



In Re CSRBA) A. Subcase No's. 92-7226
)
Case No. 49576)
) STANDARD FORM 2
) RESPONSE TO OBJECTION
)
)

Attorney Name: Douglas P. Payne (ISB # 4789)
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1

D. I am responding to the objections to the following elements or general provision. (Please check the appropriate box(es)).

- 1 ☐ . Name and Address
- 2 ☒ Source
- 3 ☐ Quantity
- 4 ☐ Priority Date
- 5 ☒ Point of Diversion
- 6. ☐ Instream Flow Beginning and Ending Point
- 7. ☐ Purpose(s) of Use
- 8. ☐ Period of Year
- 9. ☐ Place of Use
- 10. ☐ General Provision
- 11. ☒ Recommendation

☒ This water Right Should Not Exist

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

E: Respondents Recommendation:

This water right should be decreed as recommended by the IDWR Director on the following grounds: In 1891 the Coeur d'Alene reservation was created by Congress, reserving the beds and the banks of submerged lands within the reservation. In 1906, Congress opened up the reservation under the Allotment and Homestead Acts and provided that the land, once patented, would be thereafter subject to the law of the State in which it was located. The U.S. reserved certain mineral and hydropower rights in regard to the subject lands. The U.S. did not reserve any other littoral or riparian rights in regard to the subject lands which are ordinarily attendant to waterfront property, including the right to access water, to wharfage, or to use the adjacent water. These rights are therefore appurtenant to and including with those waterfront lands sold by the U.S and are subject only to State law regulation as provided by the Acts of Congress enabling the alienation of those lands.

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court.

FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on September 12, 2014, I mailed the original and copies of this objection, including all attachments, to the following persons

:

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
2. One copy to the claimant of the water right at the following address:
Name: Coeur d'Alene tribe of the Coeur d' Alene
Indian Reservation
Address: 850 A street, PO Box 408
P Plummer, ID 83851

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724



Signature of Respondent or attorney
mailing on Respondent's behalf

Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 1 of 10

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Nick Ferris 1967 Alder Creek Loop St. Maries ID 83861	Sabrina Ferris 1967 Alder Creek Loop St. Maries ID 83861	Mike Fish 2626 Railroad Grade Road St. Maries ID 83861
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