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DEPT. OF WATER RESOURCES

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

In Re CSRBA)
)
)
Case No. 49576)
)
)
)
)
_____)

A. Subcase No. 93-7539

STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 83720
Boise, ID 83720-0010
Phone: 208-334-2400

Attorney Name: LAWRENCE G. WASDEN
Attorney General
Clive J. Strong
Deputy Attorney General
Chief, Natural Resources Division
Steven W. Strack (ISB # 3906)
Ann Y. Vonde (ISB #8406)
Deputy Attorney General
Attorney Address: P.O. Box 83720
Boise, Idaho 83720-0010
Attorney Phone No.: Telephone: (208) 334-2400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America, as trustee on behalf of the Coeur
d'Alene Tribe of the Coeur d'Alene Indian Reservation acting
through the Norwest Regional Director
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave.

Portland, OR 97232

- D.** I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be:

2. ☒ **Source**

Should be:

3. ☒ **Quantity**

Should be:

4. ☒ **Priority Date**

Should be:

5. ☒ **Point of Diversion**

Should be:

6. ☒ **Instream Flow Beginning and Ending Point**

Should be:

7. ☒ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be:

10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights

- ☐ This general provision was not recommended but should be recommended as described below.

Should be:

- ☐ General provision was recommended but should be modified as described below.

Should be:

11. ☐ **I object** because the recommendation contains an unaccomplished transfer under Idaho Code § 42-1425 in injury to my water right(s) and/or enlargement of the original right.

12. ☒ **I object because:**

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S):

Box 12, and Boxes 1-9: The State of Idaho ("State") objects to the claimed water right on the basis that some or all of the claimed water right was either not reserved at the time the Coeur d'Alene Reservation ("Reservation") was withdrawn from the public domain or was extinguished by subsequent agreements, acts of Congress, cessions, relinquishments, alienations, orders, decrees, or judgments. Moreover, the claim fails to establish that the United States, at the time of reservation, intended to reserve the water in order to accomplish the primary purpose for which the United States withdrew the Reservation from the public domain.

In the event the claimed water right is found to have been reserved and not fully extinguished, the State submits the following additional reasons for its objections:

Box 2: The State objects to the claimed source of water to the extent it claims the reservation of groundwater. The State objects to the claimed source of water to the extent such water source does not run through, over, or is otherwise not appurtenant to lands currently reserved for, or held by the United States in trust for, the use and benefit of the Coeur d'Alene Tribe.

Box 3: The claimed quantity exceeds the amount reasonably necessary to accomplish the primary purpose for which the Reservation was created.

Box 4: The State objects to the claimed priority date to the extent it asserts that the claimed priority date continues to apply to the use of water on lands that were conveyed to nonmembers and later reacquired by the United States in trust for the Tribe or reacquired by the Tribe in fee simple ownership.

Box 5: The State objects to the claimed point of diversion to the extent it claims the right to divert water from any groundwater aquifer or from any surface waters that do not run through, over, or are otherwise not appurtenant to lands currently reserved for, or held by the United States in trust for, the use and benefit of the Coeur d'Alene Tribe.

Box 7: The claimed purpose of use is overbroad and inconsistent with the primary purpose for which the Reservation was created; moreover, the claimed water is not necessary to accomplish the primary purpose for which the Reservation was set aside.

Box 9: The State objects to the claimed place of use to the extent such place of use includes lands, water bodies, or waterways that are not currently reserved for, or held by the United States in trust for, the use and benefit of the Coeur d'Alene Tribe.

Dated this 18th day of July, 2014.

LAWRENCE G. WASDEN

Attorney General

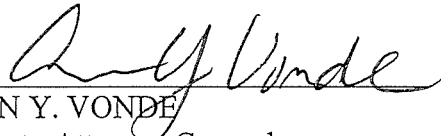
CLIVE J. STRONG

Deputy Attorney General

Chief, Natural Resources Division

STEVEN W. STRACK

Deputy Attorney General



ANN Y. VONDE

Deputy Attorney General

CERTIFICATE OF SERVICE

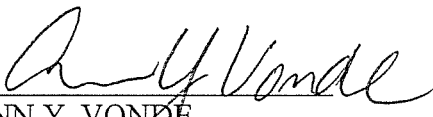
I HEREBY CERTIFY that on this 19th day of July 2014, I caused the foregoing document to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Coeur d' Alene-Spokane River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121
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2. Copies to:

IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Statehouse Mail
United States Department of Justice Environment & Nat'l Resources Div. 550 W. Fort Street, MSC 033 Boise ID 83724	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Statehouse Mail


ANN Y. VONDE
Deputy Attorney General