

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

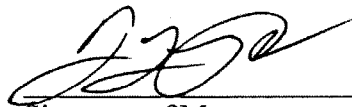
2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

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

A handwritten signature in black ink, appearing to be 'J. B.', written over a horizontal line.

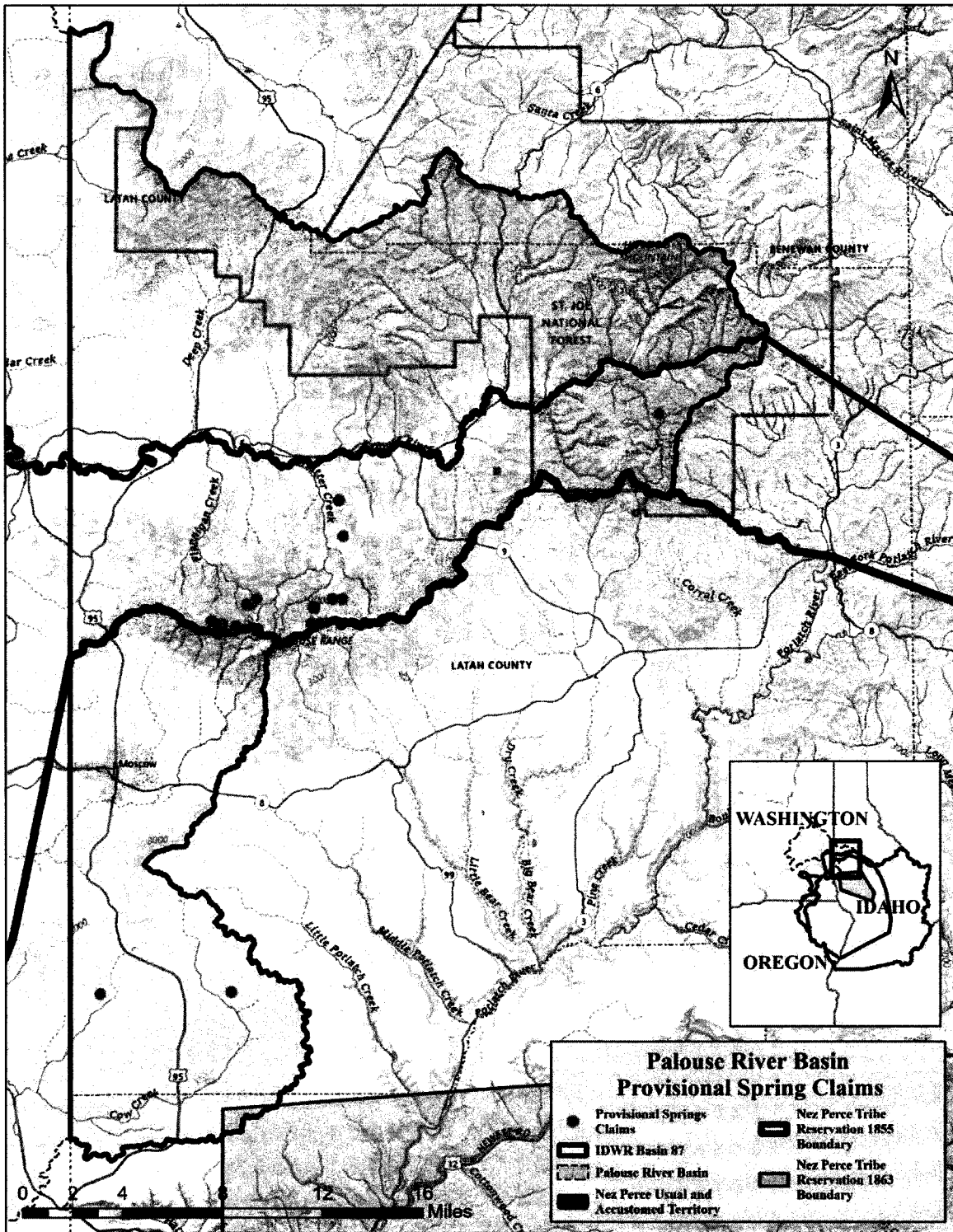
Signature of Movant or attorney
mailing on Movant's behalf

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

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.

