

SCANNED

JAN 16 2025



U.S. Department of Justice

Tribal Resources Section  
Environment and Natural Resources Division

*Denver Field Office  
999 18<sup>th</sup> Street  
South Terrace, Suite 370  
Denver, CO 80202*

*Telephone (303) 944-1899  
Facsimile (303) 844-1350*

Via Federal Express

January 15, 2025

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

Matthew Weaver, Director  
Idaho Department of Water Resources  
The Idaho Water Center  
322 East Front Street  
PO Box 83720  
Boise, Idaho 83720-0098

Re: *The United States' Claims on behalf of the Kalispel Tribe of Indians*

In re: The General Adjudication of Rights to the Use of Water from the  
Clark Fork – Pend Oreille River Basin Adjudication. Case No. 69576

Dear Mr. Weaver,

Pursuant to the *Order Granting Motion for Alternative Filing Schedule for Federal Claims*, dated August 21, 2024, granting the United States until January 17, 2025 to file claims on behalf of the Kalispel Tribe of Indians (“Kalispel” or “Tribe”), the United States hereby submits and files the enclosed Notices of Claims (“Tribal Claims”). These Tribal Claims are filed by the United States Department of Justice for the Department of the Interior, Bureau of Indian Affairs, in its role as trustee on behalf of Kalispel.

The Tribal Claims are filed pursuant to federal law, specifically, the federal reserved water rights doctrine as established by *Winters v. United States*, 207 U.S. 564 (1908) and its progeny. While federal law provides the legal basis for these claims, the United States followed the state law guidance regarding format provided by the Idaho Water Code, where appropriate, in preparing these claims. See Idaho Code § 42-1409(1).

There are a total of 45 Tribal Claims enclosed. The following summary of the Claims is provided for the convenience of the Court and Parties. This entire package consists of three parts: 1) Letter summary of the Tribal Claims; 2) Attachments I-II to the Letter Summary; and 3) the 45 separate Notices of Claims.

#### **A. Kalispel Tribe and Reservation**

Prior to the creation of the Kalispel Reservation (“Reservation”), the Tribe’s aboriginal territory included over 2.4 million acres in what is today Montana, Idaho, and Washington. *United States v. Pend Oreille Pub. Util. Dist. No. 1*, 926 F.2d 1502, 1508 (9th Cir. 1991). The Kalispel Tribe’s historical lifeways centered on hunting, fishing, and gathering in this territory. As confirmed by the testimony of the Tribe’s primary ethnographer, Dr. Allan Smith, before the Indian Claims Commission (“ICC”), “[f]ish played an exceedingly important part in the diet of both the Upper and the Lower Kalispel” and fishing occurred throughout the entire year, particularly the summer, and for bull trout, westslope cutthroat trout, suckers, and white fish, among other species. Petitioner’s Proposed Findings of Fact and Brief (“ICC Pet. FF”) at 25, *The Lower Pend D’Oreille or Kalispel Tribe of Indians v. United States* (No. 94) (1957).

In contrast to other tribes in the region during late 1800s, the Kalispel steadfastly refused to remove to a reservation that did not include their homeland in the Clark Fork – Pend Oreille River Basin. Findings of Fact, *The Lower Pend D’Oreille or Kalispel Tribe of Indians v. United States* (No. 94), 6 Ind. Cl. Comm. 353, 356-58 (1958). A primary reason for that refusal was the Tribe’s insistence that it be able to continue its traditional lifeways in its aboriginal territory, including fishing in the Clark Fork - Pend Oreille River Basin. *Id.* In 1856 and again in 1887, federal officials attempted to negotiate with the Kalispel to cede their aboriginal territory and remove to the Flathead Reservation in Montana, but the Kalispel refused. ICC Pet. FF at 42-43, 47-48. After encroachment on Kalispel lands by white settlers, and after significant efforts on the part of federal officials to protect Kalispel lands, on March 23, 1914, President Woodrow Wilson signed Executive Order 1904, formally establishing the 4,629.27-acre Kalispel Reservation along the Pend Oreille River in the state of Washington. *Id.* at 49-55. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548-49, 448 P.3d 322 (2019).

#### **B. Instream Flow Claims for Fish Habitat**

The United States, on behalf of Kalispel, claims off-reservation instream flow water rights for fish habitat. These water rights serve the on-reservation fishing rights of the Tribe to support the Reservation as a permanent homeland for the Kalispel people. *Arizona v. California*, 373 U.S. 546, 599-600 (1963). These claims are essential to support the habitat of fish species that spend important parts of their lifecycles in the Clark Fork – Pend Oreille River Basin in Idaho before migrating downstream to the Reservation where the Tribe exercises its on-reservation fishing rights. Monthly fish habitat flow claims are submitted for a total of 45 stream reaches.

Bull trout, westslope cutthroat trout, and mountain whitefish, among other species, were central to the Tribe's diet and culture since time immemorial and at the time the Reservation was created. The Tribe therefore depended on a year-round supply of water to support habitat to exercise its reserved fishing rights throughout the year. ICC Pet. FF at 22-25. Historical records surrounding the 1914 Executive Order formally establishing the Reservation demonstrate that the United States was plainly aware of the Tribe's historic dependence on the fishery. And the Tribe continues to rely on the fishery resource to this day. Based on the Tribe's fishing culture dating back to aboriginal times, the United States thus claims a priority date of time immemorial for its instream flow claims. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1983); *Idaho v. United States*, 533 U.S. 262, 265 (2001).

Attached to this letter is a table providing an overall summary of the monthly instream flow claims for each named stream reach (Attachment I). Attachment II provides a map of the claimed stream reaches (note that this same map is attached to each instream flow claim form).

