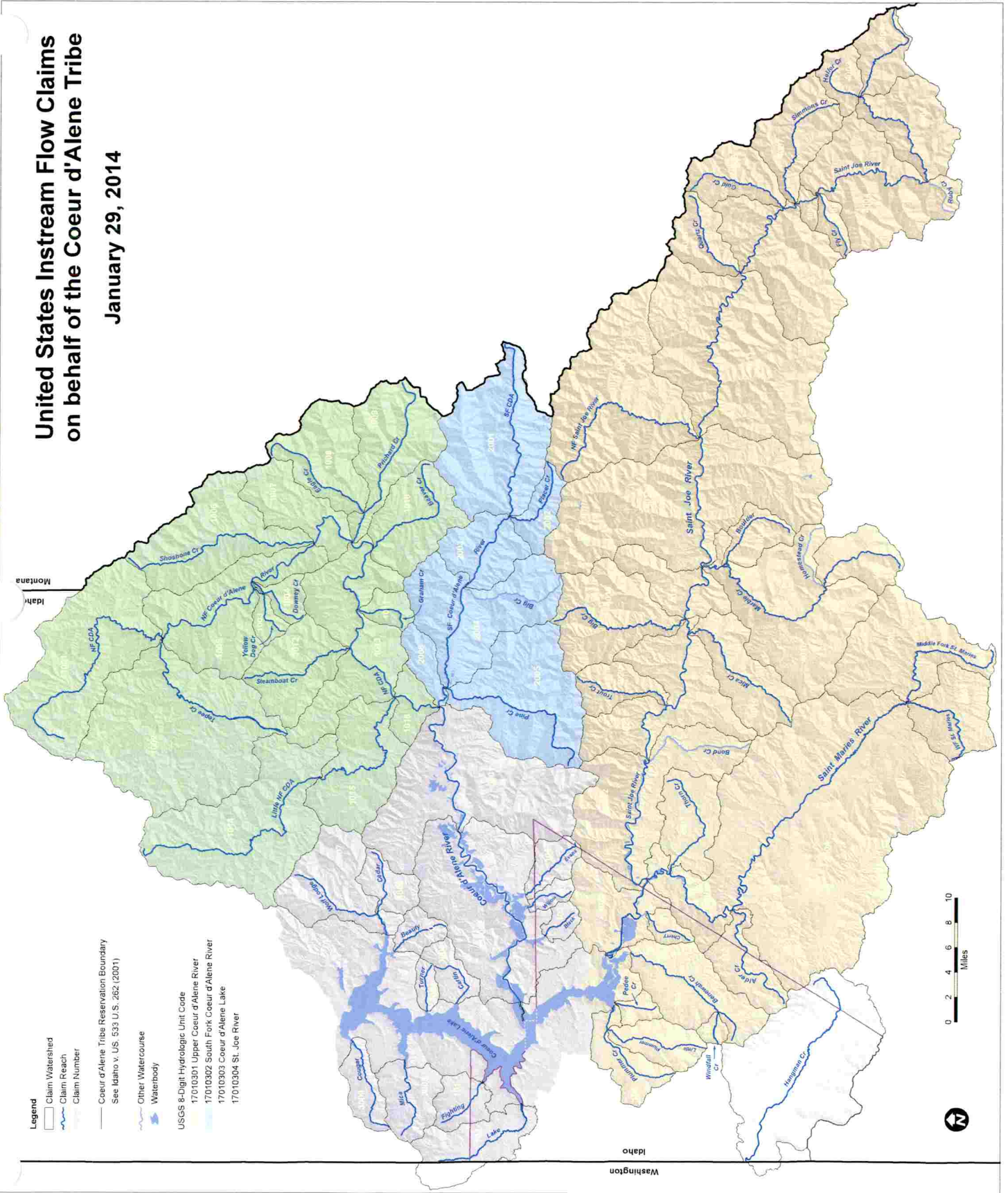
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United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



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

1. Name and address of claimant:

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D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District 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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(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

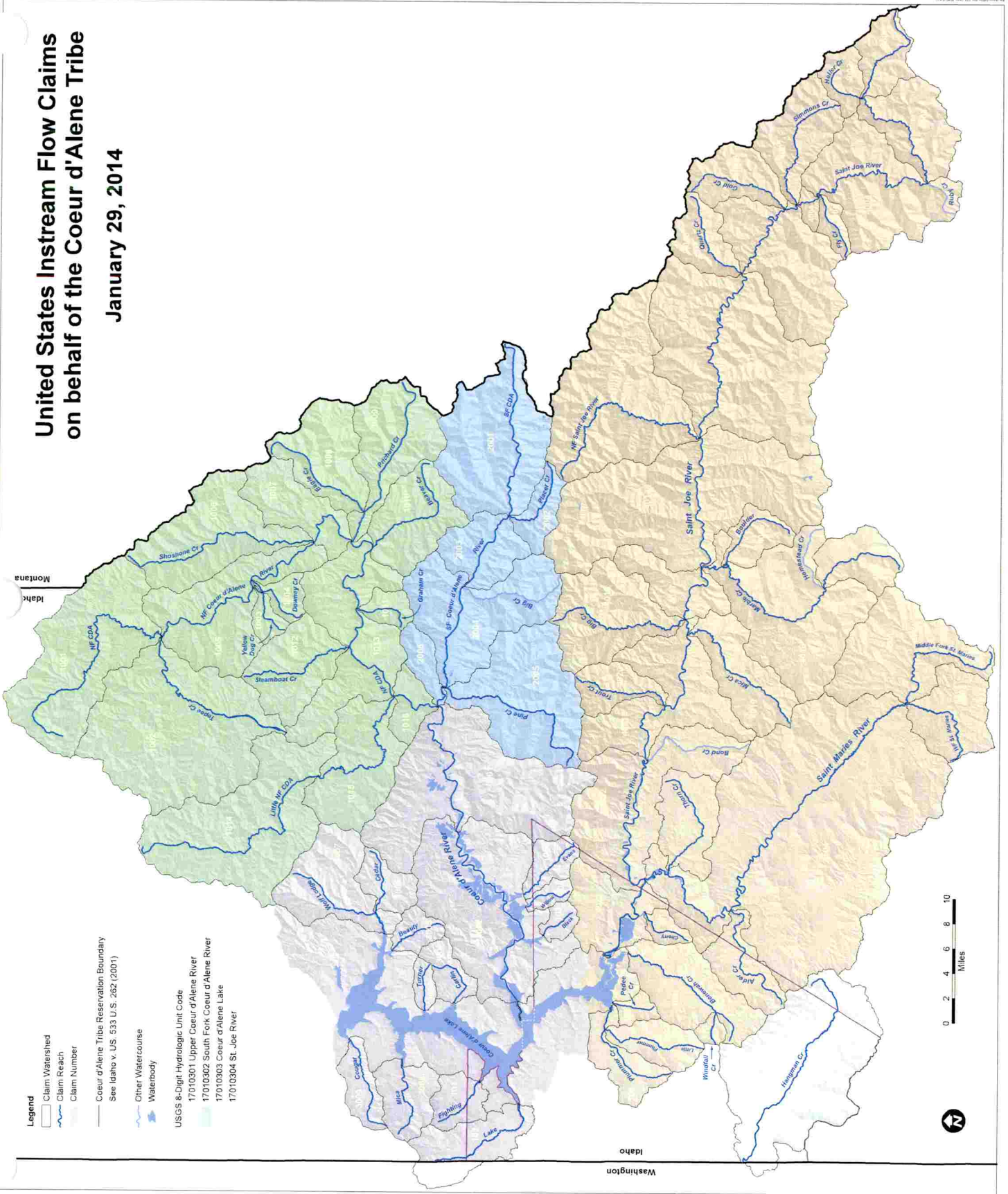
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

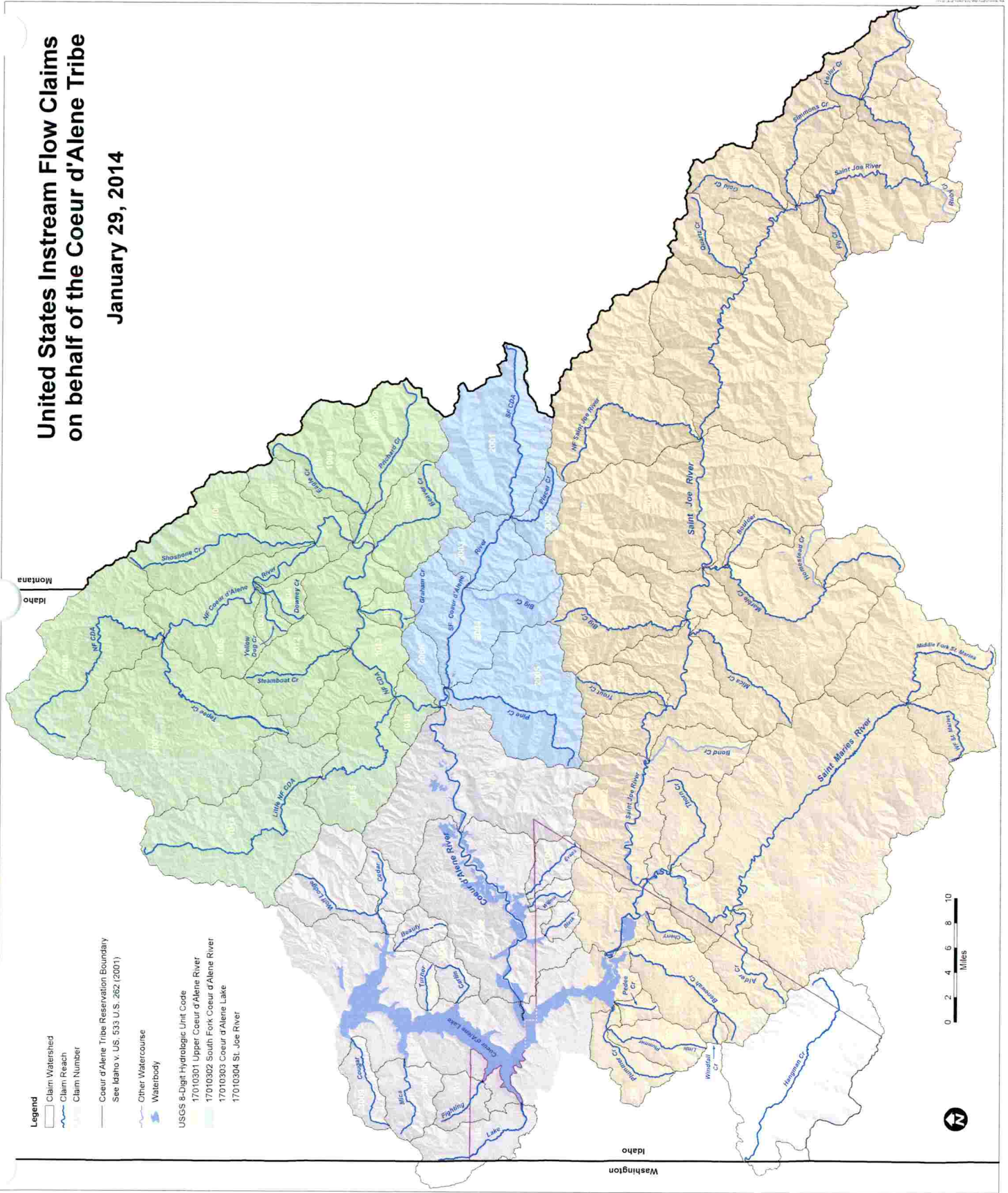
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

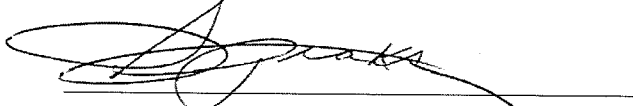
11. Signatures:

- (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:

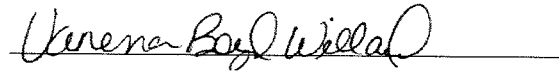


Northwest Regional Director
U.S. Bureau of Indian Affairs

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.

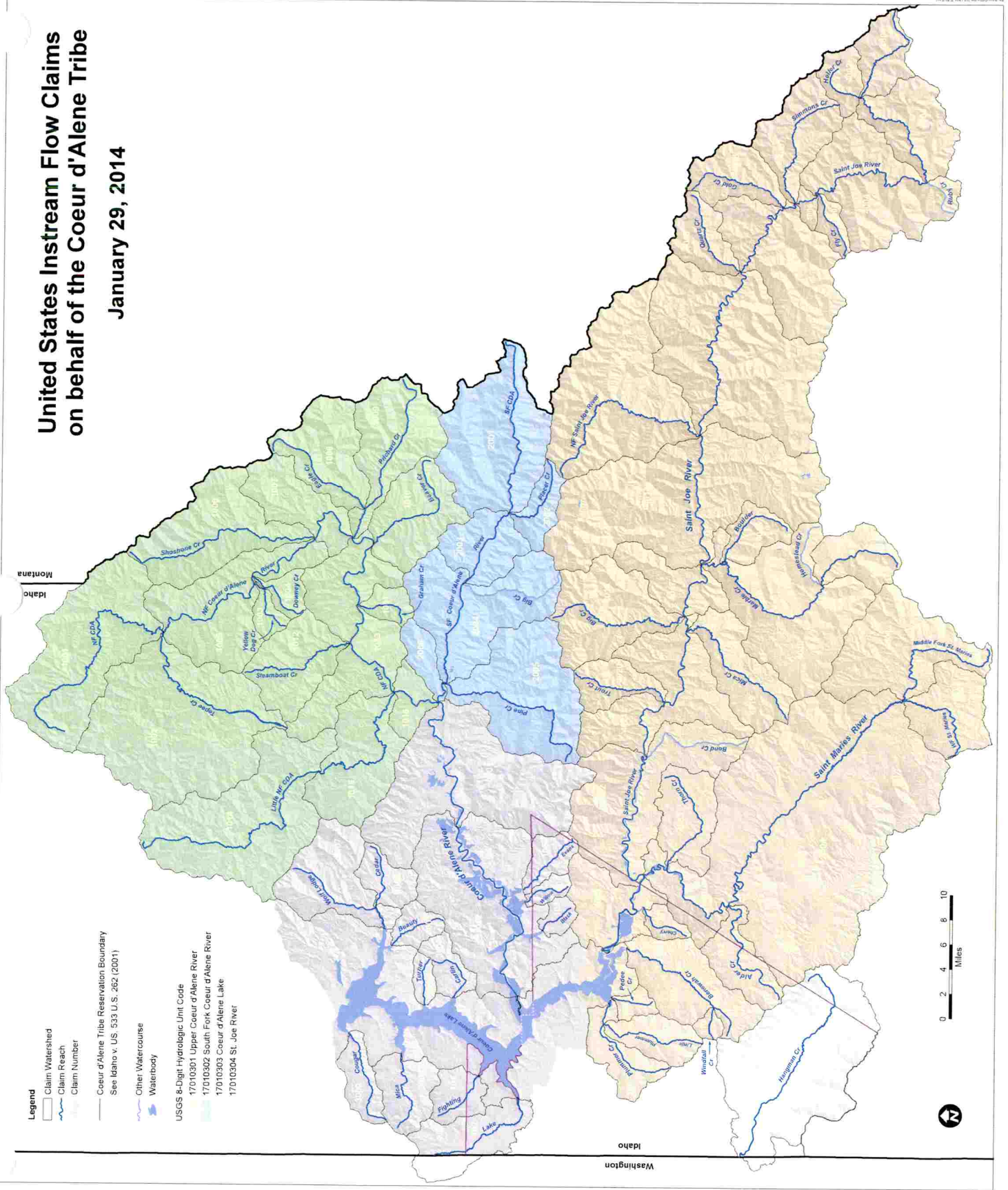
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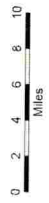
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



- 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
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- 17010301 Upper Coeur d'Alene River
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 - 17010304 St. Joe River



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DDMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District 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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(2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation 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.

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

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Signature of Authorized
Agent:

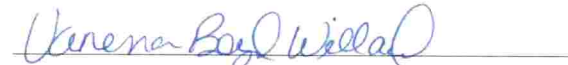


Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

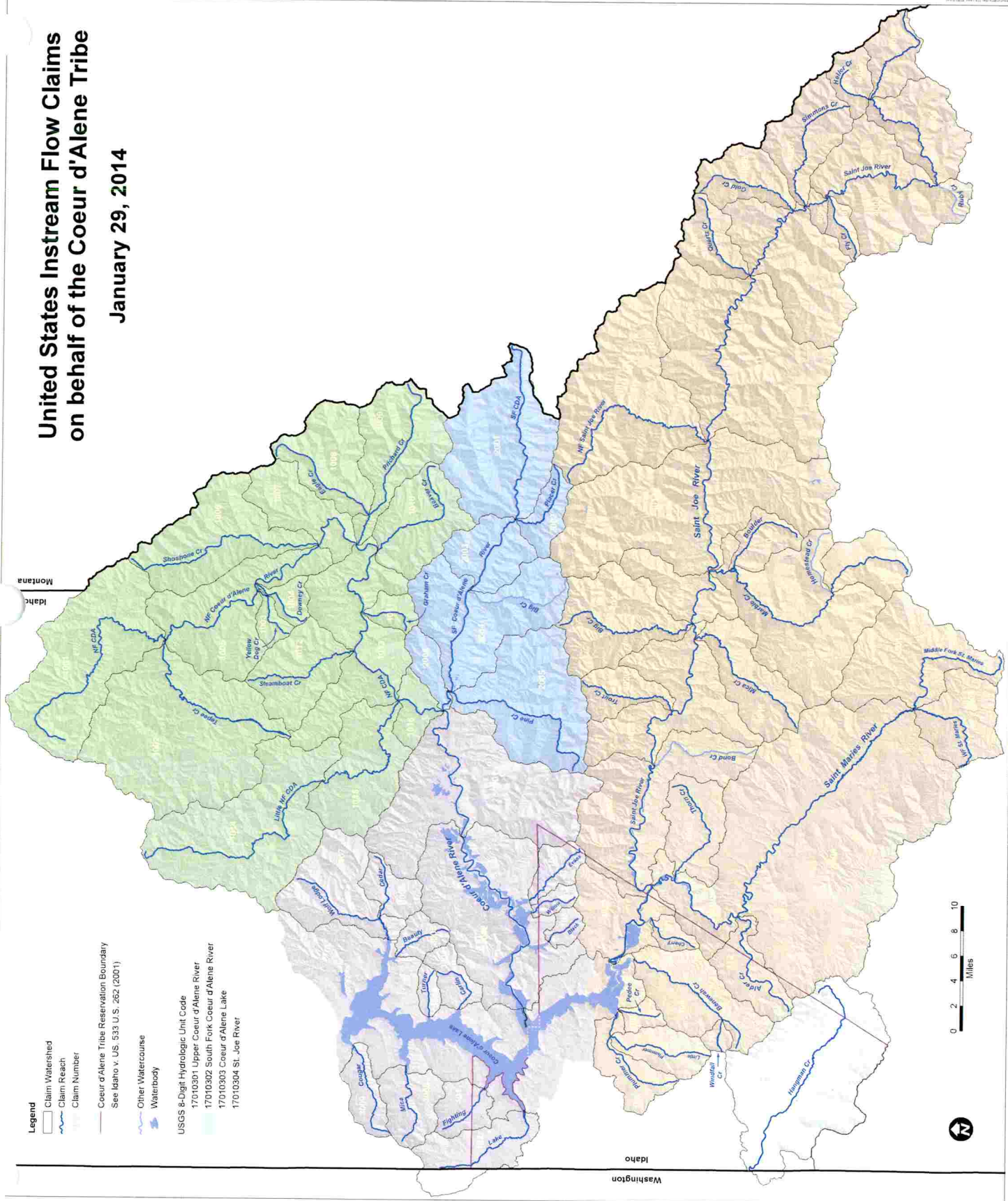
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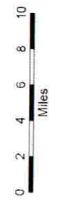
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

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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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DDMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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


11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

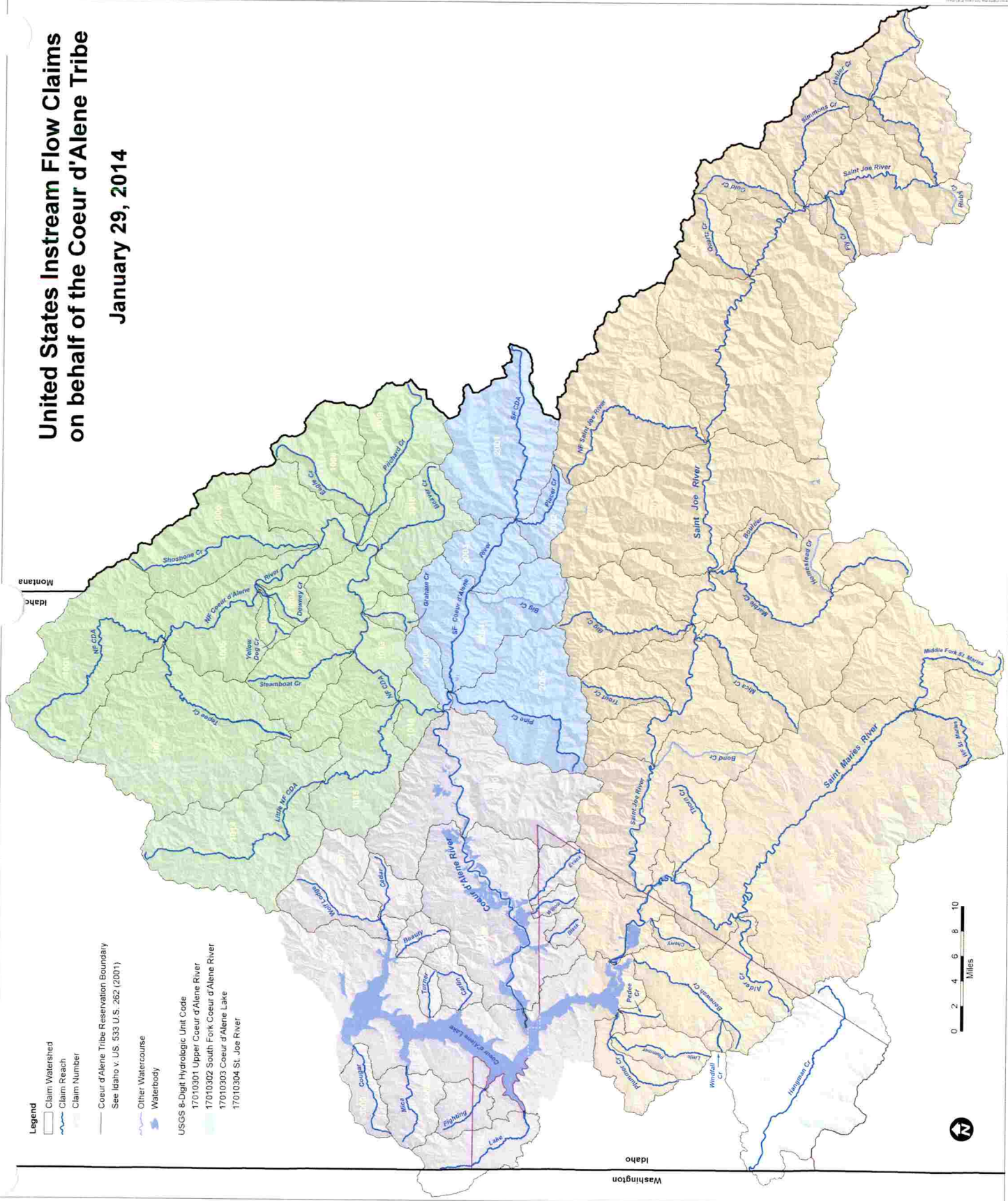
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



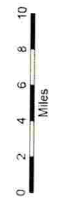
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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:

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

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

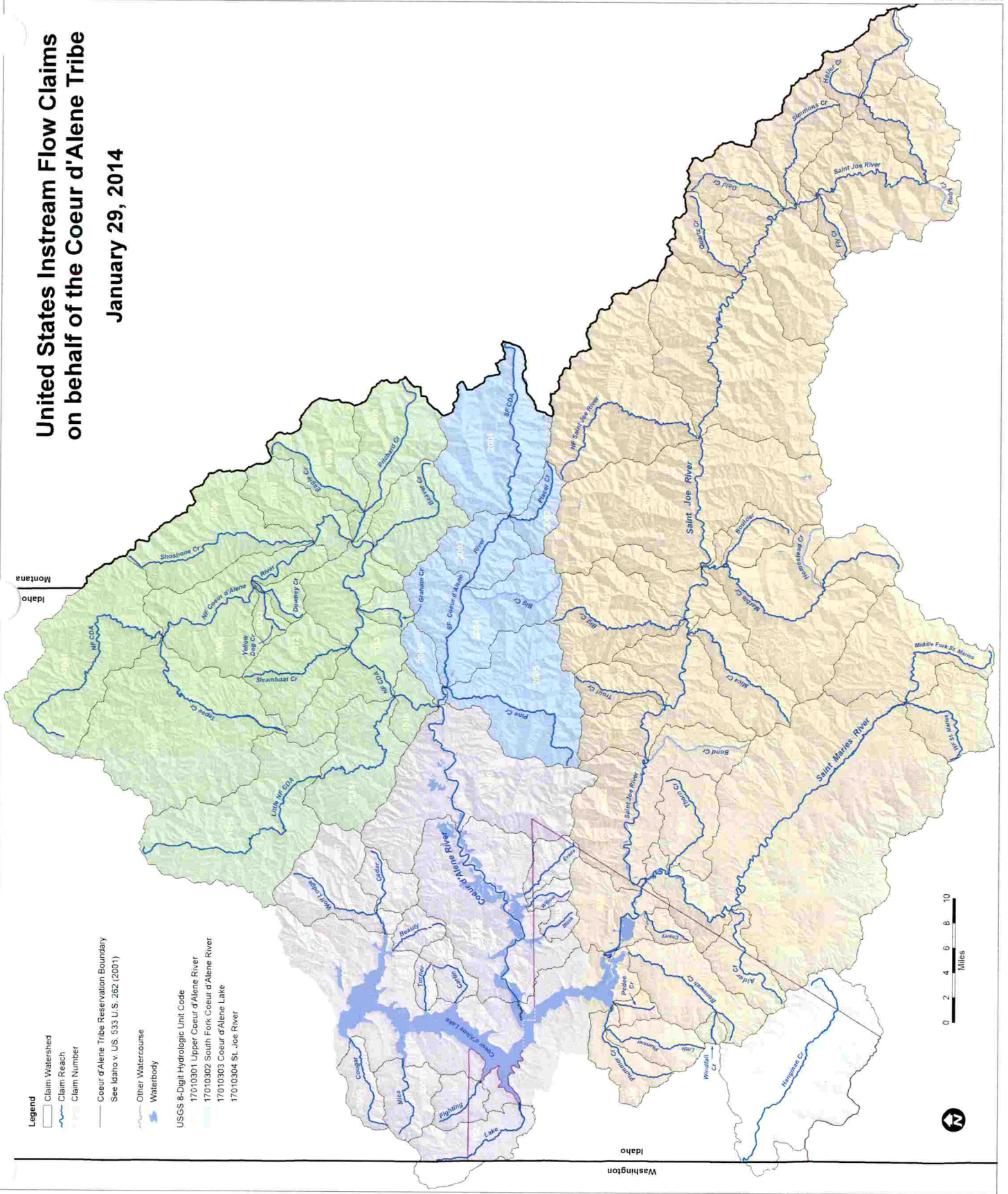
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

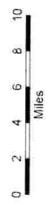
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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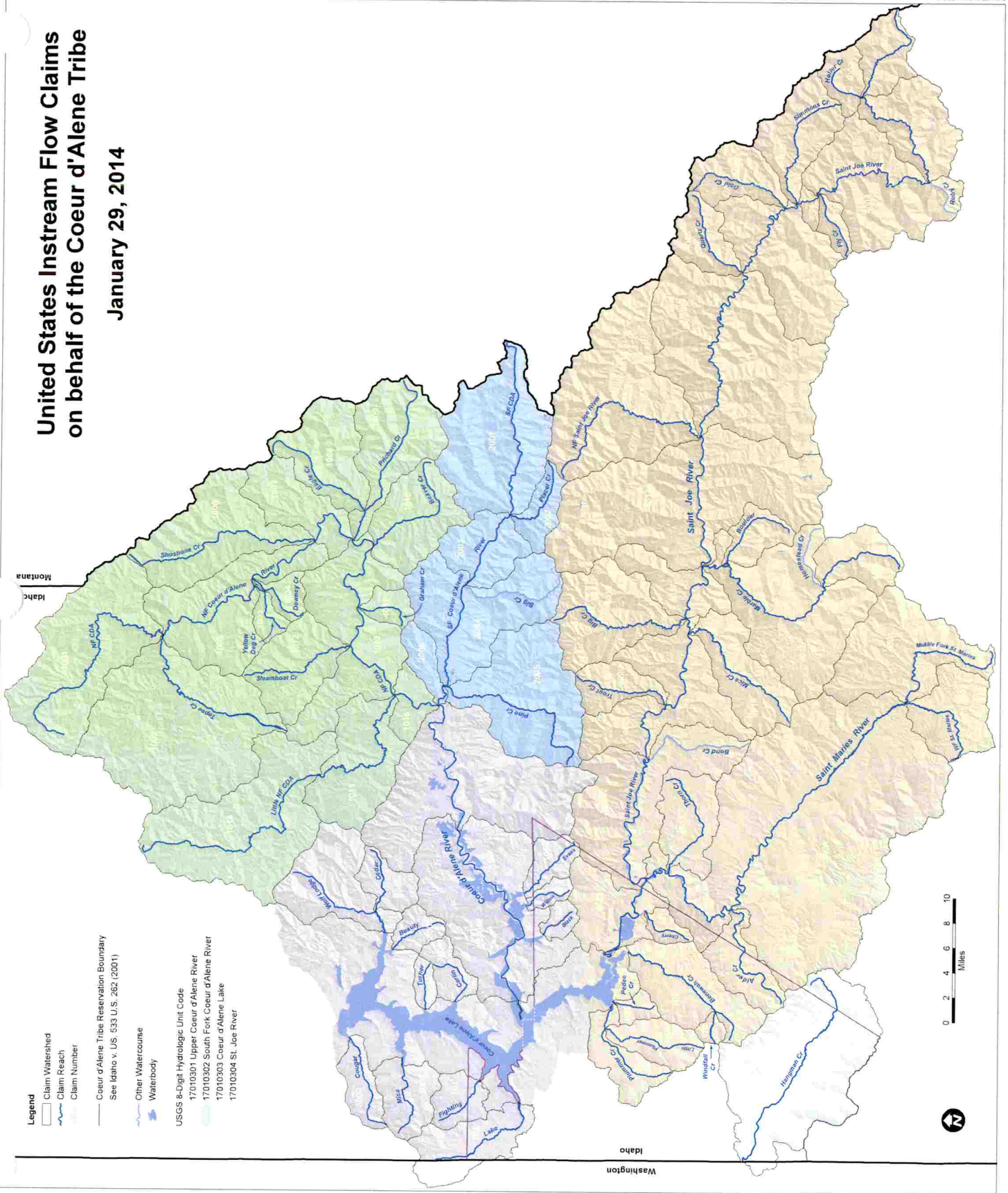
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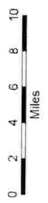
Vanessa Boyd Willard
United States Department of Justice
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

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
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 - 17010304 St. Joe River



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE 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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D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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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.