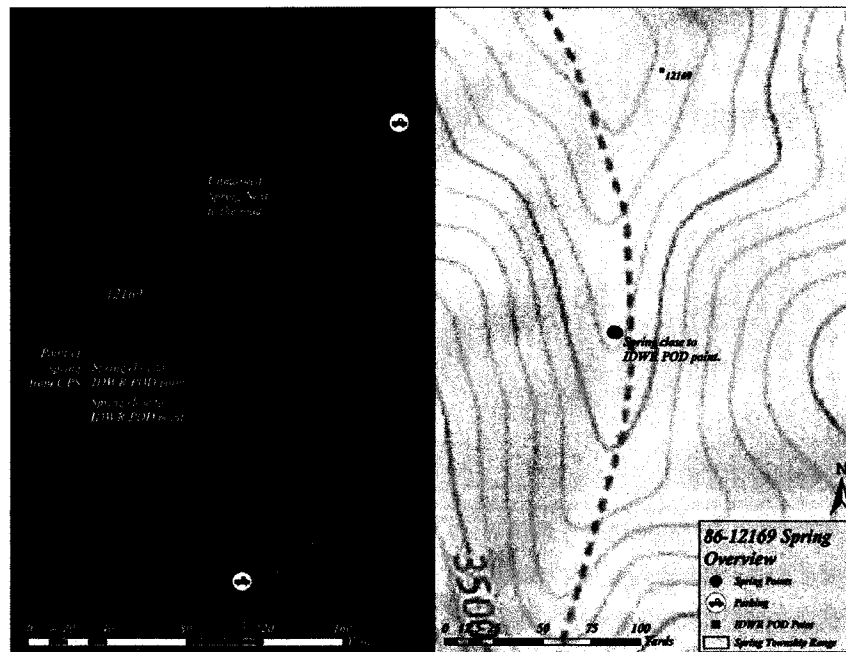


Figure 33. Satellite (left) and topographic (right) imagery of the provisional spring claim and the locations of several verified springs.

Water Presence

A small bog, measuring 42 ft long and 45.5 ft wide, sat in a bench below the road at the provisional spring claim POD (Figures 34-35). Technicians hypothesized that the bog is formed by a combination of seep, spring, and rain accumulation. A small stream wound through the area, entering the bench on the southwest corner of the site, flowing north, and slowly angling its way to the northeast edge of the site. Technicians characterized the habitat surrounding the stream as spongy ground with multiple wet depressions and shallow pools of standing water. The bog contributed water along the stream edges as it moved across the landscape.

The stream channel above the bog was dry at the time of the site visit, however, the channel accumulated water quickly and had a consistent flow by the time it reached the bottom of the bog (Figure 34). Technicians characterized the stream channel with a bankfull width of 2.8 ft, bankfull depth of 0.7 ft, wetted width of 0.5 ft, and a wetted depth of 0.04 ft. Flow was estimated using the volumetric method. Technicians measured 100 mL in 7.5 seconds, which translates to 0.211 gpm. Case-building caddis larvae were observed in the stream channel, which suggests water is present in the stream year-round. Technicians noted another seep, which was in the borrow pit just above the eastern side of the POD along the road.



Figure 34. Images taken at the provisional spring claim POD: stream channel view looking upstream on the western edge of the site (left), stream channel with running water in the bog's center (middle), and view of the stream channel outlet, looking upstream towards the bog (right). Note that flowing water was present in the right image despite being difficult to see because of the tall stream bank.

