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 87-12165
(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

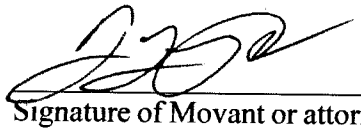
2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

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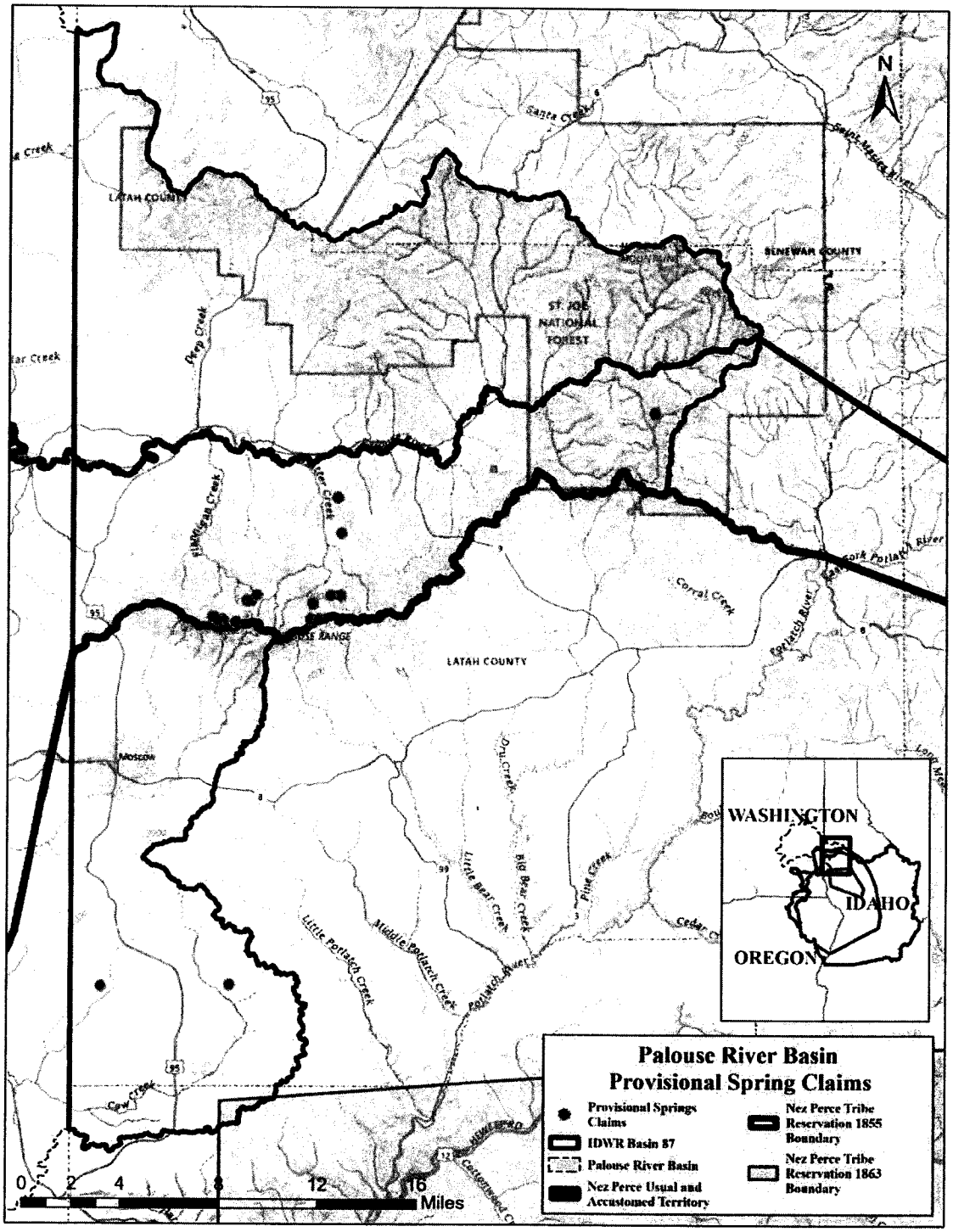
Attorneys for PotlatchDeltic Land and Lumber, LLC; PotlatchDeltic Forest Holdings, Inc.; Potlatch TRS Idaho, LLC

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

Provisional Springs Claim 87-12165

Date: August 13, 2024

PLSS: T40N, R04W, Sec 10, SWNW

Coordinates: 46.825419, -116.833911

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 southwest for 0.75 miles until reaching a forest skid road. Keep to the right and continue down the skid road approximately one mile to its end. From there, head west on game trails to the bottom of the draw (Figure 13). The surrounding area is located within a portion of the University of Idaho's experimental forest.

