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NEZ PERCE TRIBE

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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 SRBA

Case No. 39576

Subcase Nos.: 85-00016, 85-02049,
85-02063, 85-02065, 85-02146,
85-02147, 85-04483, 85-11087 and
85-15424

**NEZ PERCE TRIBE'S SUPPLEMENTAL
INITIAL DISCLOSURE**

COMES NOW the Nez Perce Tribe (the "Tribe"), by and through its attorneys of record and, in accordance with the Court's *Amended Trial Scheduling Order* entered April 25, 2007, provides the following information as a supplement to its *Initial Disclosure* dated June 20, 2007. Submitted herewith are copies of the following documents, data compilations, and tangible things ("disclosable items") that are in the possession, custody, or control of the Tribe, and that the Tribe may use to support its objections to the water rights claimed by the United States on behalf of LOID, other than information that may be used solely for impeachment purposes.

COPY

NPT 1 - 39. Cover letter from Richard W. Rieber and draft of the Lewiston Orchards Irrigation District Supplemental Biological Assessment, Bureau of Reclamation, Pacific Northwest Region, March, 2001, which contains, *inter alia*, a history of the LOID system and diversion records.

NPT 40 - 171. Lewiston Orchards Project, Idaho, "Appendix Project Planning Report No. 1-5.7-1," of the Bureau of Reclamation, Boise, Idaho, December, 1945, which contains, *inter alia*, a general map, land class maps, and reservoir operation diagrams.

NPT 171A - 242. Water Treatment Plant Study for Lewiston Orchards Irrigation District, April, 1994, prepared by Wyatt-Jaykim Engineers, WJE Job No. 1010-K.

NPT 243 - 255. Cover letter from Bureau of Reclamation dated March 3, 1993, and copy of Supplemental Repayment Contract between the Lewiston Orchards Irrigation District and the United States.

NPT 256 - 288. Cover letter to Randy Moore dated May 9, 1996, from the Bureau of Reclamation and copy of Corrective Action Alternatives Reservoir A Dam, Lewiston Orchards Project, Idaho, by the U. S. Bureau of Reclamation, dated December 5, 1994.

NPT 289 - 304. Miscellaneous documents including, *inter alia*, a LOID project description, correspondence, and Repayment Contract Between the Lewiston Orchard Irrigation District and the United States.

NPT 305 - 311. Letter to Richard Raines from Carter Fritschle, Idaho Department of Water Resources with information on the claims filed on behalf of LOID.

NPT 312 - 320. Draft of LOID's Application for Permit to appropriate 80 c.f.s. from the Clearwater River.

NPT 321 - 324. Sweetwater Springs and Sweetwater Creek flow and temperature data dated 1991 - 1993.

NPT 325 - 335. Letter from Bureau of Reclamation dated December 24, 1992, with a draft of the Bureau's Categorical Exclusion Checklist for Mann Lake.

NPT 336 - 337. Letter dated January 13, 1993, to Douglas James from Samuel Penney regarding comments on Mann Lake categorical exclusion proposal.

NPT 338 - 343. Bureau of Reclamation's description of the Lewiston Orchards Project.

NPT 344. Letter to Randy Moore from Rebecca Craven dated March 2, 1994, regarding excerpts of tribal claims.

NPT 345. Copy of *Lewiston Morning Tribune* article on dam at Mann Lake, dated 9/17/92.

NPT 346 - 350. Miscellaneous documents including a Lewiston Orchards Project Reservoir "A" Dam Fact Sheet.

NPT 351 - 371. Letter from Bureau of Reclamation dated March 3, 1993, with Categorical Exclusion Checklist for Safety of Dams work at Mann Lake.

NPT 372 - 400. Copies of newspaper articles regarding LOID.

NPT 401. Letter dated March 8, 1994, to Randy Moore from Mary Price requesting information on diversion rates from Sweetwater Creek to the Sweetwater Canal and conveyance losses.

NPT 402 - 410. Letter to Mary Price from Randy Moore dated April 18, 1994, with samples of water measurement data.

NPT 411 - 443. Letter dated December 24, 1992, from the Bureau of Reclamation with a draft of the Categorical Exclusion Checklist for the Safety of Dams work at Mann Lake.

NPT 444 - 462. Copies of newspaper articles regarding LOID.

NPT 463 - 486. Copies of newspaper articles regarding LOID.

NPT 487 - 511. Agenda Item for Lewiston City Council meeting dated January 23, 1995, regarding a joint study with LOID on supply of domestic, fire protection, and irrigation water, and copy of Professional Services Agreement with Wyatt-Jaykim for the joint study.