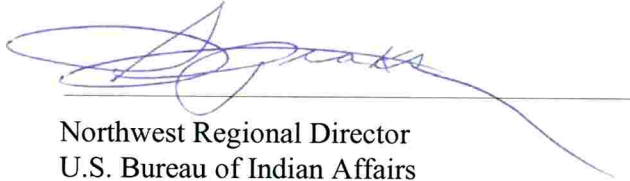
11. Signatures:

- (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.

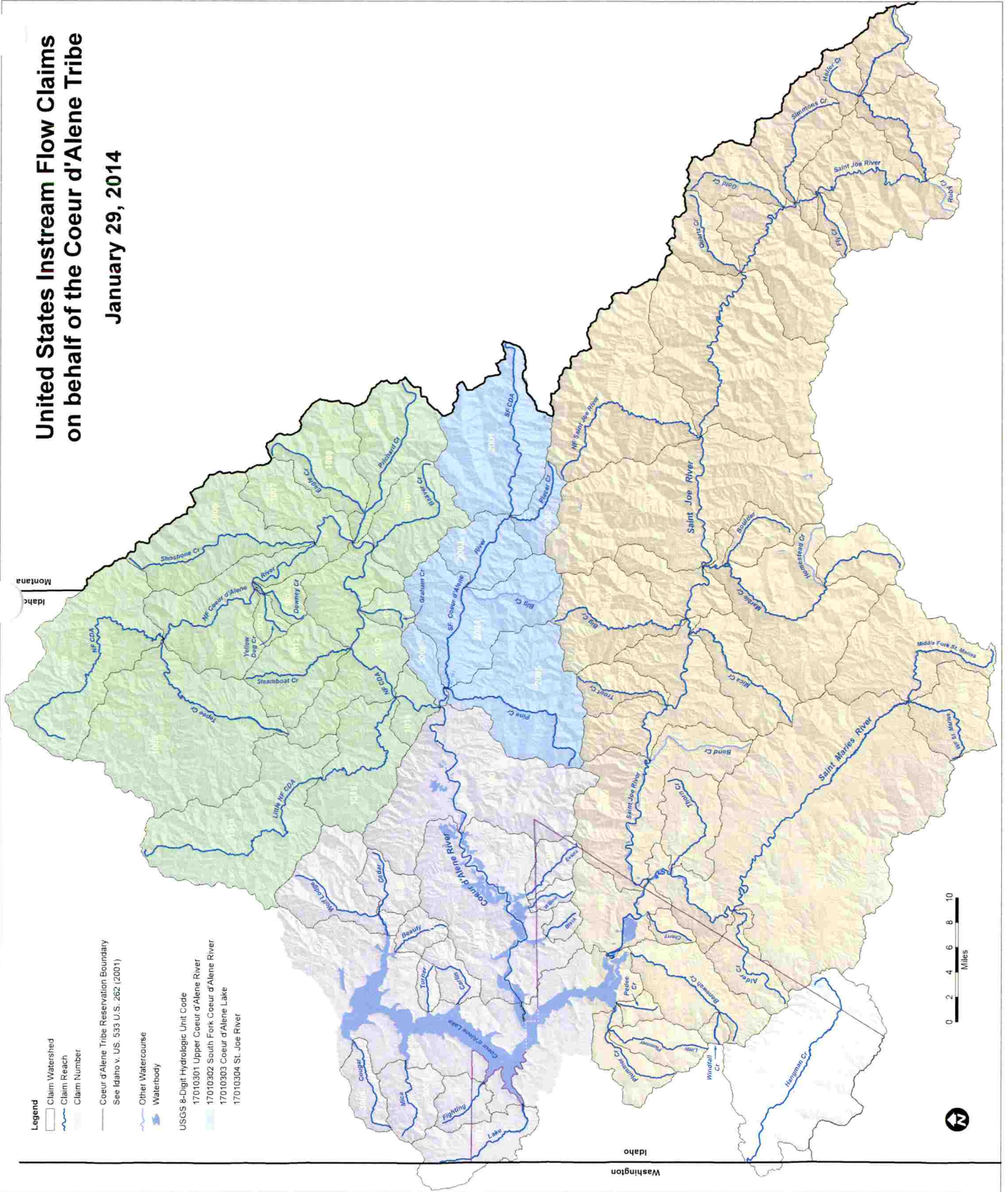
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

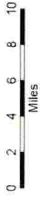
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
 - Claim Reach
 - Claim Number
 - Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMCI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

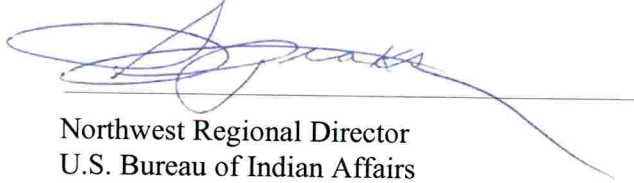
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

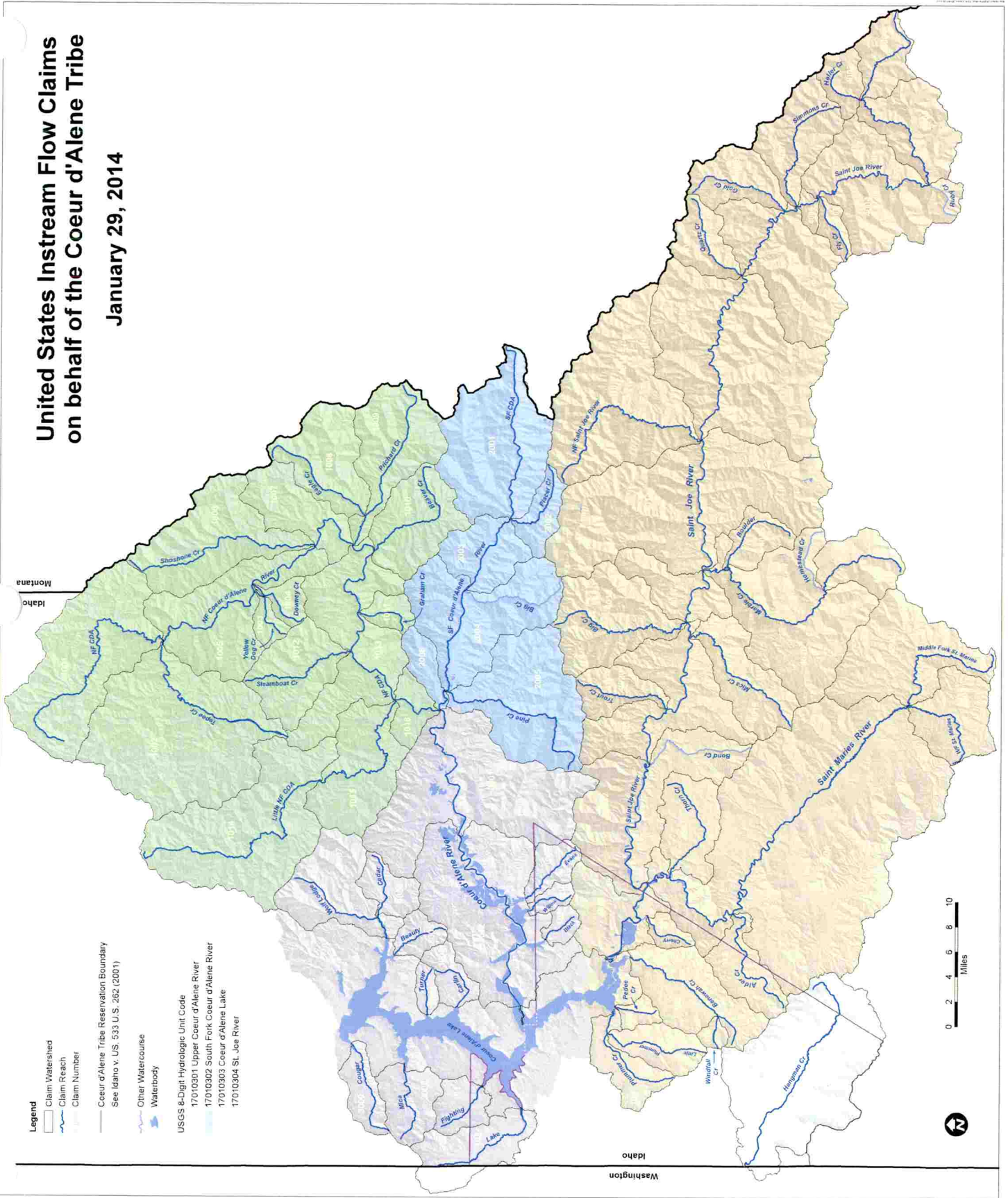
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)	NOTICE OF CLAIM
OF RIGHTS TO THE USE OF WATER)	
FROM THE COEUR D'ALENE-)	Federal Reserved Water Right
SPOKANE RIVER BASIN)	
WATER SYSTEM)	
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: 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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not __X__ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

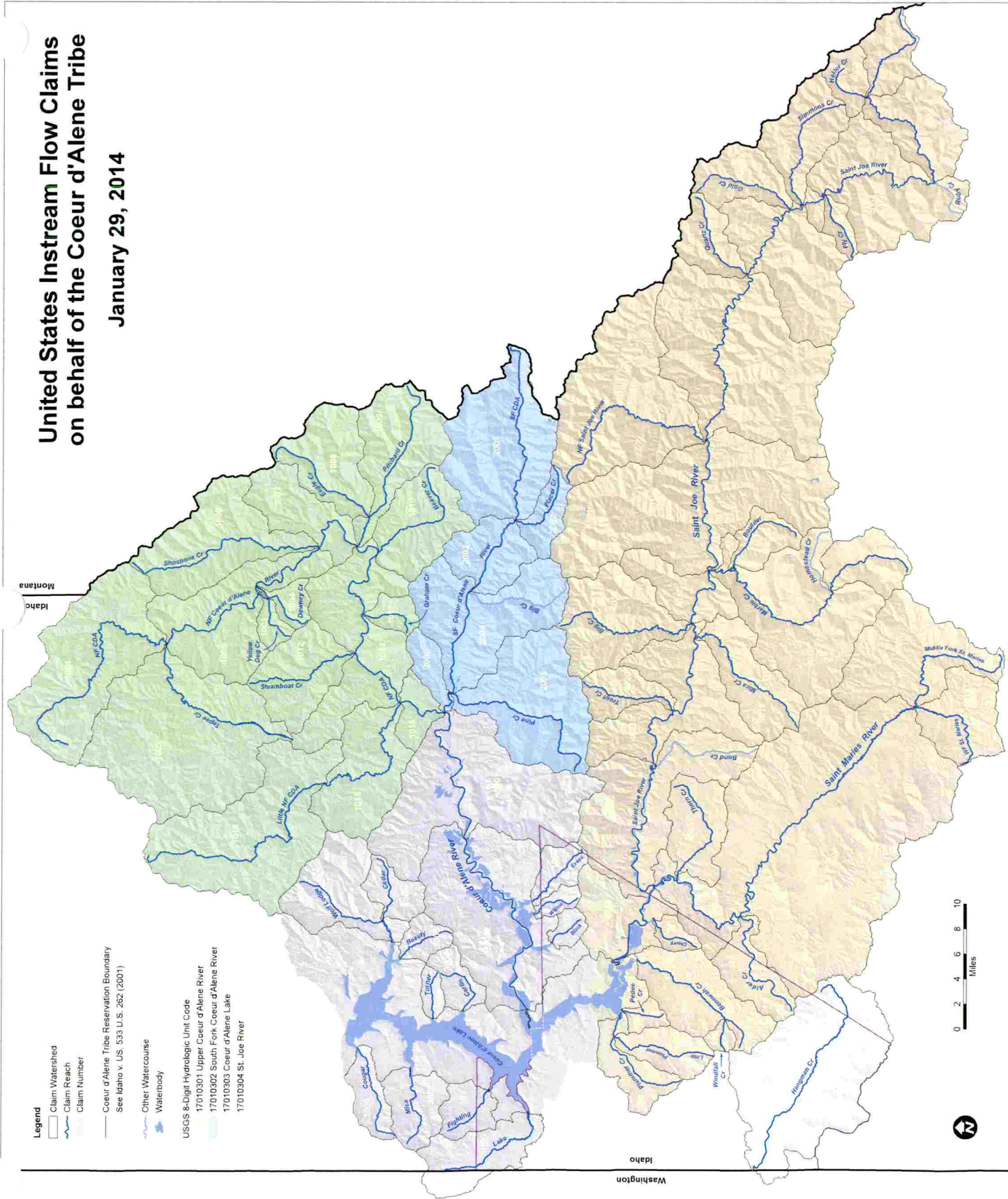
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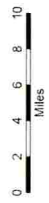
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



- 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



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

IN RE THE GENERAL ADJUDICATION)	NOTICE OF CLAIM
OF RIGHTS TO THE USE OF WATER)	
FROM THE COEUR D'ALENE-)	Federal Reserved Water Right
SPOKANE RIVER BASIN)	
WATER SYSTEM)	
))	
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: 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	February	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.

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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.

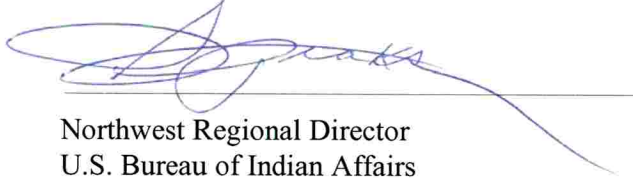
11. Signatures:

- (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.

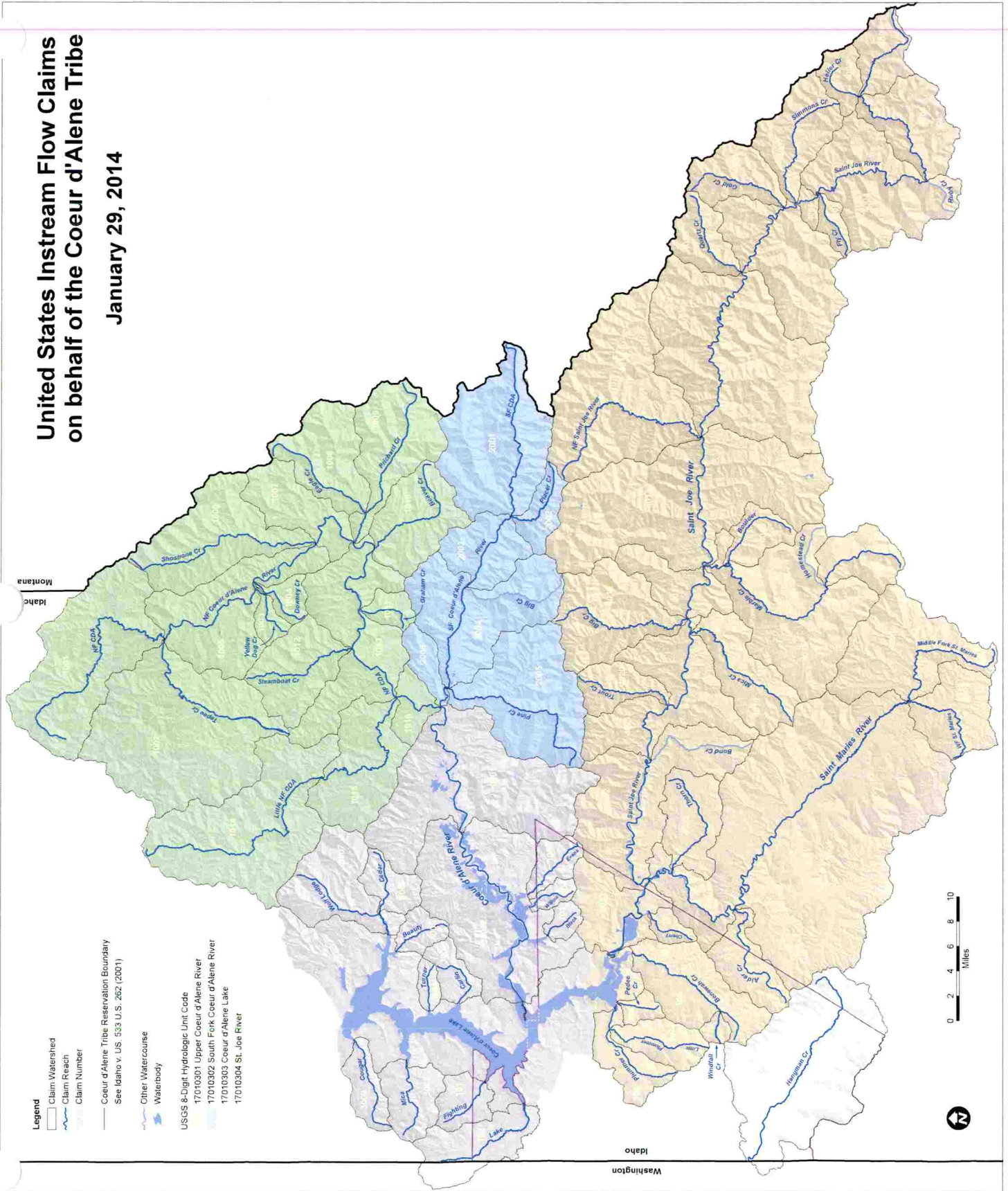
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

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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	February	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.

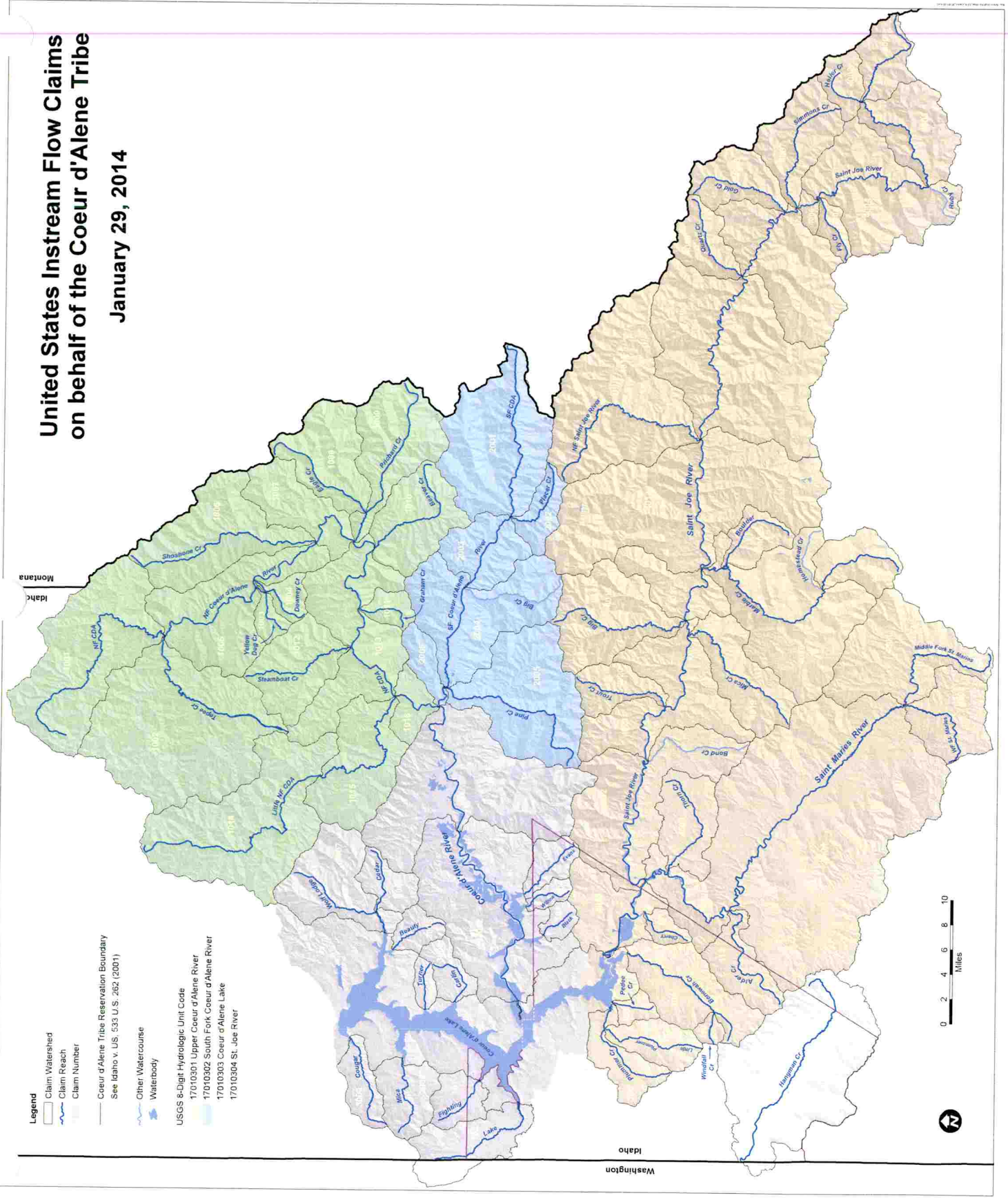
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



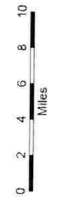
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

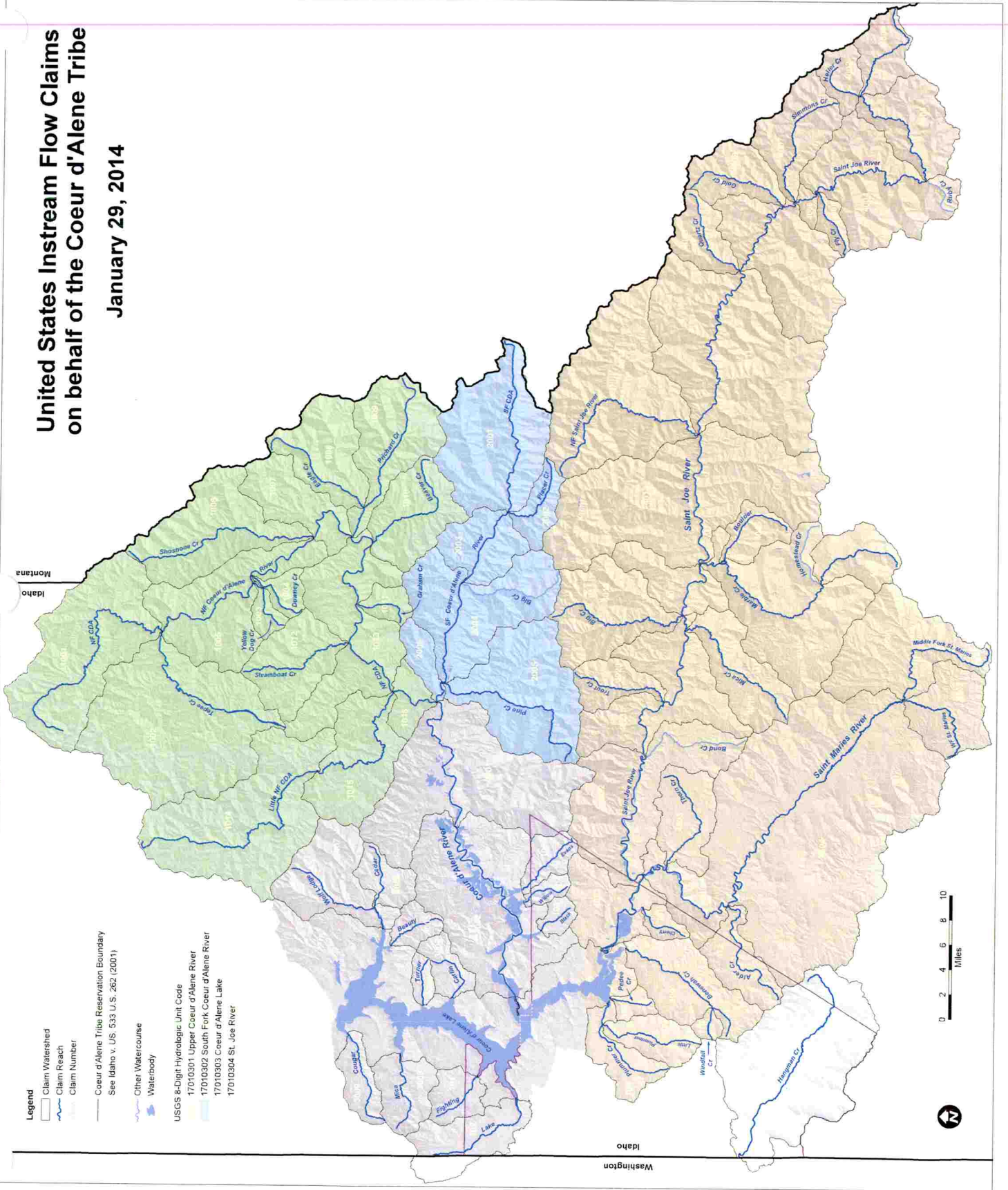
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

0 2 4 6 8 10
Miles



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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:

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

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

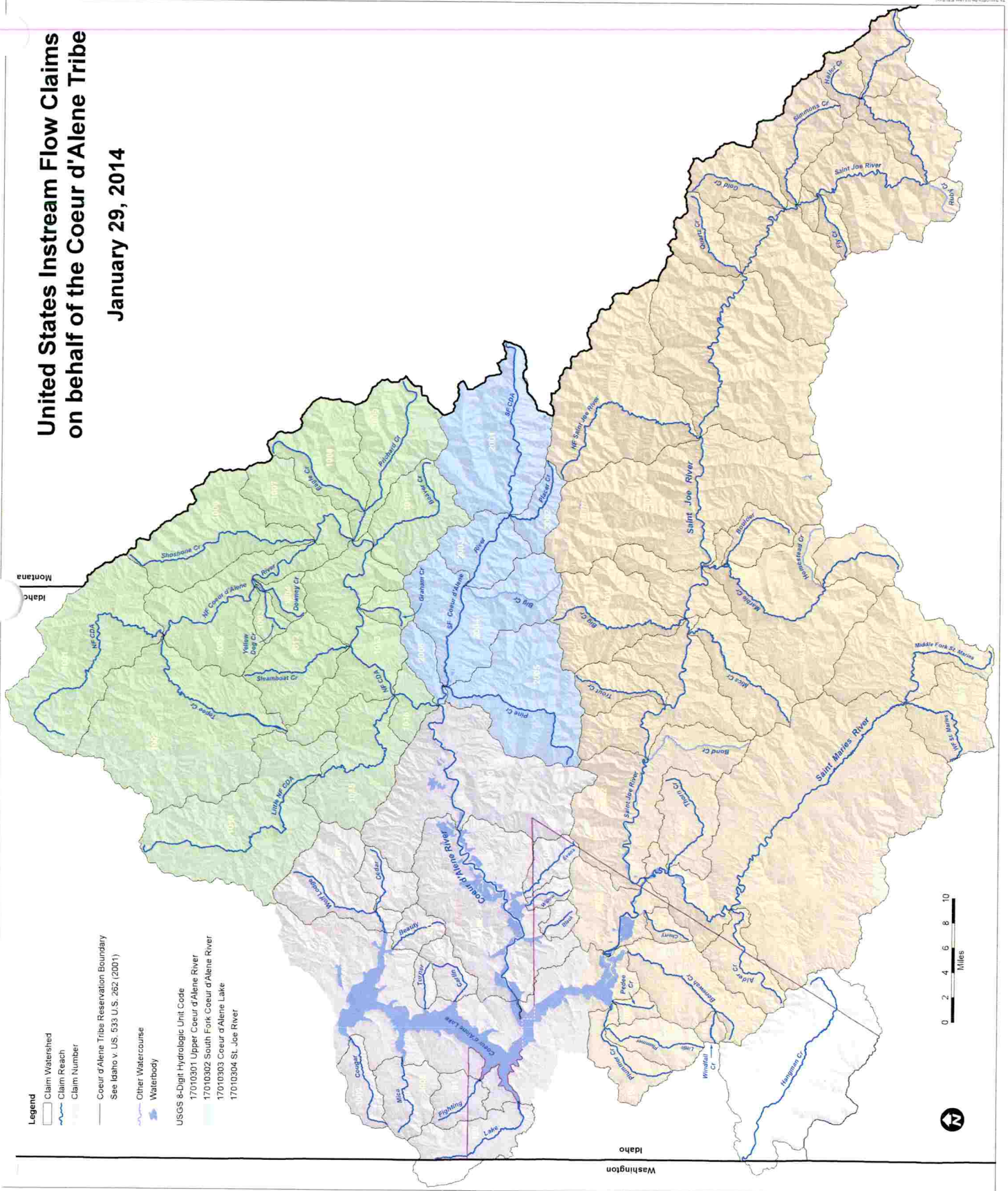
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
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through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation 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.

