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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: PRBA

Case No. 59576

Subcase Nos.: Attachment 1

**JOINT STATUS REPORT**

COME NOW, the undersigned Parties hereby jointly provide this Court with an update regarding the status of negotiations on the federal reserved water right claims filed by the United States and the Nez Perce Tribe ("Tribe").

The Parties continue to acknowledge the Court's strong interest in seeing progress towards settlement of the pending claims. In that endeavor, the Parties have continued to meet frequently to determine what information is needed to properly inform the Parties so as to expedite the settlement process. The Parties appreciate the Court's patience and willingness to postpone establishing a discovery and litigation schedule for the Parties while we focus our resources and efforts on collaborative approaches to identifying and sharing information that the Parties need to know, understand, and appreciate in order to be productive in settlement negotiations. The Parties first focused their efforts on making sure that all the Parties are identified, and that all pro se claimants have as much access to the settlement process as possible. As the Court is aware, a process is in place for pro se claimants, and to date the Idaho Department of Water Resources has received compliance acknowledgement forms from nine (9) pro se claimants to participate in the confidential settlement discussions. The Parties hope to see more in the future.

Monthly Settlement Meetings. The parties have continued to engage in monthly settlement meetings on the first Thursday of each month. These meetings are held virtually, and the parties have agreed to continue the meetings through 2024.

Monthly Planning Meetings. To date, the Parties have established a planning committee, which is tasked with establishing the agenda for each of the monthly settlement meetings. The planning committee meets about two weeks before each monthly settlement meeting and has created agendas geared towards providing as much information to the participants as possible relative to the interests of each of the parties. Again, understanding the interests of each of the Parties is paramount to successful settlement negotiations and potential future mediation.

Technical Advisory Committee. The current focus of the Parties is to establish what information is necessary to assist the Parties in settlement and to identify relevant information concerning the in-stream claims.. In January 2024, the parties formally initiated the Technical Advisory Committee (“TAC”) referred to in the previous Joint Status Report, with representatives from the Tribe, the United States, the State of Idaho and the City of Moscow. The TAC held its initial meeting on January 31, 2024, and will meet at least twice a month moving forward. It is anticipated that the TAC will help guide the settlement negotiations by providing the Parties with the technical information necessary to understand the watershed specific to the Palouse River Basin and evaluate the pending in-stream claims.

Given the number of claimants and the governmental entities involved, it is important that there be a solid framework in place for settlement. That framework takes time to establish, but the Parties are confident in the steps that have been taken to date and which are currently underway. Given the Court’s desire to see progress, the Parties have expedited certain settlement discussions and have scheduled additional meetings.

The Parties respectfully provide this Joint Status Report to the Court.

**CLAIMANT**

United States of America

By D.F. McCarl 2/5/24  
Daniel F. McCarl Date

Vanessa Boyd Willard  
Trial Attorneys, Indian Resources Section  
Environmental & Natural Resources Division  
U.S. Department of Justice

**CLAIMANT**

Nez Perce Tribe

By M.A. Lopez 2/5/2024  
Michael A. Lopez Date

Senior Staff Attorney  
Nez Perce Tribe

By S.C. Moore 2/5/2024  
Steven C. Moore Date

Senior Staff Attorney  
Thomas L. Murphy  
Staff Attorney  
Native American Rights Fund

**OBJECTOR**

State of Idaho

By D. Perkins 2/5/2024  
David Perkins Date

Deputy Attorney General

**OBJECTOR(S)**

PotlatchDeltic Land and Lumber, LLC

PotlatchDeltic Forest Holdings, Inc.

Potlatch TRS Idaho, LLC

By

  
Michael P. Lawrence

Feb 5, 2024

Date

Charlie S. Baser

Attorneys at Law

**OBJECTOR**

City of Moscow

By Candice M. McHugh

2-5-2024

Candice M. McHugh  
Attorney at Law

Date

**OBJECTOR**

Schweitzer Properties LLC

By

John K. Simpson

Attorney at Law

2/6/2024  
Date

**RESPONDENTS**

Board of Regents of the University of Idaho

By  2/2/24  
Travis L. Thompson Date  
Abigail R. Bitzenburg  
Attorneys at Law

**OBJECTORS, RESPONDENT, & INTERESTED PARTY**

Listed in Attachment 2

By  2/5/2024  
Chris M. Bromley Date  
Attorney at Law

**OBJECTOR(S)**

Listed in Attachment 3

By

  
James Browitt  
Attorney at Law

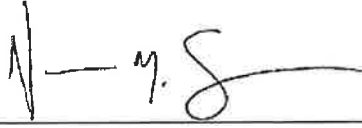
2/5/24  
Date

**RESPONDENTS**

Listed in Attachment 4

By

Norman Semanko  
Attorney at Law

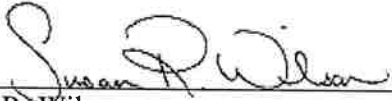
A handwritten signature in black ink, appearing to read 'N. Semanko', written over a horizontal line.