NPT 512 - 531. Miscellaneous documents including, *inter alia*, newspaper articles regarding LOID, Bureau of Reclamation's March 8, 1995 Request for Extension of Time to File Adjudication Claim(s).

NPT 532 - 599. Water and Power Resources Service's "Emergency Preparedness Brief with Inundation Map from Standing Operating Procedures" for Soldiers Meadow Dam - Lewiston Orchards Project, Idaho Pacific Northwest Region, dated: August 1980; and August 1985.

NPT 561 - 599. Environmental Assessment, Proposed Safety of Dams Modification of Soldiers Meadow Dam, Lewiston Orchards Project, dated May 1985.

NPT 600 - 891. Draft Report of HDR Engineering, Inc., Salt Lake City, Utah to LOID, "Conceptual Design for Clearwater System," dated January 1997.

NPT 892 - 904. LOID Questions and Answers and Public Meeting Notice, Attendance Sheet for February 8, 1996 meeting, and Water and Power Resources Service's "Emergency Preparedness Brief with Inundation Map from Standing Operating Procedures" for Soldiers Meadow Dam - Lewiston Orchards Project, Idaho Pacific Northwest Region, dated August 1980.

NPT 905 - 911. Copies of articles from the *Lewiston Morning Tribune*.

NPT 912-956. City of Lewiston and LOID "Water System Regionalization Study - Phase I," by Carollo Engineers and Jensen & Associates Engineering, dated August 1998.

NPT 957 - 961. Reservoir "A" Dam, Lewiston Orchards Project, Information Summary dated September 22, 1998.

NPT 962 - 1012. LOID "Engineering Report, Source of Supply Comparison for Clearwater River Pumping, Deer Creek Dam, Deep Wells," by Hoffmann & Fiske Consulting Engineers dated January 1972.

NPT 1013 - 1149. Cover letter from Bureau of Reclamation to Rebecca Craven with the "Final Report Lewiston Orchards Irrigation District, Alternative Irrigation Water Supply Evaluation," prepared for the Bureau of Reclamation (Contract No. O-CA-10-10470, Delivery Order No. 4) by Morrison Knudsen Corporation, Transportation & Water Resources, dated February 1992.

NPT 1150 - 2147. Cover letter to Richard T. Raines from the Bureau of Reclamation with an unofficial copy of the Standard Operating Procedures for Soldiers Meadow Dam, Revision No. 5, dated April 1989.

NPT 2148 - 2153. Facsimile from Alan Jensen to Rebecca Craven with information on the refinement in the regional service area and the average annual volume required to serve the existing and future needs.

NPT 2154 - 2218. LOID Special Report, "Engineering and Environmental Findings of a Rehabilitation and Betterment Study," prepared by Bureau of Reclamation, dated May 1983.

NPT 2219 - 2525. Lewiston Orchards Project, Rehabilitation and Betterment of Existing Facilities, "Feasibility Designs, Estimates, and Operations Appendix," prepared by the Bureau of Reclamation, dated September 1982.

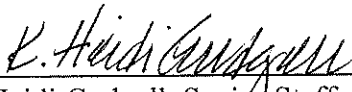
NPT 2526 - 2626. Miscellaneous documents from the files of Strom, Longeteig & Johnson (a law firm that formerly represented the Nez Perce Tribe) dated 1979-1980, including *inter alia*: agendas, meeting minutes, and public hearing minutes regarding the LOID Watershed Protection Project, the Project Summary, and the Project Responsiveness Summary; and

correspondence relating to the application for a loan under the Small Reclamation Projects Act of 1956.

NPT 2627 - 2716. Miscellaneous correspondence and documents from the Office of Legal Counsel's correspondence files, including *inter alia*: copies of newspaper articles; the deed to the Lewiston Orchards Project; general information on the Project; LOID water use data; correspondence relating to the Petition for Dissolution; LOID's application for a permit to divert 80 c.f.s. from the Clearwater River; and City of Lewiston water use information.

NPT 2717 - 2757. Miscellaneous correspondence and documents from the Office of Legal Counsel's correspondence files, including *inter alia*: the proposed expansion of LOID boundaries; ESA consultations; possibility of a regional water supply system; copies of newspaper articles; and draft of Task Order No. 1 on the Carollo/Jensen contract.

DATED this 28th day of June, 2007.

A handwritten signature in cursive script, reading "K. Heidi Gudgell", is written over a horizontal line.

K. Heidi Gudgell, Senior Staff Attorney
Attorney for the Nez Perce Tribe

Exhibits can be viewed in the repository
and legal file