DISTRICT COURT - PRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 19 2026
By _____ Clerk
Deputy Clerk

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

In Re PRBA

Case No. 59576

Subcase 87-12162
(Insert water right number)

STANDARD FORM 3

MOTION TO FILE AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the PRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** amended Notice of Claim.

By filing a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☑ I have read ***PRBA Administrative Order 1***, Rules of Procedure.

My name is The Nez Perce Tribe, acting through the Nez Perce Tribal Executive Committee

My address is P.O. Box 305, Lapwai, Idaho 83540

My phone number is: work _____ Home _____

☑ I am an attorney representing The Nez Perce Tribe

My name is Michael A. Lopez

My address is P.O. Box 305, Lapwai, Idaho 83540

My phone number is (208) 843-7355

☑ I must amend my Notice of Claim to the use of water in the PRBA because:

Upon field examination of the spring claimed, the point of diversion/place of use was determined to be in a different quarter-quarter.

☑ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

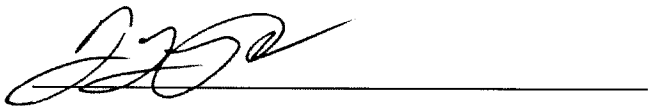
Portions of the Palouse River Basin Adjudication: Nez Perce Tribe Provisional Springs Report relating to the claim are attached (information not relevant to claims have been stricken out of the Report).

I have attached:

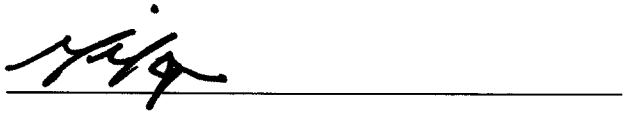
☑ A fully completed amended Notice of Claim (available from IDWR).

☐ Any additional claim filing fee required pursuant to I.C. §42-1414(2). To determine this amount, contact IDWR at (800) 451-4129.

I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of $_____.



(Signature of person filing motion)



(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail this motion to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on March 17, 2026, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Palouse River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

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

Signature of Movant or attorney
mailing on Movant's behalf

LIST OF ADDITIONAL PARTIES

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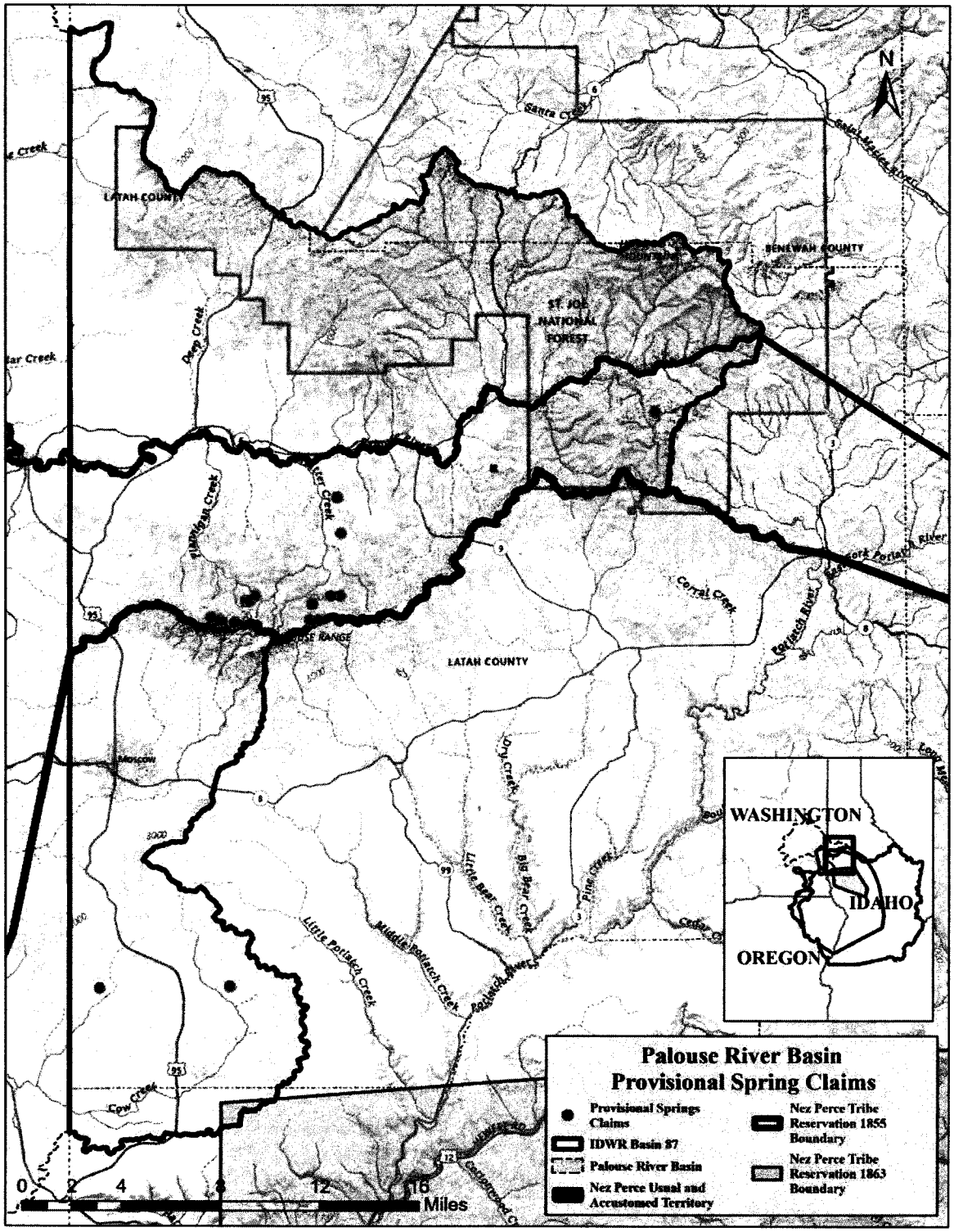
Attorneys for PotlatchDeltic Land and Lumber, LLC; PotlatchDeltic Forest Holdings, Inc.; Potlatch TRS Idaho, LLC