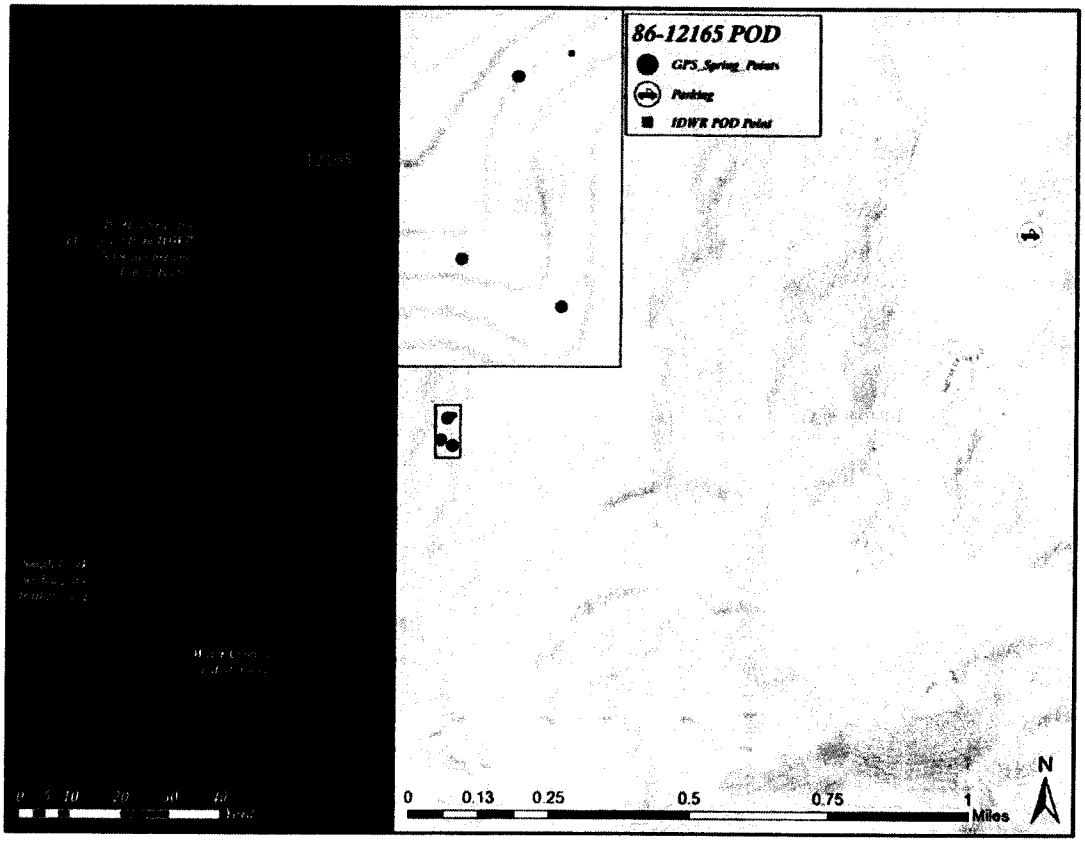


Figure 13. Satellite (left) and topographic (right) imagery of the verified spring location and the original provisional spring claim POD.

Water Presence

At a game trail that crossed the spring, technicians hiked approximately 100 yards upstream to find the spring head, which was located approximately halfway up the ridge. At the spring head, water flowed out beneath rocks and woody debris. Open water was present at the site, which surfaced under a rock outcrop and flowed northwest to form a small channel (Figures 14-15). This channel comprised of 2.8 ft bankfull width, 1.9 ft wetted width, and 1.3 ft bankfull depth.

Technicians calculated spring flow using a 900 milliliter ("mL") plastic measuring cup and measuring the volume of water collected over a period of 30 seconds. Spring flow was recorded as 150 mL in 30 seconds or approximately 0.079 gpm. The riparian area surrounding the spring had boggy areas characterized by wet, waterlogged, and spongy ground (Figure 14). Given the time of year, these boggy areas were seeps and contributed water to the channel described above.

