

DISTRICT COURT - KRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUN 26 2025

By

Clerk

Deputy Clerk

**ADAM R.F. GUSTAFSON**  
Acting Assistant Attorney General  
**MARK J. WIDERSCHNEIN**  
**MICHELLE RAMUS**  
**KATHERINE LAUBACH**  
Trial Attorneys  
Natural Resources Section  
**EMMI BLADES**  
Trial Attorney  
Tribal Resources Section  
United States Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Telephone: (202) 514-2598 (Ramus)  
mark.widerschein@usdoj.gov  
michelle.ramus@usdoj.gov  
katherine.laubach@usdoj.gov  
Telephone: (202) 598-0661 (Blades)  
emmi.blades@usdoj.gov

*Counsel for United States of America*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re: The General Adjudication of Rights to	)	Case No. 89576
the Use of Water from the Kootenai River	)	
Basin Water System	)	<b>UNITED STATES'</b>
	)	<b>PREHEARING STATEMENT</b>
	)	
	)	

**UNITED STATES' PREHEARING STATEMENT**

On January 9, 2025, the Court issued an order setting a commencement hearing on April 15, 2025, for a general adjudication *inter se* of all rights arising under state or federal law to the use of surface and ground water for the Kootenai River basin water system and for the administration of such rights. The order also set a deadline of March 28, 2025, for notices of appearance, prehearing statements, and briefs or memorandums in support of any legal

**UNITED STATES'**  
**PREHEARING STATEMENT**

arguments to be presented. On March 27, 2025, the Court granted a Joint Motion filed by the United States and the State of Idaho requesting an extension of time for the pre-hearing filings and for the commencement hearing to be rescheduled. The order set a deadline of June 26, 2025, for the prehearing filings, and reset the commencement hearing to July 15, 2025.

The United States will attend the commencement hearing but does not plan to present any documents or witnesses at the hearing. The only issues the United States presently intends to raise at the hearing are the procedures for the deferred adjudication of *de minimis* domestic and stockwater claims. Given the Court's extension of time, the State, the United States, and Idaho Department of Water Resources have been discussing procedures for the deferred adjudication of *de minimis* domestic and stockwater claims. Because those discussions are ongoing, the United States respectfully requests that the Court not issue an order on these procedures at least until after the commencement hearing.

\* \* \*

Dated this 26th day of June 2025.

Respectfully submitted,

UNITED STATES OF AMERICA

Adam R.F. Gustafson  
Acting Assistant Attorney General  
Environment and Natural Resources Division

/s/ Michelle Ramus  
Mark J. Widerschein  
Michelle Ramus  
Katherine Laubach  
Natural Resources Section

Emmi Blades  
Tribal Resources Section

Environment and Natural Resources Division  
United States Department of Justice

# **CERTIFICATE OF SERVICE**

I certify that on the 26th day of June 2025, I served true and correct copies of the foregoing UNITED STATES' PRE-HEARING STATEMENT as follows:

**via Fax:**

Clerk of the Fifth District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
Twin Falls, Idaho 83303-2707

**Copies via First Class U.S. Mail, pre-paid:**

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, Idaho 83720-0010

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

/s/ Matthew Lamb  
Matthew Lamb