Palouse River Basin Adjudication: Nez Perce Tribe Provisional Springs Report



Prepared by: Allison Lebeda, M.S.
Nez Perce Tribe Water Resources Division
April 16, 2025

NPTPRBA06286

~~Soils~~

~~No soil profile was excavated from the spring site because it was more than 200 yards from the original POD.~~

~~Spring Verification~~

~~Although there was not a spring observed at the POD, it is my opinion that there was a large spring complex approximately 200 yards from the original POD. This spring complex falls within the same legal description as the original POD. The occurrence of several distinct channels caused by at least three seasonal spring heads, flowing and standing water downstream of the spring heads, and the presence of FACW vegetation like Arrowleaf Groundsel, California False Hellebore, Coolwart Foamflower, Elk Sedge, Goldthread, and various horsetail species in the riparian area and at other locations throughout the site all support my opinion that a large spring complex occurs at this site.~~

Provisional Springs Claim No. 87-12162

Date: September 12, 2024

Public Land Survey System ("PLSS"): T40N, R04W, Sec 15, NENW

Coordinates: 46.816556, -116.828978

Site Description

This site is located on the north face of Moscow Mountain in the Hatter Creek drainage. It is most accessible by taking State Highway 6 East out of Potlatch to Princeton, then turning right on Hatter Creek Rd. A pull-out where parking is available can be found after driving 6.3 miles on Hatter Creek Rd. Adjacent to the parking pull-out is a blue Bennett Lumber gate. At the gate, continue following Hatter Creek Rd for 2.3 miles. From here, turn left on the access road on the corner and follow it for 0.3 miles. Continue traveling northeast to the coordinates listed above (Figure 6).

