

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL - 8 2015	
By _____	Clerk
_____	Deputy Clerk

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

In Re CSRBA	)	A. Subcase No's. <u>92-7234</u>
	)	
Case No. 49576	)	
	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
	)	
_____	)	

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: North Idaho Water Rights Alliance on behalf of the
Respondents identified in Attachment A

Address: 391 Bella Rose Rd
St Maries, Idaho 83861

Phone: 208-245-0275

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

Attorney Address: 701 W. Collage St. Suite 201
St Maries, Idaho 83861

Attorney Phone No. 208-245-2564

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

Name: Coeur d'Alene tribe of the Coeur d' Alene
Indian Reservation

Address: 850 A street, PO Box 408
Plummer, ID 83851

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
North Idaho Water Rights Alliance

pg 1 of 10

Steve 33037 S. Hells Gulch Road St. Maries ID 83861	Addington	Linda 26914 Dudley E. Road Cataldo ID 83810	Aldredge.	Ed 57 Deer Lane Kellogg ID 83837	Bailey
Tuck 5151 Alder Creek St. Maries ID 83861	Ainge	Candace P. O. Box 327 Kingston ID 83839	Anderson	Janice 57 Deer Lane Kellogg ID 83837	Bailey
June 33037 S. Hells Gulch Road St. Maries ID 83861	Addington	Shannon P. O. Box #56 Cataldo ID 83810	Anderson	Leroy 705 "A" Street Pinehurst ID 83850	Bailey
Billy 440 Agency Road Plummer ID 83851	Anderson	Conrad 9486-A Coeur d' Alene River Kingston ID 83839	Anderson	Betty 705 "A" Street Pinehurst ID 83850	Bailey
Doris 9486-A Coeur d' Alene River Kingston ID 83839	Anderson	Joseph P. O. Box #56 Cataldo ID 83810	Anderson	Mary Lou 715 N. Chisholm Court Post Falls ID 83854	Baker
Edward P. O. Box 327 Kingston ID 83839	Anderson	David 8250 IHells Gulch Road St. Maries ID 83861	Banderob	Gary 975 Watertower Road St. Maries ID 83861	Barton
Joy 389 Shady Lane Wallace ID 83873	Averitt	Jeffrey 715 N. Chisholm Court Post Falls ID 83854	Baker	Janet 975 Watertower Road St. Maries ID 83861	Barton
William 558 Placer Creek Wallace ID 83873	Becker	Merrilee 558 Placer Creek Wallace ID 83873	Becker	Ron 209 Pine Wallace ID 83873	Bertoch
Judy 209 Pine Wallace ID 83873	Bertoch	Angelo 5305 E. O'Gara Road Harrison ID 83833	Bissell	Joyce 5305 E. O'Gara Road Harrison ID 83833	Bissell
George 27180 S. Wildwood Drive Worley ID 83876	Bloomsburg	Hilma 27180 S. Wildwood Drive Worley ID 83876	Bloomsburg	Leland 4924 Honey Hill Road Oak Hills CA 92344	Boldt
Boldt 4924 Honey Hill Road Oak Hills CA 92344	Danielle	Robert P. O. Box 241 Potlatch ID 83855	Bostrom	Dianna P. O. Box 241 Potlatch ID 83855	Bostrom

Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 2 of 10

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Yvonne Devries
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Spirit Lake ID 83869

Dale Dimico
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St. Maries ID 83861

Pete Dirlam
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Santa ID 83866

Jean Dohrman
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Larry Domingo
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Pinehurst ID 83850

Joan Dorsett
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Pinehurst ID 83850

Tom DuHamel
4300 E. Sunset Drive
Harrison ID 83833

Eileen DuHamel
4300 E. Sunset Drive
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Cherie Duncan
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Lisa Emerson
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Elmor Evans
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Edmond Ferrell
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St. Maries ID 83861