### C. Reservation of Rights

Pursuant to the McCarran Amendment, 43 U.S.C. § 666, the United States' claims filed herein are limited to those instream flow water rights held in trust for the benefit of the Tribe in the Clark Fork – Pend Oreille River Basin in Idaho. The Kalispel Tribe is entitled to water rights other than instream flows for fish to meet the homeland purpose of its Reservation, however, the United States as trustee does not seek to adjudicate any of those other tribal federal reserved water rights in this adjudication. By submitting these claims, the United States does not waive any immunities, privileges, or rights except as clearly and unambiguously required by Act of Congress nor does the United States waive any immunities, privileges, or rights on behalf of the Tribe. These claims, and other documents provided herein, do not waive the sovereign immunity of the United States or the Tribe respecting the title to any lands on or off the Kalispel Reservation.

The claim forms comply with Idaho Code § 42-1409(1) where possible, but the use of this format should not be construed to limit either the United States or Kalispel's future use of water outside of the State of Idaho or within the boundaries of the Reservation. The United States reserves the right to supplement and/or amend the water rights claims filed herein. Should the Department have any questions regarding these claims, please do not hesitate to call me at (303) 844-1353.

Sincerely,



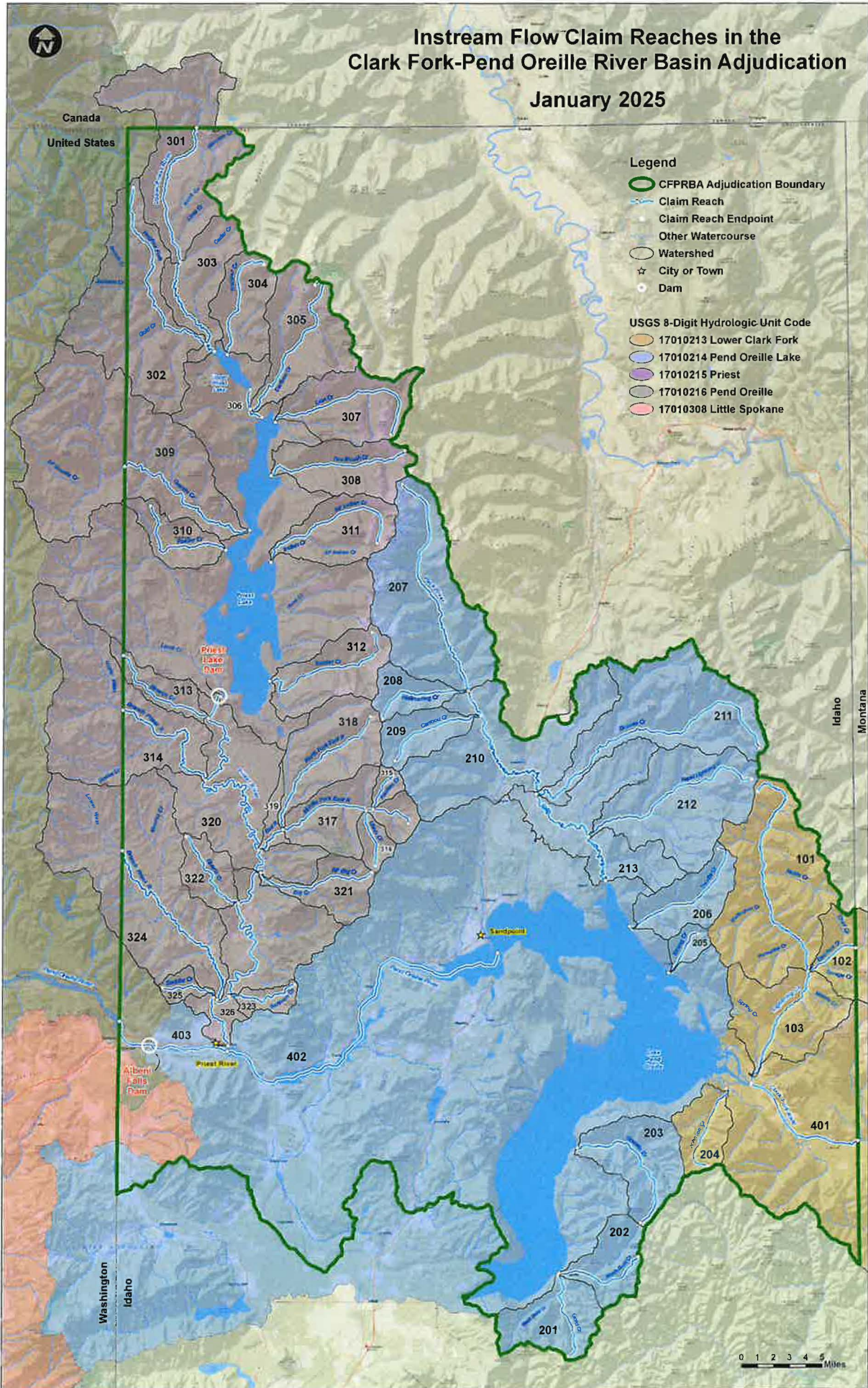
Vanessa Boyd Willard  
Marisa J. Hazell  
Trial Attorneys  
United States Department of Justice  
Environment and Natural Resources  
Division Tribal Resources Section