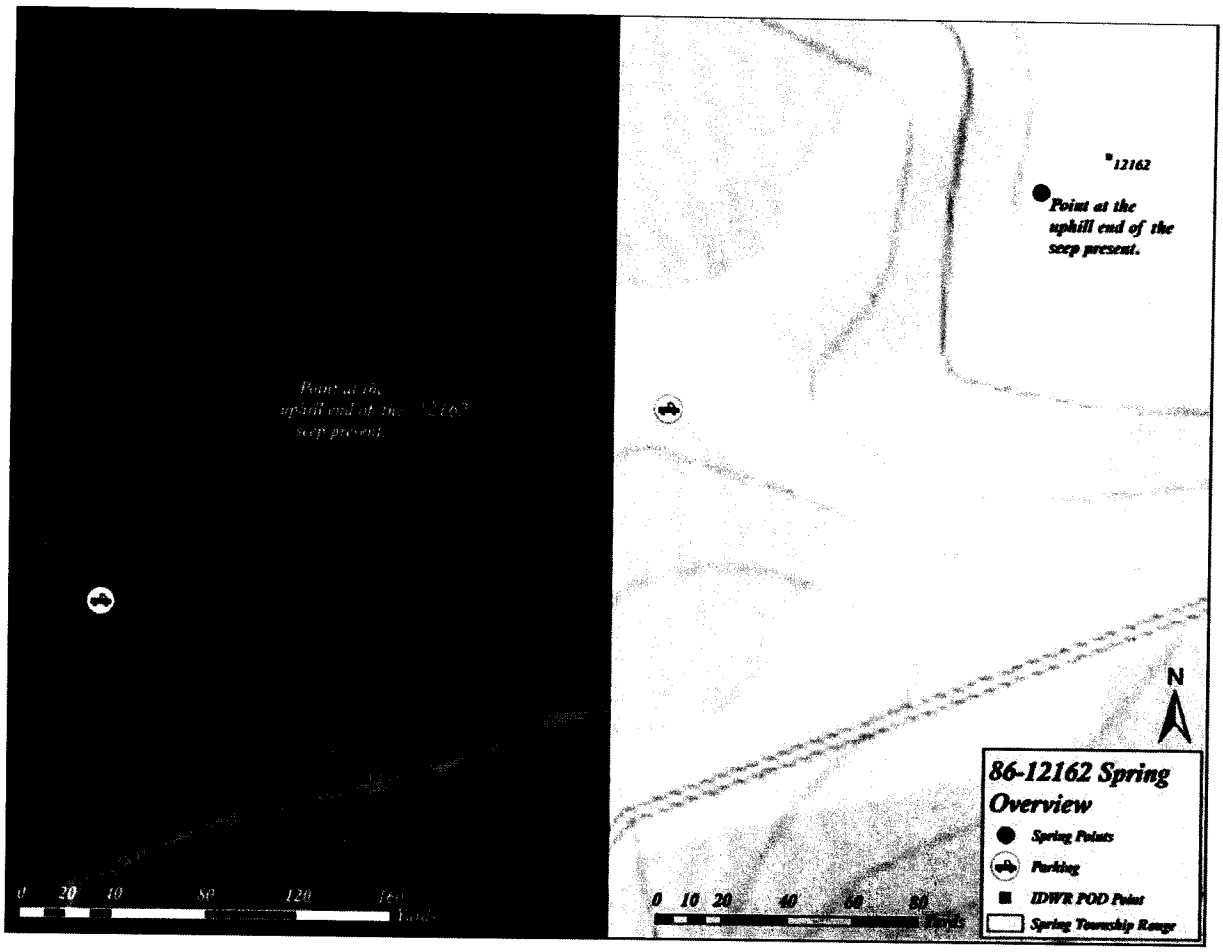


Figure 6. Satellite (left) and topographic imagery (right) of the verified spring location and the original provisional springs claim POD.

Water Presence

At the provisional springs claim POD (+/- 20 yards), the ground within the riparian area was moist and sponge-like with small pockets of open water in depressions. There was a clear stream channel at the bottom of the riparian area, however, technicians did not observe any surface water contributing from the riparian area to the channel. Technicians identified strong wildlife presence in this location, including large animal (likely elk or moose) beds, tracks throughout the riparian area, and a cow moose skull. The provisional springs claim POD was in an area where timber harvest occurred within the last ten years. Any number of these disturbances could affect the presence of a stream channel or flowing water. Technicians did not measure the channel because it was dry. After technicians excavated a soil profile, the hollowed hole quickly filled with water (Figures 7-8). Based on these observations, I believe a seep is fed by a shallow water table, and in times of increased precipitation and/or snow run-off, the seep likely feeds the stream channel located at the bottom of the riparian area.