There was a road approximately 500-600 yards upstream of the spring head, which was not examined by technicians. The experimental forest supervisor, however, believed that a site upstream of this road has another similar-looking site with a small channel and similar habitat characteristics that contributes water to the flow observed by technicians at the provisional springs claim. As mentioned earlier, technicians were unable to investigate the site described by the experimental forest supervisor.

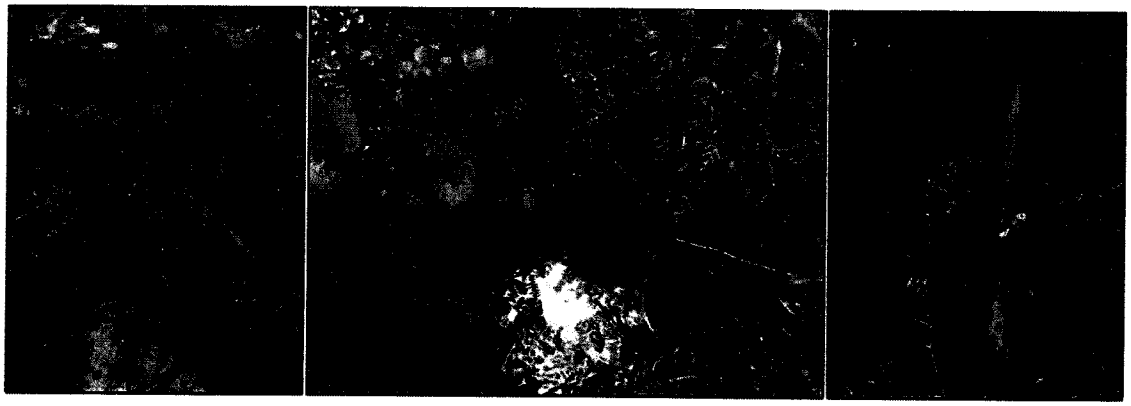


Figure 14. Images taken at the spring site. Images 1 and 2 show the spring head while Image 3 depicts the small channel near the game trail crossing approximately 100 yards downstream.