## Federal Instream Flow Claims on behalf of Kalispel Tribe (01/15/2025)

Clark Fork-Pend Oreille River Basin Adjudication - Federal Instream Flow Claims																
Claim Number	Basin Name (USGS HUC8)	Stream Name	Upstream Boundary	Downstream Boundary	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
101	Lower Clark Fork	Lightning Creek	Headwaters	Above East Fork Creek	138	130	188	444	855	765	189	67.2	70.8	114	211	215
102	Lower Clark Fork	East Fork Creek	Montana Stateline	Mouth	41.8	47.5	54.2	136	271	249	80.6	27.8	28	29.1	61.3	68.1
103	Lower Clark Fork	Lightning Creek	Below East Fork Creek	Mouth	265	227	373	893	1590	1270	265	38.3	29.5	127	323	263
201	Pend Oreille Lake	Gold Creek	Headwaters	Mouth	38	49.5	69.8	119	143	43.1	18.4	8.62	6.99	8.2	20.5	30.9
202	Pend Oreille Lake	North Gold Creek	Headwaters	Mouth	32.6	40.6	54.5	99.9	120	75	21.6	7.48	5.42	6.03	18.5	24.9
203	Pend Oreille Lake	Granite Creek	Headwaters	Mouth	40.6	62.4	77.9	142	148	81.4	22.9	9.88	8.4	8.71	19	36.1
204	Lower Clark Fork	Johnson Creek	Headwaters	Mouth	22.4	32.7	43.4	76.8	77.5	44.9	11.6	4.99	3.8	4.15	9.67	21.3
205	Pend Oreille Lake	Strong Creek	Headwaters	Mouth	10.5	12.5	15.4	25.3	42.7	15.5	6.63	3.27	2.32	2.96	6.43	7.93
206	Pend Oreille Lake	Trestle Creek	Headwaters	Mouth	42.7	53.5	64	145	208	132	32.1	13	12.4	15	38.2	44.3
207	Pend Oreille Lake	Pack River	Headwaters	Above Hellroaring Creek	67.5	72.2	113	282	525	399	107	34	31	37.6	69.7	79.4
208	Pend Oreille Lake	Hellroaring Creek	Headwaters	Mouth	11.4	15.8	23.7	62.9	108	79.4	16.3	5.21	4.47	5.23	11.2	12.5
209	Pend Oreille Lake	Caribou Creek	Headwaters	Mouth	16.3	23.8	31.7	80.9	147	92.7	21.5	6.71	5.73	7.24	15.3	17.1
210	Pend Oreille Lake	Pack River	Below Hellroaring Creek	Above Grouse Creek	171	223	315	776	1390	822	196	65.8	58.2	88.9	163	183
211	Pend Oreille Lake	Grouse Creek	Headwaters	Mouth	84.9	103	140	332	526	194	61.1	22.4	18.9	28.3	75.3	93.6
212	Pend Oreille Lake	Rapid Lightning Creek	Headwaters	Mouth	83.2	97.2	134	285	458	157	40.5	18.8	31	42.8	80.5	77.4
213	Pend Oreille Lake	Pack River	Below Grouse Creek	Mouth	348	452	655	1600	2410	1120	287	114	100	164	314	414
301	Priest	Upper Priest River	U.S./Canda Border	Above Cedar Creek	78	72.3	105	274	504	406	127	41.4	45.8	49.6	78	81.5
302	Priest	Hughes Fork	Headwaters	Mouth	77.9	69.2	104	262	477	446	150	46.3	46.6	51.3	74.2	79.8
303	Priest	Upper Priest River	Cedar Creek (including Cedar Cr)	Upper Priest Lake Inlet	190	176	257	669	1230	991	311	101	112	121	190	199
304	Priest	Trapper Creek	Headwaters	Mouth	27	25.9	36.9	98.8	182	128	36.7	12.7	15.6	16.6	28.1	28.7
305	Priest	Caribou Creek	Headwaters	Mouth	48.2	43.9	49.8	150	344	328	107	31	34.2	40	63.6	56.3
306	Priest	Priest River	Upper Priest Lake Outlet	Priest Lake Inlet	286	264	355	966	1920	1650	527	163	180	202	319	311
307	Priest	Lion Creek	Headwaters	Mouth	30.4	30.6	35.9	117	307	315	130	28.8	27.6	31.1	47.2	38.6
308	Priest	Two Mouth Creek	Headwaters	Mouth	28	28.3	31.8	99.7	257	254	76.7	23.1	24.7	27.7	43.4	37.6
309	Priest	Granite Creek	Washington Stateline	Mouth	107	100	175	40.1	656	549	160	55.4	43	46	84.4	86
310	Priest	Reeder Creek	Headwaters	Mouth	8.94	11.9	27.2	48	52.3	25.3	6.7	2.61	2.34	3.84	5.51	6.72
311	Priest	Indian Creek	Headwaters of NF Indian Cr	Mouth	26.2	30.2	33.2	106	253	258	75.8	22.4	26.6	28.7	46.5	36
312	Priest	Soldier Creek	Headwaters	Mouth	26.7	28.7	47.6	131	243	170	46.3	13.9	12	14.5	26.5	28
313	Priest	Binarch Creek	Washington Stateline	Mouth	10.7	13.7	26.3	42.3	49.3	21.7	5.32	3.76	3.38	4.1	5.73	7.83
314	Priest	Upper West Branch Priest River	Washington Stateline	Mouth	65.6	65.2	145	275	323	182	40.9	26	24.3	32.8	53.6	60.9
315	Priest	Keokee Creek	Headwaters	Mouth	4.24	4.07	6.9	19.7	38.6	33.6	10.2	3.03	2.48	2.6	5.27	5.07
316	Priest	Uteda Creek	Headwaters	Mouth	5.91	6.09	11.8	32.1	53.1	39.1	10.6	3.57	3.06	3.32	5.8	6.74
317	Priest	Middle Fork East River	Headwaters	NF/MF Confluence	44.9	48	83.4	205	307	245	61.3	20	15.8	17.9	37.2	42.3
318	Priest	North Fork East River	Headwaters	NF/MF Confluence	29.6	33.4	65.4	158	218	177	45.3	15.3	12.5	13.9	28.5	28.3
319	Priest	East River	NF/MF Confluence	Mouth	81.4	87.1	156	399	573	447	110	36.3	29.3	32	67.3	71.7
320	Priest	Priest River	Priest Lake Outlet	Above Big Creek	1000	1020	1420	3580	6300	4800	1470	598	533	819	1160	1140
321	Priest	Big Creek	Headwaters	Mouth	15.5	20.8	39.4	86.7	106	69.8	17.8	6.56	5.63	6.21	14	14.4
322	Priest	Quartz Creek	Headwaters	Mouth	8.57	13.5	25.2	38.8	44.5	16.8	4.75	2.99	2.93	3.6	5.68	8.74
323	Priest	Sanborn Creek	Headwaters	Mouth	4.01	6.46	13.7	20.2	23.8	6.98	1.87	1.51	1.8	2.82	3.22	3.98
324	Priest	Lower West Branch Priest River	Washington Stateline	Mouth	66	84.4	207	319	349	173	41.7	27.7	28	40.6	47.1	66.8
325	Priest	Saddler Creek	Headwaters	Mouth	2.91	4.62	9.42	14.3	15.3	4.78	1.59	1.58	1.57	2.02	2.28	3.12
326	Priest	Priest River	Below Big Creek	Mouth	1110	1130	1580	3970	6990	5320	1630	663	591	908	1290	1270
401	Lower Clark Fork	Clark Fork River	Montana Idaho Border	Pend Oreille Lake	6590	7280	9070	13200	13200	13200	13200	13200	9110	7040	7230	6940
402	Pend Oreille Lake	Pend Oreille River	Pend Oreille Lake	Priest River	8870	9250	11200	14700	14700	14700	14700	14700	11800	8670	8740	9170
403	Pend Oreille Lake / Pend Oreille	Pend Oreille River	Priest River	Idaho Washington Border	9600	9980	12100	15600	15600	15600	15600	15600	12200	9190	9470	9960

