

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).

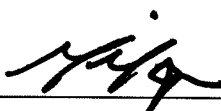
I have attached:

- 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



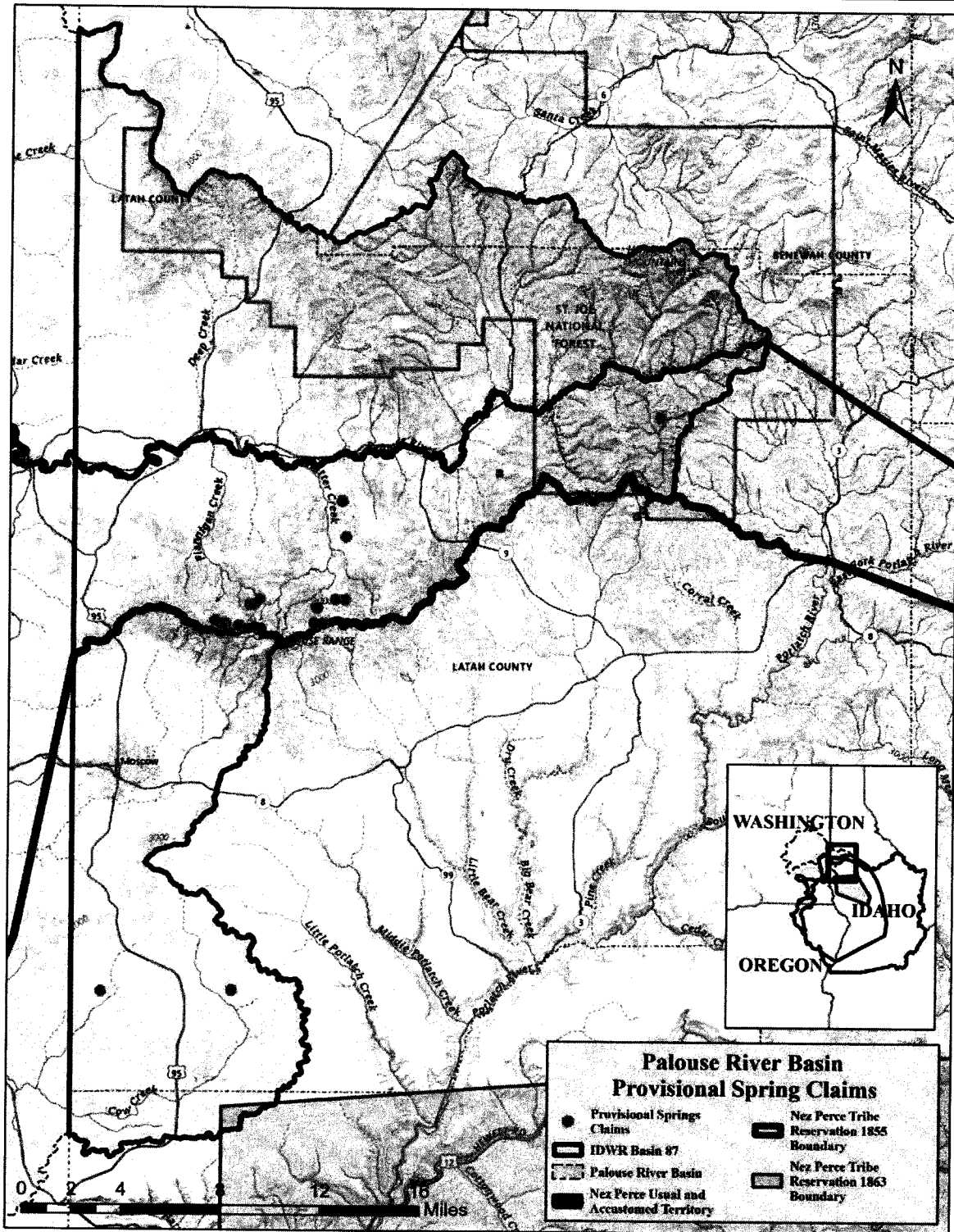
Signature of Movant or attorney
mailing on Movant's behalf

LIST OF ADDITIONAL PARTIES

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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

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).