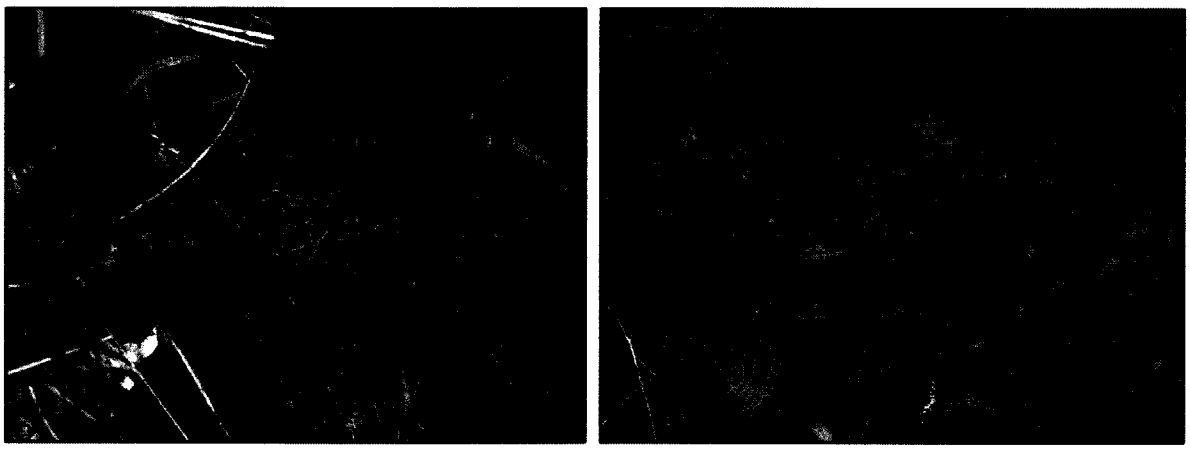


Figure 7. Standing water observed in a depression on the ground (left) and the riparian area (right).

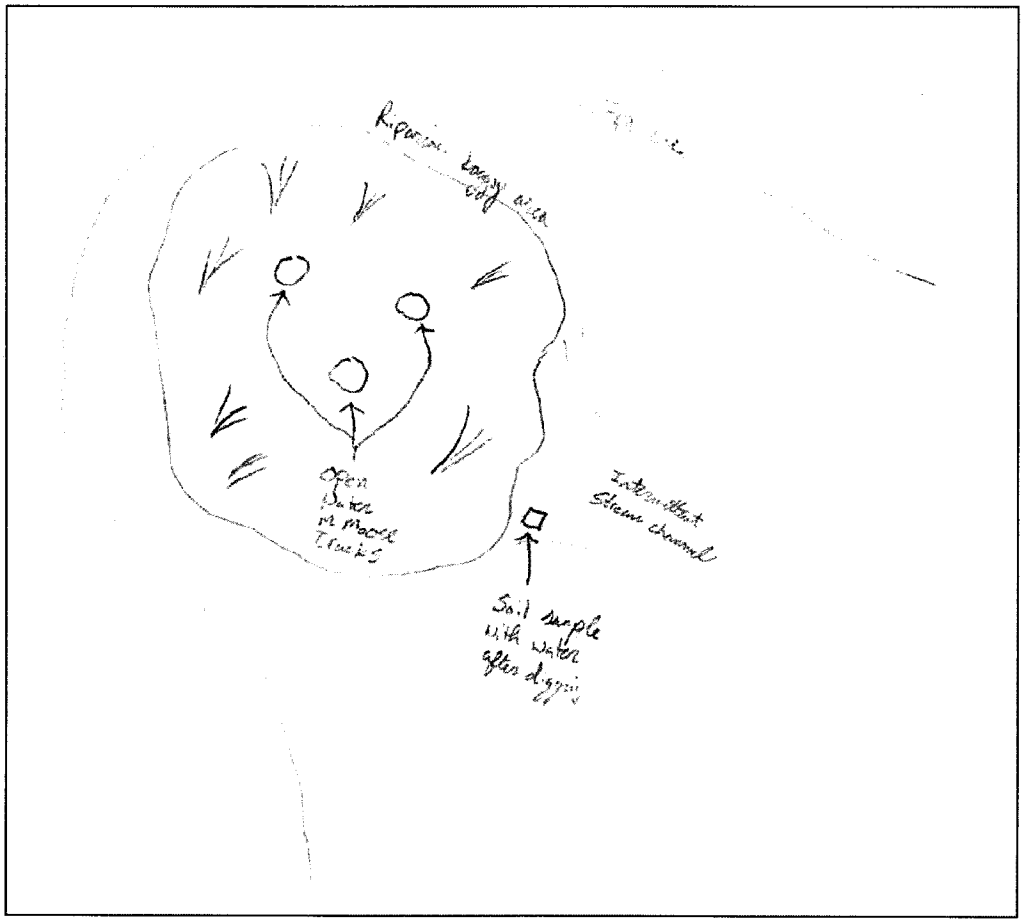


Figure 8. Sketch of provisional springs claim no. 87-12162.