Shirley Ferris
7569 Windfall
St. Maries ID 83861

Nick Ferris
1967 Alder Creek Loop
St. Maries ID 83861

Sabrina Ferris
1967 Alder Creek Loop
St. Maries ID 83861

Mike Fish
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St. Maries ID 83861

Jonny Fish
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Coeur d' Alene ID 83815

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Coeur d' Alen ID 83815

Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 3 of 10

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Archie Glisson
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Smelterville ID 83868

Malinda Gilda
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Wendy Green
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Dick Harwood
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Carol Harwood
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Thomas Hayes
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Kellogg ID 83837

Jacqueline Hayes
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Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 4 of 10

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Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 5 of 10

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Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 6 of 10

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Rita Brodie P. O. Box 82 Santa ID 83866	Wayne Brown Box #134 Kingston ID 83839	Nona Bruns P. O. Box 105 St. Maries ID 83861
Terry L. . Burger. 689 Hume Creek Road St. Maries ID 83861	Patricia A. Burger. 689 Hume Creek Road St. Maries ID 83861	Hap Butler 2600-A E. Seltice Way #214 Post Falls ID 83854
Geraldine Butler 2600-A E. Seltice Way #214 Post Falls ID 83854	Gordon Canterbury P. O. Box #967 Wallace ID 83873	Barbara Canterbury P. O. Box #967 Wallace ID 83873
James Carpenter 1330 Shepherd Road St. Maries ID 83861	Ginger Carpenter 1330 Shepherd Road St. Maries ID 83861	Sherry Carriere 2668 Pettis Peak Road St. Maries ID 83861
James Carney 19483 S. Latour Creek Road Cataldo ID 83810	Arlene Carney 19483 S. Latour Creek Road Cataldo ID 83810	Mary Carver 2301 Cromwell Drive St. Maries ID 83861
Thomas Carver 2301 Cromwell Drive St. Maries ID 83861	City of Osburn P. O. Box #865 Osburn ID 83849	Jack Conklin 41845 Silver Valley Road Kingston ID 83839
Mary Combs 38079 S. Hwy 3 St. Maries ID 83861	Yvonne Conklin 41845 Silver Valley Road Kingston ID 83839	Robert Coppa P. O. Box #183 Santa ID 83866
Connie Coppa P. O. Box #183 Santa ID 83866	John Cross 4600 E. Inverness Drive Post Falls ID 83854	Angela Cross 4600 E. Inverness Drive Post Falls ID 83854
Crows Nest Co-operative P. O. Box 311 Harrison ID 83833	Doug Dana 19010 St. Joe River Road St. Maries ID 83861	Valorie Dana 19010 St. Joe River Road St. Maries ID 83861
Rick Day 59494 S. Hwy 97 St. Maries ID 83861	Holly Day 59494 S. Hwy 97 St. Maries ID 83861	Todd Dellinger P. O. Box #444 Silverton ID 83867

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pg 7 of 10

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Jennifer Osier P. O. Box #554 St. Maries ID 83861	Douglas Payne P. O. Box 315 St. Maries ID 83861	Patrick Petrie 349 Kathy Drive St. Maries ID 83861
Kenny Osier P. O. Box #554 St. Maries ID 83861	Kristi Payne P. O. Box 315 St. Maries ID 83861	Annette Petrie 349 Kathy Drive St. Maries ID 83861
Steven Pfeifer 2525 Arapahoe PMB 174 Ste. E Boulder CO 80302	John Phillis 38079 S. Hwy 3 St. Maries ID 83861	Pinehurst Water District P. O. Box #98 Pinehurst ID 83850
Erling Place 1066 Minaloosa Road Plummer ID 83851	Plemmons, Tom & Mary 9423 NE 137th Street Kirkland WA 98034	Alexander Podsaid 357 Mountain Ridge Kingston ID 83839
Gerrie Lee Place 1066 Minaloosa Road Plummer ID 83851	Rick Powell 396 Powell Road St. Maries ID 83861	Dan Price 42182 Silver Valley Road Kingston ID 83839
Anne Reed P. O. Box #327 St. Maries ID 83861	Kurt Reed P. O. Box #327 St. Maries ID 83861	Jane Price 42182 Silver Valley Road Kingston ID 83839
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Chris Renaldo 706 Center Avenue St. Maries ID 83861	Robin Renaldo 706 Center Avenue St. Maries ID 83861	Terry Rogers P. O. Box #227 Santa ID 83866
Edward Rozema 1765 Minaloosa Valley Road Plummer ID 83851	Mary Rozema 1765 Minaloosa Valley Rd Plummer ID 83851	Don Rumpel 1957 Montgomery Gulch Rd Kellogg ID 83837
Karen Rumpel 1957 Montgomery Gulch Rd Kellogg ID 83837	Vince Sartain 1242 W. Cedar Court Ontario CA 91762	Elaine Sartain 1242 W. Cedar Court Ontario CA 91762