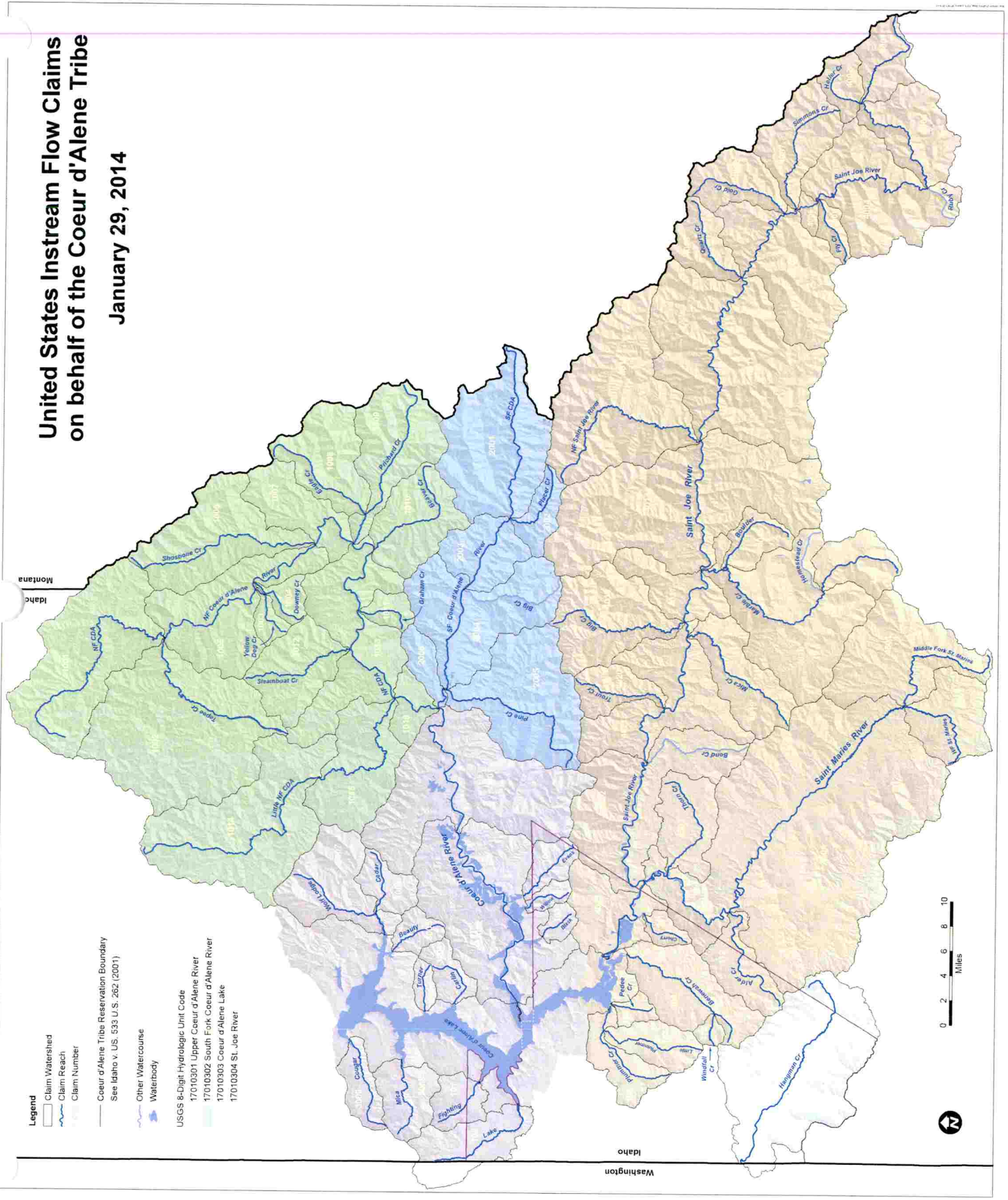
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



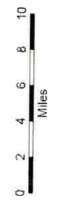
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



- Legend**
- Claim Watershed
 - Claim Reach
 - Claim Number
 - Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

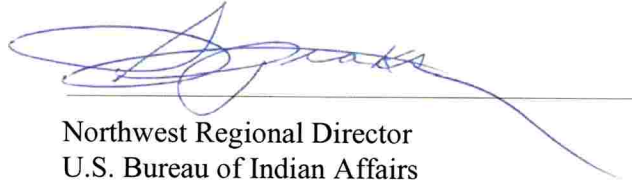
11. Signatures:

- (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.

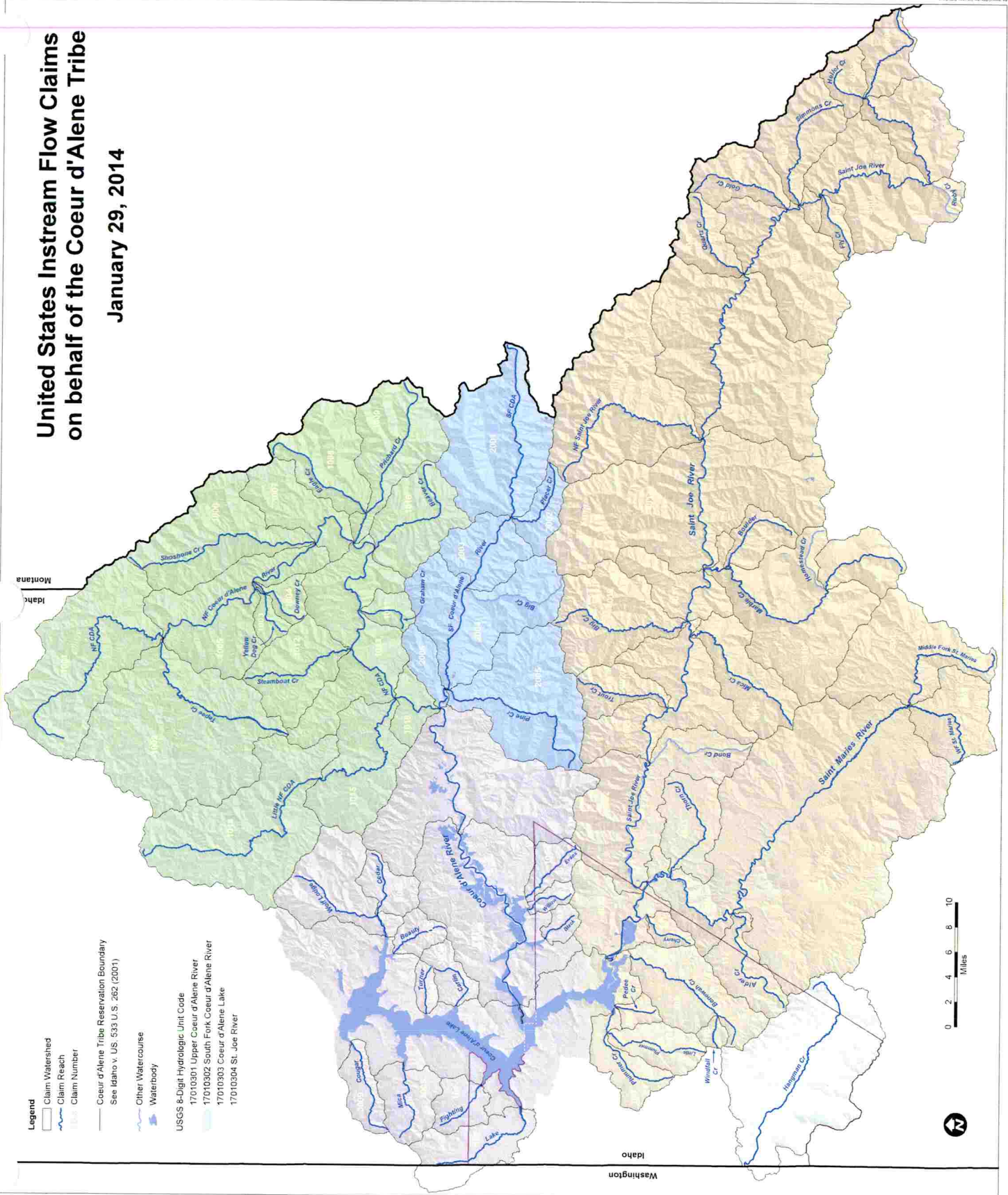
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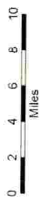
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed Boundary
- 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

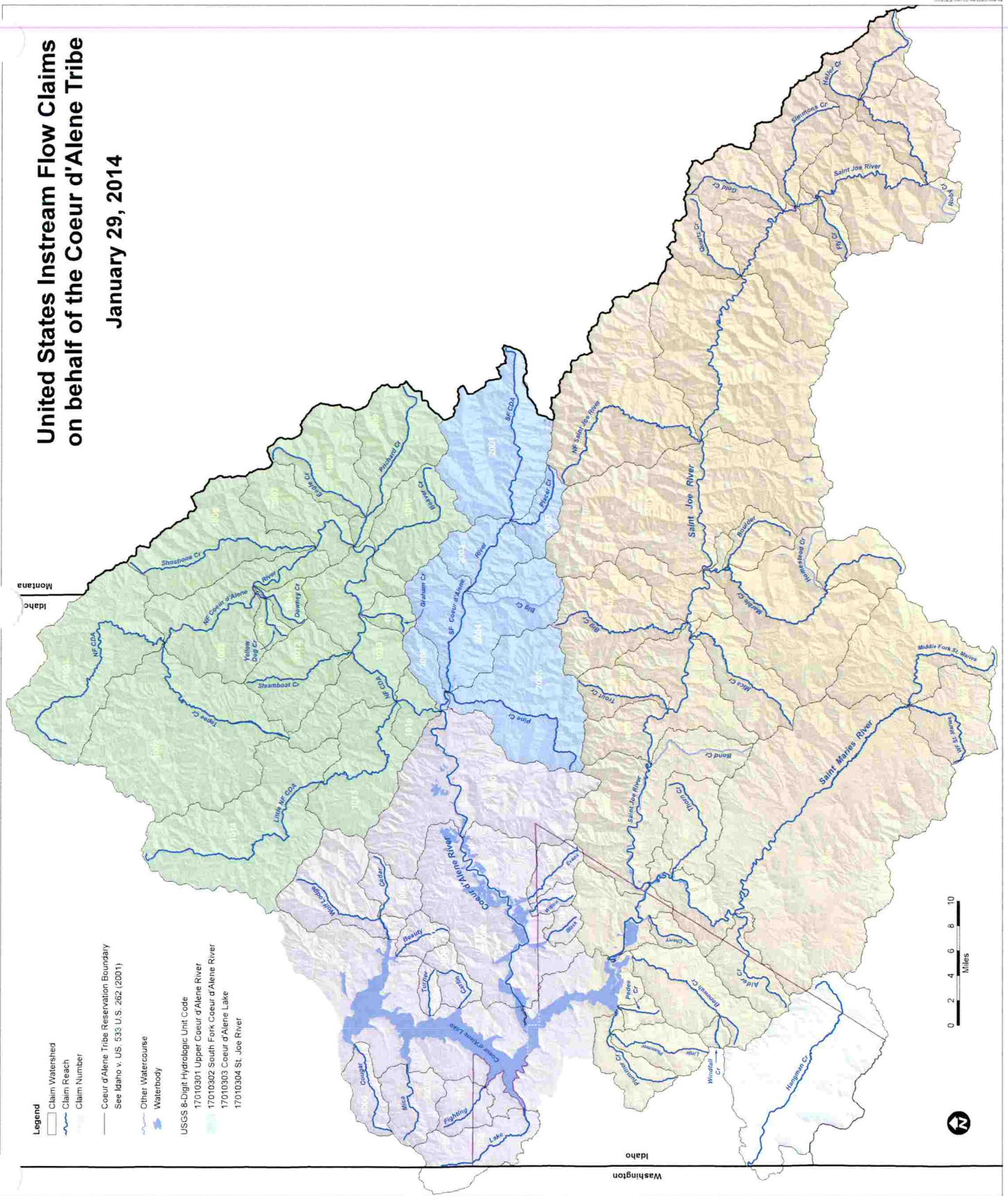
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United States Department of Justice
Environment and Natural Resources Division
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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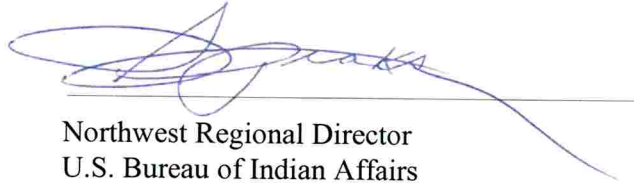
11. Signatures:

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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.

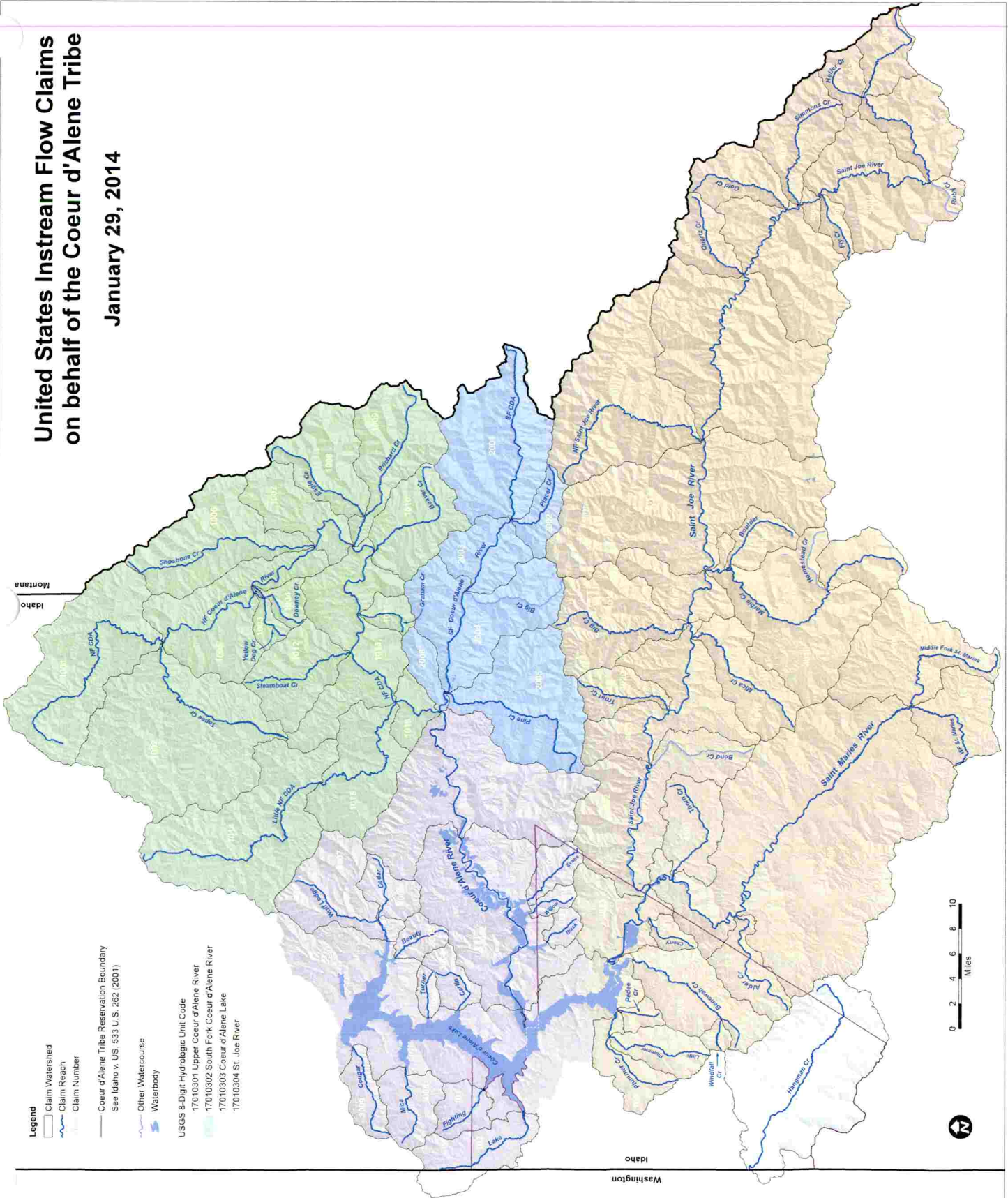
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United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
- Claim Reach
- Claim Number
- Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE 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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D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish (b) to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

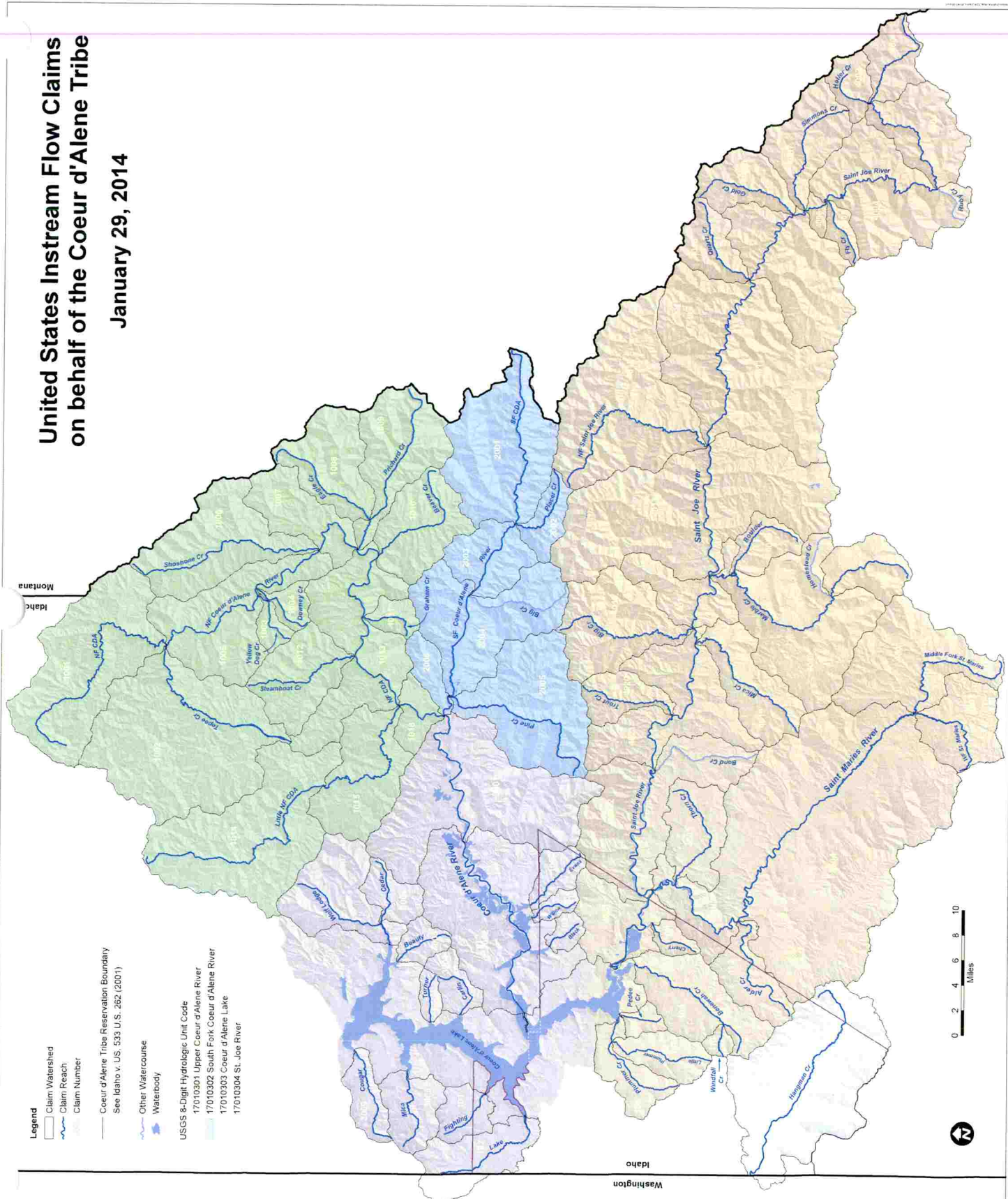
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

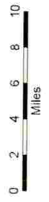


Legend
 Claim Watershed
 Claim Reach
 Claim Number

— Coeur d'Alene Tribe Reservation Boundary
 See Idaho v. U.S. 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
 Washington

Montana

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

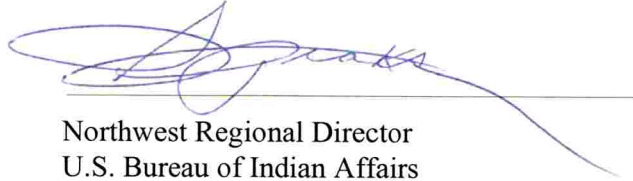
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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


11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

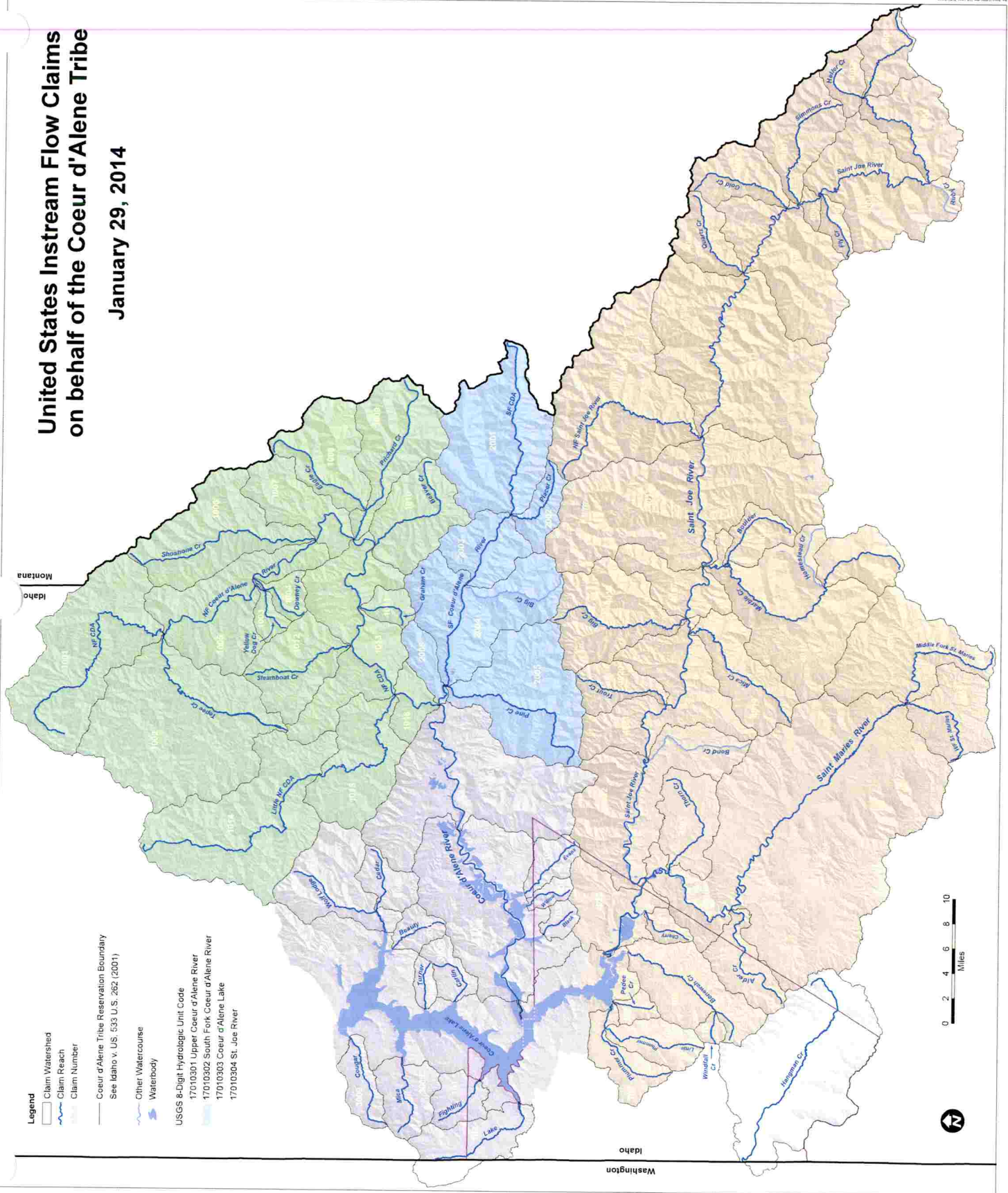
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Environment and Natural Resources Division
Indian Resources Section
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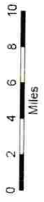
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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 Coeur d'Alene River
- 17010303 Coeur d'Alene Lake
- 17010304 St. Joe River



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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 31	February 31	March 38	April 52	May 52	June 52
July 21	August 8.4	September 6.5	October 6.7	November 17	December 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.

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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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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


11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

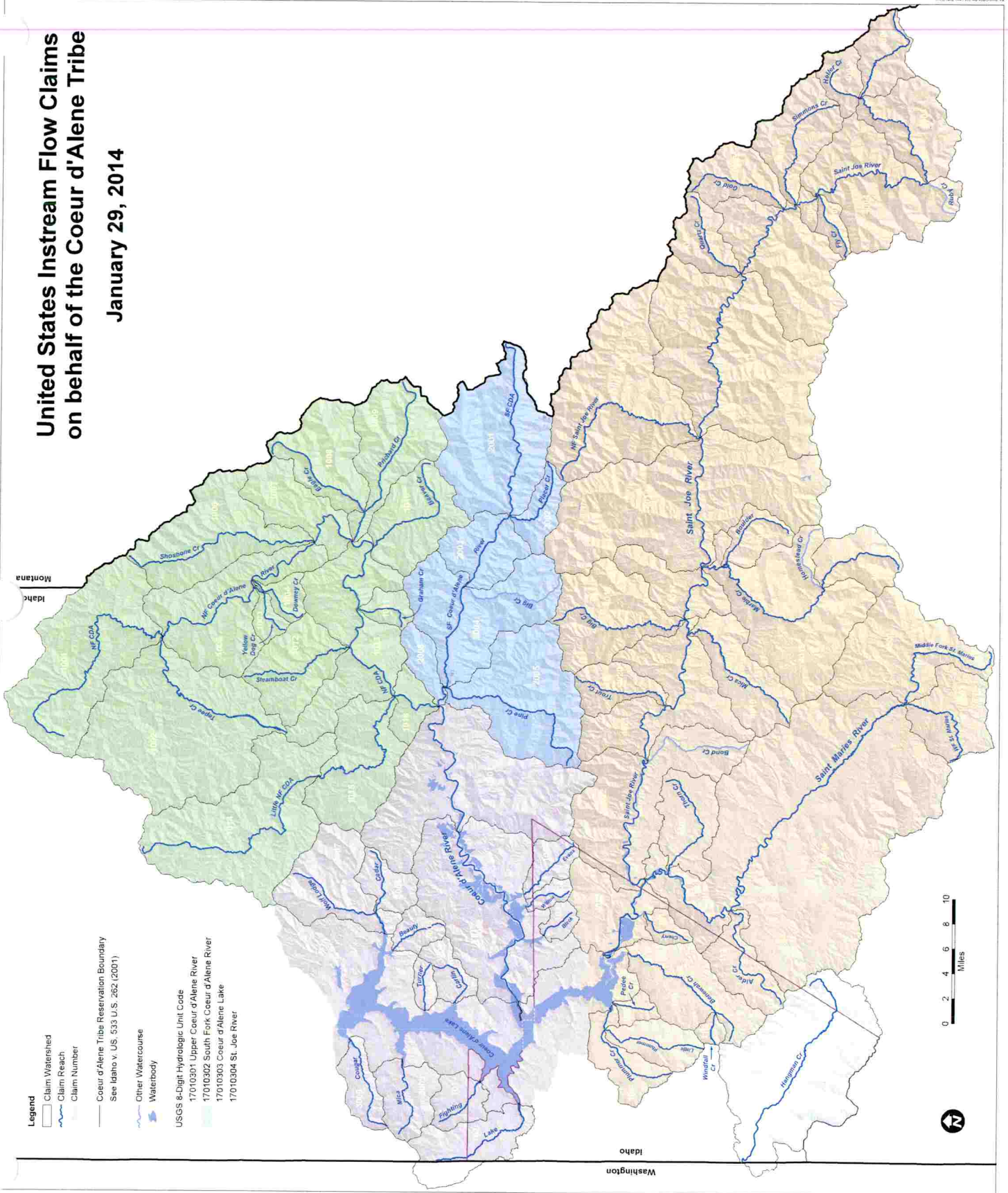
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

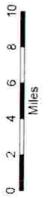
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
 - Claim Reach
 - Claim Number
 - Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