02/05/24

Date

**INTERESTED PARTIES**

Listed in Attachment 5

By  2/5/2024  
Susan R. Wilson Date  
Attorney at Law

## **CERTIFICATE OF SERVICE**

I certify that on February 6, 2024, I filed a true and correct copy of the JOINT STATUS REPORT via UPS to the Clerk of the District Court at the address listed below.

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 further certify that on February 6, 2024, Native American Rights Fund legal staff served a true and correct copy of the foregoing to the addresses below:

IDWR Director  
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

POTLATCH TRS IDAHO LLC  
POTLATCHDELTIC FOREST HOLDINGS  
POTLATCHDELTIC LAND AND  
Represented by:  
MICHAEL P LAWRENCE  
CHARLIE S BASER  
601 W BANNOCK ST  
PO BOX 2720  
BOISE, ID 83701-2720

CAROL & GLEN BARNETT  
AMY & ROB LARSON  
PAUL AND JOAN MILLION  
ANDREW SEWELL  
KYLE HAWLEY  
BEN BARSTOW  
SHAWN NILSSON  
K4 LLC  
JULIE & MARTIN HAARR  
Represented by:  
NORMAN M SEMANKO  
PARSONS BEHLE & LATIMER  
800 W MAIN STREET STE 1300  
BOISE, ID 83702

KTJ, LLC  
RAYMOND AND TRACY PAZ  
CONSUELO AND GERALD WEITZ  
ALAN AND MARY LYON  
JO DEAN MOORE  
THEODORE C THOMPSON  
THOMAS AND MARIE LINEHAN  
CHARLES LEEF  
STEVE AND KRISTENE HYMAS  
TIM AND CRISTAL MANTZ  
Represented by:  
SUSAN R WILSON  
208 S MAIN ST, STE 2  
MOSCOW, ID 83843

SCHWEITZER PROPERTIES LLC  
Represented by:  
JOHN K SIMPSON  
101 S CAPITOL BLVD STE 305  
PO BOX 2139  
BOISE, ID 83701-2139

KATHLEEN J WARREN, TRUSTEE  
COPE R GALE JR  
CHRIS ANDERSON  
FRANKLIN F FOIT JR  
Represented by:  
JAMES BROWITT  
BROWITT LAW OFFICE  
1317 PROSPECT AVE  
LEWISTON, ID 83501

SCHWEITZER PROPERTIES LLC  
Represented by:  
JOHN K SIMPSON  
101 S CAPITOL BLVD STE 305  
PO BOX 2139  
BOISE, ID 83701-2139

BOARD OF REGENTS  
Represented by:  
TRAVIS L THOMPSON  
163 SECOND AVE W  
PO BOX 63  
TWIN FALLS, ID 83303-0063

Pro Se Parties:

87-10290  
JO MINDEN  
1255 W COVE RD  
VIOLA, ID 83872

87-11116  
LINDA AND DAN HARDESTY  
PO BOX 80  
VIOLA, ID 83872

USA, AS TRUSTEE  
Represented by:  
DANIEL F MCCARL  
VANESSA BOYD WILLARD  
US DEPT OF JUSTICE - ENRD  
INDIAN RESOURCES SECTION  
999 18TH ST S TERRACE STE 370  
DENVER, CO 80202

E KRAUT FARMS INC  
MAURINE FINNEY  
JACOB AND GINGER OSBORN  
LILAS A AND TIMOTHY C DAVIS  
ROLAND AND TAMMY THOMASON  
KEVIN DAVIS  
RON HERMAN  
Represented by:  
CHRIS M BROMLEY  
380 S 4TH ST STE 103  
BOISE, ID 83702

CITY OF MOSCOW  
Represented by:  
CANDICE M MCHUGH  
380 S 4TH ST STE 103  
BOISE, ID 83702

