

Minutes of Meeting
Water Adjudication Discussion
October 1, 2014
1:30 p.m.

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green, and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Clerk Jim Brannon, Coeur d'Alene Tribe Legislative Director Helo Hancock, Public Relations Director Heather Keen, Howard Funke and Associates Attorney Dylan Hedden, Coeur d'Alene Press Reporter Jeff Selle, Citizens Bob Bingham, Allen Little John, and John McFadden, and Deputy Clerk Brandie Bradley.

- A. Call to Order:** Chairman Tondee called the meeting to order at 1:33 p.m.
- B. Introductions:** There were no introductions made.
- C. Changes to the Agenda:** There were no changes made to the agenda.
- D. Old Business:** There was no old business discussed.

E. New Business:

Coeur d'Alene Tribe Legislative Director Helo Hancock provided a history as to how the tribe became involved in water adjudication and the nature of the Tribe's claims. He explained that Idaho is a prior appropriation state, which means "first in time, first in right". Tribes have Federal Reserved Water Rights that are based on federal rather than state law. Therefore the rights of the Tribe are different from other water rights as they allow for current and future use of the water, are not lost due to non-use, and their priority date is the date the reservation was created or time immemorial for traditional uses of the water.

Mr. Hancock advised that the Federal Government has filed 353 claims with the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) on behalf of the tribe. These claims include domestic household, irrigated agriculture, and non-consumptive claims. He stated that it is important to the Tribe to protect their territory and homeland, which included Lake Coeur d'Alene. The Tribe's claims are designated to ensure that the lake and its waters are protected for future use by future generations of Idahoans. He noted that none of the Tribe's claims are designed to alter the way the lake is currently managed and in fact, many of the Tribe's claims will protect property owners, area residents, the real estate market, tourism, and recreational users.

Mr. Hancock acknowledged that in a proceeding as large as the CSRBA is difficult to avoid conflict. It is important that a negotiated solution is reached that accounts for the many unique characteristics of the local community and stakeholders. He encouraged those that have an interest to file claims and actively participate in the process to keep as much water as possible in Idaho and protect the rights of all Idahoans.

Chairman Tondee inquired about how this adjudication would affect future claims that might be made by the State of Washington. Mr. Hancock advised that this would be a step to help protect the rights, but that future claims could be made by the State of Washington that would also be determined at a Federal level.

Commissioner Green asked what rights have been filed in Kootenai County and how far north the Tribe's claims extend. Mr. Hancock explained that water rights will be reviewed on all water that flows from Lake Pend Orielle to the Spokane River as the adjudication process moves forward. Howard Funke and Associates Attorney Dylan Hedden explained that currently there are five (5) sub-basins that are included in the CSRBA, which include:

- St. Joe River
- St. Maries River
- Hangman Creek
- Coeur d'Alene River
- All other water that flows into Lake Coeur d'Alene

The Tribe is currently not making any claims to water in the Rathdrum Prairie Aquifer, even though it is part of the Lake Coeur d'Alene Basin.

The Board thanked the attendees for sharing this information.

F. Staff Reports: There were no staff reports.

G. Public Comment: Citizen Bob Bingham asked if any claims have been filed by the County and Chairman Tondee advised that of the County's six (6) holdings, it was determined that the County did not have a legal standing to file an objection. Commissioner Green explained that it is the responsibility of the cities and the water districts to protect the water rights.

The meeting was adjourned at 2:08 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: _____
Brandie Bradley, Deputy Clerk