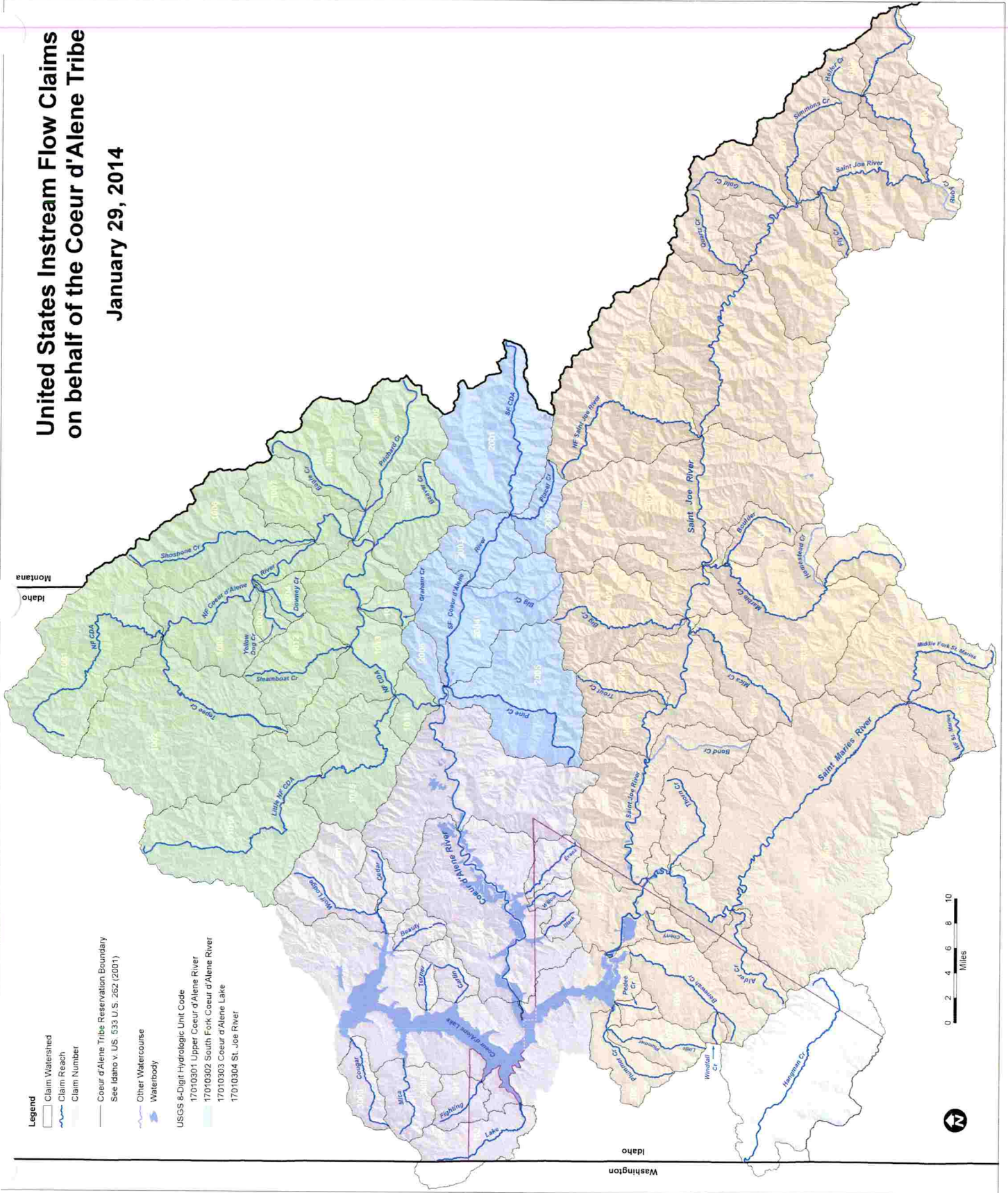
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

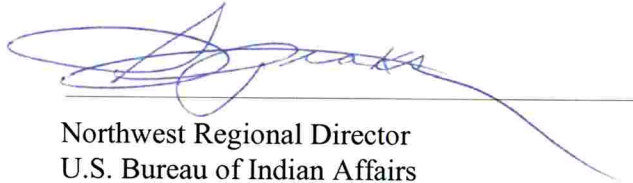
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:

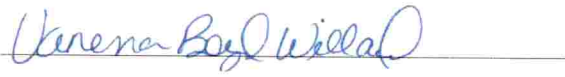


Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

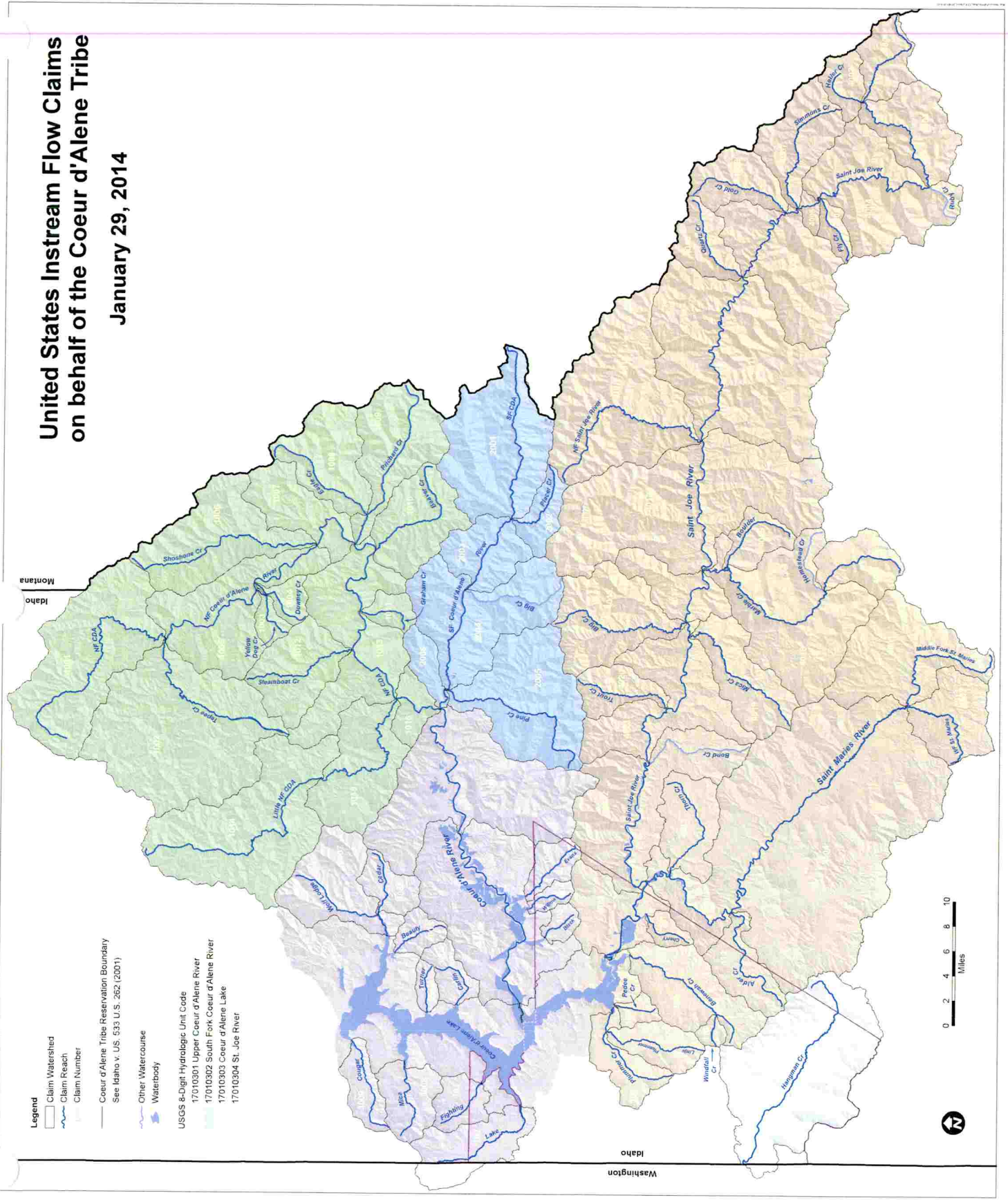
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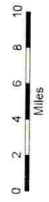
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United States Department of Justice
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

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. U.S. 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
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 - 17010304 St. Joe River



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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:

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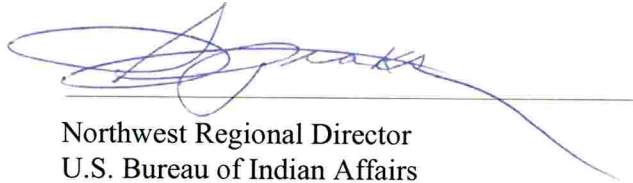
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- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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.

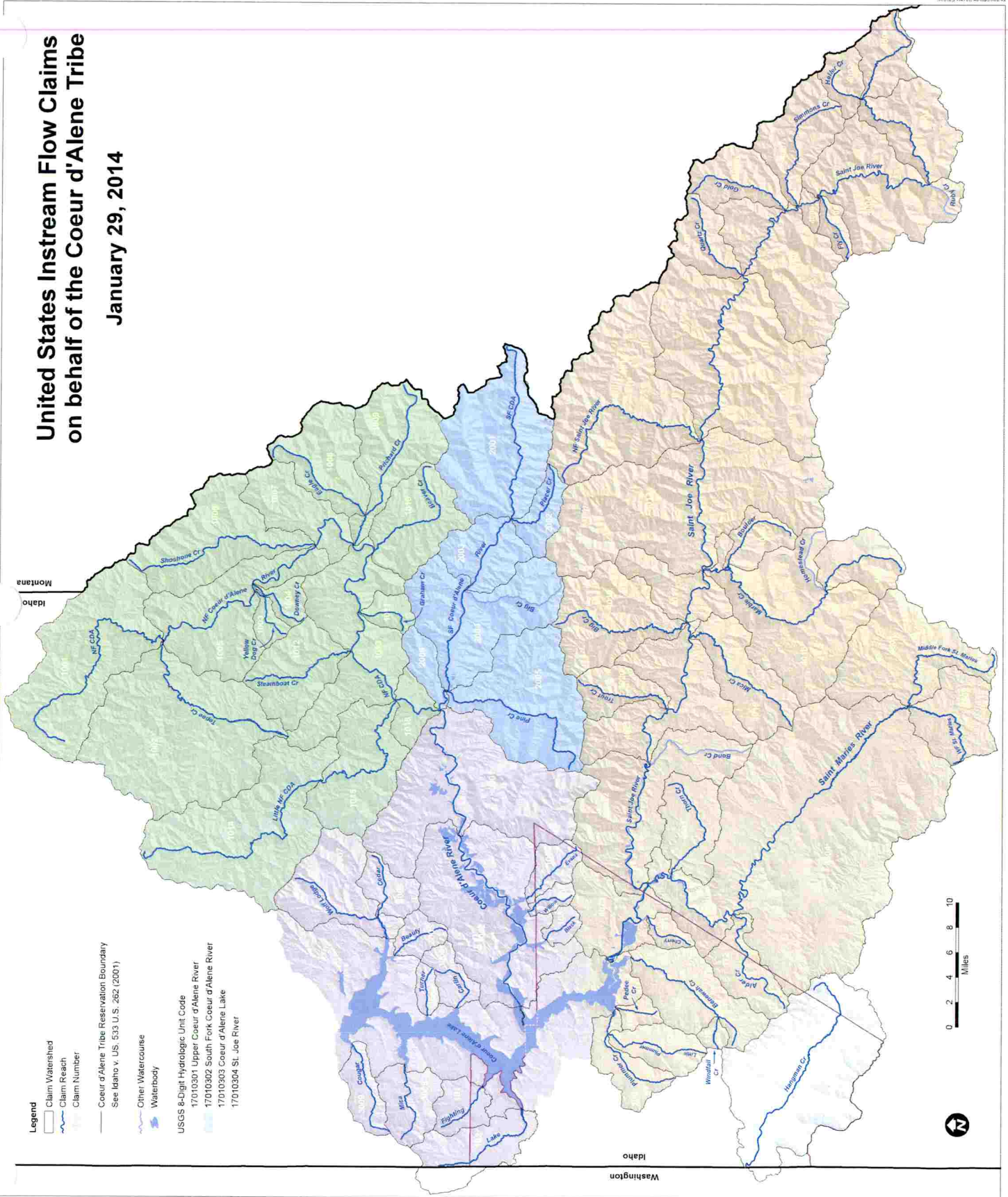
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

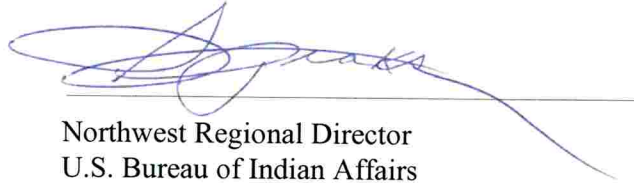
11. Signatures:

- (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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

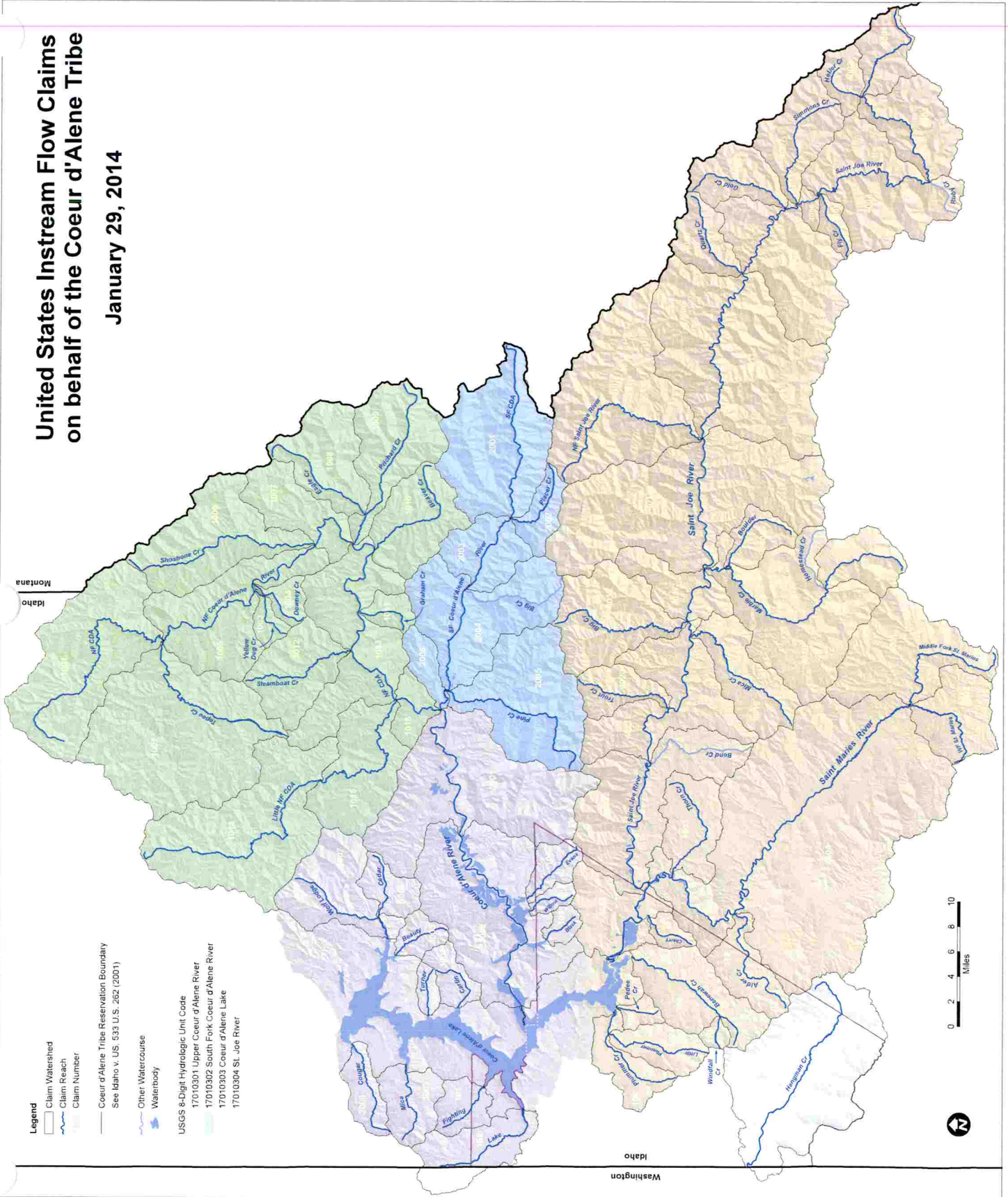
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

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

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

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

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

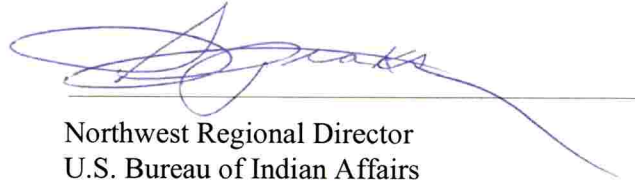
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish (b) to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

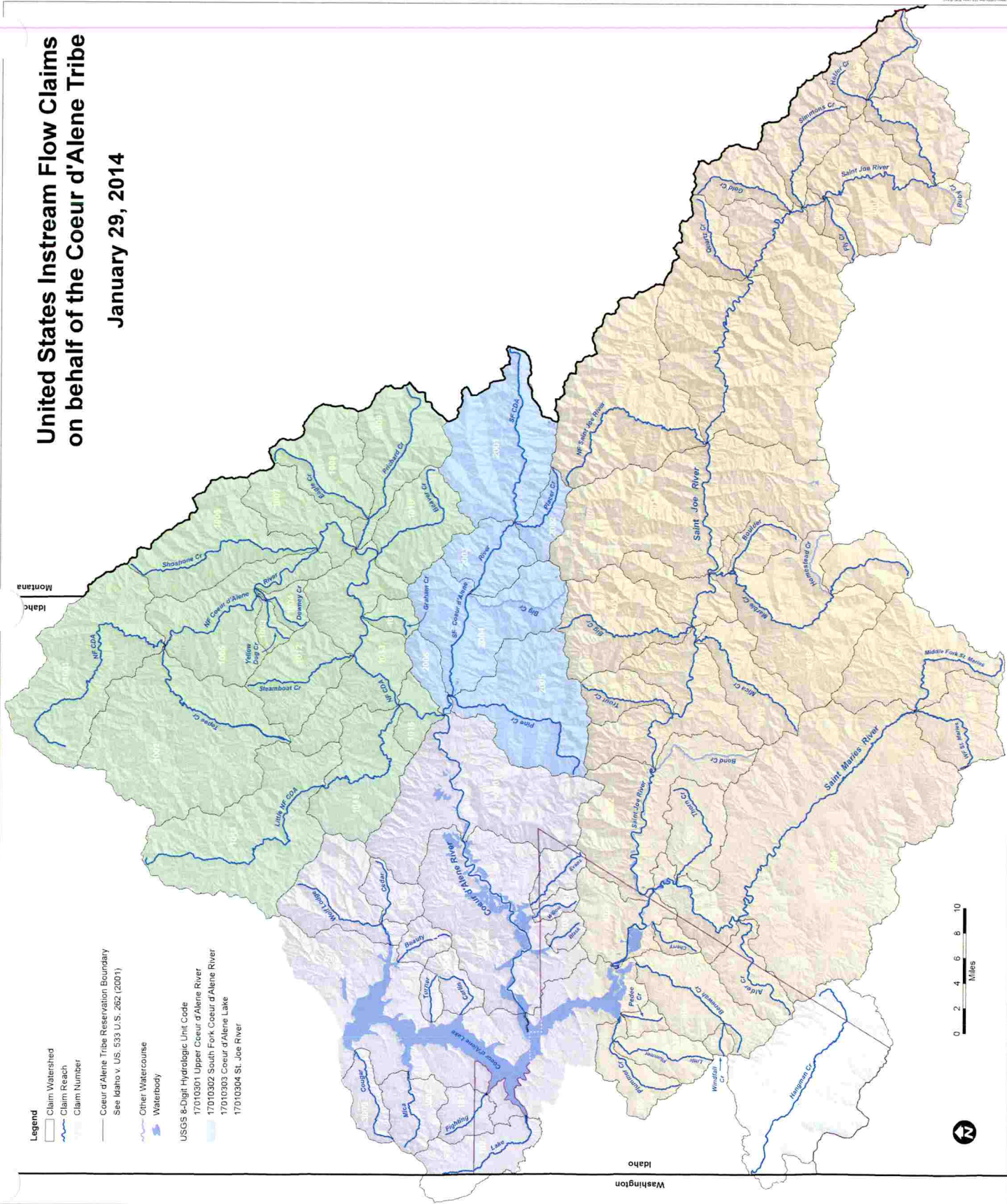
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Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

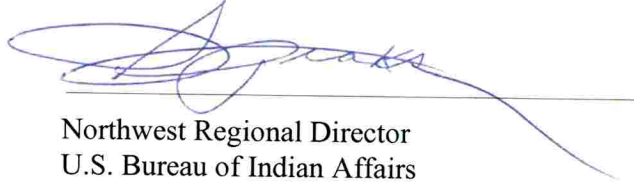
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

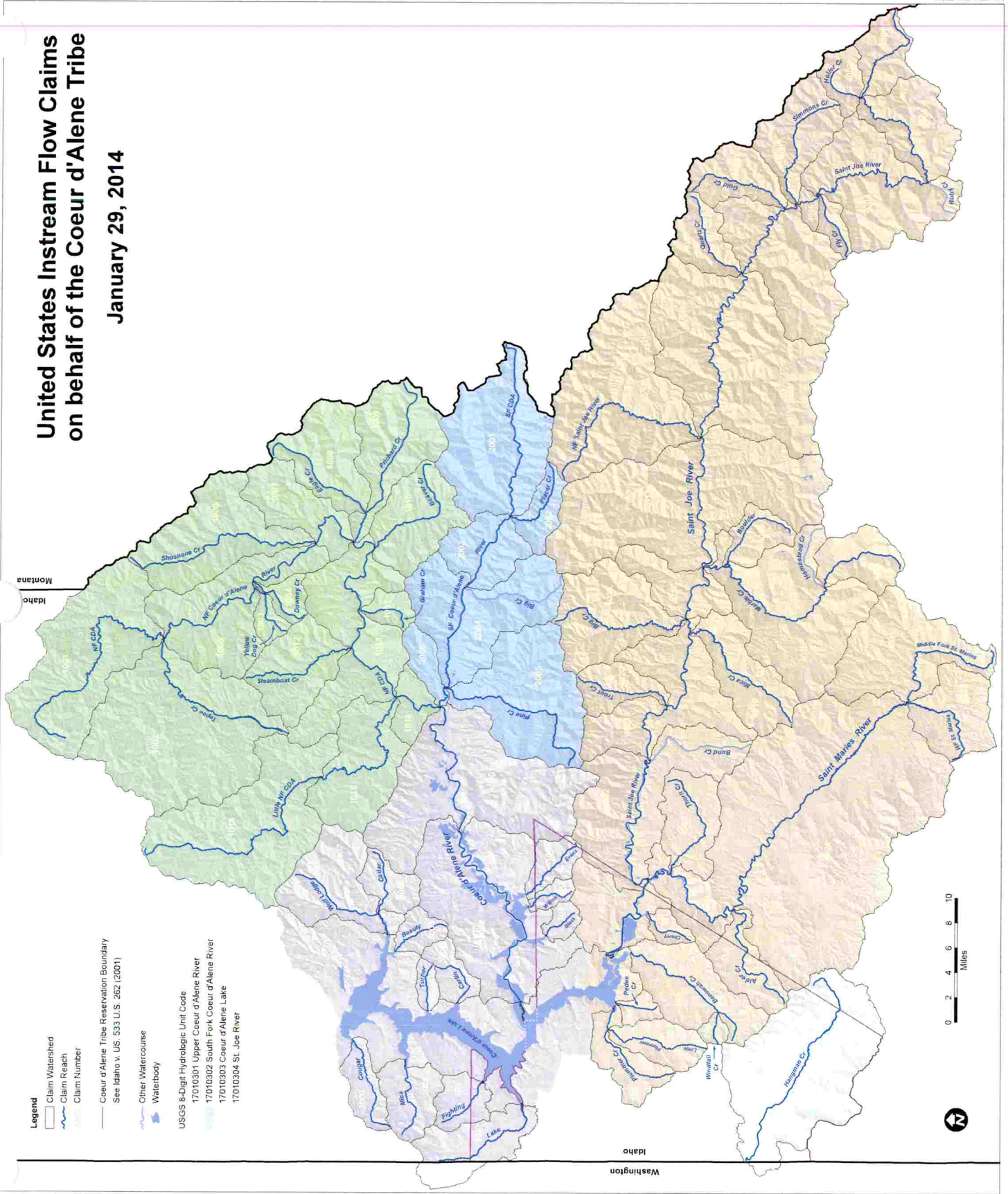
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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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
- 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

0 2 4 6 8 10
Miles



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
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.

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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.

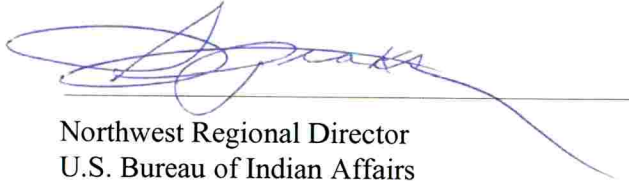
11. Signatures:

- (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.

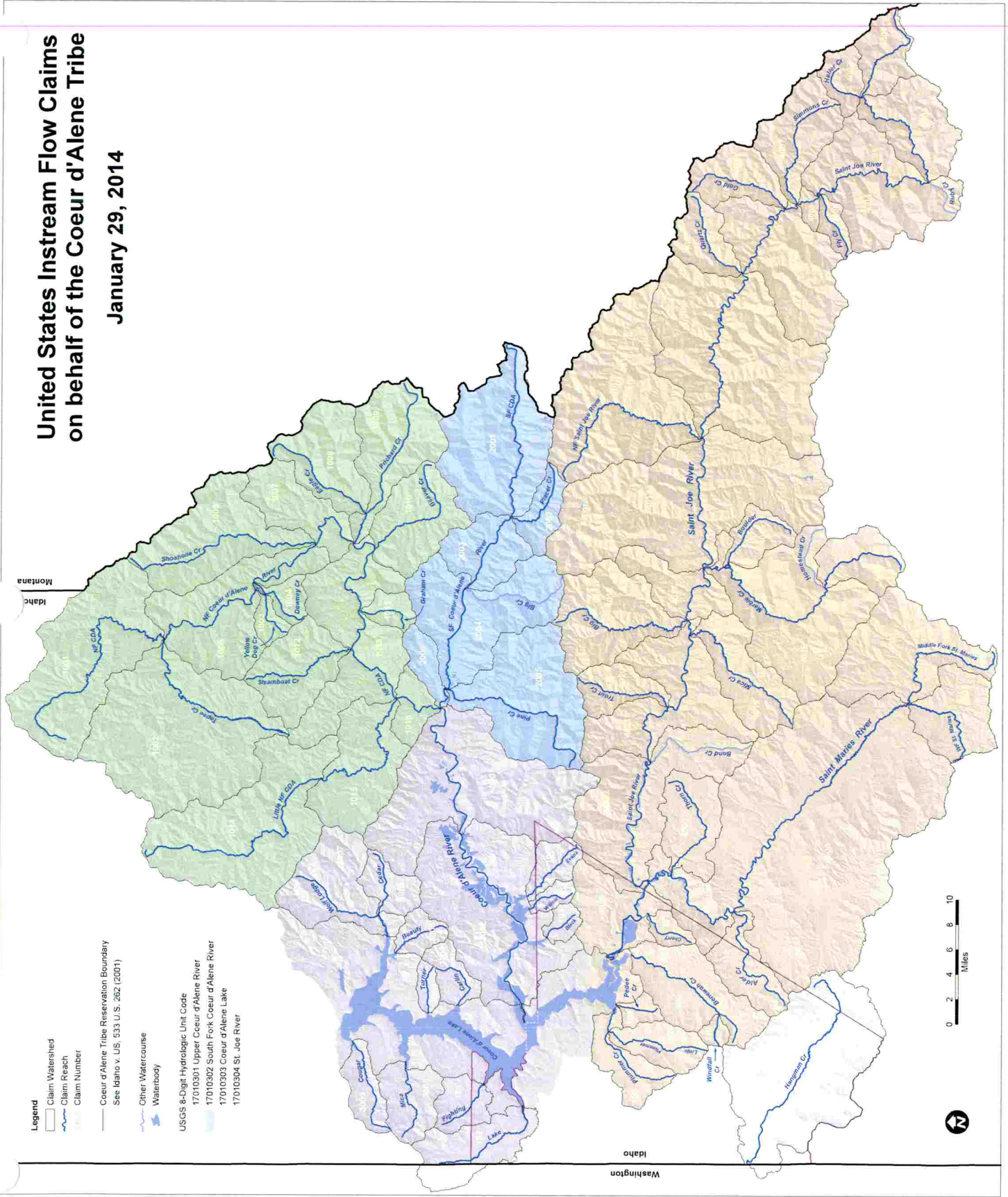
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM
Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

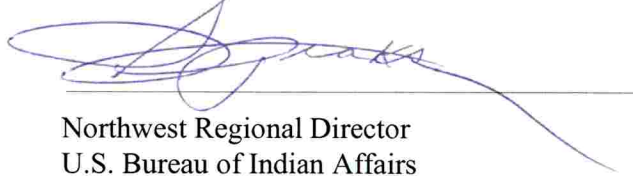
11. Signatures:

- (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.