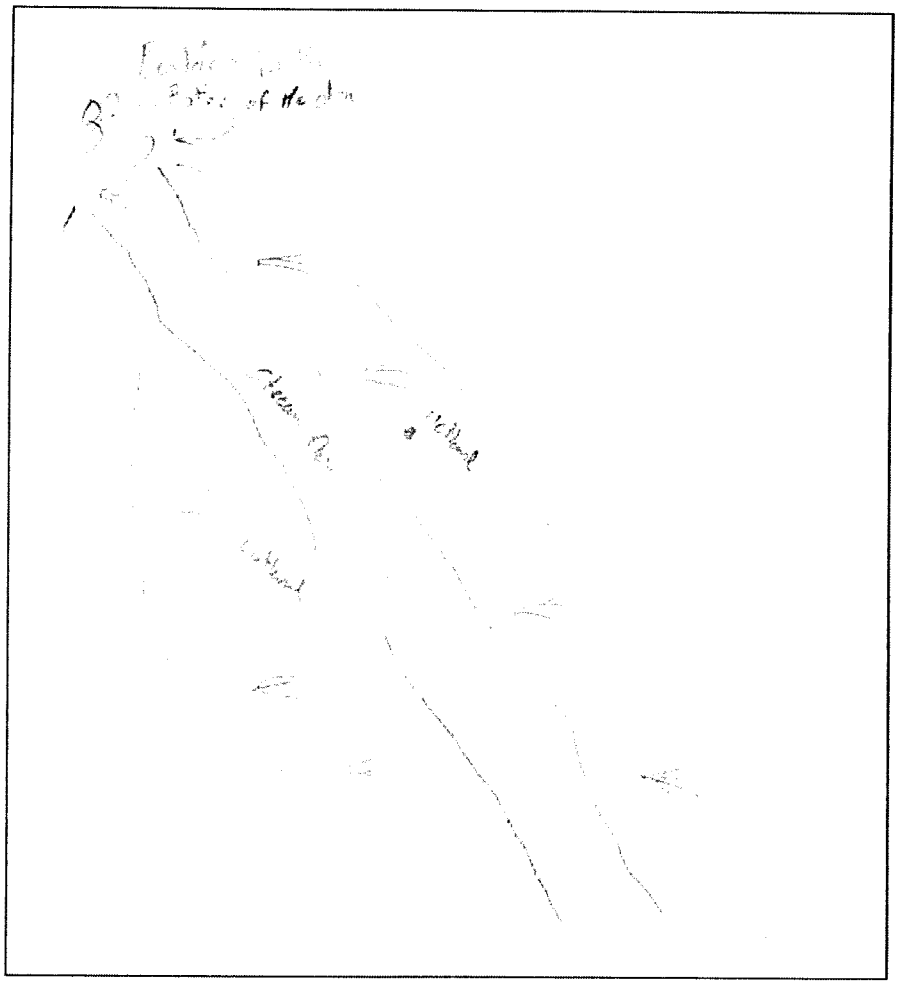


Figure 15. Sketch of provisional spring claim no. 87-12165.

Vegetation

There is a distinct vegetative habitat change between the riparian area and the surrounding forest (Table 3). The riparian vegetation measured approximately 20 ft wide and continued down the draw in line with the flow of water. Trees present included Western Redcedar, Grand Fir, Western Larch, and Rocky Mountain Maple. Shrubs and forbs present included Serviceberry, Wild Roses, Thimbleberry, Oregon Boxwood, Starry False Solomon's Seal, Wild Ginger, Woodland Strawberry, Coolwart Foamflower, Sweetscented Bedstraw, Bunchberry, multiple fern species, and a Clover species (Figure 16). Multiple rush and sedge species were present. These include Baltic Rush, Beaked Sedge, and possibly Elk Sedge. However, there was no fruiting body present on the Elk Sedge which makes it extremely difficult for field identification. This parcel has been logged in the last 10 years and the reproduction is characterized by small coniferous saplings and shrubbery.

Table 3. Plant species present at provisional spring claim no. 87-12165. 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					
Grand Fir	*Abies grandis*	FACU	low		✓
Oregon Boxwood	*Pachistima myrsinites*	FACU	medium	✓	
Rocky Mountain Maple	*Acer glabrum*	FACU	low	✓	
Serviceberry	*Amelanchier spp.*	FACU	medium	✓	
Thimbleberry	*Rubus parviflorus*	FACU	high		
Western Larch	*Larix occidentalis*	FACU	medium		✓
Western Redcedar	*Thuja plicata*	FAC	low		✓
Forbs, Grasses, Sedges, and Rushes					
Baltic Rush	*Juncus balticus/Juncus arcticus*	FACW	medium	✓	
Beaked Sedge	*Carex rostrata*	OBL	high	✓	
Bunchberry	*Cornus spp.*	FAC	low	✓	
Coolwart Foamflower	*Tiarella trifoliata*	FACW	medium	✓	
Elk Sedge	*Carex garberi*	FACW	medium	✓	
Fern spp.	Class Polypodiopsida	--	high	✓	
Starry False Solomon's Seal	*Maianthemum stellatum*	FAC	medium		✓
Sweetscented Bedstraw	*Galium triflorum*	FACW	low	✓	
Wild Ginger	*Asarum spp.*	FACU	low		
Woodland Strawberry	*Fragaria vesca*	FACU	low		

