

## **SUMMARY STATEMENT**

*United States of America and Coeur d'Alene Tribe v. State of Idaho*  
Docket No. 45381

*United States of America v. State of Idaho*  
Docket No. 45382

*Coeur d'Alene Tribe v. State of Idaho*  
Docket No. 45383

*United States & Coeur d'Alene Tribe v. NIWRG*  
Docket No. 45384

These four appeals were consolidated for purposes of issuing a single opinion. The appeals arise from a subcase that is a part of the broader Coeur d'Alene-Spokane River Basin Adjudication (CSRBA). The United States Department of the Interior (the United States), as trustee for the Coeur d'Alene Tribe (the Tribe), filed 353 claims in Idaho state court seeking judicial recognition of federal reserved water rights to fulfill the purposes of the Coeur d'Alene Tribe's Reservation (the Reservation). The Tribe joined the litigation. The State of Idaho (the State) and others objected to the claims asserted by the United States and the Tribe. The district court bifurcated the proceedings to decide only the entitlement to water at this stage, with the quantification stage to follow. After cross-motions for summary judgment, the district court allowed certain claims to proceed and disallowed others.

The district court specifically allowed reserved water rights for agriculture, fishing and hunting, and domestic purposes. The district court allowed reserved water rights for instream flows within the Reservation, but disallowed those for instream flows outside the Reservation. The district court disallowed other claims, including a claim on behalf of the Tribe to maintain the level of Lake Coeur d'Alene. The district court then determined priority dates for the various claims it found should proceed to quantification. Generally speaking, the district court held that the Tribe was entitled to a date-of-reservation priority date for the claims for consumptive uses, and a time immemorial priority date for nonconsumptive uses. However, in regard to lands homesteaded on the Reservation by non-Indians that had since been reacquired by the Tribe, the district court ruled the Tribe was entitled to a priority date of a perfected state water right, or if none had been perfected or it had been lost due to nonuse, the Tribe's priority date would be date-of-reacquisition, regardless of whether the use was consumptive or nonconsumptive.

The Idaho Supreme Court reversed the district court's decisions as follows: first, the district court improperly applied *New Mexico's* primary-secondary distinction and instead should have analyzed the claims from the perspective of what the Tribe needed to establish a homeland. Under that framework, the district court should have allowed aboriginal purposes of plant gathering and cultural uses; second, the priority date associated with nonconsumptive water rights on lands reacquired by the tribe was found to be time immemorial. The Court affirmed the remainder of the district court's decisions and remanded for proceedings consistent with the opinion.