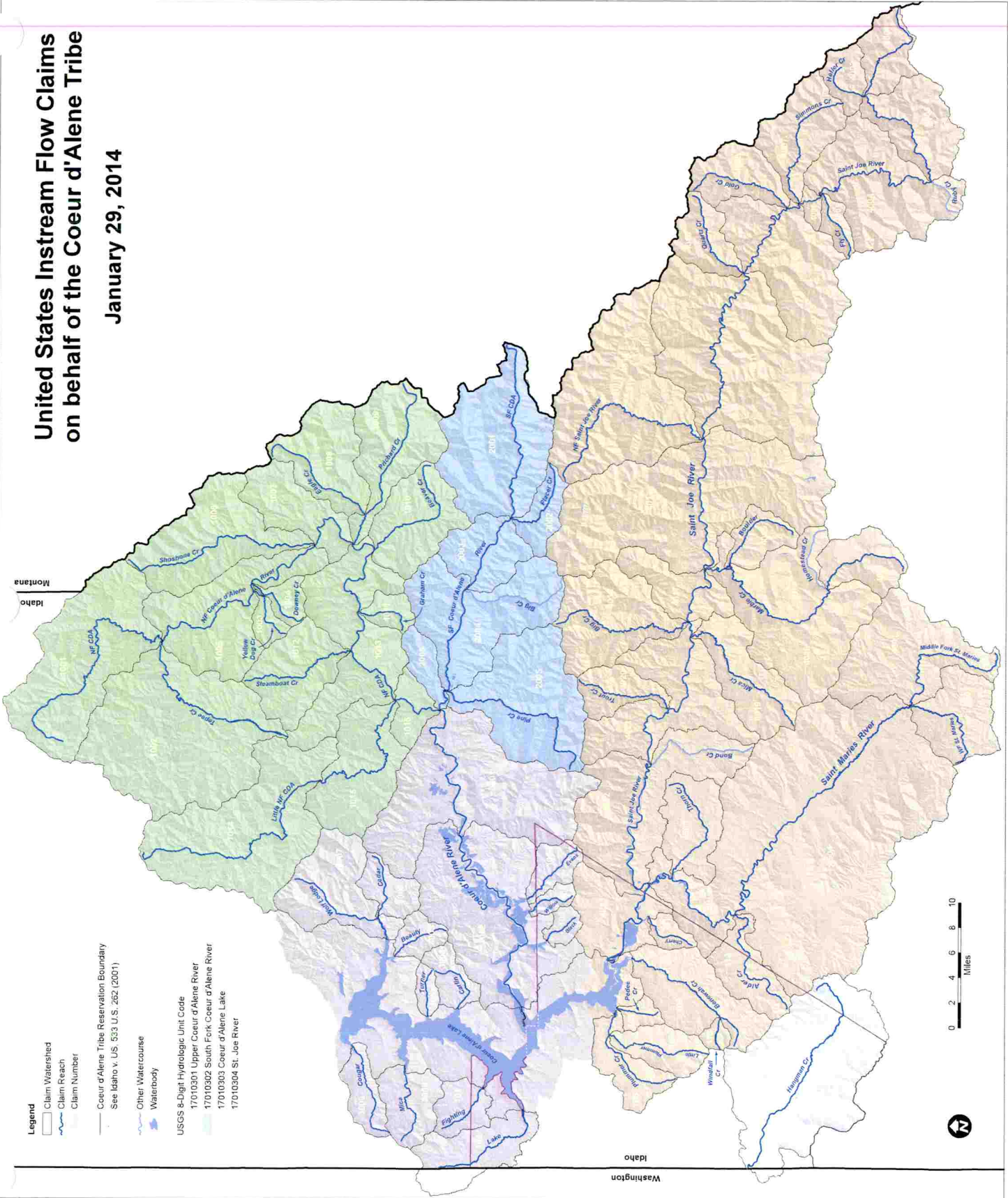
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



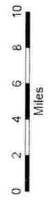
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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. U.S. 533 U.S. 267 (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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMCI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:

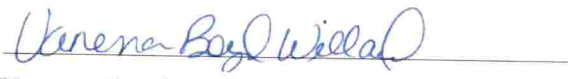


Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

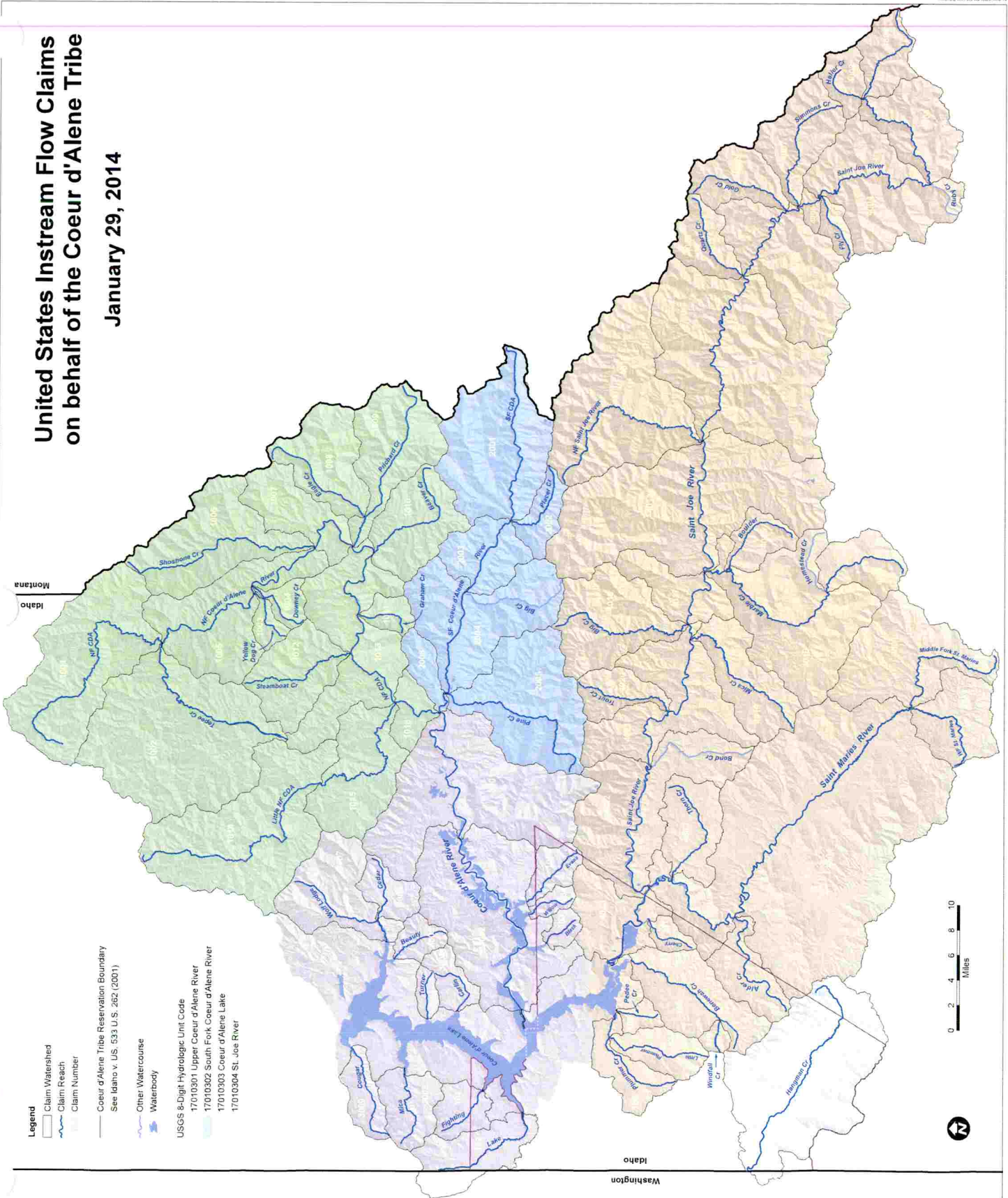
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

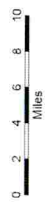
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
- Claim Reach
- Claim Number
- Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody
- USGS & 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

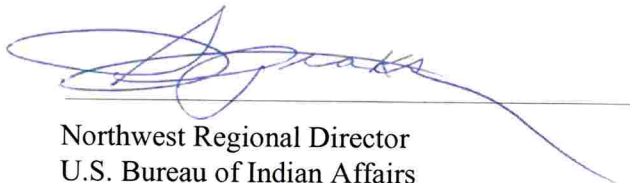
11. Signatures:

- (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.

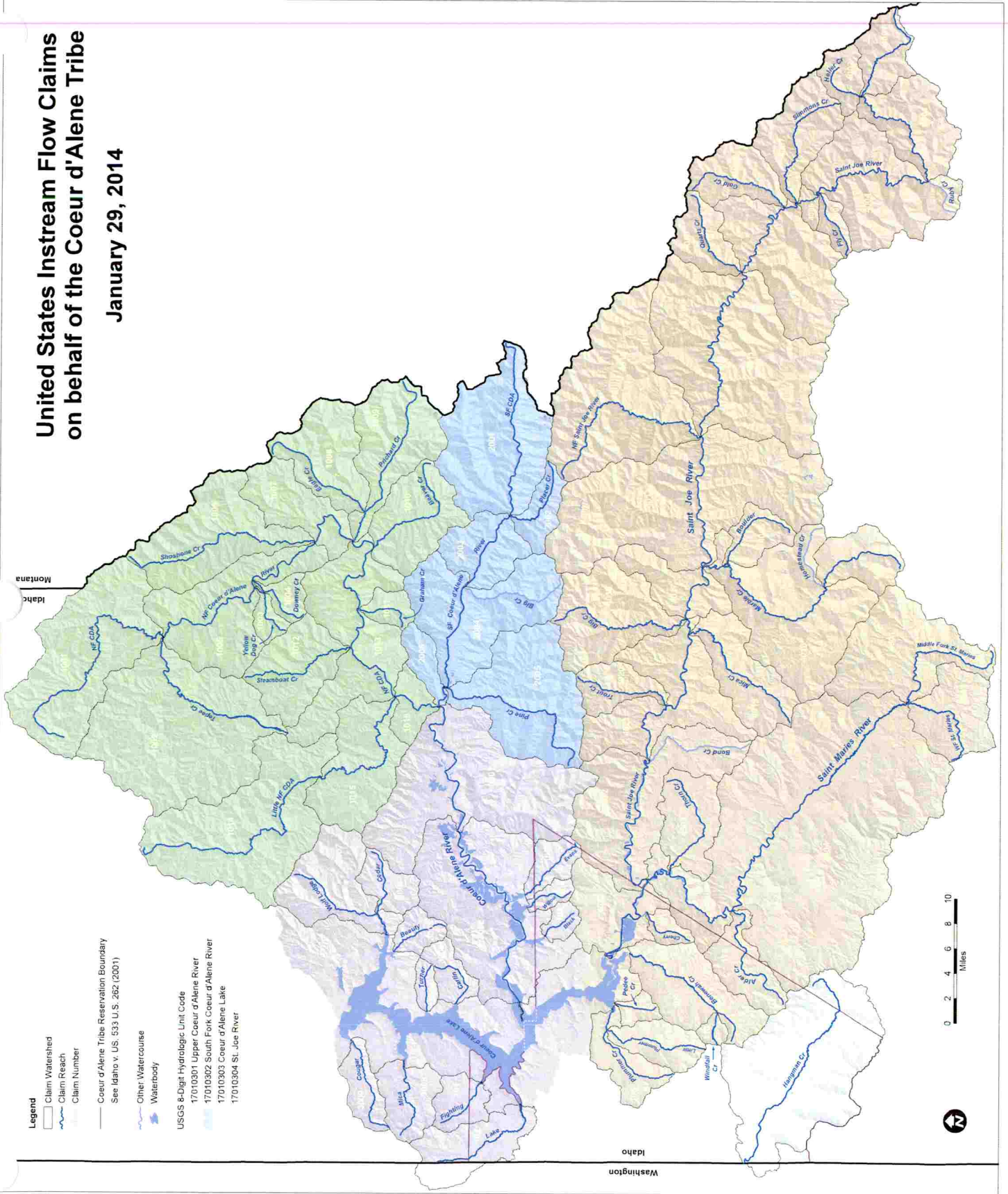
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

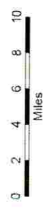
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
- Claim Reach
- Claim Number
- Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 282 (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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

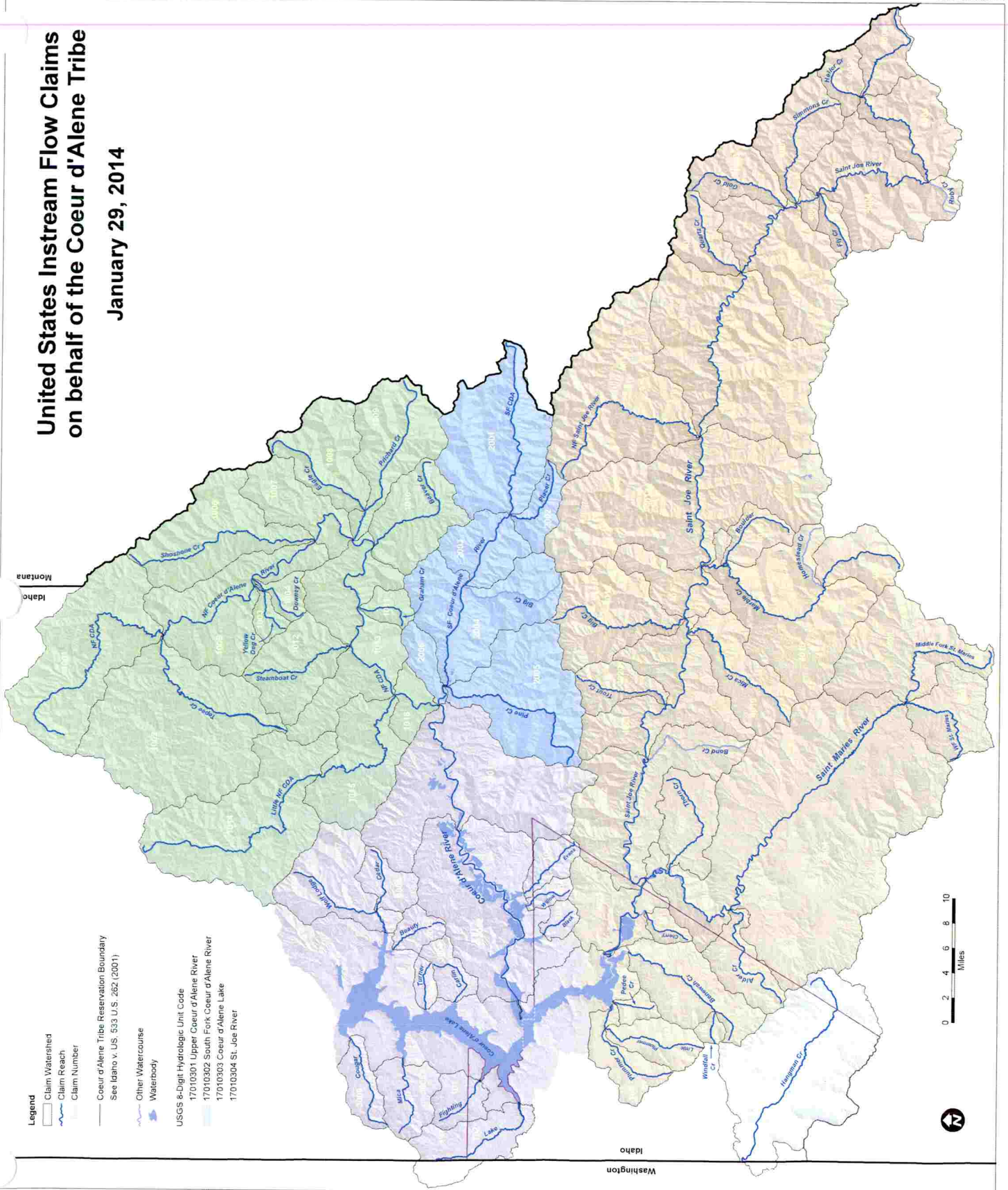
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United States Department of Justice
Environment and Natural Resources Division
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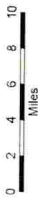
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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
- 170103301 Upper Coeur d'Alene River
 - 170103302 South Fork Coeur d'Alene River
 - 170103303 Coeur d'Alene Lake
 - 170103304 St. Joe River



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

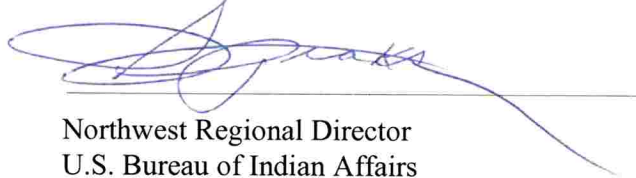
11. Signatures:

- (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.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to 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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Indian Resources Section
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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	February	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.

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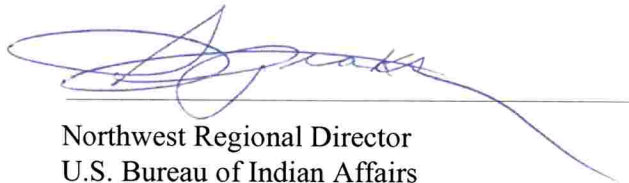
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- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

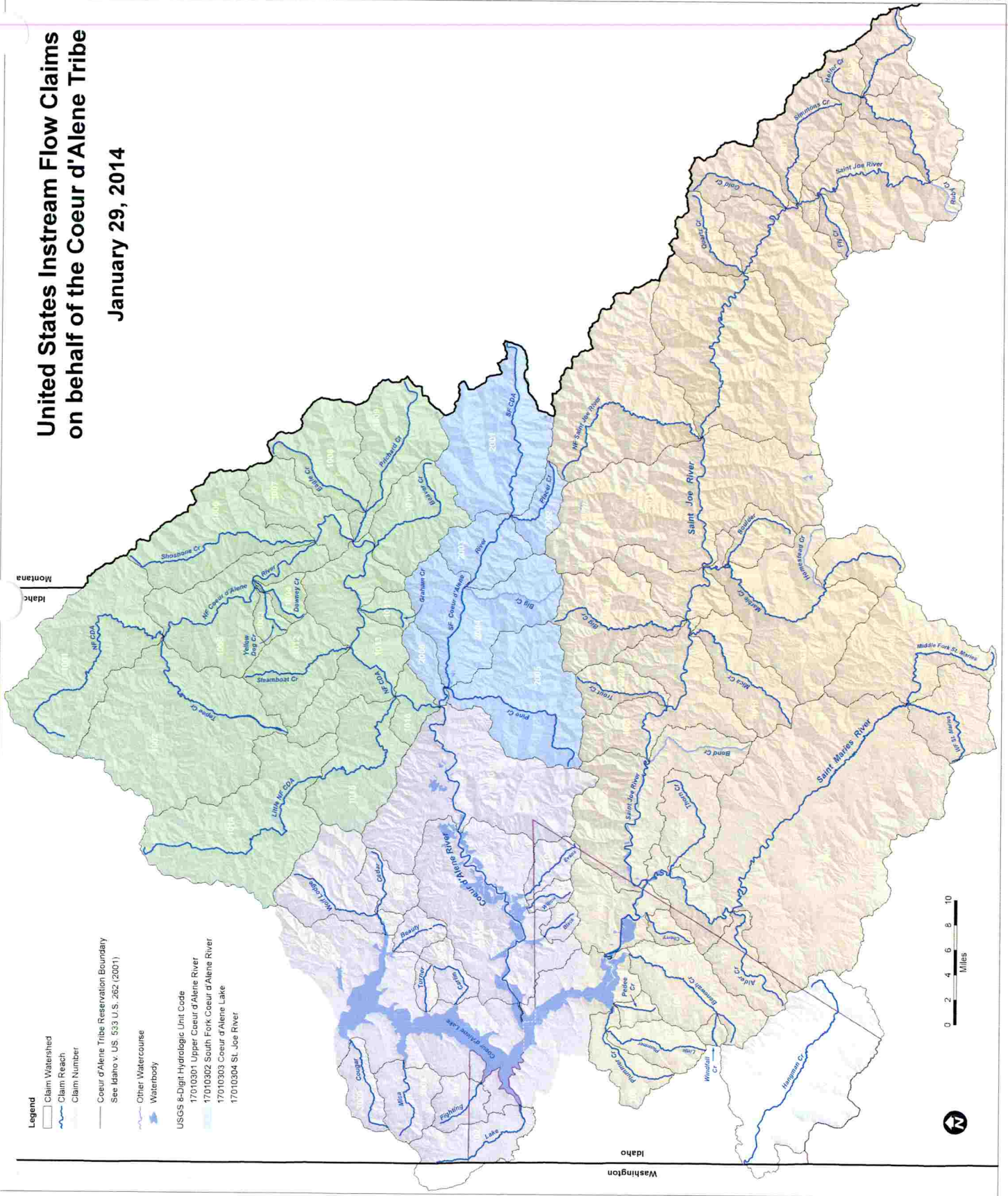
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

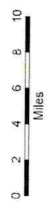
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

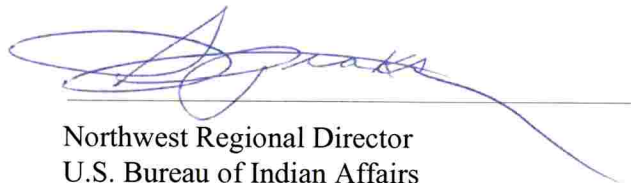
11. Signatures:

- (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.

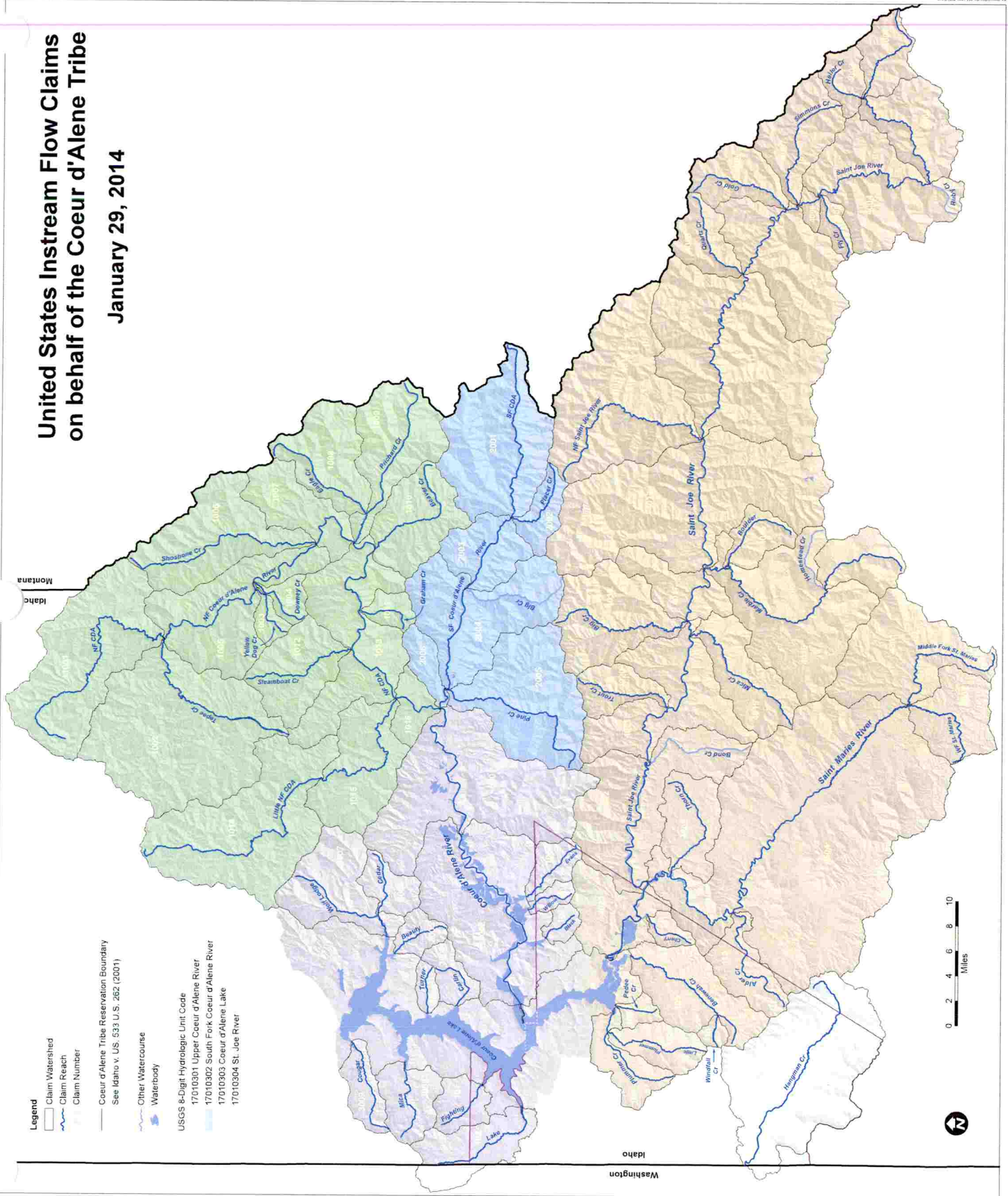
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United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

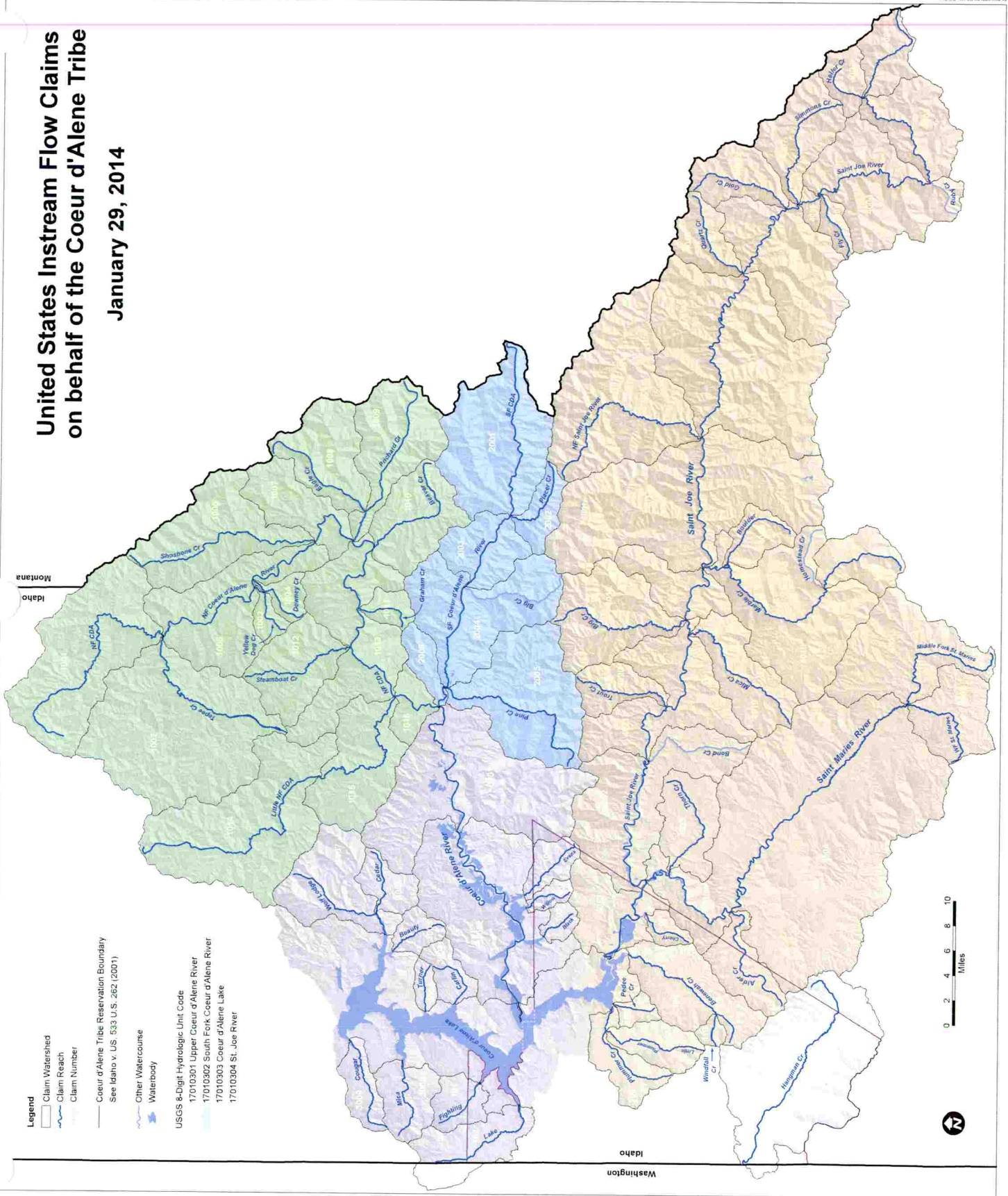
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United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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).

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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.

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to 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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through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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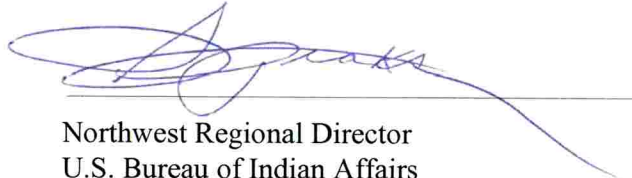
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- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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.

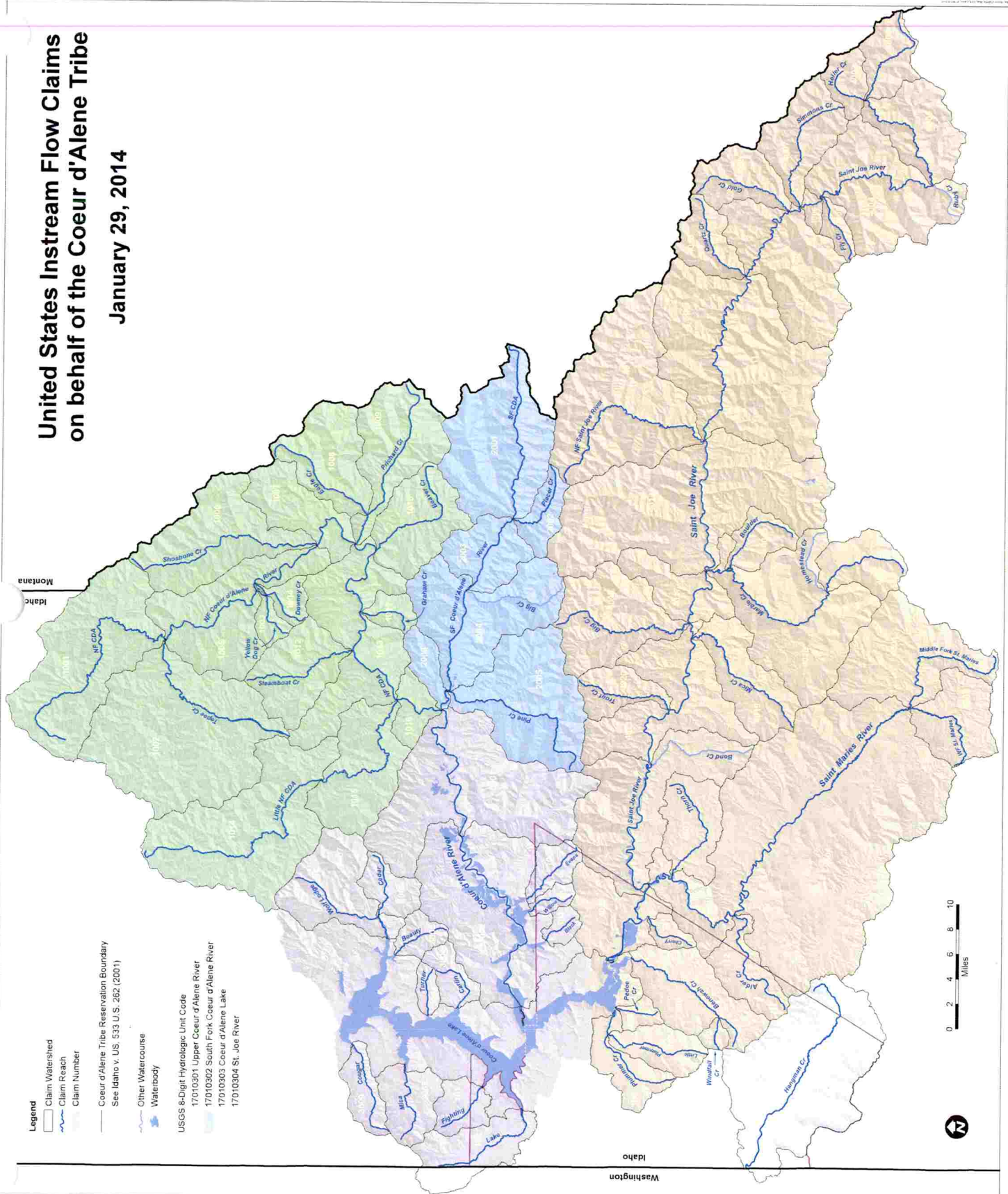
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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 27	February 27	March 33	April 46	May 29	June 23
July 11	August 4.9	September 4.2	October 6.3	November 13	December 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:

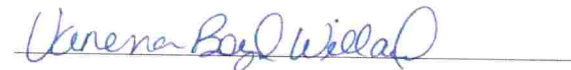


Northwest Regional Director
U.S. Bureau of Indian Affairs

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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

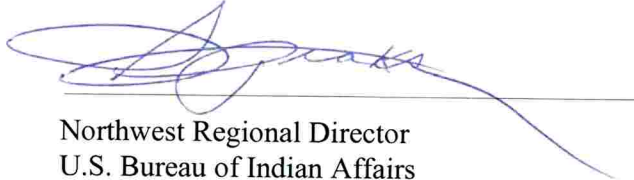
11. Signatures:

- (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.