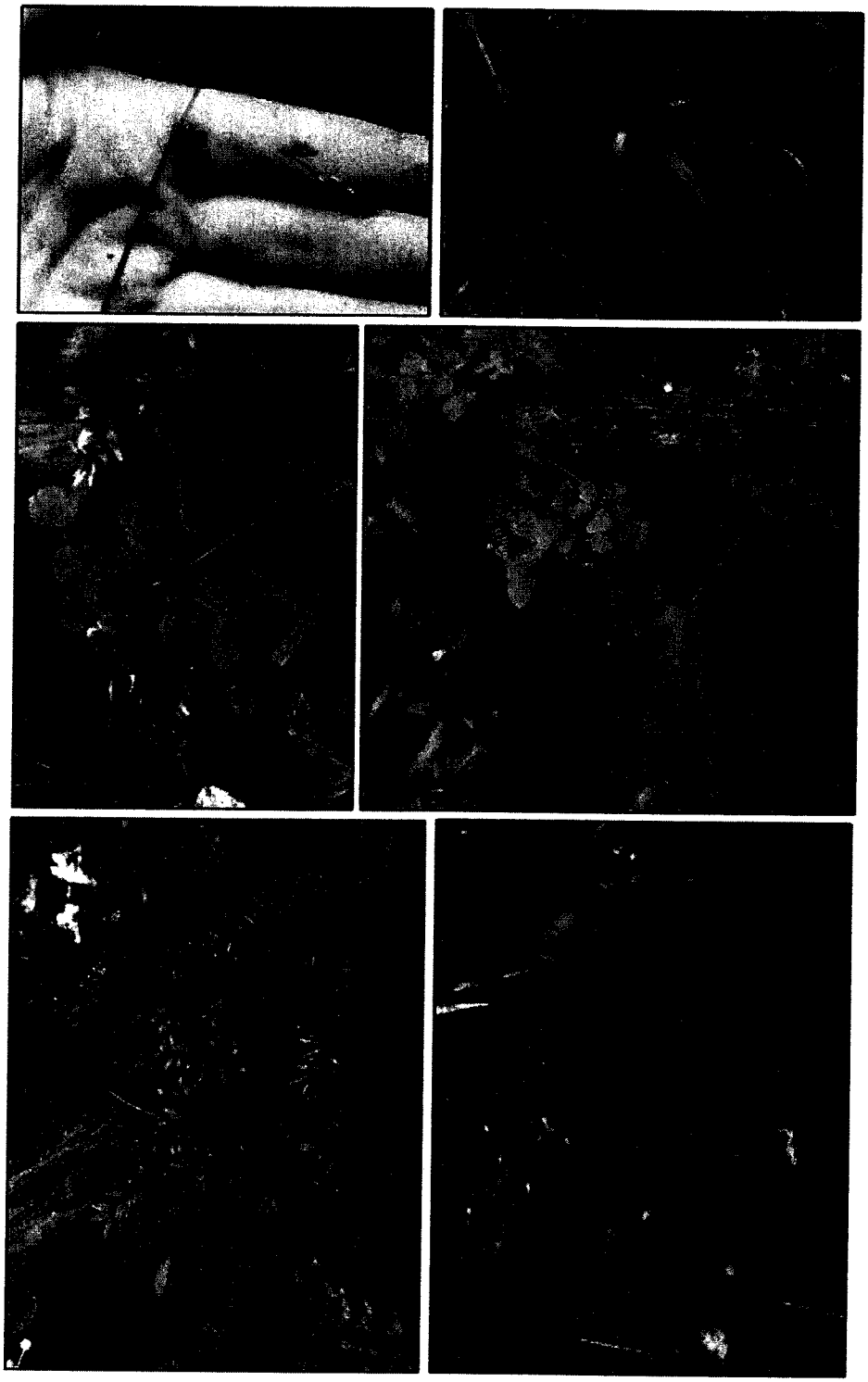


Figure 16. Plants present within the riparian area: Serviceberry (middle left), Snowberry (middle right), Oregon Boxwood (bottom left), and Bunchberry bottom right).

Soils

Technicians removed a soil sample from the ground next to the game trail that crossed the stream (Figures 13 and 15). Soil composition consisted of a two-inch organic layer on the surface, which was topped with various moss species, and a layer of coarse sand bordering a bottom layer of gravel (Figure 17). The soil sample created a very short 0.75 to 1 in ribbon with a gritty texture. The horizon classified as a sandy loam with a color of 10YR 2/1 – black (Munsell, 2022; Figure 17). Dark pockets were present in the soil samples (Figure 17: Images 1 and 3). The ground throughout the riparian area was wet and spongy with some areas reaching full saturation.