Vegetation

The area surrounding the seep showed signs of mid-successional plants post-timber harvest. Multiple tree species were present in the understory, including Western White Pine, Western Larch, Douglas Fir, Grand Fir, and Engelmann Spruce (Table 2). Shrubs located at the site included Thimbleberry and Snowberry (Table 2). The riparian area was dominated by Bracken Fern and Beaked Sedge. Other plants that were present included Wild Ginger, Starry False Solomon's Seal, Sweetscented Bedstraw, Goldenrod, various species of moss and horsetail, and Drooping Woodreed (Table 2). This site had a definitive plant transition between riparian and surrounding mid-successional post-timber harvest understory (Figure 9).

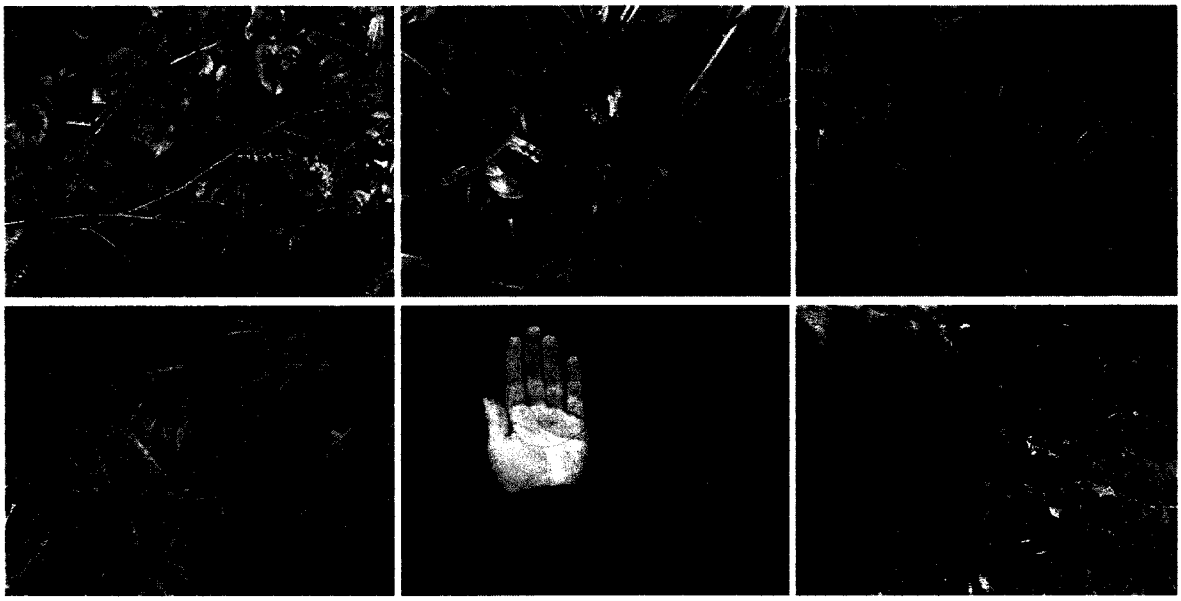


Figure 9. Vegetation observed at the site: Sweetscented Bedstraw (top left), Horsetail spp. (top middle), Bracken Fern and Sedge spp. (top right), Drooping Woodreed (bottom left and middle), and Bunchberry (bottom right).

Table 2. Plant species present at provisional spring claim no. 87-12162. For the USDA symbol and detailed habitat descriptions, refer to Appendix A.

Common Name	*Genus species*	Wetland Indicator Status Rating	Relative Plant Presence		
			Relative Density of Vegetation?	Within Riparian Area?	Outside of Riparian Area?
Trees and Shrubs					
Douglas Fir	*Pseudotsuga menziesii*	FACU	low		✓
Engelmann Spruce	*Picea engelmannii*	FAC	medium		✓
Grand Fir	*Abies grandis*	FACU	medium		✓
Snowberry	*Symphoricarpos spp.*	FACU	medium		✓
Thimbleberry	*Rubus parviflorus*	FACU	medium		✓
Western Larch	*Larix occidentalis*	FACU	medium		✓
Western White Pine	*Pinus monticola*	FACU	medium		✓
Forbs, Grasses, Sedges, and Rushes					
Beaked Sedge	*Carex rostrata*	OBL	medium	✓	
Bracken Fern	*Pteridium aquilinum*	FACU	high	✓	
Drooping Woodreed	*Cinna latifolia*	FACW	low	✓	
Goldenrod	*Solidago spp.*	FACU	medium	✓	
Horsetail spp.	*Equisetum spp.*	FAC/FACW	medium	✓	
Moss spp.	Phylum Bryophyta	--	--	✓	
Starry False Solomon's Seal	*Maianthemum stellatum*	FAC	low	✓	
Sweetscented Bedstraw	*Galium triforum*	FACW	high	✓	
Wild Ginger	*Asarum spp.*	FACU	low	✓	

