

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. ☐ **Accomplished Transfer**
12. ☐ **Recommendation:**

☐ This water right should not exist.

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

(Signature of person filing)



(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, 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.

E. CERTIFICATE OF MAILING

I certify that on April 5, 20 **22**, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Palouse 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: Franklin F. Foit Jr.

Address: 900 SE Thompson Road
Pullman, WA 99163

3. One copy to the party who filed the Objection at the following address:

Name:	<u>United States of America as Trustee</u>	<u>Nez Perce Tribe</u>
	<u>on Behalf of the Nez Perce Tribe</u>	<u>Office of Legal Counsel</u>
Address:	<u>Department of the Interior Bureau of Indian Affairs</u>	<u>P.O. Box 305</u>
	<u>911 NE 11th Avenue</u>	<u>100 Agency Road</u>
	<u>Portland, OR 97232</u>	<u>Lapwai, ID 83540</u>

4. Copies to:

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

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

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Your signature or signature of attorney
mailing on your behalf

Addendum

The Respondent is the owner of Claim No. 87-7192 and the base property. The spring at issue is one of the designated sources and points of diversion for 87-7192, the other being an adjacent stream, Gnat Creek, which is not subject to this Objection. Said spring is located on private land owned by the Respondent; it is not within the existing boundary of the Nez Perce Reservation as established in the 1863 Treaty, nor is it on land reserved by the United States or kept back from settlement as specified in said treaty. As such, the Objector has no reservation of water from or a right of access to the spring identified as a source/point of diversion in both in the Notice of Claim for 87-7192 and the Recommendation of said claim by the Idaho Department of Water Resources.