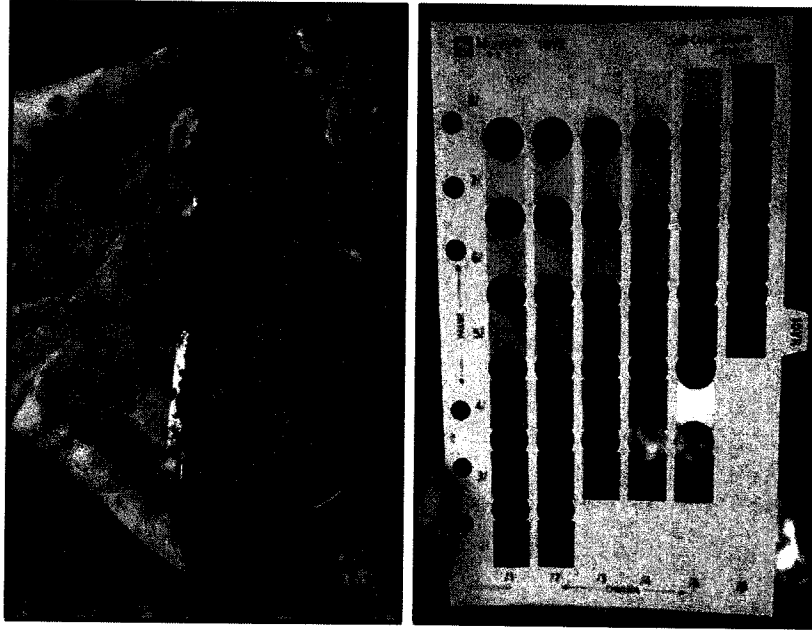


Figure 26. Soil sample excavated near the stream bank (left) and relevant color classification using the Munsell Soil Color Book (right).

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 Sweetseeded 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

Site Description

This site is located on the north side of Moscow Mountain in the Rock Creek drainage. The site is accessed by following Mountain View Rd out of Moscow for one mile, then turning right on Moscow Mountain/Rock Creek Rd and following it for nine miles. After passing both Trail Landing and Four Corners trailheads, a parking area can be found on the west side of Rock Creek Rd at a pull-out. Adjacent to the parking pull-out is a second blue Bennett Lumber gate. From the parking area, walk down the logging road 0.5 miles. The spring is in the draw approximately 40 yards downstream of the road while the seep is on the west side of the draw (Figure 27).