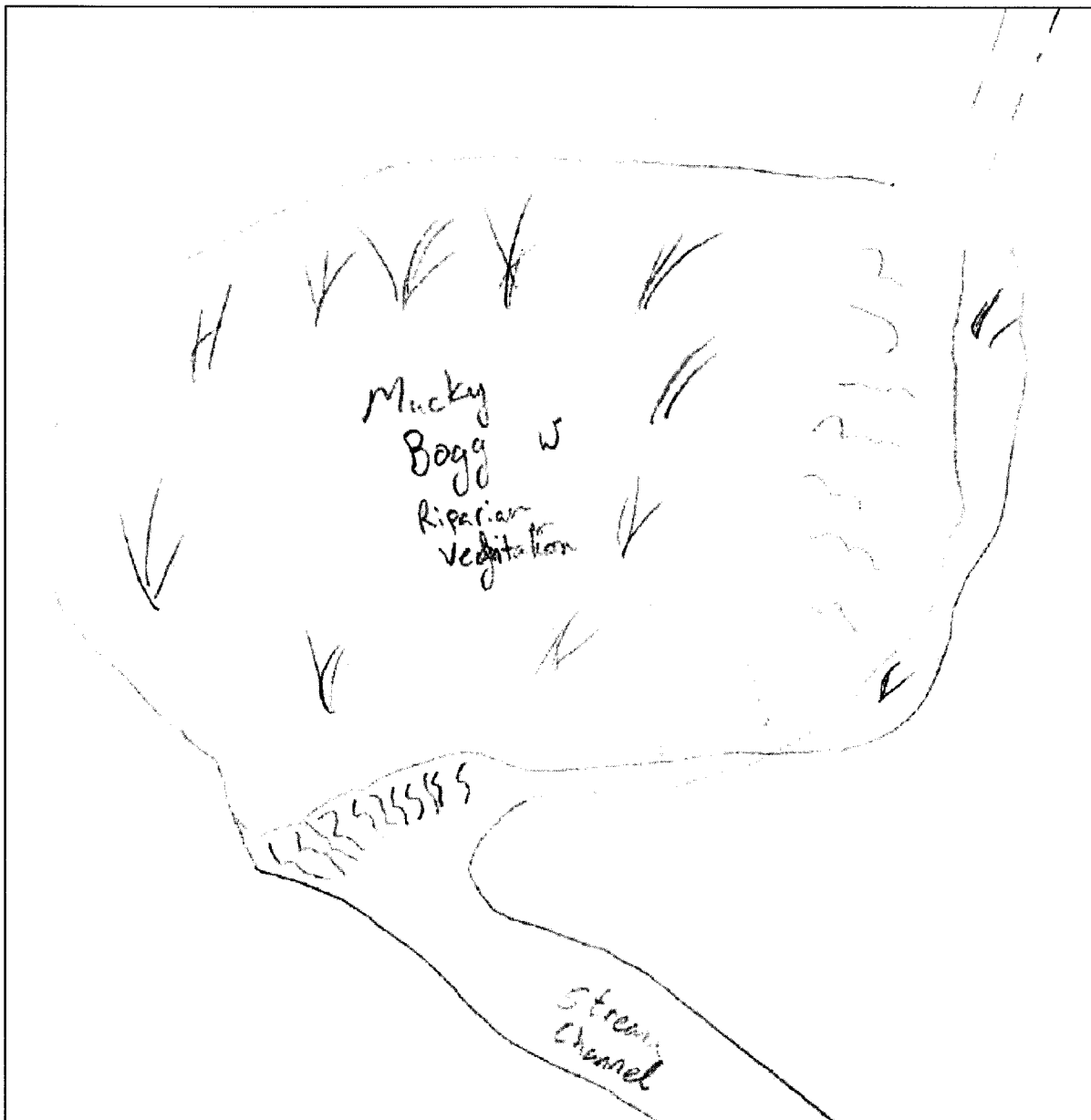


Figure 35. Sketch of provisional springs claim no. 87-12169.

Vegetation

Riparian plants occurred almost exclusively within the bog area due to the nature of the steep slope aspect that led down the draw (Figures 36-37). The forest surrounding the site was predominantly composed of Western Redcedar with Engelmann Spruce and Grand Fir present in the bottom of the draw (Table 7). The bog area supported a wide variety of plant species, including Bracken Fern, Starry False Solomon's Seal, Bunchberry, Heartleaf Arnica, Wild Ginger, Round-leaved Violet, Arrowleaf Groundsel, Bitter Dock, Baltic Rush, Drooping Woodreed, and various sedge and moss species (Table 7).