Soils

Technicians dug a six-in soil sample from downhill of the seep. Upon removal of the soil sample, the excavated hole quickly filled with water, suggesting a very shallow water table. The top layer of the soil sample was histosol, which was defined by moss growth within the organic material. Below the histosol layer, was an aquic moisture regime with organic streaking in the form of rust pockets (Figure 10). The soil texture was classified as a sandy clay with a color value of 7.5 YR 5/4 (Munsell, 2022). The soil in the riparian area was also mucky.

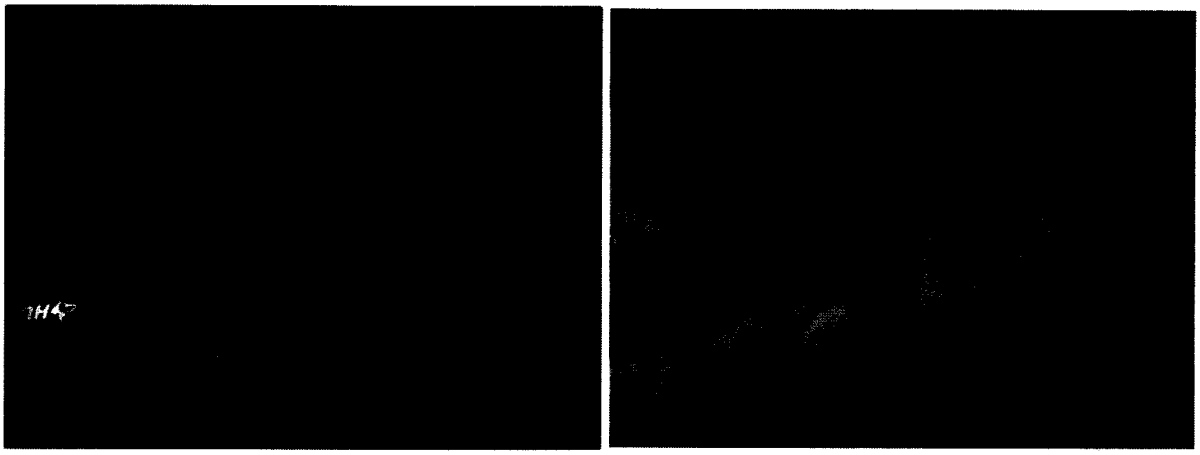


Figure 10. Soil profiles excavated at the provisional spring claim demonstrating rust pockets.

Spring Verification

As the ground within the riparian area at the provisional springs claim POD was moist with small pockets of standing water in depressions, the site had distinct channelization and various examples of obligate wetland and facultative wetland species like Beaked Sedge, Drooping Woodreed, horsetail, and Sweetscented Bedstraw, and several soil characteristics indicative of periods of prolonged water saturation were evident, it is my opinion that there is at least one spring at this provisional springs claim.

~~Provisional Springs Claim 87-12163~~

~~**Date:** August 14, 2024~~

~~**PLSS:** T40N, R04W, Sec 16, NENE~~

~~**Coordinates:** 46.816648, -116.835696~~

~~Site Description~~

~~This site is located on the north side of Moscow Mountain. It is most accessible by taking State Highway 6 East out of Potlatch to Princeton, then turning right on Hatter Creek Rd. A pull-out where parking is available can be found after driving 6.3 miles on Hatter Creek Rd. Adjacent to the parking pull-out is a blue Bennett Lumber gate. At the gate, continue following Hatter Creek Rd for 2.4 miles. The provisional spring claim POD was located on a hillside near the bottom of the draw in a timber-harvested clearcut with a large fern glade (Figure 11).~~

Summary of Findings

Of the 18 provisional springs claims that I was asked to verify, I was able to arrange site visits for 17 provisional springs claims. The 18th provisional springs claim, 87-12175, was unable to be verified before the end of the 2024 field season due to inclement weather. Of the 17 provisional spring claims that were visited between August and September 2024, it is my opinion that springs or seeps were present at all 17 claims within 300 yards based on the following determining factors: water presence, wetland obligate or facultative wetland plants, and soils indicative of water saturation (Table 13).