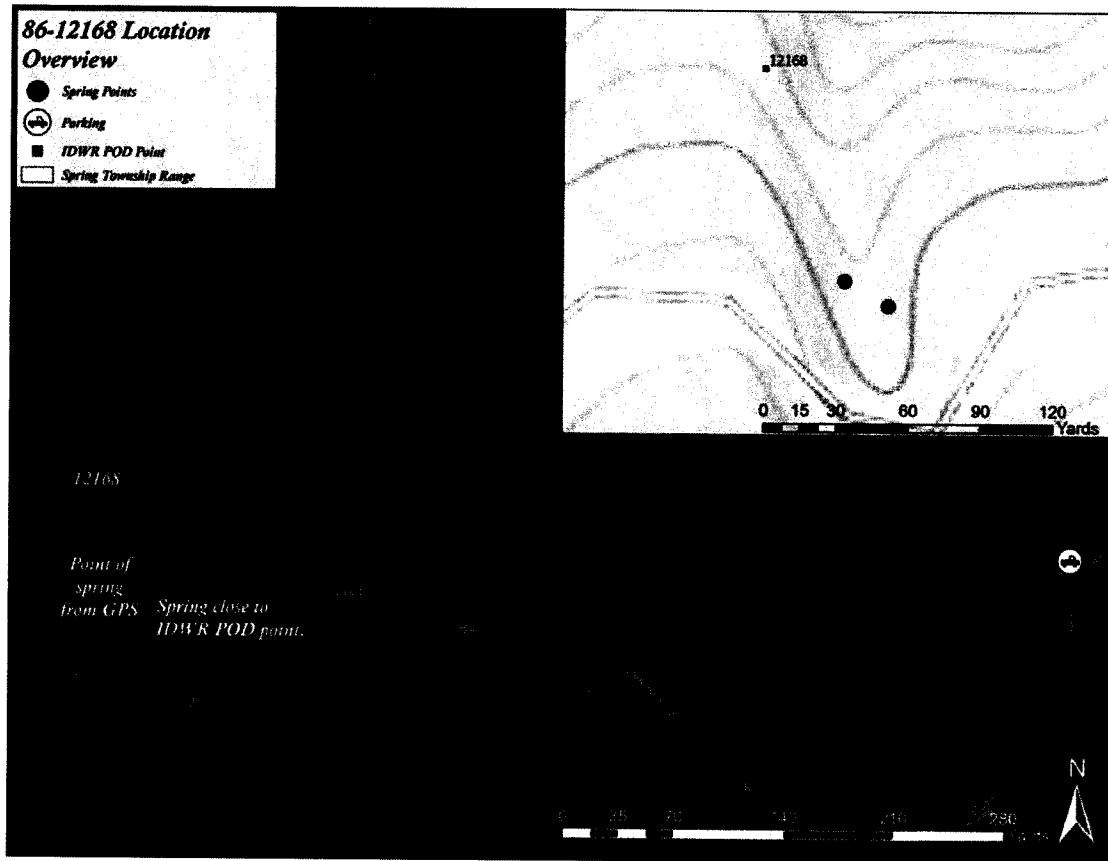


Figure 27. Satellite and topographic (inset) imagery of the provisional spring claim POD and the location of verified springs.

Water Presence

Surface water was present at the site, materializing from a large seep that measured 22.5 ft long by 18.5 ft wide that was adjacent to a small stream channel (Figures 28-29). The seep was heavily used by wildlife based on tracks identified in the area. The water from the seep gradually collected and flowed towards the stream channel that ran along the east side of the seep. The stream channel, measured within the seep area, had a depth of 0.4 ft and a bankfull width of 2.4 ft. The wetted

width of the stream was 1.1 ft with a maximum depth of 0.05 ft. The stream channel was approximately double the size below the seep when compared to the size of the channel above the seep. Flow was estimated using a volumetric method. Technicians measured 800 mL in 83 sec, which translates to 0.15 gpm.