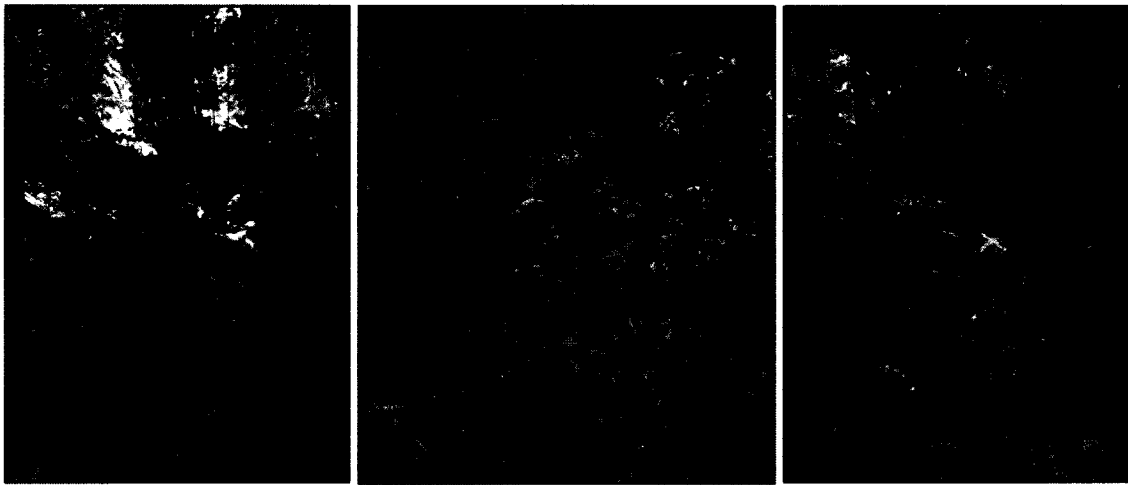


Figure 36. Plants present in the bog area at the provisional spring claim POD.

