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DEPARTMENT OF
WATER RESOURCES

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Counsel for the Nez Perce Tribe

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

IN RE: PRBA

CASE NO: 59576

)
) **NEZ PERCE TRIBE'S JOINDER**
) **IN UNITED STATES' STANDARD**
) **FORM 1 OBJECTIONS**
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On August 15, 2022, the United States of America ("United States"), as trustee on behalf of the Nez Perce Tribe and Allottees of the Nez Perce Indian Reservation, acting through Regional Director, Northwest Region Department of the Interior, Bureau of Indian Affairs, 911 N.E. 11th Avenue, Portland, OR 97232, filed, pursuant to Standard Form 1, objections to seven (7) late filed claims, and related notices of claims, to springs or fountains.

The claims to which the Tribe joins in objecting include:

87-7145	87-11171	87-12348
87-7146	87-12349	87-12351
87-12330		

On information and belief, these 7 late filed claims overlap the springs or fountains which are the subject of, and are grounded in, the express terms of Article VIII of the Nez Perce Treaty with the United States of June 9, 1863. 14 Stat. 647, 651, which reserved to the Tribe and its members the use of the springs and fountains on the ceded lands as follows:

The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.

By way of this filing, and for the reasons stated in the United States' Standard 1 Form Objections, the Nez Perce Tribe joins the United States.

DATED this 15th day of August, 2022.

Respectfully submitted,

NEZ PERCE TRIBE
OFFICE OF LEGAL COUNSEL

By: 
Michael A. Lopez, Senior Staff Attorney

NATIVE AMERICAN RIGHTS FUND

By: 
Steven C. Moore, Senior Staff Attorney

Counsel for the Nez Perce Tribe

CERTIFICATE OF SERVICE

I certify that on August 15, 2022, I filed a true and correct copy of the NEZ PERCE TRIBE'S JOINDER IN UNITED STATES' STANDARD FORM 1 OBJECTION via Fax. A true and correct copy of the foregoing was sent to the Clerk of the District Court at the address listed below:

Original to:

Clerk of the District Court
Palouse River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax: (208) 736-2121

I certify that on August 15, 2022, I served a true and correct copy of the foregoing to the addresses below and to the addresses listed on Attachment A:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment & Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

ATTACHMENT A

Schweitzer Properties, LLC 330 NW Brandon Drive Pullman, WA 99163-3674	87-7145, 87-7146
Janice Geyer 3814 NE 89th Street Seattle WA 98115	87-11171
Jez Ranch LLC 3814 NE 89th Street Seattle WA 98115	87-11171
John R. Ziemann 1651 Uniontown Road Genesee ID 83832	87-11171
Van G. Ziemann 39 Alberta Road Westbrook ME 04092	87-11171
Ziemulz Farms LLC 510 W Highland View Drive Boise ID 83702	87-11171
Lorang Farm Restoration 1004 Lorang Road Genesee, ID 83832	87-12330
Wayne Schwenne Trust 1420 Gray Eagle Road Genesee, ID 83832	87-12348, 87-12349
Macy Miller 1803 Eid Road Moscow, ID 83843-7491	87-12351