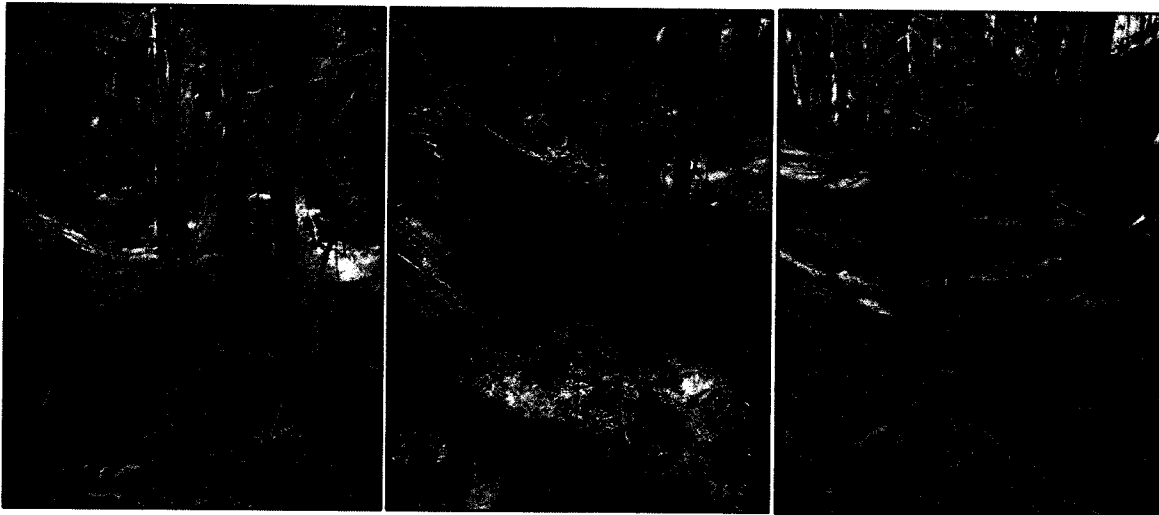


Figure 28. Images taken at the provisional spring claim: stream channel upstream of the seep (left), stream channel adjacent to the seep (middle), and stream channel downstream of the seep (right).

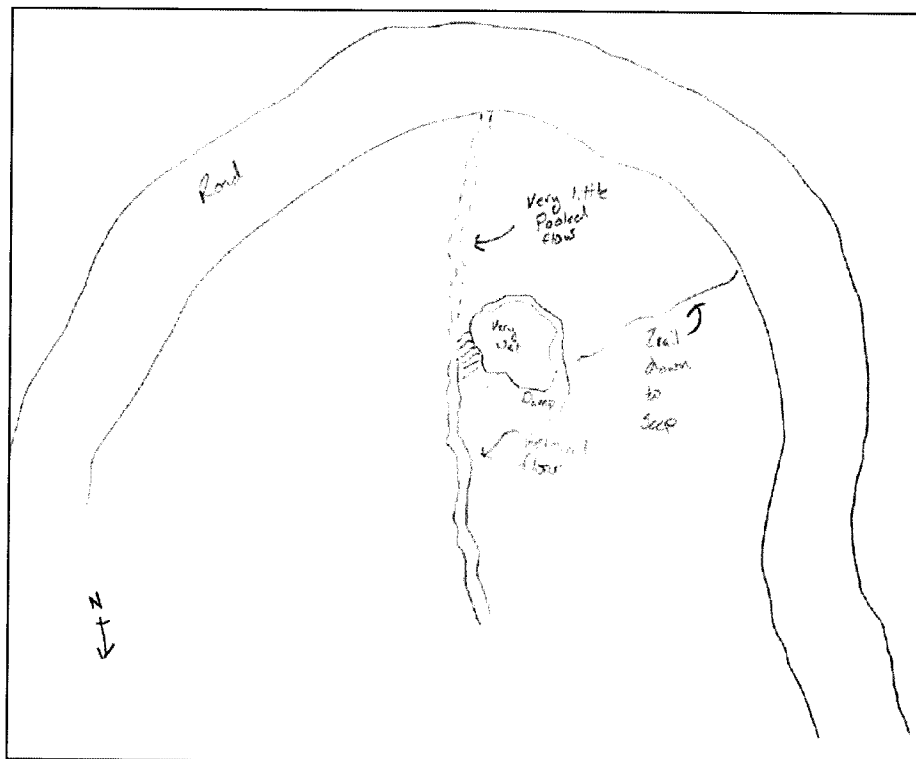


Figure 29. Sketch of provisional springs claim no. 87-12168.

Vegetation

The seep was in a stand of Western Redcedar with sparsely present Douglas Fir. The site had minimal understory growth with plants congregated around the seep and adjoining stream channel (Figure 30). Technicians observed Bracken Fern, Wild Ginger, Starry False Solomon's Seal, Goldthread, Bunchberry, and various species of fairybell and moss (Table 6).



Figure 30. Images taken at the provisional spring claim showing plant growth at the seep (left) compared to minimal understory growth outside of the seep (middle and right).