Attachment I - Cover Letter from United States to IDWR re: Claims on behalf of Kalispel Tribe (01/15/2025)

# Instream Flow Claim Reaches in the Clark Fork-Pend Oreille River Basin Adjudication January 2025



RECEIVED

JAN 16 2025

DEPARTMENT 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 THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
  
Federal Reserved Water Right  
  
Subcase No. 96-17090

SCANNED

JAN 16 2025

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

- 2. Date of Priority: Time Immemorial
- 3. Source: Lightning Creek (Water Right # 96-17090)  
(Fed. ID # 101)
- 4. Point of Diversion: Not applicable; Instream Flow
- 5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17090	101	58N	2E	3	SESE	BM	Bonner

Downstream Boundary – Above East Fork Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17090	101	57N	3E	32	SWSW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
138	130	188	444	855	765
July	August	September	October	November	December
189	67.2	70.8	114	211	215

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend Oreille River Basin Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

RECEIVED

JAN 16 2025

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS DEPARTMENT OF WATER RESOURCES

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM
Federal Reserved Water Right
Subcase No. 96-17091

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: East Fork Creek (Water Right # 96-17091) (Fed. ID # 102)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use: East Fork Creek

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Montana Stateline

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17091, 102, 57N, 3E, 27, NESE, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17091, 102, 57N, 3E, 32, SWSW, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
41.8	47.5	54.2	136	271	249
July	August	September	October	November	December
80.6	27.8	28	29.1	61.3	68.1

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend Oreille River Basin Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



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Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

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Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

RECEIVED

JAN 16 2025

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS DEPARTMENT OF WATER RESOURCES

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM
Federal Reserved Water Right
Subcase No. 96-17092

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

- 2. Date of Priority: Time Immemorial
3. Source: Lightning Creek (Water Right # 96-17092) (Fed. ID # 103)
4. Point of Diversion: Not applicable; Instream Flow
5. Place of Use: Lightning Creek

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Below East Fork Creek

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17092, 103, 57N, 3E, 32, SWSW, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17092, 103, 55N, 2E, 3, NWSE (L8), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
265	227	373	893	1590	1270
July	August	September	October	November	December
265	38.3	29.5	127	323	263

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend Oreille River Basin Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



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Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 96-17093

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Gold Creek (Water Right # 96-17093) (Fed. ID # 201)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use: Gold Creek

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17093, 201, 53N, 1W, 34, SENE, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17093, 201, 53N, 1W, 3, SENW L5, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
38	49.5	69.8	119	143	43.1
July	August	September	October	November	December
18.4	8.62	6.99	8.2	20.5	30.9

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend Oreille River Basin Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17094

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: North Gold Creek (Water Right # 96-17094)  
(Fed. ID # 202)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17094	202	54N	1E	33	SEW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17094	202	53N	1W	3	SEW (L8)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
32.6	40.6	54.5	99.9	120	75
July	August	September	October	November	December
21.6	7.48	5.42	6.03	18.5	24.9

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
)  
)  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17095

RECEIVED

JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Granite Creek (Water Right # 96-17095)  
(Fed. ID # 203)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17095	203	54N	1E	21	NWNE	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17095	203	55N	1W	26	NWSE (L3)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
40.6	62.4	77.9	142	148	81.4
July	August	September	October	November	December
22.9	9.88	8.4	8.71	19	36.1