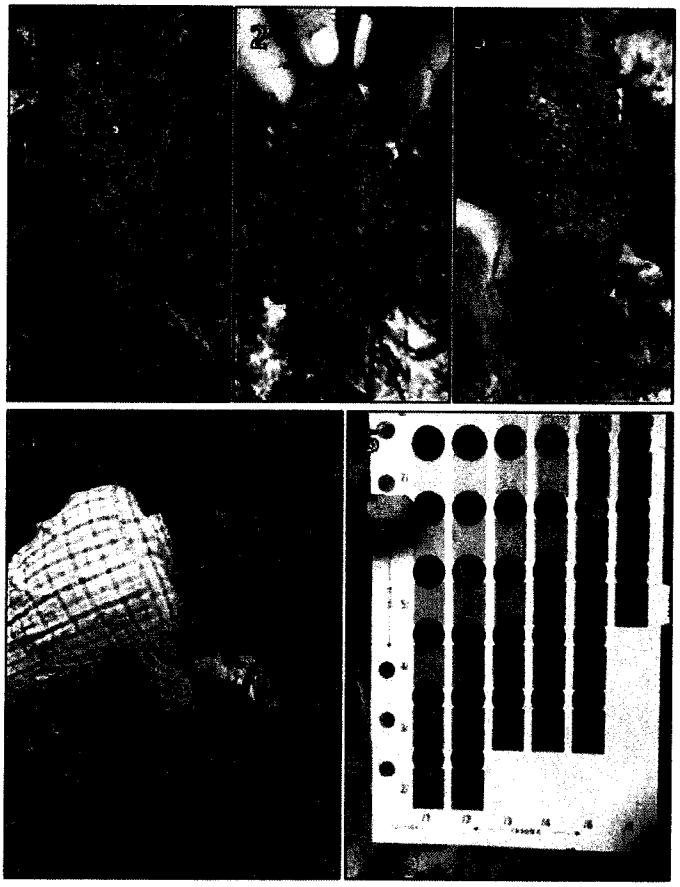


Figure 17. Images 1-3 depict soil profiles dug near the spring channel. Image 4 shows technician cutting a soil profile near the spring channel while Image 5 illustrates the soil classification using the 10YR soil color chart (Munsell Soil Color Book).

Spring Verification

Given the presence of flowing water, distinct channelization with an evident riparian area, wetland obligate and facultative wetland plant species like Baltic Rush, Beaked Sedge, Coolwart Foamflower, Elk Sedge, and Sweetscented Bedstraw, it is my opinion that there is at least one spring and multiple seeps at this provisional spring claim.

Soils

Technicians excavated a soil sample six-in deep at the site. The top layer was comprised mostly of organic debris followed by a layer containing coarse gravels. Organic streaking in the form of rusty pockets of weathered pyrite was observed (Figure 26). The soil texture was classified as sandy loam with a color defined as 10YR 3/3 (Munsell, 2022).

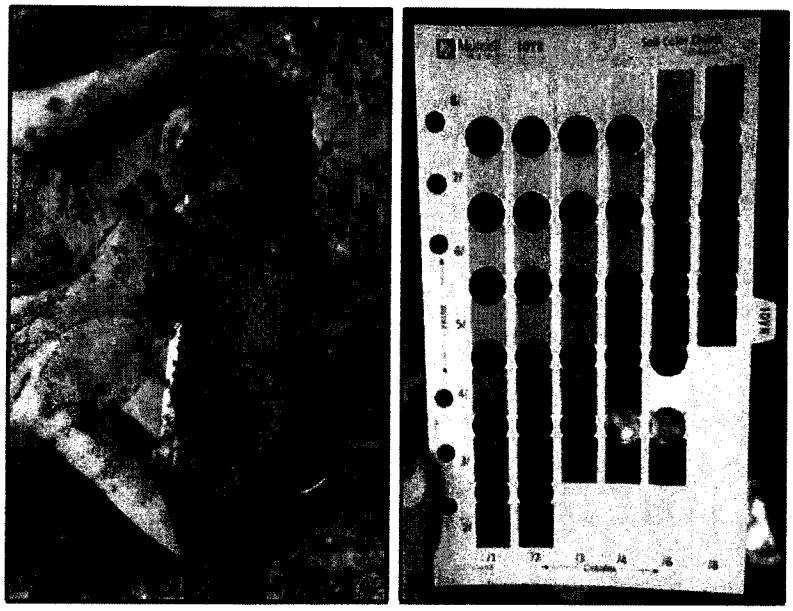


Figure 26. Soil sample excavated near the stream bank (left) and relevant color classification using the Munsell Soil Color Book (right).

Spring Verification

Given the presence of water, distinct channelization, wetland obligate and facultative wetland plants like Pacific Ninebark, Beaked Sedge, California False Hellebore, Coolwart Foamflower, Drooping Woodreed, Elk Sedge, Goldthread, and Sweetscented Bedstraw, and soil characteristics indicative of periodic water saturation, it is my opinion that there is at least one spring present at this provisional spring claim.

Provisional Springs Claim 87-12168

Date: August 20, 2024

PLSS: T40N, R04W, Sec 7, NENW

Coordinates: 46.827015, -116.886915

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

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.