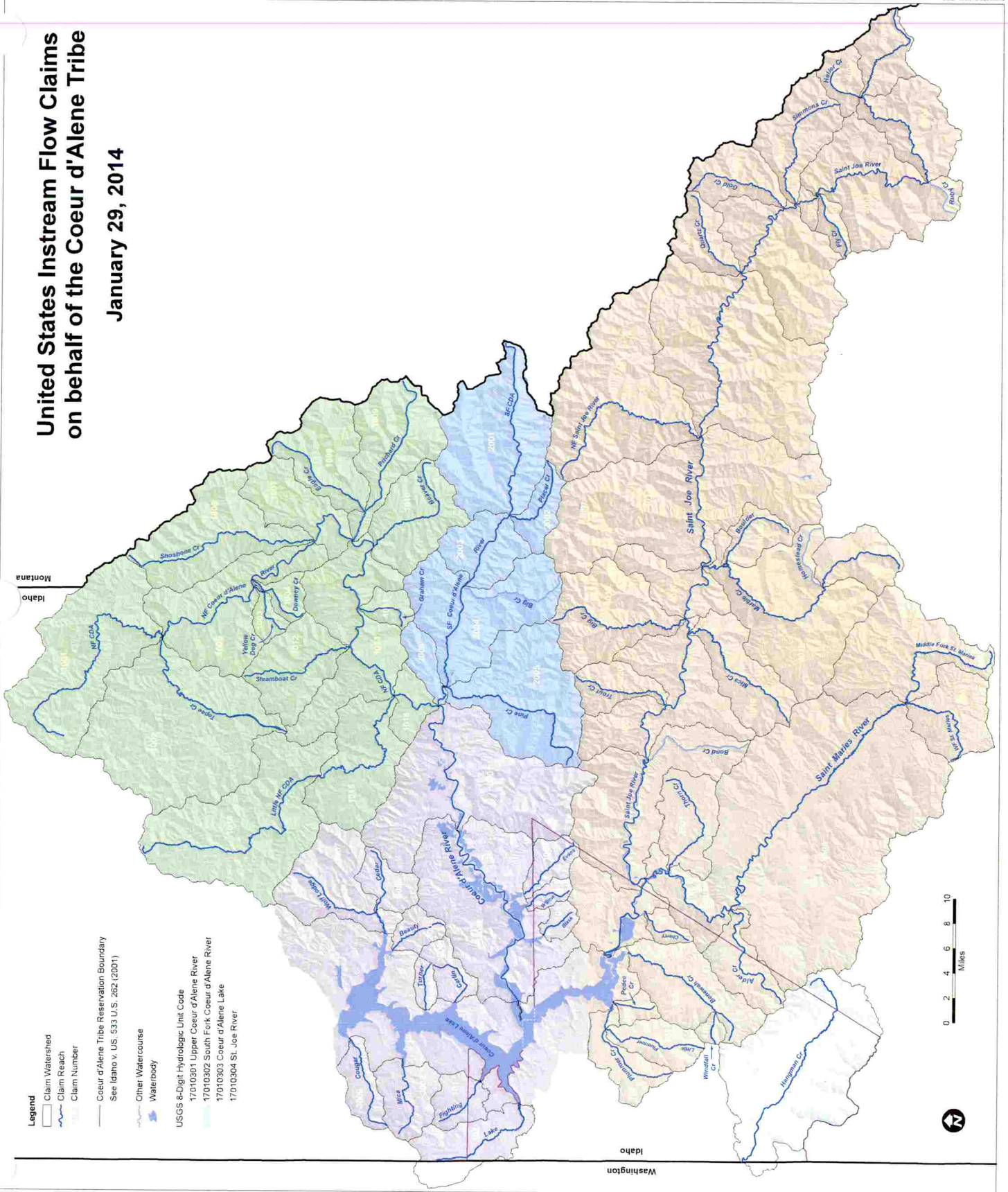
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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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.

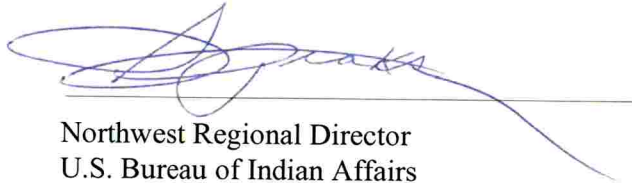
11. Signatures:

- (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:

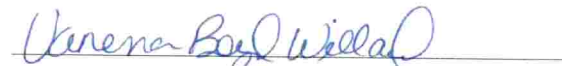


Northwest Regional Director
U.S. Bureau of Indian Affairs

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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Environment and Natural Resources Division
Indian Resources Section
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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: 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	February	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.

10. Other Provisions:

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; 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.

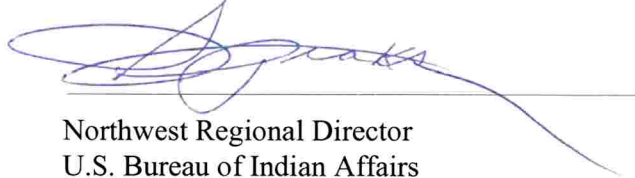
11. Signatures:

- (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.

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

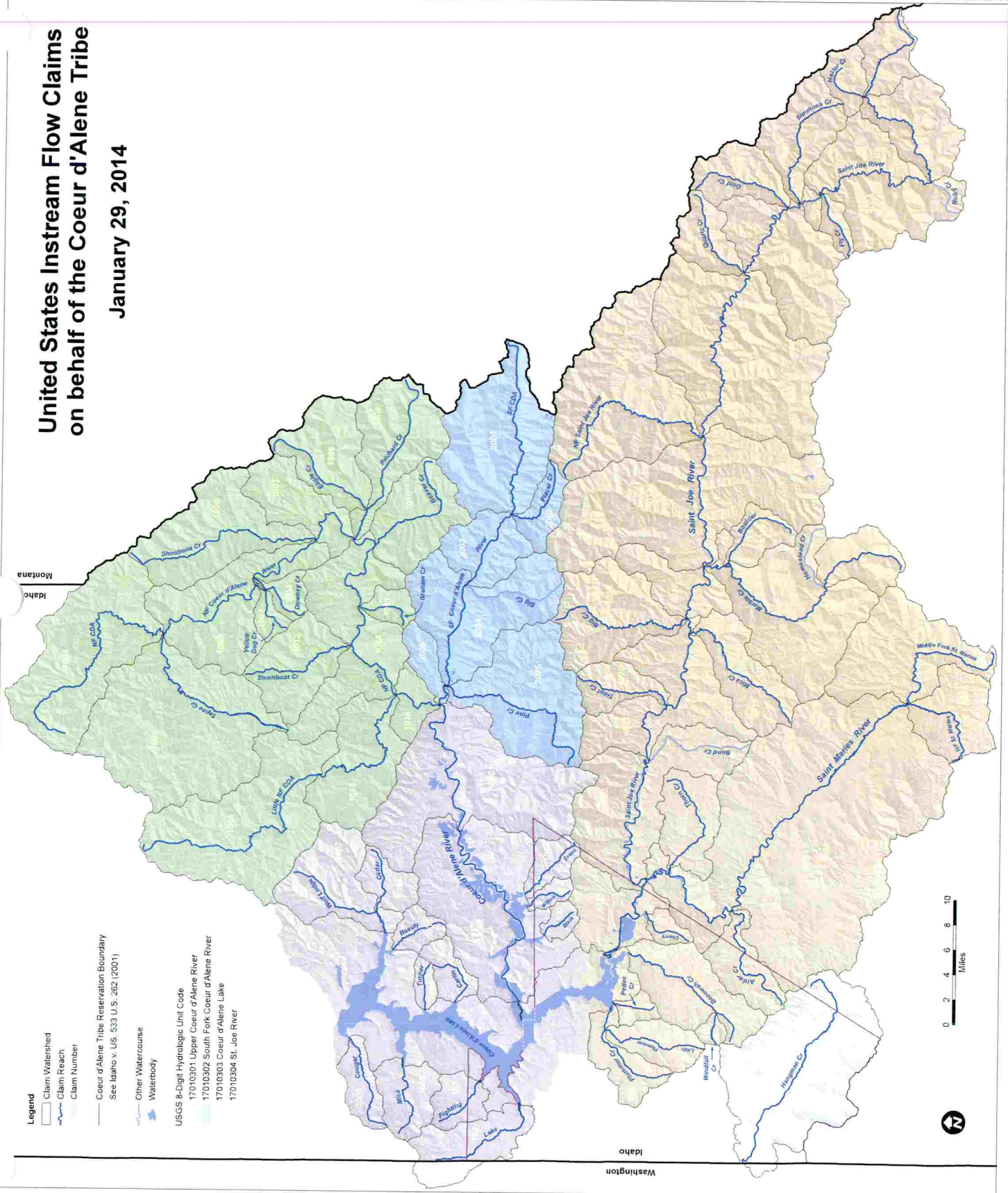
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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:

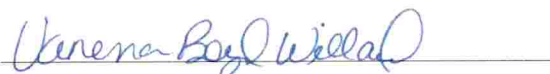


Northwest Regional Director
U.S. Bureau of Indian Affairs

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.

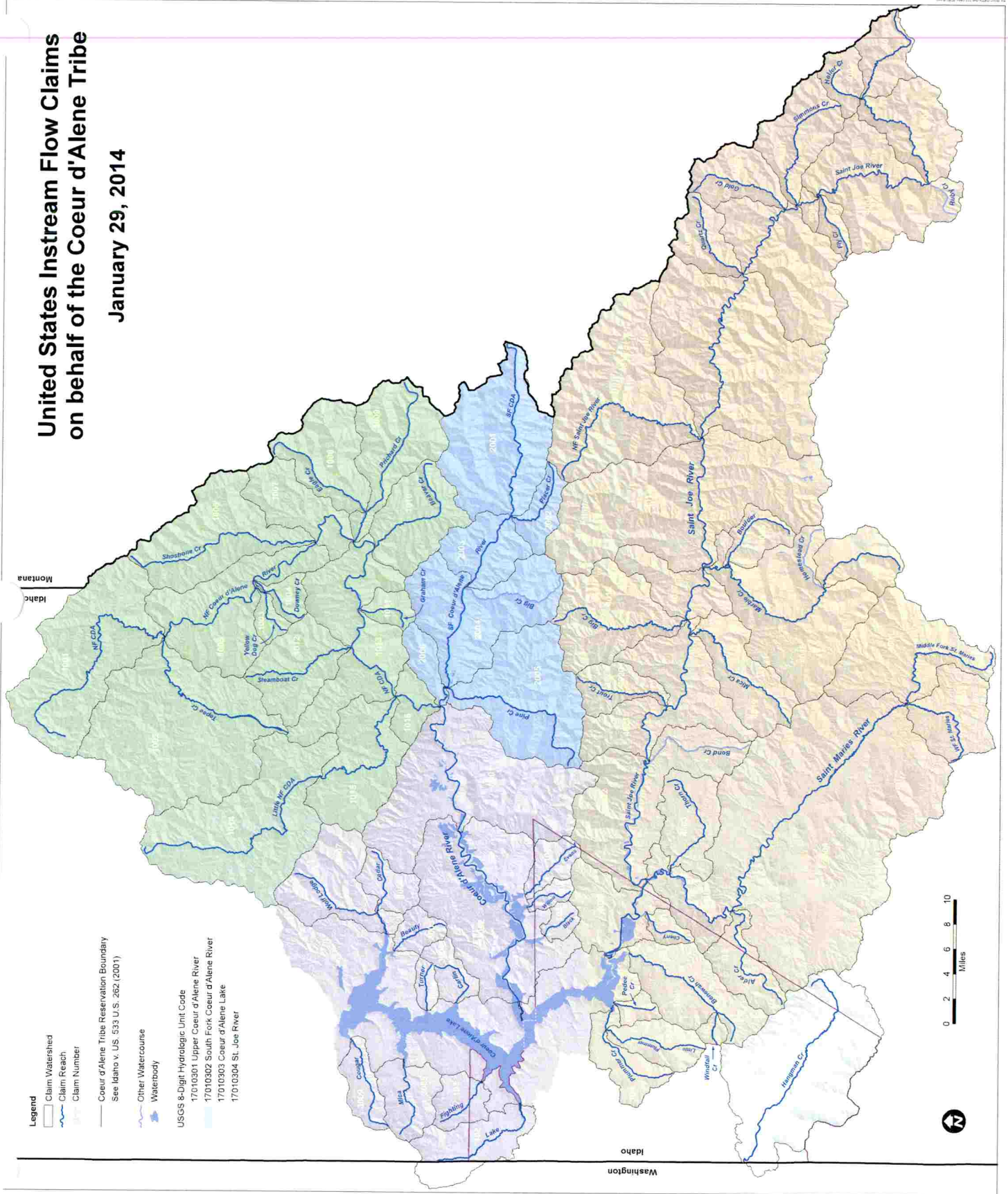
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



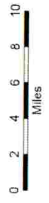
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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



Washington
Idaho

Montana
Idaho

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

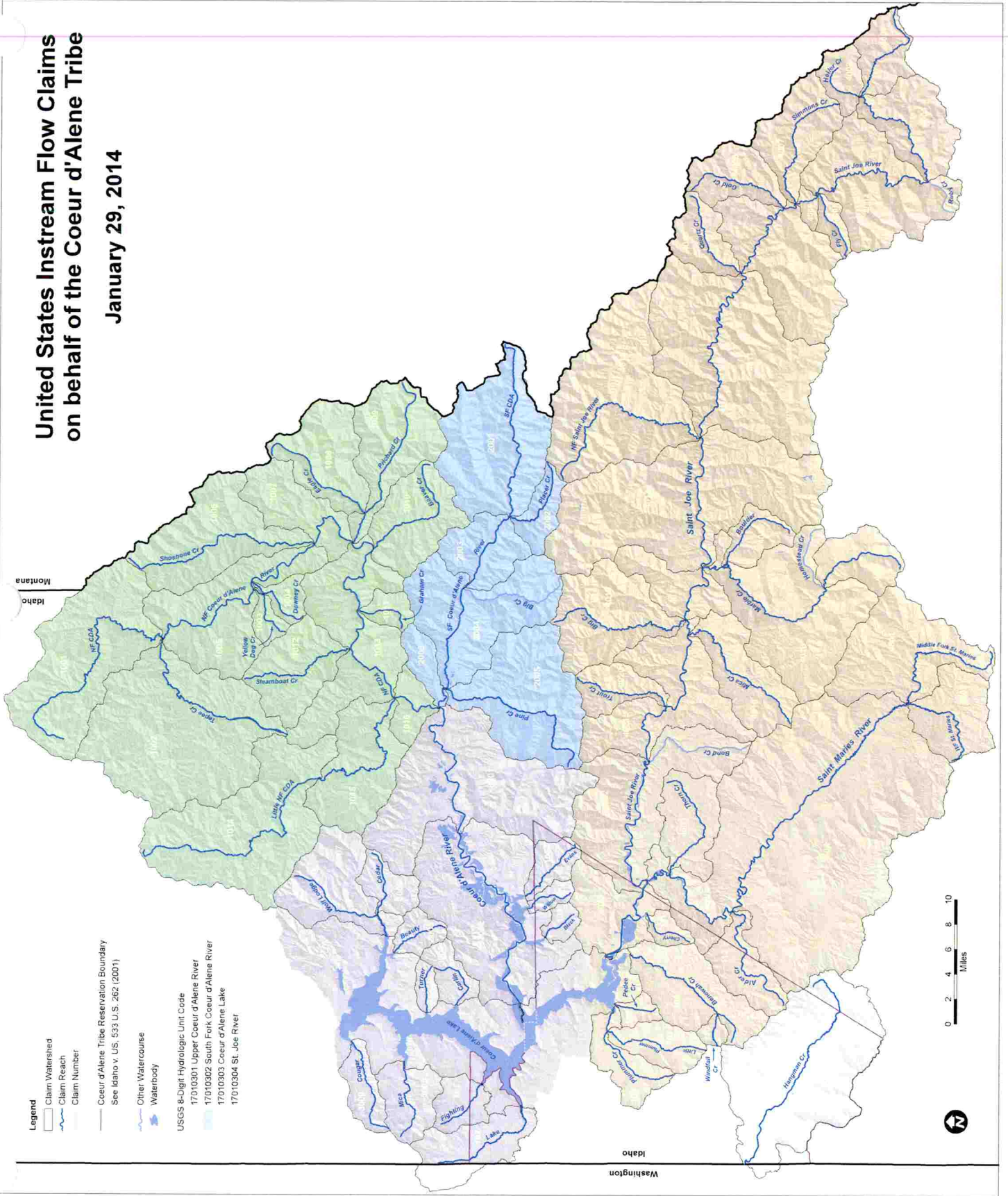
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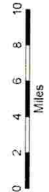
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



- Legend**
- Claim Watershed
 - Claim Reach
 - Claim Number
 - Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

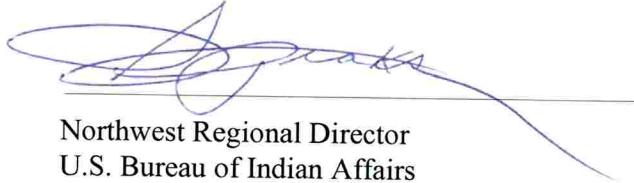
11. Signatures:

- (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.

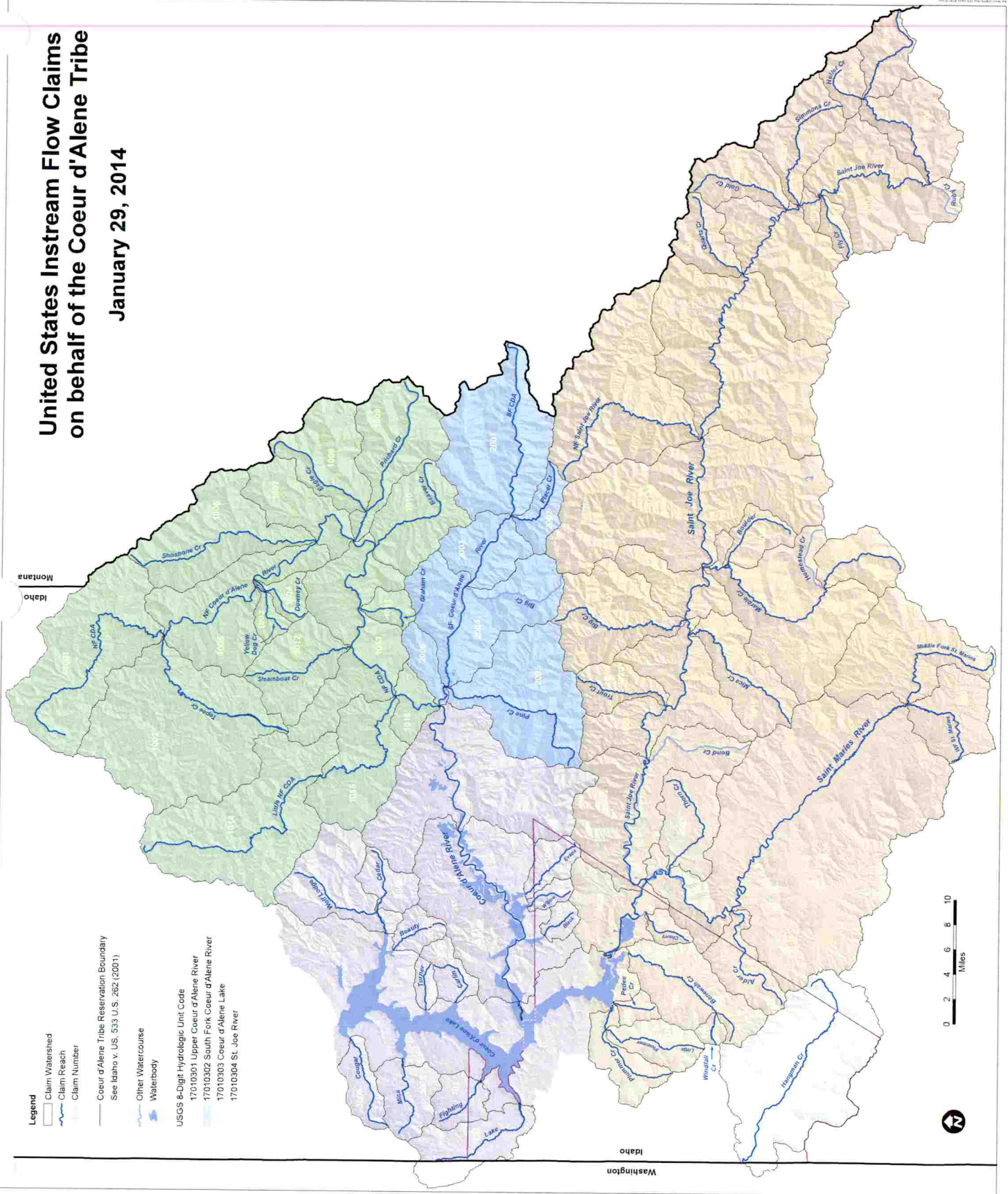
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

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Miles



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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.

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

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

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

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

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

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


11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

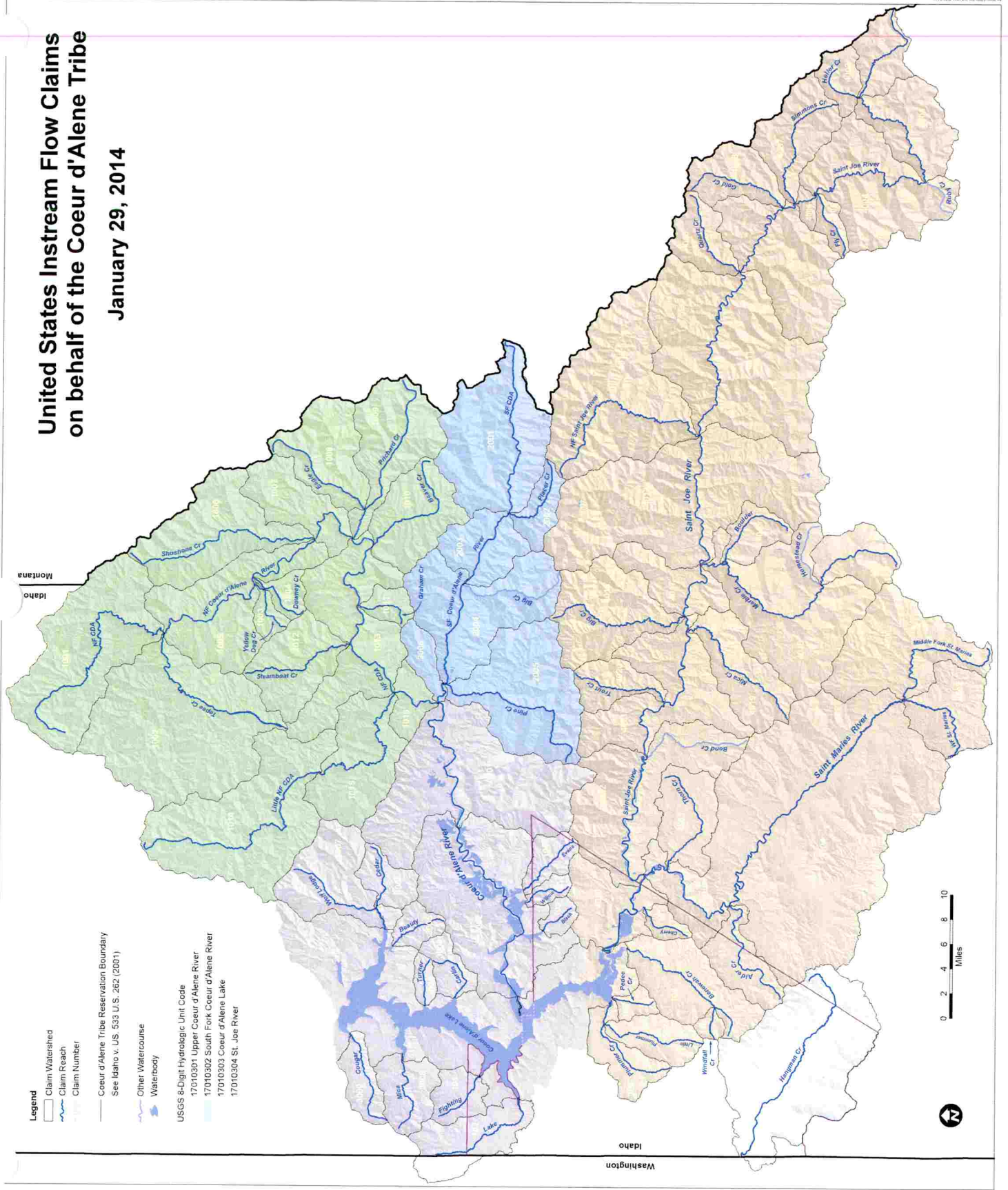
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

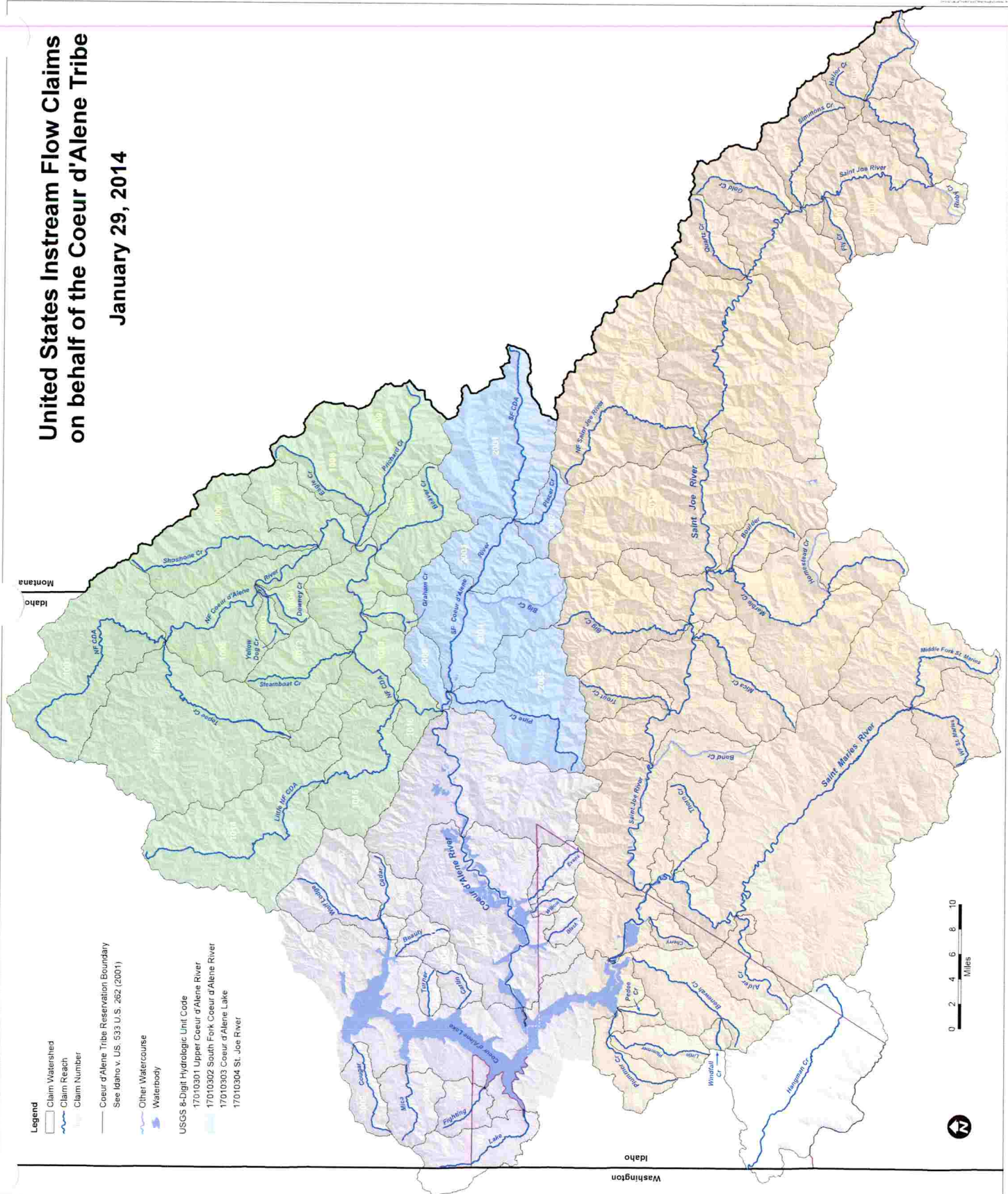
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