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17096

RECEIVED

JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Johnson Creek (Water Right # 96-17096)  
(Fed. ID # 204)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17096	204	55N	2E	31	NESE	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17096	204	55N	2E	8	NENE (L3)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
22.4	32.7	43.4	76.8	77.5	44.9
July	August	September	October	November	December
11.6	4.99	3.8	4.15	9.67	21.3

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17097

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Strong Creek (Water Right # 96-17097)  
(Fed. ID # 205)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17097	205	57N	2E	19	NWSW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17097	205	57N	1E	35	SESW(L4)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
10.5	12.5	15.4	25.3	42.7	15.5
July	August	September	October	November	December
6.63	3.27	2.32	2.96	6.43	7.93

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
)  
CASE NO. 69576 )

**NOTICE OF CLAIM**  
**Federal Reserved Water Right**  
**Subcase No. 96-17098**

RECEIVED  
JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Trestle Creek (Water Right # 96-17098)  
(Fed. ID # 206)

4. **Point of Diversion:** Not applicable; Instream Flow

5. **Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17098	206	58N	2E	29	SENW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17098	206	57N	1E	16	SWSW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
42.7	53.5	64	145	208	132
July	August	September	October	November	December
32.1	13	12.4	15	38.2	44.3

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM
Federal Reserved Water Right
Subcase No. 96-17099

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Pack River (Water Right # 96-17099) (Fed. ID # 207)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17099, 207, 62N, 3W, 36, NESE, BM, Boundary

Downstream Boundary – Above Hellroaring Creek

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17099, 207, 59N, 2W, 2, SWNW, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
67.5	72.2	113	282	525	399
July	August	September	October	November	December
107	34	31	37.6	69.7	79.4

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17100

RECEIVED

JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Hellroaring Creek (Water Right # 96-17100)  
(Fed. ID # 208)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17100	208	59N	3W	14	NWNE	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17100	208	59N	2W	2	SWNW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
11.4	15.8	23.7	62.9	108	79.4
July	August	September	October	November	December
16.3	5.21	4.47	5.23	11.2	12.5

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17101

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Caribou Creek (Water Right # 96-17101)  
(Fed. ID # 209)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17101	209	59N	3W	25	NESW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17101	209	59N	2W	11	SESE	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
16.3	23.8	31.7	80.9	147	92.7
July	August	September	October	November	December
21.5	6.71	5.73	7.24	15.3	17.1

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

**NOTICE OF CLAIM**  
**Federal Reserved Water Right**  
**Subcase No. 96-17102**

**RECEIVED**  
**JAN 16 2025**  
**DEPARTMENT OF**  
**WATER RESOURCES**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

- 2. Date of Priority:** Time Immemorial
- 3. Source:** Pack River (Water Right # 96-17102)  
(Fed. ID # 210)
- 4. Point of Diversion:** Not applicable; Instream Flow
- 5. Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Below Hellroaring Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17102	210	59N	2W	2	SWNW	BM	Bonner

Downstream Boundary – Above Grouse Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17102	210	58N	1W	4	SESW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
171	223	315	776	1390	822
July	August	September	October	November	December
196	65.8	58.2	88.9	163	183

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 96-17103

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Grouse Creek (Water Right # 96-17103)  
(Fed. ID # 211)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17103	211	59N	2E	26	NWNW (MULT)	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17103	211	58N	1W	4	SESW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
84.9	103	140	332	526	194
July	August	September	October	November	December
61.1	22.4	18.9	28.3	75.3	93.6

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

**NOTICE OF CLAIM**  
**Federal Reserved Water Right**  
**Subcase No. 96-17104**

RECEIVED  
JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

**2. Date of Priority:** Time Immemorial

**3. Source:** Rapid Lightning Creek (Water Right # 96-17104)  
(Fed. ID # 212)

**4. Point of Diversion:** Not applicable; Instream Flow

**5. Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17104	212	58N	2E	3	NWNE	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17104	212	58N	1W	24	NWSE	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
83.2	97.2	134	285	458	157
July	August	September	October	November	December
40.5	18.8	31	42.8	80.5	77.4

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 96-17105

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

- 2. Date of Priority: Time Immemorial
- 3. Source: Pack River (Water Right # 96-17105) (Fed. ID # 213)
- 4. Point of Diversion: Not applicable; Instream Flow
- 5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Below Grouse Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17105	213	58N	1W	4	SESW	BM	Bonner

Downstream Boundary – Mouth (At Hwy 200 Bridge)

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17105	213	57N	1E	6	NWNE (L7)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
348	452	655	1600	2410	1120
July	August	September	October	November	December
287	114	100	164	314	414

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM
Federal Reserved Water Right
Subcase No. 96-17106

RECEIVED
JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Clark Fork River (Water Right # 96-17106) (Fed. ID # 401)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Montana Stateline

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17106, 401, 55N, 3E, 26, SWNW, BM, Bonner

Downstream Boundary – Above Lightning Creek

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 96-17106, 401, 55N, 2E, 3, SWSE, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
6590	7280	9070	13200	13200	13200
July	August	September	October	November	December
13200	13200	9110	7040	7230	6940

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
  
Federal Reserved Water Right  
  
Subcase No. 96-17107

RECEIVED

JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Pend Oreille River (Water Right # 96-17107)  
(Fed. ID # 402)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Pend Oreille Lake (At Railroad Bridge)

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17107	402	57N	2W	26	SWNE	BM	Bonner

Downstream Boundary –Above Priest River

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17107	402	56N	5W	25	NESE	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
8870	9250	11200	14700	14700	14700
July	August	September	October	November	December
14700	14700	11800	8670	8740	9170