87-10511  
JOYCE AND JORY SHELTON  
16751 US HWY 95  
GENESEE, ID 83832

87-11409 and 87-12061  
STEPHANIE MCCLURE  
381 CALDWELL RD  
WALLA WALLA, WA 99362

87-10295  
JIM HASKELL FOR DORTHY MAE  
LIBEY REVOCABLE LIVING TRUST  
1130 E COVE RD  
VIOLA, ID 83872

87-11213 and 87-11214  
STUART GOLDSTEIN FOR GOLDSTEIN  
TRUST  
1010 RANCH RD  
MOSCOW, ID 83843

87-11807 and 87-12270  
KIMBERLY SARFF  
1170 ZEITLER RD  
MOSCOW, ID 83843

87-12351  
MACY MILLER  
1083 EID RD  
MOSCOW, ID 83843

87-12257  
DEANN BILLING FOR ODD CHESTER  
INDUSTRIES  
PO BOX 8551  
MOSCOW, ID 83843

By: \_\_\_\_\_



Steven C. Moore  
Senior Staff Attorney  
Thomas L. Murphy  
Staff Attorney  
NATIVE AMERICAN RIGHTS FUND

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**ATTACHMENT 1**  
**SUBCASE NUMBERS: FEDERAL LAW-BASED CLAIMS**

|          |          |          |
|----------|----------|----------|
| 87-11982 | 87-12024 | 87-12068 |
| 87-11983 | 87-12025 | 87-12069 |
| 87-11984 | 87-12026 | 87-12071 |
| 87-11985 | 87-12027 | 87-12072 |
| 87-11986 | 87-12028 | 87-12073 |
| 87-11987 | 87-12029 | 87-12074 |
| 87-11988 | 87-12030 | 87-12075 |
| 87-11989 | 87-12031 | 87-12076 |
| 87-11990 | 87-12032 | 87-12077 |
| 87-11991 | 87-12033 | 87-12078 |
| 87-11992 | 87-12034 | 87-12079 |
| 87-11993 | 87-12035 | 87-12080 |
| 87-11994 | 87-12036 | 87-12081 |
| 87-11995 | 87-12037 | 87-12082 |
| 87-11996 | 87-12038 | 87-12083 |
| 87-11997 | 87-12039 | 87-12084 |
| 87-11998 | 87-12040 | 87-12085 |
| 87-11999 | 87-12041 | 87-12086 |
| 87-12000 | 87-12042 | 87-12088 |
| 87-12001 | 87-12043 | 87-12089 |
| 87-12002 | 87-12044 | 87-12090 |
| 87-12003 | 87-12045 | 87-12091 |
| 87-12004 | 87-12046 | 87-12092 |
| 87-12005 | 87-12047 | 87-12093 |
| 87-12006 | 87-12048 | 87-12094 |
| 87-12007 | 87-12049 | 87-12095 |
| 87-12008 | 87-12050 | 87-12096 |
| 87-12009 | 87-12051 | 87-12097 |
| 87-12010 | 87-12052 | 87-12098 |
| 87-12011 | 87-12053 | 87-12099 |
| 87-12012 | 87-12054 | 87-12100 |
| 87-12013 | 87-12055 | 87-12101 |
| 87-12014 | 87-12056 | 87-12102 |
| 87-12015 | 87-12057 | 87-12103 |
| 87-12016 | 87-12059 | 87-12104 |
| 87-12017 | 87-12060 | 87-12105 |
| 87-12018 | 87-12062 | 87-12106 |
| 87-12019 | 87-12063 | 87-12107 |
| 87-12020 | 87-12064 | 87-12108 |
| 87-12021 | 87-12066 | 87-12109 |
| 87-12022 | 87-12067 | 87-12110 |
| 87-12023 |          |          |

|          |          |
|----------|----------|
| 87-12111 | 87-12156 |
| 87-12112 | 87-12157 |
| 87-12113 | 87-12158 |
| 87-12114 | 87-12159 |
| 87-12115 | 87-12160 |
| 87-12116 | 87-12161 |
| 87-12117 | 87-12162 |
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| 87-12122 | 87-12167 |
| 87-12123 | 87-12168 |
| 87-12124 | 87-12169 |
| 87-12125 | 87-12170 |
| 87-12126 | 87-12171 |
| 87-12127 | 87-12172 |
| 87-12128 | 87-12173 |
| 87-12129 | 87-12174 |
| 87-12130 | 87-12175 |
| 87-12131 | 87-12176 |

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87-12154  
87-12155

#### **LATE CLAIMS**

87-12337  
87-12338  
87-12339  
87-12340  
87-12342  
87-12343  
87-12344  
87-12346  
87-12364  
87-12365  
87-12366