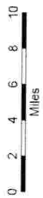
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

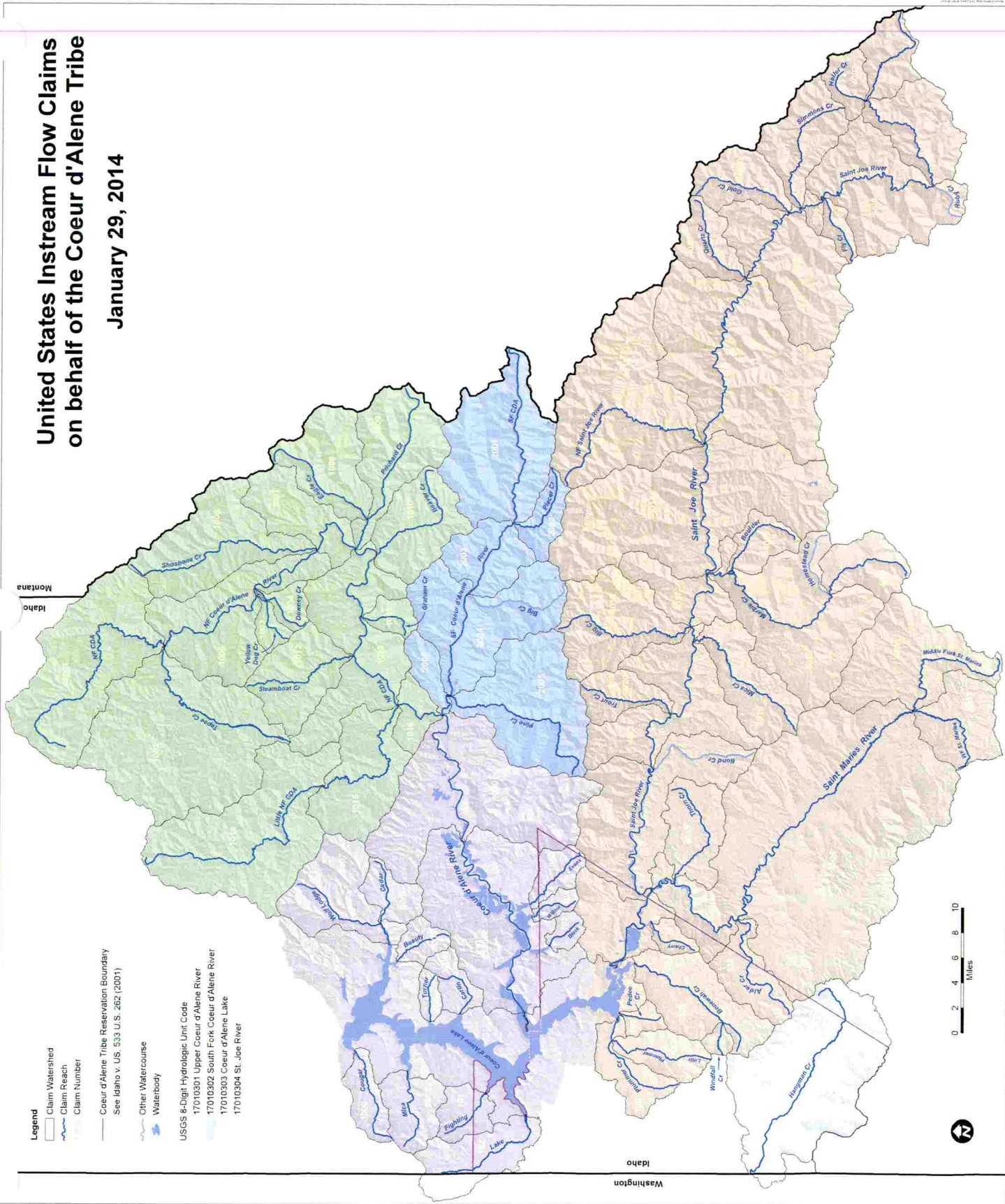
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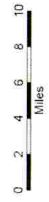
Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



- Legend**
- Claim Watershed
 - Claim Reach
 - Claim Number
 - Coeur d'Alene Tribe Reservation Boundary
See Idaho v. US, 533 U.S. 267 (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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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:



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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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

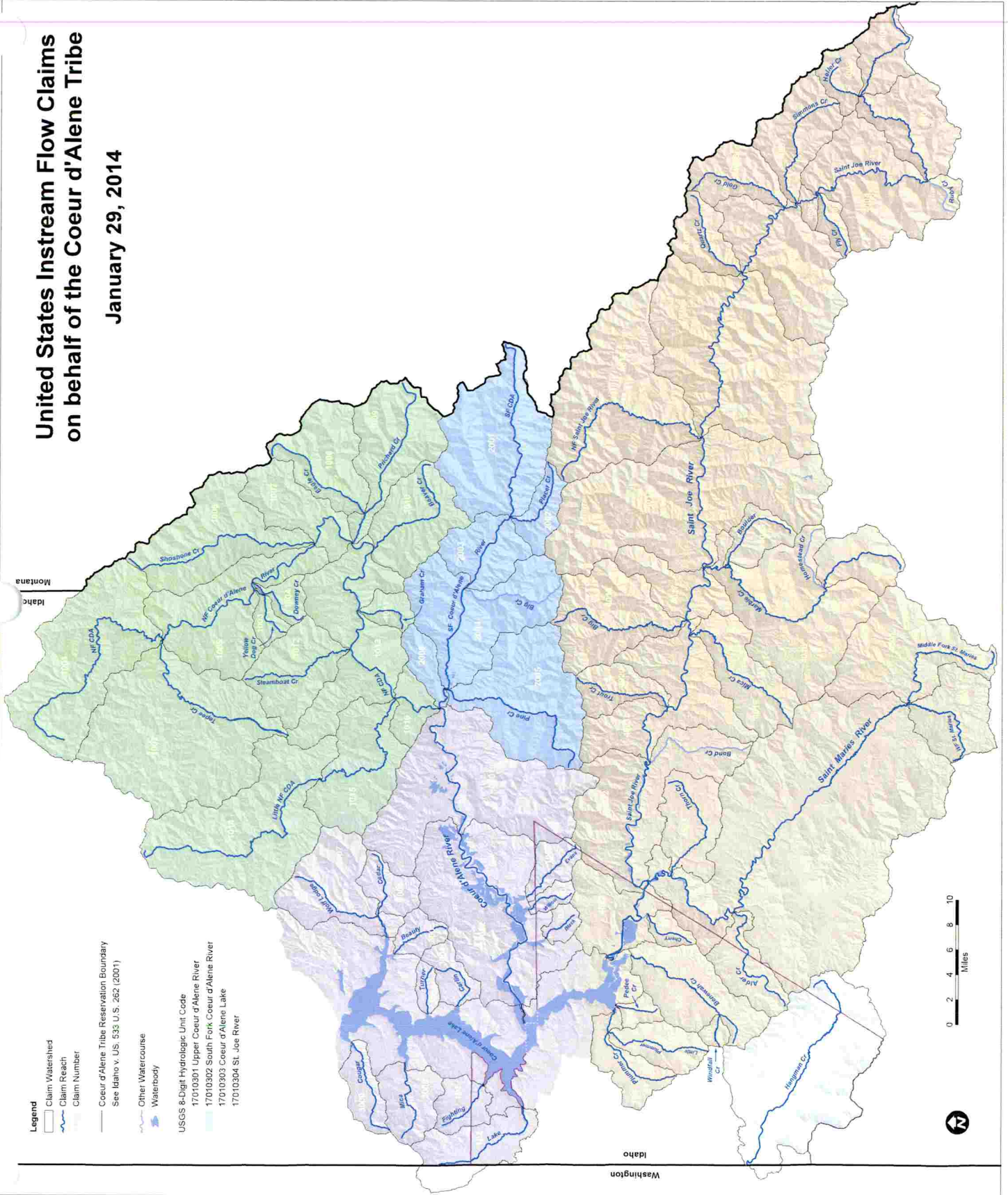
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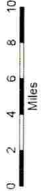
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watersheds
- Claim Reach
- Claim Number
- Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)	NOTICE OF CLAIM
OF RIGHTS TO THE USE OF WATER)	
FROM THE COEUR D'ALENE-)	Federal Reserved Water Right
SPOKANE RIVER BASIN)	
WATER SYSTEM)	
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: 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	February	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.

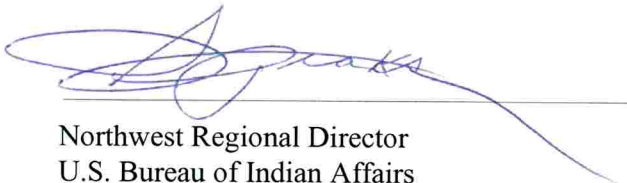
11. Signatures:

- (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.

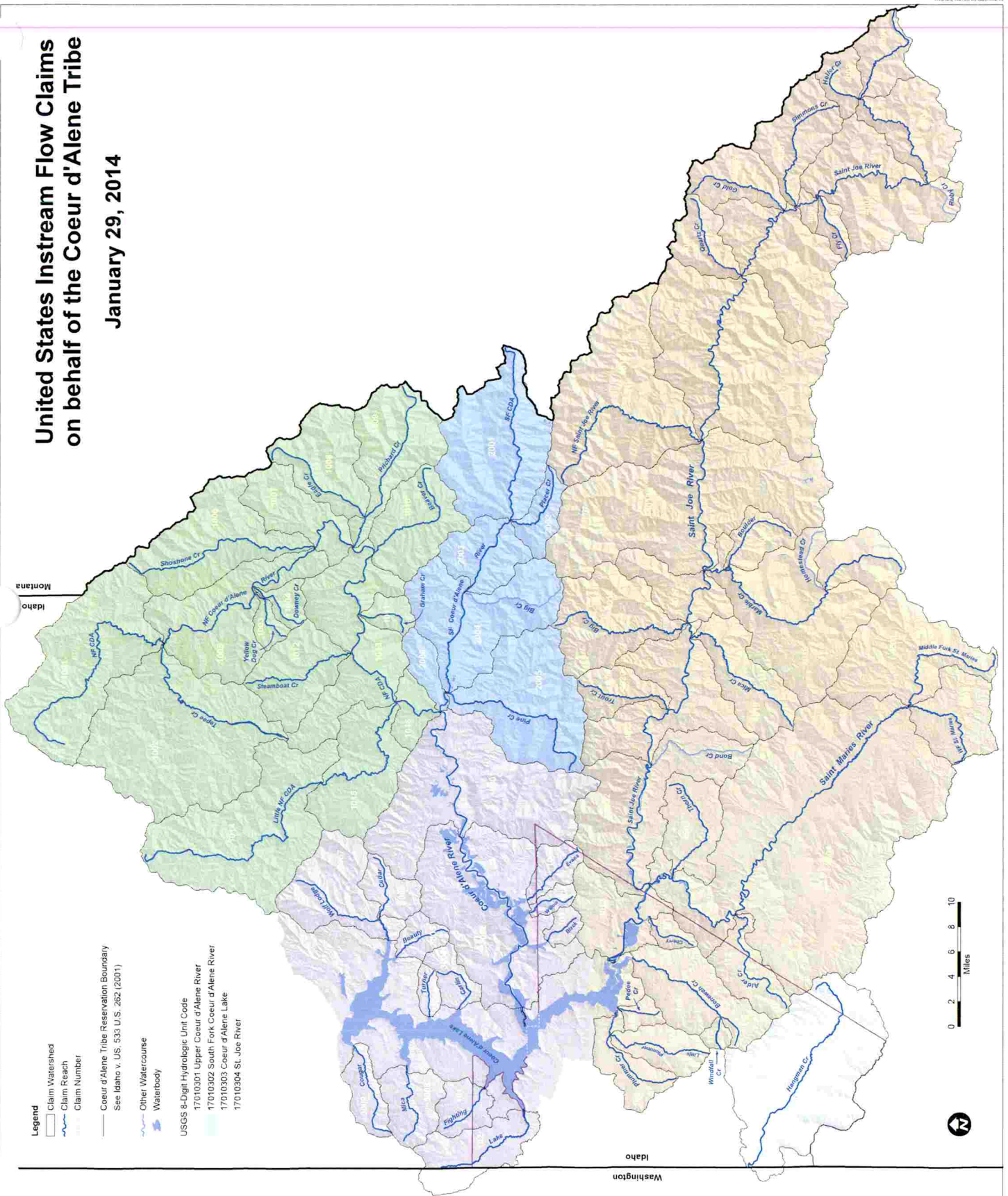
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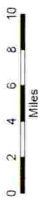
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
 - Claim Reach
 - Claim Number
 - Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 533 U.S. 262 (2001)
 - Other Watercourse
 - Waterbody
- USGS 8-Digit Hydrologic Unit Code
- 17010301 Upper Coeur d'Alene River
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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)
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NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

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D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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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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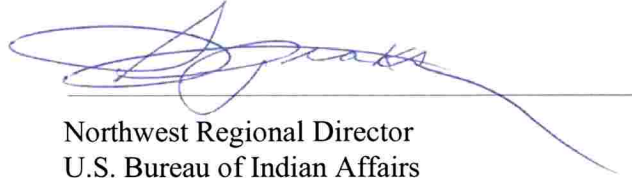
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Signature of Authorized
Agent:




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U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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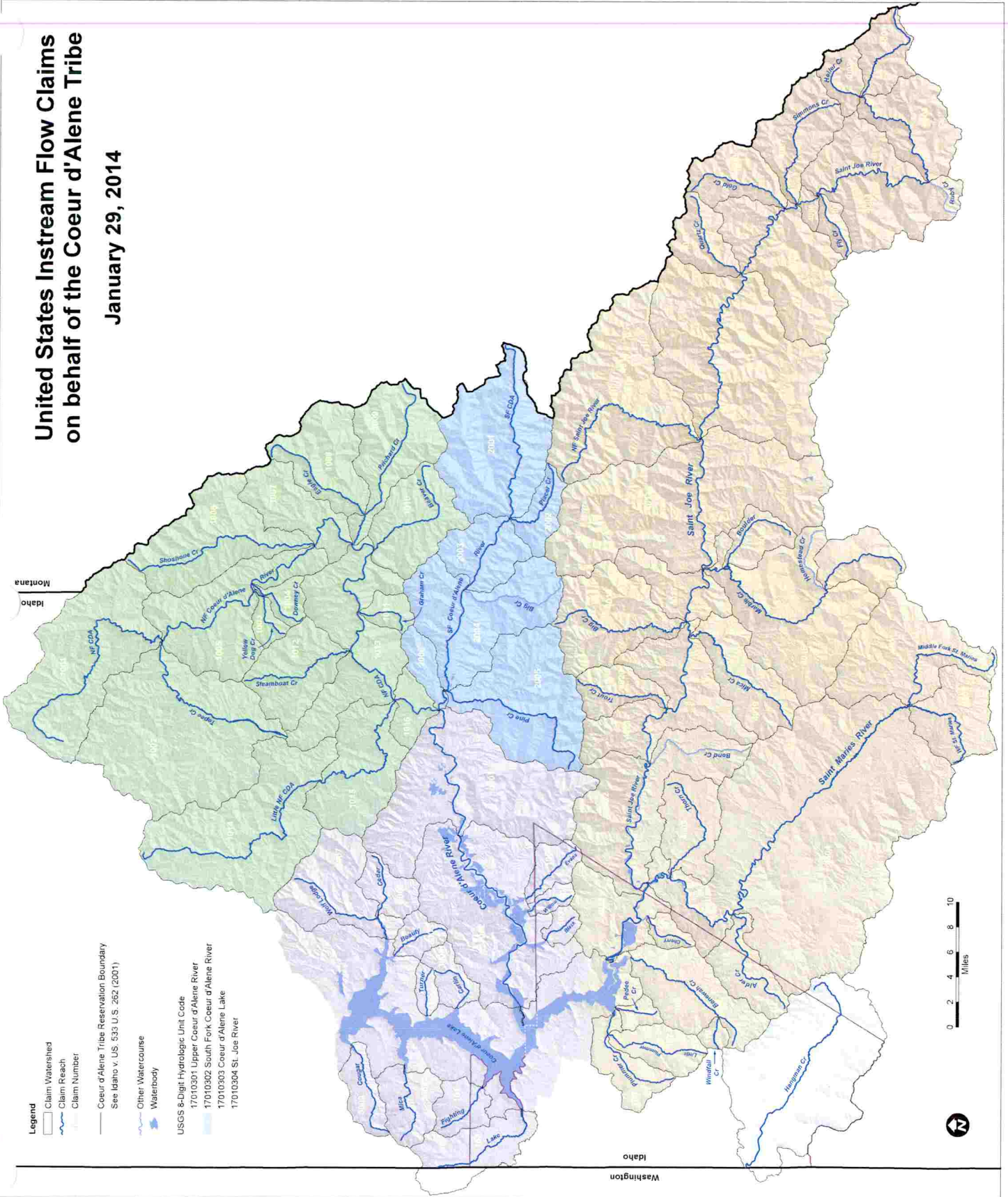
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United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

January 29, 2014



Legend

- Claim Watershed
- Claim Reach
- Claim Number
- Coeur d'Alene Tribe Reservation Boundary
See Idaho v. U.S. 533 U.S. 262 (2001)
- Other Watercourse
- Waterbody
- USGS & Digit Hydrologic Unit Code**
- 17010301 Upper Coeur d'Alene River
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Miles



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
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CASE NO. 49576)

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through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

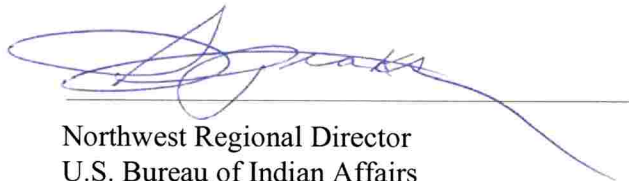
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

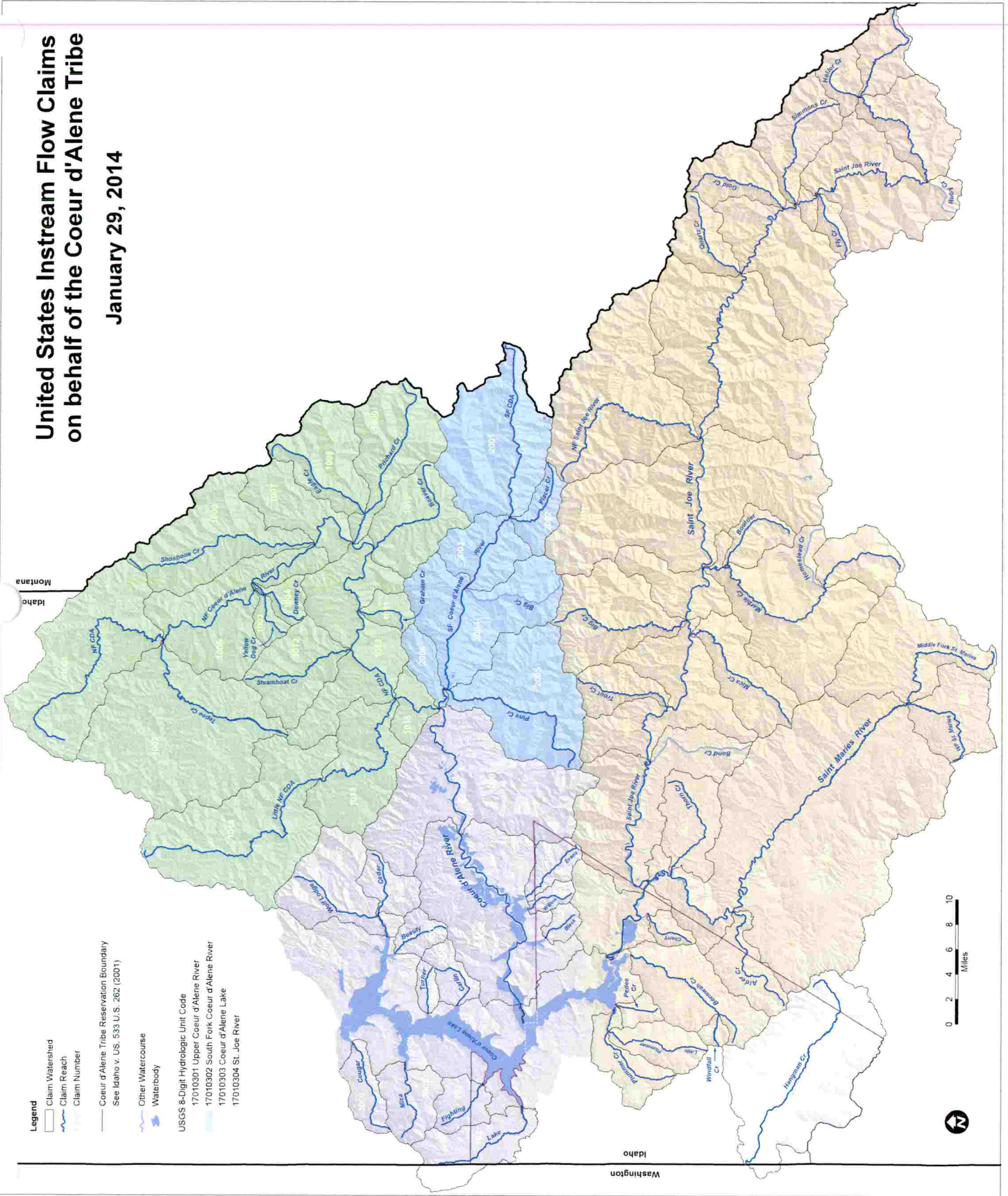
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

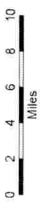
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

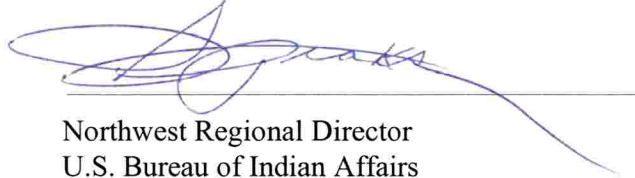
11. Signatures:

- (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.

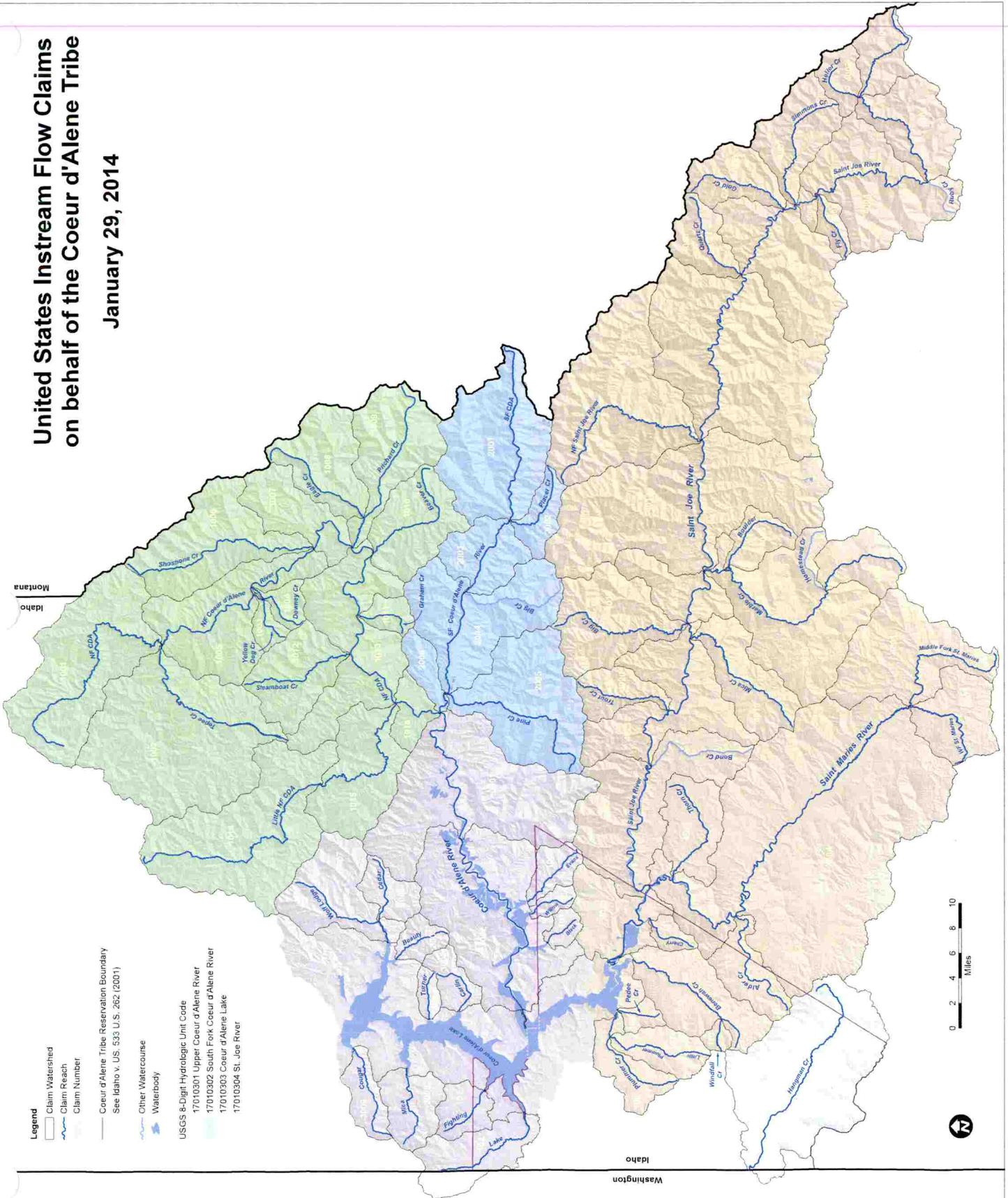
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Environment and Natural Resources Division
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

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. U.S. 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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

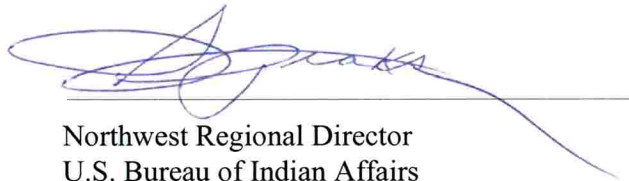
11. Signatures:

- (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.

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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
CASE NO. 49576)

NOTICE OF CLAIM
Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

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

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

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

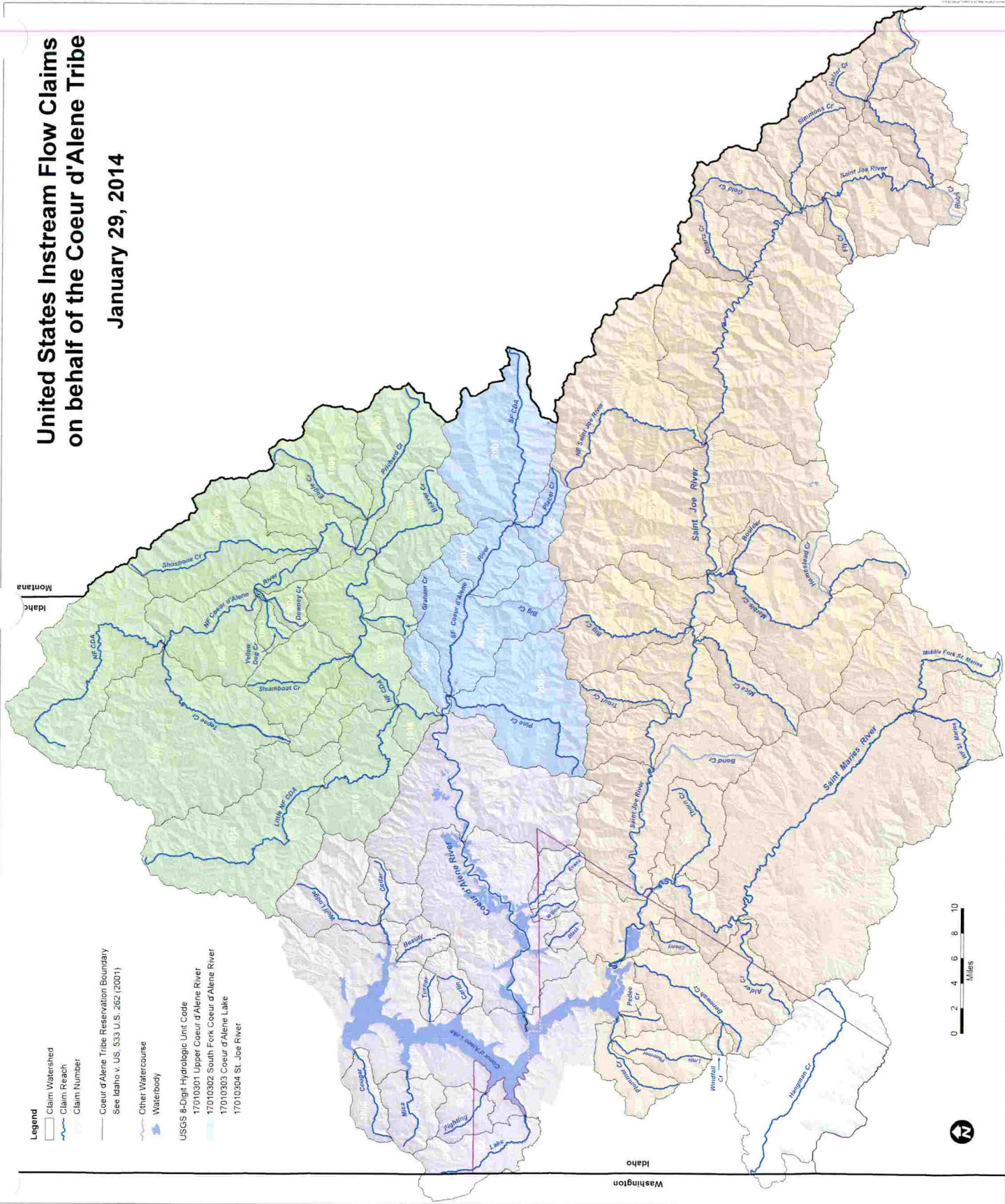
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
)
CASE NO. 49576)

NOTICE OF CLAIM
Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

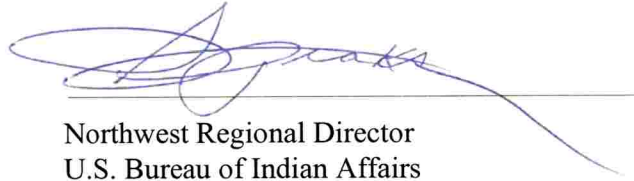
11. Signatures:

- (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.