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

**NOTICE OF CLAIM**  
**Federal Reserved Water Right**  
**Subcase No. 96-17108**

RECEIVED

JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

**2. Date of Priority:** Time Immemorial

**3. Source:** Pend Oreille River (Water Right # 96-17108)  
(Fed. ID # 403)

**4. Point of Diversion:** Not applicable; Instream Flow

**5. Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Below Priest River

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17108	403	56N	5W	25	NESE	BM	Bonner

Downstream Boundary – Washington Stateline

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
96-17108	403	56N	6W	13	NESW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
9600	9980	12100	15600	15600	15600
July	August	September	October	November	December
15600	15600	12200	9190	9470	9960

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

RECEIVED

JAN 16 2025

DEPARTMENT 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 THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9880

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Upper Priest River (Water Right # 97-9880) (Fed. ID # 301)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – United States – Canada Border

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9880, 301, 65N, 5W, 11, NESE, BM, Boundary

Downstream Boundary – Above Cedar Creek

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9880, 301, 64N, 5W, 22, NESE, BM, Boundary

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
78	72.3	105	274	504	406
July	August	September	October	November	December
127	41.4	45.8	49.6	78	81.5

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



\_\_\_\_\_  
Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

RECEIVED  
JAN 16 2025  
DEPARTMENT 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 THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 97-9881

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Hughes Fork (Water Right # 97-9881)  
(Fed. ID # 302)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9881	302	65N	5W	32	NWNW (MULT)	BM	Boundary

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9881	302	63N	5W	13	SWSE	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
77.9	69.2	104	262	477	446
July	August	September	October	November	December
150	46.3	46.6	51.3	74.2	79.8

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

RECEIVED  
JAN 16 2025  
DEPARTMENT 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 THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 97-9882

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Upper Priest River (Water Right # 97-9882)  
(Fed. ID # 303)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Cedar Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9882	303	64N	5W	22	NESE	BM	Boundary

Downstream Boundary – Upper Priest Lake Inlet

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9882	303	63N	4W	19	SWNW (L2)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
190	176	257	669	1230	991
July	August	September	October	November	December
311	101	112	121	190	199

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 97-9883

RECEIVED  
JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Trapper Creek (Water Right # 97-9883)  
(Fed. ID # 304)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9883	304	64N	4W	22	SWSW	BM	Boundary

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9883	304	63N	4W	19	NESE (L3)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
27	25.9	36.9	98.8	182	128
July	August	September	October	November	December
36.7	12.7	15.6	16.6	28.1	28.7

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9884

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Caribou Creek (Water Right # 97-9884) (Fed. ID # 305)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9884, 305, 64N, 3W, 31, NENW, BM, Boundary

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9884, 305, 62N, 4W, 4, SESW (L10), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
48.2	43.9	49.8	150	344	328
July	August	September	October	November	December
107	31	34.2	40	63.6	56.3

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

**NOTICE OF CLAIM**  
**Federal Reserved Water Right**  
**Subcase No. 97-9885**

RECEIVED  
JAN 16 2025

DEPARTMENT OF  
WATER RESOURCES

1. **Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. **Date of Priority:** Time Immemorial

3. **Source:** Priest River (Water Right # 97-9885)  
(Fed. ID # 306)

4. **Point of Diversion:** Not applicable; Instream Flow

5. **Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Upper Priest Lake Outlet

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9885	306	63N	4W	33	NESW	BM	Bonner

Downstream Boundary – Priest Lake Inlet

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9885	306	62N	4W	10	SWNW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
286	264	355	966	1920	1650
July	August	September	October	November	December
527	163	180	202	319	311

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



\_\_\_\_\_  
Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

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Marisa J. Hazell  
United States Department of Justice  
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*Attorneys for the United States of America*

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JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9886

RECEIVED

JAN 16 2025

DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Lion Creek (Water Right # 97-9886) (Fed. ID # 307)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9886, 307, 62N, 3W, 13, NWSW, BM, Boundary

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9886, 307, 62N, 4W, 10, NESE (L6), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
30.4	30.6	35.9	117	307	315
July	August	September	October	November	December
130	28.8	27.6	31.1	47.2	38.6

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

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d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202  
*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM
Federal Reserved Water Right
Subcase No. 97-9887

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

- 2. Date of Priority: Time Immemorial
3. Source: Two Mouth Creek (Water Right # 97-9887) (Fed. ID # 308)
4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9887, 308, 62N, 2W, 19, NWSW (L3), BM, Boundary

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9887, 308, 62N, 4W, 34, NWNE (L1), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
28	28.3	31.8	99.7	257	254
July	August	September	October	November	December
76.7	23.1	24.7	27.7	43.4	37.6

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9888

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Granite Creek (Water Right # 97-9888) (Fed. ID # 309)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Washington Stateline

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9888, 309, 62N, 5W, 30, SWNE (L2), BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9888, 309, 61N, 4W, 16, NESW (L5), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
107	100	175	401	656	549
July	August	September	October	November	December
160	55.4	43	46	84.4	86

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9889

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Reeder Creek (Water Right # 97-9889) (Fed. ID # 310)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9889, 310, 61N, 5W, 4, SWSW, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9889, 310, 61N, 4W, 19, NESE (L3), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
8.94	11.9	27.2	48	52.3	25.3
July	August	September	October	November	December
6.7	2.61	2.34	3.84	5.51	6.72

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra*. *United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM
Federal Reserved Water Right
Subcase No. 97-9890

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

- 2. Date of Priority: Time Immemorial
3. Source: Indian Creek (Water Right # 97-9890) (Fed. ID # 311)
4. Point of Diversion: Not applicable; Instream Flow
5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters of North Fork Indian Creek