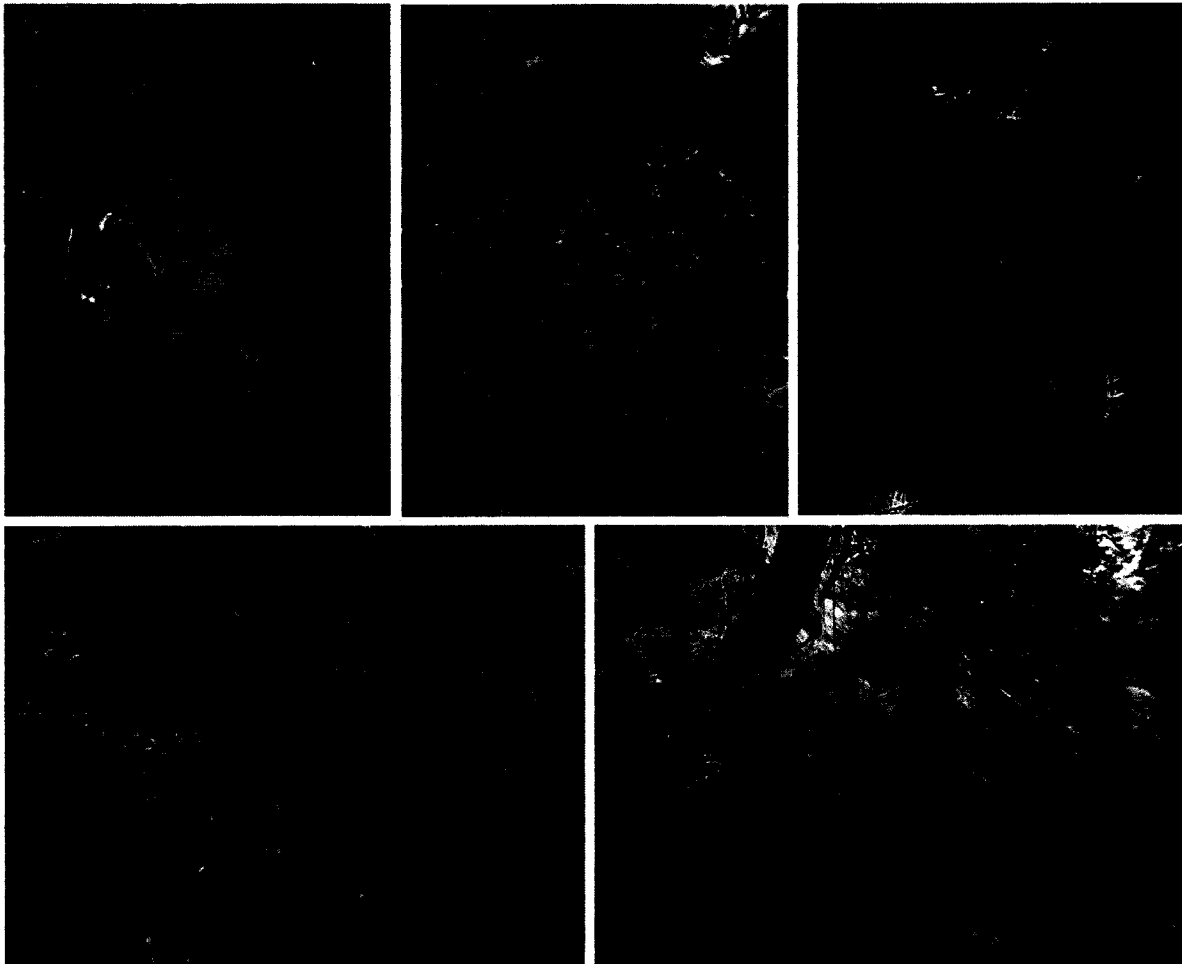


Figure 37. Plants observed at the site: Arrowleaf Groundsel (top left), Bitter Dock (top center), Bracken Fern (top right), Baltic Rush (bottom left), and Drooping Woodreed (bottom right).

Table 7. Plant species present at provisional spring claim no. 87-12169. 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					
Engelmann Spruce	<i>Picea engelmannii</i>	FAC	--		✓
Grand Fir	<i>Abies grandis</i>	FACU	--		
Western Redcedar	<i>Thuja plicata</i>	FAC	--		✓
Forbs, Grasses, Sedges, and Rushes					
Arrowleaf Groundsel	<i>Senecio triangularis</i>	FACW	--	✓	
Baltic Rush	<i>Juncus balticus/ Juncus articus</i>	FACW	--	✓	
Beaked Sedge	<i>Carex rostrata</i>	OBL	--		
Bitter Dock	<i>Rumex obtusifolius</i>	FAC	--	✓	
Bracken Fern	<i>Pteridium aquilinum</i>	FACU	--	✓	
Bunchberry	<i>Cornus spp.</i>	FAC	--	✓	
Drooping Woodreed	<i>Cinna latifolia</i>	FACW	--	✓	
Heartleaf Arnica	<i>Arnica cordifolia</i>	FACU	--	✓	
Moss spp.	Phylum Bryophyta	--	--	✓	
Round-leaved Violet	<i>Viola orbiculata</i>	FAC	--		
Sedge spp.	<i>Carex spp.</i>	--	--	✓	
Starry False Solomon's Seal	<i>Maianthemum stellatum</i>	FAC	--	✓	
Watercress	<i>Nasturtium officinale</i>	OBL	--		
Wild Ginger	<i>Asarum spp.</i>	FACU	--	✓	

Soils

Technicians inspected a six-inch soil sample next to the outlet of the seep. The texture of the soil was classified as a sandy clay with a color value of 10YR 3/2 (Munsell, 2022). The soil in the seep was mucky with standing water and showed signs of an aquic moisture regime. Wetland obligate plants within the riparian area reinforced this. Organic material was present throughout the sample with lower layers exhibiting rusty pockets caused by natural pyrites weathering out of the host rock (Figure 38).



Figure 38. Technicians collected a soil profile collected next to the stream bank (left), cross-sectional view of the soil sample (middle), and color classification of the soil sample using the Munsell Soil Color Book (right).

Spring Verification

Given the presence of surface water, distinct channelization, case-building caddis larvae, wetland obligate and facultative wetland plants like Beaked Sedge, Watercress, Arrowleaf Groundsel, Baltic Rush, Drooping Woodreed, and soil characteristics indicative of water saturation, it is my opinion that there is at least one spring present at this provisional spring claim.

Provisional Springs Claim 87-12170

Date: August 19, 2024

PLSS: T40N, R05W, Sec 13 NENE

Coordinates: 46.814707, -116.900647

Site Description

~~This site is located on the north side of Moseow Mountain in the Rock Creek Drainage. The site is accessed by following Mountain View Rd out of Moseow for one mile, then turning right on Moseow 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. At the gate, walk up Foothill Rd to the top of the hill where the trailhead to the Easy Out Trail is located. Follow Easy Out Trail until it intersects with Cave Trail. Turn left onto Cave Trail and follow the trail until arriving at the provisional spring claim POD where the stream crosses the trail, which is just below the spring head (Figure 39). These trails can also be found on the All Trails mobile application by searching East Moseow Mountain.~~

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.