Table 13. Summary table of provisional spring claims, my determination of whether a spring or seep is present at the provisional springs claim site and determining factors that supported my conclusion.

Claim No.	Distance from Claim POD	Spring/Seep Present?	Determining Factor(s)
87-12159	Spring Channel found in same QQ, but 222 yards from Claim POD	large spring complex	-at least 3 seasonal spring heads -several distinct channels -flowing and standing surface water -presence of FACW plants -distinct riparian area
87-12162	Moist ground and riparian area with water present in depressions at Claim POD (+/- 20 yards); Seep is within same QQ (IDWR point incorrect)	at least 1 spring	-moist riparian area -pockets of standing water -distinct channelization -presence of OBL and FACW plants -soils indicative of water saturation
87-12163	Water heard at bottom of draw ~300 yards from Claim POD and USGS topographic map indicates an ephemeral stream; IDWR Claim POD in wrong Sec (should be 16) and water heard in Sec 9	no spring at POD but at least 1 spring ~300 yards downstream of the POD	-technicians heard flowing water at the bottom of the draw

Table 13 continued

Claim No.	Distance from Claim POD	Spring/Seep Present?	Determining Factor(s)
87-12165	No water present at Claim POD (+/-100 yards), which is on Sec 10 border, but small creek present on Sec 9 border 97 yards from Claim POD; my opinion this is the same site; water presence coordinates in same QQ as Claim POD	at least 1 spring and multiple seeps	-flowing water -distinct channelization -evident riparian area -presence of OBL and FACW plants
87-12166	Surface water documented in images taken at Claim POD (+/- 25 yards)	at least 1 spring	-surface water -presence of FACW plants -soils indicative of water saturation
87-12167	Surface water documented in images taken at Claim POD (+/- 75 yards); same QQ	at least 1 spring	-surface water -distinct channelization -presence of OBL and FACW plants -soils indicative of water saturation
87-12168	Surface water documented in images taken at Claim POD (+/-120 yards); Claim POD in NENW, GPS points in SENW	at least 1 large seep	-surface water -distinct channelization -presence of FACW plants -soils indicative of water saturation
87-12169	Spring documented at Claim POD (+/-140 yards); same QQ	at least 1 spring	-surface water -distinct channelization -case-building caddis larvae -presence of OBL and FACW plants -soils indicative of water saturation
87-12170	Spring documented at Claim POD (+/-50 yards); same QQ	at least 1 spring and 1 seep	-surface water -distinct channelization -presence of FACW plants -soils indicative of water saturation

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Table 13 continued

Claim No.	Distance from Claim POD	Spring/Seep Present?	Determining Factor(s)
87-12171	Spring documented at Claim POD (+/- 50 yards); same QQ	at least 1 spring and 1 seep	-surface water -distinct channelization -presence of FACW plants -soils indicative of water saturation
87-12172	Spring documented at Claim POD (+/-50 yards); same QQ	at least 1 spring and 1 seep	-surface water -distinct channelization -presence of FACW plants -soils indicative of water saturation
87-12173	Spring documented near Claim POD (within 165 yards); Claim POD in Sec 13 and Spring in Sec 12	at least 1 spring	-flowing water -spring head -distinct channelization -presence of FACW plants -soils indicative of water saturation
87-12174	Spring documented at Claim POD (+/-25 yards); same QQ	large hydrologically-connected spring complex	-multiple springs and seeps -distinct channelization -presence of FACW plants -fully saturated soils
87-12176	Seep documented at Claim POD; same QQ	at least 1 seep	-surface water -distinct channelization -presence of OBL and FACW plants

Literature Cited

Johnson, C. G. (1998). Common plants of the inland Pacific Northwest. United States Department of Agriculture Forest Service, Pacific Northwest Region.

Jones, S. B. (1995). Characterizing the hydrogeologic system of the Valley and Ridge Province using natural seeps and springs near Oak Ridge, Tennessee.

Meinzer, O. E. (1923). Outline of ground-water hydrology, with definitions (No. 494). US Govt. Print. Off.,.

Munsell soil-color charts with genuine Munsell color chips. (2009 revised, 2022 production). Grand Rapids, Michigan.

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