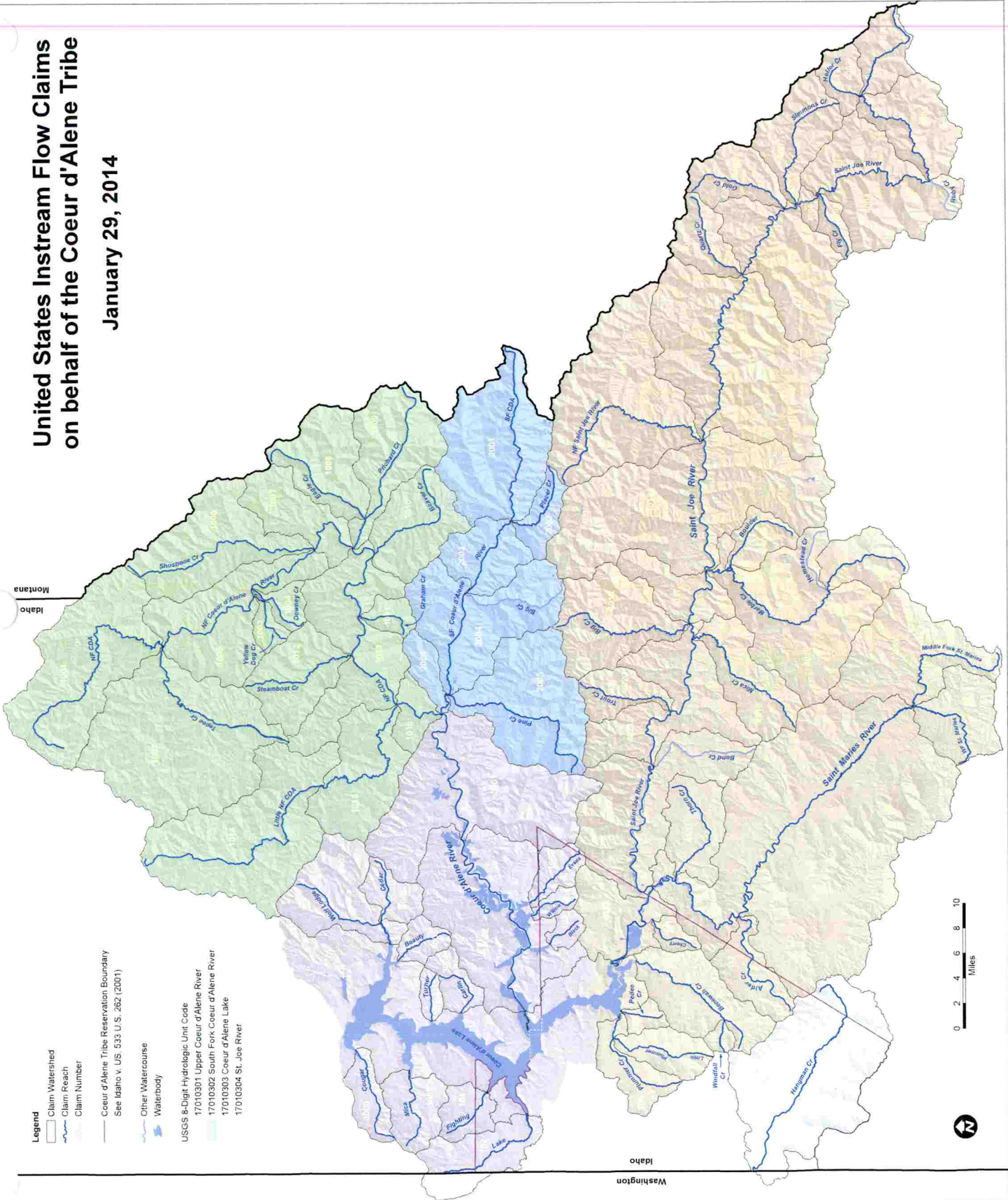
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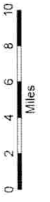
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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).

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

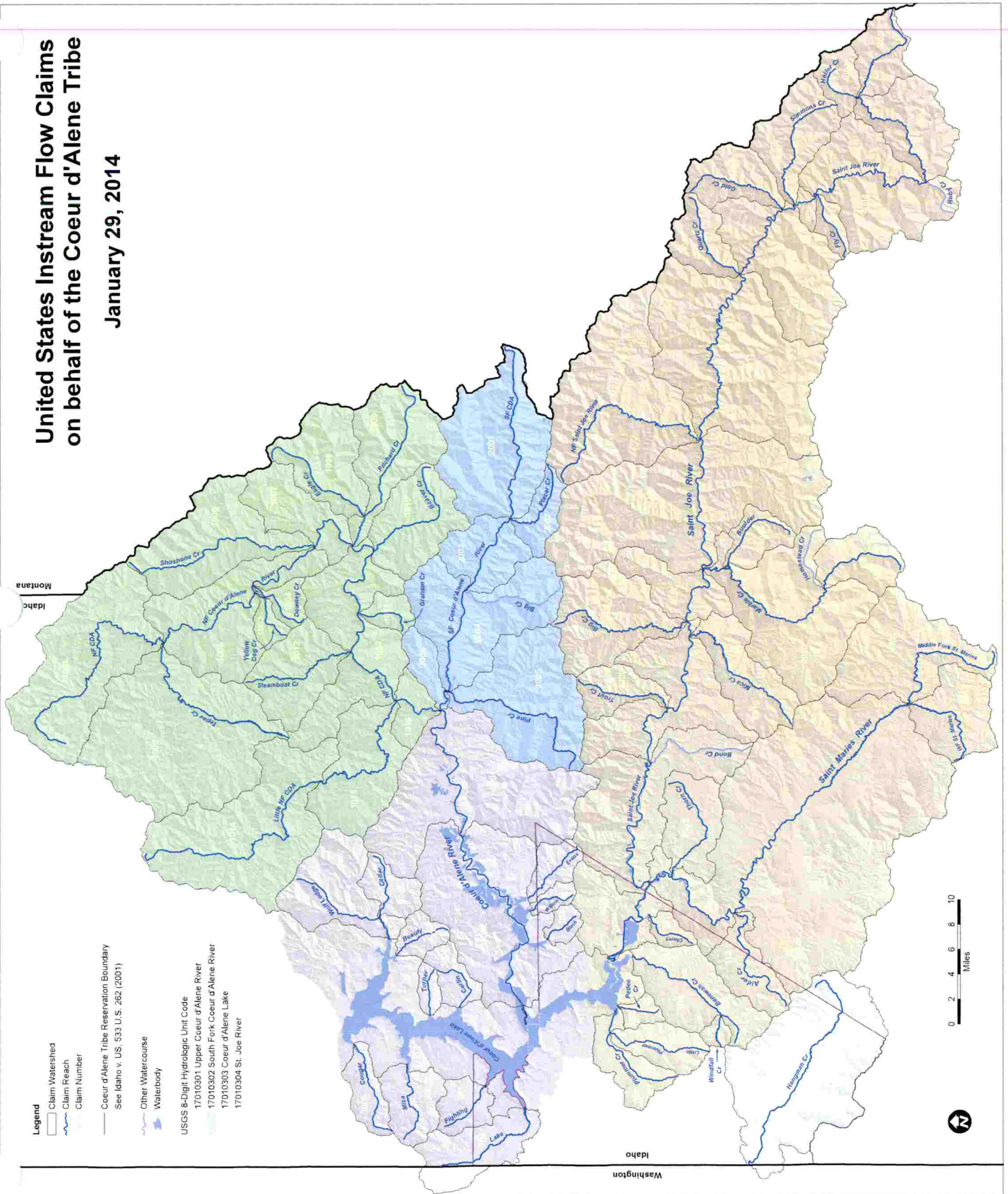
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United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
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Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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

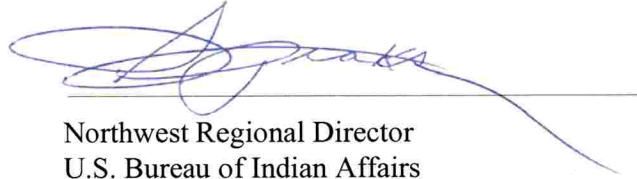
11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

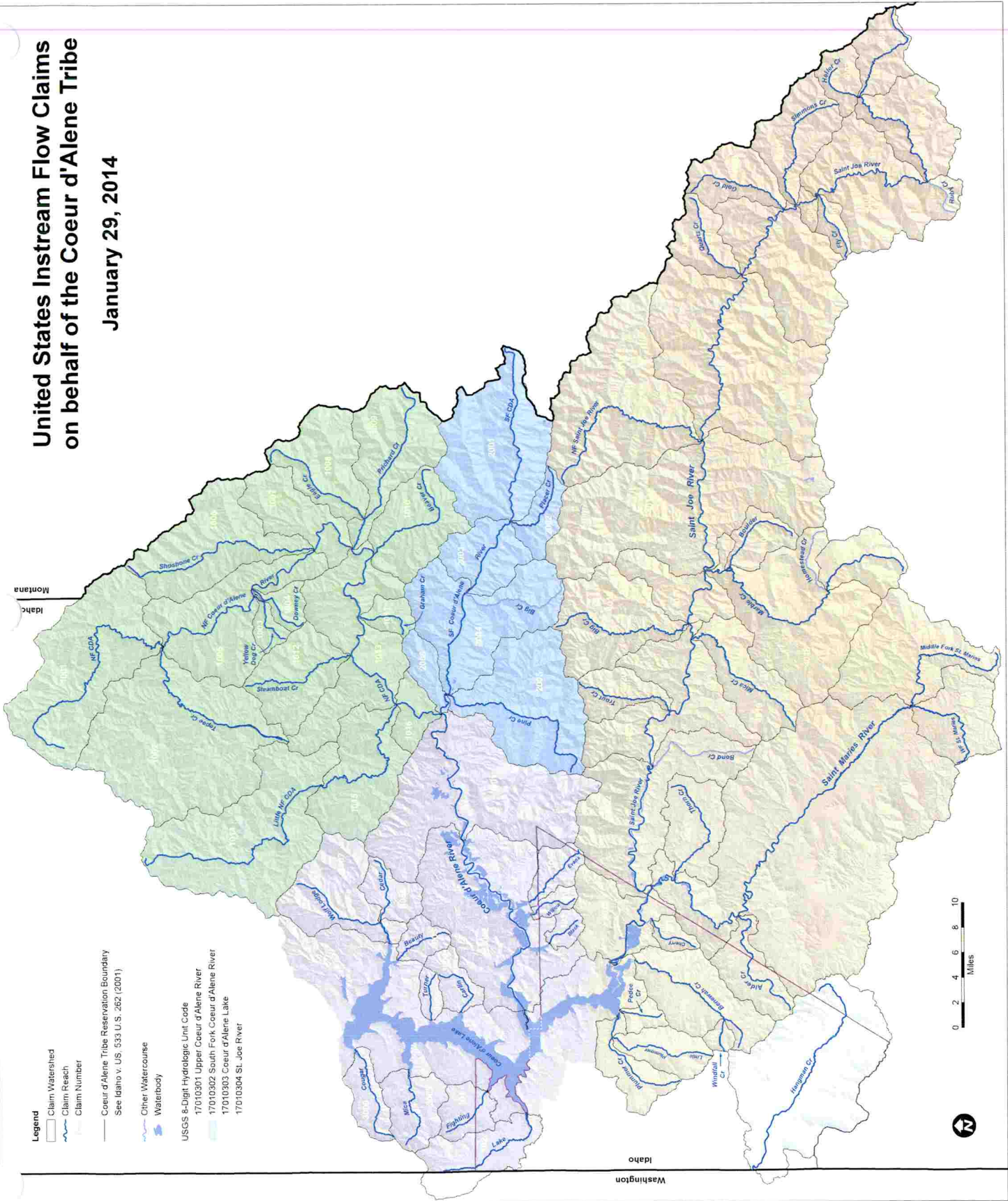
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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

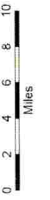
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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.

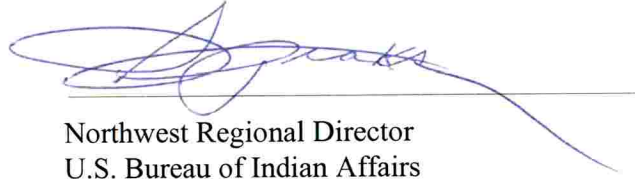
11. Signatures:

- (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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

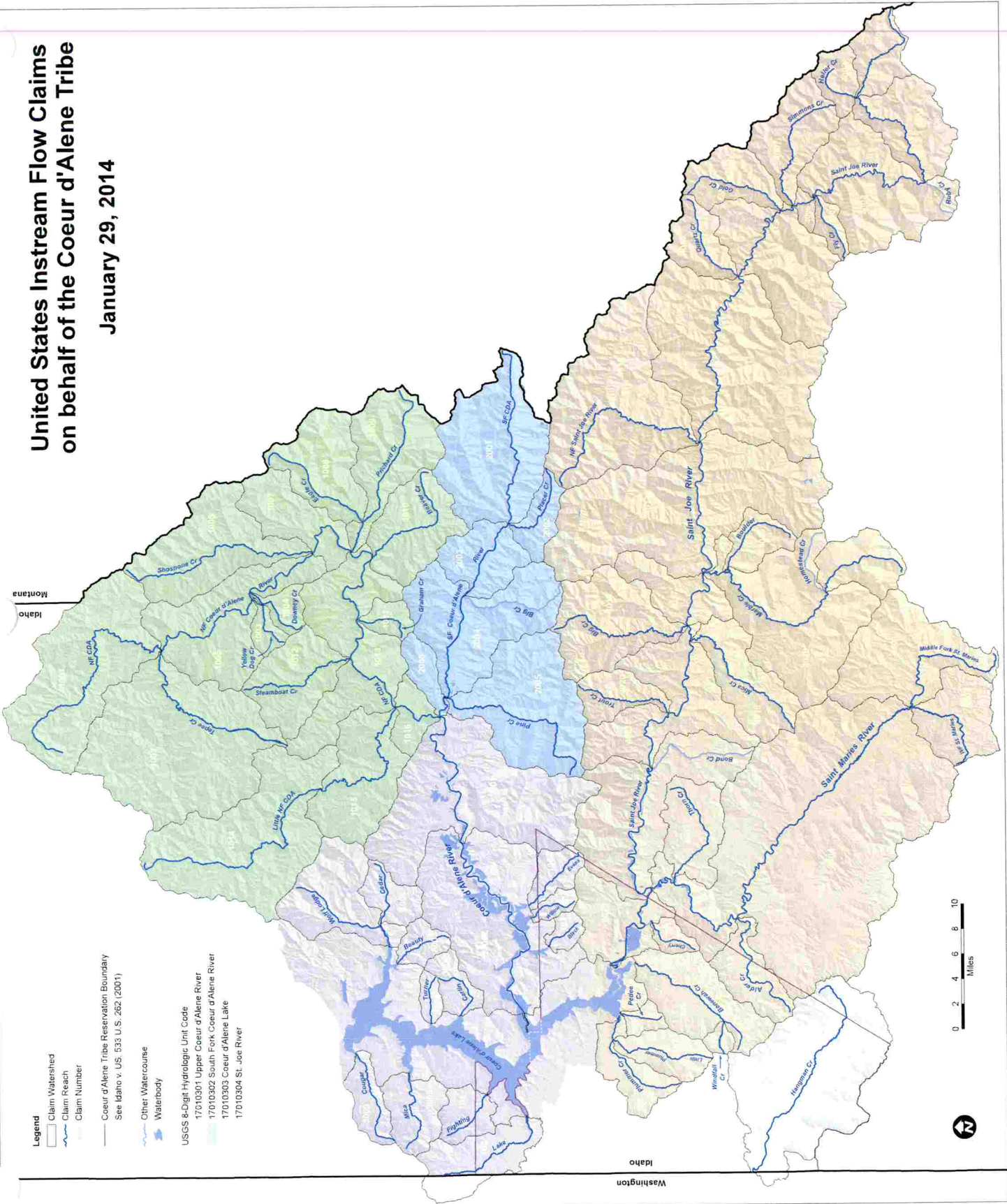
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM
Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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.

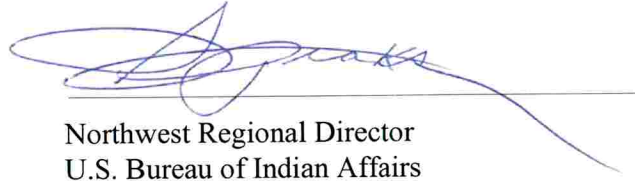
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- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
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For Organizations:

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

Signature of Authorized
Agent:

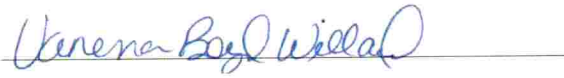


Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

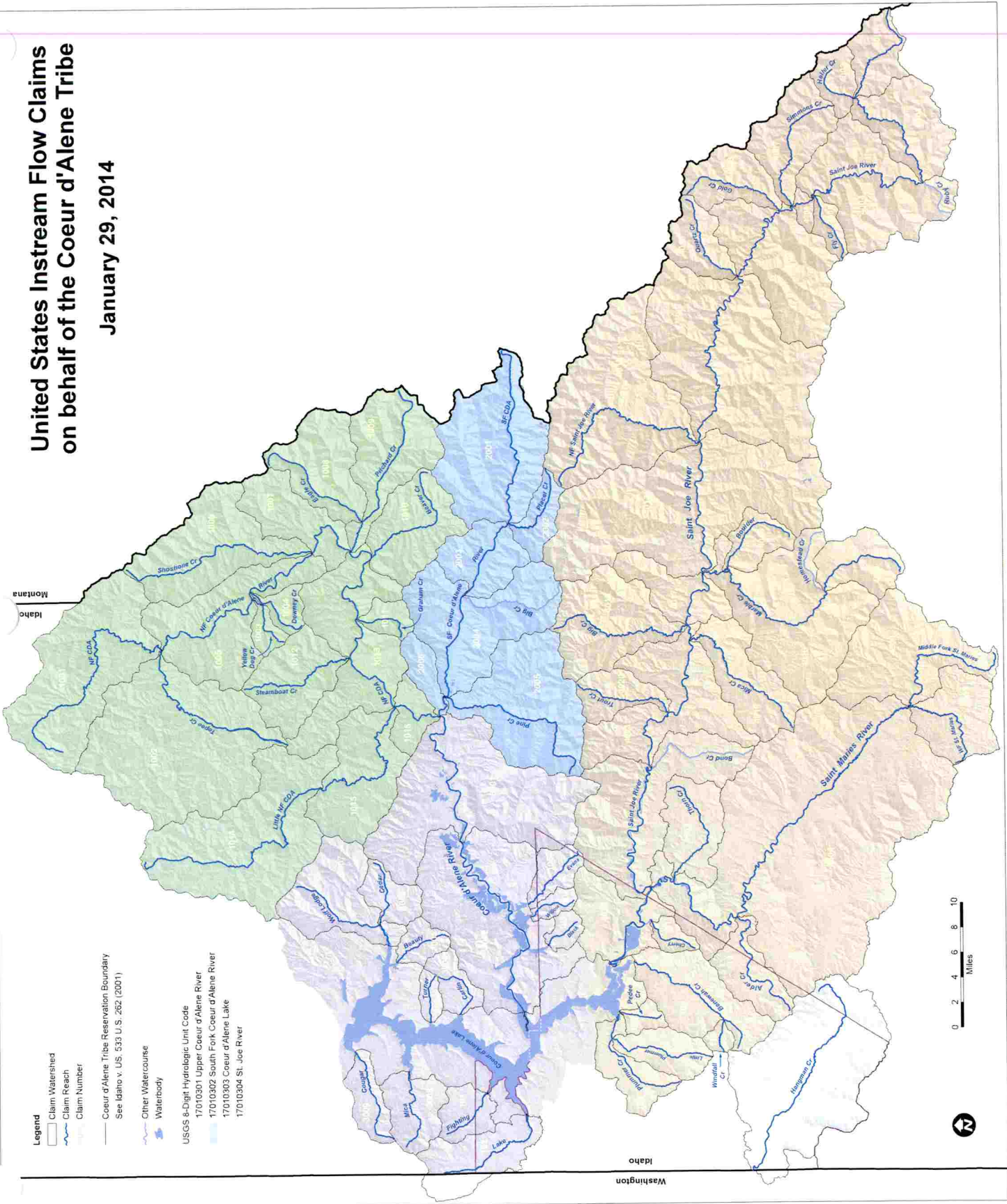
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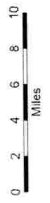
United States Instream Flow Claims on behalf of the Coeur d'Alene Tribe

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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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.

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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.

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

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

11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:




Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

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

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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM
Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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: DCMII (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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

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

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

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

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

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


11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

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

Signature of Authorized
Agent:

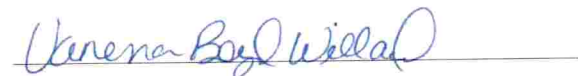


Northwest Regional Director
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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

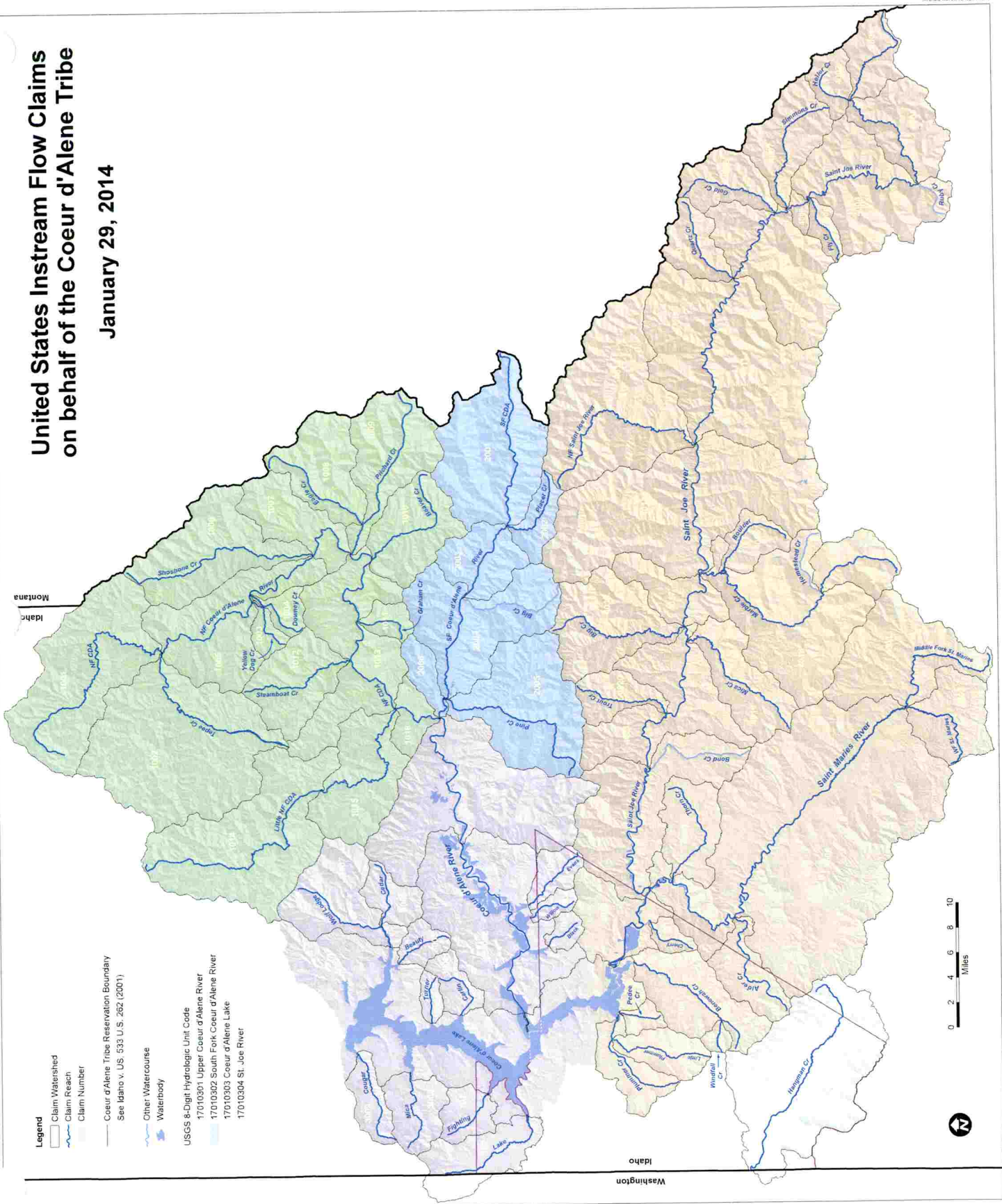
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Vanessa Boyd Willard
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

January 29, 2014



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



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

IN RE THE GENERAL ADJUDICATION)
OF RIGHTS TO THE USE OF WATER)
FROM THE COEUR D'ALENE-)
SPOKANE RIVER BASIN)
WATER SYSTEM)
)
)
CASE NO. 49576)

NOTICE OF CLAIM

Federal Reserved Water Right

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR
D'ALENE TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting
through the NORTHWEST REGIONAL DIRECTOR
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	February	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).

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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.

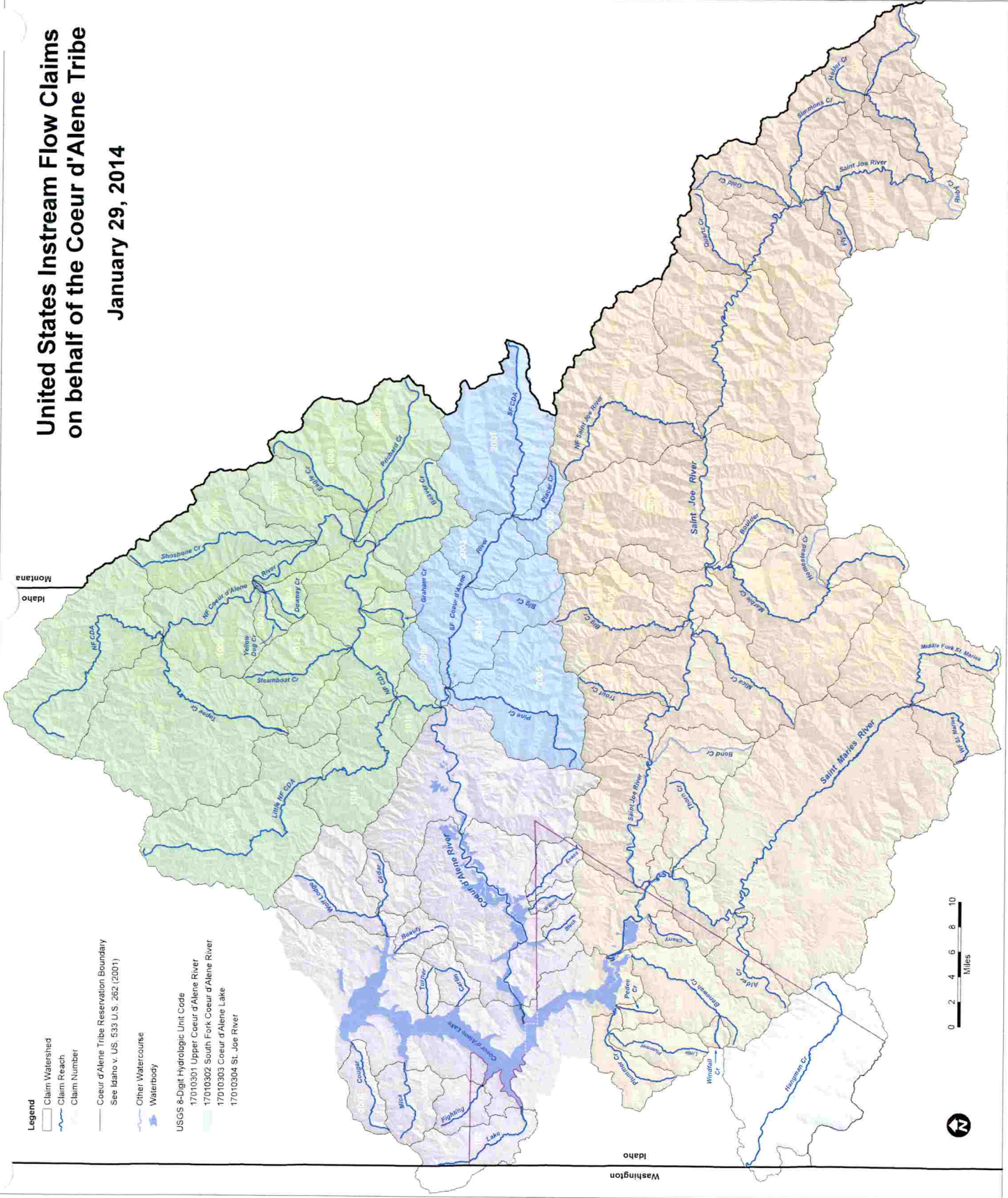
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United States Department of Justice
Environment and Natural Resources Division
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550 W. Fort Street, MSC 033
Boise, Idaho 83724

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. U.S. 533 U.S. 262 (2001)
 - Other Watercourse
 - Waterbody
- USGS 8-Digit Hydrologic Unit Code**
- 17010301 Upper Coeur d'Alene River
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 - 17010303 Coeur d'Alene Lake
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