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9890, 311, 61N, 3W, 23, SENW, BM, Boundary

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9890, 311, 61N, 4W, 27, SWNE (L2), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
26.2	30.2	33.2	106	253	258
July	August	September	October	November	December
75.8	22.4	26.6	28.7	46.5	36

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**Subcase No. 97-9891**

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

**2. Date of Priority:** Time Immemorial

**3. Source:** Soldier Creek (Water Right # 97-9891)  
(Fed. ID # 312)

**4. Point of Diversion:** Not applicable; Instream Flow

**5. Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9891	312	60N	3W	14	NWSW	BM	Boundary

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9891	312	60N	4W	34	SWSE (L4)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
26.7	28.7	47.6	131	243	170
July	August	September	October	November	December
46.3	13.9	12	14.5	26.5	28

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9892

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Binarch Creek (Water Right # 97-9892) (Fed. ID # 313)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Washington Stateline

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9892, 313, 60N, 5W, 30, SWNE (L2), BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9892, 313, 59N, 5W, 13, NENE (L2), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
10.7	13.7	26.3	42.3	49.3	21.7
July	August	September	October	November	December
5.32	3.76	3.38	4.1	5.73	7.83

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

**NOTICE OF CLAIM**  
**Federal Reserved Water Right**  
**Subcase No. 97-9893**

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

**2. Date of Priority:** Time Immemorial

**3. Source:** Upper West Branch Priest River (Water Right # 97-9893)  
(Fed. ID # 314)

**4. Point of Diversion:** Not applicable; Instream Flow

**5. Place of Use:**

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Washington Stateline

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9893	314	59N	5W	7	NWSE (L3)	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9893	314	59N	5W	36	SWSE (L3)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
65.6	65.2	145	275	323	182
July	August	September	October	November	December
40.9	26	24.3	32.8	53.6	60.9

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9894

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Keokee Creek (Water Right # 97-9894) (Fed. ID # 315)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 315, 59N, 3W, 36, NESW, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 315, 58N, 3W, 11, SWSW, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
4.24	4.07	6.9	19.7	38.6	33.6
July	August	September	October	November	December
10.2	3.03	2.48	2.6	5.27	5.07

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9895

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

- 2. Date of Priority: Time Immemorial
3. Source: Uleda Creek (Water Right # 97-9895) (Fed. ID # 316)
4. Point of Diversion: Not applicable; Instream Flow
5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9895, 316, 58N, 3W, 35, SWNW, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9895, 316, 58N, 3W, 10, SWSE, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
5.91	6.09	11.8	32.1	53.1	39.1
July	August	September	October	November	December
10.6	3.57	3.06	3.32	5.8	6.74

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do  do not  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9896

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Middle Fork East River (Water Right # 97-9896)  
(Fed. ID # 317)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9896	317	58N	2W	18	NESW	BM	Bonner

Downstream Boundary – NF/MF East River Confluence

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9896	317	58N	4W	23	NENW	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
44.9	48	83.4	205	307	245
July	August	September	October	November	December
61.3	20	15.8	17.9	37.2	42.3

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9897

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: North Fork East River (Water Right # 97-9897) (Fed. ID # 318)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9897, 318, 59N, 3W, 10, SESE, BM, Bonner

Downstream Boundary – NF/MF East River Confluence

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9897, 318, 58N, 4W, 23, NENW, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
29.6	33.4	65.4	158	218	177
July	August	September	October	November	December
45.3	15.3	12.5	13.9	28.5	28.3

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:




---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 97-9898

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial  
3. Source: East River (Water Right # 97-9898)  
(Fed. ID # 319)  
4. Point of Diversion: Not applicable; Instream Flow  
5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – NF/MF East River Confluence

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9898	319	58N	4W	23	NENW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9898	319	58N	4W	28	SENE (L5)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
81.4	87.1	156	399	573	447
July	August	September	October	November	December
110	36.3	29.3	32	67.3	71.7

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



\_\_\_\_\_  
Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 97-9899

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial  
3. Source: Priest River (Water Right # 97-9899)  
(Fed. ID # 320)  
4. Point of Diversion: Not applicable; Instream Flow  
5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Priest Lake Outlet (Priest Lake Dam)

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9899	320	59N	4W	6	SWSE	BM	Bonner

Downstream Boundary – Above Big Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9899	320	58N	4W	34	SWSW (L6)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
1000	1020	1420	3580	6300	4800
July	August	September	October	November	December
1470	598	533	819	1160	1140

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9900

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Big Creek (Water Right # 97-9900)  
(Fed. ID # 321)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters of NF Big Creek

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9900	321	58N	3W	35	NWSW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9900	321	58N	4W	34	SWSW (L6)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
15.5	20.8	39.4	86.7	106	69.8
July	August	September	October	November	December
17.8	6.56	5.63	6.21	14	14.4

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not  X  wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED  
JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE CLARK FORK-PEND )  
OREILLE RIVER BASINS WATER )  
SYSTEM )  
CASE NO. 69576 )

NOTICE OF CLAIM  
Federal Reserved Water Right  
Subcase No. 97-9901

RECEIVED  
JAN 16 2025  
DEPARTMENT OF  
WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF  
INDIANS of the KALISPEL INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave  
Portland, OR 97232

2. Date of Priority: Time Immemorial  
3. Source: Quartz Creek (Water Right # 97-9901)  
(Fed. ID # 322)  
4. Point of Diversion: Not applicable; Instream Flow  
5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9901	322	58N	5W	23	SEW	BM	Bonner