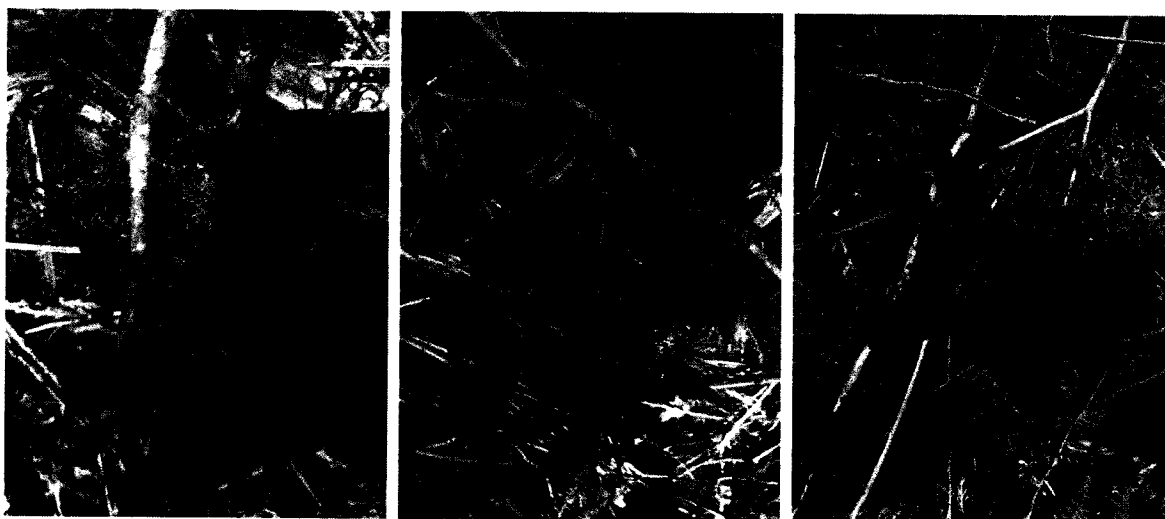


Figure 31. Plants observed at the site: Goldthread (left), Bracken Fern (middle), Wild Ginger and Starry False Solomon's Seal (right).

Table 6. Plant species present at provisional spring claim no. 87-12168. 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	<i>Pseudotsuga menziesii</i>	FACU	low		✓
Western Redcedar	<i>Thuja plicata</i>	FAC	high		✓
Forbs, Grasses, Sedges, and Rushes					
Bracken Fern	<i>Pteridium aquilinum</i>	FACU	medium	✓	
Bunchberry	<i>Cornus spp.</i>	FAC	low	✓	
Fairybell spp.	<i>Disporum spp.</i>	FACU	low	✓	
Goldthread	<i>Coptis occidentalis</i>	FACW	low	✓	
Moss spp.	Phylum Bryophyta	--	low	✓	
Starry False Solomon's Seal	<i>Maianthemum stellatum</i>	FAC	low	✓	
Wild Ginger	<i>Asarum spp.</i>	FACU	medium	✓	

Soils

Technicians excavated a soil sample on the north end of the seep. The top layer of the soil sample comprised of organic matter followed by a thick layer of dark clay (Figure 32). This soil created a 1 to 1.5 in ribbon, had a silky-smooth texture, and a glossy appearance, which are common in silty clay loams (citation). Technicians described the soil color as 5Y 2.5/2 Black (Munsell, 2022). Organic matter was present throughout the soil profile and the soil at the site was fully saturated (Figure 32).