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The below identified respondents listed below are members of the North Idaho Water Rights
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pg 8 of 10

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Andrew Scott 27091 Hwy 41 Blanchard ID 83804	Mary Ann Shaw, 378024 Hwy 95 DeSmet ID 83824	Sherman, John P. O. Box #458 Fernwood ID 83830
Dean Shick P. O. Box #64 Santa ID 83866	Eldon Shaw, 378024 Hwy 95 DeSmet ID 83824	Claudia Shick P. O. Box #64 Santa ID 83866
Jeff Shippy 95 Ferguson Street St. Maries ID 83861	Dede Shippy 95 Ferguson Street St. Maries ID 83861	Robert Short 31054 Highway 6 St. Maries ID 83861
Gail Short 31054 Highway 6 St. Maries ID 83861	Agnes Sibert P. O. Box #506 Calder ID 83808	Shoshone County Commissioners 700 Bank Street Wallace ID 83873
Randy Siler P. O. Box #59 St. Maries ID 83861	Clysta Siler P. O. Box #59 St. Maries ID 83861	Shoshone Co. Outdoor Sportsmen Assn P. O. Box #725 Wallace ID 83873
Darrell Skaggs 335 Shady Lane Wallace ID 83873	Donna Skaggs 335 Shady Lane Wallace ID 83873	Paul Smith 88 Garden Tracts Road St. Maries ID 83861
Colleen Smith 88 Garden Tracts Road St. Maries ID 83861	Larry Sotin 82803 Hwy 3 South St. Maries ID 83861	Larry Sotin 82803 Hwy 3 South St. Maries ID 83861
Bill Stanley 51 A Placer Creek Road Wallace ID 83873	Eileen Stanley 51 A Placer Creek Road Wallace ID 83873	Doug Stanley 1818 135th Street, East Tacoma WA 98445
Linda Stanley 1818 135th Street, East Tacoma WA 98445	Lance Stanley 500 Cedars St Wallace ID 83873	Robin Stanley P. O. Box 268 Silverton ID 83867
Leslee Stanley P. O. Box 268 Silverton ID 83867	Samuel Steele 303 Happy Valley Lane St. Maries ID 83861	Jennifer Steele 303 Happy Valley Lane St. Maries ID 83861

Attachment 'A'

The below identified respondents listed below are members of the North Idaho Water Rights
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pg 9 of 10

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Danielle McClory
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Sunshine Silver Mine
2209 Big Creek Road
Kellogg ID 83837

Dennis Tate
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Kellogg ID 83830

Donald Taylor
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Harrison ID 83833

Michael Tenhonen
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Koreena Stowell
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Sheree Tester
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Deann Turcott
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St. Maries ID 83861

Homer Turner
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Sherry Turner
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Stanton Turner
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St. Maries ID 83861

Sally Turner
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St. Maries ID 83861

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St. Maries ID 83861

Martha Vail
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Calvin Vork
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Susan Vork
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Kingston ID 83839

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Molly Warren
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Attachment 'A'

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

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