Downstream Boundary – Mouth

Water Right	Federal I.D.	Township	Range	Section	Q in the Q	Meridian	County
97-9901	322	57N	4W	7	SWNE (L6)	BM	Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
8.57	13.5	25.2	38.8	44.5	16.8
July	August	September	October	November	December
4.75	2.99	2.93	3.6	5.68	8.74

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not   X   wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



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Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9902

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Sanborn Creek (Water Right # 97-9902) (Fed. ID # 323)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9902, 323, 56N, 4W, 2, SWNW, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9902, 323, 56N, 4W, 7, NWNW (L1), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
4.01	6.46	13.7	20.2	23.8	6.98
July	August	September	October	November	December
1.87	1.51	1.8	2.82	3.22	3.98

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9903

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Lower West Branch Priest River (Water Right # 97-9903) (Fed. ID # 324)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Washington Stateline

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9903, 324, 58N, 5W, 30, SWNE (L2), BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9903, 324, 56N, 5W, 12, SENW, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
66	84.4	207	319	349	173
July	August	September	October	November	December
41.7	27.7	28	40.6	47.1	66.8

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

SCANNED

JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9904

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Saddler Creek (Water Right # 97-9904) (Fed. ID # 325)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Headwaters

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9904, 325, 56N, 5W, 5, NESE, BM, Bonner

Downstream Boundary – Mouth

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9904, 325, 56N, 5W, 12, NWNW, BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
2.91	4.62	9.42	14.3	15.3	4.78
July	August	September	October	November	December
1.59	1.58	1.57	2.02	2.28	3.12

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D 'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f.*, *In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



---

Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.

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JAN 16 2025

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

IN RE THE GENERAL ADJUDICATION )
OF RIGHTS TO THE USE OF WATER )
FROM THE CLARK FORK-PEND )
OREILLE RIVER BASINS WATER )
SYSTEM )
CASE NO. 69576 )

NOTICE OF CLAIM

Federal Reserved Water Right

Subcase No. 97-9905

RECEIVED
JAN 16 2025
DEPARTMENT OF WATER RESOURCES

1. Name and address of claimant:

UNITED STATES OF AMERICA, as trustee on behalf of the KALISPEL TRIBE OF INDIANS of the KALISPEL INDIAN RESERVATION acting through the NORTHWEST REGIONAL DIRECTOR
Department of the Interior
Bureau of Indian Affairs
911 N.E. 11th Ave
Portland, OR 97232

2. Date of Priority: Time Immemorial

3. Source: Priest River (Water Right # 97-9905) (Fed. ID # 326)

4. Point of Diversion: Not applicable; Instream Flow

5. Place of Use:

At all points along the stream reach located between the following boundaries:

Upstream Boundary – Below Big Creek

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9905, 326, 58N, 4W, 34, SWSW, BM, Bonner

Downstream Boundary – Mouth (At Railroad Bridge)

Table with 8 columns: Water Right, Federal I.D., Township, Range, Section, Q in the Q, Meridian, County. Row 1: 97-9905, 326, 56N, 4W, 30, NWNW (L5), BM, Bonner

Legal descriptions are based on current mapping but are subject to refinement to best reflect on-the-ground stream locations. See Attached Map.

**6. Purpose of Water Use:**

Fish habitat for fish species harvested within the Kalispel Reservation - as a component of water rights necessary to fulfill the homeland purpose of the Kalispel Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31, as further detailed in Section 8 *infra*.

**8. Quantity Reserved (In cfs):**

January	February	March	April	May	June
1110	1130	1580	3970	6990	5320
July	August	September	October	November	December
1630	663	591	908	1290	1270

**9. Basis of Claim:**

The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Kalispel Reservation, including but not limited to, the Executive Order signed by President Wilson on March 23, 1914, C. Kapler, Indian Affairs: Laws and Treaties 1051 (Vol. 4, 1927).

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from surface water sources within the Clark Fork-Pend-Oreille Rivers Water System Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Kalispel Indian Reservation, including the present and future fishing purpose.

b. Prior to the creation of the Reservation in 1914, the Kalispel Tribe held aboriginal title to certain lands “within the United States in what are now the States of Washington, Idaho and Montana.” *The Lower Pend D'Oreille or Kalispel Tribe of Indians v. United States of America*, Docket No. 94, 12 Ind. Cl. Comm. 141 (1963). The Kalispel Reservation is located on the mainstem Pend Oreille River because fishing is central to the Tribe’s history, culture and use of resources. The Tribe never agreed to cede right, title or interest outside the Reservation. *C.f., In re CSRBA Case No. 49576 Subcase No. 91-7755*, 165 Idaho 517, 548–49, 448 P.3d 322 (2019).

c. This water right claim is for a traditional use of water that predates the creation of the Kalispel Reservation. This right was not created but was instead confirmed

by the executive order outlined in section 9, *supra. United States v. Adair*, 723 F.2d 1394, 1414 (9th Cir. 1984). Therefore, pursuant to federal law, the priority date of this water right is time immemorial. *Id.*

d. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of, the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Kalispel Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Kalispel Tribe.

**11. Signatures:**

(a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will received notices in the Clark Fork-Pend Oreille River Basin Adjudication.”

(b) I do \_\_\_ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Rudy Peone, Acting Northwest Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:



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Acting Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 15 day of January 2025.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Clark Fork-Pend Oreille River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
Marisa J. Hazell  
United States Department of Justice  
Environment and Natural Resources Division  
Tribal Resources Section  
999 18<sup>th</sup> Street, Suite 370  
Denver, CO 80202

*Attorneys for the United States of America*

Dates this 15 day of January 2025.