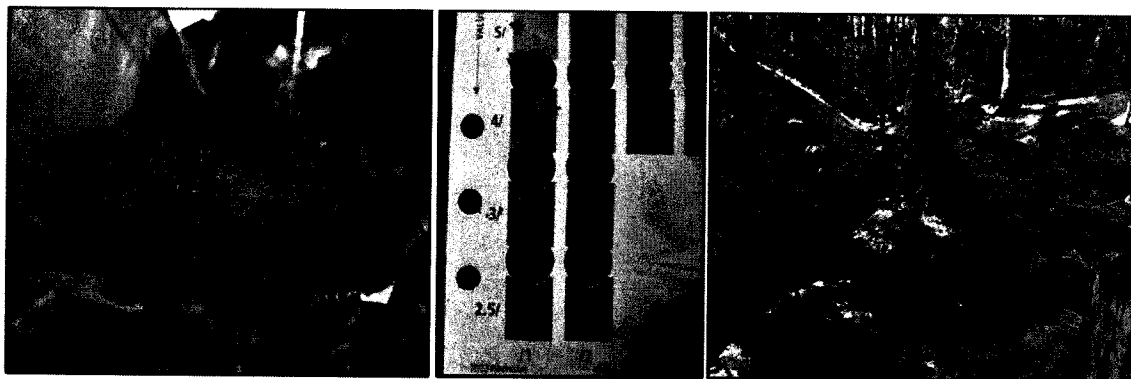


Figure 32. Soil profile collected at the seep (left). Color characterization of the soil sample using the Munsell Soil Color Book (middle) and saturation of the soil in the seep (right).

Spring Verification

Given the presence of surface water, distinct channelization, facultative wetland plants like Goldthread, and soil characteristics indicative of periodic water saturation, it is my opinion that there is at least one large seep present at this provisional spring claim.

Provisional Springs Claim 87-12169

Date: August 20, 2024

PLSS: T40N, R04W, Sec 7, NWNE

Coordinates: 46.829829, -116.882829

Site Description

This site is located on the north side of Moscow Mountain in the Rock Creek drainage. The site is accessed by following Mountain View Rd out of Moscow for one mile, then turning right on Moscow Mountain/Rock Creek Rd and following it for nine miles. After passing both Trail Landing and Four Corners trailhead parking lots, a parking area can be found on the west side of Rock Creek Rd at a pull-out. Adjacent to the parking pull-out is a second blue Bennett Lumber gate. From the parking area, walk down the logging road approximately 0.5 miles until you are parallel with the provisional claim POD (Figure 33). The seep will be in the bottom of the draw below the road. Note the road forms a sharp corner going into the draw.

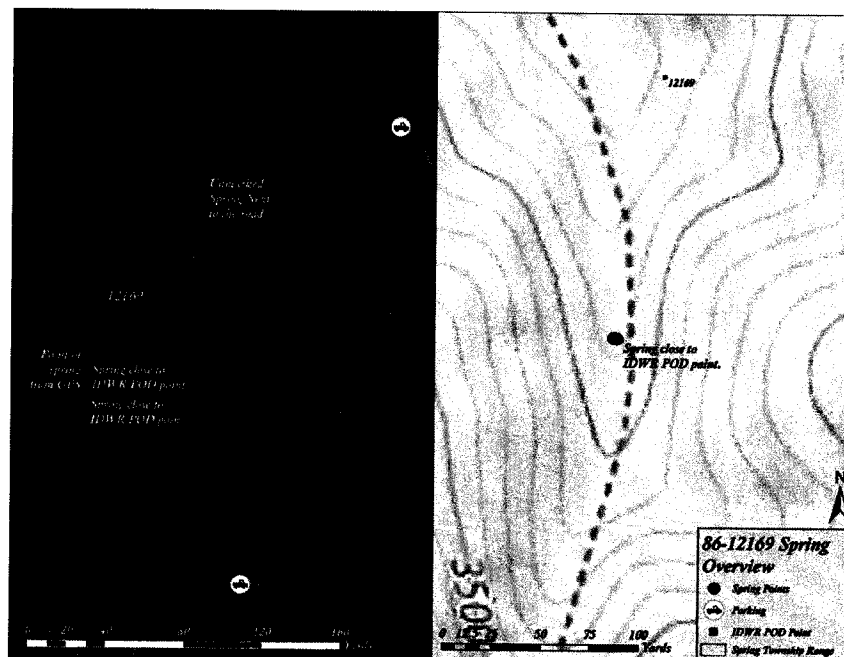


Figure 33. Satellite (left) and topographic (right) imagery of the provisional spring claim and the locations of several verified springs.

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	<ul style="list-style-type: none"> -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	<ul style="list-style-type: none"> -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	<ul style="list-style-type: none"> -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.