**ATTACHMENT 2**  
**OBJECTORS, RESPONDENT, & INTERESTED PARTIES REPRESENTED BY CHRIS**  
**M. BROMLEY**

E. Kraut Farms, Inc.  
1330 Gray Eagle Rd.  
Genesee, ID 83832

Maurine Finney  
1329 Tamarack St.  
Moscow, ID 83843

Jacob and Ginger Osborn  
1480 Union Town Rd.  
Genesee, ID 83832

Lilas A. and Timoth C. Davis  
17140 Nibler Ln.  
Genesee, ID 83832

Roland and Tammy Thomason  
PO Box 45  
Genesee, ID 83832

Kevin Davis  
1010 Kluss Rd.  
Genesee, ID 83823

Ron Herman  
1280 Borgen Rd.  
Genesee, ID 83823

**ATTACHMENT 3**  
**OBJECTORS REPRESENTED BY JAMES BROWITT**

Kathleen K. Warren, Trustee  
Warren Family Surviving Spouse Trust  
2469 East F. Street  
Moscow, ID 83843

Cope R. Gale Jr.  
3930 Moscow Mountain Road  
Moscow, ID 83843

Chris Anderson  
3270 West Twin Road  
Moscow, ID 83843

Franklin F. Foit Jr.  
900 SE Thompson Rd  
Pullman, WA 99163

**ATTACHMENT 4**  
**RESPONDENTS REPRESENTED BY NORMAN M. SEMANKO**

Carrol D. and Glen Barnett  
1099 Bear Creek Rd.  
Princeton, ID 83857

Amy and Rob Larson  
1260 Saddle Ridge Rd.  
Viola, ID 83872

Kyle N. Hawley  
1052 Lewis Rd.  
Moscow, ID 83843

Ben Barstow  
13201 SR 272  
Palouse, WA 99161

Shawn Nilsson  
617 Vista  
Lewiston, ID 83501

K4, LLC c/o Bethine J. Kenworthy  
P.O. Box 8308  
Moscow, ID 83843

Julie and Martin Haarr  
1021 Big Meadows Rd.  
Troy, ID 83871

**ATTACHMENT 5**  
**INTERESTED PARTIES REPRESENTED BY SUSAN R. WILSON**

KTJ, LLC  
1024 Pine Crest Road  
Moscow, ID 83843

Raymond and Tracy Paz  
3890 Moscow Mountain Rd  
Moscow, ID 83843-8113

Consuelo and Gerald Weitz  
1224 Saddle Ridge Rd.  
Viola, ID 83872

Alan and Mary Lyon  
4025 Lenville Rd.  
Moscow, ID 83843

Jo Dean Moore  
1115 Wallen Rd.  
Moscow, ID 83843

Theodore C. Thompson  
1024 Pine Crest Rd.  
Moscow, ID 83843-8424

Thomas and Marie Linehan  
1060 Aurora Lane  
Genesee, ID 83832

Charles Leef  
1032 Leef Lane  
Princeton, ID 83857

Steve and Kristene Hymas  
PO Box 184  
Princeton, ID 83857

Tim and Christal Mantz  
PO Box 327  
Potlatch, ID 83855

**ATTACHMENT 6**  
**SUBCASE NUMBERS: STATE LAW-BASED CLAIMS**

|          |          |
|----------|----------|
| 87-4060  | 87-10787 |
| 87-4181  | 87-10788 |
| 87-4182  | 87-10789 |
| 87-7055  | 87-11035 |
| 87-7060  | 87-11116 |
| 87-7091  | 87-11209 |
| 87-7107  | 87-11213 |
| 87-7108  | 87-11214 |
| 87-7125  | 87-11334 |
| 87-7148  | 87-11341 |
| 87-7163  | 87-11349 |
| 87-7192  | 87-11409 |
| 87-7203  | 87-11440 |
| 87-7205  | 87-11453 |
| 87-7215  | 87-11457 |
| 87-10062 | 87-11486 |
| 87-10086 | 87-11609 |
| 87-10103 | 87-11632 |
| 87-10186 | 87-11752 |
| 87-10264 | 87-11778 |
| 87-10290 | 87-11804 |
| 87-10295 | 87-11807 |
| 87-10359 | 87-11889 |
| 87-10381 | 87-11892 |
| 87-10386 | 87-11915 |
| 87-10429 | 87-11916 |
| 87-10435 | 87-11926 |
| 87-10488 | 87-11930 |
| 87-10489 | 87-11980 |
| 87-10490 | 87-12257 |
| 87-10492 | 87-12270 |
| 87-10511 | 87-12271 |
| 87-10523 | 87-12297 |
| 87-10595 |          |
| 87-10601 |          |
| 87-10602 |          |
| 87-10609 |          |
| 87-10617 |          |
| 87-10619 |          |
| 87-10737 |          |
| 87-10743 |          |
| 87-10776 |          |
| 87-10786 |          |

**LATE STATE LAW-BASED CLAIMS**

|          |
|----------|
| 87-7145  |
| 87-7146  |
| 87-11171 |
| 87-12230 |
| 87-12348 |
| 87-12349 |
| 87-12351 |